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August 17, 2016
File No. 31-370-40.4A

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

Comment Letter #10

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) Preliminary Draft 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 1,300 miles of sewer lines, which convey flows from industries and municipalities within service areas to the aforementioned wastewater treatment plants. Several Sanitation Districts' water reclamation facilities discharge recycled water to inland surface waters that support effluent-dependent waterbodies 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 as well as other areas considered waters of the State. As such, the Sanitation Districts' operations may be affected by the adoption of the proposed Procedures.

The Sanitation Districts' input and recommendations on the Procedures are discussed in detail in the paragraphs that follow.

Streamlined Processes for Effluent-Dependent and Effluent-Dominated Waterbodies

The Sanitation Districts believe that regulating effluent-dependent waterbodies as though they were natural is inappropriate, since these waterbodies would not exist without the recycled water discharges. Routine maintenance and repairs of such facilities are required to assure compliance with regulatory permits, avoid nuisance to beneficial uses, and preserve the waterbodies. For example, levee maintenance and dredge activities have been necessary to maintain acceptable water quality, reduce hydrological modification due to sediment accumulation and plant overgrowth, and preserve other characteristics. In such situations, the Procedures could add regulatory requirements to permitting processes that significantly impede our ability to complete needed maintenance and thereby result in permit violations. Therefore, the Sanitation Districts recommend that the Procedures be modified to provide streamlined procedures or requirements for maintenance of effluent-dependent waterbodies.

10.1

No Compensatory Mitigation for Waterbody Restoration/Maintenance

The Sanitation Districts strongly recommend that the Procedures specifically discourage compensatory mitigation requirements for waterbody restoration or maintenance efforts, including actions to service required mitigation. Such efforts benefit these waterbodies and requiring compensatory mitigation essentially amounts to requiring mitigation for a mitigation effort. Requiring compensatory mitigation in such cases would provide a disincentive for parties to undertake restoration and maintenance and, as such, would be detrimental to the efforts to protect and enhance waterbodies.

10.2

Increased Time Required for Wetlands Delineation (Sections III, IV)

The Procedures require a wetland area delineation based on the methods used in the Corps' approved methods for delineation, including three federal documents known as the 1987 Manual and Supplements. Although the Sanitation Districts do support consistency between different agency requirements, the Corps has previously acknowledged how time-consuming and expensive this method could be to implement. We recommend an approach similar to that used by the Corps, in which the project proponent may assume that waters affected by the project are jurisdictional and proceed with seeking permits accordingly. This approach would provide environmental protection while eliminating the time and cost required for a jurisdictional determination.

10.3

Emergency Permits for Dredge and Fill Activities

The Sanitation Districts recommend the addition of an emergency permit option in case immediate action is necessary to avoid loss of or damage to an essential public service or asset. In such a case, the permittee could be required to complete an application within 60 days after the emergency work has been completed.

10.4

Requirements for Discharge Technology (Appendix A, Subpart H)

The required use of "machinery and techniques that are especially designed to reduce damage to wetlands" (Section 230.74) could result in the mandated use of special machinery over hand tools, which would be costly and time-consuming with little environmental benefit. The Sanitation Districts suggest making the following change to Section 230.74:

10.5

- (c) Using machinery and techniques that ~~are especially designed to reduce damage to wetlands~~ **minimize damage to wetlands to the extent practicable.**

Thank you for the opportunity to provide input on the 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@lacsdsd.org.

Very truly yours,



Ann T. Heil
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Technical Services Department