

**Response to Comments on the Proposed San Gabriel River, Estuary and Tributaries Indicator Bacteria
TMDL Adoption
Comment Deadline: May 18, 2015**

List of Public Review Comment Letters
1. County of Los Angeles & Los Angeles County Flood Control District, May 18, 2015
2. Heal the Bay and Los Angeles Waterkeeper, May 18, 2015
3. Lower San Gabriel River Watershed Committee, May 18, 2015

No.	Author	Comment	Response
1	County of Los Angeles & Los Angeles County Flood Control District (LAC & LACFCD), May 18, 2015		
1.1	LAC & LACFCD	<p>1. The final compliance deadlines should be extended</p> <p>The proposed TMDL currently provides 10 years and 20 years to comply with the dry weather and the wet weather waste load allocations, respectively. By comparison, the Los Angeles River Bacteria TMDL provides 10 to 18 years to comply with the various dry weather waste load allocations and 25 years to comply with the wet weather waste load allocations. Given their similarity in size, land use, and number of stakeholders involved, it is reasonable to set a compliance schedule for the San Gabriel River Bacteria TMDL that is similar to the Los Angeles River Bacteria TMDL. As such, we respectfully request that the dry weather and wet weather bacteria compliance schedules for the proposed TMDL be extended to 15 and 25 years, respectively.</p>	<p>The Board does not agree to extend the implementation deadlines for the waste load allocations (WLAs). A 10-year timeframe to attain WLAs in dry weather and a 20-year timeframe to attain WLAs in wet weather is consistent with growing experience on the level of effort needed to address bacteria loading in a large watershed. The 25-year schedule in the Los Angeles River Bacteria TMDL was based largely on the size of the watershed. The San Gabriel River watershed (689 square miles) is smaller than the Los Angeles River watershed (834 square miles), and it has a smaller percentage of urbanized areas that will likely need to be addressed (36% versus 56%) in order to meet the TMDL. A 20-year schedule is therefore reasonable for the San Gabriel River Bacteria TMDL. In addition, State legislation has been introduced by Senator Hernandez (SB 485) that would give the County Sanitation Districts of Los Angeles County</p>

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			(CSDLAC) the authority to acquire, construct, operate, maintain and furnish facilities for the diversion, management, and treatment of stormwater and dry-weather runoff that would otherwise enter the MS4. If this legislation passes, it may hasten responsible agencies' ability to attain WLAs through diversion of dry weather runoff and stormwater to the sanitary sewer system.
1.2	LAC & LACFCD	<p>2. Use San Mateo State Beach and San Onofre State Beach as reference system for the San Gabriel River Estuary</p> <p>The establishment of summer dry weather waste load allocation should be science-based; in other words, based on statistical results from the appropriate reference system. The Staff Report currently describes the zero allowable exceedance days waste load allocation for the San Gabriel River Estuary as statistically based, however it is our understanding that in the past this has been a policy decision by the Regional Board.</p> <p>Further, due to the large size of the watershed tributary to the San Gabriel River Estuary, instead of Leo Carrillo State Beach, the appropriate reference system in this case should be San Mateo State Beach and San Onofre State Beach, which were also used as reference for the Santa Clara River Estuary in 2010. For that TMDL, Regional Board staff stated that “[San Mateo and San Onofre] represent a larger reference system that is more appropriate than ... Leo Carrillo Beach” (2010 Staff Report for Total Maximum Daily Loads for Indicator Bacteria in Santa Clara River</p>	<p>The Board finds that Leo Carrillo State Beach is a reasonable reference beach for the San Gabriel River Estuary. In making this decision, the Board considered a number of factors. First, the Board recently conducted an in-depth analysis of recent data from Leo Carrillo Beach as part of its recent reconsideration of the Ballona Creek and Malibu Creek Bacteria TMDLs. This analysis gives the Board confidence that Leo Carrillo Beach remains an appropriate reference system given the criteria previously identified for a beach to be eligible as a reference site. Further, the Board considered its geographic proximity to other watershed where Leo Carrillo Beach has been used as a reference system, including Ballona Creek Estuary. Finally, given that the Regional Water Board is not requiring daily sampling, the difference in</p>

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		<p>Estuary and Reaches 3, 5,6 and 7; p. 51). As shown in the table below, the size of the watershed tributary to the San Gabriel River Estuary is quite large.</p> <table border="1" data-bbox="537 488 1220 781"> <thead> <tr> <th data-bbox="537 488 919 561">Watershed</th> <th data-bbox="919 488 1220 561">Watershed Area (square miles)</th> </tr> </thead> <tbody> <tr> <td data-bbox="537 561 919 607">San Gabriel River Estuary</td> <td data-bbox="919 561 1220 607">689</td> </tr> <tr> <td data-bbox="537 607 919 652">San Mateo State Beach</td> <td data-bbox="919 607 1220 652">134</td> </tr> <tr> <td data-bbox="537 652 919 698">San Onofre State Beach</td> <td data-bbox="919 652 1220 698">42.5</td> </tr> <tr> <td data-bbox="537 698 919 743">Santa Clara River Estuary</td> <td data-bbox="919 698 1220 743">1,600</td> </tr> <tr> <td data-bbox="537 743 919 781">Leo Carrillo Beach</td> <td data-bbox="919 743 1220 781">10.8</td> </tr> </tbody> </table> <p>Therefore, we recommend that the allowable exceedance days for the San Gabriel River Estuary be calculated using the same approach used for the Santa Clara River Estuary, specifically, based on the exceedance probabilities at San Mateo State Beach and San Onofre State Beach. This would result in the following changes in the table on page 7 of the proposed TMDL:</p> <table border="1" data-bbox="531 1065 1335 1214"> <thead> <tr> <th data-bbox="531 1065 804 1122">Allowable Number of Exceedance Days</th> <th data-bbox="804 1065 1077 1122">Daily Sampling</th> <th data-bbox="1077 1065 1335 1122">Weekly Sampling</th> </tr> </thead> <tbody> <tr> <td data-bbox="531 1122 804 1154">Summer Dry-Weather</td> <td data-bbox="804 1122 1077 1154">9-10</td> <td data-bbox="1077 1122 1335 1154">0-2</td> </tr> <tr> <td data-bbox="531 1154 804 1187">Winter Dry-Weather</td> <td data-bbox="804 1154 1077 1187">9-11</td> <td data-bbox="1077 1154 1335 1187">2</td> </tr> <tr> <td data-bbox="531 1187 804 1214">Wet Weather</td> <td data-bbox="804 1187 1077 1214">20-27</td> <td data-bbox="1077 1187 1335 1214">3-4</td> </tr> </tbody> </table>	Watershed	Watershed Area (square miles)	San Gabriel River Estuary	689	San Mateo State Beach	134	San Onofre State Beach	42.5	Santa Clara River Estuary	1,600	Leo Carrillo Beach	10.8	Allowable Number of Exceedance Days	Daily Sampling	Weekly Sampling	Summer Dry-Weather	9-10	0-2	Winter Dry-Weather	9-11	2	Wet Weather	20-27	3-4	<p>allowable exceedance days that would result from using San Mateo and San Onofre beaches is minimal to no difference. The use of San Onofre or San Mateo beach or other reference systems can be explored when the TMDL is reconsidered. In response to this comment and others, a scheduled reconsideration at year 6 has been added to the implementation schedule.</p>
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1.3	LAC & LACFCD	<p>3. The proposed TMDL should include a schedule for reconsideration</p> <p>We respectfully request that the proposed TMDL be modified to include a schedule for a reopener. A reopener is necessary to ensure that the TMDL is reevaluated as new information and science become available. Specifically, the State Water Resources Control Board is currently developing amendments for the Water Quality Control Plan for the Inland Surface Waters, Enclosed Bays, and Estuaries of California and the Water Quality Control Plan for the Ocean Waters of California to incorporate EPA’s 2012 recreational criteria. The State Water Resources Control Board anticipates adopting those amendments in spring 2016. In addition, the non-stormwater outfall screening required by the Los Angeles County Municipal Separate Storm Sewer System Permit is scheduled to be completed by 2018. The screening is expected to generate valuable information on dry weather flows into the receiving waters. Given that substantial amount of new information and data will become available within the next few years, we recommend reconsidering this TMDL upon adoption of the State bacteria objectives or in 2021, whichever comes first.</p>	<p>The Board acknowledges that aspects of the TMDL may need to be reconsidered, especially as data and information collected under the MS4 permits, and other monitoring data, continue to be reported. The TMDL has been modified to incorporate a scheduled reconsideration six (6) years after the effective date of the TMDL. At that time, the Board may reconsider the proposed TMDL based upon data and information submitted under the MS4 permits, or other monitoring data, reference system studies, or new information. In addition, the Board may consider new data and information at any time and reconsider the TMDL if warranted in the future.</p> <p>The EPA’s 2012 recreational criteria and the State Water Board’s proposed amendments to the Ocean Plan will have little or no impact on the Regional Water Board’s current bacteria objectives, and therefore, would likely not warrant a reconsideration of the TMDL. The non-stormwater screening and monitoring program required under the MS4 permits should eliminate non-stormwater discharges that are not authorized or conditionally exempt, leading to progress toward achieving the dry weather WLAs.</p>

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1.4	LAC & LACFCD	<p>4. Allowable exceedance days for the reaches with High Flow Suspension should be corrected</p> <p>The proposed TMDL indicates that reaches and tributaries affected by High Flow Suspension (HFS) are allowed 9 wet weather exceedance days based on daily sampling. According to the draft Staff Report, the number of wet weather days was determined for the reaches with HFS as follows:</p> <p><i>“For the reference year, 87 wet weather days were observed. Of these 87 days, 30 days fall under the definition of a HFS day. These 30 days are excluded from the calculations... As such, the remaining number of wet weather days for HFS-affected reaches and tributaries is <u>47</u> days.” (Draft Staff Report p. 55, emphasis provided)</i></p> <p>The correct number of wet weather days for HFS-affected reaches is 57 days (87 wet weather days – 30 HFS days) instead of 47 days. Given the 19 percent allowable exceedance rate during HFS, the number of allowable exceedance days is 11 (0.19 X 57 days). Accordingly, relevant sections of the draft Staff Report and the proposed TMDL should be corrected.</p>	<p>The commenter is correct. Due to the typographical error, the correct number of wet-weather days for HFS-affected reaches is 57 days (87 wet weather days – 30 HFS days) instead of 47 days. Based on the 19 percent allowable exceedance rate, the number of allowable exceedance days is re-calculated to 11 days (0.19 X 57 days). The relevant sections of the Staff Report and the Basin Plan Amendment (BPA) have been modified to reflect this change.</p>
2	Heal the Bay and Los Angeles Waterkeeper (HtB & LAW), May 18, 2015		
2.1	HtB & LAW	<p>We are supportive of many aspects of this Draft TMDL, including the proposed numeric targets and exceedance day approach.</p>	<p>Comment noted.</p>

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2.2	HtB & LAW	<p>The Regional Board should require a rolling 30-day geometric mean period</p> <p>We urge the Regional Board to require a rolling 30-day geometric mean period, which is critical for tracking and identifying chronic water quality problems. This is extremely important for public health protection of beachgoers on a day to day basis. The Regional Board staff is proposing a longer six-week geometric mean period. A shorter geometric mean period is more technically sound because it allows for a more comprehensive analysis, which can better account for the beach water quality fluctuations that may be masked with a longer period.</p> <p>According to EPA’s 2012 Recreational Water Quality Criteria, the current water quality monitoring recommendation is no less than five samples equally spaced over a 30-day period. California’s Ocean Plan is identical to USEPA’s geometric mean water quality monitoring guidelines. Additionally, the California Department of Health Services’ Draft Guidance for Salt and Freshwater Beaches recommends a “...a 30-day sampling period in order to provide the minimum protective bacteriological standards for waters adjacent to public beaches and public water-contact sports areas.” There is no justification for the Regional Board to propose a different geometric mean calculation in the Draft TMDL.</p> <p>While we support zero (0) exceedances of the geometric mean, we believe the proposed increase in the geometric mean period is unjustified as it will result in decrease in public health protections. Instead, the Regional Board should take the most protective approach and use a rolling 30-day geometric mean period, at the</p>	<p>The shorter calculation period for the geometric mean is not more technically sound. The 6-week calculation period will ensure that in almost all cases at least 6 samples are included in each geometric mean calculation. The 30-day period will often have 5 samples and sometimes only 4 samples in the calculation, which can result in a less accurate estimate of the geometric mean.</p> <p>The day-to-day health protection of beachgoers is also addressed by the single sample maximum targets, which are the basis of the allowable exceedance days. The Regional Water Board uses a multi-part water quality objective and, similarly, multi-part numeric targets and WLAs -- i.e., both single sample maximum limits and geometric mean limits -- to ensure adequate protection of public health. No beach water quality fluctuation is ever masked given that these limits capture both daily excursions and longer term excursions above bacteriological water quality thresholds.</p> <p>The same statistical approach to the geometric mean calculation was included in five recently revised Bacteria TMDLs.</p>

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		minimum.	After extensive discussions with the City of Los Angeles, this commenter, and other stakeholders regarding the appropriate statistical approach, the rolling 6-week calculation period was proposed by staff and approved by the Board. These TMDLs and this specific approach were then approved by the State Water Board and USEPA, and became effective on July 2, 2014.
2.3	HtB & LAW	<p>The Regional Board should explicitly require that an Implementation Plan be developed for this TMDL</p> <p>The Draft TMDL includes no provision for development of an Implementation Plan, only stating that the “WLAs shall be incorporated into MS4 permits.” As required by the Clean Water Act and implementing regulations, the WLAs of this TMDL must be incorporated into NPDES Permits, including the 2012 Los Angeles County MS4 Permit. To assure point source dischargers, including MS4 dischargers, start implementing measures to reach compliance with TMDL WLAs as soon as possible, the TMDL should include an implementation plan outlining deadlines with measurable milestones toward the ultimate compliance date.</p>	In response to this comment, the Board would like to clarify that the TMDL already contains a “program of implementation”, which has historically been called an “implementation plan”, in accordance with Water Code section 13242. This is different from an implementation plan developed by responsible agencies after the TMDL becomes effective. The Permittees of the Los Angeles County MS4 Permit are provided the option to develop a Watershed Management Program (WMP) or Enhanced Watershed Management Program (EWMP) to comply with their permit requirements. Since TMDL control measures are required in WMPs or EWMPs, a WMP or EWMP approved by the Regional Water Board serves the same purpose as a Permittee-developed

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			<p>implementation plan. In addition, it is a more robust mechanism because it is developed and implemented as a part of a Permittee’s enforceable obligations under its MS4 permit, whereas a Permittee’s implementation, or lack of implementation, of its permittee-developed TMDL implementation plan is not enforceable.</p> <p>For clarification, the following paragraph will be added to the BPA on page 8: <i>“Responsible agencies must provide an Implementation Plan to the Regional Water Board outlining how each intends to individually or cooperatively achieve the WLAs. The report shall include implementation methods, an implementation schedule, proposed milestones, and proposed outfall monitoring to determine compliance. A Watershed Management Program (WMP) or Enhanced Watershed Management Program (EWMP) developed by the responsible agency(ies) in accordance with their MS4 permit(s), which has been approved by the Regional Water Board, satisfy the requirements for an Implementation Plan, where the WMP or EWMP addresses the applicable waterbody-pollutant combinations of this</i></p>

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			<p><i>TMDL consistent with the implementation schedule set forth in Table 7-41.3. The responsible agency(ies) shall modify their WMP/EWMP no later than the next Adaptive Management Process cycle after provisions consistent with the assumptions and requirements of the TMDL WLAs are incorporated into the applicable MS4 permits.”</i></p>
2.4	HtB & LAW	<p>In addition, the Draft TMDL must include interim WLAs to ensure point sources covered by the TMDL are taking early steps to reach ultimate compliance with the final WLAs. The interim WLAs should be explicitly defined in the Draft TMDL. We urge the Regional Board to include compliance milestones or interim WLAs in the TMDL that can then be incorporated into the MS4 Permit and WMPs and EWMPs. Enforceable, interim milestones are important to ensure that dischargers are on track for meeting WLAs. Specifically, we suggest including an interim WLA for wet weather compliance at year 7. This could consist of an allowable number of exceedance days in between background and final WLAs or higher bacteria standards (in density) than the numeric target. We believe that a 50% reduction in exceedance days and/or geometric mean bacterial density makes sense as an interim target and urge the Regional Board to modify the Draft TMDL accordingly.</p>	<p>The TMDL requires responsible agencies to achieve WLAs in dry weather within a shorter time period than WLAs in wet weather. The earlier dry-weather implementation deadline, while not identified as an “interim WLA,” serves as an earlier step in TMDL implementation. Most previously approved TMDLs, such as the Malibu Creek Watershed Bacteria TMDL and the Ballona Creek Bacteria TMDL do not contain interim WLAs beyond the earlier dry-weather implementation deadline. This TMDL sets a 10-year dry-weather implementation deadline, which is reasonable given experience on the level of effort needed to achieve dry-weather WLAs for bacteria in a large watershed. In addition, the Los Angeles County MS4 Permit requires that, as part of their WMP or EWMP, permittees propose interim milestones and compliance</p>

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			<p>deadlines within the permit term, where final WLA deadlines are beyond the term of the permit. Thus, interim deadlines will be set as part of the permit process to ensure that permittees are on-track towards attaining WLAs within the prescribed schedule.</p>
2.5	HtB & LAW	<p>The San Gabriel River Dry Weather Compliance Deadline is Unjustifiably Long</p> <p>The Draft TMDL requires dry weather compliance within 10 years after the effective date of the TMDL. Instead, we believe that the dry weather compliance deadline for the San Gabriel River Watershed should not exceed 6 years for dry weather. The Bacteria TMDL for Ballona Creek, a far more urbanized and polluted watershed, has a dry weather compliance deadline of 6 years. The same compliance period should be attainable for final bacteria compliance throughout the San Gabriel River Watershed.</p> <p>The need for a shorter dry weather compliance period is well-established. The dry weather period is when we see the greatest numbers of recreational users in the River, and thus, the greatest public health risk from contacting polluted water. Dry weather runoff is also relatively easier to control and should already be controlled under current municipal MS4 permit provisions. Of note, the 2001 Los Angeles County Municipal Storm Water permit included requirements that, <i>“Permittees are to assure....that the discharge of non-storm water to the MS4 has been effectively prohibited.”</i> Since non- storm water discharges are prohibited under the MS4 Permit, the Regional Board should expedite the</p>	<p>The Ballona Creek Bacteria TMDL has a dry-weather compliance deadline of 6 years. However, despite efforts of the permittees in the Ballona Creek watershed, which contains a smaller urbanized area than the San Gabriel River watershed, compliance was not achievable in 6 years. The Regional Water Board approved a Time Schedule Order (TSO) for the Ballona Creek Bacteria TMDL on May 14, 2015 to provide Permittees additional time, until December 15, 2019, to achieve the dry-weather WLAs, which is 12 years from the effective date of that TMDL. The Board finds that a 10-year dry-weather implementation schedule is justified for the San Gabriel River watershed and takes into account the time needed to plan, design, and construct regional dry-weather urban runoff treatment facilities, BMPs, and, if legislation introduced by Senator Hernandez passes, described in response to comment 1.1, increased ability to</p>

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		<p>schedule for dry weather compliance with the San Gabriel River Bacteria TMDL and be consistent with the Ballona Creek TMDL.</p>	<p>implement low-flow diversions. The Board finds that 10 years is a reasonable and practicable schedule, given the distribution of urban areas in the watershed and the various bacteria sources in the watershed that must be controlled.</p>
2.6	HtB & LAW	<p>The Regional Board should use a more appropriate reference beach such as Nicholas Beach</p> <p>While we believe that a reference beach approach is an appropriate way to develop fecal Bacteria TMDLs, Leo Carrillo Beach is no longer an appropriate reference beach for bacteria TMDLs in the Los Angeles Region. Based on Heal the Bay’s analysis of Beach Report Card data for the Region and the land uses and level of development in the Los Angeles Region watersheds, a more appropriate reference beach for our Region is Nicholas Beach, located at the bottom of the Nicholas Canyon watershed. Consequently, the Regional Board can no longer rely on Leo Carrillo Beach as the reference beach for our Region but should instead explore other, more appropriate reference beach locations such as Nicholas Beach in the Draft TMDL.</p> <p>As the Regional Board explained when it initially developed the reference beach approach for fecal bacteria TMDL’s in the Los Angeles Region, Leo Carrillo Beach and the Arroyo Sequit watershed were selected as an “interim” reference system “until other reference sites ... are evaluated and the necessary data collected to support the use of alternative reference sites”.¹ The</p>	<p>The Board disagrees. While the Board acknowledges that during the recent sampling period, Leo Carrillo Beach has been observed to exceed the single sample bacteria water quality objective more often than Nicholas Beach, as mentioned in the SCCWRP technical report (Griffith et al., 2006), which finds that exceedances occur more often in large undeveloped watersheds (i.e., >100 km²) compared to smaller watersheds in wet weather. Based on the study definition, the Nicholas Canyon watershed would be classified as a small watershed and may not best represent the rest of the beaches in the Los Angeles Region.</p>

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		<p>criteria for selecting an appropriate reference system include: 1) availability of adequate historic shoreline monitoring data at the beach, 2) lowest level of development in the watershed draining to the beach, and 3) existence of fresh water outlet (i.e. creek) to the beach. The Regional Board’s decision to choose Leo Carrillo as an interim reference site was primarily driven by the limited availability of historical shoreline monitoring data but the Board unequivocally resolved to re-evaluate the use of Leo Carrillo Beach due to concerns with the development in close proximity to the beach.</p> <p>Shoreline monitoring data from recent years has in fact confirmed the Regional Board’s concerns, demonstrating that Leo Carrillo Beach is not the appropriate reference site beach for fecal bacteria TMDLs in the Los Angeles Region. The data is unsurprising since Leo Carrillo Beach has significant development at the terminus of Arroyo Sequit Creek (the creek emptying at Leo Carrillo Beach), with septic systems located near the bottom of the creek and heavy use by campers of the areas in close proximity to the beach. Staff’s proposed Draft TMDL contains no assessment of the current condition and effectiveness of these old and heavily used septic systems. An analysis of the contributions of these systems to bacterial contamination in the lower watershed is long overdue and should be provided before the Regional Board can continue to rely on Leo Carrillo Beach as a reference site.</p>	
2.7	HtB & LAW	<p>The Regional Board should not implement sub-seasons in the Draft Amendment</p> <p>It is inappropriate for the Regional Board to divide the geometric</p>	<p>The geometric mean applies in both dry weather and wet weather. The Basin Plan amendment (page 3) states: <i>For the purposes of this TMDL, the geometric</i></p>

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		<p>mean calculation period into sub- seasons for the San Gabriel River watershed as proposed in the Draft TMDL. Calculating a geometric mean per subseason would inhibit the ability to track chronic pollution problems, and is inconsistent with the rolling geometric means proposed in the TMDLs for Santa Monica Bay, Marina del Rey, LA Harbor and Cabrillo Beach, and Malibu Creek Watershed Bacteria.</p> <p>We urge the Regional Board to remove geometric mean sub-season periods and instead retain a rolling 30-day geometric mean for both wet and dry weather, in order to provide continuous public health protection.</p>	<p><i>means shall be calculated weekly as a rolling geometric mean using 5 or more samples, for six week periods starting all calculation weeks on Sunday.</i> The geometric means are not calculated based on sub-seasons.</p>
2.8	HtB & LAW	<p>The Regional Board should not use the 90th percentile storm year to determine exceedance rates</p> <p>The proposed Draft Amendment uses the number of wet weather days during the 90th percentile storm year to determine the allowable number of exceedance days. Because the 90th percentile rain event year is used to determine the number of allowable exceedances, during 90% of all years analyzed, the actual number of exceedances at the reference location will be less than the allowable number of exceedances. Thus, in 90% of the years the TMDL does not truly account only for natural conditions. Heal the Bay has expressed its concern over this methodology in our comment letters regarding both the dry and wet bacteria TMDL's for Santa Monica Bay Beaches. Instead, we suggest that the Regional Board use the median or 50th percentile storm year.</p>	<p>The critical condition for bacteria exceedances is wet weather, and the 90th percentile year, in terms of the number of wet-weather days, has a return frequency consistent with that used in other TMDLs. Establishing the WLA based on the historical exceedances of the reference watershed during a dry year would result in the reference watershed itself being in non-attainment. This would undermine the intent of the reference watershed approach, which is to make allowances for natural sources of bacteria and to avoid diverting natural creeks and drainages. In addition, the methods employed to meet the WLAs based on the critical wet-year will reduce exceedances during drier years as well.</p>

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			Use of the 90th percentile year assists implementing agencies in planning for a worst-case scenario and it is expected that in years with fewer wet days a decline in exceedance days will be observed.
2.9	HtB & LAW	Another point that should be addressed is that there appears to be an arithmetic error in the calculation of Allowable Exceedance Days for High Flow Suspension waterbodies during wet weather. The TMDL Staff Report states that there were 87 wet weather days in the reference year, and that 30 of these were HFS days. It then goes on to say that there were 47 remaining wet weather days and calculates allowable exceedance days based on this number. It seems that either there should have been 40 (not 30) HFS days, or that the remaining wet weather days should be 57, and that the allowable exceedance days should then be adjusted.	See response to Comment 1.4.
3	Lower San Gabriel River (LSGR) Watershed Committee, May 18, 2015		
3.1	LSGR Watershed Committee	The compliance strategy in the proposed TMDL is broad and allows Permittees flexibility to follow various implementation strategies, which the LSGR Watershed Committee appreciates.	Comment noted.
3.2	LSGR Watershed Committee	But it should be noted that the Watershed Management Program (WMP), which was recently approved by the Regional Board, and Coordinated Integrated Monitoring Program (CIMP), which has been revised and re-submitted to the Regional Board for approval, recognized and established bacteria (e. Coli) as a category 2 water quality priority. The LSGR Watershed Committee established the same water quality objectives as contained within the proposed TMDL and has already established as a category 2 water quality	The San Gabriel River and its tributaries have been listed on the 303(d) list as impaired due to bacteria since 1996. Therefore a TMDL is required by the Federal Clean Water Act Section 303(d). In addition, there are multiple sources of bacteria in the watershed that cannot be addressed through a single permitting

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			later than April 28, 2017, which is not in conflict with the timeline under the TMDL. In addition, the WMP must be modified to incorporate bacteria milestones with measureable criteria or indicators consistent with any future bacteria TMDL for the San Gabriel River.
3.3	LSGR Watershed Committee	Recognizing that the Regional Board is likely to adopt this TMDL, as it has similarly done for the Ballona Creek and Los Angeles River watersheds, the need for a longer compliance periods is demonstrated by the need for a Time Schedule Order (TSO) for the Ballona Creek Bacteria TMDL. That TMDL was originally adopted by the Regional Board on June 8, 2006. The TSO found that, despite past and ongoing efforts by the Ballona Creek Permittees, additional implementation time was necessary. Bacteria are very difficult to control, and compliance with wet-weather standards is likely to take many years, especially if widespread stormwater capture is required. It is therefore suggested by the LSGR Watershed Committee, that a similar TSO would likely be necessary if the TMDL deadlines are adopted as proposed. Rather than adopting a timeline that would knowingly result in the need for a TSO in approximately 10 years, the compliance period should be extended from the proposed 10 and 20 years to 15 to 25 years.	See response to Comments 1.1 and 2.5.
3.4	LSGR Watershed Committee	While the LSGR Watershed Committee appreciates the Regional Board's efforts to protect existing and potential REC1 and REC2 uses, public entry to the San Gabriel River and Tributaries within the LSGRs area is restricted and therefore REC1 and REC 2 use	An evaluation of the appropriateness of the REC-1 and REC-2 beneficial use designations and, therefore, the water quality objectives established to protect

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		standards are not appropriate.	<p>those uses is outside of the scope of this action.</p> <p>Further, it is the fundamental goal of the federal Clean Water Act that water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water is achieved.</p> <p>Any changes to the beneficial use designations of the waterbodies within the San Gabriel River watershed would need to be supported by a Use Attainability Analysis (UAA) as required by 40 CFR section 131.10(g). Therefore, modifying the recreational uses of the San Gabriel River and tributaries would require a demonstration that all the criteria for the removal or downgrading of the use are met. Subsequently a separate Basin Plan amendment would have to be adopted by the Regional Water Board and be approved by the State Water Board, OAL and USEPA.</p>
3.5	LSGR Watershed Committee	There are large stretches of the San Gabriel River within the LSGR jurisdictional area that are dry during the dry-season. This area is the soft-bottom channel extending from Firestone Boulevard upstream to Whittier narrows. That should be recognized in the TMDL and that monitoring and dry-weather targets will not be	Generally, where a waterbody has intermittent flow and is periodically dry, the designated beneficial uses and associated water quality objectives only apply when water is present in the

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		applicable when there is no measurable flow in the main channel.	<p>waterbody. However, only in Reaches 3-5, Walnut Creek Wash, and San Dimas Wash are the recreational beneficial uses identified as Intermittent in Table 2-1a of the Basin Plan.</p> <p>As part of its monitoring program, the group may document the absence of water in the channel during dry-weather conditions if there is no significant flow throughout the reach.</p>
3.6	LSGR Watershed Committee	The proposed standards establish compliance standards based on daily or weekly sampling. Sampling at this frequency may be appropriate where frequent human contact occurs, such as beaches; but in the case of the Lower San Gabriel River and its tributaries, the concrete walls and fences along the channels coupled with legal prohibitions against entry into the channels will prevent the vast majority of water contact. In the case of the LSGR, the proposed TMDL should recognize that the proposed sampling frequency in the CIMP will be sufficient, at least through the WMP's 35 percent milestone of 2020. And finally, there is no need for the preparation and submittal of a separate monitoring plan just for bacteria, supplemental review of bacteria monitoring can be addressed as needed through the adaptive management process.	The Board agrees to suspend the weekly sampling requirements until dry-weather WLAs become effective and weekly sampling is needed to demonstrate compliance. Until then, responsible agencies may conduct less frequent sampling to assess trends and assist in planning efforts. Responsible agencies shall conduct three wet-weather sampling events and quarterly dry-weather sampling, at a minimum, for at least one sampling site in each impaired reach prior to the dry-weather compliance deadline. After the dry-weather compliance deadline has passed, the responsible agencies shall conduct weekly sampling to support calculation of the geometric mean and assessment of compliance with allowable

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			<p>exceedance days.</p> <p>The Basin Plan amendment states, “<i>The Integrated Monitoring Program (IMP) or Coordinated Integrated Monitoring Program (CIMP) approved by the Executive Officer may partially or fully be deemed equivalent to a compliance monitoring plan at the Regional Water Board’s discretion. Responsible jurisdictions and agencies may build upon existing monitoring programs, IMPs, or CIMPs in the San Gabriel River watershed when developing the bacteria water quality monitoring plan.</i>” Thus the Board allows the responsible jurisdictions and responsible agencies flexibility to develop the compliance monitoring plan.</p>