



Public Comment
LA River Trash - TMDL
Deadline: 3/5/08 by 12 p.m.

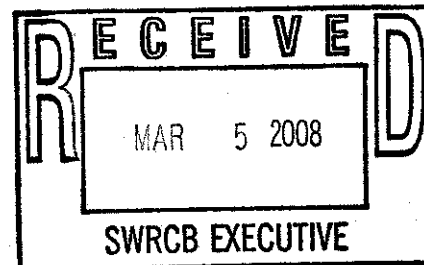
CITY OF SIGNAL HILL

2175 Cherry Avenue • Signal Hill, California 90755-3799

March 5, 2008

VIA FAX

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814



Subject: Comment Letter – Los Angeles River Trash TMDL

Dear Ms. Townsend and Members of the Board:

I am writing on behalf of the City of Signal Hill to provide comments regarding the Los Angeles River Trash TMDL. We appreciate the opportunity to provide these comments.

The City of Signal Hill has been very proactive in attempting to implement the TMDL, including applying for a State Water Board Proposition 13 grant to protect 15 major outfalls into the Hamilton Bowl retention basin. The Hamilton Bowl Trash Reduction Project – An Evaluation of Trash Capture Systems (SWRCB Contract 03-141-554-0) was a pilot program designed to test various trash capture technologies, including the Fresh Creek net system, the Roscoe-Moss Linear Radial Unit device and AbTech insert units. This project included the installation of a CDS vortex style unit as well by the City of Long Beach. We thank the State and Regional Board for their participation in this project. We feel that the lessons learned from this project can be applied to the Trash TMDL to make the regulations more cost-effective for the regulated community.

As way of a brief overview, the total project costs were \$1,570,000, of which \$521,369 was attributed to the State grant. The systems are proving to be very effective, but have also pointed to the impractical requirement of the "Zero" TMDL. Over 3,647 lbs. of trash and debris were captured at the Hamilton Bowl by the trash capture system during a one-day rainstorm event with .19 inches of precipitation; however, in high flow events some trash has to bypass the system in order to prevent localized flooding. As effective as the three systems are, they have resulted in high installation and maintenance costs.

Signal Hill is somewhat unique in the watershed since our community is able to utilize an existing storm water detention basin for the installation of the trash nets and radial devices. The Hamilton Bowl was constructed by Los Angeles County in the 1950s and these "sunk costs" are not included in the following review. We have found that the

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annual operations and maintenance costs for the 15 devices is \$87,500. This is significantly higher than the Regional Board per household cost estimates. The amortized annual per-household costs for Signal Hill are \$34.43. This has resulted in a 30 percent increase in our per-household costs for NPDES Permit compliance. This is well above the Regional Board's per-household estimated costs for NPDES Permit compliance of \$18.00 per household countywide. It should be noted that Signal Hill's NPDES Permit compliance costs are \$126.17 per household, which is significantly higher than regional or statewide costs as part of the State Board study in 2005.

The City has also encountered vandalism of the devices, which has resulted in additional repair costs of \$50,000 in FY2007-2008 alone. We avoided using galvanized metals to construct these devices, recognizing that the Los Angeles River is impaired for lead and zinc (both metals are used in the galvanization process). The devices were manufactured in stainless steel to prevent rusting. Unfortunately vandals have been scraping out the metal. The region is experiencing illegal scraping of metals, such as galvanized guard rails and copper wire from street light systems. We are currently in the process of redesigning the devices to prevent future vandalism. The impact of vandalism will make it difficult to measure trash reduction. Cities should not be penalized when attempting to repair vandalized devices.

We have learned significant lessons in managing the Hamilton Bowl project, which we felt would be beneficial to the Regional Board in their consideration of the Trash TMDL and the Catch Basin Prioritization and Protection Plan (CBPPP) presented as an alternative to the Regional Board. We found it very difficult, expensive, and time consuming exercise to "count" trash. The units of measurement of "wet vs. dry" trash are inherently different. Measuring each had its advantages and disadvantages, especially in attempting to define the Baseline, Daily Generation Rate and System Clean Out requirements in the TMDL. To overcome the problem for grant compliance, we had to measure both wet and dry trash, which included intensive manual sorting. We were working on an easy to use counting protocol for use by field crews, with the Regional Board. However this suggestion was effectively "shelved" by the Regional Board. A more detailed explanation of the TMDL negotiations is contained in a separate comment letter being submitted by Mr. Richard Watson for the Coalition for Practical Regulation.

We also found that the manual sorting of debris presented its own set of problems, primarily from overly enthusiastic sorting crews occasionally abandoning safety procedures (sorting tools) in favor of a faster hand picking system, with increased exposure to sharp objects, like broken glass, hidden amongst the litter. We found tremendous variation in trash generated from the various land uses. It was clear that low-density residential areas generated significantly less trash, which led us to conclude that we should first identify the highest litter generating areas in our community, with prioritization of the catch basins first. We also found that street sweeping programs, including active enforcement of parking restrictions on street sweeping days, was very effective in reducing trash. However, trash reductions from street sweeping are difficult, expensive and time-consuming to document. It involves the dumping and sorting of street sweepings. The collection data indicated that a significant amount of the debris is

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generated from vegetation. The outfalls ranged from 70% to 100% vegetation, with smaller percentages of plastic, paper, glass and metal. It takes quite an effort to sort through the vegetation to measure the actual trash in order to determine the reductions. The actual "dual use" of the Hamilton Bowl, as a park and detention basin, made it difficult to document trash reduction. Park users routinely littered, despite the ready availability of trash receptacles.

In an effort to more cost-effectively address the problem of trash in the Los Angeles River Watershed, the City of Los Angeles, the County of Los Angeles, the cities of Burbank, Glendale, La Cañada-Flintridge, and Pasadena, and Caltrans also funded the development and testing of alternative full-capture devices. We appreciate the efforts of these agencies, and the work of Los Angeles Regional Water Board staff to develop performance criteria for BMPs deemed to be full-capture devices and to certify additional full-capture devices. This work, along with the Hamilton Bowl project, provides additional trash control options that will assist cities to reduce the impacts of trash in the watershed. While we are encouraged by the availability of alternative full-capture devices, we continue to be extremely concerned about several aspects of the Los Angeles River Trash TMDL.

A principal concern that we have with the TMDL adopted by the Los Angeles Regional Water Board is that it continues to include a numeric target of zero trash in the water. This has been a major concern since the first version of the Trash TMDL was adopted in 2001. As demonstrated in the Hamilton Bowl project, it is an impossible target to achieve. There are too many sources of trash that municipalities do not – and cannot – control. In addition, we cannot control the wind, which acts as a transport mechanism for trash. The Regional Water Board appears to at least recognize that zero is an impossible numeric target. They have now included a statement in Attachment A to Resolution No. 2007-012 that states, "Nonpoint sources, i.e., direct deposition of trash by people or wind into the water body, is a de minimus source of trash loading to the LA River." However, the zero target remains.

Furthermore, the Regional Water Board, while asserting that the loading capacity is zero, has neither performed a thorough source analysis nor an assimilative capacity study. The absence of an assimilative capacity study is surprising because the Staff Report acknowledges that there was an absence of paper products in the Calabasas Continuous Deflective Separation Unit (CDS) that was used to establish the default values for earlier versions of the TMDL. The Report indicates that staff assumed that part of the trash that had accumulated in the CDS unit had decomposed in the unit. Similar decomposition of paper could be expected in the Los Angeles River and its tributaries.

Secondly, we are concerned that the Regional Water Board all but ignored the cities' suggested alternatives to the Trash TMDL. In the months preceding the Regional Board's re-adoption of the Trash TMDL, cities developed a Catch Basin Prioritization and Protection Plan (CBPPP) as an alternative to the Trash TMDL. We were initially encouraged by Regional Water Board staff's apparent willingness to consider the CBPPP and by staff's particular interest in the Prioritization Component of the Plan.

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However, even though city representatives met multiple times with Regional Water Board staff and made revisions based on their input, the CBPPP Alternative to the Trash TMDL was ignored and not included in the Substitute Environmental Document (SED) prepared for the TMDL adoption process.

Prioritization is an important strategy for dealing with trash. Differential trash generation was acknowledged by the Los Angeles Regional Water Board in the 2001 Los Angeles County MS4 Permit, which required that municipalities divide catch basins into three maintenance categories. Prioritization will facilitate faster reduction of trash in the receiving waters in a cost-effective manner.

The Catch Basin Prioritization and Protection Plan was developed as a sound, practicable method for cities to begin to tackle the tough problem of trash. It builds upon maintenance priority concepts in the MS4 permit and incorporates the results of the EPA funded study, "Market Based Strategies for Reducing Trash Loading to Los Angeles Area Watersheds," published in March 2006. The CBPPP was designed to utilize community litter surveys using the Keep America Beautiful Litter Index (KAB) methodology that has been successfully used in hundreds of communities nationwide.

Cities would complete litter surveys and submit preliminary CBPPPs to the Los Angeles Regional Water Board within 180 days of final TMDL approval by the State Water Board and USEPA. Cities would then commence work with Los Angeles Regional Water Board staff and other stakeholders to develop a protocol for estimating trash removed from catch basins to improve accuracy of estimates.

Fifteen percent of catch basins with the highest trash generation rates, starting with commercial areas, would be protected within one year following Regional Board approval of the CBPPP. Thirty percent of catch basins with the highest trash generation rates would be protected within three years following approval of the CBPPP. Cities would update their Plans in year four. They also would submit strategies for addressing single-family neighborhoods and other remaining low trash generation areas at that time.

The anticipated results from implementation of the CBPPP are as follows:

- o Protecting the 15% of a jurisdiction's catch basins with the highest trash generation rates will result in a 50% reduction in water-borne trash.
- o Protecting the 30% of a jurisdiction's catch basins with the highest trash generation rates will result in a 65-70% reduction in water-borne trash.

We view these expected results as an indication that the CBPPP would be a very positive step that could help to dramatically reduce the impact of trash in our watershed.

We also are concerned that the TMDL adopted by the Regional Water Board appears to have been designed to punish municipalities that exercised their rights to challenge a TMDL that they thought to be flawed. The adopted TMDL requires a 40% reduction in

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one year. This requirement appears to be based on a presumption that cities should have implemented the TMDL even though it had been set aside.

On August 9, 2007, the Los Angeles Regional Board adopted the Trash TMDL. They did not grant the request by cities to defer adoption in order for cities to have a chance to work with the Regional Water Board and staff to amend the CBPPP to make it a workable alternative for all concerned parties, and did not incorporate the CBPPP as an alternative in the Substitute Environmental Document. Further, they ignored cities' requests that the SED be re-noticed due to last-minute changes on which cities and the public were not given the chance to comment.

The City Signal Hill, together with other cities in the Los Angeles River Watershed, would like to have the opportunity to work with the LA Regional Water Board to create a workable Trash TMDL. We request that the State Water Board remand the TMDL back to the Los Angeles Regional Water Board with directions to work with cities to finalize a CBPPP alternative that Staff could support and to address other issues related to adoption and implementation of the TMDL. In addition, we request that the State Water Board direct the Regional Water Board to re-notice the Draft Substitute Environmental Document (SED) to solve the problem created by substantial last-minute changes in the July 27 Revised Draft SED and the absence of the CBPPP alternative in that document.

We appreciate the opportunity to provide these comments.

Sincerely,



Kenneth C. Farfing
City Manager

cc: Mayor & Council
City Attorney
CPR Cities