



June 4, 2010

Mr. Sam Unger, Interim Executive Officer
Los Angeles Regional Water Quality Control Board
320 W. 4th Street, Ste. 200
Los Angeles, CA 90013

Re: Comments on the Amendment to the Water Quality Control Plan for the Los Angeles Region to Incorporate a Total Maximum Daily Load for Indicator Bacteria in the Los Angeles River Watershed

Dear Mr. Unger:

Thank you for the opportunity to comment on the proposed incorporation of the Los Angeles River Bacteria Total Maximum Daily Load (“LA River Bacteria TMDL”) into the Water Quality Control Plan for the Los Angeles Region (“Basin Plan”). Federal law requires each state to identify waters within its boundaries that do not meet water quality standards and to establish the Total Maximum Daily Load (“TMDL”) of each pollutant impairing the water quality standards in each impaired waterway. In addition, pursuant to the Consent Decree between the U.S. EPA, Heal the Bay, and Santa Monica Baykeeper, approved on March 22, 1999, TMDLs such as the LA River Bacteria TMDL must be approved or established by U.S. EPA by March 2012. Santa Monica Baykeeper (“Baykeeper”) thus supports the Los Angeles Region Water Quality Control Board (“Regional Board”) Staff in proposing this amendment to the Basin Plan.

The Regional Board proposes the LA River Bacteria TMDL amendment to the Basin Plan to protect water contact recreation and non-contact recreation beneficial uses. Baykeeper supports this action to protect the public health of southern California residents and visitors. This Basin Plan amendment follows several other important TMDLs including the Santa Monica Bay Beaches Bacteria TMDL (“SMBBB TMDL”) and the Marina Del Rey Bacteria TMDL. Because bacterial contamination has proven a serious threat to water quality at our beaches and in our rivers, these are all extremely critical actions taken by the Regional Board.

However, Baykeeper is concerned that the LA River Bacteria TMDL as proposed, is not consistent with previously adopted bacteria TMDLs. Specifically, Baykeeper is concerned with the extended implementation schedule included in the LA River Bacteria TMDL. While the SMBBB TMDL for dry weather discharges required compliance within three years at over forty beaches, the LA River Bacteria TMDL does not require dischargers to fully comply for 16.5 to 25 years, depending on the segment of the LA River. Thus, the LA River, its tributaries, and the beaches downstream will continue to receive high levels of bacteria for many years. Contamination will continue for up to 25 years despite the knowledge that bacteria discharges have impaired portions of the LA River and its tributaries since at least



1998. This is a serious public health issue. Baykeeper urges the Regional Board to reconsider this abnormally long implementation schedule.

Further, the extended implementation schedule is not supported by the Regional Board's technical report. For example, the LA River Bacteria TMDL prioritizes Segment B of the LA River partially because "there is a large data set on the bacteria and virus loading from the storm drain outfalls" collected by the CREST study. LA River Bacteria TMDL Technical Report at 62 (April 20, 2010). Nonetheless, the proposed amendment allows 2.5 years to submit a load reduction strategy ("LRS") to the Regional Board and 7 years to implement the LRS. This is a long time considering the large amount of data that already exists. Additionally, final compliance in Segment B is not required for 16.5 years. This is way too long considering the existing data available and the high level of recreational use on this segment and at the beaches downstream. Similarly, Segment A is prioritized due to its proximity to beaches with high numbers of recreational users but does not require full compliance for 19.5 years. Segment A is the closest reach of the LA River to the San Pedro Bay and Long Beach beaches, frequently used by the public. The Regional Board does not provide adequate reasoning for allowing this continuing bacterial contamination, risking public health for 16.5 to 25 years, depending on where one recreates.

The extended implementation schedule also undermines the Clean Water Act's emphasis on improving and restoring water quality on an expedited basis. In addition, this schedule contradicts the spirit of the Consent Decree between the U.S. EPA, Heal the Bay, and Baykeeper, which was to establish TMDLs on a set schedule to address serious water quality issues in the region.

However, once implemented, the health of thousands of people visiting the LA River and San Pedro and Long Beach beaches will be better protected as a result of the LA River Bacteria TMDL. Baykeeper commends the Regional Board Staff for proposing this Basin Plan amendment to address the problem with bacterial pollution in the region.

Santa Monica Baykeeper thanks the Regional Board Staff for its hard work in preparation of this amendment and urges that the comments and concerns included above are considered and incorporated into the final amendment. This is an important step in improving the water quality of Santa Monica Bay.

Sincerely,

/s/

Liz Crosson, Esq.
Executive Director
Santa Monica Baykeeper