

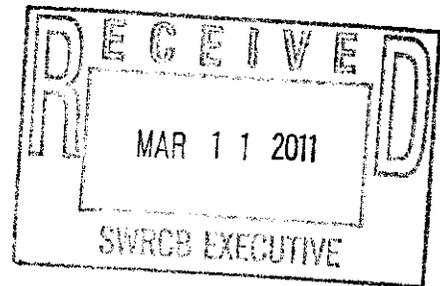


**PUBLIC WORKS DEPARTMENT**

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March 10, 2011

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



**COMMENT LETTER – LOS ANGELES RIVER METALS TMDL REVISION  
SUPPORT LETTER FOR THE CITY OF LOS ANGELES' COMMENT LETTER**

Dear Ms. Townsend:

The City of Burbank, in coordination with the City of Los Angeles (Los Angeles), prepared the Los Angeles River Copper Water Effect Ratio (WER) study that is the foundation of the proposed Total Maximum Daily Load (TMDL) amendment. The WER study, submitted to the Los Angeles Regional Water Quality Control Board (Regional Board) on June 3, 2008, recommended the modification of copper objectives for Los Angeles River Reaches 1, 2, 3, 4 and the Burbank Western Channel. The WER was a four year effort developed in a stakeholder process with an independent Technical Advisory Committee (TAC), including two members who were co-authors on U.S. Environmental Protection Agency's (USEPA) WER guidance document. Along with the TAC having reviewed and supported the WER study and final results, USEPA Region 9 staff submitted a statement supporting the findings and conclusions of the WER study. As you are aware, the Regional Board adopted an amendment to the Los Angeles River Metals TMDL that incorporated the copper WER of 3.96 for POTWs into the TMDL on May 6, 2010.

On September 22, 2010 the City of Burbank sent a letter to Sam Unger, Executive Officer of the Regional Board, presenting an infeasibility analysis and compliance schedule justification in support of a Time Schedule Order (TSO) for the Burbank Water Reclamation Plant (BWRP) NPDES Permit No. CA0055531. In short, the TSO bridges a time gap between the expiration of the BWRP's TMDL interim limits and the incorporation of WER adjusted TMDL limits into BWRP's NPDES permit based on this Amended TMDL. The Regional Board adopted a 1-year TSO on February 3, 2011.

We are writing in support of Los Angeles' comment letter for the Proposed Approval of an Amendment to the Water Quality Control Plan: Los Angeles Region Basin Plan for the Coastal Watersheds of Los Angeles And Ventura Counties (Basin Plan) to Revise the TMDL for Metals in the Los Angeles River and Tributaries. In their letter, Los Angeles states the following:

**THE CELEBRATION OF A CENTURY**

*"Given our general support for the Regional Water Board proposal, the Bureau regrets that we must ask the State Water Board to remand the proposed amendment to the Regional Water Board to remove a provision that unnecessarily and ill-advisedly restricts the discretion of permit writers in developing future effluent limitations to implement the TMDL."*

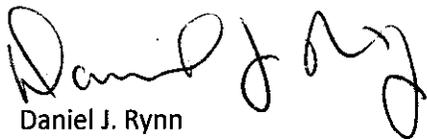
The City of Burbank requested similar changes during the adoption of the Amended TMDL at the May 6<sup>th</sup>, 2010 Regional Board hearing. We agree with the City of LA's concerns that footnote 2 on pages 8 and 10 of the Basin Plan Amendment should be eliminated or, as an alternative, modified as follows:

*The WER for this constituent is 3.96. When effluent limitations are adopted for these treatment plants, those limits will be set based on the requirements of 40 C.F.R. §122.44(d)(1)(vii)(B) (requiring consistency with any available wasteload allocations for the discharge) and other applicable provisions of state and federal law and regulations.*

Burbank, unlike Los Angeles, is currently under a Time Schedule Order to bridge the gap until the WER is fully incorporated into our permit. We understand that remanding the proposed amendment back to the Regional Board may have an impact on the schedule for the Amended TMDL and the incorporation of the WER into our permit; however, we do feel that the inclusion of these footnotes limits the flexibility of the BWRP now and in the future. Removing or revising the footnotes as suggested will allow the BWRP to operate in a manner that meets all of our current and future effluent limits in an efficient and environmentally sensitive manner. Ultimately, our goal is to operate the BWRP to meet all limits while protecting the environment, and we believe Los Angeles' comment letter reflects this goal.

Should you have any questions, please contact me at (818) 238-3940 or drynn@ci.burbank.ca.us.

Sincerely,



Daniel J. Rynn  
City of Burbank  
Assistant Public Works Director

Cc: Sam Unger, RWQCB Executive Officer  
Renee Purdy, RWQCB Regional Programs  
Hassan Rad, City of Los Angeles Bureau of Sanitation/RAD