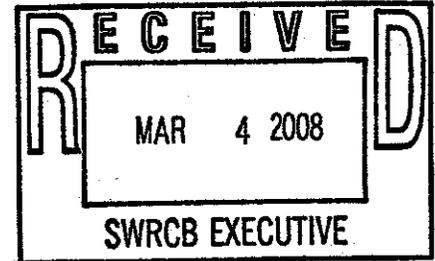




City of Commerce

March 4, 2008



Robert C. Fierro
Mayor

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

Tina Baca Del Rio
Mayor Pro Tem

Subject: Comment Letter – Los Angeles River Trash TMDL

Joe Aguilar
Councilmember

Dear Ms. Townsend and Members of the Board:

Hugo A. Argumedo
Councilmember

I am writing on behalf of the City of Commerce to provide comments regarding the Los Angeles River Trash TMDL. We appreciate the opportunity to provide these comments.

Rosalina G. Lopez
Councilmember

The City has conscientious about reduce the amount of trash that it generates with in its jurisdiction. Despite the fact that it is an industrialized City, Commerce residents insist on clean streets. To that end it sweeps every street at least weekly, a best management practice that has prevented tons of trash from entering the MS4. It also cleans-out catch basins regularly and empties trash receptacles deployed in high debris areas to prevent spill-over to the MS4. Commerce is planning on installing catch basin debris exclusion controls in its 162 catch basins.

The City is concerned, however, that it might not be able to install the requisite number of catch basin-resident trash controls because: (1) there are only a handful of catch basin debris excluder manufacturers; and (2) because the first trash TMDL compliance point is in September of 2008 is likely to result in demand exceeding supply. This is why we support the CBPPP Alternative to the Trash TMDL.

In an effort to more cost-effectively address the problem of trash in the Los Angeles River Watershed, the City of Los Angeles; the County of Los Angeles; the Cities of Burbank, Glendale, La Cañada/Flintridge, and Pasadena; the City of Long Beach; the City of Signal Hill; and Caltrans funded the development and testing of alternative full-capture devices. We appreciate the efforts of these municipalities and Caltrans, and the work of Los Angeles Regional Water Board staff to develop performance criteria for BMPs deemed to be full-capture devices and to certify additional full-capture devices. This work provides additional trash control options that will assist cities to reduce the impacts of trash in the watershed. While we are encouraged by the availability of alternative full-capture devices, we continue to be extremely concerned about several aspects of the Los Angeles River Trash TMDL.

A principal concern that we have with the TMDL adopted by the Los Angeles Regional Water Board is that it continues to include a numeric target of zero trash in the water. This has been a major concern since the first version of the Trash TMDL was adopted in 2001. It is an impossible target to achieve. There are too many sources of trash that municipalities do not – and cannot - control. In addition, we cannot control the wind, which acts as a transport mechanism for trash. The Regional Water Board appears to at least recognize that zero is an impossible numeric target. They have now included a statement in Attachment A to Resolution No. 2007-012 that states, "Non-point sources, i.e., direct deposition of trash by people or wind into the water body, is a de minimus source of trash loading to the LA River." However, the zero target remains.

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Furthermore, the Regional Water Board, while asserting that the loading capacity is zero, has neither performed a thorough source analysis nor an assimilative capacity study. The absence of an assimilative capacity study is surprising because the Staff Report acknowledges that there was an absence of paper products in the Calabasas Continuous Deflective Separation Unit (CDS) that was used to establish the default values for earlier versions of the TMDL. The Report indicates that staff assumed that part of the trash that had accumulated in the CDS unit had decomposed in the unit. Similar decomposition of paper could be expected in the Los Angeles River and its tributaries.

Secondly, we are concerned that the Regional Water Board all but ignored the cities' suggested alternatives to the Trash TMDL. In the months preceding the Regional Board's re-adoption of the Trash TMDL, cities developed a Catch Basin Prioritization and Protection Plan (CBPPP) as an alternative to the Trash TMDL. We were initially encouraged by Regional Water Board staff's apparent willingness to consider the CBPPP and by staff's particular interest in the Prioritization Component of the Plan. However, even though city representatives met multiple times with Regional Water Board staff and made revisions based on their input, the CBPPP Alternative to the Trash TMDL was ignored and not included in the Substitute Environmental Document (SED) prepared for the TMDL adoption process.

Prioritization is an important strategy for dealing with trash. Differential trash generation was acknowledged by the Los Angeles Regional Water Board in the 2001 Los Angeles County MS4 Permit, which required that municipalities divide catch basins into three maintenance categories. Prioritization will facilitate faster reduction of trash in the receiving waters in a cost-effective manner.

The Catch Basin Prioritization and Protection Plan was developed as a sound, practicable method for cities to begin to tackle the tough problem of trash. It builds upon maintenance priority concepts in the MS4 permit and incorporates the results of the EPA funded study, "Market Based Strategies for Reducing Trash Loading to Los Angeles Area Watersheds," published in March 2006. The CBPPP was designed to utilize community litter surveys using the Keep America Beautiful Litter Index (KAB) methodology that has been successfully used in hundreds of communities nationwide.

Cities would complete litter surveys and submit preliminary CBPPPs to the Los Angeles Regional Water Board within 180 days of final TMDL approval by the State Water Board and USEPA. Cities would then commence work with Los Angeles Regional Water Board staff and other stakeholders to develop a protocol for estimating trash removed from catch basins to improve accuracy of estimates.

Fifteen percent (15%) of catch basins with the highest trash generation rates, starting with commercial areas, would be protected within one year following Regional Board approval of the CBPPP. Thirty percent (30%) of catch basins with the highest trash generation rates would be protected within three years following approval of the CBPPP.

Cities would update their Plans in year four. They also would submit strategies for addressing single-family neighborhoods and other remaining low trash generation areas at that time.

The anticipated results from implementation of the CBPPP are as follows:

- Protecting the 15% of a jurisdiction's catch basins with the highest trash generation rates will result in a 50% reduction in water-borne trash.
- Protecting the 30% of a jurisdiction's catch basins with the highest trash generation rates will result in a 65-70% reduction in water-borne trash.

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We view these expected results as an indication that the CBPPP would be a very positive step that could help to dramatically reduce the impact of trash in our watershed.

We also are concerned that the TMDL adopted by the Regional Water Board appears to have been designed to punish municipalities that exercised their rights to challenge a TMDL that they thought to be flawed. The adopted TMDL requires a 40% reduction in one year. This requirement appears to be based on a presumption that cities should have implemented the TMDL even though it had been set aside.

On August 9, 2007, the Los Angeles Regional Board adopted the Trash TMDL. They did not grant the request by cities to defer adoption in order for cities to have a chance to work with the Regional Water Board and staff to amend the CBPPP to make it a workable alternative for all concerned parties, and did not incorporate the CBPPP as an alternative in the Substitute Environmental Document. Further, they ignored cities' request that the SED be re-noticed due to last-minute changes on which cities and the public were not given the chance to comment.

The City of Commerce, together with other cities in the Los Angeles River Watershed, would like to have the opportunity to work with the LA Regional Water Board to create a workable Trash TMDL. We request that the State Water Board remand the TMDL back to the Los Angeles Regional Water Board with directions to work with cities to finalize a CBPPP alternative that Staff could support and to address other issues related to adoption and implementation of the TMDL. In addition, we request that the State Water Board direct the Regional Water Board to re-notice the Draft Substitute Environmental Document (SED) to solve the problem created by substantial last-minute changes in the July 27 Revised Draft SED and the absence of the CBPPP alternative in that document.

We appreciate the opportunity to provide these comments.

Sincerely,



Robert Zarnili
Director of Community Development