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Executive Advisory Committee Stormwater Program – County of Los Angeles

October 20, 2006

Tam Doduc, Chair
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Attn: Song Her, Clerk to the Board

Subject: Comment Letter-2006 Federal CWA Section 303(d) List



Chair Doduc and Members of the State Water Board:

The Executive Advisory Committee (EAC) has represented the interests of the Los Angeles County Municipal Stormwater Permittees since 1996. Our monthly meetings are typically attended by representatives from over half of the 87 agencies included in the current Municipal Separate Storm Sewer System (MS4) Permits. Most of these communities have already been impacted by previous 303(d) listings and subsequent Total Maximum Daily Loads (TMDLs).

The EAC would like to acknowledge and commend the significant and generally thoughtful efforts of State Board Staff. In comparison to prior lists, which diverged in characteristics and quality due to regional imperatives, the draft 2006 list and supporting documents are more sound in analysis and transparent in intent. We hope that in the future the listing and analysis process will remain a function of the State Board staff. However, this compendium is still voluminous and a 30 day review period is too short, at least for areas such as the Los Angeles County region.

Many physical characteristic listings have been appropriately deleted, such as “unnatural” foam and scum in the Los Angeles River and its tributaries, but others remain unchanged. A listing for pH in the Rio Hondo is most likely related to the water being supersaturated in oxygen due to algal photosynthesis. The water in this broad, flat concrete channel flows in braids that are often less than a 1/4 inch thick, cover a small fraction of the channel bottom, and would probably infiltrate from soft bottom channels. During daylight hours, respiration by a surface layer of resilient algae, which makes up a significant portion of the total water depth, increases the oxygen concentration. Generally high dissolved oxygen concentrations in water are beneficial, but monitoring has detected oxygen concentrations at 50% above saturation, resulting in high pH excursions. There is no indication that the algal metabolism is excessive, except from the standpoint that there are few herbivores to graze on it under these conveyance conditions. Oxygen is not a pollutant for which the cities have a source control option.

Delistings for unknown “toxicity” impairments are also appropriate, since it is impossible to intentionally take specific measure to eliminate sources of unidentified contaminants.

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We understand that South Santa Monica Bay Beaches have been proposed for listing, due to indicator (coliform) bacteria, with the rationale being based on existing coverage under the Santa Monica Bay Beaches Bacteria TMDL, rather than observed endogenous bacterial impairments. The impairments are primarily associated with beaches in the middle and north bay areas and it is disconcerting that circular logic, about the existence of a TMDL, could result in additional 303(d) listings simply to someday delist a non-impairment, at significant expense to the MS4 permittees, who must document and essentially refute the frivolous assertion.

The EAC would like to support the analysis and comments of the County Sanitation Districts of Los Angeles County. As specific examples we believe that the District has provided convincing evidence that both the listing for aluminum in the Los Angeles River and lead in the San Gabriel River are due to errors in chemical or data analysis. While we appreciate that State Board staff may have felt constrained by previously collected lines of evidence and data developed during prior listing cycles, these new analyses demonstrate why it is important that the data be fully vetted before being used by the Regional Water Quality Control Boards to develop costly TMDLs, that we believe have their own potentially significant negative environmental impacts.

The EAC would like to support the State Board for delisting excessive algae growth in local receiving waters. At the time of the original listing, urban runoff was identified as a significant source, which was not borne out by subsequent monitoring. There has been significant movement to better regulate on-site wastewater treatment systems (septic systems) throughout the region. New regulations will be introduced next year to better monitor and control sanitary sewer system overflows. Local wastewater treatment agencies have invested significant effort and capital in trying to induce additional reductions in nitrogen (nitrate, nutrient) discharges by installing Nitrogen/Denitrogen treatment systems. Any of these measures alone could be sufficient to eliminate the impairment and together they represent a significant effort to address a very difficult to qualify or quantify problem. Agencies should be allowed to implement existing commitments and then assess the impacts of these measures on the local receiving waters.

The EAC would like to reiterate that the draft 2006 303(d) list is an extremely long and complex document, with many changes and nuances and potential impacts throughout Los Angeles County. The MS4 Permittees request that the period for comments be extended for an additional 30 days, so that a more thorough analysis can be prepared. If you wish to further discuss these issues, or seek greater input from the EAC, please feel free to contact me at 562-904-7102.

Sincerely,

SIGNED BY GERRY GREENE FOR

Desi Alvarez, P.E.
Chair, Executive Advisory Committee

cc: Tam Doduc, Chair SWRCB
Los Angeles County, Department of Public Works
EAC MS4 Permittee mailing list
County Sanitation Districts of Los Angeles County