

Public Hearing (5/18/11)
ASBS Special Protections
Deadline: 5/20/11 by 12 noon

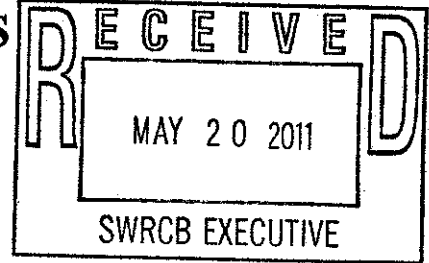


GAIL FARBER, Director

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>



ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE

REFER TO FILE: WM-9

May 19, 2011

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Dear Ms. Townsend

**COMMENTS OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT ON
THE PROPOSED SPECIAL PROTECTIONS FOR
AREAS OF SPECIAL BIOLOGICAL SIGNIFICANCE**

The enclosed comments are being submitted on behalf of the Los Angeles County Flood Control District (LACFCD) in response to the State Water Resources Control Board's (State Water Board) Notice of Public Hearing regarding the General Exception for Stormwater Discharges into Areas of Special Biological Significance (ASBS) dated January 20, 2011

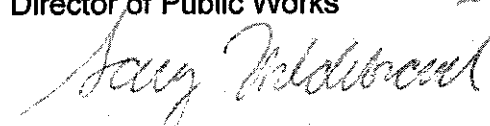
As an applicant for the general exception, the LACFCD generally supports the use of the exception process as a mechanism for regulating discharges into the ASBS. However, we are very concerned that the provisions of the Special Protections for ASBS as currently proposed are unjustifiably stringent and would lead to expenditures of already scarce public funds that may be put to better use. These and other concerns were presented in a comment letter dated March 15, 2010, submitted to the State Water Board by the LACFCD and the County of Los Angeles in response to the Notice of Preparation and Initial Study. To the extent that those comments have not been addressed, we hereby incorporate them by reference.

Ms Jeanine Townsend
May 19, 2011
Page 2

We look forward to your consideration of these comments and working with the State Water Board staff to find a balanced approach to protecting our coastal resources. If you have any questions, please contact me at (626) 458-4300 or ghildeb@dpw.lacounty.gov or your staff may contact Ms Rossana D'Antonio at (626) 458-4325 or rdanton@dpw.lacounty.gov

Very truly yours,

GAIL FARBER
Director of Public Works



GARY HILDEBRAND
Assistant Deputy Director
Watershed Management Division

GA:jtz

P:\wmpub\Secretarial\2011 Documents\Letters\LACFCD Comment Letter on ASBS.docx\C11082

Enc.

cc: County Counsel (Judith Fries)

**COMMENTS OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT
ON THE DRAFT SPECIAL PROTECTIONS FOR EXCEPTION
TO THE CALIFORNIA OCEAN PLAN FOR SELECTED DISCHARGES
INTO AREAS OF SPECIAL BIOLOGICAL SIGNIFICANCE**

Given that the State Water Resources Control Board (State Water Board) has taken the position that discharges of stormwater into Areas of Special Biological Significance require an exception, the Los Angeles County Flood Control District (LACFCD) supports the use of the exception process to allow discharges into ASBS. The LACFCD also supports the comments submitted on the draft Resolution, Special Protections document and Program Draft Environmental Impact Report by the County of Los Angeles (County) as well as the Exhibit A to those comments. By this letter, the LACFCD respectfully respects that the comments and exhibits submitted by the County, as well as the County's and LACFCD's letter dated March 15, 2010, be incorporated into these comments of the LACFCD.

The LACFCD joins the County in its concern that the Special Protections, as proposed, require burdensome control measures prior to any determination that discharges into the ASBS require such control measures and before any determination as to the characteristics that define "Natural Ocean Water Quality." The LACFCD believes that the modifications to the Special Protections suggested by the County will better address the issue of ASBS protection, especially in light of the fact that studies into the impact of discharges into the ASBS reflect that the health of these areas is good.

Additional comments specific to the LACFCD are set forth below.

I. Separate LACFCD Application for Exception

Attachment A to the Draft State Water Board Resolution lists those agencies that have applied for an exception to the Ocean Plan discharge prohibition. The list indicates "Los Angeles County" as an applicant but omits the LACFCD. Please be advised that the County and the LACFCD are separate political entities, and that they submitted separate applications for an exception on May 31, 2006. Copies of the applications are in State Water Board files. Accordingly, Attachment A should be revised to reflect both the "County of Los Angeles" and "Los Angeles County Flood Control District" as applicants for an exception to discharge into the Laguna Point to Latigo Point ASBS. This issue has also been raised with State Water Board staff, which indicated that the omission was inadvertent.

II. Nature of LACFCD Authority

Section I.A.2(c) of the Special Protections requires inspections of construction sites, industrial facilities and commercial facilities during the rainy season. As a flood control agency, the LACFCD lacks authority to conduct any site or facility inspections within the jurisdiction of a municipality. All land areas, and thus any industrial, commercial or

construction sites, draining to the LACFCD storm drains that empty into the Laguna Point to Latigo Point ASBS are under the jurisdiction of upstream municipalities. (It should also be noted that land in the upstream watersheds may also be part of State or federal park land.) The LACFCD does not and cannot control land uses within these municipalities and thus has no authority to conduct inspections. Moreover, the LACFCD storm drains function solely as a conveyance for runoff from these upstream municipalities and do not generate any pollutants. The LACFCD does not have jurisdiction over land uses within the municipalities and, therefore, cannot require controls on land uses or facilities that generate pollutants that may flow from those land uses or facilities and eventually enter the ASBS.