



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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MARK PESTRELLA, Director



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July 10, 2017

IN REPLY PLEASE
REFER TO FILE: WM-9

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Dear Ms. Townsend:

303(D) LIST FOR WATERBODIES IN THE LOS ANGELES REGION COMMENT LETTER

The County of Los Angeles and the Los Angeles County Flood Control District appreciate the opportunity to provide comments on the proposed revisions to the Clean Water Act Section 303(d) List of Impaired Waters in the Los Angeles Region. Enclosed are our comments for your review and consideration.

If you have any questions, please contact me at (626) 458-4300 or dlaff@dpw.lacounty.gov or your staff may contact Mr. Paul Alva at (626) 458-4325 or palva@dpw.lacounty.gov.

Very truly yours,

MARK PESTRELLA
Director of Public Works

A handwritten signature in black ink, appearing to read "Daniel J. Lafferty".

DANIEL J. LAFFERTY
Assistant Deputy Director
Watershed Management Division

GA:sw
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Enc.

cc: County Counsel (Michael Simon, Lillian Salinger, Grace Chang)

THE COUNTY OF LOS ANGELES AND THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT COMMENTS ON THE PROPOSED 2016 303(d) LIST

I. Per the EPA Recommendations, the Lead and Copper Listings for Peck Road Park Lake, Legg Lake, and Santa Fe Dam Park Lake Should Be Delisted.

The following waterbodies are currently still listed on the 303(d) list for metals despite the lack of water quality impairment and the United States Environmental Protection Agency (USEPA) recommendations to delist these waterbody-pollutant combinations:

- Peck Road Park Lake: Lead
- Legg Lake: Copper, Lead
- Santa Fe Dam Park Lake: Copper, Lead

Section 4.3 of the Los Angeles Area Lakes Nitrogen, Phosphorus, Mercury, Trash, Organochlorine Pesticides and PCBs TMDLs¹ (LA Area Lakes TMDLs), promulgated by the USEPA in 2012, states that Peck Road Park Lake was sampled for lead between December 2008 and September 2010 and no exceedances were found for lead during this time. Therefore, the USEPA concluded that Peck Road Park Lake met the lead water quality standards, and that preparing a TMDL for lead would be unwarranted. The USEPA recommended that Peck Road Park Lake not be identified as impaired by lead in California's next 303(d) list.

Sections 9.3 and 9.4 of the LA Area Lakes TMDLs² state that Legg Lake was sampled for lead and copper between February 2009 and September 2010 and no exceedances were found for lead or copper during this time. Therefore, the USEPA concluded that Legg Lake met the lead and copper water quality standards, and that preparing a TMDL for lead and copper would be unwarranted. The USEPA recommended that Legg Lake not be identified as impaired by lead or copper in California's next 303(d) list.

Sections 11.3 and 11.4 of the LA Area Lakes TMDLs³ state that Santa Fe Dam Park Lake was sampled for lead and copper between March 2009 and August 2010 and no exceedances were found for lead or copper. Therefore, the USEPA concluded that Santa Fe Dam Park Lake met lead and copper water quality

¹ <https://www3.epa.gov/region9/water/tmdl/la-lakes/LALakesTMDLsSection4PeckRoadParkLake.pdf>

² <https://www3.epa.gov/region9/water/tmdl/la-lakes/LALakesTMDLsSection9LeggLakes.pdf>

³ <https://www3.epa.gov/region9/water/tmdl/la-lakes/LALakesTMDLsSection11SantaFeDamParkLake.pdf>

standards, and that preparing a TMDL for lead and copper would be unwarranted. The USEPA recommended that Santa Fe Park Dam Park Lake not be identified as impaired by lead or copper in California's next 303(d) list.

The USEPA collected sufficient data to reach the conclusions described above for these lakes, i.e., findings of non-impairment and the recommendation to delist them. Of 26 samples collected for Peck Road Park Lake, there were no exceedances of lead. Of 33 samples collected for Legg Lake, there were no exceedances of copper and lead. Of 28 samples collected for Santa Fe Dam Park Lake, there were no exceedances of copper and lead.

In response to comments, the Los Angeles Regional Board indicated that staff did not address these waterbody-pollutant combinations due to resource constraints coupled with challenges of identifying QA/QC documents associated with the data. However, Regional Board staff do not need to do any analysis because the USEPA already conducted the analysis needed and made the recommendation to delist these waterbody-pollutant combinations. Making a reference to the USEPA's 2012 LA Area Lakes TMDL should be sufficient evidence to delist these waterbodies as a similar approach has been utilized for delisting other waterbodies. For example, the Regional Board delisted Diazinon for Dominguez Channel based on the analysis and findings of non-impairment presented in a USEPA approved TMDL. To this end, the 303(d) list fact sheet for Diazinon in the Dominguez Channel⁴ states, "*there is sufficient justification to delist this waterbody/pollutant because when the Dominguez Channel and Los Angeles and Long Beach Harbors Toxics and Metals was completed, the TMDL analysis showed no diazinon concentrations above the guideline, post 2005.*"

Therefore, the County of Los Angeles (County) and the Los Angeles County Flood Control District (LACFCD) request that lead for Peck Road Park Lake, copper and lead for Legg Lake and Santa Fe Dam Park Lake be delisted based on analyses and the recommendation presented in the 2012 LA Area Lakes TMDL.

II. The Benthic Community Effects Listings Should Be Delisted for Alhambra Wash, Arroyo Seco Reach 1, and Los Angeles River Reach 4

The following concrete-lined channels are inappropriately proposed or remain listed for benthic community effects:

- Alhambra Wash (proposed)
- Arroyo Seco Reach 1 (existing)

⁴ http://www.swrcb.ca.gov/losangeles/water_issues/programs/303d/2016/Appendix_I/01077.shtml#33061

- Los Angeles River Reach 4 (proposed)

These listings of concrete channels for benthic community effects is not consistent with the Regional Board's approach stating that current biological indices (standards) are not calibrated for such channels in response to comments regarding other concrete-lined channels. Specifically, the Regional Board's response to comments states that *"benthic community listings for waterbodies that are lined entirely with concrete have been reassigned to Category 3 until such time as benthic community condition scores have been more specifically calibrated for concrete-lined channels."* This reasoning was used to delist benthic community listings for other concrete-lined channels, such as Ballona Creek⁵ and Dominguez Channel⁶.

The three waterbodies listed above are fully concrete-lined channels and, thus, should be reassigned to Category 3. The reconnaissance survey conducted by the Regional Board during the recreational use reassessment (RECUR) of the engineered channels of the Los Angeles River Watershed⁷ has confirmed that these are concrete-lined channels.

- Page 88 of the RECUR report describes Alhambra Wash as, *"...a concrete-lined box channel (with vertical walls) throughout its length..."*. LACFCD's database further confirms this fact.
- Page 66 of the RECUR report describes Arroyo Seco Reach 1 as *"concrete lined the entire length except in a short section just south of W. Holly Street to the Colorado Boulevard overpass where the stream channel is natural."* A further assessment by the LACFCD reveals that the natural section is approximately 0.25 miles of the more than seven miles total length of Arroyo Seco Reach 1 (see enclosed map). As shown in the map, the natural spot is located under a freeway, which is heavily constrained by bridge piers. This natural portion (which accounts only for 3% of the total reach length and located under a freeway) is negligible and, thus, Arroyo Seco Reach 1 should be considered fully concrete channel.
- Page 36 of the RECUR report describes the Los Angeles River Reach 4 as *"a channel with vertical concrete walls with a flat concrete bottom."*

⁵ http://www.swrcb.ca.gov/losangeles/water_issues/programs/303d/2016/Appendix_I/01082.shtml#32566

⁶ http://www.waterboards.ca.gov/losangeles/water_issues/programs/303d/2016/Appendix_I/01077.shtml#66165

⁷

http://www.waterboards.ca.gov/losangeles/water_issues/programs/bpa/docs/ben_uses/RECUR%20Final%20Report_Part%20I.pdf

LACFCD's database further confirms that this reach of the LA River is fully lined with concrete.

Therefore, to remain consistent, the benthic community listing for Alhambra Wash, Arroyo Seco Reach 1, and Los Angeles River Reach 4 should be removed from the 303(d) list and reassigned to Category 3.

III. The Toxicity and Temperature Listings for The Los Angeles Region are Not Appropriate, and The State Water Board Should Reconsider the Regional Board Staff's Decision to List Them

The Regional Board's decision regarding toxicity and temperature listings should be reviewed by the State Water Board in conjunction with the County and LACFCD comments. The comment letter to the Regional Board is available at http://www.swrcb.ca.gov/losangeles/water_issues/programs/303d/2016/comments/17_LAC-LACFCD_p53.pdf. Comments III and IV (pages 6-9 of the pdf) discusses justifications for not listing toxicity and temperature, respectively.

IV. The October 3rd State Water Board Hearing on 303(d) List Should Be Held at Los Angeles Region

Unlike other regions, the Los Angeles Region 303(d) list has not been formally adopted by the Los Angeles Regional Board. Thus, the Los Angeles Region stakeholders request the opportunity to express their concern to the State Water Board during the October 3rd hearing. Travel to Sacramento can be cost prohibitive for many, therefore the October 3rd hearing should be held in the Los Angeles Region to encourage robust stakeholder participation.

ARROYO SECO REACH 1

