Public Comment
LA River Metals TMDL
Deadline: 9/30/15 by 12:00 noon

CITY OF BURBANK
150 N THIRD STREET, P.O. BOX 6459, BURBANK, CALIFORNIA 91510-6459

PUBLIC WORKS DEPARTMENT

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SWRCB Clerk

September 23, 2015

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

Submitted via e-mail to: commentletters@waterboards.ca.gov

Comment Letter – Proposed Approval of Site-Specific Objectives for Lead and Copper in the Los Angeles River Watershed and Reconsideration of the Los Angeles River and Tributaries Metals Total Maximum Daily Load

Dear Ms. Townsend:

The City of Burbank (City) generally supports the Los Angeles Regional Water Quality Control Board's (Regional Water Board) adoption of the Amendment to the Water Quality Control Plan – Los Angeles Region (Basin Plan) to Adopt Site-Specific Objectives for Lead and Copper in the Los Angeles River Watershed and to Revise the Total Maximum Daily Load (TMDL) for Metals in the Los Angeles River and Tributaries. The City has worked closely with the Regional Water Board on site-specific objectives in the Los Angeles River for over 15 years. Similar to previous site-specific objective work efforts, the development of technical information to support the amendments occurred through a thorough stakeholder and scientific review process. Scientific review conducted as part of the special studies supporting the amendments consisted of the review of the Work Plan, work progress reports, and the Final Study Reports by Regional Water Board staff and an independent Technical Advisory Committee (TAC). The TAC conducted independent peer review of multiple versions of the Work Plan, preliminary data analysis, and the Final Study Reports and provided feedback on key questions raised by Regional Water Board staff.

The City raised concerns during the Regional Water Board adoption process on several issues, which were ultimately not addressed. The primary unaddressed comment relates to the Regional Water Board's decision to not include a copper water-effect ratio (WER) that was developed for Burbank Western Channel (BWC) above the City's Water Reclamation Plant. Two copper WER sampling sites were established in the BWC for the study, one site upstream and one site downstream of the Burbank Water Reclamation Plant (BWRP), to evaluate the difference in waterbody conditions with and without the influence of tertiary treated wastewater. The results of the study indicated that separate copper WERs (5.44 and 4.75 upstream and downstream of the BWRP, respectively) are appropriate. However, only the downstream WER was utilized and is applied to the entirety of the BWC. This approach is inconsistent with the original TMDL, which acknowledged different conditions upstream and

downstream of the BWRP by establishing different numeric targets (WER * 26 ug/L and WER * 19 ug/L upstream and downstream of the BWRP, respectively).

The protectiveness of the two copper WERs for BWC was evaluated and presented in Attachment A to the January 2015 *Implementation of Results of the Los Angeles River Copper Water-Effect Ratio and Lead Recalculation Studies* (Attachment C to the Regional Water Board's Staff Report]). The approach was presented to the independent TAC and Regional Water Board staff and agreed to be appropriate and robust. The results of the analysis show that utilization of two separate WERs would be protective. However, the draft amendment did not include the two separate WERs. As such, the City commented that Chapter 3 (Water Quality Objectives of the Basin Plan) should include the separate WERs and the TMDL should be revised to incorporate both WERs into the TMDL targets, loading capacity, and wasteload allocations sections. The Regional Water Board's response[1] indicated that revising the loading capacity and allocations in the TMDL by applying two separate WERs would require an adjustment of the critical flows contemplated in the original TMDL, which is beyond the scope of the reconsideration. While the City prefers that both Chapter 3 and the TMDL be modified, at a minimum, Chapter 3 should be revised as described in the table below. Revisions to Chapter 3 were part of the scope of the reconsideration and the Basin Plan should reflect the appropriate criteria that were developed through a robust and independently reviewed study.

Waterbody Name	**Reach Name**	**Description of Reach/Area**	**Water-Effect Ratio**
Burbank Western Channel	~~N/A~~ Downstream of the Burbank Water Reclamation Plant	~~Burbank Western Channel~~ From confluence with Los Angeles River to discharge point of the Burbank Water Reclamation Plant	4.75
Burbank Western Channel	Upstream of the Burbank Water Reclamation Plant	From the discharge point of the Burbank Water Reclamation Plant upstream to the headwaters	5.44

Notwithstanding the City's outstanding comment, the remaining components of the amendments effectively represent the findings of the study as supported by the TAC. As such, the City supports approval by the State Water Resources Control Board, with the requested modifications to Chapter 3 of the Basin Plan, as a confirmation that effective stakeholder led efforts to improve the science of water quality objectives are an important component of the water quality regulations. Please contact me if you have any questions related to our support for the amendments at drynn@burbankca.gov.

Respectfully submitted,

Daniel Rynn, P.E.
Assistant Public Works Director
City of Burbank

cc: City Attorney's Office (Joe McDougall)

[1] See response 1.3 on page 2 of the Los Angeles Regional Water Quality Control Board's Response to Public Comments.