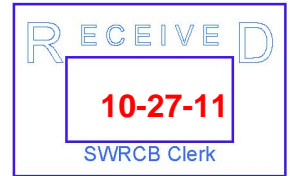




CITY OF INGLEWOOD

Public Works Department

Public Comment
Dominguez Channel/LA/Long Beach
Waters Toxic Pollutants TMDL
Deadline: 10/28/11 by 12:00 noon



Jim Davis, P.E.
Interim Public Works Director

October 27, 2011

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

Subject: Dominguez Channel/Harbor Toxics TMDL

Dear Ms. Townsend:

The **City of Inglewood** is pleased to respond to the State Water Resources Control Board (State Board) invitation to comment on the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters (DC/Harbors Toxics TMDL).

The City's comments are contained in the petition the City filed with the State Board in early June of this year. As you may be aware, the State Board rejected the City's petition in a letter dated June 9, 2011. This action was based on an opinion from the Assistant Chief Counsel, who concluded that Regional Board adoptions of basin plans are not subject to review by petition to the State Board, per CWC §13320. However, we struggle to find anything in this section that prevents the State Board from reviewing a Regional Board's adoption of a TMDL as a basin plan amendment. It states clearly that:

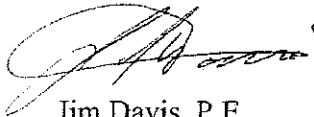
- (a) *Within 30 days of any action or failure to act by a regional board under subdivision (c) of Section 13225, Article 4 (commencing with Section 13260) of Chapter 4, Chapter 5 (commencing with Section 13300), Chapter 5.5 (commencing with Section 13370), Chapter 5.9 (commencing with Section 13399.25), or Chapter 7 (commencing with Section 13500), any aggrieved person may petition the state board to review that action or failure to act. In case of a failure to act, the 30-day period shall commence upon the refusal of the regional board to act, or 60 days after request has been made to the regional board to act. The state board may, on its own motion, at any time, review the regional board's action or failure to act and also any failure to act under Article 3 (commencing with Section 13240) of Chapter 4.*

It is apparent that nothing in the above suggests the State Board cannot review a Regional Board's adoption of a basin plan amendment as a "failure to act" issue. Further, the City knows of no case law that supports that conclusion. Perhaps one day this issue will be resolved by the legislature.

The City hopes that the State Board will recognize the several deficiencies contained the DC/Harbors Toxics TMDL, especially, the language that could require the City to pay for the remediation of contaminated sediment in the harbors and Dominguez Channel, and returns it to the Regional Board for correction without the need for a State Board hearing. If, however, the State Board wishes to review the matter at a public hearing, the City requests that it be given 45 days of advanced notice.

Finally, the City appreciates the opportunity to comment on this extremely important matter and looks forward to its amicable resolution. In the meantime, should you have any questions, please feel free to call me at 310-412-5333.

Sincerely,



Jim Davis, P.E.
Interim Public Works Director

dm

cc: Cal Saunders, City Attorney