



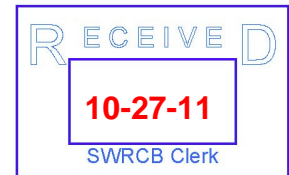
City of Manhattan Beach

Public Works Department

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October 27, 2011

Ms. Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 "I" Street, 24th Floor
Sacramento, CA 95814
Via email: commentletters@waterboards.ca.gov



Subject: Comment Letter – Santa Monica Bay Marine Debris TMDL

Dear Chair and Board Members:

The City of Manhattan Beach appreciates the consideration given by the Los Angeles Regional Water Quality Control Board to our comment letter submitted during adoption of the Santa Monica Bay Nearshore and Offshore Debris TMDL. In accordance with the Revised Notice of Opportunity to Comment on the State Board's proposed approval of the Santa Monica Bay Marine Debris TMDL, we would like to provide additional comment with respect to revisions in the final version of the Basin Plan amendment adopted by the Los Angeles Regional Water Quality Control Board which we did not previously have an opportunity to comment upon since this language was not finalized until after the Regional Board Hearing on the matter.

Our comment is with respect to Task 11 of the Implementation Schedule in Table 7-34.2 and Task 7 of Table 7-34.3 of Attachment A to Resolution No. R10-010 Proposed Amendments to the Water Quality Control Plan – Los Angeles Region for the Santa Monica Bay Nearshore and Offshore Debris TMDL. Tasks 7 and 11 which were not included in the Tentative Order provide that "If within three (3) years of Regional Board adoption date of this TMDL, a city or county voluntarily adopts local ordinances to ban plastic bags, smoking in public places and single use expanded polystyrene food packaging, it shall receive a three-year extension of the final compliance date". It is the City's recommendation that **Task 11 and 7 in these tables should be revised to provide three years from the effective date of the TMDL rather than three years from the date of adoption by the Regional Board for municipalities to enact these local ordinances.**

You may be aware that on July 14, 2011 the City of Manhattan Beach was notified in a unanimous Supreme Court decision that it had prevailed in defending its July 2008 ordinance to ban plastic bags in a suit brought by the "Save the Bag Coalition". As is evident from the City's experience, the process of adopting such ordinances involves a significant amount of staff and City Attorney time as well as important public comment processes and it is not reasonable to expect that the city should be able to adopt two additional such ordinances which can withstand legal challenges in less than two years. Since Tasks 7 and 11 only provide for extension of the final compliance deadline, but do not provide any extension of the interim deadlines, to provide

three years from date of adoption to enact ordinances will not in any way delay the actions that must be taken by municipalities to comply with the interim deadlines for compliance with the Marine Debris TMDL.

The City appreciates your consideration of our comment and direct experience with this issue.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Arndt', with a long horizontal stroke extending to the right.

Jim Arndt, P.E.
Director of Public Works