



City of Downey

FUTURE UNLIMITED

May 28, 2010

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

Subject: Comment Letter – 2010 Integrated Report/Section 303(d) List

Dear Chair Hoppin and State Board Members:

The City of Downey appreciates this opportunity to provide comments on the subject water quality regulations. We would also like to take this opportunity to acknowledge the Los Angeles Regional Water Quality Control Board (LARWQCB) Staff for investigating a request made at the Regional hearing, then initiating correction of an “adopted” listing which had resulted from an incorrectly reported sampling location (Cyanide in the Rio Hondo). Unfortunately, the need to correct factually inaccurate data, at such late steps in the process, highlights the critical resource limitations at both state and local levels that are leading to unfortunate intra and inter agency tensions. With this in mind, the City of Downey would appreciate your consideration of the following suggestions and corrections to the 2010 303(d) list.

Provide More Time for List Review: During these perilous budgetary times, neither state nor local staff should be forced by deadlines to ignore immediately important water quality issues, such as the design of new Low Impact Development (LID) projects, to investigate inaccurate listings, the impact of which will be delayed for over a decade. This complex process does not include sufficient resources to encourage the use of good science and appropriate investigations. We believe the result will be wasted state resources in preparing unnecessary, inaccurate or ineffective TMDLs and wasted local resources in contesting or complying with them.

Shift the San Gabriel River Reach 2 listing for Cyanide to Reach 3: This listing identifies the source data as the Los Angeles County Department of Public Works Mass Emission site at 34.0134 N by 118.0631S. While acknowledging that this location is in Reach 2, the location is only 0.7 miles into the 12 mile long reach 2. Well over 95% of the catchment to this receiving water monitoring site is upstream of reach 2. The Reach 2 agencies can exert almost no change to improve water quality at this location.

Delay the Rio Hondo Reach 1 Toxicity Listing Until a Pollutant is Identified: It comes as little surprise to local agencies that toxicity was observed at this site. Despite receiving runoff from a 120 square mile catchment, there is often no measureable flow during June and July, when the samples were collected. When no flow or pollutant concentration exists in a river, there can be no “TMDL”, only an observed condition.

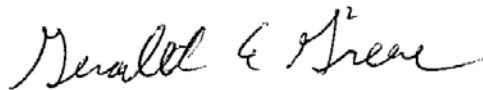
In this case, the condition is stagnant puddles similar to a back yard bird bath. Like a bird bath, these puddles support red algae like growth that produce inhibitory bio-toxins. This supposition is supported by the super saturated oxygen concentration during daylight hours that lead to pH impairments, which we commented upon during prior listing cycles. Local agencies are not the source of this growth and during my eight years with the city of Downey, we have observed the growth increase as the MS4 permittees have complied with the conditions of our MS4 Permit and nearly eliminated nuisance runoff flows. In fact, our efforts to implement the MS4 Permit are reflected by noting that the Metals TMDL for this reach was based on an observed flow of 0.5 CFS, which the watershed appears to have reduced it to an unmeasurable flow of < 0.1 CFS. We encourage you to defer this toxicity listing until such time as a dischargeable pollutant can be identified, or alternatively allow iterative BMP implementation to completely eliminate the dry-weather flow that allowed this condition to initially develop.

Remove the pH and Ammonia Impairment Listings for the Los Cerritos Channel:

As summarized in the prior paragraph, we believe the pH impairment is a result of highly effective MS4 Permit implementation resulting in reduced flows and increased "birdbath" red algae growth. This growth results in oscillating oxygen and carbon dioxide concentrations and pH changes associated with photosynthesis. Allow the MS4 Permittees to focus our limited on the elimination of nuisance dry-weather flows, rather than search for a non-existent "source" of pH pollution in the MS4 system. With respect to ammonia, during the last few years the City of Long Beach as a lead agency for the Los Cerritos Channel Watershed cities (including Downey) has produced supplemental data refuting the original analysis used in preparing the ammonia listing (currently 1 exceedence in 28 cumulative samples). This data has been provided to Peter Kozelka of the U.S. EPA who is preparing the Los Cerritos Channel Metals TMDL and hopefully the City is also providing these comments to you at this time. Please consider these comments or direct your staff to review the listing with Mr. Kozelka so that local agencies can focus their efforts on true impairments and not refuting outlier data.

In closing, the City of Downey appreciates this opportunity to comment on the 2010 303 (d) list hope that you will take our recommendations and comments into consideration. If you should have any questions regarding this matter, please feel free to call me at 562-904-7112 or email me at ggreene@downeyca.org.

Sincerely,



Gerald Greene, DEnv, PE, QEP
Principal Civil Engineer, Water Resources Control Specialist