



March 30, 2017

Sent via USPS and email

California Regional Water Quality Control Board
Los Angeles Region
Attn: Dr. Jun Zhu
320 West 4th Street, Suite 200
Los Angeles, CA 90013

**RE: COMMENT LETTER – REVISIONS TO THE LOS ANGELES REGION 303(d)
LIST**

The City of Azusa appreciates the opportunity to provide comments on the Los Angeles Regional Water Quality Control Board's proposed revisions to the Clean Water Act Section 303(d) list of impaired waterbodies in the Los Angeles Region. Enclosed are our comments for your review and consideration.

If you have any questions, please contact Daniel Bobadilla, Director of Public Works/City Engineer, at (626) 812-5264 or dbobadilla@ci.azusa.ca.us.

Sincerely,



Troy L. Butzlaff, ICMA-CM
City Manager

Attachment – As Stated

cc: Azusa City Council
Daniel Bobadilla, PE, Director of Public Works/City Engineer, City of Azusa



City of Azusa Comments on the Los Angeles Regional Water Quality Control Board's Proposed Revision to the Clean Water Act Section 303(d) List of Impaired Waterbodies in the Los Angeles Region, San Gabriel River

Summary

The City of Azusa ("City") appreciates the opportunity to comment upon the proposed revisions to the Clean Water Act Section 303(d) List of Impaired Waterbodies in the Los Angeles Region (San Gabriel Valley). Of the 22 metals reported for all San Gabriel River water quality segments, 19 (84.3%) of them fall under the "de-list" and "do not list" categories.¹ The City believes that 3 additional metals (15.7%) should be de-listed², which would raise the total to 22 (100%), for reasons more particularly described below. Based on the de-listing of these metals, the City contends that the Regional Board should remove the San Gabriel Metals TMDL from the Los Angeles Basin Plan.

I. San Gabriel River: Estuary

As the table below illustrates, copper for the estuary is listed on the 2010 303(d) list but was not carried over to the 2016 303(d) list. It must be assumed that the Regional Board did not intend to place copper on this list. Whether or not this was an oversight on the part of the Regional Board, there is ample justification for not listing copper for the estuary. As is the case with most metals and toxics referenced in TMDLs and in the MS4 Permit, the Regional Board did not comply with the federal California Toxic Rule (CTR) to the following extent:

1. The Regional Board did not calculate the numeric limitation for lead properly. CTR establishes water quality standards (including TMDLs), based only on ambient (dry) weather sampling and analysis. However, the Regional Board calculated a wet weather numeric limitation for lead based on stormwater sampled from receiving waters. Further, CTR requires a "real time" hardness parameter (using calcium carbonate) as an adjustment factor in establishing water quality standards for metals and toxics. The Regional Board apparently used a default hardness factor of 100 mg/l. CTR states clearly that the 100 mg/l for hardness is only intended to be an example in calculating CTR water quality standards. It is important that the actual hardness value be applied (which must be sampled and analyzed as the same toxics and metals are sampled). Too low of a hardness value will set a lower numeric limit. The higher the limit is, the less difficult it is to meet it.

¹copper = 4 (21%); lead = 5 (26.3%); zinc = 6 (31.6%); and selenium = 4 (21%).

²copper = 2 (SGR Estuary and Coyote Creek); lead = 1 (SGR R2).

2. Regional Board also did not follow the *Water Quality Control Policy for California's Clean Water Act Section 303(d) List* (Listing Policy). The Listing Policy requires a binomial distribution based on a null hypothesis) to determine if the number of the samples that resulted in exceedances (of CTR) are statistically sufficient to warrant placement on lead on the 303(d) list. There is no evidence that this task was completed. It is possible that it was not completed because the Listing Policy was not adopted until 2004. The copper was added to the 303(d) list in 1998 and carried-over to the 2000 303(d) list. Based on the San Gabriel River Metals TMDL, it appears that the copper data was based on water quality samples conducted in 1998.
3. The Regional Board's Surface Water Ambient Monitoring Program (SWAMP) performed water quality samples for metals in the estuary in June of 2005. Copper, after properly adjusted for hardness, resulted in 3.23 micrograms per liter (ug/l). The limit is 9.4 ug/l. In other words, no exceedance was detected.

Table I. San Gabriel River: Estuary

2010 303 (d) List		2016 303 (d) List					MS4 Permit Requirement
Pollutant	List	List	De-List	Don't List	Don't De-list	Should De-List	Yes/No
Copper	X	-	-	-	-	x	Yes
Lead	-	-	-	x	-	-	Yes
Selenium	-	-	-	x	-	-	Yes
Zinc	-	-	-	x	-	-	Yes

Placing copper on the 2016 303(d) list "do not list" category should effectively eliminate the need for impacted MS4 Permittees to comply with the estuary's copper limitation of 3.7 ug/l (see Table I(a) below).

Table I(a) from Attachment P of the Los Angeles MS4 Permit

Water Body	WLA Daily Maximum	
	Copper	Selenium
San Gabriel Reach 1	18 µg/L	---
Coyote Creek	0.941 kg/day*	---
San Gabriel River Estuary	3.7 µg/L	---
San Jose Creek Reach 1 and 2	---	5 µg/L

Recommendation to Regional Board: (1) approve staff's recommendation not to list lead, selenium, and zinc for the estuary; (2) grant the City's request to de-list copper for the estuary; and (3) use the de-list and do not list justification for this and other metals to remove the San Gabriel River Metals TMDL from the Los Angeles Basin Plan.

II. San Gabriel River: Reach 1 (Estuary to Firestone)

Metals for San Gabriel River, Reach 1 from the Estuary to Firestone were not placed on the 2010 303(d) List and not placed on the "do not list" category of the 2016 303(d) List. It is unclear, however, why the MS4 Permit requires compliance with the copper limitation of 18 ug/l (shown above in Table I(a)), despite the fact that copper was not listed on the 2010 303(d) list in the first place.

Table II. San Gabriel River: Reach 1 (Estuary to Firestone)

2010 303 (d) List		2016 303 (d) List					MS4 Permit Requirement
Pollutant	List	List	De-List	Don't List	Don't De-list	Should De-List	Yes/No
Copper	-	-	-	X	-	-	Yes
Lead	-	-	-	X	-	-	Yes
Selenium	-	-	-	X	-	-	Yes
Zinc	-	-	-	X	-	-	Yes

Recommendation to Regional Board: (1) approve staff's recommendation not to list copper, lead, selenium, and zinc for Reach 1; and (2) use the do not list justification for this and other metals to remove the San Gabriel River Metals TMDL from the Los Angeles Basin Plan

III. San Gabriel River: Reach 2 (Firestone to Whittier Narrows Dam)

As shown on Table III below, the 2016 303(d) list rolls-over lead from the 2010 303(d) list. Lead, however, should be de-listed for the following reasons:

1. Lead is a legacy pollutant (lead content in fuels have been significantly reduced).
2. The 303(d) lists for 1998 and 2000 placed lead on the "list" category, but failed to comply with the California Toxic Rule (CTR) as explained above.
3. The Regional Board did not follow the State's 303(d) Listing Policy. More specifically, according to the San Gabriel River Metals TMDL (Table 2-7), Reach 2 was sampled during dry weather (ambient) for dissolved lead by the Los Angeles County Department of Public Works (LACDPW), in accordance with CTR using the correct hardness adjustment. The 10 samples taken resulted in zero exceedances. If this result were applied to the 303(d) Listing Policy, it would not be sufficient to place lead on the 303(d) List. For a sample size between 2 and 24, 2 exceedances are required for 303(d) list placement.
4. Regional Board's Surface Water Ambient Monitoring Program (SWAMP) performed water quality samples for metals in the estuary in June of 2005. Lead, after properly adjusted for hardness, resulted in 0.81 micrograms per liter (ug/l). The limit is 3.8 ug/l. In other words, no exceedance was detected.

Table III. San Gabriel River: Reach 2 (Firestone to Whittier Narrows Dam)

2010 303 (d) List		2016 303 (d) List					MS4 Permit Requirement
Pollutant	List	List	De-List	Don't List	Don't De-list	Should De-List	Yes/No
Copper	-	-	X	-	-	-	Yes
Lead	X	-	-	-	X	X	Yes
Selenium	-	-	-	-	-	-	Yes
Zinc	-	-	X	-	-	-	Yes

Recommendation to Regional Board: (1) do not approve staff's recommendation not to de-list lead; and (2) use the do not list justification for this and other metals to remove the San Gabriel River Metals TMDL from the Los Angeles Basin Plan.

IV. San Gabriel River: Reach 3 (Whittier Narrows Dam to Ramona)

As shown on Table IV below, San Gabriel River Reach 3 was not placed on the 2010 303(d) list and, therefore, it is easy to see why it is placed on the 2016 303(d) "do not list" category. What is difficult to understand is why the Los Angeles MS4 Permit requires compliance with copper, lead, and zinc. The answer lies on MS4 Permit *Attachment P: TMDLs in San Gabriel River Watershed Management Area*. It states: *Permittees shall comply with grouped wet WLAs ... expressed as total recoverable metals discharged to all upstream reaches and tributaries of the San Gabriel River Reach 2 and Coyote Creek* (see Table I(b) below). In other words, even though San Gabriel River Reach 3 is not on the 2010 303(d) list for metals, the MS4 Permit requires compliance with them nevertheless. It does this by applying TMDL numeric targets for copper, lead, and zinc because: (1) San Gabriel River Reach 2 lists a lead TMDL number target of 81.34 ug/l; and (2) Coyote Creek lists copper target of 24.71 ug/l and zinc at 144.57 ug/l. The rationale for applying downstream numeric targets for copper, lead, and zinc is at best murky. How can metals as pollutants associated with downstream reaches be applied to upstream Reach 3 of the San Gabriel River? Pollutants cannot travel upstream against gravity.

Table IV. San Gabriel River: Reach 3 (Whittier Narrows to Ramona)

2010 303 (d) List		2016 303 (d) List					MS4 Permit Requirement
Pollutant	List	List	De-List	Don't List	Don't De-list	Should De-List	Yes/No
Copper	-	-	-	x	-	-	Yes
Lead	-	-	-	x	-	-	Yes
Selenium	-	-	-	x	-	-	Yes
Zinc	-	-	-	x	-	-	Yes

Table I(b) from Attachment P of the Los Angeles MS4 Permit

Water Body	WLA Daily Maximum (kg/day)		
	Copper	Lead	Zinc
San Gabriel Reach 2	----	81.34 µg/L x daily storm volume (L)	----
Coyote Creek	24.71 µg/L x daily storm volume (L)	96.99 µg/L x daily storm volume (L)	144.57 µg/L x daily storm volume (L)

Recommendation to Regional Board: (1) approve staff's recommendation not to list copper, lead, and zinc; and (2) use the de-list for these metals to remove the San Gabriel River Metals TMDL from the Los Angeles Basin Plan.

V. San Gabriel River: Coyote Creek

The 2016 303(d) List correctly de-lists lead and zinc but does not de-list copper. Copper should be de-listed for the following reasons:

1. The San Gabriel River Metals TMDL contains ambient sample data for Coyote Creek correctly applying CTR. Under Table 2-7, 8 samples are listed with 0 exceedances. If this result were applied to the 303(d) listing policy, it would not qualify for 303(d) placement. A sample size between 2 and 24 would require exceedances equal to and greater than 2.
2. Wet weather water quality data was used to justify placing copper on the 303(d) list. Listing support information cites that CTR relative to copper was applied to wet weather. As mentioned above, wet weather and CTR requirements are mutually exclusive. Wet weather limitations for San Gabriel River and other receiving water bodies in Los Angeles County are intended to be applied – incorrectly -- to MS4s and other NPDES permittees.

Table V. Coyote Creek

(San Gabriel River Tributary) 2010 303 (d) List		2016 303 (d) List					MS4 Permit Requirement
Pollutant	List	List	De-List	Don't List	Don't De-list	Should De-List	Yes/No
Copper	x	-	-	-	x	x	Yes
Lead	x	-	x	-	-	-	Yes
Selenium	-	-	-	-	-	-	Yes
Zinc	x	-	x	-	-	-	Yes

Recommendation to Regional Board: (1) approve staff's recommendation not to list lead and zinc; (2) approve the City's request to de-list copper; and (3) use the de-list and do not list justification for this and other metals to remove the San Gabriel River Metals TMDL from the Los Angeles Basin Plan.

VI. San Jose Creek Reach 1 (SG Confluence to Temple St.)

Regional Board staff recommends that: (1) selenium be de-listed; and (2) copper, lead, and zinc not be listed (see Table VI below).

Table VI: San Jose Creek Reach 1

2010 303 (d) List		2016 303 (d) List					MS4 Permit Requirement
Pollutant	List	List	De-List	Don't List	Don't De-list	Should De-List	Yes/No
Copper	-			x			Yes
Lead	-			x			Yes
Selenium	-		x				Yes
Zinc	-			x			Yes

Recommendation to Regional Board: (1) approve staff's recommendation to de-list selenium and not list copper, lead, and zinc; and (2) use the de-list and do not list justification for these and other metals to remove the San Gabriel River Metals TMDL from the Los Angeles Basin Plan.

VII. South San Jose Creek (Los Angeles County)³

2010 303 (d) List		2016 303 (d) List					MS4 Permit Requirement
Pollutant	List	List	De-List	Don't List	Don't De-list	Should De-List	Yes/No
Copper	-			x			Yes
Lead	-			x			Yes
Selenium	-			x			Yes
Zinc	-			x			Yes

Recommendation to Regional Board: (1) approve staff's recommendation not list to selenium copper, lead, and zinc; and (2) use the de-list and do not list justification for these and other metals to remove the San Gabriel River Metals TMDL from the Los Angeles Basin Plan.

³This is Reach is a new listing under the 2016 303(d) List.