



City of Sierra Madre

Public Works Department



February 3, 2012

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Submitted via email to commentletters@waterboards.ca.gov

Subject: 2/7/2012 BOARD MEETING (Agenda Item 7, Consideration of a proposed Resolution approving an amendment to the Water Quality Control Plan for the Los Angeles Region to incorporate a total maximum daily load for toxic pollutants in Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters)

Dear Ms. Townsend,

The City of Sierra Madre appreciates the opportunity to provide written comment on the revised Staff Report and revised language for the adopting resolution for the above-captioned item ("Harbor TMDL").

The City has reviewed the adopting resolution language and appreciates the sincere attempt on the part of the State Board to clarify the implementation of the TMDL. Unfortunately, the language of the adopting resolution does not alleviate our concerns with the flawed scientific foundation or with the implementation measures of the TMDL adopted by the Regional Board in May 2011.

In particular, the City continues to have two major concerns by the language of the adopting resolution:

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1. While the City of Sierra Madre appears to be only peripherally affected by the proposed regulation, the requirements for additional water column and sediment monitoring contained in the new TMDL will further financially burden the existing and anticipated requirements of the fourth generation permit. Furthermore, the proposed regulations provide for the inclusion of distanced jurisdictions within the Los Angeles River watershed for implementation plans of harbor area jurisdictions faced with a multi-billion dollar requirement. While the City of Sierra Madre will continue to do its best to meet all water quality objectives of pollutant loads that are directly and scientifically shown to derive from our City, the scale of potential projects and costs for this TMDL may result in implementation plans that identify our City with unreasonable and fiscally impossible requirements.
2. Echoing an argument from previous comments, the cities have entered into a Consent Decree with US EPA and the State of California that protects them from any legal or administrative action to force the Cities to conduct dredging or remedial activities in the Harbor areas or in the Dominguez Channel, the Consolidated Slip, the Torrance lateral or the Kenwood drain. We understand that the language in the proposed revised staff report clarifies that the dredging/remedial requirements in the TMDL are to be addressed thru the load allocations, rather than the waste load allocations, but believe that it is contrary to the terms of the Cities Montrose Consent Decree for the Boards to adopt a regulation designating a city as a responsible party in the TMDL for sediment removal/dredging activity, where the City has already entered into a Consent Decree and paid funds to address this same (and other) sediment contamination. We remain in agreement with many jurisdictions that the Boards are legally without authority to in fact identify and pursue the cities as responsible parties for any such sediment contamination.

For the reasons detailed above, the City of Sierra Madre continues to request that the State Board remand the Harbor TMDL to the Regional Board so that the fundamental flaws with the scientific foundation of the TMDL can be addressed and resolved.

Please contact me if you have any questions. Thank you for your consideration.

Sincerely,



Bruce Inman
Director of Public Works