Response to Comments
Los Angeles River Watershed Trash TMDL and Ballona Creek Watershed Trash TMDL Reconsiderations
Comment due date: May 18, 2015

1. Cities of Alhambra, Arcadia, Burbank, and Glendale
2. City of Los Angeles
3. City of Pasadena
4. City of Santa Clarita
5. County of Los Angeles and Los Angeles County Flood Control District (LACFCD)
6. Grassroots Coalition
7. Heal the Bay
8. Joyce Dillard
9. Los Angeles Waterkeeper
10. Lower Los Angeles River Watershed Committee
11. United States Environmental Protection Agency (USEPA)

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1.1	Cities of Alhambra, Arcadia, Burbank, and Glendale	Thank you for the opportunity to meet with you and other members of the Regional Board staff on March 23, 2015 to share our concerns regarding the Los Angeles River Trash TMDL(LAR Trash TMDL) in general as well as the proposed revisions to the Trash TMDL. The cities listed above have reviewed the proposed revisions to the Trash TMDL and submit the following comments: <u>Catch Basin Retrofit Compliance</u> On pages 4 and 5 of the proposed changes to "Attachment A to Resolution R15-XXX," the proposed language states: *"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*	The commenters do not provide data or other support for the statement that 85%-90% is the typical percentage of catch basins that can be effectively retrofitted with full capture systems. The 98%/97% criteria included in the Basin Plan Amendment is based on data and analysis provided by Los Angeles County from several unincorporated communities, some of which are in the vicinity of the commenters' jurisdictions in the Upper Los Angeles River Watershed. As provided for in the Los Angeles County MS4 Permit, the Regional Water Board will continue to help facilitate

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		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." Many catch basins, especially in older areas of cities, are too small to be retrofitted with the current standard of full capture systems. Until such time when the Los Angeles County Flood Control District (LACFCD) releases approved standards for installing of smaller or more customizable inserts, 98% is effectively unachievable. We suggest the number be lowered to 85%-90%, which we understand is the typical percentage of catch basins that can be effectively retrofitted.	constructive discussions among municipalities and the Los Angeles County Flood Control District to facilitate compliance with the MS4 Permit provisions related to the trash TMDLs, including discussions regarding catch basin and BMP design specifications and alternatives for catch basins that cannot accommodate the currently certified full capture systems. The provision discussed by this comment is on Pages 4 and 5 of the proposed changes to "Attachment A to Resolution R15-XXX," which includes requirements for full capture compliance under the Implementation section "*(1) Compliance with the interim and final WLAs may be achieved through a full capture system."* Note that, as written, this provision offers two alternatives for demonstrating full compliance using full capture systems: 1) the responsible agency may demonstrate that 98% of all catch basins within their jurisdictional boundaries in the watershed are retrofitted or 2) the responsible agency may demonstrate that 98% of catch basins in a particular sub-basin drainage area are retrofitted with full capture systems.

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			Note also that if a responsible party find that final compliance with the TMDL is impractical using an all full capture system approach as detailed above, compliance can be achieved through the implementation of partial capture devices and institutional controls, and demonstrated in these cases, through the calculation of annual trash discharged as detailed in the Basin Plan Amendment Implementation section "*(2) Compliance with interim and final effluent limitations through the installation of partial capture devices and the application of institutional controls"* starting at the bottom of page 5.
1.2	Cities of Alhambra, Arcadia, Burbank, and Glendale	Additionally, item 3 on page 5 of the proposed changes to "Attachment A to Resolution R15-XXX" states: *"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 nonrepresentative, responsible jurisdictions may also be required to*	Responsible agencies have the opportunity to conduct an effectiveness assessment of partial capture devices and institutional controls, or to submit existing data or studies of the effectiveness of partial capture devices and institutional controls that are representative of the subwatershed or jurisdictional area. The effectiveness assessment is conducted along with a *feasibility* assessment, which details the technical infeasibility of full capture system retrofits in the remaining catch basins and the feasibility of partial

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		conduct a special study of institutional controls and partial capture devices in the particular subwatershed(s) where the non-retrofitted catch basins are located." Given that many catch basins are too small for full capture systems, and that many catch basins are owned by the LACFCD, and that Connector Pipe Screens (CPS) and Automatic Retractable Screens (ARS) cannot be installed in any location where catch basins are sumps, LAR Trash TMDL responsible parties should be given the opportunity to first conduct an effectiveness assessment of partial capture and institutional controls for the remaining catch basins where full capture systems are not feasible.	capture devices for these same catch basins. These assessments are detailed in items 2 and 3 of page 5 of the proposed changes to "Attachment A to Resolution R15-XXX" which state: *"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…"* As noted in response to comment 1.1, compliance can be achieved using combinations of full capture systems, partial capture devices and institutional controls, and can be demonstrated

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			through a combination of approaches including annual calculation of trash discharged, special studies that establish the performance of specific partial capture devices and/or individual or collective institutional controls, and percent of catch basins or jurisdictional area addressed by full capture systems.
1.3	Cities of Alhambra, Arcadia, Burbank, and Glendale	<u>Receiving Water Monitoring</u> The intent of the proposed receiving water monitoring is to determine if trash is entering the local receiving waters. However, the original intent of the LAR Trash TMDL was to reduce and ultimately eliminate trash from entering the storm drain system by installing full-capture trash devices, partial-capture trash devices, implementing institutional controls, or some form of combination of these controls. This original intent is acceptable as MS4 co-permittees subject to the LAR Trash TMDL can control point-source discharges by retrofitting most storm drain inlets. The proposed receiving water monitoring of trash will not be representative of point-source discharges, as the receiving water collects non-point source discharges and other NPDES permit discharges which also likely convey trash. Finally, there are portions of the Los Angeles River waterbodies used by trespassers – these trespassers also generate trash. Rather than focusing on receiving water monitoring for trash, LAR Trash TMDL responsible parties should instead be focused on point-source controls, non-point source effective strategies, and when necessary, enforcement of trespassing and/or the illicit discharging of trash. In order to focus on these other requirements to reduce and eliminate trash entering the receiving waters, we ask that you remove the receiving water	The intent of the Los Angeles River Trash TMDL is to eliminate trash from the river itself. What the commenter identifies as the original intent is an implementation method. The overarching purpose of a TMDL is to bring a waterbody into a state of attainment of water quality standards and fully supporting beneficial uses. Because discharges from the municipal separate storm sewer system (MS4) were determined to be the principal source of trash to the river, particularly during storm events, implementation focused on controlling discharges of trash from the MS4. , Additional implementation measures to further control trash discharges to the river from non-point sources is being added in this reconsideration. Receiving water monitoring is included in virtually all TMDLs to provide the

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		monitoring requirement.	ability to assess the status of waterbody over time and to enable regulatory agencies, responsible parties and other stakeholders to assess the degree of improvement and assess the effectiveness of implementation actions. Receiving water monitoring will provide information which will allow for a better understanding of the relationships between BMP implementation, including the operations and maintenance of full capture systems and partial capture device, load reduction, and resultant conditions in the receiving water.
1.4	Cities of Alhambra, Arcadia, Burbank, and Glendale	Plastic Pellet Monitoring We have a serious concern about the requirement to develop and submit a Plastic Pellet Monitoring and Reporting Plan (PMRP). The PMRP calls for protocols for a timely and appropriate response to possible pellet spills within the Permittee's jurisdiction. We believe the plastic pellets carriers and manufacturers must have a comprehensive plan to ensure that plastic pellets are contained in the event of a spill. Additionally, clean-up activities due to plastic pellet spills must not be the responsibility of the MS4 co-permittees subject to the LAR Trash TMDL.	The Industrial General Storm Water Permit already includes requirements for permittees that manufacture, transport, store, or handle plastic materials to implement BMPs to eliminate discharges to storm drains, which include proper storage, containment, spill response and cleanup protocols. Municipalities which own or operate MS4 must also be prepared for a response to a plastic pellet spill, just as the municipality must be prepared for other types of spills as part of its MS4 Illicit Connection/Illicit Discharge Elimination Program, Part VI.D.10 of the Los Angeles County MS4 Permit,

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			subpart e. The plastic pellet requirements in the proposed TMDL are consistent with the most recently adopted Trash TMDLs in the Los Angeles Region, namely the Santa Monica Bay Debris TMDLs, as well being consistent with the recently adopted Statewide Trash Amendments (SWRCB, 2015) (p. 91).
1.5	Cities of Alhambra, Arcadia, Burbank, and Glendale	Responsibilities of the Los Angeles County Flood Control District Although the LACFCD is participating in many MS4 permit efforts, the LACFCD has basically put the onus on MS4 co-permittees to comply with the LAR Trash TMDL. Please note that the LACFCD owns and operates the majority of the storm drain system in all cities party to this letter as well as various other cities within the LAR Watershed. This is contrary to what the Ventura County Public Works Agency (VCPWA) and the Ventura County Watershed Protection District (VCWPD) is doing[1] within its jurisdiction - the VCPWA and VCWPD are implementing requirements of the Malibu Creek Watershed Trash TMDL for both point-sources and non-point sources. As such, the LACFCD should also be made a responsible party to address both point-sources and non-point sources in the LAR Watershed. We understand that the current L.A. River Trash TMDL does not assign a Waste Load Allocation to the LACFCD, however, one can make the argument that under Federal Law they should; as was discussed in the March 23, 2015 meeting attended by the cities party to this letter and the Regional Board staff, the 1915 Flood Control Act clearly	In the same letter cited by the commenter and referenced in the footnote, VCWPD, unlike LACFCD, has acknowledged ownership of conveyances and *surface* structures within the Malibu Creek watershed for the Santa Monica Bay debris TMDL within the VCWPD jurisdiction. For these TMDLs, Waste Load Allocations were assigned based on the trash generation rate associated with various land uses, as determined in the initial baseline trash study. Deriving and assigning WLAs on another basis other than according to land use generation rates is outside the scope of this reconsideration. However, the Regional Water Board recognizes the Los Angeles County Flood Control District's (LACFCD) authority over the MS4 and the fact that

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		specifies that the Flood Control Districts shall be responsible for trash and debris in their catch basins. [1] Please go to http://www.waterboards.ca.gov/losangeles/board_decisions/basin_plan_amendments/technical_documents/72_New/Comment%20Letters/08VCWPD.pdf	some of the key compliance strategies for the trash TMDL rely on installations within the LACFCD's infrastructure. Because of this, the LACFCD may be held responsible with a jurisdiction and/or agency for non-compliance where LACFCD 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, LACFCD's responsibility shall be limited to noncompliance related to the drainage area(s) within the jurisdiction where LACFCD has authority over the relevant portions of the MS4 physical infrastructure. See the Basin Plan

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			Amendments under the Implementation element. Additionally, consistent with its obligations under the Los Angeles County MS4 Permit, LACFCD is responsible for visually monitoring and removing trash and debris from all open channels and other MS4 drainage structures under its ownership. These requirements are intended to address stray trash and debris that has been deposited either illegally or through wind transport into the open channels. LACFCD shall also identify and prioritize problem areas of illicit discharge. For these problem areas, LACFCD shall propose a more frequent schedule of inspection and removal beyond the standard requirements of the MS4 Permit. Alternatively, LACFCD shall demonstrate that stray trash and debris are captured or removed prior to their discharge from the MS4 to the receiving water.
1.6	Cities of Alhambra, Arcadia, Burbank, and Glendale	Furthermore, it is our understanding that the LACFCD believes that it "does not generate pollution; it only conveys the pollution." We do not agree with this position since residents of cities party to this letter are also LACFCD residents. The fact that the TMDL does not include a waste load allocation for the LACFCD does not mean that it shouldn't under Federal Law. A	See response to comment 1.5.

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		similar situation exists with the Santa Clarita River Chlorides TMDL (Chlorides TMDL). The Chlorides TMDL imposed stringent limits on the Los Angeles County Sanitation Districts, even though the Los Angeles County Sanitation Districts did not introduce salt into the source water. Being the discharger and the owner of the publicly-owned treatment works (POTW), the Los Angeles County Sanitation Districts was assigned the responsibilities of reducing the chloride limits as the receiver of "less diluted" source water due to the on-going drought. In the same manner, the LACFCD accepts stormwater runoff into its facilities and as the discharger and owner of the majority of the storm drain system in LAR Trash TMDL responsible parties' jurisdictions, the LACFCD should be made the responsible party for reducing and eliminating trash from entering its LACFCD-owned facilities. The LACFCD needs to either install the full capture inserts in their own catch basins or relieve cities of maintenance and liability for the flood control districts catch basins should cities volunteer to install full capture insets. Suggested wording to remedy this, Item (i & ii) on page 7 is (bold underline added): (i) Without good cause denied entitlements, **waiver of liability** or other necessary authority to a responsible jurisdiction of agency for the timely installation ~~**and/or maintenance**~~ of full and or partial capture control devices for the purpose of TMDL compliance - - -. (ii) Not fulfilled its obligations ~~**regarding**~~ **by installing and maintaining full capture systems and other** proper BMP installation, operation and maintenance for purpose of TMDL compliance with	

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		the MS4 physical infrastructure under its authority.	
1.7	Cities of Alhambra, Arcadia, Burbank, and Glendale	<u>Assignment of the Existing Load Allocation for Non-point Source Discharges</u> The LAR Trash TMDL is proposing to assign load allocations for non-point source discharges only to adjacent recreational facilities of the LAR Watershed waterbodies. While we understand that non-point sources need to be addressed to prevent trash from entering the local waterbodies, portions of the Los Angeles River waterbodies are used by trespassers – these trespassers also generate trash. Also, there are instances where Los Angeles River waterbodies are not adjacent to recreational facilities and yet, we believe these other facilities are also generating non-point source trash, which ultimately enter the Los Angeles River waterbodies. For example, long portions of the Burbank Western Channel (BWC) are adjacent to the Interstate-5 freeway owned and operated by the California State Department of Transportation (Caltrans) – this is not a recreational facility, but it could significantly contribute non-point sources of trash into the BWC over time. In short, we feel it is unfair to only assign the load allocation to adjacent recreational facilities.	Regional Water Board disagrees. Loading of trash to receiving waters from Caltrans transportation facilities is already addressed through WLAs assigned to Caltrans, and addressed through its statewide permit for stormwater discharges from its facilities, including freeways. Trash from non-adjacent properties ultimately reaches the river though the vast network of the MS4, which includes the streets, gutters and storm drains. Data from the proposed receiving water monitoring may help inform an evaluation of the operation and maintenance of trash control BMPs implemented by responsible agencies, including Caltrans, and whether it is necessary in the future to include more responsible entities for nonpoint source discharges of trash to the river. MS4 Permittees, including LACFCD and Caltrans, are required to implement measures to address direct deposition of

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			trash to the MS4 and receiving waters such as Illegal Connection/Illicit Discharge and Illegal Dumping (IC/ID) programs including procedures for investigating IC/ID, prevention of IC/ID and educational programs. Also see response to comment 1.3
2.1	City of Los Angeles	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	As this comment summarizes the more detailed comments, below, responses are provided below with the more detailed comments. See responses to comments 2.2 – 2.9.

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		monitoring program. o 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. • Clarify the Minimum Frequency of Assessment and Collection/Best Management Practices (MFAC/BMP) Program requirements.	
2.2	City of Los Angeles	**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,	While there are challenges in assessing the conditions of receiving waters relative to trash, the SWAMP rapid trash assessment protocol is a reasonably quick method for generating reliable data, and is the currently accepted method for trash assessment in surface waters throughout the State. However, the Regional Water Board agrees that as improved methods are developed over time, either through the Proposition 84 grant project in the Bay area, or by other entities, flexibility to utilize these improved methods is of value. The Basin Plan Amendment and Staff Report have been revised to include additional flexibility in trash assessment methods for receiving water monitoring.

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		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.	
2.3	City of Los Angeles	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	The Basin Plan Amendments do not specifically prescribe a receiving water sampling frequency or timing. Responsible agencies are required to submit potential sites and frequencies for Regional Water Board Executive Officer approval within six months after the effective date of the revised TMDL either through a revised IMP/CIMP or as a standalone TMRP. Responsible agencies could include a “pilot” monitoring project as a first phase to the receiving water monitoring plan. Modifications to the proposed Basin Plan Amendment language, consistent with the commenter’s suggested

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		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	language changes, have been made to both Basin Plan Amendments to allow for greater flexibility in determining the trash assessment method for receiving water monitoring. However, the Regional Water Board notes that, while a three-point trash scoring method may be appropriate for an effectiveness assessment that includes clean-up, as in the Ventura River Estuary program, this method may not be the best system for a general assessment of trash. Also see response to comment 2.2.

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		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 assessment~~to determine trash accumulation rates~~.	
2.4	City of Los Angeles	**Request 2. Clarify that the Nonpoint Requirements in the TMDL Only Apply to Areas that have been Identified as**	The Load Allocations (LA) have been assigned to open space and recreational

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		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	facilities adjacent to the Los Angeles River. In the case that a certain facility generates little trash, then less effort will be required for that facility to achieve its load allocation. The Basin Plan Amendments include implementation provisions but do not specify the exact means of compliance for LAs. The Regional Water Board relies on a responsible agency's knowledge of visitation rates, areas of usage, and recreation impacts in their own facilities. An MFAC/BMP program can be designed to take advantage of current "on-land" trash assessments, and BMPs and/or other trash control programs in place. Responsible agencies may submit an MFAC/BMP program that effectively and efficiently addresses potential trash loading from their facilities given the above considerations, for Regional Water Board Executive Officer approval. For example, a responsible agency may identify the specific location(s) at the facility for MFAC implementation. The responsible agency may also proposed based on visitation/usage the appropriate frequency of MFAC implementation at the location(s). Based on data gathered over time, the responsible agency may also propose a reduction in the

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		areas and implement the MFAC/BMP program to target the areas that generate substantial amounts of trash that could be discharged to water bodies. 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.	frequency of MFAC implementation. The Statewide Trash Amendments do not apply to the trash TMDLs for the Los Angeles River and Ballona Creek watersheds. While the Statewide Trash Amendments do not apply to TMDLs for the Los Angeles River and Ballona Creek watersheds, the Statewide trash amendment states that nonpoint source dischargers: "…not covered under an NPDES permit, may be required, at the discretion of the Water Board, to implement any appropriate trash controls in areas or facilities that generate substantial amounts of trash (e.g., high usage campgrounds, picnic areas, or beach recreation areas)."
2.5	City of Los Angeles	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	MFAC is an implementation and monitoring method. Page 8 is part of the Implementation element of the Basin Plan Amendment and describes the method of MFAC. LA are assigned under the Load Allocations element on page 3. LA are also found in Table 7-2.4. The City does not establish a clear threshold for "substantial amounts," therefore the language proposed by is

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		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: 1. Trash in open space and parks managed by responsible	too open to interpretation for regulatory language. In addition, as the Load Allocations apply to the facilities in Table 7-2.4 and because responsible entities have sufficient flexibility to address higher trash generating areas and lower trash generating areas appropriately within those facilities within an MFAC program, the additional language suggested by the City is unnecessary. See also responses to comment 2.3 and 2.4.

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		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.	
2.6	City of Los Angeles	**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.	See responses to comment 2.7, 2.8, and 2.10.
2.7	City of Los	*Remove the TMRP Reference in the MFAC/BMP Program*	A TMRP is an overall monitoring plan

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	Angeles	*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".	for trash discharges from both point sources (MS4) and nonpoint sources. An MFAC/BMP is a program to assess (monitor) and control nonpoint source discharges of trash and as such will be included, when appropriate, in TRMPs. However, if a responsible agency is a MS4 permittee which has not been assigned a LA, the responsible agency may incorporate the requirements of a TMRP in a revised CIMP or IMP under the MS4 permit. The Basin Plan Amendment has been revised to provided additional clarify to address this comment.
2.8	City of Los Angeles	*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	The final Load Allocation is zero trash discharged; the initial or baseline allocation allows responsible entities time to progressively implement BMPs under the MFAC/BMP program to reduce the amount of trash discharged from the baseline amount to the final allocation. For clarity the language referring to a

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		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	"decreasing trend" has been modified in the Basin Plan Amendments. In addition, responsible agencies may propose an alternate approach to compliance demonstration in their TMRP for Executive Officer approval. The TMDL does not prescribe a specific minimum frequency of assessment for each site. Assessment and collection frequency should be included in the submitted TMRP and adjusted as needed to address increased trash accumulation or critical periods. See also response to comment 2.5.

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		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 <u>is not accumulating in amounts that cause nuisance or adversely affect beneficial uses between collections</u> ~~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~~ <u>if warranted based on the approved procedures in the MFAC/BMP program.</u>	
2.9	City of Los Angeles	*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,	The "no accumulation of trash" is as defined in the Load Allocations element of the Los Angeles River Basin Plan Amendment. The Load Allocation element states "…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".

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		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	

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		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.	
3.1	City of Pasadena	The City of Pasadena values the opportunity to provide comments on the Proposed Amendment to the Water Quality Control Plan for the Los Angeles Region to revise the Los Angeles River Watershed Trash Total Maximum Daily Load (TMDL). The comments below are made in response to Regional Board's "Attachment A to Resolution No. R15-XXX." The City of Pasadena has specific concerns in three key areas that are outlined as follows: <u>Catch Basin Retrofit Compliance</u> On pages 4 and 5, the proposed language states that in drainage areas where the vast majority of catch basins are retrofitted with a trash Full Capture System (FCS) and retrofit of the remaining catch basins is technically infeasible, then the agency may request that the Executive Officer determine that they are in full compliance if certain criteria are met. However, the proposed criteria include a requirement that 97 to 98 percent of the drainage area/catch basins are retrofitted with a FCS. It should be noted that many catch basins, especially in older cities such as Pasadena, are too small to be effectively retrofitted with the current standard of full capture systems. Therefore, the 97 to 98 percent criterion is not achievable, and it is suggested that it be lowered to reflect a more realistic percentage of catch basins that can be retrofitted. In Pasadena, that amount should be 7 5 percent.	See response to comment 1.1.
3.2	City of Pasadena	<u>Waste Load Allocation (WLA) for Flood Control Districts</u> On page 7, the proposed language states that flood control	See responses to comment 1.5 and 1.6.

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		districts, such as the Los Angeles County Flood Control District (LACFCD), are not assigned a WLA since the WLAs are based on jurisdictional area. It should be noted that placing the full responsibility for compliance with the Trash TMDL, including the resulting legal liability due to potential flooding, on cities is not reasonable. In addition, the LACFCD actually owns and maintains about half of the storm drain facilities located within the City of Pasadena. Further, the City of Pasadena has been working with other cities, including the Cities of Alhambra, Arcadia, Burbank, Glendale, and La Canada Flintridge, to try to work with the Regional Board and Los Angeles County regarding this issue without any resolution. It is suggested that the LACFCD should be responsible for complying with the Trash TMDL for all of their storm drain facilities, regardless of where they happen to be located.	
3.3	City of Pasadena	<u>Receiving Water Monitoring</u> On page 9, the proposed language states that permittees shall propose and implement a trash monitoring plan for approval by the Executive Officer. The original intent of the LAR Trash TMDL was to prevent trash from entering the storm drain system by installing full-capture trash devices or other best management practices to control point source discharges by retrofitting storm drain inlets. However, the proposed receiving water monitoring of trash will not be representative of point source discharges, as the receiving water collects trash from other sources beyond the control of the City of Pasadena. Therefore, it is suggested that the receiving water monitoring requirement be removed, which will allow agencies to focus resources on more effective trash removal efforts.	See response to comment 1.3.
4.1	City of Santa Clarita	The City of Santa Clarita (City) is committed to removing trash from its streets through litter prevention and the clean-up of our	Comment noted. The Basin Plan Amendment has been revised to remove

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		communities and waterways. Cleaning trash and dumped items is something the City supports through river and community clean-up events, aggressive street sweeping, and quick response to illegal dumping. Within City limits is a small area, 0.09 square miles or 0.233 square kilometers, of the Los Angeles River watershed and there is one rural highway through the watershed area. The area was documented by the California Regional Water Quality Control Board as not including storm drains. It was also included in the Notice of Intent for the Enhanced Watershed Management Plan with a continued commitment to street sweeping and anti-dumping enforcement activities. The City owns a 19-acre parcel of mountainous, natural open space that does not have public access. There is no trail, parking lot, out buildings, or any other amenity that would allow recreational access to the property. Using the calculations in the draft amendment, if this was an active open space area, it would be issued a generation rate in the load allocation of 19 gallons per year. The open space area owned by the City has a low level of trash generated, in a conservative estimate from active open space, and does not appear impaired for trash. Please see the enclosed map and photos of the area to document this information. In reviewing Figure 2-8 of the Regional Board Basin Plan, there is not a tributary that is a water of the United States within City limits that is tributary to the Los Angeles River. The draft amendment states, "…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… ." The City does not have any adjacency to a tributary and cannot be issued a load	Santa Clarita's LA. Trash discharges from the portion of the City of Santa Clarita within the LA River watershed may be subject to WLAs or LAs in the future based on land use changes, including the construction of MS4 related infrastructure that could convey trash to receiving waters. Note that the recently adopted Statewide Trash Amendments do not apply to the trash TMDLs for the Los Angeles River or Ballona Creek watersheds.

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		allocation from the City open space. Figure 2-8 has been enclosed for your reference. The City formally requests to remove the City of Santa Clarita Load Allocation portion of the TMDL, in addition to maintaining the deletion of the Waste Load Allocation. The area is not impaired, and there is not a tributary that is a water of the United States. If there is some information not currently available that demonstrates this is regulated water, there is no impairment in the area for trash. If in the future, there is a storm drain installed in the area, the City has committed through the NPDES permit compliance process to install full capture trash devices. The recently adopted trash policy would also affect the area if the City area is removed from the TMDL, so there would not be any regulatory gap.	
4.2	City of Santa Clarita	Compliance with this load allocation would require clean-up ten or more times each year, in addition to the existing anti-dumping enforcement, clean-up activities, and the weekly street sweeping of Sierra Highway. These additional regulations would divert needed resources for trash abatement from other parts of the City addressing other, higher water quality priorities. This will also require substantial administrative effort to be coordinated and included in a separate report with required documentation and annual reporting. There would also have to be a separate permitting mechanism with fees and attorney review. These expenses and efforts are unreasonable for an area that simply does not generate trash to the level of focused compliance that a TMDL requires. There are also mechanisms in place to prevent future trash should the land uses change.	See response to comment 4.1.
4.3	City of Santa Clarita	Setting a compliance deadline for load allocation by September 2016 is inappropriate. Since the load allocation to specific	See response to comment 4.1.

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		properties is a new rule, the load allocations should be more consistent with the timelines in the SWRCB trash policy, allowing up to ten years for compliance with zero trash. New training must be instituted for tracking, budgets established for the additional tracking time, and policies and procedures developed and implemented. The suggestion that this is a minor change to the trash TMDL compliance is inaccurate and sufficient compliance time will be required. Similar regulation of agriculture using the Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands within the Los Angeles Region program allowed for substantial implementation time for coordination among agencies and groups. The City requests a ten year process for an additional regulation of a previously unregulated activity and requests consistency with the recently approved statewide trash policy.	
4.4	City of Santa Clarita	In addition, we request the removal of the generation rate from the load allocation process. We further request a compliance option that allows for trash clean-up and visual documentation. This would expedite the timeline for clean-up. However, if there needs to be a daily trash generation factor in the load allocation for open space, it needs to accurately reflect what the use is at the location. This daily trash generation rate should be zero for open space without accessibility. There should be a discernable difference for trash generation from active open space, such as popular parks, and open space such as remote hiking trails.	See response to comment 2.8.
4.5	City of Santa Clarita	The City also feels that receiving water monitoring is unnecessary and is a significant compliance burden. However, if receiving water monitoring is retained, the City requests the Regional Board staff remove the requirements to follow SWAMP protocol, provide information on MS4 infrastructure and high trash areas, and monitoring the exit and entrance to the	See response to comment 1.3 and 2.2.

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		water body. Trash locations and volumes are highly variable and can constantly change. Providing the resources to capture this extensive monitoring data will not be an effective use of resources to stop littering and trash from entering waterways	
5.1	County of Los Angeles and LACFCD	The County of Los Angeles (County) and the Los Angeles County Flood Control District (LACFCD) appreciate the opportunity to comment on the Proposed Amendments to the Los Angeles Regional Water Quality Control Board's (Regional Board) Basin Plan as part of the reconsideration of the Los Angeles River and Ballona Creek Trash Total Maximum Daily Loads (TMDLs). Due to the fact that trash in our waterways is a concern, both the County and the LACFCD have dedicated enormous resources to reduce the amount of trash in our lakes, streams, and rivers. Examples of these programs include: a. In 2008, the County embarked on a large-scale project to retrofit its catch basins with full capture systems. Moreover, where feasible, the County has been installing partial capture systems in conjunction with the full capture systems; the addition of partial capture systems helps improve performance and prolong the operating life of the full capture systems. As of September 30, 2014, the County had retrofitted 4,134 catch basins in the Los Angeles River Watershed and 365 catch basins in the Ballona Creek Watershed. To date, approximately $8 million have been spent on this effort. Moreover, the County contracts with the LACFCD to routinely inspect and clean out the capture systems as well as perform necessary repairs. Additional efforts are currently underway to retrofit the small number of remaining catch basins the County is responsible for in these two watersheds.	Comment noted.

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		b. The County has embarked on other trash control efforts. In 2007, the County began replacing its open-market trash collection system with a robust "franchise system". Under a franchise system, trash haulers are required to enter into agreements with the County to provide improved trash collection services, including automated containers with lids, litter cleanup activities, and community cleanup events. The County also implements a street sweeping program above and beyond the requirements of the MS4 Permit. Implementation of these collective efforts ensures that its streets are consistently clean. c. The LACFCD has played an active role in working with the County and the cities to facilitate the implementation of trash control measures where feasible. For example, in April 2010, the LACFCD adopted a Structural Best Management Practice Policy to facilitate the implementation of full and partial capture systems while continuing to ensure the flood control function and hydraulic capacity of catch basins. The Policy outlines the LACFCD permitting process, including submittal requirements, and requires the applicant to enter into an agreement with the LACFCD for the applicant to assume the responsibility for maintenance and repair of full or partial capture systems as well as removal and disposal of materials captured by these systems. In late 2010, the LACFCD issued letters to all the cities to clarify the Policy in response to questions that had been raised. d. In February 2014, the LACFCD hosted a workshop to guide cities through the catch basin retrofit permitting process. The workshop was attended by over 75 people representing 45 cities. The LACFCD also maintains webpages (accessible	

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		through http://dpw.lacountv.gov/permits/) that clearly describe the permitting process and provide all pertinent documents related to catch basin retrofits in a central location. Finally, to ensure prompt customer service and an efficient permitting process, the LACFCD has dedicated staff available to answer any questions cities may have regarding the installation and maintenance of the trash capture systems. As a result, since 2010, the LACFCD has issued permits to 30 cities to retrofit a total of over 16,000 catch basins. Below are the County's and LACFCD's specific comments on the Proposed Amendments. The comments are organized as follows: • Comments by the County • Comments by the LACFCD • Comments by both the County and the LACFCD	
5.2	County of Los Angeles and LACFCD	**COMMENTS BY THE COUNTY** **1. The Proposed Amendments lack studies that have determined the threshold levels of trash needed to protect beneficial uses** The Proposed Amendments are meant to address final implementation of the Los Angeles River and Ballona Creek Trash TMDLs. The Proposed Amendments lack the levels of trash reduction needed to meet beneficial uses. Until this study is performed, the analytic basis for the TMDLs and the Proposed Amendments remains missing. This has particular importance as the implementing parties approach full compliance.[1]	This action constitutes the Regional Water Board's reconsideration as anticipated in the original TMDL. The original TMDLs established the numeric target of zero that is necessary to meet water quality standards and fully protect beneficial uses. The Administrative Records for these TMDLs provide the supporting information for the numeric targets. In 2006, in the lawsuit by several cities challenging the 2001 Los Angeles River Trash TMDL, the Court of Appeal rejected the cities' claim that the record demonstrated that compliance with the zero trash target is impossible

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		These TMDLs include a requirement that they be reconsidered after achieving 50 percent of the Baseline Waste Load Allocation because, at the time reconsideration was mandated, no study had been performed to determine if 100 percent reduction was feasible or necessary. The parties recognized that as implementing parties approached 100 percent reduction, there would be circumstances where achievement could become technically infeasible or unduly costly. Reconsideration was included in the TMDLs after achieving a reduction of 50 percent to determine if 100 percent reduction was necessary or appropriate in light of the technical and cost constraints. As implementation has approached 100 percent reduction, the County is experiencing both significant success and technical constraints. Although the County has retrofitted nearly 100 percent of the applicable catch basins, it is technically infeasible to retrofit with full or partial capture devices some of the remaining, few catch basins due to their configuration. (The County has shared this information with Regional Board staff.) There has been no study to determine the trash reduction levels necessary to support beneficial uses. (The Staff Report cites a study of plastic objects and fragments, but not other types of trash. Attachment A to the Staff Report discusses impacts from trash but does not address the level of reduction necessary to support beneficial uses.) No study is cited that addresses the levels of trash necessary to protect the beneficial uses in these water bodies.	to achieve. *City of Arcadia et al. v. Los Angeles Regional Water Quality Control Board et al.* (2006) 135 Cal.App.4th 1392, 1413, 1427-1430. The Regional Water Board continues to believe that the zero trash target is supported. A zero limit on trash is, within the meaning of the TMDL in fact, attainable because there are methods of deemed compliance with the limit, including installation of full-capture systems and other compliance options such as partial capture devices and institutional controls. In fact, this reconsideration provides additional compliance options. During the State Water Board's development and adoption of the Statewide Trash Amendments, to which the Regional Water Board staff contributed, the State Water Board reviewed and summarized numerous studies including some in the Los Angeles Region, on the impacts of trash on myriad beneficial uses of waterbodies. The findings of the studies considered during the development and adoption of the Statewide Trash Amendments continue to support a numeric target of zero trash in these TMDLs. Using these studies and other information on local conditions,

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			Regional Water Board staff did review and reconsider the wasteload allocations in these TMDLs and determined that no changes to the numeric target, loading capacity, and WLAs and LAs were warranted based on current information. Regional Water Board staff therefore did not propose any of these changes as part of these TMDL reconsiderations. Further, the original TMDLs also estimated the amount of trash reduction necessary for each permittee to meet WLAs given the land use and generation rate of trash in each jurisdiction. These trash generation rates were based on baseline studies, including one conducted by the County of Los Angeles. Trash, unlike other pollutants is persistent and has myriad acute and chronic impacts on beneficial uses including water contact and non-contact recreation, aquatic life and wildlife, navigation. Trash loading remains a problem in the Los Angeles Region and in both the Los Angeles River Watershed and Ballona Creek Watershed. Los Angeles County Flood Control District's trash boom in Ballona Creek estuary and Los Angeles River

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			estuary has collected and disposed of as much as six tons and 1,200 tons of anthropogenic and non-anthropogenic debris in those two waterbodies for the 2014 storm year. Through cleanup efforts and surveys, the majority of the trash consists of plastics. The plastics may further degrade and pose additional harm to the biota. Waterbodies and organisms do not have assimilative capacity for trash. As stated in the Staff Report, no significant changes are proposed to the existing fundamental technical TMDL elements that were established in the original TMDLs, including the Numeric Targets, Loading Capacity, WLAs and LAs, Margins of Safety, and Critical Condition and Seasonal Variations in either the Los Angeles River or Ballona Creek Trash TMDLs. The original TMDLs dealt with that question, and the Statewide Trash Amendments reconsidered that question and determined that a prohibition on discharges of trash (consistent with the TMDLs' WLAs and LAs of zero trash discharged) was appropriate given the impacts of trash on waterbodies and their beneficial uses.

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5.3	County of Los Angeles and LACFCD	**2. The requirements in the proposed alternative compliance option for full capture systems are excessive and not necessary** As discussed above, the County has implemented the Trash TMDLs' requirements on all the catch basins that can be retrofitted, and it is technically infeasible to retrofit a small number of catch basins. In the context of municipal stormwater, "maximum extent practicable" (MEP) is the standard to which technology-based effluent limitations are held. Although compliance through catch basin inserts would traditionally be considered for implementation of technology-based effluent limitations, the MS4 Permit specifically applies this approach in this context although the Los Angeles River and Ballona Creek Trash TMDLs requirements are water quality-based effluent limitations. The additional actions, described on pages 4 and 5 in both Proposed Amendments, are excessive and unnecessary. There is nothing in the record to support the justification for additional requirements. Additionally, waiting for a determination regarding the alternative compliance creates a significant amount of uncertainty for Permittees. The Regional Board should find that a Permittee is in compliance with the Trash TMDLs when a Permittee has retrofitted all the catch basins that are technically feasible to be retrofitted, and the Executive Officer concurs with the Permittee's determination of technical infeasibility.	WLAs in a TMDL must be set at a level that will ensure that the water quality standards are attained and maintained (40 CFR §130.7(c)(1)). How this water quality based threshold compares to the separate, but not mutually exclusive, technology based MEP standard for municipal stormwater for the same pollutant in the context of MS4 permits is outside the scope of these TMDL reconsiderations. NPDES permits must contain effluent limitations that are consistent with the assumptions and requirements of any available WLA. Where a BMP or suite of BMPs is used in the permitting context to achieve a WLA, there must be an adequate demonstration that the BMP(s) will be sufficient to implement applicable WLAs (USEPA 2014). The Trash TMDLs provide for three general implementation approaches (full capture, partial capture, and institutional controls), which can be effectively used in combination to control trash discharges sufficiently to achieve the WLAs. These three general approaches were identified during the development of the original TMDLs in recognition that it may not be feasible or desirable to utilize a single approach, such as

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			retrofitting all catch basins with full capture systems, to achieve WLAs. In summary, the standard for TMDL attainment is not a technology based standard, but a water quality based standard; therefore, it would inappropriate to deem a responsible agency in compliance with WLAs based on implementing, to the extent feasible, a technology based standard. Further, as discussed above, responsible agencies may implement a wide variety of structural and non-structural BMPs to achieve the trash WLAs. As such, the Regional Water Board disagrees that, on its own, a demonstration of technical infeasibility related to only some of the BMPs available to control trash is adequate to conclude that a responsible agency has achieved compliance / full implementation of the WLA. The amendments to the TMDL regarding the required demonstrations are appropriate in that the provisions require a responsible agency to demonstrate not only the technical infeasibility, as requested by the commenter, but also the extent to which it has implemented all three types of trash BMPs (i.e., full capture systems and partial capture devices, including those that can be

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			located downgradient of the catch basin(s), and institutional controls). Based on this demonstration, the amendments allow a responsible agency to be found in full compliance with the WLAs, even where less than 100% of catch basins have been retrofitted with full capture systems. Also see response to comment 1.1.
5.4	County of Los Angeles and LACFCD	**3. If the Regional Board does not accept Comment 2 above, it should extend the TMDLs' final compliance deadlines or incorporate the Proposed Amendments into the current MS4 Permit before September 2016** Although the Proposed Amendments provide an alternative compliance option for full capture systems, for it to be truly meaningful, the alternative compliance option needs to take effect before the Trash TMDLs' final compliance deadlines. As discussed above, the County has spent approximately $8 million to retrofit all of its catch basins in the Los Angeles River and Ballona Creek Watersheds with full capture systems where technically feasible, and in many instances has gone above and beyond the requirement of the Trash TMDLs to further enhance the performance of these systems. Nevertheless, it is our understanding that the Regional Board currently does not intend to incorporate the Proposed Amendments into the current MS4 Permit until its renewal in December 2017 at the earliest.	After adoption by the Regional Water Board, the Basin Plan Amendments must be approved by the State Water Board, OAL, and finally USEPA, if necessary, before the revised amendments become effective. At that point, the Regional Water Board may reopen the MS4 permit to incorporate the revised provisions of the TMDLs or incorporate the revised provision at the time of MS4 permit reissuance. The Los Angeles County MS4 Permit states, "Within 18 months of the effective date of a revised TMDL or as soon as practicable thereafter, the Regional Water Board may modify this [Los Angeles County MS4] Order consistent with the assumptions and requirements of the revised WLA(s), including the program of implementation" (Part VI.A.7.a.iv). Both actions require

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		We urge the Regional Board to exercise its discretionary authority to find, in its findings to adopt the Proposed Amendments, that no further actions are required where a Permittee has retrofitted all of its catch basins with full capture systems where technically feasible. Otherwise, the Regional Board should (1) extend the final compliance deadline for Los Angeles River by two years to September 2018 or (2) work with the State Water Resources Control Board, the State Office of Administrative Law, and the United States Environmental Protection Agency to expedite the promulgation of the Proposed Amendments and incorporate them into the current MS4 Permit before September 2016.	Regional Water Board adoption. This notwithstanding, the Regional Water Board will make efforts to expedite these administrative steps, given the final compliance deadline for the Los Angeles River Trash TMDL of September 30, 2016, to the extent that its resources allow and in light of the suite of program priorities for the coming fiscal year.
5.5	County of Los Angeles and LACFCD	**4. Receiving water monitoring should be revised relative to full capture systems** a. <u>Monitoring should not be required of parties in full compliance</u> The receiving water monitoring requirement in the Proposed Amendments is currently applicable to all Permittees subject to the Trash TMDLs, including those that have implemented full capture systems. Such monitoring is not necessary for those permittees in full compliance through installation of full capture devices. According to the Staff Report for the Proposed Amendments, one of the goals of receiving water monitoring is to identify instances where full capture systems are not being properly operated or maintained. Because Permittees are already required to document their inspections and maintenance of full capture systems a potentially more direct and effective	See response to comment 1.3.

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		way to ensure proper maintenance is through regular review of these records along with periodic audits by the Regional Board. To reaffirm the compliance certainty associated with the full capture system compliance option, the Proposed Amendments should be revised to clarify that receiving water monitoring is not applicable to Permittees implementing the full capture system compliance option. This would also be consistent with the statewide Trash Amendments approved by the State Water Resources Control Board on April 7, 2015. If the Regional Board chooses to apply receiving water monitoring to all Permittees, as clarification, the reference to "Los Angeles County, City of Long Beach and Caltrans MS4 Permittees" under the Receiving Water Monitoring Section in the Proposed Amendments should be revised to say "Permittees under the Los Angeles County MS4 Permit, the City of Long Beach MS4 Permit, and the Caltrans Stormwater Permit".	
5.6	County of Los Angeles and LACFCD	b. <u>If monitoring is required, the Proposed Amendments should provide flexibility in the monitoring programs' design and implementation</u> If the Proposed Amendments require receiving water monitoring, the amendments should allow flexibility in the design and implementation of the receiving water monitoring programs. As currently written, the Proposed Amendments require monitoring to be conducted in accordance with the Surface Water Ambient Monitoring Program's (SWAMP) Rapid Trash Assessment Protocol. However, it is our	See response to comment 2.8.

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		understanding that the Protocol has not provided the desired data to support management decisions, and that 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. In light of the difficulties in conducting trash monitoring, and the problems associated with the SWAMP protocol, we request that the Proposed Amendments be revised to give Permittees the flexibility to propose an alternative approach to conduct receiving water monitoring subject to approval by the Executive Officer.	
5.7	County of Los Angeles and LACFCD	5. **The Staff Report incorrectly shows that the County was not in compliance with the Ballona Creek Watershed Trash TMDL** Page 10 of the Staff Report indicates that 84.4 percent and 88.0 percent of the County's catch basins in the Ballona Creek Watershed had been retrofitted by the 2012-2013 and 2013-2014 Reporting Years, respectively. These percentages appear to result from using a baseline different from the original baseline of 310 catch basins to be retrofitted. Although more catch basins have been discovered or installed since the original baseline, and the County continues to retrofit these new catch basins, it is not appropriate to include them in determining compliance. It would be more appropriate to calculate compliance using the original baseline of 310 catch basins. According to the County's 2012-2013 MS4 Permit Annual Report, 349 catch basins had been retrofitted at that time. Therefore, the County respectfully requests that the Staff Report be revised to reflect that the County is in full	According to Table 1 of Appendix I of the County's 2012-13 Annual Stormwater Monitoring Report, the County has retrofitted a total of 349 Connector Pipe Screens (CPS) in 398 total catch basins which equates to a Full Capture System (FCS) installation percentage of 87.7%. In Exhibit 4 of Attachment J: Ballona Creek Trash TMDL Annual Report for 2013-2014, the county has reported the retrofit of 365 of 415 catch basins with full capture devices, equating to an installation rate of 88%. Table 4 of the Staff Report simply displays the actual compliance as of 2013 and 2014. The values in Table 4 accurately illustrate the compliance status of responsible jurisdictions based on self-reported data, at the time assessed.

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		compliance with the Ballona Creek Trash TMDL as shown below. It is worth noting that all catch basins identified as of 2014 (beyond the original 310 baseline) have now been retrofitted in advance of the September 2015 final compliance deadline. **[See comment letter for table]**	A footnote has been added to Table 3 in the Staff Report to acknowledge the County's late update to their catch basin list and subsequent compliance.
5.8	County of Los Angeles and LACFCD	**6. Final compliance with Load Allocation should be clarified and acknowledge those responsible agencies already implementing robust trash collection programs** As currently written, the compliance demonstration criteria in the Proposed Amendments do not take into account a responsible party's current level of effort and may unreasonably increase a responsible party's trash collection effort without any commensurate benefit. Specifically, the Proposed Amendments require all responsible parties to quantify the amount of trash collected and to show a decreasing trend in the amount of trash being collected. (Proposed Amendments, pp. 7-9) These requirements fail to give credit to those parties, including the County, that already implement a rigorous trash collection program. Currently, the County collects trash daily (364 days per year, except Christmas Day) at Crescenta Valley and Pamela County Parks to ensure that no trash is left on the ground immediately following each collection event. In addition, during heavy use days in the summer, the County implements a "Parks After Dark" program where an additional round of trash collection is carried out, resulting in two trash pick-ups in one day. At Santa Anita and Whittier Narrows Golf Courses, daily inspections are	Information regarding the County's current efforts may be presented in the MFAC/BMP program for approval by the Regional Water Board Executive Officer. Revisions addressing the commenter's concerns have been made to the Basin Plan Amendment See also response to comment 2.8.

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		conducted and, if present, trash is collected immediately. All County parks and golf courses have trash cans which are emptied daily. As such, we request the following revision to the Nonpoint Sources provision of the Proposed Amendments to exempt those responsible parties that already implement a rigorous trash collection program, as determined by the Executive Officer, from the requirement to quantify the amount of trash collected: *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 frequencies of collection and/or implement additional BMPs, should trash amount collected at collection events not indicate a decreasing trend.* *iv) <u>Responsible entities already implementing a daily trash inspection/collection program and are in compliance with Part (i) above shall be exempt from Parts (ii) and (iii).</u>*	

<table>
<tr><th>No.</th><th>Author</th><th>Comment</th><th>Response</th></tr>
<tr><td>5.9</td><td>County of Los Angeles and LACFCD</td><td>In addition, the final Load Allocation compliance of "100% reduction of trash from baseline load allocation" is ambiguous and subject to interpretation (Proposed Amendments, Table 7-2.5). One could interpret it to mean that zero trash shall accumulate in the recreational facilities between collection events, which would be not only inconsistent with the compliance demonstration described elsewhere in the Proposed Amendments but also impracticable. For consistency with other Trash TMDLs (i.e., Malibu Creek, Machado Lake, and Legg Lake), we recommend modifying the language in Table 7-2.5 as indicated below:

<table><tr><td>3</td><td>Achieve <u>final load allocations by implementing an Executive Officer-approved MFAC program</u> ~~100% reduction of trash from baseline load allocations~~</td><td><u>Within 6 months of the Executive Office’s approval of the MFAC program</u> ~~Three years from effective date of the reconsideration of the Los Angeles River Trash TMDL~~</td></tr></table>
[See comment letter for full table]</td><td>See response to comments 2.5 – 2.9 for additional clarity on the MFAC program. The Basin Plan Amendment has been modified to include achieving final load allocations by implementing an approved MFAC program, but the reference to the three year final date has not been deleted so that the final compliance date is expressed clearly.</td></tr>
<tr><td>5.10</td><td>County of Los Angeles and LACFCD</td><td>7. Wrigley Green Belt is not a County facility

In Table 7-2.4 of the proposed revised Los Angeles River Watershed Trash TMDL, the County is listed as the responsible entity for Wrigley Green Belt. Wrigley Green Belt is a City of Long Beach project. An agreement between the City and the LACFCD is currently being processed and upon completion of the project in summer 2016 the City will be responsible for maintaining the area. As such, the County requests that the table be corrected to show that the City of Long Beach is responsible for Wrigley Green Belt.</td><td>Comment noted. The Basin Plan Amendment and Staff Report has been revised to address this comment.</td></tr>
</table>

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5.11	County of Los Angeles and LACFCD	**COMMENTS BY THE LACFCD** **1. Requirements on the LACFCD should be consistent with the requirements in the MS4 Permit and the Santa Monica Bay Debris TMDLs** Based on communication with Regional Board staff, it is our understanding that the role of the LACFCD in the Proposed Amendments is intended to be the same as that in the current MS4 Permit and the Santa Monica Bay Debris TMDL. However, as currently written, the Proposed Amendments would make the LACFCD responsible for cleaning and maintaining catch basins in areas subject to TMDLs, whereas existing regulations give those responsibilities to Permittees assigned a Waste Load Allocation (See MS4 Permit Part VI.D.4.c.vii(3), page 78 and Santa Monica Bay Debris TMDL, page 6). Therefore, we request that the Implementation Elements of the Proposed Amendments be revised as follows: "The Los Angeles County Flood Control District (LACFCD) is not assigned Waste Load Allocations…However, the LACFCD is responsible for performing storm drain operation and maintenance, including: ~~catch basin inspection and cleaning;~~ open channel maintenance that includes removal of trash and debris"	Comment noted. The Basin Plan Amendment and Staff Report have been revised to be consistent with the Santa Monica Bay Debris TMDL and the Los Angeles County MS4 permit.
5.12	County of Los Angeles and	**2. Debris booms were installed by the LACFCD** Pages 11 and 12 of the Staff Report incorrectly indicate that	Comment noted. The Staff Report has been revised to address this comment.

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	LACFCD	the debris booms in the Los Angeles River Estuary and the Ballona Creek Estuary were installed by the County. We request that the Staff Report be revised as follows. *"The ~~County of Los Angeles~~ Los Angeles County Flood Control District has installed a debris boom near the mouth of the Los Angeles River Estuary at the Ocean Boulevard Bridge. This boom was installed in 2000 and its performance was fully optimized in 2007-08. ~~Even after optimization, the~~ The boom was designed to ~~capture a certain design flow~~ withstand typical flow volumes at the location of the debris boom and capture floatable debris present in those flows while bypassing the higher water flows-due-to-flooding concerns. The collected trash and other debris is gathered for disposal, but not separated or sorted. From April 2013 to ~~April~~ March 2014, ~~the County of Los Angeles Public Works Maintenance collected~~ roughly 1,200 tons of debris from the Los Angeles River Estuary were collected as a result of the debris boom on behalf of the Los Angeles County Flood Control District. Observations indicated that most of the debris was vegetation with smaller amounts of trash including plastics, packaging, etcetera (Naing, Win, County of Los Angeles Department of Public Works, February 24, 2015, personal communication).* *The ~~County of Los Angeles~~ Los Angeles County Flood Control District has also installed a debris boom near the mouth of the Ballona Creek Estuary downstream of Lincoln Boulevard Bridge. Like the*	

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		Los Angeles River debris boom, this boom is ~~only~~ designed to ~~capture a certain design flow~~ withstand typical flow volumes at the location of the debris boom and the ~~trash~~ debris is gathered for disposal but not separated or sorted. ~~From April 2013 to April 2014, the County of Los Angeles Public Works Maintenance collected In 2014~~ roughly 6 tons of trash debris were collected from Ballona Creek Estuary, ~~and~~ It was observed that most of it was ~~vegetation with smaller amounts~~ of trash including Styrofoam, plastics, packaging, etcetera. ~~County of Los Angeles Public Works Maintenance observed~~ and that the proportion of trash to vegetation was higher in Ballona Creek than the Los Angeles River (Naing, Win, County of Los Angeles Department of Public Works, February 24, 2015, personal communication)."	
5.13	County of Los Angeles and LACFCD	**COMMENT FROM BOTH THE COUNTY AND THE LACFCD** **1. The Plastic Pellet Monitoring section in the proposed revised Los Angeles River Watershed Trash TMDL should be expanded to clearly indicate the responsibilities of MS4 Permittees** Page 39 of the Staff Report describes three categories of MS4 Permittees in terms of their respective roles and responsibilities related to the Plastic Pellet Monitoring and Reporting Plan (PMRP). Unfortunately, this discussion is currently absent in the proposed revised Los Angeles River Watershed Trash TMDL, which leaves the Permittees' roles are ambiguous and open to interpretation. To help clarify,	Comment noted. The Basin Plan Amendment has been revised to include this additional information from the staff report.

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		we request that the following language from the Staff Report be incorporated on page 10 of the proposed revised Los Angeles River Watershed Trash TMDL. *"MS4 Permittees will fall into one of the following three categories for requirements of a PMRP:* 1. *MS4 Permittees that have industrial facilities or activities related to the manufacturing, handling, or transportation of plastic pellets within their jurisdiction must prepare a PMRP.* 2. *Responsible jurisdictions that have no industrial facilities or activities related to the manufacturing, handling, or transportation of plastic pellets may not be required to conduct monitoring at MS4 outfalls, but must have a response plan in place to address plastic pellet spills. If satisfactory documentation is provided that shows there are no industrial facilities or activities related to plastic pellets within the jurisdiction, the responsible jurisdiction may be excused of the requirement to monitor MS4 outfalls. LACFCD will be in this category.* 3. *Responsible jurisdictions that only have residential areas within their respective jurisdictions, and have limited commercial or industrial transportation corridors (including railways and roadways), may be exempted from the requirements of preparing a PMRP. In order for a responsible jurisdiction to be exempted*	

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		from this requirement, sufficient documentation including municipal zoning plans must be submitted to the Regional Board and approved by the Executive Officer."	
6.1	Grassroots Coalition	The red-lined portions of the revisions do not include fundamental differences at Ballona Wetlands Ecological Reserve. It appears that there is a predetermined outcome of Ballona's restoration that drives the language and titling of Ballona, namely- that an industrial-scale destruction of Ballona's habitat will occur by digging out all that is currently Ballona and turning it into a catch-basin for full tidal exchange. Such creation of a wholly non-historic nature is a business venture that has compromised the public's bond dollars and good faith toward restoration of Ballona.	Neither the Basin Plan Amendment, nor the adopting resolution or supporting Staff Report address any proposed restoration plans for, or modification of, the Ballona Wetlands and do not predetermine any further action on the part of the Regional Water Board or others as to the wetlands. As such, the comment is outside the scope of the proposed revisions of the trash TMDLs. This Basin Plan Amendment only addresses certain technical elements of a total maximum daily load (TMDL) to address water quality impairments due to trash in Ballona Creek and Ballona Estuary. The TMDL is designed to restore water quality in Ballona Creek and Ballona Estuary relative to trash. Because the Ballona Wetlands is an open recreational space, and given its proximity to Ballona Estuary, it may be a source of nonpoint discharges of trash to the adjacent estuary. Therefore, a load allocation was assigned to the Ballona Wetlands and requirements to develop and implement a minimum frequency of assessment and collection

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			(MFAC) / BMP program to control trash discharges from this recreational open space.
6.2	Grassroots Coalition	The LARWQCB trash language should only be directed toward what exists. The ARMY CORPS OF ENGINEERS, LA FLOOD CONTROL created BALLONA CHANNEL (This manmade flood channel is not the historic meanderings of Ballona Creek and in no way resembles the past creek.) Therefore, the titles assigned for trash should be properly assigned to the Ballona FLOOD CONTROL Channel.	While Ballona Creek has been channelized for the purposes of flood control, and does not resemble its pre-development condition, the creek is a water of the United States and a water of the State with designated beneficial uses that must be protected. The Ballona Creek Trash TMDL is designed to improve and restore water quality in the creek and estuary relative to trash in order to support existing and potential beneficial uses of the creek and estuary.
6.3	Grassroots Coalition	The Ballona Channel, unlike the Ballona Creek, is open to the Santa Monica Bay year-round and has created the estuary at its juncture between the end of the Channel and the Santa Monica Bay. Trash needs to be removed/ kept out of the Ballona Channel along its full extent to the Santa Monica Bay. The land mass that is Ballona Wetlands should not be included as the Ballona Channel and certainly not as pertaining to Ballona Channel trash. Trash that is in Ballona Wetlands, unless driven by excessive winds from the Channel onto the land, is virtually all a result of vehicles that deposit trash along the roadways in and around Ballona. The other main deposit of trash into Ballona Wetlands comes from transients and homeless that are living in or walk-about BALLONA WETLANDS Ecological Reserve—which is illegal and a matter that does not	The Regional Water Board agrees that trash needs to be kept out of the Ballona Channel along its full extent to the Santa Monica Bay. The Regional Water Board recognizes Ballona Wetlands as a distinct waterbody in the TMDL, and in the region's Basin Plan, Tables 2-1 and 2-1a. The Ballona Wetlands should be included in the TMDL and this re-consideration of the TMDL. Ballona Creek Wetlands is listed on the Clean Water Act Section 303(d) list of Impaired Waterbodies and was

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		concern the TMDL…TRASH or otherwise. The failure to properly identify and, what appears to be a deliberate misrepresentation of Ballona Wetlands Ecological Reserve, should be rewritten to identify Ballona correctly.	addressed in the original Ballona Creek TMDL and continues to be impaired by trash. Direct deposition of trash into a waterbody such as Ballona Wetlands contributes loading of trash into the waterbody and impairs beneficial uses of the wetland.
7.1	Heal the Bay	On behalf of Heal the Bay, I submit the following comments to the Los Angeles Regional Water Quality Control Board ("Regional Board") on the proposed amendments to the Basin Plan to Revise Total Maximum Daily Load ("TMDL") for Trash in the Ballona Creek Watershed and Total Maximum Daily Load for Trash in the Los Angeles River Watershed ("Proposed Amendments"). Heal the Bay is an environmental organization with over 15,000 members dedicated to making Southern California coastal waters and watersheds safe, healthy, and clean for people and aquatic life. Heal the Bay has advocated for the development and supported the adoption of trash TMDLs in the Los Angeles region and statewide for over a decade. We were major proponents of the original Trash TMDL adopted by the Regional Board on September 19, 2001, as the provisions of the TMDL paved the way for water quality standards attainment. Also, we helped negotiate the definition of full capture device with the Regional Board, Los Angeles County, and City of Los Angeles. Of particular note, the original Trash TMDL itself stood strong against many legal challenges, as the Court of Appeals ruled in favor of the Regional Board in every one of the Plaintiff's	Comment noted.

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		claims against the TMDL, except with respect to CEQA. As final compliance deadlines approach in 2015 and 2016 for Ballona Creek and Los Angeles River Watersheds, respectively, it is critical responsible entities continue to make progress toward TMDL compliance. As such, we believe the Proposed Amendments revisions will assist responsible entities reach water quality standards in the future. However, we also believe some aspects of the Proposed Amendments need further refinement as outlined in our comments below. Because proposed changes to the Ballona Creek Watershed Trash TMDL are similar, if not the same, as proposed changes to the Los Angeles Watershed Trash TMDL, our comments below address them both, when applicable. We appreciate the opportunity to provide comments at this time.	
7.2	Heal the Bay	**I. Trash Impairs the Beneficial Uses of the Los Angeles River and Ballona Creek** Trash significantly impairs beneficial uses of the Los Angeles River watershed and Ballona Creek watershed. It is a well established fact that runoff from urban storm drains is the number one source of coastal pollution, and is a continuing threat to marine life and human health in Los Angeles County. Urban runoff carries trash and other pollutants that go directly to local streams, such as the Los Angeles River and Ballona Creek, and eventually to the ocean unfiltered and untreated. Heal the Bay has routinely documented excessive trash in the River during annual Coastal Cleanup Days. Compton Creek, a tributary of the Los Angeles River, is arguably the most trash impaired waterbody in the region – large amounts of trash have been collected and removed from Compton Creek through various cleanup efforts.	Comment noted.

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		Los Angeles River and Ballona Creek support, or should support, a host of beneficial uses. Today, at various reaches along these waterways, people bike, jog, walk, horseback ride, bird-watch, photograph, picnic, swim, fish, and collect mussels off of the rocks. There are also numerous species of fish and wildlife that spawn, migrate, and live in these waters. There can be no question that trash has tremendously impaired the beneficial uses of these waterways, particularly, but without limitation: REC1; REC2; GWR; WARM; MAR; WILD; RARE; potential MUN, IND., MIGR, SPWN, and SHELL.	
7.3	Heal the Bay	**II. Support Regional Board Inclusion of Load Allocations for Adjacent Waters or Parks, Open Space, or Recreational Facilities to Los Angeles River and Ballona Creek Watersheds** The loading capacity of trash in Los Angeles River and Ballona Creek ("waterways") watersheds is zero. Both point and nonpoint sources contribute to trash pollution in these waterways. The new load allocations contained in the Proposed Amendments help strengthen both TMDLs as they directly target nonpoint sources; including responsible entities owning or operating recreational facilities directly adjacent to waterways is needed and will help achieve TMDLs' numeric target of zero trash in all waterbodies. Therefore, we support the Regional Board's load allocation revisions in the Proposed Amendments. In addition, we believe assigning the City of Santa Clarita a load allocation of 901 gallons of trash per year to replace its waste load allocation from the 2007 Los Angeles River Watershed Trash TMDL is appropriate as Santa Clarita does not have MS4 infrastructure capable of directly conveying trash into the Los Angeles River at this time.	Comment noted.

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7.4	Heal the Bay	*a. Methods for Determination of Applicable Nonpoint Sources Need to be Included in the Proposed Amendments* The Proposed Amendments clearly identify entities responsible for nonpoint source pollution from lands adjacent to the waterways. Although the Proposed Amendments identify cities responsible, it is unclear how the Regional Board ultimately identified these adjacent waters, parks, open space, and recreational facilities included in TMDLs' amendments. Did the Regional Board rely on municipalities to identify nonpoint source areas? Did the Regional Board use Geographical Information Systems to identify possible nonpoint source land uses? If a park, open space, or recreational facility does not directly share a property boundary with the waterways, is it omitted from being a possible nonpoint source? We ask the Regional Board to clarify how sites given TMDL baseline load allocations were chosen and to include methods/protocol for identification of future nonpoint source sites in the Proposed Amendment. Furthermore, we ask the Regional Board to expand nonpoint sources to area within 0.10 miles of Los Angeles River and Ballona Creek banks as nonpoint source pollution can occur several hundred feet from waterway boundaries.	The Basin Plan Amendments have assigned LAs, "to entities that own and/or operate parks, open space, or recreational facilities adjacent…" to Ballona Creek or tributaries and Los Angeles River or its tributaries. Adjacent parks, open space, and recreational facilities were identified during previous efforts and surveys, which included the Los Angeles River Recreational Use Re-evaluation (RECUR) reconnaissance surveys, and geographical information system (GIS) analysis. An expansion of the assignment of load allocations to nonpoint sources that are not adjacent to the river or creek, or their tributaries, would require a methodology or study to determine the appropriate distance from a waterbody to use as a threshold distance. The Regional Water Board is not aware of such a methodology or study at this time to support the commenter's request. However, both TMDLs have load allocations (LAs) of zero trash discharged. Where data, information or studies indicate that specific nonpoint sources, including non-adjacent recreational areas, are a source of trash to the river or creek, or their tributaries,

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			the Regional Water Board may identify such sources and then address trash discharges from these facilities in the future per the Statewide Policy for the Implementation and Enforcement of the Nonpoint Source Program, in revisions to these TMDLs, and/or through other appropriate regulatory means.
7.5	Heal the Bay	*b. Compliance Determination for Nonpoint Sources is Unclear and Needs to be Revised* TMDL compliance for entities responsible for nonpoint source pollution are determined to by three criteria: 1) The assessment performed immediately after each collection event shall demonstrate that no trash remains; 2) The trash amount accumulated between collection events in open space and parks shall not exceed the Load Allocations of 640 gallons per square mile per year (gal/mi2/yr) and shall show a decreasing trend; 3) 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. In addition to the above requirements, implementation schedules for nonpoint sources are required to achieve 100% reduction of trash from baseline load allocations three years from the effective date of each reconsidered Trash TMDL. As written, it is unclear what requirements in the Proposed Amendments establish nonpoint source compliance – do responsible entities need to eliminate trash pollution as identified in implementation	See response to comment 2.8.

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		schedule or complete the three steps outlined above? Both? We ask the Proposed Amendments be revised to address this.	
7.6	Heal the Bay	Furthermore, the justification of using a blanket load allocation of 640 gallons per square mile per year for all nonpoint source areas is unclear. This value was derived from a City of Calabasas nonpoint source study – can the Regional Board show nonpoint source loading in Calabasas is representative of all nonpoint areas identified in the Proposed Amendments? Generally speaking, we do not believe nonpoint source loading occurring in Calabasas would be the same as nonpoint source loading in heavily urbanized areas of City of Los Angeles or City of Compton. We ask the Regional Board to include site-specific characteristic, such as population densities, land use visitorship, etc., to take into account differences in nonpoint source trash loading incorporated into the Proposed Amendments. It is important that baseline nonpoint source trash reductions are representative of the actual loading occurring at each site.	The baseline is an estimate based on the best available data. As the responsible agencies with newly assigned Load Allocations have only three years from the effective date of the TMDL revisions to achieve 100% reduction, there is relatively minor importance to the precision of the estimate. Studies to determine more precise estimates based on site-specific characteristics such as population densities, land use, visitorship, etc, could take as long as several years to complete and may delay implementation of non-point source controls.
7.7	Heal the Bay	*c) Load Allocations Implementation Reliance on Receiving Water Monitoring Plan* Trash in open space and parks managed by responsible jurisdictions and agencies are to be removed completely 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. The frequency of trash removal in the TMRP has little correlation to nonpoint source loading addressed in the Proposed Amendment. TMRP sampling frequency is used to determine trash accumulation rates in receiving waters, not open space and parks. The justification for	See response to comments 1.3, 2.2 and 2.8.

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		using receiving water monitoring frequency for terrestrial trash management is unclear. We ask the Regional Board to include more specifics about assessment and collection frequency for nonpoint sources; Heal the Bay urges the Regional Board to require assessment and collection at least monthly for heavily used public areas such as parks and recreational facilities and quarterly for other land uses.	
7.8	Heal the Bay	**III. Support Addition of New Monitoring Requirements in Proposed Amendments** Proposed Amendments include the addition of three new monitoring requirements to track and assess trash in waterways. We support the inclusion of these requirements, receiving water monitoring, plastic pellet monitoring, and Minimum Frequency of Assessment and Collection (MFAC) Program monitoring, contained in the Proposed Amendment and believe they are necessary to accurately assess trash accumulation volumes over time. Given the lack of clear compliance demonstrations, as documented by the Regional Board in Table 1 and 2 of the Staff Report[1], requiring additional trash monitoring is necessary to ensure implemented trash controls are working effectively and to identify if additional management approaches are necessary to reduce trash pollution in waterways. Further, these new requirements will aid in the collection of trash data and create comparable monitoring metrics across multiple jurisdictions, which can assist the Regional Board in compliance determination and assessment of trash impairments along waterways in the long-term.	Comment noted. The Regional Water Board recognizes the lack of clear compliance demonstration in Tables 1 and 2 of the Staff Report. Compliance reporting is required in the MS4 permits. The lack of clarity is due to inconsistencies in reporting under the MS4 permits. TMDL staff and MS4 staff at the Regional Water Board will be working together to revise reporting templates for the responsible agencies to ensure that the demonstration of compliance or non-compliance is clear in future reports under the MS4 permits.
7.9	Heal the Bay	*a. Receiving Water Monitoring Sampling Sites and Frequency Needs more Specificity*	The Regional Water Board recognizes the inherent difficulties in monitoring a pollutant such as trash in a manner that

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		The Proposed Amendments require responsible entities to submit TMRPs outlining proposed receiving water monitoring sites and at least two additional alternative monitoring locations. In addition, TMRPs require entities to identify at least one monitoring station per reach and tributary. Although we support the inclusion of receiving water monitoring requirements in the Proposed Amendments, we believe sampling one site per reach and tributary will not accurately assess trash accumulation in receiving waters. Trash accumulation rates can vary considerably across reaches and tributaries because of differences in channel construction; trapezoidal channels differ from box channels, soft bottom differ from hard bottom, etc. Because of these differences, we request that further clarity be added to the Proposed Amendments to include language requiring responsible entities to monitor more than one monitoring site in reaches and tributaries that have variable channel configurations. For example, reaches and tributaries that have trapezoidal channels consisting of both hard and soft bottom would at least have two different receiving water monitoring sites.	will produce useful data. The Regional Water Board aims to require the collection of useful receiving water data, while keeping the focus of responsible agencies on the implementation of programs and BMPs that control or reduce trash discharges. One monitoring station per segment will be sufficient for periodic comparisons and trend analysis, while a greater number of stations sampled during differing conditions may be more appropriate in a special study.
7.10	Heal the Bay	The Proposed Amendments also state that "each sampling evaluation should consider trash levels over time and under different seasonal conditions". It is unclear what "different seasonal conditions" is referring to – does the Regional Board want responsible entities to monitor in each season, wet/dry weather, or four times per year at each site? The language in the Proposed Amendments is not specific enough to identify this. We ask that the Proposed Amendments be revised to clearly state how many times per year the Regional Board requires a sampling site to be monitored. To accurately assess seasonal difference, we believe sampling evaluations should take place four times per year (summer, winter, fall, and spring) to	The Los Angeles Region experiences primarily a summer and a winter season with very different precipitation levels and stormwater is the primary driver of point source loading of trash. As in many TMDL monitoring programs, the TMDL requires that the responsible agencies propose a monitoring program for approval by the Regional Water Board Executive Officer. This allows responsible

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		characterize social behavior difference and accompanying trash accumulation which may be influenced by seasonal weather changes.	agencies to use their local knowledge and experience to determine how best to leverage their resources and how to best work together to develop a monitoring plan that collects the necessary data efficiently. Revised CIMPs or IMPs which include requirements of TMRPs are publically noticed per the requirements of the MS4 permits.
7.11	Heal the Bay	**IV. New Alternative Compliance Methods for Full and Partial Capture Devices Should be Approached with Caution** The Proposed Amendments include three new alternative compliance approaches for full capture and partial capture devices. The numeric target for trash in both the Los Angeles River Watershed and Ballona Creek Watershed Trash TMDLs is zero. Both TMDLs were developed with the notion that final compliance would be attained when zero trash is discharged into waterways. Heal the Bay understands the complexity of managing the region's trash problem, and are fully aware of the challenges presented with implementation of each trash TMDL. We commend the efforts responsible parties have put forth up to this point to comply with the Los Angeles River Watershed and Ballona Creek Watershed Trash TMDLs; however we want to reiterate the importance of these TMDLs in the region. Los Angeles is one of the most heavily developed counties in the nation. Trash pollution is chronic and the Regional Board rightfully adopted Trash TMDLs for Los Angeles River and	The Regional Water Board appreciates the commenter's concern and agrees that careful consideration of changes to compliance determinations towards the end of TMDL implementation schedules should be given. Given the complexity of TMDLs and implementation timeframes, the Regional Water Board, responsible entities and stakeholders continue to gain knowledge and experience during the TMDL implementation period. The Regional Water Board strives to adopt and implement effective TMDLs that achieve the objective of attaining water quality standards and restoring beneficial uses, as efficiently as possible. To achieve effectiveness and efficiency, the Regional Water Board provides flexibility regarding

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		Ballona Creek in 2001 and 2007. Both TMDLs are approaching their final compliance deadlines. Adding alternative compliance determination methodology at the end of TMDL implementation schedules is a slippery slope; if this approach is used regularly, it has the potential to seriously undermine already adopted TMDLs. Further, the precedent setting nature of changing final compliance metrics for TMDLs that have been implemented for almost a decade, especially when new alternative compliance methods are less stringent than what was proposed in the original TMDLs, is concerning. Because of this, we urge the Regional Board to approach the new alternative compliance methods for full and partial capture devices with caution.	implementation where appropriate and consistent with the objective of the TMDL. Based on these factors, and after careful consideration, the Regional Water Board has determined that new alternative compliance approaches for full and partial capture devices are warranted, while still maintaining a numeric target of zero trash. The Regional Water Board does note that the alternative compliance metrics are not "less stringent" than what was in the original TMDL; the target for trash is still zero, but greater detail has been added on ways to show compliance with the target. This is consistent with the original TMDLs.
7.12	Heal the Bay	*a. The Alternative Full Capture Compliance Approach Needs to be Strengthened to Require Downstream Trash Controls in Areas where it is Technically Infeasible to Implement Full Capture Devices* The original Ballona Creek Watershed and Los Angeles River Watershed Trash TMDLs included a technological based compliance option for responsible entities. Cities which chose to retrofit all catch basins with full capture devices, following TMDL implementation schedules, were deemed to be in compliance with the TMDL. Pursuing this approach is resource	The Regional Water Board agrees that the '*percentage catch basins retrofitted with FCS* [full capture systems]' and the '*percentage of drainage area addressed by FCS'* are not necessarily equivalent. However, these two options are consistent with the original TMDLs and with the provisions of the MS4 permits implementing these TMDLs and are likely close to equivalent on a jurisdiction wide basis. Further, the

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		intensive, encountering not only financial, but also engineering constraints. Yet, many cities have already achieved compliance. As identified in the staff report and Proposed Amendments, in some cases it was technically infeasible to install full capture devices at some catch basins because of physical constraints associated with channel configuration. To address trash in areas that are not managed by full capture systems because of technical infeasibility, the Regional Board proposes alternative compliance criteria (below) in the Proposed Amendments. 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	option to report compliance in terms of number of catch basins retrofitted out of the total number of catch basins provides a simple approach to reporting compliance, since in many cases the specific catchment area associated with a catch basin may not be delineated. Note, in either case, the responsible agencies must make a convincing case that retrofitting is infeasible (per the Basin Plan Amendment: *…a report … 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*) and make a convincing case that all other partial capture and institutional control methods to control or reduce trash are being implemented (per the Basin Plan Amendment: *…a report… detailing the partial capture devices and/or institutional controls that are currently and will continue to be implemented in the affected subwatershed*).

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		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.[2] These criteria are a good start to offset full capture installation challenges. However, we believe criteria one and two need to be adjusted to ensure trash capture effectiveness by alternative compliance approaches are comparable to the full capture effectiveness originally developed in the Trash TMDLs. Criteria One 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 ~~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. We ask that the 98% threshold apply only to the jurisdiction's drainage area in the Proposed Amendments, as the percentage of catch basins outfitted with full capture systems and the percentage of the jurisdictional drainage area in a watershed are	

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		two different things. All catch basins do not capture the same percentage of a watershed - remaining 2% of catch basins not retrofitted with full capture systems could represent over 2% of jurisdictional drainage area in the watershed. Because of this, we ask the Regional Board the strike the above language and solely rely upon jurisdictional drainage covered by full capture devices in criteria one. Only 2% of the drainage area should be allowed to not be retrofitted by full capture systems in the Proposed Amendment.	
7.13	Heal the Bay	Criteria Two 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. <u>The agency shall implement FCS and/or partial capture devices at remaining catch basins, along the storm drain, or at the MS4 outfall downgradient from the catch basin unless deemed technically infeasible. If deemed technically infeasible, the agency shall implement additional BMPs upstream to address catch basins not retrofitted with trash capture devices.</u> The Proposed Amendments, as written, only requires agencies to develop a report for the Regional Board detailing technical infeasibilities and the potential to install additional capture devices along storm drain and MS4 outfall. It is important to highlight that the Proposed Amendment does not require agencies to actually implement any trash controls. We ask the Regional Board to specially require agencies to install these	The Basin Plan Amendments also require that responsible agencies submit to the Regional Water Board a report 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 these controls (see for example, (3) on page 5 of the Los Angeles River Trash TMDL Basin Plan Amendment). The Regional Water Board Executive Officer will not make the determination that the agency is in full compliance with its final WLA unless all feasible retrofits are made and unless additional institutional controls as appropriate are being implemented.

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		potential capture devices if deemed feasible. If deemed infeasible, we request that the agency be required to implement additional control measures, such as institutional controls or upstream/downstream controls, to address trash loading from catch basins not retrofitted with full capture systems. This approach would ensure trash that is not managed through full capture devices will be captured by other control measures up or downstream of the catch basin.	
7.14	Heal the Bay	b. *The Alternative Partial Capture Compliance Approach Should Not be used for Final Compliance with TMDLs* Responsible entities that chose to pursue a partial capture device approach for TMDL compliance should not be granted an alternative compliance approach at this time. The intention of the partial capture approach is to reach baseline loading reductions identified in the original TMDLs by a specific date. Therefore, meeting baseline load reductions is critical for compliance. Responsible entities should not be given the opportunity to request that 97% or 98% of baseline load reduction constitute full compliance with final waste load allocations. Between 99%-100% reduction in baseline trash loading should be the only criteria for TMDL compliance. Given the fact that responsible entities that pursued a partial capture compliance approach were not required to retrofit all catch basins in jurisdictional boundaries and that opportunities still exist to install partial or full catch devices at non-retrofitted catch basins clearly identifies that more can be done if baseline load reductions have not be achieved.	The Regional Water Board disagrees. The Staff Report considered three methods for determining that a responsible agency had effectively achieved 100% compliance given the inherent variability of the Daily Generation Rate (DGR) estimation and, subsequently, the calculation of annual trash discharged. These included 1) *Within the Effectiveness of a Structural Vortex Separation Systems*, 2) *Within Demonstrated Full Capture System Effectiveness* and 3) *Practical Calculation Limit of Partial Capture Devices and Institutional Controls*. The Basin Plan Amendments incorporate the most conservative of these three alternatives. It is important to address the inherent variability of the DGR estimation at this time as the final deadline for compliance with the TMDL is approaching because it is used to calculate the annual trash discharged.

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7.15	Heal the Bay	Further, it is inappropriate to alter final water quality based compliance approaches 1-2 years prior to final compliance deadlines. Additionally, the Trash Policy adopted by the State Water Resources Control Board in April 2015 requires that Track 2 (which allows for a combination of BMPs and treatment controls to meet full capture system equivalency) specifically demonstrate equivalency with full capture systems. Allowing for responsible parties to decrease their trash load reduction requirements to demonstrate compliance is in direct contravention with the Track 2 approach, as it does not represent equivalency and instead represent trash capture that is less-than equivalent. It is important that any amendments to these TMDLs are consistent with the statewide Trash Policy. Moreover, altering final compliance criteria for a sunsetting TMDL is a slippery slope. Will this be an approach used for other TMDLs, such as bacteria or metals when responsible agencies cannot attain final waste load allocations? We believe the alternative compliance approach for partial capture devices should not be included in the Proposed Amendment as it is clearly unjustified at this time.	Responsible agencies are not allowed to "decrease their trash load reduction requirements", as targets and wasteload allocations remain the same. While the "full capture equivalency" is a method for deriving allocations the Regional Water Board considered an approach based on a full capture device efficiency described in the Staff Report and response to comment 1.14 above, *Within the Effectiveness of a Structural Vortex Separation System*, but ultimately incorporated a more conservative approach to final compliance demonstration where responsible agencies are utilizing a combination of partial capture devices and institutional controls. The Regional Water Board does not believe these revisions represent a "slippery slope," but are reasonable compliance details to address the issue of variability in DGR estimation and extrapolation to determine annual trash discharged. Also the TMDL is not "sunsetting," but remains a vital regulation that will continue to be implemented after the final implementation guideline. Note the language in the Los Angeles County

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			MS4 Permit, Attachment O, Part A.3, footnote 3, which states "Permittees shall achieve their final effluent limitation of zero trash discharge for the 2015-16 storm year *and every year thereafter*" and the equivalent footnote in Attachment M, Part E.1.c. Note that the Statewide Trash Amendments adopted in April 2015 do not apply to the trash TMDLs for Los Angeles River or Ballona Creek watersheds. The Statewide Trash Amendments specifically state that "these Trash Provisions apply to all surface waters of the State, with the exception of those waters with the jurisdiction of the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) for which trash Total Maximum Daily Loads (TMDLs) are in effect prior to the effective date of these Trash Provisions" (see Appendix E, Part 1 Trash Provisions, Chapter IV.A.1.b). Also see response to comment 7.14.
7.16	Heal the Bay	*c. Compliance with the Interim and Final WLAs though Scientifically Based Alternative Compliance Approach as Approved by the Regional Board or Executive Officer should have a Public Comment*	This is not an entirely new compliance approach as the TMDLs and corresponding MS4 permit provisions have always allowed responsible

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		Period The Proposed Amendments allows for responsible entities to conduct studies of institutional controls and partial capture devices for their particular subwatershed(s) or demonstrate that existing studies are representative and transferable to the implementing area. This is an entirely new compliance approach for the Los Angeles River Watershed and Ballona Creek Watershed Trash TMDLs. Given this is a new approach, entities that pursue this approach should be required to incorporate public input at critical milestones throughout study development, implementation, and finding. Furthermore, responsible entities should be required to demonstrate equivalency to full and partial capture devices when conducting studies or when demonstrating existing studies are representative. It is critical that scientifically based alternative compliance maintain schedules contained in the original TMDL and effectiveness of new trash controls are as protective as existing compliance metrics.	agencies to demonstrate compliance through partial capture systems and institutional controls. The Los Angeles River trash TMDL Staff Report also included the provision that "*The Executive Officer may approve alternative compliance monitoring programs other than those described above, upon finding that the program will provide a scientifically-based estimate of the amount of trash discharged from the storm drain system"* (page 36). Similarly, the Los Angeles County MS4 Permit, when it was amended in 2009 to incorporate provisions to implement the Los Angeles River Trash TMDL, included language allowing Permittees using a combination of partial capture devices and institutional controls to report compliance based on the demonstrated performance of the controls in the implementing area. This language was carried over in the 2012 reissuance of the Los Angeles County MS4 Permit. The Regional Water Board agrees that scientifically-based alternative compliance approaches must maintain the same schedules and must be as protective as existing compliance methods.

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			Scientifically-based alternative compliance approaches submitted for Regional Water Board Executive Officer approval will be thorough evaluated. The Regional Water Board will provide an opportunity for public review consistent with the provision of the Los Angeles County MS4 Permit, Part VI.A.5.b, stating that document submitted for Regional Water Board Executive Office approval will be made available to the public for a 30-day period to allow for public comment.
8.1	Joyce Dillard	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*	The numeric target of zero trash was established in the original TMDLs and is not under reconsideration at this time and is therefore outside of the scope of these proposed revisions. Note that zero is the target because, as established in the original TMDLs, the Los Angeles River and Ballona Creek, the estuaries and tributaries, and Ballona Wetlands have no assimilative capacity for trash. The Regional Water Board recognizes that some nonpoint sources of trash, such as homeless encampments pose a challenge on many levels to agencies intending to reduce trash discharges to the Los Angeles River. The

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		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.	MFAC/BMP program is an implementation mechanism for load allocations only, which responsible jurisdictions may employ to demonstrate compliance. See response to comment 1.3 and 6.3 for direct discharges of trash. Also see response to comment 5.2, 6.1, and 7.4.

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		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.	
8.2	Joyce Dillard	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.	The TMDL assigns Load Allocations as appropriate to nonpoint sources of trash. Load Allocations assigned to nonpoint sources will be implemented through the *Statewide Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program*, which may include a general waiver of waste discharge requirements (WDRs), individual waivers of WDRs, general WDRs, individual WDRs, a memorandum of understanding (MOU), a cleanup and abatement order, or any other appropriate regulatory order(s). Load Allocations may be achieved through a program of minimum frequency of assessment and collection (MFAC)/BMP program. Some of the agencies assigned a Load Allocation may also be assigned a Wasteload Allocation for point sources of trash, which are separately implemented under the MS4 permit. Monitoring is detailed in the monitoring section of the Basin Plan Amendment.

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		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?	By definition, nonpoint sources of trash are diffuse and not conveyed to receiving waters through a discrete outfall. Therefore, outfall monitoring is not applicable to nonpoint sources assigned a load allocation. For point sources, monitoring entails a combination of land based assessments of compliance and, as contained in the revisions, monitoring in the waterbodies themselves.
8.3	Joyce Dillard	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?	For "zero trash" see response to comment 8.1. Permittees are required under the MS4 permits to adequately maintain their MS4, including routine inspection and clean out of catch basins as well as proper operation and maintenance of full capture systems and partial capture devices. Permittees are required to maintain records of maintenance for three years. The frequency of maintenance varies based on trash generation. Catch basins in higher trash generation areas are prioritized for more frequent clean out. Institutional controls employed to comply with the TMDL are detailed in the annual reports submitted to the Regional Water Board by MS4 Permittees, and the types, frequency and

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			intensity of institutional controls may vary among permittees.
8.4	Joyce Dillard	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*	This section does address installation and the feasibility of further installation of catch basin retrofits to control trash. Maintenance is addressed on page 6 of the Basin Plan Amendment, "*FCS and partial capture devices shall be properly sized, operated, and maintained consistent with sizing, operation, and maintenance schedules used to determine their effectiveness.*" See also response to comment 8.2 and 8.3.

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		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?	
8.5	Joyce Dillard	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 Executive Officer approval*	Watershed Management Programs and Enhanced Watershed Management Programs identify watershed control measures and corresponding interim milestones and compliance schedules to achieve TMDL derived effluent limitations, such as for trash, and receiving water limitations contained in MS4 permits. These programs must be consistent with adopted TMDL implementation schedules. These

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		prior to use of these alternative compliance options. Comments: Is this a safe harbor?	programs are not "safe harbors," rather, these programs are a compliance alternative that provides MS4 permittees flexibility on how to demonstrate compliance with Los Angeles County MS4 Permit requirements. A small number of MS4 Permittees have not proposed to implement MS4 permit requirements through a WMP/EWMP, in which case the permittees must demonstrate, through monitoring, compliance with water quality based effluent limitations, receiving water limitations, and other permit requirements. The Regional Water Board is requiring a separate implementation plan that outlines the approach that the Permittee intends to employ to achieve and demonstrate compliance with the trash TMDL to which it is subject. Also see response to comments 5.3, 7.11, 7.12, 7.14, and 7.16.
8.6	Joyce Dillard	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*	See response to comments 1.5 and 8.4.

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		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 noncompliance 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.*	

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		Comments: This is discounting their OUTFALLS. They may be held responsible.	
8.7	Joyce Dillard	You state: An MFAC/BMP Program shall include the following criteria: 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.	Pursuant to the federal Clean Water Act and the state Porter-Cologne Water Quality Control Act, the Regional Water Board may regulate discharges of waste/ pollutants that impact, or threaten to impact, surface and groundwater quality. The proposed TMDL revisions regulate the discharge of pollutants from point and nonpoint sources to surface waters and do not restrict land use.

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		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	

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		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.	
8.8	Joyce Dillard	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.*	The commenter does not provide a rationale for monitoring at outfalls only. Also see response to comment 1.3 and 8.2.

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		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:	

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		Trash monitoring should be at OUTFALLS only.	
8.9	Joyce Dillard	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.	The Regional Water Board is authorized to regulate discharge of trash from private and public lands and facilities to surface waters pursuant to the federal Clean Water Act and state Porter-Cologne Water Quality Control Act. See response to comment 8.7.
8.10	Joyce Dillard	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.	In these TMDL reconsiderations, the Regional Water Board is not required to identify sources of funding to implement TMDL tasks. However, the Regional Water Board notes that a reasonable range of economic factors in estimating potential costs was considered in the adoption of the original TMDLs. That analysis along with the substitute environmental documents, response to comments, Basin Plan amendment and supporting documents, were completed in fulfillment of the applicable provisions of the California Environmental Quality Act (Public Resources Code Section 21159). Further, because this TMDL implements existing water quality objectives, it does not

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			"establish" water quality objectives and no analysis of the factors identified in Water Code section 13241 is required.
8.11	Joyce Dillard	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.	See response to comments 6.3 and 8.1.

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8.12	Joyce Dillard	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)	See response to comment 8.7.

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		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.	
8.13	Joyce Dillard	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*	See response to comments 8.1, 8.3, and 8.6, and 8.8.

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		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*	

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		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.	
9.1	Los Angeles Waterkeeper	On behalf of Los Angeles Waterkeeper ("Waterkeeper"), I submit the following comments on the Proposed Amendments to the Water Quality Control Plan for the Los Angeles Region to revise the Los Angeles River Watershed Trash TMDL and the	Comment noted.

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		Ballona Creek Watershed Trash TMDL ("Proposed Amendments"). Waterkeeper has strongly supported the implementation of both the Los Angeles River Watershed and the Ballona Creek Watershed Trash TMDLs ("Trash TMDLs"). Waterkeeper, along with Heal the Bay, was a major proponent of the original Los Angeles River Trash TMDL adopted by the regional Board in 2001. We also helped negotiate the definition of full capture device with the Regional Board, LA County, and City of LA. **I. Introduction** Despite efforts to control trash in the watershed since the adoption of the Trash TMDLs the continued presence of trash in the Los Angeles River and Ballona Creek is well documented and remains a threat to water quality and attainment of beneficial uses. Our staff and volunteers have witnessed the excessive presence of trash in local waters including Los Angeles River tributaries, Arroyo Seco and Compton Creek, and Ballona Creek during annual river cleanup days organized by Friends of the Los Angeles River and during Waterkeeper's routine monitoring activities in recent years. Los Angeles Waterkeeper has also directly monitored trash by using of the Rapid Trash Assessment protocol in sections of the Los Angeles River as part of the Bight 13 Urban Rivers Trash Assessment, to be released in fall 2015. Additionally, Waterkeeper volunteers have conducted pre-production plastic pellet monitoring at beach locations in the Santa Monica bay and have visually inspected over forty industrial facilities known to be using pre-production plastic pellets in the watershed for uncontained and exposed spills of materials.	

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		The Los Angeles River and Ballona Creek host a diverse and growing set of recreational activities. At various reaches of the rivers people bike, jog, horseback ride, bird-watch, wade, photograph, swim, fish, and kayak. There are also numerous species of fish, birds and wildlife that spawn, migrate and live in on our urban rivers. We generally support the success of the Trash TMDL and applaud cities that have made serious efforts to reduce trash loads. However we have some serious concerns regarding new proposed alternative compliance methods for agencies using full capture systems (FCS) exclusively, and those demonstrating effectiveness of partial capture devices and institutional controls using the mass balance approach. Our concerns and suggested changes to the Proposed Amendments are detailed below.	
9.2	Los Angeles Waterkeeper	**II. Comments on Proposed Amendments to Trash TMDLs** ***MS4 Compliance with Los Angeles River and Ballona Creek Trash TMDLs to Date*** The Staff Report to the Proposed Amendments summarizes the current compliance status of responsible agencies in Table 1 and Table 2. Waterkeeper recognizes the efforts made by permittees that are on track with interim WQBELs as of the 2013-2014 reporting year. However, we are alarmed by the number of responsible agencies known to not be in compliance with interim WQBELs and the almost equal number of responsible agencies where the compliance status is undeterminable based on the data provided to the Regional Board. With only a few years left before the final compliance deadline of both Trash TMDLs, it is crucial that permittees make every effort to meet	Regional Water Board staff has engaged in discussions with a number of Permittees regarding their compliance status during the development of the TMDL revisions, and will continue to follow-up as appropriate. The Regional Water Board recognizes the lack of clear compliance demonstration in Tables 1 and 2 of the Staff Report. Compliance reporting is required in the MS4 permits. The lack of clarity is due to inconsistencies in reporting under the MS4 permits. TMDL staff and MS4 staff at the Regional Water Board will be working together to revise reporting templates

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		interim WQBELs. Overall the compliance status for between a third and half of all permittees is unknown (Staff Report, pg.8). To address this significant information and compliance gap, the Regional Board should provide written notices to the approximately 20 permittees with undetermined compliance, outlining the deficiencies in or lack of data provided to determine compliance with interim WQBELs.	for the responsible agencies to ensure that the demonstration of compliance or non-compliance is clear in future reports under the MS4 permits.
9.3	Los Angeles Waterkeeper	***The Proposed Assignment of a Waste Load Allocation to Los Angeles Flood Control District is Appropriate*** We support the clarifying language proposed in the Proposed Amendments to identify Los Angeles County Flood Control District as a separate responsible agency in both the Ballona Creek Trash TMDL and the Los Angeles River Trash TMDL. Given the flood control district's responsibilities for performing storm drain operation and maintenance, including catch basin inspections and cleaning, and open channel maintenance that includes removal of trash and debris, it is necessary that the agency be named as a responsible agency in the Trash TMDLs.	Comment noted.
9.4	Los Angeles Waterkeeper	***Waterkeeper Supports a Pre- Production Plastic Pellets Monitoring Program Requirement in the Los Angeles River Trash TMDL*** Waterkeeper supports the Proposed Amendments' introduction of plastic pellet monitoring requirements to the Los Angeles River Trash TMDL. We believe requiring a plastic pellet monitoring program is a positive step towards addressing small and micro plastic pollution in our local waterways.	Comment noted.
9.5	Los Angeles Waterkeeper	***Waterkeeper Supports Assigning Load Allocations for Recreational Facilities and Open Space***	Comment noted.

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		Parks and recreational facilities are significant generators of litter and trash. In most cases trash generated at recreational facilities in the Los Angeles River and Ballona Creek Watersheds enters the creek and river via the MS4 system, however where recreational facilities are adjacent to waterways, wind and direct deposition are likely to act as additional transport mechanisms. For these reasons we support the assignment of load allocations to specific responsible entities that own and/or operate recreational areas and open space immediately adjacent to the Los Angeles River and its tributaries, and Ballona Creek in the Proposed Amendments. Secondly, we believe all educational facilities with recreational space adjacent to the Los Angeles River and Ballona Creek should also be named as responsible entities so that the existing load allocation of zero trash discharged would apply to these entities in the same manner as parks and other recreational facilities. A wide variety of methods to alleviate nonpoint source trash contributions from recreational areas and open spaces to the Los Angeles River and Ballona Creek exist, as outlined in the Staff Report on page 32. In addition to these institutional controls and BMP measures, we encourage the adoption of region-wide source control measures and policies such as the “Bag Ban” and Styrofoam bans by agencies as part of their MFAC/BMP Programs and trash abatement strategies. While several cities in Los Angeles County and the County of Los Angeles have ordinances banning single-use plastic bags, fewer have an outright ban on the use of foamed plastics by restaurants and convenience markets. Today, foamed plastics continue to plague our waterways. For example, after any typical or even minor rain event one can easily observe in Ballona Creek a high water	

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		line of foamed plastic along the river banks. See Attachment A, Figures 1 – 3. We would also like to emphasize the importance of trash receptacles along river walkways and bike paths and effective enforcement of anti-litter and dumping laws. Through our persistent monitoring efforts, we have observed first hand that direct littering remains an ongoing problem in specific locations along river walkways, indicating trash receptacles and litter enforcement is needed. See Attachment A.	
9.6	Los Angeles Waterkeeper	**II. Concerns Regarding Proposed Alternatives for Demonstrating Compliance** ***The Alternative for Demonstrating Compliance for Permittees Using Full Capture System Approach is Inadequate and Should be Modified*** For municipalities and agencies choosing to implement the Los Angeles River Trash TMDL or Ballona Creek Trash TMDL by retrofitting all catch basins with full capture systems (FCS), we believe only in the case of proven technical infeasibility may an agencies be allowed to demonstrate compliance above 98% using alternatives to FCS. We recognize that as agencies have gotten close to installing FCS on 100% of catch basins in their jurisdiction, some Permittees have found that there are catch basins for which retrofitting with a FCS, or partial capture device, is technically infeasible and there is a need for an alternative compliance demonstration option. The Proposed Amendments offer a way for agencies to navigate this situation in order to reach final reduction from Baseline WLAs by "evaluating the feasibility of partial capture devices and potential to install FCS or partial capture devices along the storm drain or at the MS4 outfall downgradient from the catch basins." We feel this proposed alternative compliance option is	See response to comment 7.12.

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		inadequate for agencies using FCS exclusively. In situations where agencies have installed FCS on the vast majority (greater than 98%) of catch basins and FCS and partial capture device retrofits are technically infeasible, responsible agencies should be required to do more than just evaluate the potential for partial capture and outfall retrofits, they should be required to also implement these controls where possible.	
9.7	Los Angeles Waterkeeper	We believe that agencies choosing the full capture system approach to comply with their final WLAs must make every attempt to install full capture systems on all catch basins. In the case where a FCS retrofit is infeasible, agencies should attempt to install partial capture devices on the remaining catch basin(s), and either install a FCS or a partial capture device on the storm drain or MS4 outfall downgradient of the affected subwatershed. We request the criteria under the new proposed alternative for demonstrating compliance when using full capture systems exclusively to achieve WLAs be changed to reflect this distinction as follows. "2) The agency submits to the Regional Board a report for Executive Officer concurrence, detailing the technical infeasibility of FCS retrofits, 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. Where technically feasible to install partial capture devices and/or partial capture devices along the storm drain or at the MS4 outfall down gradient from the remaining catch basin(s), such retrofits are made." (Proposed Amendment to the Los Angeles River Watershed Trash TMDL at 5)(Proposed Amendment to the Ballona Creek Watershed Trash TMDL at 4).	See response to comment 7.13.
9.8	Los Angeles	***The Proposed Alternative Compliance Demonstration Method***	See response to comment 7.14.

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	Waterkeeper	***for Permittees Using Partial Capture and/or Institution Controls is Unjustified and Insufficient*** We have serious concerns regarding the second proposed alternative compliance demonstration option for responsible agencies using a suite of partial capture and institutional controls to meet final WLAs, and recommend that this alternative compliance method not be adopted. Responsible agencies may request that the Executive Officer make a determination that 97% or greater reduction of their Baseline WLA as calculated using a mass balance approach along with some additional reporting criteria is effectively the same as 100% reduction of Baseline WLA. Making concessions to compliance demonstration requirements of this nature is not far off from changing the TMDL numeric target all together. Moreover, to roll back compliance demonstration requirements this close to the final WLA deadline sets a bad precedent. We caution the Regional Board against adopting this alternative approach. Zero is the only appropriate TMDL numeric target for trash given the water quality standards set forth in the Basin Plan. The federal Clean Water Act requires states to establish TMDLs "…at levels necessary to obtain and maintain the applicable narrative and numerical WQS [water quality standards] with seasonal variations and a margin of safety witch takes into account the lack of knowledge concerning the relationship between effluent limitations and water quality."1 Therefore even small quantities of trash violate the Clean Water Act and Basin Plan. Thus responsible agencies should be required to demonstrate 100% reduction of trash from Baseline WLAs.	
9.9	Los Angeles Waterkeeper	Furthermore, the additional reporting criteria necessary to utilize this alternative compliance method are inadequate and vague. At	See response to comment 7.14.

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		minimum the Proposed Amendments should be changed to require agencies to submit data showing *five* or more consecutive years where Permittee's compliance was at or above 97% reduction of their baseline load using the mass balance approach. We also request that clarifying language be added to define "fully exploited". Proposed Amendments require that the report include, among other things, "demonstration that opportunities to implement partial capture devices have been fully exploited." (Proposed Amendment to the Los Angeles River Trash TMDL at 6)(Proposed Amendment to the Ballona Creek Trash TMDL at 6).What constitutes fully exploited? Further refinement of this criteria is needed. We suggest that the criteria be rewritten to require making a demonstration that it is technically infeasible to install further partial capture devices.	
9.10	Los Angeles Waterkeeper	***Waterkeeper Supports the Addition of Receiving Water Monitoring Requirements*** Los Angeles Waterkeeper strongly supports the Proposed Amendments' addition of receiving water monitoring requirements for MS4 Permittees and Caltrans. We request that the Regional Board require Permittees to solicit stakeholder input and public comment in the development of their Trash Monitoring and Reporting Plan (TMRP). Considering the majority data used in the original Trash TMDLs was collected by stakeholder and community groups, it seems appropriate to engage the community and utilize their familiarity with the River and Creek in the development of the TMRP. We believe that involving the public in receiving water monitoring could also save agencies money and time and help them more effectively manage their trash reduction efforts. For this reason, we ask that the Regional Board hold a workshop for all	See response to comment 7.10. The Regional Water Board will consider the commenter's suggestion regarding a workshop on trash assessment protocols.

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		interested stakeholders and community members to learn about the Rapid Trash Assessment Protocols and encourage collaboration between different jurisdictions and stakeholder groups to better effectively collect useful and comparable trash monitoring data.	
9.11	Los Angeles Waterkeeper	We believe that while the receiving water monitoring requirements in the Proposed Amendments are a significant improvement to the Trash TMDLs, further refinement of the monitoring frequency and locations is needed. We proposed that the frequency of monitoring be no less than twice a year, with one monitoring event occurring between August and October; sometime before the first flush and the end of the summer to capture dry season accumulation. We agree with the Regional Board staff that at minimum there must be one monitoring location per tributary and reach. However, we request that that Regional Board add that in cases where tributaries and individual reaches have both earthen soft-bottom and hard channelized sections that a monitoring location be assigned for each channel type per reach or tributary. **III. Conclusion** We believe that the Proposed Amendment, with the adoption of the suggested changes described above, will ultimately lead to improved water quality and bring us closer to attainment of water quality standards. This, in turn will aid in the protection of aquatic life and habitat, enhance the quality of recreational opportunities for the public, protect public health, and increase public interest in these waterbodies as valuable recreational and ecological resources. Therefore we ask that the Regional Board make the above changes to the final amendment before	See response to comment 7.9 and 7.10.

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		adoption.	
10.1	Lower Los Angeles River Watershed Committee	The Lower Los Angeles River Watershed (LLAR)[1] appreciates the is opportunity to provide comments regarding the pending revisions to the Los Angeles River Trash TMDL. First we would like to thank Rene Purdy and her staff for extending the opportunity to meet on March 26, 2015 for the purpose of discussing the progress the LLAR has made, and the difficulties encountered in working towards the goal of reducing trash and litter discharged into the MS4. The cities of the LLAR have installed a combination of CPS full-capture inserts in all catch basins where it was physically possible to do so. The only catch basins that were not retrofitted were those that were too small, or where the CPS units would block the inlet or outlet of the catch basins or similar physical limitations. In addition to the CPS units, automatic retractable screens (ARS) were also installed either in tandem with the CPS units or separately. Collectively, the LLAR cities have already exceeded the 90 percent baseline reduction goal of the existing TMDL. The LLAR cities appreciate the effort Regional Board has made, recognizing the difficulties Permittees have in achieving the last few percentage points of that original goal of a 100 percent reduction.	Comment noted.
10.2	Lower Los Angeles River Watershed Committee	Our comments are: **1. Bottom of Page 4** A minor, but potentially significant grammatical error, "…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…",	The word "*all*" is appropriate because all of the three criteria (criteria, not alternatives) must be met: 1) at least 98% of catch basins must be retrofitted, 2) the technical infeasibility of the remaining catch basins must be detailed and 3) the partial capture and institutional controls currently in use must be detailed.

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		then goes on to lists the distinct alternatives. The word "all" is not appropriately used.	
10.3	Lower Los Angeles River Watershed Committee	**2. Top of Page 5** Option "1)" on the top of page 5 should be modified to reflect the physical limitations of existing catch basins which is the case of the LLAR cities installed CPS units in every catch basin within the LLAR jurisdictional area owned by County Flood Control where that agency would issue a permit for installation. The LLAR cities found that 6 to 14 percent of the catch basins could not meet County Flood Control District's criteria for permit issuance at that time (i.e: would result in greater flooding risk). Therefore suggested new wording is underlined: 1) 98% of all catch basins within the agency's jurisdictional **land area meeting los Angeles County Flood Control Discharge and local agency criteria for permit issuance at the time of a jurisdictional retrofit program** in the watershed are retrofitted with FCS (or alternatively… Even with this change, the LLAR Permittees would still be required by item 3 to submit a report to the Executive Office detailing partial capture devices and programs.	See response to comment 1.2.
10.4	Lower Los Angeles River Watershed Committee	**3. Bottom of Page 5** (DGR)5 should read (DGR)[5]	Comment noted. The Basin Plan Amendment has been revised to address this comment.
10.5	Lower Los	In closing, the cities of the LLAR would like to emphasize that a	Comment noted.

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	Angeles River Watershed Committee	full capture insert was installed in every catch basin where physical limitations would allow. Due primarily to flooding concerns, installation permits could not be obtained for the remaining catch basins. Even so, partial capture systems were installed in many of the remaining catch basins. This achievement by the LLAR cities should be recognized.	
11.1	USEPA	EPA is providing comments on the proposed amendments to the Basin Plan to revise the Total Maximum Daily Load for Trash in the Ballona Creek Watershed and in the Los Angeles River Watershed, dated April 3, 2015. We note that this reconsideration is not making significant changes to the existing numeric targets, loading capacity, waste load allocations, load allocations, margin of safety, seasonal variations, and critical conditions. We reviewed the proposed revisions to the TMDLs in Ballona Creek Watershed and Los Angeles River Watershed, including expanded clarifications on implementation actions and the addition of receiving water monitoring. In general, EPA supports efforts to provide clarity and consistency for all the trash TMDLs in both Ballona Creek Watershed and the Los Angeles River Watershed. This should prevent inefficiencies and allow for better consistent actions among all entities in the Los Angeles region (e.g., adding the Los Angeles Country Flood Control District as an entity to both the Ballona Creek and Los Angeles River Watershed TMDLs). The proposed revisions also identified the specific municipal stormwater permittees responsible for the waste load allocations, in addition to the specific entities responsible for load allocations. We believe this is a positive addition to the revised TMDLs since it describes clearly each entity's responsibility.	Comment noted.

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		We support the specificity of the Trash Monitoring and Reporting Plan to include monitoring sites at representative and critical locations, alternate monitoring locations, frequency of monitoring, and annual sampling assessment at the same location to better track progress over time. The addition of a water monitoring component to the implementation of the TMDLs will provide critical data to demonstrate water quality improvement over time. Finally, we support the additional language better defining compliance with "100% trash reduction" for partial capture efforts and addressing nonpoint sources generating substantial trash. These additions are necessary to address trash as a pollutant and can help practically inform future trash implementation practices in California. As always, we appreciate working with you, and value your proactive efforts towards improving these trash TMDLs.	