



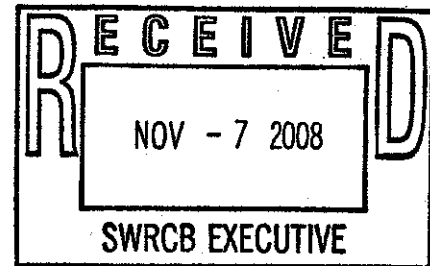
City of Rolling Hills

INCORPORATED JANUARY 24, 1957

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November 7, 2008

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
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Subject: Proposed Approval of an Amendment to the Water Quality Control Plan for the Los Angeles Basin to Incorporate a Total Maximum Daily Load for Eutrophic, Algae, Ammonia, and Odors (Nutrients) in Machado Lake

The City of Rolling Hills is small, semi-rural residential community of single-family homes with fewer than 2,000 residents and 700 homes on large, highly vegetated lots. The City's development standards have strict limits on the amount of non-pervious surface area existing on each property. Stormwater that is not absorbed through pervious surfaces is conveyed through the City via natural drainage courses/canyons, most lined with high-quality native habitat, that eventually are tributary to Machado Lake after commingling with stormwater from other jurisdictions. Siting stormwater treatment systems in the natural canyons and intermittent streams which are the stormwater conveyance system for our community would result in adverse environmental impacts inconsistent with the City's goals to maintain the existing native habitat and stream beds which the City values highly. Indeed we are committed to protecting both water quality and natural areas and those same goals seem to exist throughout this geographic region.

We are concerned that the proposed Machado Lake Nutrient TMDL targets, for an extremely small City the size with minimal run-off, will be technically, logistically and economically challenging to achieve. We would like to offer the following comments, questions and concerns for the Board's consideration with respect to the proposed basin plan amendment for Machado Lake:

1. Attainment of the narrative objectives should be the focus of the reconsideration of the TMDL at 7.5 years from the effective date. The numeric targets necessary to achieve the narrative objectives should be reevaluated in light of water quality monitoring and special studies as well as source reduction projects which have been implemented by the responsible agencies. There are inherent uncertainties in the proposed numerical targets. Accordingly, the final sentence in Table-29.1 should be modified to focus the reconsideration on the attainment of the narrative objectives.

2. Final numeric targets should include a design storm size for achieving Waste Load Allocations. This provides design criteria for the design of regional or distributed treatment solutions and provides a practical means of balancing of economic and societal criteria as required under Porter Cologne.
3. Data on the performance of stormwater treatment technologies¹ indicates that most of the foreseeable methods of compliance with Waste Load Allocations listed in Finding 24 and discussed in the Regional Board Staff Report, such as filter systems, swales, and bioretention areas, cannot reliably achieve mean Total Phosphorus concentrations to meet the proposed TMDL target. Thus it is unclear whether such typical distributed treatment systems are feasible or appropriate for achieving the WLA targets. Of the listed feasible means of compliance, it may be that only alum coagulation/flocculation is a technically feasible method of complying with the phosphorus target and such a system would most likely need to be designed and implemented as a regional treatment solution due to complexity of operation and maintenance. Thus MS4 Permittees may have no realistic option for compliance with the final WLA expressed as phosphorus targets except to participate in a regional treatment solution.
4. If an MS4 Permittee elects to comply with waste load allocations by actively participating in a Lake Water Quality Management Plan (LWQMP) and attaining the TMDL waste load allocations measured in the lake, it is unclear how that participation is to be documented—are the MS4 Permittees to become party to the Memorandum of Agreement or Clean Up and Abatement Order between the City of LA and the Regional Board, or are such MS4 Permittees to submit a separate Implementation Plan to the Regional Board stating their intention to participate and the means by which WLAs will be achieved? Please clarify the method of documenting an MS4 permittees' participation in the LWQMP in Table 7-29.2 of the Basin Plan Amendment.
5. Table 7-29.1 under Implementation Plan, II. Implementation and Determination of Compliance with Waste Load Allocations (WLAs) states that responsible parties may comply with interim WLAs [for nitrogen] through implementation of external nutrient source reduction projects in accordance with the TMDL Implementation Plan approved by the Regional Board Executive Officer. However, there is no provision in Table 7-29.2 for submittal and approval of these projects for achieving the Interim Objectives for WLAs by MS4 Permittees who intend to comply with the final WLA at the lake by participating in the LWQMP. Presumably MS4 Permittees participating in the LWQMP must also implement external source reduction activities/projects to meet the 5-year interim nitrogen objective as it is unrealistic to assume that jointly funded and constructed regional treatment systems could be in place within five years of the effective date. The method for obtaining Regional Board Executive Officer approval of activities/projects to meet the interim nitrogen objective needs to be clarified.

¹ Geosyntec Consultants & Wright Water Engineers 2006. Analysis of Treatment System Performance: International Stormwater Best Management Practices (BMP) Database [1995-2005]. Prepared for Water Environment Research Foundation, American Society of Civil Engineers, U.S. Environmental Protection Agency, Federal Highway Administration, American Public Works Association.

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The City appreciates the opportunity to provide these comments for your consideration on the proposed Basin Plan Amendment to incorporate a TMDL for nutrients in Machado Lake.

Sincerely,



Anton Dahlerbruch
City Manager

AD/

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cc: Yolanta Schwartz, Planning Director
Kathleen McGowan, P.E., Environmental Consulting