

CITY OF LOS ANGELES

CALIFORNIA



ERIC GARCETTI

MAYOR

HAND DELIVERED

May 13, 2015

BOARD OF PUBLIC WORKS MEMBERS

—
KEVIN JAMES
PRESIDENT

MONICA RODRIGUEZ
VICE PRESIDENT

MATT SZABO
PRESIDENT PRO TEMPORE

MICHAEL R. DAVIS
COMMISSIONER

HEATHER MARIE REPENNING
COMMISSIONER

BUREAU OF SANITATION

—
ENRIQUE C. ZALDIVAR
DIRECTOR

TRACI J. MINAMIDE
CHIEF OPERATING OFFICER

VAROUJ S. ABKIAN
ADEL H. HAGEKHALIL
ALEXANDER E. HELOU
ASSISTANT DIRECTORS

—
LISA B. MOWERY
CHIEF FINANCIAL OFFICER

1149 SOUTH BROADWAY, 10TH FLOOR
LOS ANGELES, CA 90015
TEL: (213) 485-0587
FAX: (213) 485-3939
WWW.LACITYSAN.ORG

Mr. Samuel Unger, Executive Officer
California Regional Water Quality Control Board
Los Angeles Region
320 West Fourth Street, Suite 200
Los Angeles, CA 90013

Attn: Man Voong

Dear Mr. Voong:

2015 MAY 18 PM 1:29
CALIFORNIA REGIONAL WATER
QUALITY CONTROL BOARD
LOS ANGELES REGION

CITY OF LOS ANGELES COMMENTS ON THE LOS ANGELES RIVER WATERSHED TRASH TMDL AND BALLONA CREEK WATERSHED TRASH TMDL REOPENER

The City of Los Angeles' (City) Bureau of Sanitation (LA SAN) appreciates the opportunity to provide technical comments to the Los Angeles Regional Water Quality Control Board (Regional Board) on the proposed amendments to the Basin Plan to revise the Trash Total Maximum Daily Loads (TMDLs) for the Ballona Creek watershed and the Los Angeles River watershed (Proposed Amendments). The City has fully implemented the requirements of the TMDL and completed the actions well in advance of the TMDL deadlines. The City is currently in the process of implementing an operations and maintenance program to ensure continued performance of the installed catch basin screens and inserts. We appreciate the Regional Board's staff efforts to revise the TMDLs to future support the goal of eliminating trash from our waterways.

LA SAN has several suggested revisions to the amendments to improve clarity and flexibility to support the full implementation of the City's TMDL trash program. This letter provides the City's requested revisions regarding the proposed amendments. The City's key requests are as follows:

- Revise the receiving water monitoring requirements for municipal separate storm sewer system (MS4) dischargers to provide flexibility in developing a monitoring program.
 - Remove the requirement to utilize the Surface Water Ambient Monitoring Program's Rapid Trash Assessment Protocol (SWAMP Protocol) and allow the Responsible Parties to propose the type of monitoring to be conducted.
- Clarify that the nonpoint source requirements in the TMDL only apply to areas that generate a substantial amount of trash.

zero waste • one water

AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER

Recyclable and made from recycled waste



- Clarify the Minimum Frequency of Assessment and Collection/Best Management Practices (MFAC/BMP) Program requirements.

Request #1: Provide Flexibility on the Approach to Receiving Water Monitoring

The City requests the Regional Board revise the receiving water monitoring requirements to allow for flexibility in determining and implementing the most appropriate type or types of monitoring for assessing trash levels.

Receiving water monitoring for trash has been found to be challenging to implement in a way that generates information that supports observing trends over time, identifying sources, and supporting identification of control measures to reduce trash. Trash monitoring data tend to be highly variable and influenced by many factors outside the control of municipalities (e.g., wind events, illegal dumping, etc.). Additionally, defining a quantitative metric for monitoring that can provide comparable information over time, such as pieces of trash, weight of trash, or volume of trash has proven to be difficult. While the Surface Water Ambient Monitoring Program Rapid Trash Assessment Protocol (SWAMP Protocol) was developed based on the best information available at the time, implementation of the protocol has not provided the desired data to support management decisions. As a result, the State Water Resources Control Board provided the Bay Area MS4 Permittees with a Proposition 84 grant to evaluate other options for trash monitoring. This study is ongoing.

Given the challenges and costs associated with trash monitoring and the ongoing efforts to define better trash monitoring protocols in other areas, the City is requesting that the Basin Plan Amendment be modified to provide flexibility in determining the type and frequency of receiving water monitoring to be conducted. Specifically the language stating that receiving water monitoring shall be consistent with the prescribed elements listed in the SWAMP Protocol should be clarified to allow other monitoring methods to be proposed.

During preparation of these comments and as discussed with Regional Water Board staff, the City has been proactively evaluating options for receiving water monitoring that would coordinate with existing efforts and provide information that achieves the goals of evaluating trends over time and supporting implementation of the TMDL in a cost effective manner. Given the complexities of monitoring trash identified by other municipalities and the size of the Los Angeles River, the City would like flexibility to work with Regional Water Board staff to consider plans that would allow implementation of monitoring in phases so that the City has time to determine the most appropriate type of monitoring for assessing trash levels in receiving waters based on the best available information. Phasing in monitoring would allow special studies or pilot monitoring programs conducted at select locations within the City's jurisdiction and perhaps in conjunction with the City's on-land trash assessment work to be evaluated to develop the best methods/procedures for receiving water monitoring. For example, the Responsible Parties of the Ventura River Estuary Trash TMDL and the Revolon Slough and Beardsley Wash Trash TMDL recently began using a visual assessment approach that utilizes a component of the SWAMP Protocol and visual assessment approaches utilized by the City of Ventura, the Santa Clara Valley Urban Runoff Pollution Prevention Program in the San Francisco Bay Area, and a number of cities and municipalities throughout the country. The Responsible Parties in Ventura County made the switch to the visual approach because it was determined (in conjunction with Regional Water Board staff) to be the most appropriate approach for assessing trash for those TMDLs. The visual assessments utilize a three-point scoring system based on the "Level of Trash" scoring category discussed in the SWAMP Protocol to estimate the presence

of litter in a specific area. The Regional Water Board approved the visual assessment approach for the Ventura River Estuary Trash TMDL in June 2014 and for the Revolon Slough and Beardsley Wash Trash TMDL in December 2014.

Modifications to the Proposed Amendments would support incorporation of the best available information on trash monitoring being developed by others that have been implementing trash receiving water monitoring for years, incorporate future improvements to monitoring protocols that may be identified through special studies conducted by the City or from the Proposition 84 grant study, and provide information that is useful for guiding implementation and observing trends in trash monitoring.

To support these requests, the City suggests the following modifications to the Proposed Amendments on pages 9 and 10 in the Monitoring Element:

Receiving water monitoring ~~shall may be consistent with~~ be based on prescribed elements listed in the Surface Water Ambient Monitoring Program's Rapid Trash Assessment, ~~or alternative protocols proposed by dischargers and approved by the Executive Officer.~~

Monitoring Plan: Responsible entities will submit a TMRP with the proposed receiving monitoring sites and at least two additional alternate monitoring locations. The TMRP must include maps of the ~~MS4 infrastructure, including catch basins, storm drains and outfalls relative to receiving waters, and locations where trash accumulates in the waterbody~~ proposed monitoring locations and rationale for their selection. Trash monitoring shall focus on visible trash at representative and critical locations. ~~Locations for trash assessment shall include, but not be limited to, locations where trash enters and exits each reach/segment and their tributaries.~~

Sampling Site and Frequency: The TMRP shall detail the monitoring frequency and number and location of representative sites, ~~including at least one monitoring station per reach and tributary~~. Each sampling evaluation should consider trash levels over time and under different seasonal conditions. Sampling assessment every year shall be repeated at the same site where trash was collected during previous assessments ~~to determine trash accumulation rates.~~

Request 2. Clarify that the Nonpoint Requirements in the TMDL Only Apply to Areas that have been Identified as Source Areas that Generate a Substantial Amount of Trash

The Proposed Amendments expresses that Responsible Parties shall collect and dispose of all trash found in source areas and implement an initial suite of BMPs in the source areas. They further state that trash in open space and parks managed by the Responsible Parties identified in the Load Allocations Element shall be removed at each assessment and collection event. Section 2.3.1 of the *Staff Report: Reconsideration of Certain Technical Matters of the Trash TMDLs for the Los Angeles River Watershed and the Ballona Creek Watershed* (Staff Report) provides Designated Recreational Areas in the Ballona Creek watershed and along the Los Angeles River and its Tributaries as nonpoint source areas the Responsible Parties must address through a MFAC/BMP Program. However, the Staff Report does not provide information on what portions of the areas were determined to be sources of trash. The Staff Report simply states:

“There are numerous parks and other recreational facilities along the Los Angeles River, which may contribute trash to the river, as described above”.

Several of the recreational areas identified in the TMDL are very large with many areas that are not frequented by people or that are not located near the Los Angeles River or its tributaries such that trash could be discharged to a waterbody. As discussed in the Statewide Trash Policies, regulation of areas beyond the priority land uses identified in the Policies should be based on a finding that the area generates substantial amounts of trash. As the Staff Report does not provide information on the areas that generate substantial amounts of trash, the Basin Plan Amendment should allow Responsible Parties to identify these areas and implement the MFAC/BMP program to target the areas that generate substantial amounts of trash that could be discharged to waterbodies.

Every two years, the City conducts on-land assessments of trash that provide information on areas that generate substantial amounts of trash. Modifying the Basin Plan Amendment language would allow the City to utilize the information they have gathered during TMDL implementation to focus resources on areas where trash is generated. In addition, the modifications would allow areas to be added or removed if, through the MFAC/BMP Program, a Responsible Party determines these areas do not generate substantial amounts of trash.

To achieve these goals, the City requests that the Basin Plan Amendment language be modified to have the Responsible Parties propose source areas that the Regional Water Board staff could review and approve to be addressed by a MFAC/BMP Program. Additionally, the City requests that the Proposed Amendment clearly state the MFAC/BMP requirements only apply to the Designated Recreational Areas adjacent to the Los Angeles River and its tributaries as stated in the Load Allocations Sections of the Proposed Amendments (Page 3):

“LAs are assigned to entities that own and/or operate parks, open space, or recreational facilities adjacent to the Los Angeles River or a tributary to the river...”

These revisions would then make the Basin Plan amendment consistent.

The MFAC/BMP Program requirements of the Implementation Element do not clearly state the MFAC/BMP requirements only apply to the source areas adjacent to the Los Angeles River and Tributaries (Page 8):

“...the MFAC/BMP program shall include collection and disposal of all trash found in the source areas and along the Los Angeles River and its tributaries”...

“The initial minimum frequency shall be as follows:

a) Trash in open space and parks managed by responsible jurisdictions and agencies identified in the LA section of this table shall be 100% removed at each assessment and collection event”.

To support these requests, the City suggests the following modifications to the Proposed Amendments on page 8 in the Implementation Element:

~~An~~ Responsible jurisdictions shall submit an MFAC/BMP Program shall include the following criteria that includes the following elements:

- 1) The MFAC/BMP Program shall include an initial minimum frequency of trash assessment and collection and a suite of structural and/or nonstructural BMPs for areas that could contribute substantial amounts of trash to the Los Angeles River and its tributaries. The MFAC/BMP program shall include collection and disposal of all trash found in the source areas and along the Los Angeles River and its tributaries. Responsible entities shall implement an initial suite of

BMPs based on current trash management practices in land areas that are found to be nonpoint sources of trash to the Los Angeles River and its tributaries.

The initial minimum frequency shall be as follows:

- a) Trash in open space and parks managed by responsible jurisdictions and agencies identified in the LA section of this table that could contribute trash to the river and tributaries shall be 100% removed at each assessment and collection event as specified in the ~~Trash Monitoring and Reporting Plan (TMRP)~~MFAC/BMP program, within 72 hours after critical conditions, and immediately after special events when no safety hazards exist.

Request 3. Clarify the MFAC/BMP Program Requirements

Based on implementation of other trash TMDLs in the region that include nonpoint source requirements, the City is requesting clarifications that we feel will support implementation of the program, reduce potential confusion on compliance requirements, and reduce duplicative plan and reporting requirements. The three requested clarifications are as follows:

1. Remove the requirement to develop a TMRP in addition to the MFAC/BMP program as separating the requirements of the two programs is confusing and leads to duplicative efforts.
2. Remove the requirement to show a reduction from a baseline as this is inconsistent with the other elements of the MFAC/BMP program and creates confusion about compliance requirements.
3. Clarify the definition of nonpoint source compliance to match the language in the load allocations section.

Further information about each of these requests is provided below along with suggested modifications to the Proposed Amendments.

Remove the TMRP Reference in the MFAC/BMP Program Requirements Section

The City requests the Regional Water Board remove the requirement to prepare a TMRP for MFAC monitoring in order to use the resources that would be used preparing the TMRP to develop and implement the MFAC/BMP Program. The MFAC/BMP program contains an assessment component that fills the purpose of a monitoring plan for trash. Preparing a TMRP results in a separate document that is redundant with several aspects of the MFAC requirements. The City believes developing a MFAC/BMP Program with an assessment component that meets the monitoring objectives will meet the goals of the TMRP while avoiding the potential confusion and redundancy in implementing the nonpoint source requirements.

Accordingly, the City requests item 1) b) in the MFAC/BMP Program requirements section of the Implementation Elements be modified to reference the MFAC program rather than the TMRP:

“The ~~TMRP~~ MFAC program shall include protocols for trash assessment immediately after each collection event, assessment locations, and frequencies”.

Remove the Requirement to Show a Reduction in Trash Amounts from a Baseline WLA for Nonpoint Sources

Item 1) c) of the MFAC/BMP Program requirements section of the Implementation Element contains compliance requirements for nonpoint source areas require demonstration of a reduction of trash from a specified baseline. This requirement is inconsistent with the MFAC/BMP program which requires that no trash be present after an MFAC event. While the intent of the MFAC/BMP program is to

reduce the amount of trash discharged, non-point source compliance is based on implementing a suite of BMPs that includes cleanup events. Depending on the sources of trash and the location, the most effective BMP may be to conduct trash cleanups which would prevent discharge of trash but may not result in a reduction of trash from a specified baseline. Additionally, as discussed above, quantitative trash monitoring, particularly for non-point sources that can be highly variable, would likely be challenging and would add an unnecessary cost to the MFAC/BMP program.

The City recognizes that it is important to ensure that information is gathered to allow the MFAC/BMP program to be modified if it is not reducing trash discharges to meet the load allocations. However, we feel that the Proposed Amendments should require the proposed MFAC/BMP program to include an assessment component and triggers for modifying the program in response to the assessments rather than specifying specific baselines and thresholds. This will allow the assessments to be coordinated with the MFAC/BMP approach and the approach to be approved by the Executive Officer.

To support these requests, the City suggests the following modifications to the Proposed Amendments on pages 8 and 9 in the Implementation Element:

- b) The ~~TMRP~~ MFAC/BMP program shall include protocols for trash assessment immediately after each collection event, assessment locations, ~~and assessment~~ frequencies, and procedures for modifying the frequency of assessments if appropriate based on the assessment results.
- c) Compliance for entities responsible for open space and parks is determined by the following criteria:
 - i) The assessment performed immediately after each collection event shall demonstrate that no trash remains.
 - ii) The ~~trash amount accumulated~~ between collection events in open space and parks is not accumulating in amounts that cause nuisance or adversely affect beneficial uses between collections shall not exceed the LAs of 640 gallons per square mile per year (gal/mi²/yr) and shall show a decreasing trend.
 - iii) Responsible entities shall increase the frequency of collection and/or implement additional BMPs, ~~should trash amounts collected at collection events not indicate a decreasing trend if~~ warranted based on the approved procedures in the MFAC/BMP program.

Clarify the Definition of Nonpoint Source Compliance

The City requests that the Nonpoint Sources section of the Implementation Element in the Proposed Amendments be revised to clarify nonpoint source compliance. The Nonpoint Sources section states:

“Responsible jurisdictions assigned LAs shall be deemed in compliance with the LAs if an MFAC/BMP program, approved by the Executive Officer, demonstrates that there is no accumulation of trash, as defined in ‘Load Allocations’ above”.

However, the Load Allocations Element defines LAs as:

“...no trash in the waters or parks, open space, or recreational facilities adjacent to the Los Angeles River, including its estuary, and its tributaries, immediately following each assessment and collection event...”.

To clarify compliance, the City suggests the following modifications to the Proposed Amendments on page 8 in the Implementation Element:

Load Allocations (LAs) shall be implemented consistent with the Statewide Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program through a general waiver of waste discharge requirements (WDRs), individual waivers of WDRs, a general WDRs, individual WDRs, a memorandum of understanding (MOU), a cleanup and abatement order, or any other appropriate regulatory order(s). LAs may be achieved through a program of minimum frequency of assessment and collection (MFAC). Responsible jurisdictions assigned LAs shall be deemed in compliance with the LAs if an MFAC/BMP program, approved by the Executive Officer, demonstrates that there is no trash immediately following each assessment and collection event ~~no accumulation of trash~~, as defined in "Load Allocations" above. Responsible entities assigned LAs shall also comply with the implementation schedule listed in Table 7-2. 5.

The attachment to this letter includes all of the requested language changes proposed in the letter. The requests made in this letter are based on significant experience gained by the City during implementation of the Trash TMDLs over the past eight years as well as experience by agencies in Ventura County. These recommendations will allow LA SAN to continue the effective and efficient implementation of our trash programs, while continuing to provide the City's residents with the highest quality of service and protection that will enhance our environment.

Should you have any questions about these comments, please contact me at Shahram.Kharaghani@lacity.org or phone (213) 485-0587, or Alfredo Magallanes at Alfredo.Magallanes@lacity.org or phone (213) 485-3958.

Sincerely,



SHAHRAM KHARAGHANI, Ph.D., PE, BCEE
Program Manager

SK:AM:la
WPDCR9193

Attachment – Suggested revisions to the Basin Plan Amendment

cc: Renee Purdy, California Regional Water Quality Control Board, Los Angeles Region
Man Voong, California Regional Water Quality Control Board, Los Angeles
Ivar Ridgeway, California Regional Water Quality Control Board, Los Angeles Region
Enrique Zaldivar, City of Los Angeles, LA SAN
Adel Hagekhalil, City of Los Angeles, LA SAN
Alfredo Magallanes, City of Los Angeles, LA SAN

Receiving Water Monitoring

Los Angeles County, City of Long Beach and Caltrans MS4 Permittees shall propose and implement a Trash Monitoring and Reporting Plan (TMRP) for Executive Officer approval. The Regional Board's Executive Officer will have full authority to review, to modify, to select alternate monitoring sites, and to approve or disapprove the monitoring plans. Responsible entities can report receiving water monitoring through a separate TMRP annual report, if approved by the Executive Officer, or in conjunction with annual reporting under MS4 permits.

Receiving water monitoring ~~shall may be consistent with~~ be based on prescribed elements listed in the Surface Water Ambient Monitoring Program's Rapid Trash Assessment; or alternative protocols proposed by dischargers and approved by the Executive Officer.

Monitoring Plan: Responsible entities will submit a TMRP with the proposed receiving monitoring sites and at least two additional alternate monitoring locations. The TMRP must include maps of the ~~MS4 infrastructure, including catch basins, storm drains and outfalls relative to receiving waters, and locations where trash accumulates in the waterbody~~ proposed monitoring locations and rationale for their selection. Trash monitoring shall focus on visible trash at representative and critical locations. ~~Locations for trash assessment shall include, but not be limited to, locations where trash enters and exits each reach/segment and their tributaries.~~

Sampling Site and Frequency: The TMRP shall detail the monitoring frequency and number and location of representative sites, including at least one monitoring station per reach and tributary. Each sampling evaluation should consider trash levels over time and under different seasonal conditions. Sampling assessment every year shall be repeated at the same site where trash was collected during previous assessment ~~to determine trash accumulation rates.~~

Los Angeles County, City of Long Beach and Caltrans MS4 Permittees shall either submit a revised Integrated Monitoring Program or Coordinated Integrated Monitoring Program incorporating the TMRP requirements or a stand-alone TMRP for Executive Officer approval six months after the effective date of the TMDL.

MFAC Monitoring

Responsible entities listed in Table 7-2.4, shall ~~prepare a TMRP~~ include procedures for the trash assessment as part of the MFAC/BMP Program, and responsible entities shall self-report any non-compliance with its provisions. The results of the MFAC/BMP Program including, but not limited to, frequency of trash collections, amount of trash collected, trash assessments, and ~~calculation of reduction from baseline load allocations~~ any proposed modifications to the MFAC/BMP program based on the assessment shall be submitted to the Regional Board on an annual basis.

Nonpoint Sources

Load Allocations (LAs) shall be implemented consistent with the Statewide Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program through a general waiver of waste discharge requirements (WDRs), individual waivers of WDRs, a general WDRs, individual WDRs, a memorandum of understanding (MOU), a cleanup and abatement order, or any other appropriate regulatory order(s). LAs may be achieved through a program of minimum frequency of assessment and collection (MFAC). Responsible jurisdictions assigned LAs shall be deemed in compliance with the LAs if an MFAC/BMP program, approved by the Executive Officer, demonstrates that there is no trash immediately following each assessment and collection event ~~no accumulation of trash~~, as defined in "Load Allocations" above. Responsible entities assigned LAs shall also comply with the implementation schedule listed in Table 7-2. 5.

~~An~~ Responsible jurisdictions shall submit an MFAC/BMP Program shall include the following criteria that includes the following elements:

- 1) The MFAC/BMP Program shall include an initial minimum frequency of trash assessment and collection and a suite of structural and/or nonstructural BMPs for areas that could contribute substantial amounts of trash to the Los Angeles River and its tributaries. The MFAC/BMP program shall include collection and disposal of all trash found in the source areas and along the Los Angeles River and its tributaries. Responsible entities shall implement an initial suite of BMPs based on current trash management practices in land areas that are found to be nonpoint sources of trash to the Los Angeles River and its tributaries.

The initial minimum frequency shall be as follows:

- a) Trash in open space and parks managed by responsible jurisdictions and agencies identified in the LA section of this table that could contribute trash to the river and tributaries shall be 100% removed at each assessment and collection event as specified in the ~~Trash Monitoring and Reporting Plan (TMRP)~~MFAC/BMP program, within 72 hours after critical conditions, and immediately after special events when no safety hazards exist.
 - b) The ~~TMRP~~ MFAC/BMP program shall include protocols for trash assessment immediately after each collection event, assessment locations, ~~and assessment~~ frequencies, and procedures for modifying the frequency of assessments if appropriate based on the assessment results.
 - c) Compliance for entities responsible for open space and parks is determined by the following criteria:
 - i) The assessment performed immediately after each collection event shall demonstrate that no trash remains.
 - ii) The ~~trash amount accumulated~~ trash amount accumulated between collection events in open space and parks is not accumulating in amounts that cause nuisance or adversely affect beneficial uses between collections shall not exceed the LAs of 640 gallons per square mile per year (gal/mi²/yr) and shall show a decreasing trend.
 - iii) Responsible entities shall increase the frequency of collection and/or implement additional BMPs, ~~should trash amounts collected at collection events not indicate a decreasing trend~~ if warranted based on the approved procedures in the MFAC/BMP program.
- 2) The MFAC/BMP Program shall include assurances that it will be implemented by the responsible entities.
 - 3) MFAC protocols may be based on SWAMP protocols for rapid trash assessment, or alternative

protocols proposed by dischargers and approved by the Executive Officer.

4) Implementation of the MFAC/BMP program shall include a Health and Safety Plan to protect personnel. The MFAC/BMP shall not require responsible jurisdictions to access and collect trash from areas where access by personnel is prohibited.