

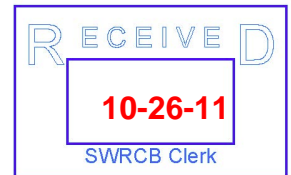
CITY OF GLENDORA CITY HALL

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10/25/2011

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-2000



Subject: Dominguez Channel/Harbor Toxics TMDL

Dear Ms. Townsend:

The **City of Glendora** is pleased to respond to the State Water Resources Control Board (State Board) invitation to comment on the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters (DC/Harbors Toxics TMDL).

The City's comments are contained in the attached petition the City filed with the State Board in early June of this year. As you may be aware, the State Board rejected the City's petition. This action was based on an opinion from the Assistant Chief Counsel, who concluded that Regional Board adoptions of basin plans are not subject to review by petition to the State Board, per CWC § 13320. However, we struggle to find anything in this section that prevents the State Board from reviewing a Regional Board's adoption of a TMDL as a basin plan amendment. It states clearly that:

- (a) *Within 30 days of any action or failure to act by a regional board under subdivision (c) of Section 13225, Article 4 (commencing with Section 13260) of Chapter 4, Chapter 5 (commencing with Section 13300), Chapter 5.5 (commencing with Section 13370), Chapter 5.9 (commencing with Section 13399.25), or Chapter 7 (commencing with Section 13500), any aggrieved person may petition the state board to review that action or failure to act. In case of a failure to act, the 30-day period shall commence upon the refusal of the regional board to act, or 60 days after request has been made to the regional board to act. The state board may, on its own motion, at any time, review the regional board's action or failure to act and also any failure to act under Article 3 (commencing with Section 13240) of Chapter 4.*