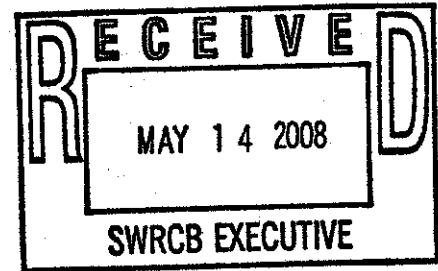




Heal the Bay

May 14, 2008

Chairwoman Doduc and Board Members
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814



Re: Comments on the Proposed State Water Board Approval of the Amendments to the Water Quality Control Plan for Los Angeles Region to Establish a Total Maximum Daily Load to Reduce Metals in the Los Angeles River and its Tributaries and a Total Maximum Daily Load to Reduce Metals in Ballona Creek and its Tributaries.

Dear Chairwomen Doduc and Board Members:

On behalf of Heal the Bay, we submit the following comments on the proposed State Water Board approval of Amendments to the Water Quality Control Plan for Los Angeles Region to Establish a Total Maximum Daily Load to Reduce Metals in the Los Angeles River and its Tributaries and a Total Maximum Daily Load to Reduce Metals in Ballona Creek and its Tributaries ("TMDLs"). As stated in the Public Notice, the only aspects of the TMDLs that are appropriate for public comment at this time are the CEQA Alternatives Analysis and impacts of this analysis on the TMDL. Thus, we limit the scope of our comments to these issues. We appreciate the opportunity to provide these comments.

Heal the Bay supports the TMDLs adopted by the Los Angeles Regional Water Quality Control Board on September 6, 2007 (Resolution Nos. 2007-014 and 2007-015). We believe that implementation of these TMDLs will lead to water quality standards attainment.

In particular, we strongly support Alternative 1 which is the alternative that was selected by the Regional Board. Alternative 1 is based on the previously adopted TMDLs (Resolution Nos. 2005-006 and 2005-007). Specifically, this alternative identifies TMDLs for metals and reaches on the 1998/2002 303(d) List, as well as for metals and reaches identified as impaired but not listed under section 303(d) of the Clean Water Act at the time the TMDL was originally adopted. It is important to note that the USEPA approved the 2006 303(d) List which now includes the metals that were covered by the previously adopted TMDLs but were not on the 1998/2002 303(d) List. Thus, there can be no dispute that the TMDLs must include all of the metals and reaches that were in the previously adopted version.

In addition, as the Regional Board Staff articulates in their Alternatives Analysis, Alternative 1 is the only alternative that complies with state and federal law and the consent decree by establishing a TMDL as required by section 303(d). Alternative 1 also achieves the goal of removing metal impairments in these waterbodies over a reasonable implementation timeframe. The State Board has already acknowledged the appropriateness of these TMDLs when it approved Resolution Nos. 2005-006 and 2005-007.

Finally, Heal the Bay strongly supports the maintenance of the timelines that were triggered by the January 11, 2006 effective date for Ballona Creek Metals TMDL and Los Angeles River Metals TMDL. The responsible parties have already had sufficient time to make progress towards meeting the adopted waste load allocations. Further, the State Board deemed the time schedule appropriate when it approved the TMDLs. Adhering to the time schedule established in the previously-adopted TMDL is extremely important from the standpoint of protecting aquatic life. The schedule will ensure that pollutant loading reductions occur in a timely manner, and this will lead to cleaner sediments in Los Angeles River Estuary and reduced toxicity. Thus, there is no reason that the time clock should start over. The Regional Board appropriately maintained the timelines triggered by the January 11, 2006 effective date.

In conclusion, the approval of the metals TMDLs for Los Angeles River and its tributaries and Ballona Creek and its tributaries should be a very straightforward decision for the State Board. We believe that implementation of these TMDLs will lead to water quality standards attainment. We therefore urge the State Board to adopt the Resolutions approving the TMDLs. If you have any questions or would like to discuss any of these comments, please feel free to contact me. Thank you for your consideration of these comments.

Sincerely,

Kirsten James
Water Quality Director