

EXHIBIT “48”

LOS ANGELES RIVER

WATERSHED MANAGEMENT COMMITTEE

ALHAMBRA

ARCADIA

BELL

BELL GARDENS

BURBANK

COMMERCE

COMPTON

CUDAHY

EL MONTE

GLENDALE

HIDDEN HILLS

HUNTINGTON PARK

LA CANADA FLINTRIDGE

LOS ANGELES - CITY

LOS ANGELES FLOOD CONTROL

LOS ANGELES - COUNTY

LYNWOOD

MAYWOOD

MONROVIA

MONTEBELLO

MONTEREY PARK

PARAMOUNT

PASADENA

ROSEMEAD

SAN FERNANDO

SAN GABRIEL

SAN MARINO

SIERRA MADRE

SIGNAL HILL

SOUTH EL MONTE

SOUTH GATE

SOUTH PASADENA

TEMPLE CITY

VERNON

March 30, 2010

Dr. L. B. Nye, Chief TMDLs and Standards
California Regional Water Quality Control Board, Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, California 90013

**Subject: LOS ANGELES RIVER BACTERIA TMDL
CEQA SCOPING MEETING**

Dear Dr. Nye:

At the March 17, 2010, meeting of the Los Angeles River Watershed Management Committee (LARWMC), a majority of the watershed permittees in attendance approved the preparation and submittal of this comment letter. This letter is regarding the Los Angeles River Bacteria Total Maximum Daily Load (TMDL) California Environmental Quality Act (CEQA) scoping meeting that was held on March 10, 2010.

First, the LARWMC would like to express its appreciation at the amount of effort and scientific thoroughness that the CREST Team has demonstrated. After a review of the CREST recommendations and attendance at the CEQA meeting by several of the watershed members, the LARWMC has concerns regarding the proposed Supplemental Environmental Document (SED). These concerns include, but are not limited to:

1. On average, the annual costs over the next 30 years for implementing the dry weather phase of this TMDL are estimated to be between \$100,000 and \$500,000 per responsible party through the first decade, with the annual costs quadrupling as the implementation enters the twentieth year¹. These costs do not include the potential costs for the condemnation procedures that will undoubtedly be necessary in order to procure land for storage, treatment and various facilities associated with low-flow diversions. The SED needs to take into account the fiscal burden this will impose upon individual parties, especially in light of the current economic condition many cities find themselves in. As was discussed in the opening statements at the March 10th meeting, City Managers will be facing hard choices of which services to reduce or eliminate in order to fund the implementation measures as required under this TMDL.

¹ Signal Hill, March 10, 2010 comment letter

In addition and of great concern to the responsible parties, these cost estimates are for dry-weather implementation only. The SED must also identify and discuss the potential impacts of wet-weather implementation (see item 7 below).

2. As discussed in the March 10th meeting, the most likely implementation scenario is the diversion of dry-weather runoff to sewage treatment plants. However, the Sanitation Districts of Los Angeles County has expressed concerns about the availability of treatment capacity. Even if the capacity exists, it would likely be available at off-peak hours only. This would necessitate the building of storage tanks along the river. Assuming that land is available and must be purchased, this would be a major additional expense. Additionally, the Sanitation Districts of Los Angeles County would be expected to charge a treatment fee, making for substantial costs above those already mentions in item 1 above. Thus, the availability of treatment capacity and the potential additional treatment costs need to be addressed in the SED.
3. Similarly, the use of infiltration as a potential implementation strategy requires further discussion. The amount of land area necessary to adequately address the dry weather flows should first be identified. Associated with this would be the need to identify the potential for liquefaction, which may restrict the areas that can be used for regional infiltration efforts.
4. At the March 10th meeting, it was pointed out that the Sanitation Districts of Los Angeles County has long term plans to reuse the water that is currently discharged from their treatment plants. When coupled with City efforts to reduce the amount of flows discharged into the river, this will significantly reduce the amount of water in the river and impact the estuary during the dry-weather season. Thus, a negative impact on the flora and fauna currently in the river can be expected and the SED must address these long term impacts.
5. Upon Sanitary Sewer Overflows becoming nearly eliminated under the existing SSO program, and any leaks or infiltration from septic systems similarly eliminated under the existing state program, there will be no significant anthropogenic sources left needed to be controlled. Individuals are occasionally observed using the river illegally for hygienic purposes, but these instances are not sufficient to cause the elevated indicator bacteria levels. It appears that "indicator bacteria" are a poor measure of the anthropogenic bacteria contribution and the appropriateness of this measurement parameter should be reviewed.

Along those same lines, the CREST testing has shown that in many instances along the river, the natural background will often exceed the allowable bacteria levels, regardless of whether or not there is dry weather flows from responsible agencies. The standards should focus only on controllable sources.

We understand that the TMDL will likely have a wet weather exclusion of REC 1 standards, but it is not clear what form this will take in the TMDL and the impact as well as the applicability of the wet weather standard will need to be thoroughly addressed in the SED.

6. Although we have been informed that responsible parties will have the option to implement "in-city" Best Management Practices in lieu of participation in the regional low-flow diversion project, this alternative was not presented at the meeting and should be included within the SED.

7. At the March 10th meeting, only dry-weather implementation was discussed. However, we have been informed that the TMDL will include wet-weather limits. These wet-weather TMDL limits as well as implementation measures and costs have not been discussed. This has the potential for even greater impacts to the responsible parties and needs to be included in the SED.

Finally, the appropriateness of the SED in lieu of (at a minimum) an Initial Study and programmatic EIR should be reviewed as the SED does not appear to follow the CEQA process.

Thank you for the opportunity to offer these comments. The cities of San Gabriel, San Marino, El Monte and South El Monte have indicated they will be submitting comments separately and the above comments may or may not reflect their views. Other individual parties may submit comments separately and we would appreciate any feedback to our comments above and those of other individual parties.

Sincerely,



John L. Hunter,
Chair, Los Angeles River Watershed Management Committee.