



Comment Letter–Machado Lake Pesticides and PCBs TMDL due 10.27.2011 Noon

You state in Attachment A of the proposed Amendment:

*Stormwater and urban runoff discharges to Machado Lake occur through the following subdrainage systems: Wilmington Drain, Project 77 and Project 510.*

You also state the responsible party as the City of Los Angeles Department of Recreation and Parks. The Department of Recreation and Parks is not tasked to address stormwater runoff issues under the Charter of the City of Los Angeles.

Have you notified the Department of Recreation and Parks that they are responsible.

The City Charter states:

*Sec.590 Powers and Duties of the Department.*

*The Department of Recreation and Parks shall have the power and duty:*

- (a) to establish, construct, maintain, operate and control, wherever located:
  - (1) all parks of the City of Los Angeles;*
  - (2) all recreational facilities, museums, observatories, municipal auditoriums, sports centers and all lands, waters, facilities or equipment set aside or dedicated for recreational purposes and public enjoyment; and*
  - (3) all property acquired by it or assigned to its jurisdiction for public recreation.**
  
- (b) to design, construct and operate, lease, rent or sell concessions or privileges to be exercised for the benefit, education, amusement, convenience or enjoyment of the public, in connection with any function, site or facility under the jurisdiction of the department;*
- (c) to establish schedules of charges for special services;*
- (d) to promote public recreation and cooperate with other public agencies and organizations for that purpose; and*
- (e) to establish, maintain and operate playgrounds or other recreational facilities upon portions of public streets, under terms and conditions provided by ordinance.*

The Governing Board of the Department of Recreation and Parks is the Board of Recreation and Park Commissioners. The City Charter jurisdiction for storm water matter is the Board of Public Works. The Board of Public Works has jurisdiction over inspections via the Department of Public Works.

Any changes to the functions of Departments within the City would require a change in the Municipal Code. The Powers and Duties were changed by a Vote of the People in the June 8, 1999 Charter Amendment Ballot Measure.

The subdrainage systems are either under the jurisdiction of Los Angeles County Public Works or the City of Los Angeles Bureau of Sanitation. The Bureau of Sanitation is governed by the Board of Public Works.

You state that the Wilmington Drain is under the jurisdiction of the Los Angeles County Flood Control District LACFCD. The drainage into the lake is shown on the Staff Report at 88%. LACFCD should be the responsible party in this TMDL.

Funding is a concern of us citizens. We do not see any budgeted item in the Department of Recreation and Parks for ongoing maintenance for TMDLs. In fact, that department cannot maintain and operate the entire system under their current budget.

Best Management Practices will be used. Why-will this address the problem at all, if the cause is a source point or ongoing discharge from a source point. Is that source point grandfathered, or if not, should not the responsible party cease discharge.

The TMDL process must include solution-based approach. An Adaptive Management strategy should be engaged.

This is the approach taken by the scientists in their approach to Climate Change in the Southern California Bight: Integrating Science and the Societal Implications at the USC Dornsife College Conference. Sometimes, it is a small change that can affect the problem with little capital outlay, but facts are needed for the analysis.

This process has no guarantee of solving or reducing the pollutant load. There is no measurement or monitoring addressed.

We do not understand why you think the taxpayer has unlimited funds and the City has an unlimited budget to pour money into this issue without a definitive plan and system in place that would show results and reduction.

There are ethical issues when it comes to the City of Los Angeles and the California Water Boards and the funding source for the City of Los Angeles, Proposition O, a local \$500,000,000 bond.

At least one member of the LA Regional Water Quality Control Board, Francine Diamond, sits on the Citizens Oversight Committee of Proposition O, the City of Los Angeles Bond funding base. There is a Conflict of Interest in this issue.

At least four members of Heal-the-Bay, Mark Gold, Adi Lieberman, Craig Perkins and Dayna Bochco, sit on the Citizens Oversight Committee of Proposition O, the City of Los Angeles Bond funding base. There is a Conflict of Interest in this issue.

Tiger Kang with Pacific American Volunteer Association works with Heal the Bay sits on the Citizens Oversight Committee of Proposition O, the City of Los Angeles Bond funding base. There is a Conflict of Interest in this issue.

Teresa Villegas, an employee of Board of Supervisor Gloria Molina. sits on the Citizens Oversight Committee of Proposition O, the City of Los Angeles Bond funding base. There is a Conflict of Interest in this issue.

Cynthia McClain-Hill, principal of Strategic Counsel PLC, registered lobbying firm, sits on the Citizens Oversight Committee of Proposition O, the City of Los Angeles Bond funding base. There is a Conflict of Interest in this issue.

Deny this amendment and take responsibility for Public Health and Safety and address the ethical issues as well.

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