



COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

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GRACE ROBINSON HYDE
Chief Engineer and General Manager

September 18, 2017
File No. 31-370-40.4A



Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95814

Dear Ms. Townsend:

Comment Letter - Statewide Dredged or Fill Procedures

The Sanitation Districts of Los Angeles County (Sanitation Districts) appreciate this opportunity to submit comments on the State Water Resources Control Board's (State Board's) Proposed Amendments to the California Ocean Plan and Inland Surface Waters, Enclosed Bays, and Estuaries of California Plan to Include Statewide Wetland Definition and Procedures for Discharges of Dredged or Fill Materials to Waters of the State (Procedures). The Sanitation Districts are a confederation of 24 special districts, which serve the regional wastewater and solid waste management needs of approximately five million people who reside in 78 cities and unincorporated areas in Los Angeles County. The Sanitation Districts operate 11 wastewater treatment plants and maintain approximately 1,400 miles of sewer lines, which convey flows from industries and municipalities within service areas to the aforementioned wastewater treatment plants.

The Sanitation Districts appreciate changes made in response to previous comments, but recommend the following additional changes to the Procedures:

In Section II.4.a, the Sanitation Districts recommend that the Procedures specifically exclude artificial wetlands that have been restored or maintained for mitigation purposes under an approved management plan and long-term maintenance permits. These types of projects have been reviewed and approved by appropriate regulatory agencies, and provide for long-term protection and enhancement of the environment. Requiring an additional layer of regulatory approval for such projects would be time-consuming and expensive with no real environmental benefit.

In Section II.4.c, the Sanitation Districts recommend that additional clarification be provided regarding the interpretation of wetlands that result from "historic human activity" and have become a "relatively permanent part of the natural landscape." As written, this item could be interpreted to include many of the artificial wetlands that are excluded under Section II.4.d.

In Section IV.A.2.c, the Sanitation Districts strongly recommend that the Procedures specifically exclude compensatory mitigation requirements for artificial wetlands that have been restored or maintained for mitigation purposes under an approved management plan and long-term maintenance permits. Requiring compensatory mitigation for such projects essentially amounts to redundant requirements.

In Section IV.A.2.d, the State Board requires, on a case-by-case basis, a water quality monitoring plan if project activities include in-water work or water diversions. The Sanitation Districts recommend

limiting the Procedures to dredged or fill materials because other existing permits and processes already regulate water diversions.

In the Sanitation Districts' previous comments from August 17, 2016, we recommended a water delineation approach similar to that used by the Army Corps of Engineers, in which the project proponent may assume that waters affected by the project are jurisdictional and proceed with seeking permits accordingly. The intent was to reduce or eliminate the time and cost associated with an aquatic resource delineation report by replacing this requirement with a preliminary jurisdictional determination. The State Board revised Section III and Section A.1.b. to include a preliminary or approved jurisdictional determination in addition to a final aquatic resource delineation report. The Sanitation Districts recommends that the text be revised to explicitly allow replacement of the aquatic resource report/wetland delineation with a preliminary jurisdictional determination.

Thank you for the opportunity to provide input on the Procedures for Discharges of Dredged or Fill Materials to Waters of the State. If you have any questions on the issues identified above, please do not hesitate to contact Lysa Gaboudian at (562) 908-4288, extension 2811, or Lgaboudian@lacsds.org.

Very truly yours,



Naoko Munakata
Supervising Engineer
Reuse and Compliance Section

NM:LG:ep