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June 3, 2010

Mr. Man Voong
 California Regional Water Quality Control Board
 Los Angeles Region
 320 West Fourth Street, Suite 200
 Los Angeles, CA 90013

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 CALIFORNIA REGIONAL WATER
 QUALITY CONTROL BOARD
 LOS ANGELES REGION

Comments Related to the Los Angeles River Bacteria TMDL

Dear Mr. Voong:

Thank you for providing this opportunity to present comments related to the proposed Bacteria TMDL. We at the City of La Cañada Flintridge support the efforts for improving water quality in the Los Angeles Region. The pictures of the trash captured at the mouths of the Los Angeles River and Ballona Creek show that there is a problem for which all citizens of Los Angeles County are responsible. Certainly data collected over the last 20 years shows that there is also a problem with bacteria that must be addressed. With that said the following comments are presented to highlight elements of the proposed Bacteria TMDL that are serious problems.

WET WEATHER IMPLEMENTATION

Throughout the document the staff report acknowledges how difficult it will be to meet the Wet Weather standards set out in the proposed TMDL, yet the TMDL requires that the Permittees comply with the goals. That solution consists of buying enough of the properties in the City of Long Beach to build a huge water quality treatment plant and operate it for the seven to ten rainy days that we have each year in the Los Angeles Area. I do not have any false ideas how costly and impossible that would be to accomplish. I am requesting a clarification on what you are asking the Permittees to do is not the same thing only spread over the width and breadth of the Los Angeles River Watershed.

Certainly, looking at the provisions contained in section 9.2.1.2 of the staff report, page 42, you see the description of Vegetated Biofiltration systems, filter strips, bioretention areas and storm water planters. Considering that we are talking about a watershed that has an area of 834 square miles of which approximately 471 square miles is urbanized. It is likely that to provide the required area to properly treat the storm flows from the watershed will require a combined area equal to 2 to 5% of the watershed. That means that for the treatment of seven to ten storm events each year we are going to purchase property equal to 9.4 to 23.5 square miles and set it aside for storm water treatment. Certainly, I understand that this land can be used for recreation purposes much like the Sepulveda Basin. But I ask you if you cannot think of a better use of your tax dollars.

As an alternative I would ask that the Board consider waiving the requirements for a wet weather treatment system and limit the TMDL to dry weather only. Based on

the staff report that would mean that for the 329 days of sunshine plus those cloudy days when it is not raining the Permittees would comply with the Dry Weather TMDL. While this is not a cheap solution at \$588 million it eliminates the cost required to treat storm flows. For the 10 to 15 days a year that we may have to close the beaches due to elevated Bacterial levels I think that we can come up with a more cost effective use for the billions that a treatment program would cost.

DRY WEATHER IMPLEMENTATION FOR NON-POINT SOURCES

Section 9.4.1 of the staff report, page 51, is an interesting discussion. It starts by saying "Lands not covered by a MS4 permit..." and the list includes the US Forest Service, National Park Service and the California Department of Parks and Recreation are assigned a **Load Allocation** equal to the number of allowable exceedances based on the reference system. Most of the northern part of our City is adjacent to the Angeles National Forest consisting of 100th of acres along the foothills. The City has experienced a significant post fire storm runoff and mudflow generated from these areas. First, will any of these Federal or State Agencies care that the Regional Board has assigned them a Load Allocation? My first reaction is they could care less. The land for the most part is natural and remote from the Urban Core. They have all of the natural BMPS in place such as Vegetated Swales, lakes and Bio-swales to treat their runoff. They will not even care what the Board thinks. As a Permittee if it will take a single day away from my exceedances days then I am going to be faced with greater fines. This cannot be included in the TMDL. What standards will be applied after a significant fire in a large watershed such as the Station Fire and mudflow events? **I strongly recommend the removal of paragraph 9.4.1 where it refers to Federal and State agencies that are not Permittees under the States authority.**

BENEFICIAL USES

Page 1, Section 1 starts by stating a significant fact about the Los Angeles River. "The natural waterway, so greatly altered that it is now sometimes maligned as mere 'concrete ditch', has an important past, present and future." I agree with this statement, though not in the way the Board staff intended. The Los Angeles River is Concrete Ditch for one reason and one reason only, and that is because it is a county and Federal flood control facility. Because of Water Reclamation Plants along its Mainstem and because of high ground water, water flows in the stream year around. These uses are incidental to its primary purpose, which is to protect the Health, Safety and Welfare of the general public from storm runoff. With out the flood control purpose the river would probably be ten times as wide and thousands of residents would be killed or injured every year.

To say that the river has all of the beneficial uses identified in section 2.1.1 is wishful thinking. To say that on non-storm days that the concrete ditch is REC-1 or REC-2 use is asking people to use the discharge from the WRP for swimming. I realize that plant manager are likely to lead tours of their facilities and hold up a glass of the effluent and say that it is drinking quality, but I dare say that most people would pass on the offer. Likewise, the WARM, WILD, WET and RARE do not stand the test of rationality. Sure raccoons, possums and deer can be found in and around the river, but to call is a dependable habitat for wildlife is a nightmare. Like a fire in the forest, a storm in the river will devastate the wildlife and we can anticipate the rains will occur more frequently than a fire.

Are there some limited reaches of the Los Angeles River that support wildlife? Of course, but to say that the entire Mainstem of the river has recreational and wildlife beneficial uses are not realistic.

CALCULATING ALLOWABLE EXCEEDANCE DAYS AT A TARGET LOCATION

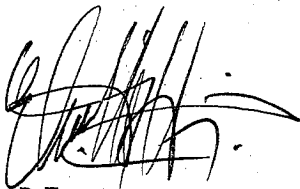
Section 6.2.5 needs to be written in an understandable manner. As a semi-informed reader, I do not understand what is trying to be said. I could never go to a public official and from the information provided tell them what the number of exceedance days that the TMDL would allow. Let us short cut the misinformation now and provide a clear statement on how to determine the number of exceedance days that are allowable under the TMDL.

MARGIN OF SAFETY IN 10⁹ MPN/DAY

Table 7-1 on page 43 of the staff report is not clear to a reader that is not involved in the CREST project. During the MS4 LRS Permittes will be sampling and testing flow from many storm drains. The readings will be indicative of the levels of Bacteria in the non-storm flows. Does the value in Table 7-1 represent the total of all discharges to the receiving waters or do they represent the average of all discharges to the receiving waters? Certainly some storm drains will be discharging greater E. coli contamination than others, thus the diversion focus on the highest ranked discharges. It will be important to know if the value is a sum or if it is an average.

Thank you for this opportunity to comment on the proposed TMDL. As stated, the City of La Canada Flintridge wants to support the Regional Boards' effort to maintain water quality in the receiving waters of Los Angeles County. However, the cost benefit ratio must make sense and we believe that for wet weather the Board's action will lead to bankruptcies rather than compliance. The billions that it will cost to comply with the Wet Weather requirements are not justified based on the characteristics of the Southern California weather. We look forward to having this discussion at the Board hearing.

Sincerely,



Edward Hitti, P.E.
Director of Public Works

cc: Ying Kwan, P.E., City Engineer
Elroy Kiepke, P.E., Willdan Engineering

