



City of South Gate

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GEORGE TROXCIL
Interim City Manager

June 16, 2011

Transmitted electronically to:
commentletters@waterboards.ca.gov



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 South Gate 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.

While the City of South Gate strives to provide for numerous public services including ones for improving and protecting water quality, we also have to balance costs and benefits of these many programs. As described in more detail below, the potential cost of this program is so high, that if approved in its current form, many other programs will have to be sacrificed. We believe that, at a minimum, the State Board should remand the TMDL back to the Regional Board for further evaluation on two primary grounds:

First, this TMDL does not accurately take cost into account. Regardless of the City of South Gate's intentions to continue its ongoing efforts to reduce pollutant levels in runoff, this TMDL by itself is unaffordable. Extrapolating the City of Los Angeles' costs estimates for implementing this TMDL, the cost to South Gate will be approximately \$24,800 per acre or \$82.6 million. In these dire economic times, this level of funding is simply not feasible in the foreseeable future.

Second, South Gate and the other affected municipalities are being held to swimming and body-contact standards where swimming and body-contact is prohibited. We believe that the REC-1 and REC-2 uses are improperly designated for the concrete-lined channels of the Los Angeles River and its tributaries. The Basin Plan lists many of the Recreational

Designations (REC-1 and REC-2) uses as “potential” or “intermittent.” In many of the channels, it is dangerous to enter and access is illegal. Despite this, the TMDL indicates that cities are to take “aggressive action to restore” the river to allow for “water contact recreation (REC-1).”

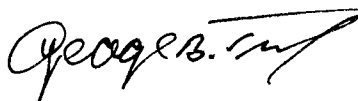
The State Water Resources Controls Board’s approval of this TMDL will assist the US EPA in complying with its TMDL Consent Decree, but does not answer the underlying questions of the scientific validity and reasonableness of the TMDL. Cities will be required to develop implementation plans, based on unachievable standards and unrealistic compliance schedules. Municipal governments are being forced to shoulder expensive scientific studies after the adoption of TMDLs in order to ground their implementation planning on sound science.

The State Board should remand this TMDL back to the Regional Board along with instructions directing 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; and should further specify that the cities are not to be held responsible for controlling any natural sources of bacteria.

It is anticipated that many other municipalities will be submitting similar comments and the City of South Gate hopes you will give those comments their due consideration. In particular, the City of South Gate supports the technical and legal comment letters submitted on behalf of the Cities of Downey and Signal Hill. This letter incorporates those letters by reference.

In closing, 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,



Interim City Manager

cc: South Gate Mayor and City Council
State Senator Alan Lowenthal
State Senator Ron Calderon
Assembly Member Ricardo Lara