



June 3, 2010

LB Nye, Chief, TMDL and Standards Unit  
Los Angeles Regional Water Quality Control Board  
320 W. 4<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90013  
Attention: Mr. Man Voong

**VIA E-MAIL to Man Voong:**  
[mvoong@waterboards.ca.gov](mailto:mvoong@waterboards.ca.gov)

**SUBJECT: Comments on the Los Angeles River Bacteria TMDL**

Dear Dr. Nye and Mr. Voong:

The City of Monrovia submits the following comments on the Los Angeles River Bacteria TMDL ("TMDL"). Our community supports environmental programs, including improvement to water quality and desires to work with the Regional Water Board to implement cost-effective funded programs that will result in tangible improvements in the water quality of the Los Angeles River ("River"). However, we are finding it increasingly difficult to provide funding to attempt to meet even the existing adopted TMDLs as they are starting to come on-line, even more so given that our City is projecting a \$1 million deficit due to the severe economic recession. The Bacteria TMDL will further challenge the City to provide essential local services without a (alternate) funding source for TMDL compliance activities.

First, The City would like to recognize the extensive research and work conducted by CREST to develop a science based dry weather bacteria TMDL. CREST has demonstrated an extensive effort to engage stakeholders in the development of their recommendations. Affording cities the flexibility to concentrate expenditures in areas that are of higher concern for bacteria is key. The City appreciates the Regional Board's openness to consider CREST's recommendation for a tiered implementation schedule. However, we are concerned over the accelerated timeframe of the Regional Board's 25-year compliance schedule for both wet and dry-weather implementation; this is six years shorter than the CREST request for dry-weather implementation alone.

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A primary concern is that the TMDL is being proposed to compel “aggressive” action to “restore” the entire River to enable people to swim in this mostly concrete-lined flood control channel, much of which is secured by fencing to restrict access. The Regional Water Board’s estimated price tag for this goal of restoring the concrete-lined flood control channel and restricted Los Angeles River for human contact recreation is \$5.4 billion. Based on the watershed funding model used for the Metals TMDL, Monrovia’s cost share of implementation would be approximately \$3.9 million dollars per year, an equivalent to over 13% of the City’s General Fund. Such a diversion of General Fund revenues would cause the elimination or severe reduction of vital City services such as Police, Fire, Community Services or Public Works. The estimated cost alone highlights the need to re-examine the designated uses upon which the proposed TMDL is based in order to develop appropriate water quality standards for the River.

The wet-weather component of the TMDL is ambiguous and unachievable. Although the TMDL specifies that wet weather compliance can be achieved by “employing any viable implementation strategy,” we are not aware of any measures that our city can implement that will achieve the wet-weather Waste Load Allocations (WLAs) specified in the TMDL. The volumes of water that are required to be diverted and/or treated in wet weather are massive in quantity.

The TMDL requires that the cities develop the science and engineering for the wet-weather TMDL during the next ten-year period. During this period of time, the cities will also be required to design, fund and construct a dry-weather plan. The Regional Water Board staff TMDL report mention that as the cities implement the dry-weather TMDL, they will be working towards compliance with the wet-weather TMDL requirements. It is entirely unreasonable for the Regional Water Board to assume that by implementing Best Management Practices (BMPs) or diversions and treatment for dry-weather flows, a city could achieve compliance with the wet-weather WLAs. The dry-weather flows that are treated by sewer diversions and infiltration devices are a small fraction of the wet-weather flows expected during even small storm events, and large storm flows will easily overtop these facilities.

As the Board is aware, the CREST effort developed detailed science, engineering, monitoring, implementation and scheduling for a dry-weather TMDL. The CREST effort evolved over a two-year period requiring hundreds of thousands of dollars of investment by the City of Los Angeles in dry weather TMDL development. A similar effort should be undertaken by the Regional Water Board before adopting a TMDL for wet-weather conditions. USEPA and the Regional Water Board should secure funding to complete the wet-weather science and engineering.

The draft TMDL includes interim waste load allocations (WLAs) in the form of allowable *E. coli* loadings from storm drains to a given river segment or tributary for MS4 permittees. However, the final WLAs are expressed in terms of an allowable number of exceedance days in the River itself, based upon a reference watershed approach. Further, with the “allowable exceedance days” approach of the TMDL, it is unclear how compliance with the TMDL (and the MS4 permits based on the TMDL) would be assessed. As shown by CREST studies, much of the bacteria loading is either natural or in-stream, and beyond the control of dischargers. Thus, compliance with interim WLAs by reducing *E. coli* loadings from storm drain pipes is unlikely to result in compliance with final WLAs, which are measured in the River itself.

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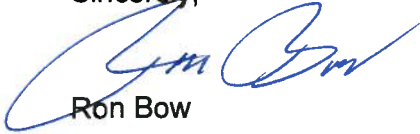
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Furthermore, holding MS4s responsible for in-stream WLAs is unreasonable as there are many other permittees that contribute flow whose compliance is based on effluent limitations, not in-stream WLAs. Applying in-stream WLAs for MS4s effectively could make MS4s responsible for thousands of dischargers across the Watershed. To prevent being held jointly liable for WLA exceedances due to other dischargers, each City would effectively need to set up auto sampling at each entry and effluent site throughout its system to prove an exceedance was from an upstream source. This process, for a smaller city such as Monrovia, would be extremely expensive and tedious since the stormdrain system is interwoven with LA County Flood Control system and receives drainage flows at several points from LA County unincorporated areas.

Our community and the other local governments in the Los Angeles River Watershed are facing a series of unique challenges including record unemployment and severe reduction in local revenues. The TMDL will be an unfunded mandate, as local governments could be forced by the Regional Water Board to expend scarce public resources to comply with likely impossible to reach water quality standards, causing severe reductions to existing municipal services.

Thank you for your consideration of our concerns and comments. If you have any questions regarding this letter, please contact Heather Maloney at (626) 932-5577.

Sincerely,



Ron Bow  
Director of Public Works

cc: City Council  
City Manager