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COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

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WM-9

June 3, 2010

Mr Samuel Unger, PE
Interim Executive Officer
California Regional Water Quality
Control Board – Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013-2343

Attention Mr Man Voong

Dear Mr Unger:

COMMENTS OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT ON THE PROPOSED BACTERIA TOTAL MAXIMUM DAILY LOAD FOR THE LOS ANGELES RIVER AND ITS TRIBUTARIES

Thank you for the opportunity to comment on the proposed amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to incorporate Total Maximum Daily Load (TMDL) for bacteria for the Los Angeles River and its tributaries. Based on a review of the proposed TMDL and the supporting Staff Report, the following comments are submitted on behalf of the Los Angeles County Flood Control District (LACFCD). The LACFCD also concurs with the comments submitted by the County of Los Angeles and hereby incorporates them by reference.

1. The proposed TMDL should not name the LACFCD as a responsible party

The proposed TMDL should not name the LACFCD as one of the responsible parties for meeting the TMDL's waste-load allocations for several reasons. First, land areas draining to the LACFCD storm drains that empty into the Los Angeles River and its tributaries are under the jurisdiction of upstream municipalities. The LACFCD storm drains function solely as a conveyance for urban and stormwater runoff from upstream entities and do not generate any of the pollutants of concern at issue in the TMDL. Further, the LACFCD does not control land uses

within the municipalities and, therefore, has no feasible means of preventing the pollutants at issue flowing from those land uses from entering its facilities and the Los Angeles River

Recommendation. Remove the LACFCD as a responsible party from Table 7-39.5 of the proposed Basin Plan Amendment and Table 9-1 of the draft Staff Report

2. **Recreational use designations should not apply to flood control channels with restricted access**

More than 60 percent of the Los Angeles River Watershed is highly urbanized, and most parts of the Los Angeles River and its tributaries are heavily engineered for flood protection. As the agency statutorily mandated to provide flood protection for the region, the LACFCD owns, operates, and maintains a majority of these engineered channels. Most channel segments are fenced and public access is restricted to protect public safety; the restricted access also bars any legal public contact with the water. The Basin Plan recognizes the restricted access to these engineered channels by denoting them as "access prohibited by Los Angeles County DPW." Further, most of these channels are dry or effluent dominated in the absence of rain, which is during most of the year. We believe that REC-1 and REC-2 uses in these engineered channels have never been attained in the past and are not likely to be attained in the future. Therefore, requiring attainment of REC-1 and REC-2 uses in these channels is inappropriate because it has no value to the public as access to these channels is already prohibited.

Recommendation. Remove the waste-load allocations for those segments of the Los Angeles River and its tributaries where public access is restricted.

3. **The REC-1 use designations for various reaches presented in the TMDL are inconsistent with the Basin Plan**

Tables 2-2 and 2-3 of the draft Staff Report are intended to show the beneficial use designations of the 303(d) List listed water bodies in the Los Angeles River Watershed. However, both tables do not accurately reflect those designations as they are shown in Table 2-1 of the Basin Plan. Specifically, whereas the Basin Plan clearly denotes those reaches with restricted public access, Tables 2-2 and 2-3 of the draft Staff Report omit that information for certain reaches.

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Recommendation. Revise Tables 2-2 and 2-3 of the draft Staff Report to show where public access is restricted, namely Bell Creek, Bull Creek, Verdugo Wash, Arroyo Seco, and Reaches 4 and 6 of the Los Angeles River

4. The TMDL should not apply to reaches with uses designated as “Potential”

The TMDL should not apply to reaches whose uses are designated as “Potential ” There is no legal authority for designating a use as “Potential ” See Water Code § 13241.

Recommendation. Apply TMDL only to reaches with applicable “Probable” or “Existing” uses.

We look forward to your consideration of our comments. If you have any questions, please contact me at (626) 458-4300 or ghildeb@dpw.lacounty.gov or your staff may contact Ms. Rossana D’Antonio at (626) 458-4325 or rdanton@dpw.lacounty.gov

Very truly yours,

GAIL FARBER
Director of Public Works



GARY HILDEBRAND
Assistant Deputy Director
Watershed Management Division

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