



Wetland/Riparian Policy  
Deadline: 5/15/07 12 noon

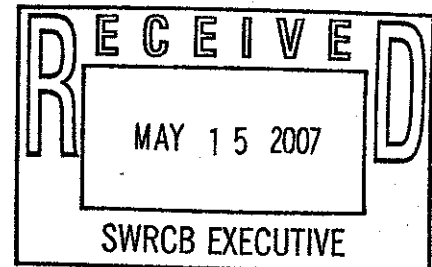
## COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

1955 Workman Mill Road, Whittier, CA 90601-1400  
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998  
Telephone: (562) 699-7411, FAX: (562) 699-5422  
www.lacsd.org

STEPHEN R. MAGUIN  
Chief Engineer and General Manager

May 15, 2007  
File No. 31-370-40.4A

Song Her, Clerk to the Board  
and Members of the Board  
Executive Office  
State Water Resources Control Board  
Post Office Box 100  
Sacramento, CA 95812-0100



Dear Ms. Her and Members of the Board:

**County Sanitation Districts of Los Angeles County**  
**Comment Letter-Wetland and Riparian Area Protection Policy Scoping Document**

The County Sanitation Districts of Los Angeles County (Districts)<sup>1</sup> appreciate this opportunity to submit comments on the State Water Resources Control Board's (State Board) Wetland and Riparian Area Protection Policy Scoping Document (Scoping Document), dated March 2007. The Districts are a confederation of special districts, which operate and maintain regional wastewater and solid waste management systems for approximately 5 million people who reside in 78 cities and unincorporated areas in Los Angeles County. The Districts operate 11 wastewater treatment plants and maintain approximately 1,300 miles of sewer lines, which convey flows from industries and municipalities within service areas to the aforementioned wastewater treatment plants. Numerous Districts water reclamation facilities discharge recycled water to inland surface waters that are supportive of effluent-dependent riparian habitat within the jurisdictions of the Los Angeles and Lahontan Regional Water Quality Control Boards. For example, County Sanitation District No. 14 maintains Piute Ponds, a man-made and effluent-dependent waterbody located in Lancaster and receiving recycled water from the Lancaster Water Reclamation Plant. As such, the Districts' operations may be affected by the enactment of the State Board's Wetland and Riparian Area Protection Policy.

One of the Districts' main concerns related to this Scoping Document is how effluent dependent/dominated water bodies would be potentially regulated, if at all, under the various alternatives described in the document. Regulating effluent-dependent wetlands and riparian habitat as though they were natural is inappropriate, since these wetland and riparian areas would not exist if it were not for recycled water discharges. If the same level of protection as proposed in the Scoping Document for

<sup>1</sup> The Districts are County Sanitation Districts Nos. 1, 2, 3, 5, 8, 14, 15, 16, 18, 19, 20, 21, 22, 23, 28, 29, 34, Santa Clarita Valley Sanitation District, and the South Bay Cities Sanitation Districts of Los Angeles County. The ownership and operation of the Solid Waste System is proportionally shared among the signatory parties to the Districts' Solid Waste Management System Agreement effective February 21, 1996.

DOC #787914

natural wetland and riparian areas is to be applied to recycled water effluent-dependent/dominated waterbodies, unnecessary costs and increased restrictions on critical maintenance activities would occur. Moreover, the resulting regulations may lead the Districts to seek alternate points of discharge than to the aforementioned waterbodies. The Districts believe that the State Board needs to specifically exempt effluent-dependent wetlands and/or riparian habitat from this Scoping Document, and/or provide a special designation for effluent-dependent waterbodies, which should have significantly less regulatory restrictions than those discussed in Alternatives 2, 3 and 4.

Notwithstanding the Districts' belief that effluent-dependent waterbodies should be exempt from this proposed policy, the application of such a policy to all wetlands and/or riparian areas would have a significant affect on the Districts' routine maintenance operations and would severely restrict flexibility in being able to operate and maintain existing facilities to assure compliance with waste discharge requirements. The Districts maintain recycled water outfall facilities and receiving water stations located in riparian habitat areas that have developed over time as a result of recycled water discharges. These facilities can require routine maintenance in order to provide access for sampling and operations personnel in fulfillment of monitoring and reporting program permit requirements. In addition, as noted previously, District No. 14 owns and operates the Lancaster Water Reclamation Plant, which discharges recycled water to a man-made water body (Piute Ponds) that also requires occasional maintenance of levees and dykes to assure that pond flows do not overflow onto adjacent properties, causing a nuisance condition. As such, compliance with waste discharge requirements is predicated on the ability of Districts personnel to have flexibility in maintaining these existing facilities that are located in riparian habitat adjacent to the facilities. The alternatives identified in the Scoping Document (particularly Alternatives 3 and 4), would add another layer of extensive regulations beyond what already exists through the Army Corps of Engineers and Department of Fish and Game permitting processes. The extra layer of regulations would significantly impede flexibility to maintain facilities as needed. As noted previously, for these reasons, the Districts recommend that any future policy consider specific provisions exempting maintenance within wetland and riparian areas that are necessary for operation and compliance to applicable waste discharge requirements, since such impacts are already addressed through other permitting processes.

In addition, the Districts are concerned about the potential long-term impacts that the proposed scoping document may have on water reuse, which may conflict with other State mandated policies that have been enacted by the Legislature. Alternative 4, in particular, could potentially have an impact on municipalities and recycled water providers that are counting on water reuse to meet future water supply demands. The policy recommendations espoused in Alternative 4 are not just limited to dredge and fill operations, but also include hydromodification, other discharges (i.e. recycled water discharges), and land and vegetation clearing, among others. One interpretation of Alternative 4, could restrict recycled water uses in the future, if reclaimed water discharges to a surface water are deemed necessary to maintain riparian habitat and/or wetlands as opposed to being beneficially reused as recycled water for off-stream purposes (e.g. landscape irrigation) to reduce water supply demand within a region. This is particularly relevant to effluent dependent water bodies, where recycled water discharges comprise the majority of flows that support riparian habitat and/or are the principal reason for the creation of riparian habitat. In such situations, the State Board's Wetland and Riparian Habitat Protection Policy could conflict with other State-mandated policies enacted by the Legislature to maximize recycled water uses. In short, recycled water producers, such as the Districts, could be forced to maintain discharges in an effluent dependent water body per recommendations contained in the Scoping Document, as opposed to being able to provide this valuable water resource to meet water supply demands in the future. As such, the Districts recommend that the Scoping Document provide greater clarification on how the policy alternatives would be implemented in light of competing needs and issues related to the use of recycled water.

In conclusion, the Districts recommend that the State Board consider how effluent-dependent wetland and riparian habitats should be exempted and/or regulated in a different manner than natural wetlands and riparian habitat, which we believe are what the State Board is intending to protect in this proposed policy. Before embarking on a "one size fits all" policy, this particular issue needs to be further clarified. Critical maintenance activities and water reuse implications also need to be considered in formulating a final policy.

If you have any questions concerning this letter, please feel free to contact the undersigned at (562) 908-4288, extension 2801.

Very truly yours,

Stephen R. Maguin

A handwritten signature in cursive script, appearing to read "R. Tremblay for".

Raymond Tremblay  
Section Head  
Monitoring Section

RT:ED:lmb