



# CITY OF LA VERNE CITY HALL

3660 "D" Street, La Verne, California 91750

October 24, 2006

Honorable Tam Doduc, Board Chair  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

Attn: Song Her, Clerk to the Board

**Subject: Comment Letter for Metals TMDL in the San Gabriel River**



Dear Chair Doduc:

The City of La Verne appreciates the opportunity to provide comments on the San Gabriel River Metals Total Maximum Daily Loads (TMDL). Also, the City of La Verne supports and encourages efforts to improve water quality within the state based on sound science and methods, and to proceed in a manner that is achievable, and cost-effective. The City has several broad concerns with the TMDL.

First, it is inappropriate to require cities to plan for El Nino sized storms in relation to wet-weather TMDLs. It would be a greater benefit to instead utilize a "design storm" as a benchmark for measuring valid TMDL levels. Second, the U.S. Forest Service must be involved in the TMDL process. Over 20% of the San Gabriel River Watershed is located in the Angeles National Forest. There is significant evidence that metals originating from the forest create high metal loads in the region's surface waters, particularly after recent forest fires. Additionally, the proposed TMDL also assigns responsibility to cities for metal loads arriving to city lands from atmospheric deposition. There are recent studies (Sabin, et al) revealing that 57%-100% of the metals found in urban runoff are attributed to atmospheric deposition (copper in brakes, zinc in tires, etc). This makes local government responsible for metals pollution outside their jurisdiction and control. Furthermore, the proposed TMDL provides unequal treatment for cities in the watershed, based on differing requirements found in the two separate NPDES Permits. These fundamental problems stem from the Regional Board's holding the Los Angeles County cities accountable for atmospheric deposition, while the Santa Ana Regional Board exempts their cities from being responsible for atmospheric deposition.

Next, the City is concerned that the application of the California Toxics Rule (CTR) limits to storm water is inappropriate and, in its current form, is unworkable. CTR limits are extremely low, exceeding municipal drinking water limits. For example, the average copper level in the City of La Verne's drinking water is 226 micrograms per liter where as the CTR requirement for storm water is 9 micrograms per liter. While it is reasonable to recognize that the entire watershed contributes flow to the compliance point, it is



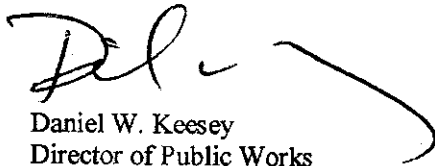
General Administration 909/596-8726 • Water Customer Service 909/596-8744 • Parks & Community Services 909/596-8700  
Public Works 909/596-8741 • Finance 909/596-8716 • Planning 909/596-8706 • Building 909/596-8713  
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unreasonable to impose a significant compliance burden on cities for load areas that are not listed, where no impairment exists, and where metals concentrations in flows are below CTR limits. Furthermore, the regional Board is mandating that upstream reaches meet certain numeric targets in order to achieve compliance downstream, which is contrary to California Water Code Section 13360(a). Implementing Best Management Practices that are intended to target a design storm and treat concentrations in the receiving water to the Maximum Extent Practicable is an effective and reasonable solution to water quality problems throughout the watershed. We note that the TMDL allows the City and others to conduct special studies to resolve outstanding scientific and engineering issues. However, the City firmly believes that it is the responsibility of the Regional Board to conduct these and other relevant studies prior to adoption and implementation of the TMDL. The City of La Verne is ill equipped to conduct such detailed scientific and engineering studies due to a lack of financial resources and staff. These studies should be completed by the Regional Board which is the agency implementing the regulations. Furthermore, the costs of implementing a TMDL that will likely include special studies, increased annual storm water programs, and capital improvements are estimated to be in the hundreds of millions of dollars for each community. The City does not have a dedicated budgetary source that can absorb such exorbitant costs and will likely have to cut programs essential to La Verne's quality of life.

Finally, the City of La Verne believes that an Environmental Impact Report or proper functional equivalent document (FED) for the TMDL must be prepared rather than the negative declaration proposed, given the potentially significant adverse environmental impacts that may result from the TMDL. Additionally, the City is concerned that no analysis was performed on the economic impacts on small cities under the Regulatory Flexibility Act, which recognizes the budgetary hardships that strict compliance would cause to small cities such as La Verne (Population of 33,000). The City of La Verne requests that the State Board remand the TMDL to the Regional Board to correct the deficiencies noted in this letter and in the comments submitted by the CPR cities to the Regional Board. The State Board should direct the Regional Board to conduct the appropriate scientific studies, Porter-Cologne analysis and CEQA analysis prior to adoption of the TMDL. The City welcomes a cooperative approach with the State and Regional Board to supply the necessary information and to prevent all adverse impacts from the TMDL.

Thank you for your consideration and if you have any questions regarding our comments or if we can be of any assistance please contact JR Ranells at (909) 596-8741.

Sincerely,



Daniel W. Keeseey  
Director of Public Works

c: City Council  
Martin R. Lomeli, City Manager  
Bob Russi, Assistant City Manger