



COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

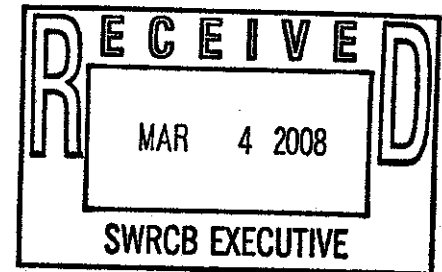
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STEPHEN R. MAGUIN
Chief Engineer and General Manager

March 4, 2008

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Dear Ms. Townsend:



Comment Letter – Policy to Protect Wetlands and Riparian Areas

The County Sanitation Districts of Los Angeles County (Districts) appreciate this opportunity to submit comments on the State Water Resources Control Board's (State Board) proposed resolution to develop a policy to protect wetland and riparian habitat (Resolution). The Districts are a confederation of special districts, which operate and maintain regional wastewater and solid waste management systems for approximately 5 million people who reside in 78 cities and unincorporated areas in Los Angeles County. The Districts operate 11 wastewater treatment plants and maintain approximately 1,300 miles of sewer lines, which convey flows from industries and municipalities within service areas to the aforementioned wastewater treatment plants. Several Districts' water reclamation facilities discharge recycled water to inland surface waters that are supportive of wetlands and effluent-dependent riparian habitat within the jurisdictions of the Los Angeles and Lahontan Regional Water Quality Control Boards. Furthermore, construction and maintenance of wastewater and recycled water conveyance facilities sometimes involves work in wetlands and riparian areas as well as other areas considered waters of the State. As such, the Districts' operations may be affected by the adoption of the proposed Resolution.

Definitions for "Wetlands" and "Riparian Areas"

The Resolution should include clear and consistent definitions for the terms "wetlands," and "riparian areas." Without a clear definition, the intended application of the policy would remain vague. For instance, Section 2 of the Resolution states that the statewide policy will extend to all "perennial, intermittent, and ephemeral watercourses." These waterbodies are not generally considered wetlands or riparian areas and are already governed by the Porter-Cologne Water Quality Control Act as "waters of the State that are" subject to water quality standards and requirements contained in statewide and regional Water Quality Control Plans. It is unclear whether the purpose of the proposed policy is to add a new layer of regulatory control to perennial, intermittent, and ephemeral watercourses. If the intent of the State Board is to promulgate such new controls, those additional controls should be complimentary and consistent with existing laws and requirements so as to avoid regulatory confusion, overlap, and contradictory requirements.

Special Consideration for Effluent-Dependent and Effluent-Dominated Waterbodies

One of the Districts' main concerns related to the Resolution is how effluent-dependent and/or effluent-dominated waterbodies would be regulated, if at all, under the potential subsequent policy. Regulating effluent-dependent wetlands and riparian habitat as though they were natural is inappropriate, since these wetland and riparian areas would not exist if it were not for recycled water discharges. Special consideration should be given to effluent-dependent and effluent-dominated wetlands and riparian habitats when developing a wetland and riparian area protection policy as follows:

1. Streamlined Permitting of Routine Operations and Maintenance Activities to Preserve Man Made and Effluent-Dominated Wetlands and Riparian Areas

Phase 2 of Section 5 of the Resolution would expand the policy's scope over "all other activities impacting water quality." The Districts are concerned that application of such a policy to all wetlands and/or riparian areas could have a significant effect on Districts' operations necessary to assure permit compliance. For example, the Districts operate and maintain existing facilities (e.g., recycled water conveyance channels and pipelines, levees, dykes, et cetera) located within wetlands and riparian areas in compliance with Waste Discharge Requirements. These facilities provide significant benefits in terms of the creation of wetland and riparian areas where they would not normally exist and thus the facilities must be maintained to support this use. Routine maintenance and repair of such facilities is also required to assure compliance with regulatory permits. In such situations, a wetland and riparian areas protection policy, as suggested in Phase 2 of Section 5 of the Resolution, could add a layer of extensive regulations beyond what already exists through the Army Corps of Engineers and Department of Fish and Game permitting processes and could significantly impede flexibility to maintain facilities as needed and may result in permit violations. The Districts recommend that any future policy provide streamlined procedures or requirements to allow for ongoing maintenance within artificially maintained and effluent-dominated wetlands and riparian areas that is intended to preserve the wetlands and riparian areas and comply with permits.

2. Beneficial Uses and Water Quality Objectives

In consideration of the intent to develop new Beneficial Use definitions and water quality objectives as noted in Phases 2 and 3 of Section 5 of the Resolution, the Districts request that they be applied (designated) on a waterbody-specific basis to avoid a "one-size fits all" approach. It has been the Districts' experience that the Water Quality Control Plans for the Regions, often contain general Beneficial Use designations that are applied to all waterbodies in a certain classification although a careful examination of actual or potential Beneficial Uses of individual waterbodies does not support these listings. Furthermore, once an incorrect Beneficial Use designation is established, it is the Districts' experience that it is very difficult to remove. Finally, effluent-dependent and effluent-dominated waterbodies often have their own unique nature that precludes them from being categorized with natural wetland and riparian areas and thus should have their own definitions and water quality objectives established in the policy.

If you have any questions concerning this letter, please feel free to contact the undersigned at (562) 908-4288, extension 2801.

Very truly yours,

Stephen R. Maguin


Raymond Tremblay

Section Head

Monitoring Section

RT:EXD:lmb