Comment Letter–LA RIVER WATERSHED TRASH TMDL & BALLONA CREEK WATERSHED TRASH TMDL Revisions due 5.18.2015

LA RIVER WATERSHED TRASH TMDL

You state:

> ***Load Allocations***
>
> *The Load Allocations (LAs) for nonpoint source trash discharges to the Los Angeles River, including the estuary, and its tributaries are zero. For nonpoint sources, zero trash is defined 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 consistent with an established Minimum Frequency of Assessment and Collection Program (MFAC Program), described below in "Implementation". MFAC Programs shall be established at intervals that prevent trash from accumulating in deleterious amounts that cause nuisance or adversely affect beneficial uses between collections.*
>
> *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, which include the County of Los Angeles; the Cities of Arcadia, Bell Gardens, Burbank, Compton, Cudahy, Downey, Long Beach, Los Angeles, Maywood, Montebello, Pasadena, Pico Rivera, and Rosemead; and the Los Angeles Equestrian Center, Mountains Recreation and Conversation Authority, San Gabriel Country Club, and the Arcadia Golf Course. A LA is also assigned to the City of Santa Clarita as its drainage area within the Los Angeles River Watershed does not contain any MS4 infrastructure.3 LAs may be assigned to additional entities that own and/or operate parks, open space, or recreational facilities adjacent to the Los Angeles River or a tributary to the river in the future under appropriate regulatory programs.*

Comments:

Zero is not a reality in life and certainly not one with the activities of people. Homeless camps in this area is a persistent problem, but the jurisdiction may not be the Permittee.

Minimum Frequency of Assessment and Collection (MFAC) may not be under the jurisdiction of the Permittees. This is an assumption. Or if the Permittee is responsible, the Agency of the Permittee is not a signatory to the Permit.

You state:

Implementation

TMDL Waste Load Allocations (WLAs) assigned to responsible agencies listed in Table 7-2.2 shall be implemented through the Los Angeles County Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit, the City of Long Beach MS4 Permit, the Ventura County MS4 Permit, and the State of California Department of Transportation (Caltrans) MS4 Permit. WLAs assigned to Phase II MS4 permittees shall be implemented through the Statewide Phase II Small MS4s General Permit or other regional MS4 permit issued to the Phase II MS4 dischargers. WLAs shall also be implemented and via the authority vested in the Los Angeles Regional Water Board by sections 13267 and 13383 of the Porter-Cologne Water Quality Control Act (Water Code section 13000 et seq.).

Comments:

We repeat, Minimum Frequency of Assessment and Collection (MFAC) may not be under the jurisdiction of the Permittees. This is an assumption. Or if the Permittee is responsible, the Agency of the Permittee is not a signatory to the Permit.

State agencies and Joint Powers Authorities are not subject as they are not Permittees (California Department of Fish and Wildlife and Mountains Recreation Authority) unless they are identified as POINT SOURCE.

Is monitoring by Outfalls?

You state:

Permittees that choose to comply using full capture systems must demonstrate a phased implementation of full capture systems over a 9-year period until the final WLA of zero is attained. The WLA of zero trash discharged shall be deemed achieved if FCS have been installed on all conveyances discharging to the waterbodies or installed to address all the drainage within the Permittee's drainage area to the Los Angeles River Watershed and the FCS are properly sized, operated, and maintained.

Comments:

Zero trash is unrealistic. Installation is not necessarily the problem, maintenance may be. What is the demonstration and frequency of maintenance?

You state:

Alternatively, in drainage areas where the vast majority of catch basins are retrofitted with FCS, the FCS are properly sized, operated, and maintained, and retrofit of the remaining catch basins is technically infeasible, responsible agencies may request that the Executive Officer make a determination that the agency is in full compliance with its final WLA if all of the following criteria are met:

1) 98% of all catch basins within the agency's jurisdictional land area in the watershed are retrofitted with FCS (or, alternatively, 98% of the jurisdiction's drainage area is addressed by FCS) and at least 97% of the catch basins (or, alternatively, drainage area) within the agency's jurisdiction in the subwatershed (the smaller of the HUC-12 equivalent area or tributary subwatershed) are retrofitted with FCS.

2) The agency submits to the Regional Board a report for Executive Officer concurrence, detailing the technical infeasibility of FCS retrofits in the remaining catch basins and evaluating the feasibility of partial capture devices, and the potential to install FCS or partial capture devices along the storm drain or at the MS4 outfall down gradient from the catch basin.

3) The agency submits to the Regional Board a report for Executive Officer approval, detailing the partial capture devices and/or institutional controls that are currently and will continue to be implemented in the affected subwatershed(s), including an assessment of the effectiveness of the partial capture devices and/or institutional controls using existing data and studies representative of the subwatershed or jurisdictional area. If, based on Regional Board evaluation, existing data and studies are determined non-representative, responsible jurisdictions may also be required to conduct a special study of institutional controls and partial capture devices in the particular subwatershed(s) where the non-retrofitted catch basins are located.

Comments:

This is only installation. Why? Is monitoring by Outfalls?

You state:

> *The Los Angeles County MS4, City of Long Beach MS4,Ventura County MS4, and Caltrans MS4 Permittees employing alternative compliance options for FCS, partial capture devices, and the application of institutional controls, or employing a scientifically- based alternative compliance approach shall submit a revised Watershed Management Program or Enhanced Watershed Management Program, or separate TMDL implementation plan, for Execut*ive Officer approval prior to use of these alternative compliance options.

Comments:

Is this a safe harbor?

You state:

> *Flood control districts, such as the Los Angeles County Flood Control District or Ventura County Watershed Protection District, are not assigned Waste Load Allocations, since Waste Load Allocations are based on jurisdictional area. However, flood control districts are responsible for performing storm drain operation and maintenance, including: catch basin inspection and cleaning; open channel maintenance that includes removal of trash and debris; and implementation of activity specific BMPs, including those related to litter/debris/graffiti in compliance with their respective MS4 permit. A flood control district may be held responsible with a jurisdiction and/or agency for non-compliance with Waste Load Allocations where it has either:*
>
> > *(i) without good cause denied entitlements or other necessary authority to a responsible jurisdiction or agency for the timely installation and/or maintenance of full and/or partial capture trash control devices for purposes of TMDL compliance in parts of the MS4 physical infrastructure that are under its authority, or*
> > *(ii) not fulfilled its obligations regarding proper BMP installation, operation, and maintenance for purposes of TMDL compliance within the MS4 physical infrastructure under its authority,*
>
> *thereby causing or contributing to a responsible jurisdiction and/or agency to be out of compliance with its interim or final Waste Load Allocations.*
>
> *Under these circumstances, the flood control district's responsibility shall be limited to non-compliance related to the drainage area(s) within the jurisdiction where the flood control district has authority over the relevant portions of the MS4 physical infrastructure.*

Comments:

This is discounting their OUTFALLS. They may be held responsible.

You state:

> *An MFAC/BMP Program shall include the following criteria:*
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> *1) The MFAC/BMP Program shall includes an initial minimum frequency of trash assessment and collection and a suite of structural and/or nonstructural BMPs. 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 shall be 100% removed at each assessment and collection event as specified in the Trash Monitoring and Reporting Plan (TMRP), within 72 hours after critical conditions, and immediately after special events when no safety hazards exist.

b) The TMRP shall include protocols for trash assessment immediately after each collection event, assessment locations, and frequencies.

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 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.

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.

Comments:

Your jurisdiction is SURFACE WATER, not LAND USE. You are exerting too much unauthorized power. Please cite your authority.

You state:

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 be consistent with prescribed elements listed in the Surface Water Ambient Monitoring Program's Rapid Trash Assessment.

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. 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 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.

Comments:

Trash monitoring should be at OUTFALLS only.

You state:

Table 7 2.4 Los Angeles River Watershed Trash TMDL Baseline Load Allocations

Comments:

Parks are outside your jurisdiction. LA Equestrian Center is a private entity.
You state:

Table 7-2.5 Los Angeles River Trash TMDL: Nonpoint Source Implementation Schedule8

Comments:

You have not identified the SOURCE OF FUNDING to implement these tasks.

BALLONA CREEK WATERSHED TRASH TMDL

You state:

Numeric Target
(interpretation of the narrative water quality objective, used to calculate the waste load and load allocations)

Zero trash in Ballona Creek and Wetland1.

And

Waste Load Allocations

The TMDL requires phased reductions of trash over a period of 10 years, from existing baseline loads to zero.

Baseline Waste Load Allocations (WLAs) for Phase I MS4 Permittees, including Caltrans, in the Ballona Creek Watershed are provided in Table 7-3.3. Current and future enrollees in Phase II MS4 permits (including educational institutions) also have a final WLA of zero.2

Comments:

Zero is not a reality in life and certainly not one with the activities of people. Homeless camps in this area is a persistent problem, but the jurisdiction may not be the Permittee.

You state:

Load Allocations

The Load Allocations (LAs) for nonpoint source trash discharges to Ballona Creek and Wetlands, including the estuary, and its tributaries are zero. For nonpoint sources, zero trash is defined as no trash in the waters or parks, open space, or recreational facilities adjacent to Ballona Creek and Wetlands, including its estuary, and its tributaries, immediately following each assessment and collection event consistent with an established Minimum Frequency of Assessment and Collection Program (MFAC Program), described below in "Implementation".

MFAC Programs shall be established at intervals that prevent trash from accumulating in deleterious amounts that cause nuisance or adversely affect beneficial uses between collections.

LAs are assigned to the California Department of Fish and Wildlife for the Ballona Creek Wetlands. LAs may be assigned to additional entities that own and/or operate parks, open space, or recreational facilities adjacent to Ballona Creek, its estuary, or a tributary to the creek in the future under appropriate regulatory programs

Comments:

Minimum Frequency of Assessment and Collection (MFAC) may not be under the jurisdiction of the Permittees. This is an assumption. Or if the Permittee is responsible, the Agency of the Permittee is not a signatory to the Permit.

Please cite your authority over land use.

You state:

The Executive Officer has authority to certify, as full-capture, any trash reduction system that meets the operating and performance requirements as described above.

Permittees that choose to comply using full capture systems must demonstrate a phased implementation of full capture systems over a 10-year period until the final WLA of zero is attained. The WLA of zero trash discharged shall be deemed achieved if FCS have been installed on all conveyances discharging to the waterbodies or installed to address all the drainage within the Permittee's drainage area to the Ballona Creek Watershed and the FCS are properly sized, operated, and maintained.

Alternatively, in drainage areas where the vast majority of catch basins are retrofitted with FCS, the FCS are properly sized, operated, and maintained, and retrofit of the remaining catch basins is technically infeasible, responsible agencies may request that the Executive Officer make a determination that the agency is in full compliance with its final WLA if all of the following criteria are met:

1) 98% of all catch basins within the agency's jurisdictional land area in the watershed are retrofitted with FCS (or, alternatively, 98% of the jurisdiction's drainage area is addressed by FCS) and at least 97% of the catch basins (or, alternatively, drainage area) within the agency's jurisdiction in the subwatershed (the smaller of the HUC-12 equivalent area or tributary subwatershed) are retrofitted with FCS.

2) The agency submits to the Regional Board a report for Executive Officer concurrence, detailing the technical infeasibility of FCS retrofits in the remaining catch basins and evaluating the feasibility of partial capture devices, and the potential to install FCS or partial capture devices along the storm drain or at the MS4 outfall downgradient from the catch basin.

3) The agency submits to the Regional Board a report for Executive Officer approval, detailing the partial capture devices and/or institutional controls that are currently and will continue to be implemented in the affected subwatershed(s), including an assessment of the effectiveness of the partial capture devices and/or institutional controls using existing data and studies representativenof the subwatershed or jurisdictional area. If, based on Regional Board evaluation, existing data and studies are determined non-representative, responsible jurisdictions may also be required to conduct a special study of institutional controls and partial capture devices in the particular subwatershed(s) where the non-retrofitted catch basins are located.

In addition, responsible jurisdictions shall re-evaluate the effectiveness of institutional controls and partial capture devices and report the findings to the Regional Board for confirmation or change to the determination, if significant land use changes occur in the affected subwatershed (based on permits for new and significant re-development) or if there is a significant change in the suite of implemented partial capture devices and/or institutional controls (e.g., reduced frequency of implementation, reduced spatial coverage of implementation, change in technology employed). Such re-evaluation shall occur within one year of the identification of the significant changes.

(2) Compliance with interim and final effluent limitations through the installation of partial capture devices and the application of institutional controls. Responsible jurisdictions employing partial capture devices or institutional controls shall use a mass balance approach based on the trash daily generation rate (DGR)4 , to demonstrate compliance.

Comments:

Installation is not necessarily the problem, maintenance may be. What is the demonstration and frequency of maintenance?

LA RIVER comments applies to this TMDL. You are providing safe harbors for all aspects .Your MFAC Monitoring should apply to outfalls.

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