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23350 Lake Manor Drive, Chatsworth, CA 91311

Environmental Advocacy for the proper clean-up of the Santa Susana Field Laboratory and similar legacy nuclear and aerospace sites nationwide.

June 21, 2008

Alexis Strauss

Director

Water Division

U.S. Environmental Protection Agency, Region 9

75 Hawthorne Street

San Francisco, CA 94105

Dear Ms. Strauss,

We recently learned that the United States Army Corps of Engineers has issued a navigability determination finding that only two parts of the Los Angeles River are a “traditional navigable water” for Clean Water Act purposes. This finding contradicts the facts and could result in eliminating Clean Water Act protections for many streams and tributaries of the Los Angeles River system. Moreover, this navigability determination will pose a major obstacle for the plans to restore and revitalize the Los Angeles River, which are currently underway. We are urging the U.S. Environmental Protection Agency to use its authority to prevent this erroneous decision from taking effect and to ensure that Clean Water Act protections for all tributaries and streams draining into the Los Angeles River remain. This is vital for the Los Angeles River to be appropriately protected from pollution. With the Santa Susana Field Laboratory located at the headwaters to the L.A. River, the removal of Clean Water Act protections would have serious negative impacts to the surficial stormwater runoff monitoring put in place to protect the people below.

On March 20, 2008, the Los Angeles District of the Army Corps issued a jurisdictional determination concluding that the Los Angeles River was a “traditional navigable water” per the Clean Water Act only downstream of the Highway 1 bridge in Long Beach. Following pressure from the public, elected officials and government agencies, the Army Corps withdrew its determination for reconsideration.

On June 4, 2008 the Army Corps issued a navigability determination finding that two sections of the Los Angeles River are a “traditional navigable water” (TNW): the two-mile reach within the Sepulveda Basin and the section of the river downstream of the Highway 1 bridge. This decision is irrational and contradicts the fact that the entire river is increasingly used by recreational boaters and kayakers and is further susceptible to use in the future. For example, the Army Corps concluded that the Sepulveda Basin is a TNW, but did not afford this designation to the Glendale Narrows, an area that is regularly

used for recreational boating and kayaking. Such omissions underscore the fact that the entire Los Angeles River, and not just the several miles mentioned in the June 4 Army Corps' navigability determination is a navigable river and consequently a TNW.

The Los Angeles River Revitalization Master Plan was recently completed with the goal of using water quality protections including total maximum daily loads, water quality standards and limits to restore the river as a fishable and swimmable waterbody, which can be used for boating and water recreation. First and second order streams are critical to maintaining the health and vitality of the entire river system. If Clean Water Act protections are removed, the objectives of the Los Angeles River Revitalization Master Plan would be at risk.

We urge you to act immediately to stop the Army Corps' June 4, 2008 Los Angeles River navigability determination from taking effect. The determination is unsupported by facts and is impermissibly narrow. If allowed to take effect, this determination threatens to result in reduced Clean Water Act protection for the Los Angeles River, will further degrade the river's water quality and will hinder the ongoing efforts to restore it.

Sincerely,

[originally signed]

Christina Walsh  
Founder and Executive Director  
Cleanuprocketdyne.org

[originally signed]

William Preston Bowling  
Founder,  
Aerospace Cancer Museum of Education  
ACMELA.ORG

cc: Tatiana Gaur, Santa Monica Bay Keepers; David Beckman, NRDC; Steve Baklar, FOLAR; Jonathan Parfrey, Liberty Hill; theriverproject.org; Linda Adams, Secretary CalEPA; Greig Smith, LA City Council; Norm Riley, DTSC Project Director, Santa Susana Field Lab Cleanup Program; Cassandra Owens, Unit Chief, LARWQCB; Rebecca Christmann, LARWQCB; David Hung, LARWQCB.