



PUBLIC WORKS
DEPARTMENT

CITY OF BURBANK
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February 25, 2010

VIA E-MAIL AND U.S. MAIL

Ms. Tracy J. Egoscue, Executive Officer
California Regional Water Quality Control Board – Los Angeles Region
320 West Fourth Street, Suite 200
Los Angeles California, 90013

Attention: Veronica Cuevas-Alpuche

Re: City of Burbank's Comments on Modifications to NPDES Permit for the Burbank Water Reclamation Plant (Permit No. CA0055531, CI No. 4424)

Dear Ms. Egoscue:

The City of Burbank Public Works Department (City of Burbank) has received the proposed modifications to the NPDES Permit for the Burbank Water Reclamation Plant (BWRP) reflecting the "Settlement Agreement" between the Regional Water Quality Control Board (RWQCB) and the City of Burbank. The City of Burbank appreciates the RWQCB's staff efforts in developing the amended permits and supports their adoption. While the City of Burbank agrees that the amended permits are generally reflective of the settlement agreement, there are a few modifications to the permit that could be clarified. Our comments below reflect our comments on those modifications.

1. Because the City would like to agree upon changes to be in effect as soon as possible, and in accordance with the 1989 Memorandum of Agreement Between the U.S. Environmental Protection Agency and the California State Water Resources Control Board, the language in Finding 61 of the permit should be modified to read:

"This Order shall serve as the National Pollutant Discharge Elimination System permit pursuant to Section 402 of the Federal Clean Water Act, or amendments thereto, and is effective upon adoption because the public comments submitted were not significant, provided the Regional Administrator, USEPA, has no objections."

2. The City of Burbank appreciates the incorporation of the new dates for the effectiveness of copper and lead interim limits, but further urges the RWQCB to adopt the Los Angeles River Copper Water Effects Ratio (WER) Study and incorporate its results into the Basin Plan and the permits.

The WER was a four year effort developed in a stakeholder process with an independent Technical Advisory Committee (TAC) who reviewed the study and final results. This WER study, submitted to the RWQCB on June 3, 2008, recommended the modification of copper objectives. As such, the WER Study recommends the use of the results of the Work Plan to modify copper objectives for LA River Reaches 1, 2, 3, 4 and Burbank Western Channel resulting in site-specific objectives (SSOs) for these waterbodies. The conclusions

presented in the Final WER Study Report were supported by the TAC, including the two members who were co-authors on USEPA's WER guidance document. Furthermore, USEPA Region 9 staff submitted a statement supporting the findings and conclusions of the Study.

The City of Burbank is eager for the RWQCB to adopt this SSO and incorporate its findings into the Basin Plan. The modification to the interim limit dates is acceptable to the City of Burbank to allow time for the RWQCB to adopt the SSO, but the City of Burbank requests that this adoption be set as a high priority for the RWQCB.

3. The City of Burbank suggests that the Fact Sheet be modified to include an explanation for the modifications to the temperature limit and compliance determination language in the WDRs and to elaborate on the ambient temperature exception.

The City of Burbank believes that the implementation of this settlement is in the best interest of both the RWQCB and the City of Burbank and will benefit our mutual concern for the environment. We appreciate your consideration of our suggestions for clarifying these amendments and hope that they will be incorporated into the permit as late changes.

Please contact me if you have any questions related to our comments. We would be happy to meet or talk with your staff prior to the scheduled RWQCB hearing on this permit to discuss these issues further.

Respectfully submitted,


Daniel Rynn, Principal Civil Engineer
City of Burbank Public Works

Electronic cc to: Carolyn Barnes, Burbank City Attorney's Office
Melissa Thorme, Downey Brand LLP