

**Responses to Comments on the June 22, 2001 Modifications to the Final Draft of the  
Ballona Creek and Wetland Trash TMDL**

## I. Comments on Cost

<b>Respondent</b>	<b>Date</b>	<b>Comment</b>	<b>Response</b>
Building Industry Association of Southern California	4/17/01	It is not reasonable to set the Trash TMDL at zero. The municipalities may be forced to implement non-feasible requirements on businesses and industry. This most likely would result in higher overall costs to the general public for everything , including housing and food.	Controlling trash discharges via structural treatment devices can be expensive. Institutional controls, including enforcement of litter laws, likely will be much less costly.
Richards, Watson & Gershon	8/6/01	The trash TMDL in its current form seems to have been drafted without due regard to the fiscal impact on cities. The TMDL will ultimately require a substantial capital investment which individual cities will have to fund, despite the fact that there is no funding mechanism, nor any assistance, financial or otherwise, is being provided to the cities.	<p>Controlling trash discharges via structural treatment devices can be expensive. Institutional controls, including enforcement of litter laws, likely will be much less costly</p> <p>Grants are available. However, staff concurs that it is not likely that grants will cover 100% of the expense of complying with the final waste load allocation.</p> <p>The City of Los Angeles has applied for several grants for storm water pollution control. The City was awarded a grant from L.A. County Prop A funds in the amount of \$484,303 and from TEA-21 a grant in the amount of \$475,000 for the installation of three CDS units. Construction for these units will begin shortly.</p>

			<p>Another grant in the amount of \$675,000 also was awarded to the City of Los Angeles from Prop 13. These monies were awarded for the project entitled "Upper LA River Watershed Urban Runoff Pollution Removal Projects." Under this grant three to four pollution removal systems will be installed.</p>
County of Los Angeles	4/19/01	Regardless of legal obligations, the Regional Board should conduct a cost/benefit analysis in conjunction with the development of a numeric trash TMDL.	<p>The Regional Board staff previously responded to this comment in detail in the "Response to Comments" -No. 71- on the Draft Los Angeles River Trash TMDL dated November 27, 2000 , which are already part of the administrative record. As noted in the earlier responses to comment, staff carefully considered economic factors associated with implementation of the TMDL to the extent required by state law, in accordance with provisions of CEQA. Actual costs incurred will depend on the method that the Permittees employ to meet the TMDL.</p>
County of Los Angeles	8/6/01	Although the staff report identifies cost, there is no indication that there has been any consideration of these costs in developing the TMDL or its implementation schedule.	
Richards, Watson & Gershon	8/6/01	The RWQCB failed to fully assess cost considerations in developing the trash TMDL. The cost considerations section of the TMDL failed to consider the cost of implementing the proposed institutional controls, such as aggressively enforcing litter laws and providing more street sweeping, and also failed to consider costs that may be associated with adverse	

		environmental effects, such as increased traffic, pollution, flooding, and energy needs.	
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## II. Comments on CEQA

Respondent	Date	Comment	Response
Richards, Watson & Gershon	8/6/01	The CEQA checklist also fails to list any impact on public service, including police, or other governmental services, such as solid waste collection and disposal. An increased anti-littering enforcement program would have a large impact on local resources particularly law enforcement agencies.	The following responses are address all comments received regarding CEQA issues.  Staff analysis of the record is that the TMDL will have no significant impacts on human beings and/or the environment.
County of Los Angeles	8/6/01	The checklist fails to adequately discuss the public service impacts inherent in requiring the permittees to install structural controls that the staff report itself estimates to cost literally hundreds of millions of dollars.	With regard to flooding; the Vortex Separation Systems, when used as “full capture” devices as outlined in the TMDL, do not pose a flood hazard when sized and maintained appropriately. Regular clean-out and maintenance of Catch Basin Inserts, should remove the threat of flooding.
Richards, Watson & Gershon	8/6/01	The RWQCB completed a CEQA checklist, finding that there were no potential significant adverse environmental impacts. We believe the finding is inaccurate. Installing a full-capture system will cause (1) change in soil condition, (2) increased air emissions, (3) objectionable odors, (4) increased chance of flooding, (5) breeding of pests and bacteria, (6) increased noise, (7)	Removal of trash from city streets is expected to reduce health risks associated with vector-borne diseases. Correct operation and maintenance of any installed devices should minimize the potential for vector-breeding or the

<p>County of Los Angeles</p>	<p>8/6/01</p>	<p>increased use of energy and natural resources. Increased street sweeping may also create odors, increase traffic, noise and air pollution.</p> <p>The CEQA review for the trash TMDL is seriously deficient. The checklist falls short of the requirements of 14 Cal. Code Reg. § 15252 and Public Resources Code § 21159. The following are examples of significant or potentially significant environmental impacts that were either not considered in the checklist or were dismissed as not significant: (a) creation of objectionable odors, (b) alterations to the course of flow of flood waters or exposure of people or property to water-related hazards such as flooding or tidal waves, (c) increases in existing noise levels, (d) creation of health hazard or potential health hazard.</p>	<p>creation of odors.</p> <p>Any impact on solid waste and disposal would be the result of trash being properly disposed of. Redirection of trash from the Creek and wetland to permitted solid waste landfills will have a positive environmental impact.</p> <p>Increased street sweeping involves collection of trash from the road surface, not maintenance of the road itself and therefore will have no impact on the durability or longevity of the road surface or sub-base.</p> <p>Cities have the option of using structural controls and/or institutional controls; and may consider cost when selecting an implementation strategy.</p> <p>It is not anticipated that the proposal will directly result in a need for new or altered governmental services in these areas. The affected local agencies are already expected to enforce their own litter ordinances. The proposal includes several years for the affected agencies to conduct planning and implementation activities, and to explore and select any necessary funding options, including loans, grants</p>
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			<p>and revenue increases.</p> <p>The TMDL will not cause any changes in land use and/ or soil conditions. The course of the flow of flood waters will not be altered and noise impacts and increased air emissions are not expected to be significant.</p> <p>The TMDL considers alternative methods of compliance with the target established. The clarifying language makes it clear that any device meeting the performance levels for “full-capture” will be permitted.</p> <p>An updated CEQA Checklist was prepared and signed on June 18, 2001. This checklist complies with current CEQA requirements.</p> <p>Mitigation measures are not required since the Regional Board has determined that the TMDL will have no significant adverse impacts on the environment.</p>
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### III. Comments on Beneficial uses

Respondent	Date	Comment	Response
County of Los Angeles	8/6/01	The TMDL staff report continues to reference water contact recreation as a potential beneficial use in Ballona Creek. The creek is a restricted access flood control channel; swimming is strictly forbidden, as the creek is neither designed nor safe for swimming. The County is concerned that the TMDL doe not provide implicit authorization for such unlawful and unsafe activities.	The Regional Board recognizes that members of the public use the Ballona Creek for contact and non-contact recreation. These beneficial uses of the Creek are present and must be protected.
NRDC, Heal the Bay, Santa Monica BayKeeper	8/6/01	While there is no evidence that any amount of trash above zero will protect beneficial uses, evidence in the record demonstrates that even small quantities of trash violate the Clean Water Act or the Basin Plan by maiming or killing wildlife that becomes entangled in, or ingests the debris. Other beneficial uses such as boating and contact and non-contact recreation are also affected.	Staff concurs.

#### IV. Comments on Legal Aspects

Respondent	Date	Comment	Response
Richards, Watson & Gershon	8/6/01	<p>Informal Rule Making: There is a lack of established, clearly defined policies, guidelines or regulations by either the SWRCB or the RWQCB, setting forth specific elements which will be included in any TMDL. As a result, the trash TMDL appears to be an amalgamation of excerpts from different reports, suggestions and ideas generated by Board staff, all developed, to our knowledge, without either the RWQCB or the SWRCB complying with California, Administrative Procedure Act, Government Code §§11340 <u>et seq.</u></p>	<p>The TMDL development process is Basin Planning, which is similar to APA rule-making, but specifically exempted from the formal APA requirements. When approved by the SWRCB and the Office of Administrative Law, the Trash TMDL will be in effect for state purposes, and will be a lawful regulatory provision. When approved by USEPA, the Trash TMDL will be in effect for purposes of the federal Clean Water Act.</p>
Richards, Watson & Gershon	8/6/01	<p>CWA expressly provides that permits for discharges from municipal storm drains are not subject to Section 301, but rather such permits shall require controls to reduce discharges "to the maximum extent practicable" However, the RWQCB is attempting to impose Section 303 requirements for either technology-based standards or water-quality-based requirements to implement the narrative objectives on municipal storm drains through the trash TMDL.</p>	<p>The comment incorrectly characterizes the interplay between TMDLs and technology-based standards. While CWA section 402 establishes reduction to the maximum extent practicable (MEP) as applicable technology standard for municipal separate storm sewer systems (MS4) (33 USC 1342(p)(3)(B)), MS4 permits must still conform to applicable water quality-based standards. The technology standards provide an interim step, identifying the appropriate level of</p>



			<p>effort, until the adoption of TMDLs. while still requiring MEP after adoption of the TMDL, the level of effort under MEP may need to increase to reflect the waste load allocation. Waste load allocation regulations, which are part of implementing the TMDL, clearly evince an intent to cover all discharges for which an NPDES permit is required, including MS4 permits. (40 CFR 130.2(g).) In addition, 40 CFR 122.44(d)(1)(vii) requires the permitting authorities to consider wasteload allocations in issuing permits. For these reasons, it is clear that the CWA intends for the MS4 stormwater permits and ultimately their wasteload allocations to be incorporated into the TMDL process.</p>
Richards, Watson & Gershon	8/6/01	<p>Section 13241 of the California Water Code provides that water quality objectives must be established to ensure the reasonable protection of beneficial uses. A zero trash target is not reasonably attainable. The cities and other Los Angeles County permittees will be required, at great expense, to construct full capture units to meet a zero trash numeric target that is impossible to meet without totally controlling all sources of trash, and therefore controlling individual behavior. Furthermore, the TMDL</p>	<p>The Regional Board staff previously responded to this comment in detail in the “Response to Comments” on the Draft Los Angeles River Trash TMDL dated November 27, 2000, -Nos. 8&amp; 15, which are already part of the administrative record. As noted in the earlier responses to comment, this level of treatment is achievable using commercially available treatment technology, and may also be achieved through enforcement of anti-</p>

		does not reflect any serious analysis of the individual factors set forth in this section, specifically the requirements that the RWQCB take into account economic considerations in establishing water quality objectives.	litter ordinances and partial capture control devices. Water Code §13241 requires the Regional Board to take into consideration a number of factors, including economic factors, when establishing water quality objectives. The trash TMDL, although it will be included as an amendment to the Basin Plan, does not establish or alter water quality objectives contained within the Basin Plan. Therefore, the analysis set forth in §13241 is not required here.
Richards, Watson & Gershon	8/6/01	The RWQCB has failed to weigh the benefits of the program in light of all the potential costs, and failed to issue findings that the benefits of the program outweigh its costs. As a result, the RWQCB has violated terms of the Clean Water Act and the regulations thereunder, as well as the Porter-Cologne Water Quality Act.	The Regional Board staff previously responded to this comment in detail in the “Response to Comments” on the Draft Los Angeles River Trash TMDL dated November 27, 2000, -No. 69, which is already part of the administrative record. As noted in the earlier responses to comment, under the Clean Water Act, a State is not required to perform an economic analysis for a project when the purpose of this project is to attain water quality objectives that have already been established.
Richards, Watson &	8/6/01	The RWQCB violated section 13360(a) of the	The clean out and measurement referred

Gershon		Water Code by specifying the manner of compliance in table 6 of the trash TMDL. For example the RWQCB has required the clean-out and measurement of trash at certain specified time intervals.	to is an essential part of the baseline monitoring plan for the purpose of determining the waste load allocation. The method of cleaning and measurement is to be determined by the Permittees. The Regional Board therefore has not violated the California Water Code.
Richards, Watson & Gershon	8/6/01	The imposition of unfunded programs and mandates in the trash TMDL is inconsistent with provisions of the California Constitution (Article XIII B), which requires a state agency which mandates a new program or higher level of service to provide a "subvention" of funds to reimburse local governments for the cost of the program or increased level of service. It also prevents the State from shifting the cost of government from itself to local; agencies.	The Regional Board staff previously responded to this comment in detail in the "Response to Comments" on the Draft Los Angeles River Trash TMDL dated November 27, 2000, -No. 5, which is already part of the administrative record. As noted in the earlier responses to comment, because the storm drain system is one of the primary contributors to the trash problem in the Ballona Creek and Wetlands, the programs included pursuant to the draft TMDL are administered through storm water permits issued to cities within the Ballona Creek watershed. The reductions in loading will be required as part of the National Pollution Discharge Elimination System (NPDES) permits. The Constitutional provision referenced addresses additional services required of local agencies, not regulatory requirements imposed upon all permittees. The State Board has previously found that

			<p>the requirement to reimburse local agencies for state-mandated costs does not apply to NPDES permits. SWRCB Order No. WQ 90-3 (In the Matter of San Diego Unified Port District). In addition, the exemption afforded by Government Code §17556(c) applies, since the TMDL programs implement federal laws and regulations. The requirement that states develop TMDLs for impaired waters is clearly set forth at 33 U.S.C. 1313(d)-(e).</p>
Richards, Watson & Gershon	8/6/01	<p>The information requirements go beyond the requirements of EPA's regulations implementing the Clean Water Act; and are not consistent with the requirements of the Federal Paperwork Reduction Act.</p>	<p>The Regional Board staff previously responded to this comment in detail in the "Response to Comments" on the Draft Los Angeles River Trash TMDL dated November 27, 2000, -No. 6, which are already part of the administrative record. As noted in the earlier responses to comment, under California Water Code §13267, a regional board, in establishing or reviewing any water quality control plan, may investigate the quality of waters of the state within its region. Pursuant to this authority, the regional board may require any discharger to furnish technical or monitoring program reports which the regional board requires. Calif. Water Code §13267(b). The Paperwork Reduction Act (44 U.S.C. §§3501 et seq.)</p>

			is a federal act, applicable to federal agencies. By its terms, State agencies are not included.
County of Los Angeles	8/6/01	Clean Water Act Section 303(d)(1)(C), 33 U.S.C. Section 303(d)(1)(C), requires each state to establish a TMDL for pollutants discharged to impaired waterbodies. The TMDL shall be at a level necessary to implement the applicable water quality standards with seasonal variations and a margin of safety which takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality, The trash TMDL for the Ballona Creek Watershed fails to follow the mandated statutory and regulatory procedure because it : (a) fails to determine the amount of trash that can be discharged to the Ballona Creek without impairing its beneficial uses; (b) fails to identify all potential sources; and (c) fails to make a load allocation to all identified sources and develop an implementation strategy for reducing trash from those sources.	<p>The Ballona Creek Trash TMDL establishes that zero trash may be discharged in the river without impairing beneficial uses. This determination includes a margin of safety, as required. The TMDL staff report identifies litter as the source of trash in the Creek and wetland. Litter may be transported via storm drains, wind action or direct deposit. However, the predominant transport system is via the storm drain. The second milestone in the implementation plan is for the cities and County to provide a list of facilities that are outside their jurisdiction. These facilities will be provided a waste load allocation of zero under Phase II of the Stormwater permitting regulations.</p> <p>USEPA has reviewed the Los Angeles River Trash TMDL and testified at the January 25, 2001 Board Hearing that the Trash TMDL complies with all applicable rules and guidelines. The Ballona Creek Trash TMDL is based on the Los Angeles River Trash TMDL, and therefore also</p>

			complies with all applicable rules and guidelines.
<u>County of Los Angeles</u>	<u>4/19/01</u>	The Board should prescribe interim Best Management Practices in lieu of an unsubstantiated zero limit and annual 10 percent reductions pending further study.	A consent decree (Heal the Bay, et al. v. Browner,, Case No. 98-4825 SBA) signed on March 22, 1999, requires USEPA to develop a Trash TMDL for Ballona Creek and Wetland by March 22, 2001.
County of Los Angeles	8/6/01	There is no factual or legal basis for concluding that the TMDL has to be zero to prevent impairment of beneficial uses. In the Porter-Cologne Water Quality Act, the Legislature stated that "it is recognized that it may be possible for the water quality to be changed too some degree without unreasonably affecting beneficial uses." Water Code Section 13241. The staff report states that "no information was provided to justify any other number...." The report itself, however, also cites no study to support the zero target. Designation of a zero limit, in the absence of study or any realistic hope of attainment, does not provide the "commonsense, cost-effective framework" which the EPA promised for TMDLs.	The Regional Board staff previously responded to this comment in detail in the "Response to Comments" on the Draft Los Angeles River Trash TMDL dated November 27, 2000, -No. 17 & 18, which are already part of the administrative record. As noted in the earlier responses to comment, no data were made available to the Regional Board to substantiate that a loading of greater than zero trash would fully protect the beneficial uses.
County of Los Angeles	8/6/01	EPA guidance is very clear that there must be scientific or technical basis. "The TMDL document must provide an appropriate level of technical analysis supporting <u>all</u> TMDL elements." <i>EPA Guidance, p8.</i>	USEPA testified at the January 25, 2001 public hearing that the trash TMDL does provide the appropriate level of technical analysis and complies with the "Guidance for Developing TMDLs in California –

			EPA Region 9.”
County of Los Angeles	8/6/01	A numeric TMDL has been proposed to implement vague narrative standards without resort to a "translator" setting forth the rationale for the numeric standard and adopted pursuant to the California Administrative Procedures Act (APA), Government Code §§ 11340 et seq. The failure to of the RWQCB to develop such a "translator" through the APA rulemaking process renders the TMDL invalid under California law.	The numeric target is based on the applicable water quality standards. The development and adoption of the Basin Plan amendments and the TMDL is exempt from the formal rulemaking requirements of the APA. Nonetheless, the Water Code and the Government Code establish a rulemaking process for Basin Plan amendments, that is analogous to the formal rulemaking process. The development of a TMDL is therefore a rulemaking process and a lawfully adopted TMDL is enforceable.
NRDC, Heal the Bay, Santa Monica BayKeeper	8/6/01	<p>A TMDL is a numeric limit. 33 USC Section 1313(d)(1)(C); 40 CFR 130.2; 40 CFR 130.7. The June 18 changes the adopted "zero" TMDL from a numeric limit to a performance-based standard of 95% reduction of trash.</p> <p>TMDLs are ideally intended to apply to the entire water segment 33 USC Section 1313(d)(1)(C); 40 CFR 130.2(j); 40 CFR 130.7. By allowing in-stream capture of trash, the changes prevent the TMDL from applying to the entire Ballona Creek and Wetland, and make waste transport a de facto use of the river.</p>	Based on comments received, staff has deleted language pertaining to the 5% in-stream removal from the recommended changes.

## V. Comments on Treatment Technology

<b>Respondent</b>	<b>Date</b>	<b>Comment</b>	<b>Response</b>
County of Los Angeles	8/6/01	The County requests that the baseline monitoring requirements be modified to allow for the installation of the five required VSS units in either the Ballona Creek or Los Angeles River Watersheds.	Staff encourages joint baseline monitoring activity between the two watersheds and encourages the Permittees and Co-permittees to propose a joint baseline monitoring program in response to the forthcoming Executive Officer's section 13267 letter requesting a baseline trash monitoring plan.
City of Los Angeles	8/6/01	The requirement of 95% removal of trash from in-pipe structural devices remains technically infeasible.	Based on comments received, staff has deleted language pertaining to the 5% in-stream removal from the recommended changes.
NRDC, Heal the Bay, Santa Monica BayKeeper	8/6/01	The precipitation threshold for examination of catch basins should be 0.10 inches of rain (not 0.25 inches) since this amount of rain causes significantly elevated trash flows into Ballona Creek.	The Regional Board is requiring that monitoring devices be emptied after every precipitation event of .25 inch or more. This modification has been made based on comments and other information suggesting that a .10 inch rain does not usually generate enough runoff to transport trash to the storm drain.
City of Los Angeles	8/6/01	In order to address the new SUSUMP	SUSUMP represents the minimum



		requirements, municipalities will be installing structural devices to treat 0.2 in/hr of rainwater. The Regional Board should clarify whether the trash TMDL requirement supercedes SUSUMP requirements for new developments.	treatment level for new development. TMDLs may require higher levels of treatment to meet waste load allocations or load allocations. The 0.2 in/hr sizing will not meet the “full-capture” performance level.
NRDC, Heal the Bay, Santa Monica BayKeeper	8/6/01	There is no empirical evidence that the target of zero is unenforceable or unattainable. Although 100% trash removal presents a challenge, it is clearly feasible by employing a combination of technology.	Staff concurs.
NRDC, Heal the Bay, Santa Monica BayKeeper	8/6/01	The TMDL should not be set based on the capability of a treatment device. A technology-based standard should not become the functional equivalent of zero.	The TMDL is not set based on the capability of a treatment device, but rather the device is used as a means of compliance.

## VI. Comments on In-stream Trash Removal

<b>Respondent</b>	<b>Date</b>	<b>Comment</b>	<b>Response</b>
County of Los Angeles	8/6/01	In-stream removal of 5 percent trash: The County strongly objects to this provision based on both the fact that such in-stream removal is technically impossible and that the requirement potentially transfers responsibility for the control of trash generated in individual municipalities to the County or the Army Corp of Engineers.	Based on comments received, staff has deleted language pertaining to the 5% in-stream removal from the recommended changes.
City of Los Angeles	8/6/01	Opting for in-stream removal would make municipalities responsible for direct- or air-deposited trash in the concrete-lined segments of the River.	

## VII. Comments on the Re-opener

<b>Respondent</b>	<b>Date</b>	<b>Comment</b>	<b>Response</b>
County of Los Angeles	4/19/01	Data collected through the baseline monitoring period should be evaluated on an annual basis to determine more appropriate allocation limits and an ultimate TMDL.	The purpose of the Baseline Monitoring program is to establish the amount of trash currently being discharged, prior to implementation of the TMDL. These data will be used to establish the interim waste load allocations, but will have no bearing on the final waste load allocation. Annual

County of Los Angeles	8/6/01		estimates of trash discharges are expected to reflect trash reductions during the TMDL implementation period. The final waste load allocation may be revised based upon future studies of the impacts of trash on beneficial uses. These studies should not be confused with the baseline monitoring study.
City of Los Angeles	8/6/01	The TMDL should include a re-opener that states that the RWQCB can re-open this TMDL and modify it upon petition of a permittee, interested party, or its own motion. There is no reason or rational basis for stating that the TMDL will be reviewed only after a 50 percent reduction , or any other reduction, is achieved.	The Waste Load Allocation will be finalized after the baseline monitoring has been completed. This allocation will be reviewed after substantial reductions have occurred. In addition, the Board may consider the TMDL when new information becomes available.
County of Los Angeles	8/6/01	The re-opener clause should be amended to require the RWQCB to re-set the target, in light of the results of the assimilative capacity study for the River.	The Board has the option to re-open the TMDL any time that new information becomes available. Presently there are two mandatory re-evaluations- (i) after the baseline monitoring period, and (ii) at 50% reduction.
NRDC, Heal the Bay, Santa Monica BayKeeper	8/6/01	The Regional Board should provide that the presently proposed waste allocations will be reviewed once the assimilative capacity for the Los Angeles River is determined and cost-efficient approaches are identified.  Should any reassessment of the TMDL occur, it	

		should only be only reassessment of the time schedule for implementation and not the TMDL itself.	
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### VIII. Comments on Clarification/Specification

<b>Respondent</b>	<b>Date</b>	<b>Comment</b>	<b>Response</b>
NRDC, Heal the Bay, Santa Monica BayKeeper	8/6/01	Joint monitoring during the implementation stage will not allow adequate enforcement of each city's load allocation. The TMDL does not specify how the Regional Board plans to monitor and enforce cooperative jurisdictions; this information should be provided.	The Regional Board will not weigh in on the cities decision to act jointly or individually. However, when acting jointly, all parties will be held liable for meeting the assigned load allocations.
NRDC, Heal the Bay, Santa Monica BayKeeper	8/6/01	The Regional Board should specify exactly how compliance and enforcement in joint jurisdictional areas of a major boulevard would work. The TMDL merely states that such entities will be addressed jointly by the relevant cities and other entities.	

## IX. Miscellaneous Comments

<b>Respondent</b>	<b>Date</b>	<b>Comment</b>	<b>Response</b>
Executive Advisory Committee	7/24/01	<p>Insert the following language on Page 26:            "Alternative Baseline monitoring – last paragraph". . . weather conditions. this requirement can be met by structural, full-capture devices installed in either the L.A. River or Ballona Creek watershed.</p> <p>For each land use monitored, a minimum of ten additional representative land use sites shall be sampled through dry-weather street litter surveys. The surveys shall consist of the litter collection during the summer months on a day mid-way between the street sweeping cycle. All litter within the right-of-way shall be collected and both its volume and weight shall be recorded. The data will be used to determine the average amount of litter existing within the right-of-way per unit area for representative land uses.</p>	<p>Staff is amenable to plans to perform baseline monitoring studies jointly within the Los Angeles River and Ballona Creek watershed. There is no need to modify the Trash TMDL, as the details of the Baseline Monitoring Plan will be specified by the Regional Board's Executive Officer in a letter pursuant to CWC section 13267. While conceptually, staff supports this second "alternative baseline monitoring program" details, such as what constitutes a "right-of-way" must be further defined.</p>
Executive Advisory Committee	7/24/01	<p>Complete wet-weather baseline monitoring is no longer feasible to begin in October 2001. The EAC proposes a "phase 1" baseline monitoring to be conducted from October 2001 through September 2002. This sampling would determine the effectiveness of catch basin inserts versus Continuous Deflector Systems, VSS, or trash cage systems and the effectiveness of manual litter pickups versus street sweeping.</p>	<p>Staff concurs that such studies could provide useful data. However, given that the permittees have been aware of the baseline monitoring requirement since January 25, 2001, they should be prepared to implement a full-scale Baseline Monitoring program during the 2001/2002 storm season.</p>

Executive Advisory Committee	7/24/01	<p>Insert the following language on Page 29, Compliance Determination, Section 2:</p> <p>"Partial Capture Treatment Systems and Institutional Controls: "The Executive Officer may approve alternative compliance monitoring programs upon finding that the program will provide a scientifically-based estimate of the amount of trash discharged from the storm drain system. More than one option is available to determine compliance with the waste load allocations.</p> <p>Municipalities may develop individual compliance monitoring programs using in-flow litter collection devices, such as catch basin inserts or Vortex Separation System (VSS) units. Data resulting from designated sampling sites will be extrapolated to all similar land uses to demonstrate compliance. Such a program shall use protocols compatible with those employed for in-flow devices under the baseline monitoring plan.</p> <p>Municipalities may also prove compliance using street litter surveys. The protocols for a survey within each municipality shall be compatible with those used for litter surveys under baseline monitoring plan.</p>	<p>The TMDL already allows the Executive Officer to accept compliance monitoring programs that provide scientifically-based estimate of trash discharged from the storm drains. Inserting the language proposed by the EAC would pre-judge the scientific merit of these alternative approaches, without sufficient scientific review.</p>
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		A third compliance monitoring option is the use of street sweeping data to calculate a daily generation rate.	
County of Los Angeles	8/6/01	Like the numeric target, no technical or scientific basis is given for adoption of the ten-year implementation schedule.	The ten-year implementation schedule was adopted to allow Permittees time to develop and implement effective trash reduction strategies. It is intended to reduce the economic burden of compliance.
City of Los Angeles	8/6/01	The RWQCB should re-word the "zero numeric target" to read "zero objective" and develop wording concerning enforcement action, third party lawsuits, and de-listing criteria.	A numeric target is a required element of the TMDL. Changing the wording to objective would imply that staff is changing the water quality objective to zero trash in the Ballona Creek and Wetland. This would be considerably more stringent than a numeric target of zero.
City of Los Angeles	8/6/01	Air- and direct-deposited trash will not be eliminated from the unlined portion of the waterbody, and the lined portion of the River is allowed 5% trash; therefore the River will never be de-listed.	The TMDL addresses the major sources of trash in the Ballona Creek and Wetland can be seen after a major storm. The 5% in-stream removal provision has been deleted from staff's recommendation. The applicable narrative water quality objectives have not been changed by the TMDL.

<p>County of Los Angeles</p>	<p>8/6/01</p>	<p>Data collected through the baseline monitoring period should be evaluated on an annual basis to determine more appropriate allocation limits and an ultimate TMDL.</p>	<p>The Waste Load Allocation will be finalized after the baseline monitoring has been completed. This allocation will be reviewed after substantial reductions have occurred. In addition, the Board may consider the TMDL when new information becomes available.</p> <p>The purpose of the Baseline monitoring program is to establish the amount of trash currently being discharged, prior to implementation of the TMDL. These data will be used to establish interim waste load allocations, but will have no bearing on the final waste load allocation. Annual estimates of trash discharges are expected to reflect the reductions achieved during the TMDL implementation. The final waste load allocation may be revised based on future studies of the impacts of trash on beneficial uses. These studies should not be confused with the baseline monitoring program.</p>
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