

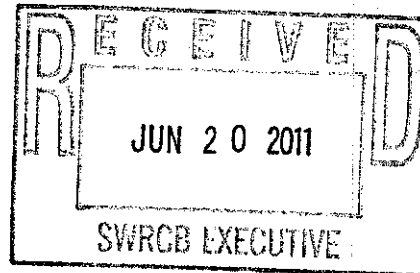


# City of Sierra Madre

## Public Works Department

June 20, 2011

Jeanine Townsend, Clerk of the Board  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-2000



**Re: Comment Letter – Los Angeles Water Board Indicator Bacteria**

Dear Ms. Townsend:

The City of Sierra Madre appreciates the opportunity to submit comments regarding the State Water Resources Control Board's proposed approval of the Los Angeles Watershed Indicator Bacteria Total Daily Maximum Load (TMDL) Basin Plan Amendment.

### Recreation?

We would urge the State Board to consider remanding the TMDL back to the Regional Board for further evaluation. Specifically, the City of Sierra Madre would like to raise the question of the appropriateness of recreational uses in the concrete lined portion of the Los Angeles River and its tributaries. The State Board should consider the following major policy issues:

- Have the urban Los Angeles River and its urban tributaries been so extensively modified for flood control purposes that it is neither practical nor advisable from a public policy perspective to require that they be modified to accommodate REC-1 and REC-2 Beneficial Uses?
- Are the REC-1 and REC-2 Beneficial Uses realistic in the concrete-lined portions of the River? Does a Los Angeles River Watershed Master Plan exist that provides comprehensive projects and funding to achieve goal that the River be "swimmable?" Should the REC-1 and REC-2 Beneficial Uses be removed from the concrete-lined and other portions of the Los Angeles River and its tributaries? Should the Regional Board evaluate these standards prior to the implementation of the TMDL?
- Is it reasonable to expect that local municipal governments should bear the costs of achieving the water quality objective that would support "swimmable" uses, when the Federal government extensively modified the river and its tributaries for flood protection uses that prevent the attainment of the REC-1 and REC-2 uses? Is the Los Angeles River currently regulated under improper beneficial use designations

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and inappropriate Water Quality Objectives? Should municipal governments be expected to address natural sources such as wildlife?

- Practically speaking, when is it possible to swim in these concrete lined channels? In dry weather, flows are generally too shallow in which to swim, and in wet weather, flows are so fast and deep that they are too dangerous to enter for risk of drowning.

Many of the urban channels are extremely shallow during the dry season, rendering recreational uses impractical and dangerous. Wet-weather flows during major rain events can exceed the volume of water on the Mississippi River at St. Louis. Local fire departments have formed special "Swift Water Rescue Teams" to respond when persons enter the River during storms. The majority of the Los Angeles River and its tributaries have been designed specifically for flood control and are owned and operated by the Flood Control District. The vast majority of the River and tributaries is both dangerous and illegal for humans to come into contact with.

### Sources of the bacteria?

The City would also like the Regional Board to reconsider the sources of the pollutant and the ability for MS4 permittees to affect change.

Non-point sources are a significant source of the bacteria in the River and are attributable to wildlife, equestrian activities, and birds, in both the urban flood control system and the creeks in the forest area. Although the Regional Board states that the contribution of in-channel sources of bacteria, including re-growth or re-suspension from sediments, is unknown, studies have shown that dry weather conditions indicate that even if all inflows to the river were eliminated, water quality criteria would continue to be exceeded in some reaches. Bacteria exceedances exist in the Angeles National Forest, miles upstream of any human interface. The City of Sierra Madre is very troubled by the notion that the funds and resources that it may be required to contribute would go towards an effort with no effective solution. Which leads the City to comment on its last concern;

### Funding?

The Regional Board estimated that compliance costs with the full TMDL, including wet-weather compliance, would be \$5.4 billion, excluding amortization and inflation. The City of Sierra Madre currently participates with the regional efforts to address the Los Angeles River Trash TMDL, the Los Angeles River Metals TMDL, and the Peck Park Lake Toxics TMDL. The general cost sharing formulas that Sierra Madre has followed in its current TMDL compliance efforts would produce a cost to the City of approximately 1 million dollars per year for the next 32 years. To put this financial burden to the City of Sierra Madre in perspective, this Bacteria TMDL alone would comprise about 50% of our entire General Fund after paying for Police and Fire services.

### Summary

We believe that the State Board should remand this TMDL back to the Regional Board to review and revise the beneficial use designations prior to re-adopting the TMDL. This remand would be based on the inappropriate recreational use designations in concrete flood control channels with steep channel walls and, in many cases, prohibited access. The great expense of implementing the TMDL as drafted, the lack of effective measures to address wet weather flow volumes, and

the problems with controlling natural sources of bacteria all further suggest that this TMDL should not be re-adopted in its current form.

The State Board has other options including remanding the TMDL back to the Regional Board to, at a minimum, delete the wet-weather component of the TMDL. The State Board should also instruct the Regional Board to rely on non-numeric deemed compliant Best Management Practices to implement the TMDL either through the MS4 permits, or alternatively through a Memorandum of Agreement or other legal contract.

The State Board should further specify that the cities are not to be responsible for controlling any natural sources of bacteria. The State Board also should direct that the Regional Board extend the High Flow Suspension to a more representative set of rain days, and should extend the High Flow Suspension to all of the concrete portions of the River and its tributaries, including the Arroyo Seco wash. Our City is committed to working in a collaborative manner with the State and Regional Boards on a Los Angeles River Bacteria TMDL that is technically and legally supported, and that is both reasonable and improves water quality.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. Inman", with a long horizontal flourish extending to the right.

Bruce Inman, Director of Public Works

cc: Sierra Madre City Council  
State Senator Robert Huff  
Assembly Member Tim Donnelly