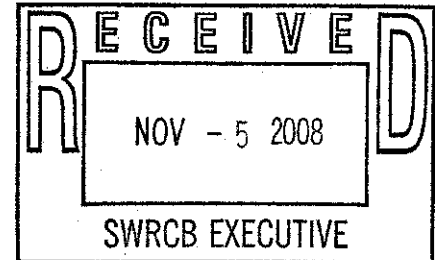


LOS ANGELES RIVER

WATERSHED MANAGEMENT COMMITTEE



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November 5, 2008

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Subject: Comment Letter - Bacterial Standards for REC-1 Waters

Dear Ms. Townsend;

The Los Angeles River Watershed Management Committee is herein submitting comments regarding the proposed revision to the Bacteria Standards for Water Contact Recreation in Fresh Waters. The proposed rule contains the statement: "-- may exclude waters under the jurisdiction of the Los Angeles Water Board --", so our first request is for clarification as to the reasoning behind this possible exclusion and whether this proposed rule will or will not apply to the Los Angeles River Watershed.

Additional comments are:

The proposed revision has four categories of contact water: *Designated Beach*, *Moderate Full Body Contact*, *Lightly Used Full Body Contact*, and *Infrequently Used Full Body Contact*. Are the proposed California Policy and EPA policy designations for these categories the same? It is unclear how these relate to our existing REC-1 (contact) and REC-2 (non-contact) designations and therefore the impact on existing conditions of the proposed changes cannot be determined at this time.

We appreciate the effort to select more appropriate bacterial indicators (Policy Element 1) and the change to the 1986 US EPA recommended criteria would seem to be a positive step. However, the USEPA has just been directed as a result of a recent court settlement to develop new/revised recreational water quality criteria and approve the new methods, as appropriate. The draft criteria are due out in 2010 with the final version by 2012. Given the anticipated 2-year timeline of these proposed revisions, the proposed rule would coincide with the release of the new EPA criteria. It would seem to be a logical step to take no action on this rule pending the release of the US EPA's new recommended criteria.

Additionally, the 1986 standards, while well established and relatively inexpensive, have their limitations and could be better if used in conjunction with other tools.

These 1986 indicators can be useful screening tools to assess water quality and identify trouble areas, but then other tools could then be used to identify what the problem is and where it is coming from. This tool-box approach should be used in which the most current microbial, non-microbial, genetic markers and rapid test methods can be taken into account. Sticking to a single parameter with a stringent water quality objective could be problematic. It is likely that one type of measuring tool is not appropriate for all watersheds so the policy should provide for flexibility to accommodate different issues and conditions. We should also mention that guidance from the EPA is needed on how to implement the new EPA criteria in the new policy.

The proposed compliance schedules of 2 to 5 years are extremely unrealistic. The scope of BMPs required for conducting monitoring, prioritizing action areas, constructing BMPs such as advanced treatment systems and low flow diversions, will take considerably more time. Additionally and potentially more critical will be the difficulty in locating funding sources in the current economic environment.

The US EPA and the state and regional water boards have effectively shifted the cost of developing implementation plans and conducting studies to municipalities. This represents a significant cost that needs to be adequately addressed in any CEQA review. While we recognize that the regional boards will not specify specific BMPs for specific locations, a reasonable degree of implementation guidance is a necessary part of a full CEQA review.

Additionally, the CEQA review should include the impact (both pro and con) of implementing BMPs for the various beneficial uses. A reduction in bacteria levels (REC-1 for example) may impact the lowest level of the food chain, thus while potentially benefiting humans, may have the unintended consequence of being detrimental to wildlife. It is important to accurately designate the beneficial use for individual waterbodies.

Finally, as the regulated community has often pointed out, many bacterial exceedances appear to be caused by birds and other natural sources. The watershed would be supportive of a natural sources exclusions approach. However, as worded in your informational document, this exclusion would only apply after anthropogenic sources have been controlled. This approach would result in large expenditures first and subsequently finding out the cause of exceedances was from natural sources. The approach should be reversed so that funds can be spent where needed.

The Los Angeles River Watershed Management Committee is a diverse group of 34 municipal agencies that are tributary to the 51 mile run of the Los Angeles River. This letter represents a general consensus of committee members. Individual members may submit separate comments. Thank you for this early opportunity to offer our comments. Please contact me if you have any questions regarding this letter.

Sincerely



John Hunter

Chair

Los Angeles River Watershed Management Committee.