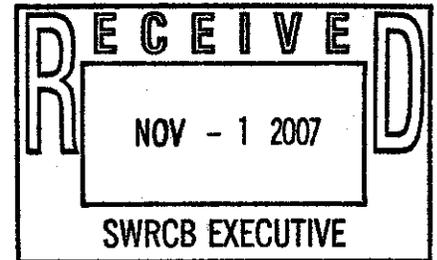


San Gabriel River Watershed Management Area Committee

November 1, 2007

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



Subject: Comment Letter –Legg Lake Trash TMDL

Dear Chair Doduc:

At our October 25, 2007 meeting, the San Gabriel River Watershed Management Area Committee (SGRWMAC) briefly discussed the Legg Lake Trash TMDL and agreed that an appeal should be sent to the State Board requesting that technical inaccuracies be clarified before its adoption. The SGRWMAC includes 28 municipal agencies in the San Gabriel River Watershed, of which only Los Angeles County is subject to the conditions of this TMDL. The two cities primarily impacted by the TMDL (i.e. El Monte and South El Monte) are not members of the SGRWMAC and, to our best of our knowledge, the drainage facilities for those cities do not discharge to our watershed.

Finding 8 of the draft Board Resolution states that "Legg Lake is located in the San Gabriel River Watershed...". Legg Lake is actually in the Whittier Narrows Flood Control Basin: a single facility, which can independently detain flood flows from either the Rio Hondo or San Gabriel Rivers, but almost exclusively segregates flows from those rivers and delivers their runoff to either the West or East Whittier Narrow Dams respectively. It would only be during a rare (probably greater than 10 year) regional flood event, that storm flows from these two watersheds might commingle. This TMDL does not apply during these rare events (e.g. note the definition of a full capture device) and the Regional Board staff has acknowledged that our cities are not among the agencies responsible for its implementation. The inclusion of this "impairment" among the San Gabriel River 303(d) listings is simply an error and artifact of the Consent Decree between the United States Environmental Protection Agency and Heal the Bay.

We suggest that in the name of government efficiency, the Legg Lake Trash TMDL should be considered as part of the Los Angeles River Trash TMDL (which already covers the Rio Hondo tributary) and adopted by the Regional Board on August 9, 2007. We understand that Los Angeles River Trash TMDL will be heard by your Board in 2008 and you could direct staff to unify the two TMDLs for consideration at that hearing. We respect the right of the Board to issue this TMDL separately, especially given the differences in implementation measures that are planned for this tributary water body. However, we do not understand the insistence of the Regional Board staff in distorting fact by attributing this water body to our watershed and encourage you to either make the TMDL technically accurate or remand it to have those corrections made. Frankly, it

is a sad reflection on the state of local water quality discourse and regulatory policy making, when acknowledged technical inaccuracies are perpetuated to conserve legal consistency and the status quo. We would hope that the knowledge of local experts would not be so blatantly and repeatedly sacrificed for regulatory expediency.

In closing, the SGRWMAC does not dispute the intent or importance of the Legg Lake Trash TMDL and its impact on our member agencies is negligible; however we do wish that it was based on facts, good science, and technically accurate. We encourage the State and Regional Board staff to be more receptive to meeting with representatives of the MS4 Permittees and work out the terms that will be used in drafting new Permits, Basin Plan Amendments, or Board Orders. Please feel free to contact me 562-904-7112 for further discussion on this and any other ongoing matters.

Sincerely,

Original signed by:

Gerald E. Greene, DEnv, PE, QEP
Chair, SGRWMAC

cc: SGRWMAC Permittees,
John Hunter, LARWMAC Chair