



PUBLIC WORKS DEPARTMENT

November 4, 2014

California Regional Water Quality Control Board
Los Angeles Region
Attn: Dr. Ginachi Amah
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

Submitted via e-mail to: Ginachi.Amah@waterboards.ca.gov

Comment Letter – Retaining Recreational Beneficial Uses

Dear Ms. Amah:

As mentioned in the Notice of Meeting and Opportunity to Comment letter, the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) will be holding a public meeting to consider adoption of a tentative resolution retaining the current recreational beneficial use designations of the engineered channels in the Los Angeles River watershed, which is based on the results of the Board's re-evaluation of recreational use designations [also referred to as Recreational Use Reassessment (RECUR)]. The notice further states that Los Angeles Water Board staff conducted the re-evaluation of the current recreational use designations of these engineered channels based on results of the assessment contained in Part I of the RECUR Report, along with consideration of stakeholder comments and on-going regulatory and project developments related to the support and development of recreational opportunities in these engineered channels. Given these statements, LA Water Board staff concludes that the current existing, potential and intermittent recreational use designations for the engineered channels remain approximately established and supported.

The City of Burbank (City) opposes the retaining of the current recreational beneficial use designations of the engineered channels in the Los Angeles River watershed for the following reasons:

1. The Final Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County, Except Those Discharges Originating from the City of Long Beach MS4 require the Los Angeles basin permittees, including the City, to develop and implement a low impact development ordinance, and a green streets policy, with the objective to have private property and transportation corridors retain as much storm water runoff on-site as possible in order to prevent the runoff and pollutants from entering local waterways. Furthermore, the City has elected to participate in the Upper Los Angeles River Enhanced Watershed Management Program, whereby a combination of local-scale and regional-scale projects will be required to capture, and either retain or reuse the storm water runoff. Finally, the City is also maximizing its recycled water usage, further reducing the amount of Publicly Owned Treatment Works effluent entering the Burbank Western Channel.

Given these efforts, combined with the on-going drought conditions the Region is experiencing, the engineered channels in the Los Angeles River watershed will not have sufficient water to support recreational use(s). Therefore, the existing, potential and intermittent recreational use designations should not be supported.

2. One of the City's main goals and objectives is to provide for the health and safety of its citizens and visitors. Recreational activities throughout the City are no exception. The City would like to clearly distinguish between a "fixed" waterbody (i.e., swimming pool, spa) versus a "moving" waterbody (i.e., all engineered channels). First, a "fixed" waterbody is generally safe due to its boundaries which prevent an individual(s) from being swept away. On the contrary, a "moving" waterbody, even in low-flow conditions, has the potential to sweep an individual(s) off their feet and possibly downstream at any moment. Second, recreational activities at local beaches and public swimming pools typically provide a stationed lifeguard in the event an individual requires rescue and recovery assistance. Recreational activities in the Los Angeles River engineered channels would make retrieve and rescue efforts very challenging. Finally, Los Angeles River engineered channels with vertical perimeter walls and fencing along the rights-of-way are not accessible. Safe and compliant access would be required to support recreational activities and when necessary, rescue/recovery response efforts. For these reasons mentioned, the existing, potential and intermittent recreational use designations should not be supported.
3. A recent study done by the Council for Watershed Health revealed that recreational (human) activities in the forest (natural) areas had led to increased bacteria levels, with bacteria levels in the Los Angeles River down. It is no coincidence that not allowing people in the Los Angeles River and allowing people in forest areas has led to clear distinguished levels of bacteria. With the MS4 permit receiving water limitation requirements and the Los Angeles River Bacteria Total Maximum Daily Load, permittees must meet stringent water quality standards. Allowing recreational activities in the engineered channels would impair the waterbodies with bacteria. For these reasons mentioned, the existing, potential and intermittent recreational use designations should not be supported.

The City appreciates your consideration of our comments. Please contact me if you have any questions related to our comments.

Respectfully submitted,



Daniel Rynn, P.E.
Assistant Public Works Director
City of Burbank

cc: City Attorney's Office (Joe McDougall)