Proposed Amendment of the *Water Quality Control Plan – Los Angeles Region* to Incorporate a Wet Weather TMDL for Bacteria at Santa Monica Bay Beaches

Responsiveness Summary
September 23, 2002

No.	Commentor	Date	Comment	Response
Public Comments Received on November 2001 Draft TMDL (Included Both Wet and Dry Weather Components)				
1	Sheila Kennedy for Ballona Creek/Santa Monica Watershed Committee	12-12-01		
1.1	Sheila Kennedy for Ballona Creek/Santa Monica Watershed Committee	12/12/01	"This Amendment is not designed to consider the assimilative capacity of the Bay, rather it attempts to protect the public from temporary localized concentrations of bacteria within mixing zones because they coincide with human exposure." "We are concerned with the use of "load allocation" in terms of bacterial indicator densities or concentrations rather than mass loadings."	See Dry Weather Responsiveness Summary (included as Attachment 1 to this Responsiveness Summary) Section 7, Response 1.
1.2	Sheila Kennedy for Ballona Creek/Santa Monica Watershed Committee	12/12/01	"…staff is...proposing to compare "apples to oranges". Staff proposes to compare historical data taken from sampling locations that are 25 to 50 yards uproots [sic] or downcast [sic] of the mouth of the storm drain with future compliance data which is to be collected at a new point-of-compliance..."point zero". Because of the closer proximity to the point	See Dry Weather Responsiveness Summary Section 7, Response 2.

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			source...it is...possible that none of the beaches will comply with the anti-degradation standard."	
1.3	Sheila Kennedy for Ballona Creek/Santa Monica Watershed Committee	12/12/01	"…staff is...proposing to compare "apples to oranges". Staff proposes to compare historical data taken from sampling locations that are 25 to 50 yards uproots [sic] or downcast [sic] of the mouth of the storm drain with future compliance data which is to be collected at a new point-of-compliance..."point zero". Because of the closer proximity to the point source...it is...possible that none of the beaches will comply with the anti-degradation standard."	See Dry Weather Responsiveness Summary Section 7, Comment 2.
1.4	Sheila Kennedy for Ballona Creek/Santa Monica Watershed Committee	12/12/01	We need to understand the effective result of these [conservative assumptions used in the computer modeling] and whether their application creates an unduly high confidence limit.	The numeric targets proposed in the TMDL are equivalent to the recently adopted bacteria objectives set to protect the REC-1 use. In addition, due to the limited data available to calibrate and validate the model at this time, the model has not been used to set the allowable exceedance days. Rather, the empirical shoreline monitoring data have been used. As the model is refined, it should provide a useful tool to assist the responsible agencies in evaluating alternative implementation scenarios.
1.5	Sheila Kennedy for Ballona Creek/Santa Monica Watershed Committee	12/12/01	"The historical data sets…were not made available for review…"	See Dry Weather Responsiveness Summary Section 7, Response 3.

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1.6	Sheila Kennedy for Ballona Creek/Santa Monica Watershed Committee	12/12/01	"The TMDL requires beaches that have historically shown low exceedances to a higher standard that other more contaminated beaches [sic]. . . . This is inherently unfair and illogical."	See Dry Weather Responsiveness Summary Section 7, Response 4.
1.7	Sheila Ken edy for Ballona Creek/Santa Monica Watershed Committee	12/12/01	"There is no ability for individual municipalities to be excluded or exempted from responsibility under the subwatershed groups, even if they can demonstrate that the discharges from within their jurisdiction do not contribute…to the exceedances…"	See Dry Weather Responsiveness Summary Section 8, Response 1.
1.8	Sheila Kennedy or Ballona Creek/Santa Monica Watershed Committee	12/12/01	"As of 1986, the Federal Ambient Water Quality Criteria for Bacteria does not recommend the use of total or fecal coliform as indicators of bacterial contamination…"	See Dry Weather Responsiveness Summary Section 3, Response 1.
1.9	Sheila Kennedy for Ballona Creek/Santa Monica Watershed Committee	12/12/01	"The...concerns regarding the selection of indicator organisms for bacterial contamination are further exacerbated by current limitations in our ability to assess for the presence of human pathogens…"	See Dry Weather Responsiveness Summary Section 3, Response 2. The Regional Board acknowledges that better measures of the presence of disease-causing organisms may be developed in the future. However, EPA reaffirms the use of bacteria indicator organisms as the best science available at this time in its draft “Implementation Guidance for Ambient Water Quality Criteria for Bacteria - 1986” (U.S. EPA 2000). The Los Angeles Regional Board is an active participant in the statewide Clean Beaches Advisory Group, which is researching alternatives to bacteria indicators, and is currently

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				managing a grant (awarded under Proposition 13 to the Southern California Coastal Water Research Project) to evaluate some of these alternative measures.
1.10	Sheila Kennedy for Ballona Creek/Santa Monica Watershed Committee	12/12/01	How can any TMDL be passed if the EPA delayed the implementation of the July 2000 TMDL regulations until April 2003?	See Dry Weather Responsiveness Summary General Comments, Response 1.
2	California Stormwater Quality Task Force (SWQTF)	12-24-01		
2.1	California Stormwater Quality Task Force (SWQTF)	12/24/01	The Task Force supports the general approach taken by the Regional Board.	Thank you for the comment.
2.2	SWQTF	12/24/01	The basic concept of establishing exceedance thresholds as Numeric Targets, and providing a baseline allowance for exceedances during wet weather conditions to recognize background sources that cannot easily be controlled is sound.	Thank you for the comment.
2.3	SWQTF	12/24/01	Nonetheless, the methodology employed will likely result in inaccurate estimates of loads and load allocation as applied to stormwater runoff due to several factors including: source analysis is not fully established, human contact and relative risk is not fully characterized, and bacteria die-off may not be fully accounted for.	Source analysis was conducted, and storm drains and freshwater outlets exhibited much higher exceedance probabilities in general than open beach sites (i.e., sites not adjacent to a storm drain discharge or other freshwater outlet). Furthermore, in support of TMDL development, the Steering Committee funded and oversaw a wet-weather characterization study, which will provide additional information on bacteria contributions from different land uses and critical sources as well as background levels of bacteria from undeveloped area

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				background levels of bacteria from undeveloped area. Human risk has been well established through national and local epidemiological studies showing a positive relationship between increasing bacteria indicator densities and a variety of health risks. These epidemiological studies formed the basis for the recently adopted bacteria objectives. Finally, bacteria degradation studies in both marine and freshwater were conducted in support of this TMDL and others. However, the numeric targets must be met in the wave wash and throughout the day; therefore, no degradation allowance was included.
2.4	SWQTF	12/24/01	The primary risk to human health is from viral sources, and there is general agreement that indicator bacteria are not necessarily good predictors of the presence of viruses.	National and local peer-reviewed epidemiological studies have shown a positive relationship between bacteria indicator densities and health risks. Furthermore, the US EPA continues to recommend the use of bacteria indicators as ambient water quality criteria in its most recent guidance document on implementing its recommended ambient water quality criteria for bacteria (May 2002). [See also Response 1.9]
2.5	SWQTF	12/24/01	The Task Force recommends that the Regional Board develop a Phased TMDL approach that includes further monitoring and studies before triggering some of the potential wet weather implementation measures.	Staff is proposing a phased implementation approach for wet weather. As defined in the "Protocol for Developing Pathogen TMDLs" (US EPA 2001), under the phased approach, waste load allocations are calculated using the best available data and information recognizing the need for additional monitoring data to accurately characterize sources and loadings. Staff has included in the draft TMDL a provision to revise the TMDL after five years to re-evaluate the allowable exceedance days during wet weather based on additional data collected from "point zero" (the point of compliance for the TMDL)

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				and further evaluation of the most appropriate reference system(s) and reference year.
2.6	SWQTF	12/24/01	The implementation plan and schedule described in the draft TMDL represent a major challenge for municipal stormwater agencies… This is particularly a concern with respect to dry weather runoff in the winter and with wet weather runoff.	See Dry Weather TMDL Responsiveness Summary section 8, Comment 3. As for wet weather, Regional Board staff now proposes an 18-year implementation schedule rather than a 10-year schedule as proposed in the November 2001 draft TMDL.
2.7	SWQTF	12/24/01	The TMDL should provide the long-term monitoring and feedback framework for further refining understanding of bacteria sources, risks and linkages, to determine if continued, long-term diversion of dry weather flows is essential to address the water quality problem.	The Regional Board encourages responsible agencies to conduct such monitoring to evaluate alternative dry weather implementation strategies.
2.8	SWQTF	12/24/01	There are significantly more concerns associated with the ability to design and operate dry weather diversion systems during winter months. The Task Force urges the Regional Board to defer any decision regarding winter dry weather until additional information is collected.	N/A – DRY WEATHER COMMENT
2.9	SWQTF	12/24/01	The TMDL recognizes that there will be significant costs involved in [capturing and treating wet weather runoff], but does not adequately characterize the full implications of achieving compliance.	Based on discussions with the Steering Committee and information submitted by the City of Los Angeles, Regional Board staff have significantly revised and expanded the discussion of potential implementation scenarios. Of these implementation scenarios, the diversion strategy has been identified as the most

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			achieving compliance.	reasonably foreseeable method of compliance. New cost estimates have been provided for this implementation strategies and the CEQA Environmental Checklist has been significantly revised to identify the potential impacts of this method of compliance.
2.10	SWQTF	12/24/01	The capacities [identified in the draft TMDL] are extremely low compared to peak flow rates from even moderate storm events in the watersheds.	The diversion strategy includes storage so that flows can be diverted gradually during low flow conditions at wastewater treatment plants.
2.11	SWQTF	12/24/01	Providing off-line storage to equalize peak flows would be essential, and the TMDL does not discuss this possibility and all of its implications.	The diversion strategy includes storage so that flows can be diverted gradually during low flow conditions at wastewater treatment plants.
2.12	SWQTF	12/24/01	An additional concern is that the draft TMDL bases the cost estimates on the concept of two sub-regional treatment plants. The concept of consolidation of runoff from a number of watersheds would require extensive costly, and very likely infeasible conveyance infrastructure.	The Regional Board received many comments on the unfeasibility of the proposed implementation approach employing two large dedicated treatment facilities presented in the original draft TMDL (November 2001). Therefore, Regional Board staff met with the Steering Committee in April 2002 and held a public workshop at a regularly scheduled Board meeting on June 27, 2002, at which an interim diversion strategy was identified as the most reasonably foreseeable method of compliance with the TMDL. Therefore, this implementation strategy has been removed from the latest version of the TMDL (August 1, 2002).
2.13	SWQTF	12/24/01	Multiple smaller plants would likely be more expensive due to the lack of economy of scale.	The Regional Board received many comments on the unfeasibility of the proposed implementation approach employing dedicated treatment facilities presented in the original draft TMDL (November 2001). Therefore, Regional Board staff met with the Steering Committee in April 2002 and held a public workshop at a regularly

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				scheduled Board meeting on June 27, 2002, at which a diversion strategy was identified as the most reasonably foreseeable method of compliance with the TMDL. Therefore, this implementation strategy has been removed from the latest version of the TMDL (August 1, 2002).
2.14	SWQTF	12/24/01	It is important that under the Porter Cologne Act the Regional Board consider the full potential expenditures and implementation impact for treating both dry and wet weather flow during winter time compared to the level of exposure that occurs during this period.	The Regional Board is not required to conduct a cost-benefit analysis when amending its Basin Plan pursuant to Water Code section 13242. Regional Board staff have considered economic factors in its environmental analysis of reasonably foreseeable methods of compliance with the TMDL as required.
2.15	SWQTF	12/24/01	The Task Force urges the Regional Board to consider a phased approach using the overall framework established in the draft TMDL.	See Dry Weather TMDL Responsiveness Summary General Comments, Response 2.
2.16	SWQTF	12/24/01	To support a water quality standards review, and to better understand the impairment the TMDL seeks to resolve, the following types of information are needed: timing of storms and impact on recreational uses, time between storm events and elevated bacteria densities, severity, number, frequency and duration of receiving water standard exceedances, details on actual impairment, specific locations in which the recreational uses may be impaired.	This Basin Plan amendment is not being undertaken to revise water quality standards. The REC-1 use is an existing use, year-round, at all Santa Monica Bay beaches, and as a CWA section 101(a)(2) use, may not be removed. The recently adopted water quality objectives are based on epidemiological studies, which have identified bacteria thresholds above which unacceptable health risk occurs. The TMDL is set to meet these water quality standards. Much of the information listed by the SWQTF exists and was used in the development of the TMDL. Other information is being collected to support implementation of the TMDL.

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2.17	SWQTF	12/24/01	The ability to control bacterial contributions – especially during storm events – must be considered in evaluating water quality standards.	See Response 2.16
2.18	SWQTF	12/24/01	Among the types of revisions that could be considered are: creating subclasses of the existing use categories, modifying standards to provide for seasonal or flow-limited uses.	See Response 15.3
2.19	SWQTF	12/24/01	Identification of the sources of bacteria could thus help identify the degree of risk to human health for a given sample, which could be used in allocation of bacteria under a TMDL, or in the setting of water quality standards.	See Dry Weather TMDL Responsiveness Summary section 3, Response 2.
2.20	SWQTF	12/24/01	It is recommended that one or more techniques be employed over the next several years for both the reference watershed, a selected urbanized watershed and selected beach areas to identify a nonhuman component that could be considered background. Continuing studies should also address the lack of correlation between indicator bacteria and viruses.	See Dry Weather TMDL Responsiveness Summary section 3, Response 2. See also Response 2.4
2.21	SWQTF	12/24/01	An additional concern is the potential conflicts between the encouragement to consider BMPs such as wetlands and the potential for such systems to	The Regional Board does not prescribe the method of compliance with TMDLs, and encourages careful evaluation of all potential compliance strategies.

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			and the potential for such systems to be generators of bacteria.	
2.22	SWQTF	12/24/01	The assumption that the indicator organisms are conservative parameters can also lead to a degree of conservatism in the TMDL.	The numeric targets must be met in the wave wash and throughout the day; therefore, no degradation allowance was included.
3	City of Burbank, Public Works Department	12-24-01		
3.1	City of Burbank	12/21/01	The Regional Board should re-evaluate beneficial use designations and develop water quality standards that consider seasonal use.	See Response 15.3
3.2	City of Burbank	12/21/01	The City recommends that the Regional Board set a different compliance point.	See Dry Weather TMDL Responsiveness Summary Section 3, Comment 3.
3.3	City of Burbank	12/21/01	We believe that a longer implementation period is needed to meet the requirements.	The implementation schedule for the wet weather component has been lengthened to a proposed 18 years.
3.4	City of Burbank	12/21/01	We recommend that staff revisit the cost analysis and provide justification that all the potential costs of TMDL implementation have been reflected in the estimates.	Regional Board staff have re-evaluated reasonably foreseeable methods of compliance with the TMDL and have completely revised the cost estimates presented in the November 2001 draft TMDL as a result.
3.5	City of Burbank	12/21/01	We urge the Regional Board to explain how the joint responsibility for complying with the allowable number of exceedance days will be	See Dry Weather TMDL Responsiveness Summary Section 8, Comment 4.

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			implemented.	
3.6	City of Burbank	12/21/01	The City believes that the CEQA Environmental Checklist does not fully discuss the environmental impacts associated with the implementation of the TMDL.	Staff has amended the CEQA Environmental Checklist to more fully discuss the potential impacts of the wet weather TMDL, including those in the areas of earth, water, noise, land use, transportation, public service, utilities and service systems, and recreation.
4	City of Calabasas	12-24-01		
4.1	City of Calabasas	12-24-01	We believe that bacteria dilution and die-off should be taken into consideration to establish accurate exceedance criteria.	See Response 2.3. See also Dry Weather Responsiveness Summary, Section 5, Response #1.
4.2	City of Calabasas	12-24-01	This percentage of exceedances should be re-evaluated based on epidemiological studies that correlated the number of exceedances with adverse human health effects as well as detriment to wildlife.	See Dry Weather Responsiveness Summary, Section 7, Response #5.
4.3	City of Calabasas	12-24-01	We believe that a longer implementation period is needed to meet the load reduction requirements set forth in the Santa Monica Bay Bacteria TMDL. An extended schedule also would allow for needed studies. We recommend that staff revisit the implementation period with a view to lengthening it.	Regional Board staff have proposed to lengthen the implementation period from 10 years to 18 years.
4.4	City of Calabasas	12-24-01	We recommend that staff be directed to revisit the cost analysis contained in	Regional Board staff have revised the cost analysis based on public comments, input from the Steering

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			the staff report to more carefully investigate the potential costs of TMDL implementation.	Committee and, in particular, the City of Los Angeles.
4.5	City of Calabasas	12-24-01	We also highly recommend that the Regional Board conduct a thorough source analysis and that specific and cost-effective implementation measures can be developed to control these sources.	A detailed wet-weather source characterization study was begun approximately two years ago in support of the development of this and other TMDLs (see section 4.2.2 of the August 2002 Staff Report). This study will be continued at least for one more year, to assist responsible agencies identify cost-effective implementation measures.
4.6	City of Calabasas	12-24-01	We recommend that the Municipalities be given a minimum of 7 months for this task.	See Dry Weather Responsiveness Summary, Section 8, Response #5.
4.7	City of Calabasas	12-24-01	It is extremely difficult to fairly determine how any city or entity is jointly responsible for any exceedances of the load allocations. Therefore, we urge the Regional Board to provide more guidance on this issue.	See Dry Weather Responsiveness Summary, Section 8, Response #4.
4.8	City of Calabasas	12-24-01	We recommend the Regional Board makes it clear in implementation of the TMDL that when an exceedance is the result of an OSO, the permittees under the municipal separate storm water permit are not in joint violation of the TMDL. We also urge the Regional Board to establish a mechanism to track and identify entities responsible for OSOs to ensure a fair enforcement	See Dry Weather Responsiveness Summary, Section 7, Response #6.

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			of the TMDL.	
4.9	City of Calabasas	12-24-01	As a general comment, the Cities believes that the environmental checklist submitted with the Notice of Filing dated November 9, 2001 does not fully discuss the environmental impacts associated with the implementation of the TMDL, and thus does not comply with the requirements of California law, and particularly the California Environmental Quality Act (CEQA).	In response to public comments and due to a re-evaluation of feasible implementation scenarios, Regional Board staff revised the CEQA Environmental Checklist included with the August 2002 Notice of Filing. Staff notes potential impacts in the areas of earth, water, noise, land use, transportation, public service, utilities and service systems, and recreation.
4.10	City of Calabasas	12-24-01	The Environmental Checklist does not indicate any environmental impacts in the following areas, despite the fact that the compliance strategies needed to implement the TMDL will have such impacts: Soil, Alterations to the course of flood waters, Exposure of persons or property to water related hazards, Noise, Impact on public services, and Mandatory Findings of Significance.	See Response 4.9
4.12	City of Calabasas	12-24-01	There is an inconsistency in the staff report regarding the number of such discharge points from the Ventura-County Line to Malaga Cove	See Dry Weather Responsiveness Summary, Section 9, Response #1.
5	City of Downey	12-24-01		

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5.1	City of Downey	12-24-01	The Regional Board should re-evaluate beneficial use designations and develop water quality standards considering seasonal use.	See Dry Weather Responsiveness Summary, Section 2, Response #1.
5.2	City of Downey	12-24-01	Regional Board should consider the point where initial dilution takes place to monitor compliance	See Dry Weather Responsiveness Summary, Section 3, Response #4.
5.3	City of Downey	12-24-01	Bacteria dilution and die-off should be taken into consideration to establish accurate exceedance criteria.	See Dry Weather Responsiveness Summary, Section 5, Response #1.
5.4	City of Downey	12-24-01	The implementation schedule should take into account uncertainties in the sources and fate of bacteria and the difficulty in identifying and implementing reasonable bacterial control measures.	Regional Board staff have proposed to lengthen the implementation period from 10 years to 18 years.
5.5	City of Downey	12-24-01	Both capital and annual operations and maintenance costs should be re-evaluated for “end-of-pipe” capture and treatment of storm water.	See Response 4.4
5.6	City of Downey	12-24-01	The size of the municipality and available resources should be taken into consideration for the task of identifying potential discharges.	See Dry Weather Responsiveness Summary, Section 8, Response #8.
5.7	City of Downey	12-24-01	Occasional sewer overflows are beyond the control of municipalities and thus, permittees, should not be	See Dry Weather Responsiveness Summary, Section 7, Response #6.

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			jointly in violation of the TMDL.	
5.8	City of Downey	12-24-01	The full environmental impacts of implementing the TMDL need to be considered and must be in compliance with CEQA.	See Response 4.9
5.9	City of Downey	12-24-01	Overall, we recommend a fair and effective approach in developing, implementing and enforcing of the TMDLs.	Staff agrees and has worked diligently for three years with a Steering Committee with representatives from the City of Los Angeles, the County of Los Angeles, CSDLAC, SCCWRP, Heal the Bay and the Santa Monica Bay Restoration Project to develop an environmental protective and practical TMDL, and a generous schedule for implementing the TMDL.
6	City of Los Angeles, Department of Public Works	12-20-01		
6.1	City of Los Angeles, Department of Public Works	12-20-01	The City has major concerns regarding the feasibility of diverting wet weather flow. In an attempt to better understand what will be required to achieve compliance with water quality standards during wet weather, the City proposed to thoroughly investigation what will be required to achieve compliance in one subwatershed, Santa Monica Canyon. This information can then be used to project needs for the entire system	Regional Board staff appreciates the City of Los Angeles' efforts to provide input on feasible implementation strategies for wet weather in response to staff's request at the April 10, 2002 Steering Committee. Staff has incorporated into the Staff Report many elements of the City's proposal submitted on May 20, 2002, which outlined potential implementation strategies and associated costs.
6.2	City of Los Angeles, Department of Public	12-20-01	The City is concerned that the cost estimates for implementation included	Regional Board staff appreciates the City of Los Angeles' efforts to provide input on feasible

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	Works		in this TMDL are too low. The City requests that the RWQCB work with the City of produce more realistic estimates.	implementation strategies for wet weather in response to staff's request at the April 10, 2002 Steering Committee. Staff has incorporated into the Staff Report many elements of the City's proposal submitted on May 20, 2002, including a revision of the cost estimates for wet-weather implementation identified in the November 2001 Draft TMDL.
6.3	City of Los Angeles, Department of Public Works	12-20-01	The City also believes that the high costs of wet-weather compliance are valid concerns, and that they must be addressed by the RWQCB as required by the Porter-Cologne Water Quality Control Act. To this end, the City requests that the RWQCB conduct a use attainability analysis as is recommended in an NRC Report released in June of 2001.	See Response 6.2 See also Dry Weather Responsiveness Summary, General Comments, Response #14.
6.4	City of Los Angeles, Department of Public Works	12-20-01	The City requests that the RWQCB consider applying the REC 1 beneficial use designation only during dry weather when the beaches are most highly used by the public.	See Dry Weather Responsiveness Summary, Section 2, Response #1.
6.5	City of Los Angeles, Department of Public Works	12-20-01	The City is concerned that the time allotted to meet the numeric targets is inadequate. The city requests that the summer dry-weather compliance be given an interim limit.	N/A – DRY WEATHER COMMENT
6.6	City of Los Angeles, Department of Public Works	12-20-01	The City recognizes and appreciates that stakeholder participation was extensive during the scientific development phase of this TMDL.	In response to this comment, Regional Board staff reconvened the Steering Committee in April 2002 to discuss the wet weather TMDL, and specifically feasible implementation strategies and associated costs. Staff

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			However, this participation did not carry through in determining compliance options and cost estimates. It is recommended that further stakeholder discussion take place to address these issues.	appreciates the City of Los Angeles' efforts to provide input on feasible implementation strategies for wet weather following the April 10, 2002 Steering Committee meeting. Staff has incorporated into the Staff Report many elements of the City's proposal submitted on May 20, 2002.
6.7	City of Los Angeles, Department of Public Works	12-20-01	The City requests a 60-day review period for all future TMDL proposals.	See Dry Weather Responsiveness Summary, General Comments, Response #6.
6.8	City of Los Angeles, Department of Public Works	12-20-01	Use of Leo Carrillo Beach/Arroyo Sequit subwatershed as the "reference" system needs to be further investigated before the SMB Bacterial Indicator TMDL is approved. The results of the Bight'98 Regional Monitoring Survey indicate that 5% of the samples from beaches that are distant from any freshwater input exceed bacterial water quality standards during the dry-weather period.	See Dry Weather Responsiveness Summary, Section 7, Response #11.
6.9	City of Los Angeles, Department of Public Works	12-20-01	The TMDL states that Leo Carrillo Beach averages no exceedances during summer dry weather, and proposes that no exceedances be permitted at Santa Monica Bay beaches during summer dry weather. The City does not believe it is correct to assume that an average of no exceedances on a weekly basis yields no exceedances on a daily basis.	See Dry Weather Responsiveness Summary, Section 7, Response #9.

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6.10	City of Los Angeles, Department of Public Works	12-20-01	The RWQCB estimates in this TMDL that considerable sums of money will be needed to provide wet-weather treatment with a direct benefit to a relatively small portion of the public during these rain events.	Southern California's beaches are heavily used even during the winter months and wet weather. Beach attendance data collected by the Los Angeles County Lifeguard Division from 1999 to 2001 shows that on average 1.46 million people visit Santa Monica Bay beaches per month during the winter (non-A.B. 411) season. Annual direct spending by these 7.5 million people who visit Santa Monica Bay's beaches during the winter season is roughly estimated at $225 million.
6.11	City of Los Angeles, Department of Public Works	12-20-01	Footnote 6- The City of Los Angeles (City) requests that this footnote be deleted because it add no value to the TMDL and unnecessarily identifies the City of Los Angeles as a litigant.	The footnote has been removed.
6.12	City of Los Angeles, Department of Public Works	12-20-01	This is not important to the topic of Data Review. The locations of the other testing agencies are not included. The City requests that the City's testing location (Hyperion) be deleted.	Staff does not think it is necessary to remove the reference to Hyperion Treatment Plant as the testing location.
6.13	City of Los Angeles, Department of Public Works	12-20-01	The City does not believe it is correct to assume that an average of no exceedances on a weekly basis yields no exceedances on a daily basis. The City requests the summer dry weather numeric target of zero not be adopted until daily monitoring has been conducted at Leo Carrillo Beach at the zero point for two years.	N/A – DRY WEATHER COMMENT
6.14	City of Los Angeles, Department of Public	12-20-01	"Second, SCCWRP found that although rainstorms are relatively	See Dry Weather Responsiveness Summary, Section 2, Response #2

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	Department of Public Works		although rainstorms are relatively infrequent in Southern California, the extent of water quality exceedances during and immediately following wet weather was similar to that of dry weather." The meaning of this sentence is not clear. Perhaps this is related to shoreline mile-days. Please reword to clarify.	Response #2.
6.15	City of Los Angeles, Department of Public Works	12-20-01	The City is concerned that a high percentage of the costs for meeting the water quality standards will be expended when water recreation use will be extremely low or non-existent at many beaches.	See Response 6.10
6.16	City of Los Angeles, Department of Public Works	12-20-01	If implementation efforts successfully comply with water quality standards during years as wet as 1993, but do not comply with wetter years, the City does not believe the impacted beaches should be considered impaired because in these years the "impairment " is associated with an "act of God". The City requests that the TMDL address this situation.	Staff have included a provision to revise the TMDL in the fifth year. Prior to this revision, staff will re-evaluate whether the number of allowable exceedance days should be adjusted annually depending on the number of wet days in each year. Such an approach would effectively address the City's concern.
6.17	City of Los Angeles, Department of Public Works	12-20-01	The City requests that the review period for this TMDL be extended until 45 days after the reports to be included in Appendix E are made available.	See Response 10.2
6.18	City of Los Angeles, Department of Public	12-20-01	Footnote 26- The footnote alludes that the underestimate is due to	The numeric targets are equivalent to the water quality objectives in the Basin Plan, which are based on

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	Works		groundwater contributions of bacteria. If the reference site estimate is low, so is the baseline used to establish the numeric target. This must be taken into consideration in the TMDL. If this cannot be done at this time due to a lack of data for a definitive decision, the TMDL must clearly state that this will be addressed at the re-opener.	protection of human health. The model, which provided preliminary estimates of exceedance days for each subwatershed, was not ultimately used to set the allowable exceedance days due to data limitations. Therefore, no adjustment is necessary in the TMDL.
6.19	City of Los Angeles, Department of Public Works	12-20-01	The City agrees that because this TMDL is concentration-based not load-based, allocations in the form of exceedance days are reasonable. However, the sources of bacteria still need to be identified.	See Dry Weather Responsiveness Summary, Section 7, Response #10.
6.20	City of Los Angeles, Department of Public Works	12-20-01	The TMDL document does not specify why the open space bacterial contribution may be over-estimated. This statement needs to be justified. In addition, the wording implies that the assumptions and data limitations can only yield an over-estimate of wet-weather contributions. The City does not accept this as the only possibility. This must be mentioned in the TMDL because the exceedance allotment may need to be increased at the re-opener.	The model was not used to set the allowable exceedance days in the TMDL; therefore, no revision to the discussion is necessary. Additional data on bacterial densities from open space are being collected as part of the wet-weather source characterization, and will be used to generate more robust model results.
6.21	City of Los Angeles, Department of Public Works	12-20-01	The City recommends that the TMDL contain a comparison of model exceedance projections for the base of Arroyo Sequit Canyon for each of the	Staff agrees that this analysis would be useful. However, shoreline monitoring data from the freshwater outlet and wave wash are not available for the reference system at this time. Responsible jurisdictions and agencies should

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			years 199-2000 with the historical shoreline exceedance data from Leo Carrillo Beach for each of those years. Another issue involves the estimate based on the 5 years of historical data. The average wet-weather exceedance during the historical period was 22% of wet weather days, but what was the range and standard deviation?	work toward collecting this data prior to the fifth-year revision to validate the model.
6.22	City of Los Angeles, Department of Public Works	12-20-01	If historical shoreline bacteriological monitoring data for all sites were not extrapolated using 1993 rainfall data, the City requests that it be done, and the repercussions of this reanalysis be incorporated into the TMDL.	All data were extrapolated using the same critical year.
6.23	City of Los Angeles, Department of Public Works	12-20-01	The City requests that an interim numeric target based on the work of Nobel et al. (1999) be established for the summer dry weather period to replace the proposed year-3 numeric target of zero exceedance days.	N/A – DRY WEATHER COMMENT
6.24	City of Los Angeles, Department of Public Works	12-20-01	The City has several concerns regarding this zero numeric target. First, the city believes if there were no exceedances, it should state no exceedances. Second, the City is concerned that an absolute zero numeric target may not be realistic.	N/A – DRY WEATHER COMMENT
6.25	City of Los Angeles, Department of Public Works	12-20-01	The City requests that a site should not be considered impaired unless the annual numeric target is exceeded,	Though a site may not exceed the annual target, it will be considered out-of-compliance with the TMDL if it exceeds the allowable number of exceedance days in

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	Works		even if one or more of the time-period numeric targets is exceeded.	any of the three time periods (summer dry weather, winter dry weather or wet weather).
6.26	City of Los Angeles, Department of Public Works	12-20-01	These numeric targets are not effluent limits; they are a compliance standard. The City recommends that future stormwater NPDES permits include Best Available Control Technology (BACT) to create water quality limits based on the optimized performance of the pollution control equipment aimed at meeting the TMDL targets so that there are no beach postings for water quality.	See Dry Weather Responsiveness Summary, Section 8, Response #11.
6.27	City of Los Angeles, Department of Public Works	12-20-01	It is recommended that the compliance schedules for both summer and winter dry weather conditions coincide to prevent the need to modify and/or reconstruct facilities installed to meet a near-term, summer dry-weather schedule. Thus the City recommends a single compliance date of six years after the effective date of the TMDL for dry weather, both summer and winter.	N/A – DRY WEATHER COMMENT
6.28	City of Los Angeles, Department of Public Works	12-20-01	It is suggested that a UAA is developed to determine that there are no widespread and adverse economic and social impacts of treating stormwater.	See Response 6.3
6.28A	City of Los Angeles, Department of Public Works	12-20-01	How is joint responsibility going to work? The enforcement mechanism needs to be clarified.	See Dry Weather Responsiveness Summary, Section 8, Response #4.

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	Works		needs to be clarified.	
6.28B	City of Los Angeles, Department of Public Works	12-20-01	Does the RWQCB plan to require a sewer system for the City of Malibu to address this issue?	See Dry Weather Responsiveness Summary, Section 8, Response #13.
6.28C	City of Los Angeles, Department of Public Works	12-20-01	The City believes all reasonable compliance options, including alternatives such as controlling sources of bacteria, eliminating illicit discharges, etc., should be investigated.	See Dry Weather Responsiveness Summary, Section 8, Response #14.
6.29	City of Los Angeles, Department of Public Works	12-20-01	A review of the model utilized for this assessment needs to be thoroughly completed in order to evaluate the adequacy of these proposed facilities.	Staff has revised the discussion of potential implementation strategies and associated cost estimates based on the proposal provided by the City of Los Angeles in May 2002.
6.30	City of Los Angeles, Department of Public Works	12-20-01	A 1998 Caltrans report estimated that approximately 2.19 billion gallons of stormwater runoff would be generated from the drainage area tributary to Santa Monica Bay during a one-year, 24-hour storm event (1.25 inches of rainfall). They estimated costs of $3.7 billion would be required to achieve Level 2 treatment that would provide settling, filtration and disinfection to remove biological contamination to Santa Monica Bay.	Staff has revised the discussion of potential implementation strategies and associated cost estimates based on the proposal provided by the City of Los Angeles in May 2002. The City estimates that the cost of implementation for the entire watershed would be on the order of $400 million in present worth cost if the diversion strategy is employed.
6.31	City of Los Angeles, Department of Public Works	12-20-01	The City believes this is an error. The correct number, 342 is given on page 41.	See Dry Weather Responsiveness Summary, Section 9, Response #2.

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6.32	City of Los Angeles, Department of Public Works	12-20-01	The average percent exceedances are proportions not “percent”.	See Dry Weather Responsiveness Summary, Section 7, Response #12.
6.33	City of Los Angeles, Department of Public Works	12-20-01	The City does not believe that capture and treatment of large volumes of stormwater is a viable option.	Staff has revised the discussion of potential implementation strategies and associated cost estimates based on the proposal provided by the City of Los Angeles in May 2002. Furthermore, based on the City’s comments and other comments and discussion at the Regional Board workshop in June 2002, the large scale dedicated treatment facilities are no longer included as a reasonably foreseeable implementation strategy.
6.34	City of Los Angeles, Department of Public Works	12-20-01	The capture volumes recommended in Table 20 are a fraction of the total flow of a storm drain during wet weather. As noted previously, the recommended capture volumes are in MGD, but it may be peak flows that need to be capture. The City needs to be certain that the proposed treatment volumes are adequate to achieve compliance with water quality standards prior to constructing facilities.	Staff has revised the discussion of potential implementation strategies and associated cost estimates based on the proposal provided by the City of Los Angeles in May 2002. The most reasonably foreseeable strategy proposed is the diversion strategy, which takes into consideration sewer and treatment plant capacity and the need for storage before storm water is diverted to a treatment facility.
7	City of Redondo Beach	12-24-01		
7.1	City of Redondo Beach	12-24-01	Are all drains owned by the City of Redondo Beach already covered under the Municipal NPDES?	See Dry Weather Responsiveness Summary, Section 8, Response #15.
7.2	City of Redondo Beach	12-24-01	Is there any estimate for the total dry weather flow that would require	See Dry Weather Responsiveness Summary, Section 8, Response #16.

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	Beach		diversion? Before mandating diversion a thorough study needs to be conduct of the impacts diversions will have on the treatment plants.	Response #16.
7.3	City of Redondo Beach	12-24-01	Where are the "open beach" monitoring stations? And where is the allowable number of exceedance days listed?	See Dry Weather Responsiveness Summary, Section 8, Response #17.
7.4	City of Redondo Beach	12-24-01	What drainage area do the 27 storm drains cover? The total cost could more than double if drains in all 55 locations require diversion. If all 342 storm drains identified by the Santa Monica Bay Keeper require diversion the costs could twelve times the estimate.	See Dry Weather Responsiveness Summary, Section 8, Response #18.
7.5	City of Redondo Beach	12-24-01	Who will be responsible for conducting the "Source Characterization" component of the Monitoring Program?	See Dry Weather Responsiveness Summary, Section 9, Response #3.
7.6	City of Redondo Beach	12-24-01	Responsibility for activities in paragraph 4 is not clear.	See Dry Weather Responsiveness Summary, Section 9, Response #4.
7.7	City of Redondo Beach	12-24-01	What storm drains are considered "major drains" (DEFINE) and where are the "existing monitoring stations" located?	See Dry Weather Responsiveness Summary, Section 9, Response #5.
7.8	City of Redondo Beach	12-24-01	If the "existing monitoring stations are not located the "zero point" of a drain are they then to be relocated to the	See Dry Weather Responsiveness Summary, Section 9, Response #6.

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			"zero point" of the nearest drain? If relocated will the agencies conducting the existing monitor be required to continue monitoring the new locations?	
7.9	City of Redondo Beach	12-24-01	Requiring the diversion of dry weather flow without knowing if the same drain will require treatment for wet weather flow is a waste of money.	See Dry Weather Responsiveness Summary, Section 8, Response #32.
7.10	City of Redondo Beach	12-24-01	The City of Redondo Beach owns and operates the King Harbor into which several storm drains owned by either the City of County of Los Angeles discharge. Most of the drains do not have a "Point Zero". How are these to be monitored?	See Dry Weather Responsiveness Summary, General Comments, Response #7.
7.11	City of Redondo Beach	12-24-01	It is hoped that additional time is taken before any requirements are imposed, by either delaying the adoption of the TMDL or by modifying the implementation program to allow for additional study.	The implementation schedule includes a provision to revise the TMDL after five years based on additional studies.
8	City of Signal Hill	12-26-01		
8.1	City of Signal Hill	12-26-01	The permittees and Regional Board were not parties to the EPA/NRDC settlement agreement and are not bound to the schedule in the agreement.	See Dry Weather Responsiveness Summary, General Comments, Response #8.
8.2	City of Signal Hill	12-26-01	A TMDL for Bacteria for Santa Monica Bay Beaches is "not suitable for	See Dry Weather Responsiveness Summary, Section 7, Response #24

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			Bay Beaches is “not suitable for calculation”. The TMDL is supposed to assign a particular waste load allocation to each point source.	Response #24.
8.3	City of Signal Hill	12-26-01	One of the fundamental aspects of the TMDL process is to determine the assimilative capacity of the water body. The draft document has failed to address this issue.	See Dry Weather Responsiveness Summary, Section 5, Response #3 and Section 7, Response #1.
8.4	City of Signal Hill	12-26-01	The regulatory process for establish at TMDL was not followed, no wasteload allocation was established for any specific point source, and no load allocation was established for non-point sources. Further, natural background levels have not been fully established.	See Dry Weather Responsiveness Summary, Section 7, Response #25. Load allocations for nonpoint source are zero (0).
8.5	City of Signal Hill	12-26-01	The TMDL does not sufficiently address the economics and financial considerations, and greatly underestimated the overall cost of implementation.	See Dry Weather Responsiveness Summary, General Comments, Response #9. Furthermore, Regional Board staff have substantially revised the discussion of potential wet-weather implementation strategies from that presented in the November 2001 Draft TMDL, including cost considerations.
8.6	City of Signal Hill	12-26-01	A Non-Point Source Plan to address the discharges from all non-point sources of bacteria has not been properly completed, and referenced.	See Dry Weather Responsiveness Summary, General Comments, Response #10.

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8.7	City of Signal Hill	12-26-01	The Regional Board has not complied with the Water Quality Monitoring requirements set forth under the Clean Water Act, and the regulation.	See Dry Weather Responsiveness Summary, General Comments, Response #11.
8.8	City of Signal Hill	12-26-01	The necessary elements of the Water Quality Management Plan, as set forth under the regulation to the Clean Water Act have not been complied with.	See Dry Weather Responsiveness Summary, General Comments, Response #12.
8.9	City of Signal Hill	12-26-01	The draft document does not reference the requisite Clean Water Act 319 Report and Non-Point Source Management Program.	See Dry Weather Responsiveness Summary, General Comments, Response #13.
8.10	City of Signal Hill	12-26-01	The recent National Academy of Sciences Study assessing the current TMDL process identified several areas where the current process could be improved. I urge you to consider any apply their recommendations.	See Dry Weather Responsiveness Summary, General Comments, Response #14.
8.11	City of Signal Hill	12-26-01	The Board is attempting to shift the responsibility of a non-point pollutant (urban runoff) to a point source NPDES storm water permit.	See Dry Weather Responsiveness Summary, General Comments, Response #15.
8.12	City of Signal Hill	12-26-01	The Regional Board appears to be attempting to coerce the permittees to implement unproven measure in an effort to achieve impossible standards in order to meet some arbitrary	See Dry Weather Responsiveness Summary, General Comments, Response #16.

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			deadline.	
8.13	City of Signal Hill	12-26-01	The Board appears to be unwilling to work with the permittees to develop programs that will effectively reduce bacteria levels.	See Dry Weather Responsiveness Summary, General Comments, Response #17.
9	County of Los Angeles, Department of Public Works	12-24-01		
9.1	County of Los Angeles, Department of Public Works	12-24-01	We recommend different bacterial standards by season for the Santa Monica Bay beaches.	See Dry Weather Responsiveness Summary, Section 3, Response #5.
9.2	County of Los Angeles, Department of Public Works	12-24-01	We also recommend that the Regional Board either postpone adoption of the bacteria TMDL until the Basin Plan amendment on the bacteria objectives has been approved or adopt a TMDL using the bacteria objectives in the existing Basin Plan.	See Dry Weather Responsiveness Summary, Section 3, Response #5.
9.3	County of Los Angeles, Department of Public Works	12-24-01	We recommend that the Regional Board request the appropriate agencies to restrict access to these outlets.	All beaches in Santa Monica Bay are designated with the existing REC-1 use and should be protected as such. The County's proposal would create in effect a mixing zone around storm drains where public health risks – deemed unacceptable by the US EPA and the State of California Department of Health Services – would be allowed. Furthermore, the Regional Board does not have the authority to restrict access to public beaches.
9.4	County of Los Angeles, Department	12-24-01	We also recommend that the Regional Board set a different compliance point	See Dry Weather Responsiveness Summary, Section 3, Response #4

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	Angeles, Department of Public Works		Board set a different compliance point, established at an appropriate distance from the storm drain outlet that would more logically reflect swimming and other water recreation conditions.	Response #4.
9.5	County of Los Angeles, Department of Public Works	12-24-01	We recommend that bacteria dilution and die-off should be taken into consideration to establish accurate exceedance criteria.	See Dry Weather Responsiveness Summary, Section 5, Response #1.
9.6	County of Los Angeles, Department of Public Works	12-24-01	This percentage of exceedances should be reevaluated based on epidemiological studies. We also recommend that the Regional Board consider seasonal and flow conditions in its exceedance threshold.	See Dry Weather Responsiveness Summary, Section 7, Response #5. Furthermore, seasonal conditions have been taken into account in the exceedance thresholds – up to 17 exceedance days are allowed in wet weather as compared to only 3 exceedance days in winter dry weather and zero (0) exceedance days in summer dry weather.
9.7	County of Los Angeles, Department of Public Works	12-24-01	We recommend that a longer implementation period is needed to meet the load reduction requirements set forth in the Santa Monica Bay Bacteria TMDL. An extended schedule would also allow for needed studies.	See Response 5.4
9.8	County of Los Angeles, Department of Public Works	12-24-01	We recommend that staff be directed to revisit the cost analysis contained in the staff report to more carefully investigate the potential costs of TMDL implementation.	See Response 6.2

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9.9	County of Los Angeles, Department of Public Works	12-24-01	We recommend that the County be given a minimum of 12 months for this task.	See Dry Weather Responsiveness Summary, Section 8, Response #19.
9.10	County of Los Angeles, Department of Public Works	12-24-01	It is extremely difficult to fairly determine how any city or entity is jointly responsible for any exceedances of the load allocations. We urge the Regional Board to provide more guidance on this issue.	See Dry Weather Responsiveness Summary, Section 8, Response #4.
9.11	County of Los Angeles, Department of Public Works	12-24-01	We recommend that the Regional Board make it clear in implementation of the TMDL that when an exceedance is the result of an occasional sewer overflow, the permittees under the municipal separate storm water permit are not in joint violation of the TMDL.	See Dry Weather Responsiveness Summary, Section 7, Response #6.
9.12	County of Los Angeles, Department of Public Works	12-24-01	Public Works believes that the environmental checklist does not fully discuss the environmental impacts associated with the implementation of the TMDL, and thus does not commonly with the requirements of California law, and particularly the California Environmental Quality Act (CEQA).	See Response 4.9
9.13	County of Los Angeles, Department of Public Works	12-24-01	The Environmental Checklist does not indicate any environmental impacts in the following areas, despite the fact that the compliance strategies needed to implement the TMDL will have such	See Response 4.9

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			impacts: Soil, Alterations to the course of flood waters, Exposure of persons or property to water related hazards, Disposal of waste, Noise, Air Quality, Risk of upset, Impact on transportation systems, Impact of public services and Aesthetics.	
9.14	County of Los Angeles, Department of Public Works	12-24-01	We believe that the Discussion of Environmental Evaluation also fails to meet the requirements of CEQA.	See Response 4.9
9.15	County of Los Angeles, Department of Public Works	12-24-01	There is an inconsistency in the staff report regarding the number of such discharge points from the Ventura County line to Malaga Cove.	See Dry Weather Responsiveness Summary, Section 9, Response #1.
10	County Sanitation Districts of Los Angeles County	01-07-02		
10.1	County Sanitation Districts of Los Angeles County	01-07-02	We strongly urge the Regional Board to proceed cautiously using a gradual iterative approach that allow for reevaluating of implementation efforts, include re-opener clause that allow changes in requirements without conflicting with compliance deadlines.	Regional Board staff has included a provision to revise the TMDL in the fifth year, prior to the first interim compliance deadline at year 6.
10.2	County Sanitation Districts of Los Angeles County	01-07-02	We regret that our comments are limited because detailed technical reports (prepared by SCCWRP) on the hydrologic and water quality model have not been provided for review. The LACSD request that the adoption	The model was not used in the Dry Weather TMDL. The technical reports on the model were made available for review with both the preliminary draft of the Wet-Weather TMDL released in June 2002 and the August 2002 Public Notice Draft.

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			The LACSD request that the adoption of the TMDL be postponed until these materials are available to all interested parties for a review period of at least 45 days.	
10.3	County Sanitation Districts of Los Angeles County	01-07-02	LACSD recommend either postponing action on this TMDL proposal until the Basin Plan amendment on bacteria objectives has been approved, or proceeding with the TMDL using the REC-1 bacterial objectives in the existing Basin Plan.	See Dry Weather Responsiveness Summary, Section 3, Response #5.
10.4	County Sanitation Districts of Los Angeles County	01-07-02	The LACSD suggest that the TMDL language include the opportunity for incorporation of new and more effective methods of water quality assessment, and relevant indicator levels to assure safe recreational use.	The Basin Plan is periodically reviewed as required by the Porter-Cologne Water Quality Control Act and the federal CWA. During this review (known as the Triennial Review), needed revisions to the Basin Plan are identified and prioritized. Water quality assessments are addressed under sections 305(b) and 303(d) of the CWA, and Regional Boards and the State are given the authority to determine the most appropriate assessment guidelines. To the extent revised water quality assessment procedures are adopted, they could result in refined bacteriological water quality objectives, which would be subject to the Basin Plan amendment process.
10.5	County Sanitation Districts of Los Angeles County	01-07-02	The LACSD recommend that the Regional Board consider a tiered approach to varying seasonal beach use as provided in the EPA Guidance for Bacteriological Criteria.	See Dry Weather Responsiveness Summary, Section 3, Response #5.
10.6	County Sanitation Districts of Los	01-07-02	The LACSD believes that the use of the “wave wash”, or “point zero”, where	See Dry Weather Responsiveness Summary, Section 3, Response #4.

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	Angeles County		freshwater runoff initially reaches the ocean, to determine compliance, is inappropriate for several reasons.	Response #4.
10.7	County Sanitation Districts of Los Angeles County	01-07-02	The LACSD request that single samples not be used for compliance purposes.	Under this TMDL, no single sample would trigger non-compliance with the TMDL with the exception of 2 locations, Bluff Cove and Abalone Cove, where existing water quality limits allowable exceedances during wet weather to no exceedances and one exceedance, respectively, since up to 17 exceedance days are allowed during wet weather. As for the source investigation requirements, the requirements to conduct further, detailed source investigation are already specified in Water Code 13178. If a single sample exceeds the numeric targets, an iterative process is set in motion, which includes first daily sampling, second, an initial investigation, and finally, a sanitary survey if the Water Code 13178 criteria for persistent water quality exceedance are met.
10.8	County Sanitation Districts of Los Angeles County	01-07-02	For the dry weather period, the target number of exceedances is zero. This target is inappropriate for several reasons.	N/A – DRY WEATHER COMMENT
10.9	County Sanitation Districts of Los Angeles County	01-07-02	A recent study of selected Southern California beaches, Noble et al. (1999), suggests that approximately 5% of dry weather samples at beaches away from freshwater outlets will exceed bacteriological objectives. The proposed dry weather target does not address this naturally occurring background level of exceedances. The LACSD request that the Regional	N/A – DRY WEATHER COMMENT

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			Board re assess the statistics at the reference site and how the findings at this site should be applied to other sites in determining an appropriate target.	
10.10	County Sanitation Districts of Los Angeles County	01-07-02	For dry weather in the winter season the LACSD also recommend that before any exceedance levels are proposed, the reference site should be sampled daily, and at the wave wash point, if this is where the Regional Board insists in checking for compliance.	N/A – DRY WEATHER COMMENT
10.11	County Sanitation Districts of Los Angeles County	01-07-02	LACSD recommend that the reference site be monitored daily in wet weather at the wave-wash point before any exceedance levels are proposed.	Exceedance levels are based on five years of historical data at Leo Carrillo Beach. Staff have proposed a provision to revise the TMDL in the fifth year, prior to the first interim compliance deadline at year 6. This provision will allow staff to revisit the allowable number of exceedance days based on data collected from the wave wash.
10.12	County Sanitation Districts of Los Angeles County	01-07-02	Some of the proposed methods for reducing bacterial indicator densities, particularly during wet weather, may require projects of a scale that cannot be completed within ten years. The LACSD are concerned that the proposed number of wet weather exceedance days is based on historical monitoring data at the reference site that the TMDL acknowledges are uncertain.	See Responses 4.3 and 10.11

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10.13	County Sanitation Districts of Los Angeles County	01-07-02	Given that the design, construction and operation of the diversion systems, it may be hampered if the systems are not initially planned to manage both dry season and dry weather in winter periods, it is recommended that the three-year implementation for dry season compliance be eliminated, and instead, that a six-year period be adopted for both dry weather periods.	N/A – DRY WEATHER COMMENT
10.14	County Sanitation Districts of Los Angeles County	01-07-02	The LACSD are, however, concerned about the diversions presented in Phases II and III of the proposed TMDL.	The Regional Board is prohibited from prescribing the method of compliance. Diversions are identified as one reasonably foreseeable method of compliance. Responsible jurisdictions and agencies may select other implementation strategies to achieve the applicable allocations in the TMDL.
10.15	County Sanitation Districts of Los Angeles County	01-07-02	The use of storm drain diversions to treatment plants is included in both the recently adopted Municipal Stormwater (MS4) Permit for Los Angels County and in the proposed Santa Monica Bay Beaches Bacteria TMDL. The LACSD recommend better coordination between the MS4 permit and the proposed TMDL.	Neither the TMDL nor the MS4 require diversions as the method of compliance, but staff recognizes that diversions may be a component of the responsible agencies' compliance with the TMDL. To the extent dischargers anticipate implementing diversions, Regional Board staff can assist in coordination between the two programs to ensure that appropriate considerations are made in the next MS4 permit revision.
10.16	County Sanitation Districts of Los Angeles County	01-07-02	The Regional Board should address the cost-benefit of compliance for each of the specific period; dry weather, dry periods during the winter, and wet weather.	The Regional Board is not legally required to conduct a cost/benefit analysis.

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10.17	County Sanitation Districts of Los Angeles County	01-07-02	The LACSD are also concerned that the Regional Board may not be giving proper consideration to the risks and constraints involved with wet weather diversions, and even winter dry weather diversions.	A more detailed discussion of potential wet-weather implementation strategies was provided in the June 2002 and August 2002 Drafts. Constraints such as sewer and treatment plant capacity have been considered.
10.18	County Sanitation Districts of Los Angeles County	01-07-02	The TMDL incorrectly overestimates the number of post-rain days, and correspondingly the total number of "wet weather" days.	The rainfall data has been reanalyzed. The 90th percentile "modified storm year" (November 1-October 31) was 1993 with 75 wet days, corresponding to 41 rain days.
10.19	County Sanitation Districts of Los Angeles County	01-07-02	The LACSD's main recommendation is against the use of wet weather diversion to the sewerage system, unless a more thorough analysis of costs, benefits, risks and impacts is performed.	See Response 10.17
10.20	County Sanitation Districts of Los Angeles County	01-07-02	The TMDL should also focus on identifying specific point and non-point sources of bacterial pollution, so that load allocations can be determined and other mitigation measures (BMPs) can be pursed in a "watershed" approach. The LACSD have major concerns about the costs for compliance, as discussed.	A wet-weather source characterization study was spearheaded by the Steering Committee, of which CSDLAC is one participant, to support development of this and other TMDLs. This study is ongoing and the results will be used to evaluate various management actions on a watershed basis. Furthermore, the cost estimates for wet-weather implementation have been revised (see Response 4.4).
10.21	County Sanitation Districts of Los Angeles County	01-07-02	The LACSD are concerned that the proposed costs, particularly for the wet weather diversions, may not be accurate or realistic.	See Response 4.4

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10.22	County Sanitation Districts of Los Angeles County	01-07-02	The environmental checklist included with the proposed TMDL does not thoroughly consider the consequences of the proposed construction of two 50 MGD treatment facilities, the collection system to link them to 12 subwatersheds and the retention system to allow effective capture and treatment of the estimated billions of gallons of runoff associated with significant storms.	See Response 4.9
10.23	County Sanitation Districts of Los Angeles County	01-07-02	The LACSD support the identification of outfalls that may contribute to beach bacterial impacts; however, the LASCSD recommend a longer period for investigation of any identified potential discharges. It is also recommended that additional guidance be provided on what criteria identify a potential discharge as a concern.	See Dry Weather Responsiveness Summary, Section 8, Response #19.
10.24	County Sanitation Districts of Los Angeles County	01-07-02	The proposal requires the “responsible municipalities” to conduct a sanitary survey per AB538. The LASCD are concerned that a sanitary survey is an unnecessary and ineffective effort to pursue in response to infrequent and isolated single sample exceedance. The LACSD recommend revision of the compliance determination portion of this proposal to assure that no single sample triggers the major effort and expense of a sanitary survey.	See Response 10.7

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10.25	County Sanitation Districts of Los Angeles County	01-07-02	The LACSD do not understand the requirement that all samples be taken when the tide height is less than +2 feet.	See Dry Weather Responsiveness Summary, Section 9, Response #8. The tide height restriction has been replaced with a requirement that, at locations where there is a freshwater outlet, samples be taken when the freshwater outlet is flowing into the surf zone. This assurance should be included in the coordinated shoreline monitoring plan, which must be submitted within 120 days of the effective date of the TMDL.
11	Heal the Bay	12-21-01		
11.1	Heal the Bay	12-21-01	The overall approach and structure of the TMDL is supported by existing data and provides a workable and effective strategy for meeting bacteriological health standards at Santa Monica Beaches.	Staff thanks Heal the Bay for their comment.
11.2	Heal the Bay	12-21-01	We strongly support the dry-weather exceedance allocation of zero days of allowable exceedances of the State health standards and the three-year schedule for achieving this goal.	N/A – DRY WEATHER COMMENT
11.3	Heal the Bay	12-21-01	The results of the water quality model should not be used to establish the number of allowable days of exceedances during wet-weather.	In response to comments and concerns expressed by the Steering Committee, staff has not used the model results to establish the number of allowable exceedance days during wet-weather. Only historical shoreline monitoring data have been used.
11.4	Heal the Bay	12-21-01	The use of Arroyo Sequit Canyon subwatershed as a reference site is inappropriate and likely results in a non-conservative, overestimate of the	Leo Carrillo Beach and its drainage area, Arroyo Sequit Canyon, were selected as the reference system on the basis of three criteria: (1) percentage of drainage area in open space, (2) presence of a freshwater outlet, and (3)

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			number of wet-weather allowable exceedances days. We recommend using the highest percentage of wet-weather exceedances shown by the historical daily shoreline monitoring data from relatively undeveloped watersheds.	availability of historical shoreline monitoring data. Leo Carrillo Beach and its drainage area best met these criteria, which were agreed upon by the Steering Committee, of which Heal the Bay was a member. Arroyo Sequit Canyon has the largest percentage of total area in open space of all the subwatersheds in Santa Monica Bay at 98 percent. Staff have included a provision to revise the TMDL in the fifth year based on daily sampling data collected in the wave wash and a re-evaluation of the reference system.
11.5	Heal the Bay	12-21-01	The large size of the Arroyo Sequit Canyon subwatershed, and therefore higher flow rates and bacteria loading rates to the beach, makes it an inappropriate reference site for a majority of the subwatersheds in Santa Monica Bay.	See Response 11.4
11.6	Heal the Bay	12-21-01	The amount of historical monitoring data currently available for Arroyo Sequit Canyon is inadequate to use as a reference site. At a minimum, a subwatershed with daily shoreline sampling data should be used.	See Response 11.4
11.7	Heal the Bay	12-21-01	The Arroyo Sequit Canyon subwatershed may not be a representative reference location. In lieu of using the Arroyo Sequit Canyon subwatershed as a reference site, we recommend using the highest frequency of wet-weather exceedances shown from the historical shoreline monitoring data from the	The locations suggested by Heal the Bay are drained by the Palos Verdes subwatershed generally, which has only one-third of its area in open space. Therefore, based on the criteria identified by the Steering Committee, Regional Board staff do not agree that these sites would be appropriate reference sites, without a thorough re-evaluation of the reference system approach and criteria used to select the reference system. Such a re-evaluation is proposed prior to the

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			following, relatively undeveloped subwatersheds: Malaga Cove, Palos Verdes Estates, Long Point, Abalone Cove, Portuguese Bed Cove, Royal Palms, wilder Annex, Cabrillo Beach Oceanside, Malaga Cove and Bluff Cove.	fifth-year revision of the TMDL. During the re-evaluation alternative reference systems will be considered.
11.8	Heal the Bay	12-21-01	In addition to changing the reference site, we recommend the TMDL implementation include the completion of a study to chose appropriate references site(s) for the various subwatersheds along the Bay, to monitor these sites daily during wet weather for three years, and reopening the TMDL to modify the wet weather "load allocation" (frequency of exceedances) based on the results of this study.	Staff has included a provision to revise the TMDL in the fifth year based on additional shoreline monitoring data collected from the wave wash at the reference site(s) as well as other shoreline monitoring locations. Staff has also stated that included in this revision will be a re-evaluation of the reference system and reference year selected.
11.9	Heal the Bay	12-21-01	Using the 90th percentile rainfall year to determine the number of allowable exceedances of health standards is not conservative and is not protective of public health.	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. Staff intends to re-evaluate the reference year approach a the fifth-year revision of the TMDL.
11.10	Heal the Bay	12-21-01	For clarification purposes, please add to Table 19 The Implementation Schedule, the compliance date for meeting the geometric mean of the California Health Standards.	See Dry Weather Responsiveness Summary, Section 8, Response #24.

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11.11	Heal the Bay	12-21-01	Also for clarification purposes, please remove from the Implementation Schedule the elimination of illicit discharges listed under the Implementation methods.	See Dry Weather Responsiveness Summary, Section 8, Response #25.
12	John Hunter	12-24-01		
12.1	John Hunter	12-24-01	There appears to be a general lack of linkage between the specific monitoring points and the members of a particular subwatershed.	See Table 9-2 in the Staff Report.
12.2	John Hunter	12-24-01	The TMDL should recognize that the responsibility for discharges from point sources should not be assigned to a group. Also, the TMDL infers that any discharge from a sewer overflow that reaches a catch basin will be a violation of the municipal NPDES Stormwater Permit.	See Dry Weather Responsiveness Summary, Section 7, Response #18.
12.3	John Hunter	12-24-01	There is no clean provision in the TMDL for sewer pipeline breaks from natural causes such as landslides and earthquakes. There is similarly no provision for exempting municipalities from breaks or overflows from sewer lines not owned by the municipalities.	See Dry Weather Responsiveness Summary, Section 7, Response #18.
12.4	John Hunter	12-24-01	Several municipalities are located in essentially landlocked subwatershed. How are these municipalities to ascertain their requirements, if any,	See Dry Weather Responsiveness Summary, Section 9, Response #9.

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			under this TMDL?	
12.5	John Hunter	12-24-01	The TMDL requires beaches that have historically shown low exceedances to a higher standard that other more contaminated beaches.	See Dry Weather Responsiveness Summary, Section 7, Response #4.
12.6	John Hunter	12-24-01	The sampling methodology conducted for the various beaches thus far does not match the methodology required under the TMDL. The TMDL should take this into account.	See Dry Weather Responsiveness Summary, Section 7, Response #2.
12.7	John Hunter	12-24-01	There is no provision for reducing the number of sampling points once an outfall(s) has been shown to not be a source of elevated bacterial levels.	See Dry Weather Responsiveness Summary, Section 9, Response #10.
12.8	John Hunter	12-24-01	Several sampling points will present extremely difficult and unsafe conditions for obtaining samples. There is also the question of who will be responsible for obtaining the samples. Cities should have the option of presenting alternate sampling plans.	See Dry Weather Responsiveness Summary, Section 9, Response #11.
12.9	John Hunter	12-24-01	There is no ability for individual municipalities to be excluded or at least exempted from responsibility under the subwatershed groups.	See Dry Weather Responsiveness Summary, Section 8, Response #1.
12.10	John Hunter	12-24-01	Once exceedances are discovered, will the provisions of the Municipal Stormwater permit govern future	See Dry Weather Responsiveness Summary, Section 8, Response #28.

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			Stormwater permit govern future actions? If the source of the exceedance cannot be located, how are municipalities to know which BMPs to implement and where?	
12.11	John Hunter	12-24-01	Appendix C has GPS locations of storm drains, but does not have the associated testing results. These should be included or at least provided to the stakeholders.	The results were summarized in section 4.2.2 of the November 2001 Draft, and will be made available upon request.
12.12	John Hunter	12-24-01	The 538 sanitary survey protocol should be included as part of the TMDL document, not just referenced.	The final AB 538 source investigation protocol document has been included as an Appendix to the Staff Report.
12.13	John Hunter	12-24-01	If 11 of the major drains already have dry weather diversion and an additional 6 major drains have funding, who will have responsibility for funding the remaining 10 major drains if future exceedances occur?	See Dry Weather Responsiveness Summary, Section 8, Response #29.
13	Natural Resources Defense Council (NRDC)	12-26-01		
13.1	Natural Resources Defense Council (NRDC)	12-26-01	The Draft TMDL Does not Meet the Clean Water Act Requirements of Attainment of Water Quality Standards.	The Regional Board's intent has been to use the reference system/antidegradation approach as the implementation procedure for the Region's REC-1 bacteria objectives. The draft TMDL has been developed to meet water quality standards using this implementation procedure and as a Basin Plan amendment incorporates this implementation procedure

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				into the Basin Plan pursuant to Water Code section 13242. Staff has proposed this approach in recognition of the fact that there are natural creeks that transport bacteria from natural sources to SMB beaches. Staff was concerned that an extremely strict application of the single sample bacteria standards would cause adverse impacts on other beneficial uses such as warm water habitat, cold water habitat and wildlife habitat among others, by creating a situation where natural creeks would need to be diverted to reduce bacteria densities at the beach.
13.2	Natural Resources Defense Council (NRDC)	12-26-01	The Source Assessment in the Draft TMDL is Flawed.	See Dry Weather Responsiveness Summary, Section 7, Response #21.
13.3	Natural Resources Defense Council (NRDC)	12-26-01	Although we disagree with the provision for exceedances, under no circumstances should the TMDL allow exceedances allow exceedances attributable to sewage spills. Exceedances resulting from sewage spills are not “natural” exceedances and should be prohibited under all circumstances in the TMDL.	See Dry Weather Responsiveness Summary, General Comments, Response #21.
13.4	Natural Resources Defense Council (NRDC)	12-26-01	Urban runoff and storm water runoff in Los Angeles County are point sources regulated under the NPDES program.	See Dry Weather Responsiveness Summary, General Comments, Response #21.
13.5	Natural Resources Defense Council (NRDC)	12-26-01	Caltrans also must be treated as a separate point source of pathogens pursuant to the TMDL.	See Dry Weather Responsiveness Summary, General Comments, Response #21.

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13.6	Natural Resources Defense Council (NRDC)	12-26-01	In sum, to be consistent with Section 3030(d) of the Clean Water Act, all municipal urban and storm water runoff dischargers that are currently covered under one all-inclusive LA must be given individual WLAs that are enforceable through their NPDES permits.	See Dry Weather Responsiveness Summary, General Comments, Response #21.
13.7	Natural Resources Defense Council (NRDC)	12-26-01	While we agree generally with the Board's proposed approach for summer weather, we do not agree with the Board's approach to winter dry weather or wet weather, which proposed to allow a certain number of exceedances (up to 27 day of wet weather samples and 29 total) of water quality standards every year. As discussed above, this approach is not consistent with the Clean Water Act goal of achieving attainment of water quality standards through the TMDL.	See Response 13.1.
13.8	Natural Resources Defense Council (NRDC)	12-26-01	It is unclear if all the Santa Monica Bay Beaches scheduled for TMDL development for pathogens/bacteria in Analytical Unit Number 48 are covered by this TMDL, as required by the Amended Consent Decree.	See Dry Weather Responsiveness Summary, General Comments, Response #20.
13.9	Natural Resources Defense Council (NRDC)	12-26-01	Further, is this TMDL applicable to any other Analytical Units scheduled for TMDLs for pathogens/bacteria under the Amended Consent Decree?	See Dry Weather Responsiveness Summary, General Comments, Response #20.

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13.10	Natural Resources Defense Council (NRDC)	12-26-01	Substantial Evidence Standard. We are concerned that the Regional Board has not bridged "the analytical gap between the raw evidence and ultimate decisions."	See Dry Weather Responsiveness Summary, General Comments, Response #21.
13.11	Natural Resources Defense Council (NRDC)	12-26-01	The Proposed Margin of Safety is Not a True Margin of Safety.	As for the implicit margin of safety, the model results are no longer being used to determine the allowable exceedance days; therefore, this comment is moot. Because the final compliance point is the wave wash and most sampling is currently done 50 yards from a freshwater outlet, staff considers an explicit margin of safety to be included in the proposed number of allowable exceedance days, since it is expected that sampling in the wave wash will result in more exceedance days than the number currently proposed. In the fifth-year revision of the TMDL, staff proposes to re-evaluate the reference system approach, including natural variability in the wet-weather exceedance probabilities in the reference system(s), to incorporate an additional margin of safety.
13.12	Natural Resources Defense Council (NRDC)	12-26-01	The Selection of the 90th Percentile Year for Wet Weather is not Supported by Substantial Evidence.	See Response 21.1
13.13	Natural Resources Defense Council (NRDC)	12-26-01	The Use of Arroyo Sequit Canyon as the Reference Site is Inappropriate and Results in an Overestimate of the Number of Allowable Exceedance Days.	See Response 11.4

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13.14	Natural Resources Defense Council (NRDC)	12-26-01	The Lack of Appropriate Data to Run and to Calibrate the Model Suggests that the Model Should Not be Used to Estimate the Number of Allowable Exceedances for Purposes of the TMDL.	See Response 11.3
13.15	Natural Resources Defense Council (NRDC)	12-26-01	We strongly support the Regional Board's decision to allow zero exceedances for summer dry weather. This appears to be supported by ample evidence, including no evidence of exceedances even in a large natural system. However, we are concerned about the allowance of 3% days of exceedances for winter dry weather.	N/A – DRY WEATHER COMMENT
13.16	Natural Resources Defense Council (NRDC)	12-26-01	We have several additional concerns about the Regional Board's decisions regarding wet weather days of exceedances. Once concern is that the Regional Board has not provided substantial evidence to support its calculation of the exceedance days in the reference system for wet weather. Specifically, what is the rationale for averaging the water quality model of the reference watershed (28 exceedance days) with historical shoreline monitoring data for the reference beach (26 exceedance days) to calculate a final number of 27 days of exceedances for the reference system during wet weather?	See Response 11.3 The proposed number of allowable exceedance days is based solely on historical shoreline monitoring data due to data limitations that prevented adequate calibration and validation of the model. The method used to determine allowable exceedance days based on historical shoreline monitoring data is described in section 8.3 of the August 2002 Staff Report.

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13.17	Natural Resources Defense Council (NRDC)		We are also greatly concerned about the Regional Board's decision to allow 27 days of exceedances (23%) for 32 of the 57 beaches/locations. Aside from the 32 beaches/locations with 27 allowable exceedance days, ten other beaches/locations have allowable days of exceedances ranging from 19-20 days.	Staff are proposing to allow up to 17 exceedance days during wet weather based on the 5-year exceedance probability in the reference system and the number of wet days in the reference year. Based on the historical shoreline monitoring data, 37 of the 55 sites are allocated 17 allowable wet-weather exceedance days, while the remaining 18 sites are allocated less than 17 days based on antidegradation.
13.18	Natural Resources Defense Council (NRDC)	12-26-01	Please clarify the relationship between the 30-day rolling geometric mean and the allowable days of exceedances.	See Dry Weather Responsiveness Summary, Section 8, Response #24. During 30-day periods with wet weather, the geometric mean must be met by the final compliance deadline.
13.19	Natural Resources Defense Council (NRDC)	12-26-01	We are also unclear as to the Regional Board's intent with regard to discharges from various drains.	See Dry Weather Responsiveness Summary, Section 8, Response #30.
13.20	Natural Resources Defense Council (NRDC)	12-26-01	We agree that all illegal drains to the ASBS must be identified as eliminated, as is set forth page 41 of the TMDL. Please be sure to indicate in the Resolution that no only must drains be identified, but illegal drains must be eliminated with the timeframe given in the TMDL itself.	See Dry Weather Responsiveness Summary, Section 8, Response #30.
13.21	Natural Resources Defense Council (NRDC)	12-26-01	Lastly, we agree with Phase-1 of the implementation schedule during the first three years. However, we disagree with Phase-2 and Phase-3 of the implementation schedule, which allows	See Response 21.2

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			for six and ten years, respectively, for implementation.	
14	Southern California Alliance of Publicly Owned Treatment Works (SCAP)	12-24-01		
14.1	Southern California Alliance of Publicly Owned Treatment Works (SCAP)	12-24-01	EPA's guidance provides a practical approach to account for seasonal variations in the magnitude of beach usage in our recreational waters.	See Response 15.3
14.2	Southern California Alliance of Publicly Owned Treatment Works (SCAP)	12-24-01	The costs of compliance during low beach usage in the off-season, when it rains, need to be carefully considered before the implementation decision is made.	See Response 6.10 and 6.15
14.3	Southern California Alliance of Publicly Owned Treatment Works (SCAP)	12-24-01	We are concerned that the time allotted for the City to meet the dry-weather numeric target is inadequate. The City should be given an interim limit for compliance during the summer dry weather period.	N/A – DRY WEATHER COMMENT
14.4	Southern California Alliance of Publicly Owned Treatment Works (SCAP)	12-24-01	An additional concern is the robustness of the underlying model used for the TMDL	See Response 11.3
14.5	Southern California Alliance of Publicly Owned Treatment	12-24-01	In the future, we implore the Regional Board to continue stakeholder involvement throughout the	See Response 6.6

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	Works (SCAP)		discussions on implementation.	
14.6	Southern California Alliance of Publicly Owned Treatment Works (SCAP)	12-24-01	The Porter-Cologne Water Quality Control Act imposes an affirmative duty on the Regional Board to consider economics when adopting water quality objectives.	See Response 4.4
14A	Rancho Palos Verdes	01-22-02		
14A.1	Rancho Palos Verdes	01-22-02	Since the sampling locations used by the Districts and those required under the TMDL are different, the Districts' monitoring results should not be used to establish the baseline number of exceedance days. A re-opener clause should be added to the TMDL so that the number of allowable exceedance days can be adjusted once scientifically supportable data has been developed.	Staff has included a provision to revise the TMDL in the fifth year based on additional shoreline monitoring data collected from the wave wash. The revision of the TMDL will therefore occur before the first interim compliance target in year 6. These data will be used to adjust, if necessary, the allowable exceedance days for each site.
14A.2	Rancho Palos Verdes	01-22-02	There is no allowance for individual municipalities to be excluded or at least exempted from responsibility of an exceedance if the actual cause is from an adjacent subwatershed area. A provision needs to be added to the TMDL that provides cities with the ability to be exempted from an exceedance if: (1) the cause was a discharge that did not originate within their jurisdiction or (2) if the city can demonstrate that its runoff has not contributed significantly to the	Consistent with common law principles, responsible entities within a subwatershed are jointly responsible for exceedances unless one or more can prove otherwise, or, as between the jurisdictions, can establish an allocation for its proportionate contribution to the exceedance. Staff notes that an individual jurisdiction may wish to conduct municipal boundary monitoring to establish that it is not contributing to an exceedance at the beach. The Staff Report also outlines the procedure to be followed if a beach location is out-of-compliance, which includes daily sampling in the wave wash or at the existing open shoreline monitoring location, possibly followed by an initial investigation and, if necessary, a

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			exceedance.	source investigation per Water Code section 13178 protocols to more specifically locate the source of the problem.
Public Comments Received on Preliminary Draft of Wet-Weather TMDL (Released June 2002)				
A	City of Los Angeles Department of Public Works	05-20-02		
A.1	City of Los Angeles Department of Public Works	05-20-02	Although the City believes that meeting water quality standards during wet weather is an important goal, it does have reservations about its feasibility and cost effectiveness. The City believes the best approach to improving water quality during wet weather is an integrated resources approach.	See Response 6.1 and 6.2
A.2	City of Los Angeles Department of Public Works	05-20-02	The City still has concerns about the use of Leo Carrillo Beach as the sole reference system and supports the RWQCB effort to find an additional reference system(s). At this time the City does not recommend any specific additions.	See Response 11.4
A.3	City of Los Angeles Department of Public Works	05-20-02	The City recommends that data collected prior to the re-opener be collected daily at the reference site(s) to eliminate the need for extrapolation.	Regional Board staff will continue to work closely with the Steering Committee to develop a study plan to re-evaluate the reference system prior to the fifth-year revision.
A.4	City of Los Angeles Department of Public	05-20-02	Because of the proposed anti-backsliding component of this TMDL	See A.3

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	Department of Public Works		backsliding component of this TMDL, data will need to be collected at the point zero of at least those subwatersheds likely to receive fewer allowable exceedance days than the maximum based on the reference system(s). Data are also required immediately upstream of the storm drain discharge for model validation. Resources need to be identified to support collection of these data, and a cost-neutral resource exchange is recommended.	
B	City of Los Angeles Department of Public Works	07-15-02		
B.1	City of Los Angeles Department of Public Works	07-15-02	The Bureau believes that compliance with this TMDL as set in the Preliminary Draft is achievable through strategies requiring the construction of major structural facilities.	See Response 6.1
B.2	City of Los Angeles Department of Public Works	07-15-02	Any implementation schedule and milestones for compliance should consider the time it takes to implement the necessary structural facilities. The year-6 10 percent reduction is of concern, since the time from conception to operation for major structural facilities is 15-20 years.	Absent detailed site-specific construction schedules, Regional Board staff cannot propose alternate milestones based on planning and construction tasks at this time. However, we are open to reconsidering this in the future.
B.3	City of Los Angeles Department of Public	07-15-02	The City requests that compliance at the station “Ballona Creek-50 yards	Interim compliance targets for beaches associated with the Ballona Creek and Malibu Creek subwatersheds

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	Works		south" be established in the Ballona Creek TMDL.	have been removed; however, the *final* allowable number of exceedance days as set in this TMDL must be achieved at all shoreline monitoring sites within the deadline prescribed in this TMDL.
B.4	City of Los Angeles Department of Public Works	07-15-02	The use of Leo Carrillo Beach as a natural reference system seems reasonable from a technical point of view. An urban watershed, by definition, is not appropriate to evaluate natural background conditions.	See Response 11.4
B.5	City of Los Angeles Department of Public Works	07-15-02	Any compliance or mitigation measures adopted for this TMDL should, to the extent possible, address pollutants that are the focus of future TMDLs for the same water body.	The Regional Board has identified as one potential implementation strategy an integrated resources approach, as proposed by the City. This approach, by definition, would address other pollutants that may be the focus of future TMDLs. The Regional Board encourages this approach to water resources management.
B.6	City of Los Angeles Department of Public Works	07-15-02	Estimates of compliance costs for the wet-weather portion of this TMDL will greatly exceed existing revenues. The required compliance strategies for this TMDL, therefore, will require another funding mechanism.	See Response 16.1
B.7 to B.14	City of Los Angeles Department of Public Works	07-15-02	Specific editorial comments on the Preliminary Draft.	Corrections will be made as necessary in the final staff report.
C	Executive Advisory Committee,	07-25-02		

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	Stormwater Program – County of Los Angeles			
C.1	Executive Advisory Committee, Stormwater Program – County of Los Angeles	07-25-02	The LARWQCB's choice of four bacterial standards is scientifically unsupportable.	The Regional Board appropriately relied on conclusions from a peer-reviewed, local epidemiological study to augment U.S. EPA criteria. This approach is consistent with the Clean Water Act's preference for allowing states to establish water quality objectives suited to their waters. The objectives proposed are based on the national epidemiological studies (used as the basis of the EPA's recommended criteria) *as well as* a local epidemiological study conducted in Santa Monica Bay in 1995. The local study differed from the national studies in two important ways. First, the study examined the correlation between elevated levels of bacteria indicators and gastrointestinal illness as well as other health impacts such as upper respiratory illness; eye, ear, nose and throat infections; and skin rashes. The national studies only examined the correlation between the bacteria indicators and gastrointestinal illness. Second, the source of bacteria in the local study was urban runoff, while the source in the national studies was wastewater effluent. The local study confirmed the results of the national studies with regard to the correlation between *E. coli* and enterococcus and gastrointestinal illness, but also revealed strong correlations between other bacteria indicators and other health impacts. Furthermore, the proposed objectives for marine water are equivalent to those in existing state law (California Code of Regulations, title 17, section 7958), which established the "minimum protective bacteriological standards for waters adjacent to public beaches and

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				public water contact sports areas" on the basis of the findings of the Santa Monica Bay epidemiological study.
C.2	Executive Advisory Committee, Stormwater Program – County of Los Angeles	07-25-02	The proposed regulations cannot protect tourism, surfers, swimmers or other recreationists.	The proposed TMDL will significantly reduce the number of days during which it is unsafe to recreate in the water due to elevated bacterial densities. Thus, when implemented, it will significantly improve water quality and thus reduce illnesses associated with swimming in waters with elevated bacterial densities.
C.3	Executive Advisory Committee, Stormwater Program – County of Los Angeles	07-25-02	Use only geometric means for regulation.	The Santa Monica Bay epidemiological study showed a positive relationship between the proposed single sample targets and health risks. Subsequently, these single sample bacteriological standards have been incorporated into State law as the minimum protective bacteriological standards for public beaches and other public water contact sports areas. Furthermore, EPA in its 1986 criteria document, recommends the use of both single sample and geometric mean standards. The use of geometric mean limits only would not ensure that no single sample exceeded the minimum protective single sample limits.
C.4	Executive Advisory Committee, Stormwater Program – County of Los Angeles	07-25-02	Overlapping discharge regulations with inappropriate guidelines.	See Response 20.7
C.5	Executive Advisory Committee, Stormwater Program – County of Los Angeles	07-25-02	Total and fecal coliforms do not protect public health.	The numeric targets are the same as the recently adopted water quality objectives, which are based on the national epidemiological studies (used as the basis of the EPA's recommended criteria) *as well as* a local epidemiological study conducted in Santa Monica Bay in 1995. The local study differed from the national studies in two important ways. First, the study examined the

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				correlation between elevated levels of bacteria indicators and gastrointestinal illness as well as other health impacts such as upper respiratory illness; eye, ear, nose and throat infections; and skin rashes. The national studies only examined the correlation between the bacteria indicators and gastrointestinal illness. Second, the source of bacteria in the local study was urban runoff, while the source in the national studies was wastewater effluent. The local study confirmed the results of the national studies with regard to the correlation between *E. coli* and enterococcus and gastrointestinal illness, but also revealed strong correlations between other bacteria indicators (including total coliform, fecal coliform, and the fecal-to-total coliform ratio) and other health impacts.
C.6	Executive Advisory Committee, Stormwater Program – County of Los Angeles	07-25-02	The Regional Board should consider economic impact.	See Response 6.2
C.7	Executive Advisory Committee, Stormwater Program – County of Los Angeles	07-25-02	Regulatory uniformity between Regional Boards.	See Response 15.3
C.8	Executive Advisory Committee, Stormwater Program – County of Los Angeles	07-25-02	Application of the fecal to total coliform ratio.	See Response C.5
C.9	Executive Advisory Committee, Stormwater Program –	07-25-02	Hydrologic and Water Quality Results.	See Response 11.3

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C.10	Executive Advisory Committee, Stormwater Program – County of Los Angeles	07-25-02	Treatment Options	See Response 6.1
C.11	Executive Advisory Committee, Stormwater Program – County of Los Angeles	07-25-02	Implementation Cost Estimates.	See Response 6.2
C.12 to C.22	Executive Advisory Committee, Stormwater Program – County of Los Angeles	07-25-02	Specific editorial comments.	Corrections will be made as necessary in the final staff report.
Public Comments Received on August 2002 Draft Wet-Weather TMDL				
15	County of Los Angeles, Department of Public Works	09-17-02		
15.1	County of Los Angeles, Department of Public Works	09-17-02	We are concerned that the stringent REC-1 bacterial objectives applied in this TMDL would require extraordinary resources to control bacteria during wet weather.	On the basis of a public workshop on the TMDL held on June 27, 2002, staff has determined that the implementation strategy employing large-scale dedicated runoff treatment facilities is unlikely to be used as a method to implement the TMDL. Staff has removed this option from the TMDL; the most reasonably foreseeable means of implementation is through a number of diversions to nearby wastewater treatment facilities, at an estimated present worth cost of $400 million for the entire watershed. This equates to an annual cost of approximately $49 per household in the

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				watershed, assuming no other source of funding except property taxes.
15.2	County of Los Angeles, Department of Public Works	09-17-02	We believe the Regional Board staff's cost is significantly underestimated because the capital cost for construction of new dedicated runoff treatment facilities that would be needed in these [south Bay and Palos Verdes] areas was not included.	The costs for limited wet-weather diversions were considered for these [south Bay and Palos Verdes] areas. However, other strategies may be employed. Furthermore, based on the most recent draft TMDL (dated August 1, 2002), no exceedance-day reductions during wet weather are needed for shoreline monitoring sites in the south Bay and Palos Verdes areas, with the exception of two shoreline monitoring locations. It is estimated that these two locations would only require reductions of two exceedance days each to achieve the allowable number of wet-weather exceedance days.
15.3	County of Los Angeles, Department of Public Works	09-17-02	We recommend that the Regional Board consider the application of less stringent bacterial objectives, such as the objectives for "moderate full-body contact recreation', "lightly used full-body contact recreation" or "infrequently used full-body contact recreation" under the REC-1 use during wet weather.	The LACDPW's position lacks support in the U.S. EPA documents they cite, documents that recommend applying the most stringent criteria at beaches, without variability in use. In the May 2002 "Implementation Guidance," EPA states "[f]or heavily used beach areas and other well-known or popular recreational areas, EPA recommends a more conservative approach … such as adoption of criteria based on lower illness rates, consideration of the use of the 75% confidence level as a single sample maximum…" (p. vi).The variable use approach mentioned in the U.S. EPA documents would appear to apply only at places other than beaches (e.g., "designated beaches" are listed at the most stringent level and then less stringent objectives are listed for waters with moderate, light and infrequent use). Therefore, based on EPA's guidance, all the coastal beaches in Santa Monica Bay should be subject to the most stringent criteria. Southern California's beaches are heavily used during

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				winter months and during wet weather. Beach attendance data collected by the Los Angeles County Lifeguard Division from 1999 to 2001 shows that on average 1.46 million people visit Santa Monica Bay beaches per month during the winter (non-A.B. 411) season. Further, LACDPW's assertion that "if beach attendance had included only people who enjoyed water contact recreation activities such as summing *and surfing*, the [one-fourth] ratio would have been much lower [emphasis added]" has no basis. The opposite hypothesis is equally likely given Southern California's surf culture. Surfers, who engage in full-body water contact recreation, are likely to surf when the surf is up, regardless of wet weather conditions. In addition, the swell is up during winter months, which make surfers more likely than the average population to avail themselves of the beach in wet weather. When surfers are out, they are likely to engage in water contact recreation for hours at a time. The Basin Plan amendment is designed to protect this use and other REC-1 uses and establishes appropriate objectives for protection of the Los Angeles Region's beaches. Finally, the subcategories of use preferred by the LACDPW are not related to the objectives in the Basin Plan amendment, but instead require new subcategories of use to be established through the beneficial use designation process and for appropriate objectives to be established for those new subcategories. LACDPW highlights Region 2 and Region 9 as examples of where use-based single sample objectives have been adopted. However, in discussions with Region 2 and Region 9 staff and a review of each Basin Plan, it is unclear whether either region adopted the use-based single sample criteria as "water quality objectives," or merely

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				incorporated them as criteria that could be applied to special studies. Furthermore, neither region includes subcategory designation or implementation provisions for the criteria that identify subcategories of REC1 waters to which the different use levels would apply. Finally, neither region makes any statement about applying these different use levels during periods of wet weather at beaches. In fact, the Region 2 and Region 9 Basin Plans on their face apply the most stringent criteria at beaches year-round and both regions have confirmed verbally that the most stringent single sample criteria, corresponding to "designated beach areas," would apply without question to coastal beaches.
15.4	County of Los Angeles, Department of Public Works	09-17-02	We are concerned that the TMDL document assigned no load allocations for nonpoint sources. We recommend that the Regional Board direct its staff to include in this TMDL a mechanism to track and identify responsible entities related to nonpoint source contamination.	Load allocations of zero (0) allowable exceedance days are assigned for nonpoint sources [see section 8 of Staff Report]. Furthermore, a mechanism to track and identify responsible entities related to nonpoint source contamination is included [see section 10.3.1 of Staff Report]. The Staff Report states "if a beach location without a freshwater outlet is out-of-compliance or if the outlet … is diverted or being treated, the adjacent municipality, County agency(s), or State or federal agency(s) will be responsible for conducting the investigation." The investigation includes daily sampling at the monitoring location, followed by an initial investigation, which may lead to a source investigation of the subwatershed per Water Code section 13178 (AB 538) protocols where there is a persistent water quality problem (as defined in AB 538). To the extent necessary, the Regional Board can require further investigation pursuant to the authority of Water Code section 13267.

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15.5	County of Los Angeles, Department of Public Works	09-17-02	In the Santa Monica Bay Bacteria TMDL, Regional Board staff proposed a maximum allowable exceedance of single sample targets of 5% of samples on an annual basis citing that the difference between this number and the 10% threshold described above represents a factor of safety. The five-percent criterion was set based on an assumption that shoreline bacteriological water quality should be at least as good as that of a largely undeveloped system. We recommend that the Regional Board re-evaluate its exceedance threshold based on epidemiological studies that correlate the number of exceedances with adverse human health effects during wet weather.	The numeric targets in section 3 of the Staff Report are based on epidemiological studies that correlate elevated bacterial indicator densities from ***single samples*** with adverse human health effects. In other words, the epidemiological studies showed that a single sample with an elevated bacterial indicator density caused unacceptable adverse health effects. Staff has attempted to address the fact that there are natural sources of bacteria by allowing a certain number of exceedance days; however, the epidemiological studies support single sample standards for protection of public health.
15.6	County of Los Angeles, Department of Public Works	09-17-02	The CEQA documentation prepared by staff and signed by the Executive Officer for the TMDL does not discuss, in the detail required by state law, the environmental impacts associated with implementation of the TMDL. There is no environmental analysis in the documentation of the projected means of complying with the TMDL, a requirement of Public Resources Code 21159.	Staff disagrees. Staff has indicated reasonably foreseeable environmental impacts that the TMDL may have as an overall program, and reasonably foreseeable environmental impacts that a feasible method of implementing the TMDL may have. Potential impacts identified in the CEQA Environmental Checklist include: soil, water, noise, land use, transportation, public service, utilities and service systems, and recreation. Because the Regional Board does not prescribe the method of achieving compliance with the TMDL, staff is not required to identify all project-level impacts that

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				might occur from the myriad of structural implementation strategies that could be used to achieve the TMDL. Nonetheless, the Environmental Checklist prepared for the proposed TMDL does consider likely means of compliance with the TMDL standards and those reasonably foreseeable environmental impacts from the likely means of compliance.
15.7	County of Los Angeles, Department of Public Works	09-17-02	Water Code Section 13240 provides that in the process of formulating Basin Plans, regional boards "shall consult with and consider the recommendations of affected state and local agencies." We trust, therefore, that the Regional Board and staff will give careful consideration to the recommendations made by the LACDPW in these comments.	The County of Los Angeles among other local agencies has been a key participant in the Steering Committee that has provided extensive input on this TMDL over the past three years. Furthermore, in response to the extensive comments on the first draft of the TMDL and in particular the wet-weather components, the Regional Board actively solicited additional input from the TMDL Steering Committee at a meeting held in April 2002, and in subsequent discussions with individual participants on the Steering Committee, on the number of allowable wet-weather exceedances, potential implementation strategies, and associated costs. Changes have been made as a result of a number of technical and legal comments from the County, including a change in the reference year and a more thorough identification of potential impacts resulting from the Wet-Weather TMDL. However, the County of Los Angeles did not provide any suggestions on potential implementation strategies or the costs associated with those strategies.
15.8	County of Los Angeles, Department of Public Works	09-17-02	We have urged in our comments on the dry weather bacteria TMDL for Santa Monica Bay beaches, if the Regional Board intends to adopt a TMDL implementing the new REC-1 bacteria standards, the Board should defer adoption of this TMDL until those	The recently adopted bacteria objectives provide the best available indicators for the purposes of protecting the REC-1 beneficial use at SMB beaches. This is supported by the fact that the California Department of Health Services set these objectives as the minimum protective bacteriological standards to use when posting beaches with health hazard warnings (California Code of

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			standards are part of the Basin Plan.	Regulations, title 17, section 7958). The Basin Plan amendment revising the bacteria objectives was approved by the State Board on July 18, 2002 (Resolution No. 2002-0142) and by OAL on September 19, 2002, (File No. #02-0807-01 S). The Regional Board believes the Basin Plan amendment revising the bacteria objectives will also be approved by the US EPA. As with the water quality objective Basin Plan Amendment, the TMDL will also require the approval of the State Board, OAL, and US EPA. As a result, the TMDL will be going through a parallel process, but behind the water quality objective change. If water quality objective change is not approved at any level, the Regional Board has included a statement in the Tentative Resolution for the TMDL stating, "[T]he Basin Plan amendment set forth in Attachment A shall only become effective if the water quality objectives revised by Regional Board Resolution 2001-018, or equivalent water quality objectives, have been approved by the OAL and US EPA, and are consistent with the TMDL."
16	City of Los Angeles, Department of Public Works	09-11-02		
16.1	City of Los Angeles, Department of Public Works	09-11-02	If additional funds are not obtained, the City will not be able to comply with this and other TMDLs. The City requests the RWQCB to assist in obtaining the necessary funds on a regional basis.	The Regional Board will support the City of Los Angeles and other implementing agencies in identifying possible grant funds (e.g. Clean Beaches Initiative, Proposition 12, Proposition 13, Proposition 40) and other funding mechanisms as allowable to support implementation of the TMDL. Furthermore, the Regional Board intends to continue to contribute financially through TMDL contract funds to support on-going studies in support of the

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				TMDL.
16.2	City of Los Angeles, Department of Public Works	09-11-02	In this wet-weather TMDL, the possibility of requiring treatment of natural sources of bacteria appears to be suggested. The City requests clarification of the RWQCB position on this issue because this could greatly impact cost and compliance requirements.	It has always been the Regional Board's intent to implement the recently adopted bacteria objectives using a local "reference system/antidegradation approach" in order to avoid requiring treatment or diversion of natural coastal creeks or treatment of natural sources of bacteria from undeveloped areas. The language referred to by the City was an attempt to clarify that this implementation procedure may be formalized for all bacteria TMDLs through a Basin Plan amendment; however, the language has seemed to create more confusion than clarity. Therefore, staff propose removing this language from the Staff Report and Amendment language [see Change Sheet, [dated 09/23/02]].
16.3	City of Los Angeles, Department of Public Works	09-11-02	Variability in natural systems typically is high, and high bacteria density variability is acknowledged in the wet-weather TMDL draft staff report. The City requests that it be considered to insure that the established numeric targets are not more precise than the system to which they apply.	Because the exceedance probabilities were calculated for a 5-year period, which exhibited much variability in rainfall, this natural variability is largely accounted for in the current TMDL. However, staff proposes to add language in Table 7-4.6 of the amendment to the effect that the re-evaluation of the reference system prior to the TMDL fifth-year revision will include an evaluation of the variability in the exceedance probabilities observed in the reference system(s).
16.4	City of Los Angeles, Department of Public Works	9-11-02	The City requests that the TMDL contain "safe harbor" language to protect the regulated community during extreme conditions that exceed the design criteria.	Staff understands the City's concern; however, this begs the question "why should the maximum allowable exceedance days be permitted in a year that has fewer wet days than the 90th percentile year?" This is a valuable discussion, which should be taken up by the Steering Committee as part of the re-evaluation of the reference system and reference year. Staff proposes to add language in Table 7-4.6 of the amendment to the

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				effect that the re-evaluation of the reference system prior to the fifth-year revision will include an evaluation of whether the allowable exceedance days should be adjusted annually based on the number of wet weather days each year (while keeping the exceedance probability constant) rather than fixing the number based on the 90th percentile year. This would mean that in years with fewer wet days, there would be fewer allowable exceedance days, while in a year that exceeded the 90th percentile year, more allowable exceedance days would be permitted.
16.5	City of Los Angeles, Department of Public Works	9-11-02	Twelve subwatersheds are identified in the wet-weather TMDL as needing treatment, and cost estimates are based on them. Unfortunately, their identification is suspect. The City requests that this be acknowledged in the wet-weather TMDL staff report, and that this be resolved by the re-opener.	Staff acknowledges that the model, which was used to identify these 12 subwatersheds, needs to be further validated and calibrated. These daily volumes, estimated from the runoff generated within these subwatersheds, were provided as order-of-magnitude estimates and as a starting point to assist the implementing agencies in identifying implementation strategies. It is the intent of the Regional Board and the Steering Committee to refine the model and evaluate potential implementation scenarios using the final model. As this information becomes available, the Regional Board will share it with the implementing agencies.
16.6	City of Los Angeles, Department of Public Works	09-11-02	The use of the 90th percentile year in terms of wet days is a reasonable choice upon which to base the number of allowable exceedance days. It is not, however, a reasonable choice upon which to design a compliance strategy because compliance also must consider flow rate and magnitude. The City proposed using a	The Regional Board appreciates the effort the City has expended to evaluate the feasibility of compliance with the TMDL, and is pleased that the City is acting proactively. On its face, the City's approach seems reasonable. The Regional Board is supportive of the City's approach with the understanding that ultimately the interim and final implementation targets must be met. As such, Regional Board staff encourage the City to carefully review historic rainfall pattern in setting

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			historic average for design purposes instead of targeting a single year (1979) as a reference year.	design standards. The Regional Board is prohibited from prescribing how the TMDL is to be implemented, but looks forward to working with the City to evaluate this and other possible approaches.
16.7	City of Los Angeles, Department of Public Works	09-11-02	The City supports the proposed schedule of 2020, but recommends the milestones be modified to reflect planning, EIRs, facility design, purchase of property, construction phases, etc. rather than exceedance day reductions for situation where a major facility will be constructed.	Absent specific milestones for structural controls at this time, the Regional Board cannot substitute the interim allowable exceedance days with schedules for the planning, design and construction of these facilities. However, staff is open to reconsidering this in the future.
16.8	City of Los Angeles, Department of Public Works	9-11-02	If compliance during the interim period when beaches are assessed in groups is not achieved, a mechanism should be established to ensure that follow-up activities focus on the appropriate target(s).	A mechanism to track and identify responsible entities is included [see section 10.3.1 of Staff Report]. The Staff Report states “if a single sample shows the discharge or contributing area to be out of compliance, daily sampling in the wave wash … shall be conducted… Furthermore, … , responsible municipalities will be required to initiate an investigation, which may lead to a sanitary survey … per AB 538 protocols…”
17	Coalition for Practical Regulation	9-16-02		
17.1	Coalition for Practical Regulation	09-16-02	The Document Present is Not a Valid TMDL. A TMDL must allocate acceptable pollutant loads to point and non-point sources, not just set an allowable number of exceedance days.	The "Protocol for Developing Pathogen TMDLs" published by EPA specifically states that, "There may be instances where it is advantageous to develop a single waste load allocation that addresses all of the point sources that discharge pathogens within a municipality" (p. 7-3). Furthermore, US EPA prepared a guidance document, “How to Develop TMDLs in California,” which identifies geographical areas as one way of assigning waste load allocations and load allocations. Finally,

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				waste load allocations are expressed as allowable exceedance days because the bacterial density and frequency of single sample exceedances are the most relevant to public health protection. Allowable exceedance days are 'appropriate measures' consistent with the definition in 40 CFR 130.2(i). Following these guidance documents, staff has assigned specific waste load allocations (in terms of allowable exceedance days) to "subwatershed groups" of municipalities and responsible entities under the LA County Municipal Storm Water Permit and Caltrans Storm Water Permit. Because urban runoff is regulated as a point source under the Clean Water Act and all municipalities in the SMB watershed are co-permittees under the LA County Municipal Storm Water Permit, load allocations of zero (0) are proposed. Natural background levels have been established through an evaluation of historical shoreline monitoring data for a local reference system (Leo Carrillo Beach and Arroyo Sequit Canyon subwatershed) (see section 8 of staff report). Staff has also assigned individual WLAs of zero exceedance days to each of the three POTWs within the SMB watershed.
17.2	Coalition for Practical Regulation	09-16-02	The Document Inappropriately Designates The Storm Water Conveyance System As A Source. "Storm water conveyances" are a conveyance of storm water, not a source of bacteria.	The Staff Report states that storm water conveyances *concentrate* human-generated sources of bacteria and natural bacteria sources. Due to apparent confusion over this language by many commentors, staff proposes to remove it from the Staff Report and amendment.
17.3	Coalition for Practical Regulation	09-16-02	The Proposed TMDL is Not Suitable For Calculation. The Regional Board has failed to establish the proper	Staff disagrees. US EPA has published a detailed protocol for conducting pathogen TMDLs (US EPA 2001) and many bacteria TMDL have already been

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			technical conditions that would make the TMDL suitable for calculation.	developed nationally. The US EPA guidance furthermore allows for the waste load allocations to be assigned on a subwatershed basis.
17.4	Coalition for Practical Regulation	09-16-02	The Document Does Not Comply With CEQA and Does Not Adequately Address Economic Consideration In TMDL Development and Basin Planning. The checklist attached to the document is inadequate to and does not properly disclose the impact of the proposed amendment. Consideration such as: (1) What is the economic benefit?, (2) What is the ultimate cost?, (3) Who will pay the cost?, (4) What funding is available?, (5) What impact on other services will the results of the amendment have on the agencies that are funding this program?, must be addressed. The City of Los Angeles has identified over $350 Million in costs to comply with this TMDL. No costs were identified for the other cities in the drainage area to comply.	See Response 15.6. Furthermore, staff disagrees that economic considerations were not adequately addressed. Staff presented cost estimates for a reasonably foreseeable method of compliance with the TMDL as required by Public Resources Code § 21159 [see section 9.4.1 of Staff Report]. Regional Boards are not required to do a cost-benefit analysis when amending their Basin Plans. A cost estimate ($400 million for the entire watershed) for a reasonably foreseeable method of compliance (a strategy employing storage and diversion facilities) has been provided. Furthermore, responsible jurisdictions and agencies have been identified. The Regional Board is not required under the Porter-Cologne Water Quality Control Act to identify potential sources of financing unless the program is one to control agricultural activities. Agricultural activities make up less than 1% of the total land area in the watershed. The Regional Board will assist the implementing agencies in identifying potential grant funds (e.g., Clean Beaches Initiative, Proposition 12, Proposition 13, Proposition 40) and other funding sources as allowable to help off-set the cost of implementing the TMDL.
18	City of Redondo Beach	09-17-02		

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18.1	City of Redondo Beach	09-17-02	The City's major concern is in how the monitoring program will be developed. It will be difficult, based on how the TMDL is written, to determine how much responsibility each agency has. There needs to be a statement in the Board resolution that clearly lists all agencies that are responsible for developing the monitoring plan and how much of a commitment they have.	Under a previous Board action, a Basin Plan amendment incorporating the Dry-Weather Bacteria TMDL for Santa Monica Bay Beaches required that responsible agencies identify the ownership and status of all drains discharging to Santa Monica Bay. In this Basin Plan amendment, the Regional Board requires that responsible jurisdictions and agencies submit a coordinated shoreline monitoring plan within 120 days of the effective date. Responsible jurisdictions and agencies include MS4 permittees, Caltrans and agencies currently responsible for shoreline bacteriological monitoring.
18.2	City of Redondo Beach	09-17-02	The first paragraph states that "future storm water permits will be modified…" to address implementation. Does this mean that under the present NPDES permit, implementation monitoring is not required? If so how is compliance and monitoring reporting for the TMDL accomplished until the next Municipal NPDES permit issued?	The current MS4 permit includes monitoring requirements that may address the necessary implementation monitoring. To the extent the current MS4 permit's monitoring is inadequate, the Executive Officer may direct the municipal dischargers to revise the storm water quality management plan to implement the requisite monitoring. This aspect of the MS4 permit is under petition to the State Water Resources Control Board. If invalidated, the Regional Board's Executive Officer could separately direct the required implementation monitoring pursuant to Water Code section 13267,
18.3	City of Redondo Beach	09-17-02	Footnote 40 lists "responsible jurisdictions and responsible agencies" as agencies that have "jurisdiction over a beach adjacent to Santa Monica Bay". Please list the names of these agencies. Also Caltrans is not listed.	Agencies with jurisdiction over a beach adjacent to Santa Monica Bay may include municipalities, the County of Los Angeles, or State or federal agencies. Caltrans is listed as a permittee on a municipal storm water permit, since Caltrans has a Statewide municipal storm water permit for its storm water discharges. See also Appendix H of the Staff Report.

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18.4	City of Redondo Beach	09-17-02	It would be helpful to provide clarity to the term “jointly responsible”.	Consistent with common law principles, responsible entities within a subwatershed are jointly responsible for exceedances unless one or more can prove otherwise, or, as between the jurisdictions, can establish an allocation for its proportionate contribution to the exceedance. Staff notes that an individual jurisdiction may wish to conduct municipal boundary monitoring to establish that it is not contributing to an exceedance at the beach. The Staff Report also outlines the procedure to be followed if a beach location is out-of-compliance, which includes daily sampling in the wave wash or at the existing open shoreline monitoring location, possibly followed by an initial investigation and, if necessary, a source investigation per Water Code section 13178 (AB 538) protocols to more specifically locate the source of the problem.
18.5	City of Redondo Beach	09-17-02	Additional clarification is needed to insure a clear understanding of all agencies that will have some responsibility in implementing the TMDL.	Responsible jurisdictions and agencies are defined in Footnote 2 of the Amendment as including “(1) local agencies that are responsible for discharges from a publicly owned treatment works to the Santa Monica Bay watershed or directly to the Bay, (2) local agencies that are permittees or co-permittees on a municipal storm water permit, (3) local or state agencies that have jurisdiction over a beach adjacent to Santa Monica Bay, and (4) the California Department of Transportation pursuant to its storm water permit.” They are also listed in Table 7-4.5b of the Amendment.
18.6	City of Redondo Beach	09-17-02	It is not appropriate to not present the strategy of installing large-scale treatment plant.	When amending the Basin Plan, the Regional Board is required (per Pub. Resources Code §21159) to conduct an environmental analysis of the *reasonably foreseeable methods of compliance* with regulatory provisions of the

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				methods of compliance with regulatory provisions of the Basin Plan that establish performance standards or treatment requirements (such as TMDLs), including a consideration of economic costs. The Regional Board received many comments on the unfeasibility of the large dedicated treatment facilities implementation approach proposed in the original draft TMDL (November 2001). Therefore, Regional Board staff met with the Steering Committee in April 2002 and held a public workshop at a regularly scheduled Board meeting on June 27, 2002, at which an interim diversion strategy was identified as the most reasonably foreseeable method of compliance with the TMDL. The Regional Board has done the requisite environmental analysis and cost estimation for this implementation strategy.
18.7	City of Redondo Beach	09-17-02	Since the "Steering Committee" will be responsible for implementing some of the Monitoring Program, it is important to list the agencies/organizations that make up the committee. Also, does the "Steering Committee" have the ability to fund these activities? Since the Regional Board is a member of the committee, will they be the lead agency in the monitoring effort and will they be providing funding?	Members of the Steering Committee are identified in Footnote 3 of the Staff Report [at 1]. Most of the Steering Committee member agencies have contributed either funding or in-kind services in support of TMDL development and some have pledged continued financial support of on-going studies. The Regional Board has also contributed funding for the development of the TMDL through contract funds and intends to continue to contribute some of its TMDL contract funds for on-going studies.
18.8	City of Redondo Beach	09-17-02	Footnote 48- Does this mean that the responsible agencies must monitor the existing sites or will the agencies that presently monitor the existing site be required to continuing monitoring?	Responsible agencies must submit a coordinated shoreline monitoring plan within 120 days of the effective date of the TMDL. The Regional Board encourages the responsible agencies to work with agencies that are currently conducting shoreline

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			How is the "responsible agency" going to enforce this requirement if some of the other agencies decide that the sample location needs to be changed or sampling discontinued?	bacteriological monitoring. See Appendix H of the Staff Report for a list of responsible jurisdictions by subwatershed.
18.9	City of Redondo Beach	09-17-02	Footnote 50- The footnote says that the implementing agency can determine frequency of sampling. The Board resolution is worded in a way that may be interpreted that all sites have to be monitored at the same frequency.	Implementing agencies may select between daily or systematic weekly sampling; however, the number of allowable exceedance days is scaled accordingly per Equation 8.2 in the Staff Report. For example, for a site with 17 allowable wet-weather exceedance days (based on daily sampling and 75 wet days in the 90^{th} percentile year), the allowable number of days based on weekly sampling would be scaled to 3 (0.22*10.68).
19	County of Ventura, Public Works Agency	09-16-02		
19.1	County of Ventura, Public Works Agency	09-16-02	Recent epidemiological studies have indicated a loose casual relation between health and water quality with increased levels of bacterial indicator densities. However, a study of AB 411 standards and their correlation to increased health risks has yet to be done. To use these standards for determining a bacteriological TMDL seems premature.	The AB411 standards, which have been incorporated into the Basin Plan as water quality objectives and are proposed as numeric targets in this TMDL, are based on national epidemiological studies, which were used as the basis of the EPA's recommended criteria, *as well as* a local epidemiological study conducted in Santa Monica Bay in 1995. The AB411 standards were promulgated in 1997 largely as the result of the Santa Monica Bay epidemiological study. The Santa Monica Bay study differed from the national studies in two important ways. First, the study examined the correlation between elevated levels of bacteria indicators and gastrointestinal illness as well as other health impacts such as upper respiratory illness; eye, ear, nose and throat infections; and skin rashes. The national studies only examined the correlation between the bacteria indicators and gastrointestinal illness. Second, the source of bacteria in

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				the local study was urban runoff, while the source in the national studies was wastewater effluent. The local study confirmed the results of the national studies with regard to the correlation between *E. coli* and enterococcus and gastrointestinal illness, but also revealed strong correlations between the other bacteria indicators and health impacts.
19.2	Ventura Countywide Stormwater Quality Management Program	09-19-02	The model was not used due to a lack of necessary data…This further underscores the premature rush to establish TMDL standards.	Regional Board staff have worked closely with a Steering Committee for over three years to develop this TMDL. Furthermore, this TMDL is based on some of the most extensive monitoring done in the region - shoreline bacteriological monitoring. This monitoring has been supplemented with a detailed wet-weather source characterization study as well as special studies on bacteria dilution and die-off. Staff disagrees that this suggests a premature rush to establish TMDLs.
19.3	Ventura Countywide Stormwater Quality Management Program	09-19-02	It could be argued that targeting those beaches with at least a 50% exceedance probability would result in a greater impact on water quality in general.	Regional Board staff have proposed interim compliance milestones, which group beaches by regions. The intent of this was to give responsible jurisdictions and agencies the flexibility to prioritize and coordinate their efforts as suggested. However, to only focus on those beaches with greater than 50% exceedance probability would not meet the requirements of the CWA to set TMDLs to achieve water quality standards.
19.4	Ventura Countywide Stormwater Quality Management Program	09-19-02	The NPDES program requires the prevention and mitigation of pollutants to the waters of the United States to the MEP. The draft TMDL includes some suggested implementation strategies, all of which are large in scope and lack any kind of projected	This comment seems to confuse technology based effluent limits with water quality based effluent limits. The TMDL requires a certain outcome in the receiving water not a certain method of compliance.

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			costs or cost-effective analysis.	
19.5	Ventura Countywide Stormwater Quality Management Program	09-19-02	The requirement for initiating an investigation when out of compliance is a good one, but not really a solution to the problem.	See Response 10.7
20	Executive Advisory Committee, Stormwater Program-Los Angeles County	09-17-02		
20.1	Executive Advisory Committee, Stormwater Program-Los Angeles County	09-17-02	Lack of Cost Estimates for Implementation Strategies	Cost estimates are provided for a reasonably foreseeable method of compliance with the TMDL as required by Pub. Resources Code §21159 [see section 9.4.1 of Staff Report].
20.2	Executive Advisory Committee, Stormwater Program-Los Angeles County	09-17-02	In summary, the implementation chapter (9) is woefully inadequate in scope and detail to permit certification of the CEQA checklist or amendment adoption.	Staff disagrees. Section 9 and the CEQA Environmental Checklist meet the requirements of Pub. Resources Code §21159 regarding environmental analysis of reasonably foreseeable methods of compliance and consideration of economic factors. The TMDL does not prescribe a specific treatment device or facility. Construction of specific facilities would be subject to additional project-level CEQA review.
20.3	Executive Advisory Committee, Stormwater Program-Los Angeles County	09-17-02	The Board should follow the 1986 U.S. EPA's Ambient Water Quality Criteria for Bacteria and 2002 Implementation Guidance, which allow the application of less stringent bacterial objectives for "moderate", "lightly used" or "infrequently" used contact recreation" during wet weather condition." The	See Response 15.3

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			State Board has approved Basin Plans that incorporate bacterial water quality objectives based on frequency of water contact recreation in Regions 2 (San Francisco Bay) and 9 (San Diego).	
20.4	Executive Advisory Committee, Stormwater Program-Los Angeles County	09-17-02	The draft TMDL document ignores load allocations from nonpoint sources.	See Response 15.4
20.5	Executive Advisory Committee, Stormwater Program-Los Angeles County	09-17-02	The draft staff report acknowledges that water body impairment typically occurs based on exceeding single sample water quality standards in more than 10% of samples, which is consistent with EPA guidelines. In the draft TMDL Board staff propose a maximum allowable exceedance of only 5% of samples, with the reduction characterized to represent a factor of safety. The 5% criterion is arbitrary, unrepresentative of other criterion and should be increased.	See Response 15.5
20.6	Executive Advisory Committee, Stormwater Program-Los Angeles County	09-17-02	We recommend that the Board Staff comply with Public Resources Code 21159. This code requires an analysis based on the "reasonably foreseeable methods of compliance" for standards adopted by a regional board and a review of the reasonably foreseeable environmental impacts of the methods of compliance, feasible mitigation measures and alternative means of	See Response 15.6 and 20.2

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			compliance. In summary, the EAC opinion is that this amendment will have sufficient short term and cumulative environmental impacts and we request that additional impact studies be undertaken.	
20.7	Executive Advisory Committee, Stormwater Program-Los Angeles County	09-17-02	EPA guidelines state that for "certain types of regulated discharges (e.g., municipal separate storm sewer systems [MS4s] and concentrated animal feeding operations [CAFOs]), the most appropriate permit requirements may be non-numeric effluent limitations expressed in the form of best management practices (BMPs)."	The State Board has previously determined that dischargers from an MS4 must comply with water quality standards (See State Board Order WQ 2001-15). To meet this requirement, the Regional Board believes that to the extent a waste load allocation has been established pursuant to a TMDL, the waste load allocation must be incorporated into the MS4 permit as a permit requirement. As detailed in the Staff Report, the MS4 contributes a significant pollutant load, which requires the reductions anticipated by this TMDL. While EPA guidance initially expresses a preference for non-numeric effluent limitations in MS4 permits, the permitting authority has discretion to incorporate numeric limitation or other requirements as determined by the permitting agency.
20.8	Executive Advisory Committee, Stormwater Program-Los Angeles County	09-17-02	Human Generated Bacterial Sources. This should be replaced with phrases more akin to "human constructed sources", "human made conveyances" or "human modified areas".	See Response 17.2
20.9	Executive Advisory Committee, Stormwater Program-Los Angeles County	09-17-02	The EAC respectfully requests that the Board comply with the Porter-Cologne Water Quality Act. Water Code Section 13240 requires the regional board to "consult with and consider the recommendation of affected state and	See Responses 15.7 and 17.4. Staff notes that the County of Los Angeles is a member of the Steering Committee and is the lead permittee on the MS4 storm water permit. Furthermore, Regional Board staff attended several regularly scheduled EAC meetings to discuss the TMDL.

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			local agencies", during Basin Plan formulation. Section 13241 requires an assessment of water quality conditions which could "reasonably be achieved" through the coordinate control of all factors which affect water quality in an area (Water Code 13241) and "[e]conomic considerations" (Water Code 13241 (d)).	discuss the TMDL. Regarding section 13241, Regional Board staff assessed water quality conditions that could be reasonably achieved through coordinated control of all factors. Regional Board staff has explicitly acknowledged that there are natural sources of bacteria from natural creeks, which the Regional Board does not intend to implementing agencies to treat. As a result, Regional Board staff is proposing to permit a certain number of allowable exceedance days on the basis of this background level of exceedance from a local reference system.
21	Santa Monica BayKeeper	09-17-02		
21.1			Selection of the 90th Percentile Year for Wet Weather is Erroneous and Illegal.	The 90th percentile year was selected to assist implementing agencies in planning for a worst-case scenario and the Regional Board expects that in years with fewer wet days there will be a decrease in exceedance days, since controls will be designed to address the 90th percentile year. Staff intends to re-evaluate the reference year approach at the TMDL revision.
21.2			The Implementation Schedules are Too Long.	While the Regional Board would prefer to see water quality standards met immediately, the problems presented by wet weather bacteria exceedances are difficult and solutions are expensive and time-consuming to implement. The Regional Board staff has carefully considered the input of all interested persons in developing a schedule for TMDL implementation and has proposed extending the schedule to allow solutions that will encourage beneficial reuse of storm water thus

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				reducing our dependence on imported water.
21.3			Wet Weather Beach Usage is Very High and Warrants Strict Protection of Uses.	Staff agrees.
22	County Sanitation Districts of Los Angeles County	09-17-02		
22.1	County Sanitation Districts of Los Angeles County	09-17-02	The Districts oppose the intentional diversion of storm water to its collection system as an implementation strategy.	Interim diversion of some wet-weather flows is identified as a reasonably foreseeable method of compliance with the TMDL. However, the Regional Board is prohibited per Porter-Cologne from prescribing the method of achieving compliance with water quality standards, and likewise TMDLs. Therefore, if the CSDLAC will not allow diversion to its facility, other implementation strategies should be employed. Staff notes that the current requirements in terms of wet-weather exceedance day reductions in the south Bay and Palos Verdes areas (the areas likely to be diverted to the Sanitation Districts' Joint Plant) are small. Only two shoreline monitoring locations require reductions, and of only two days each, during wet weather to achieve the allowable number of exceedance days. These likely can be achieved by small, localized storage and/or treatment systems if diversion to the Joint Plant is not permitted.
22.2	County Sanitation Districts of Los Angeles County	09-17-02	Cost estimates associated with increasing capacity in the collection system should be identified. The Districts are concerned that the costs for the actual treatment of the diverted	The cost estimates are based on diversion of some wet weather flows to existing wastewater treatment facilities. Sewer and treatment plant capacities were considered in this potential implementation strategy.

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			stormwater at the treatment facility are not included in these estimates. Additionally, the draft TMDL recognized the limitations of the sewer system to accept these flows for treatment and suggests that as a possible alternative, dedicated treatment facilities may be necessary in some locations; however, the cost estimates for these facilities have been removed from this draft. The Districts request that the RWQCB estimate and consider the cost impacts associated with necessary modifications of sewage collection systems to accommodate diverted flows or if necessary, dedicated treatment facilities.	
22.3	County Sanitation Districts of Los Angeles County	09-17-02	No evidence is presented in the draft TMDL demonstrating that the REC-1 beneficial use will actually be attained during wet weather conditions.	It has always been the Regional Board's intent to implement the recently adopted bacteria objectives set to protect REC-1 using a "reference system/ antidegradation" approach. The Regional Board assessed five years of data from the local reference system and used this data to set an attainable number of allowable exceedance days. As such, historical data demonstrate that the REC-1 objectives as implemented using this approach are attainable.
22.4	County Sanitation Districts of Los Angeles County	09-17-02	This TMDL effort should be coordinated with other agency efforts.	Regional Board management participated in the workshop referenced by the CSDLAC and SCCWRP has facilitated the Steering Committee convened to support the development of this TMDL. The Regional Board is committed to continuing monitoring and research to support this and other TMDLs. Given that

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				Regional Board staff proposed to revise the TMDL five years after the effective date, the schedules would appear to dovetail nicely.
22.5	County Sanitation Districts of Los Angeles County	09-17-02	Confirmation Epidemiological Study that includes an evaluation of the reference site during wet weather conditions is needed.	A confirmation epidemiological study during wet weather is unnecessary. The national studies used to develop EPA's bacteriological criteria for protection of REC-1 and the Santa Monica Bay epidemiological study showed a clear positive relationship between bacteria indicator densities and health risk. Data show that bacteria densities increase dramatically in wet weather and thus the public health risk increases as well.
22.6	County Sanitation Districts of Los Angeles County	09-17-02	Los Angeles County Department of Health Services (DHS) should be involved in development and implementation of this TMDL.	The Regional Board has discussed this TMDL on several occasions at the southern California Beach Water Quality Workgroup, which is comprised of county health departments and Regional Board and State Board staff. Furthermore, the Regional Board hopes that the responsible agencies in this TMDL will coordinate with the Los Angeles County Health Department in developing a coordinated shoreline monitoring program to meet the requirements of this TMDL.
22.7	County Sanitation Districts of Los Angeles County	09-17-02	The level of REC-1 use during wet weather conditions should be identified by the RWQCB.	Southern California's beaches are heavily used during winter months and during wet weather. Beach attendance data collected by the Los Angeles County Lifeguard Division from 1999 to 2001 shows that on average 1.46 million people visit Santa Monica Bay beaches per month during the winter (non-A.B. 411) season. Further, surfers, who engage in full-body water contact recreation, are likely to surf when the surf is up, regardless of wet weather conditions. The swell is up during winter months, which makes surfers more likely than the average population to avail themselves of the beach in wet weather. When surfers are out, they are

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				likely to engage in water contact recreation for hours at a time. The Basin Plan amendment is designed to protect this use and other REC-1 uses and establishes appropriate objectives for protection of the Los Angeles Region's beaches.
22.8	County Sanitation Districts of Los Angeles County	09-17-02	Cost/benefit analysis should be conducted by the RWQCB. Since probably less than 2% of all REC-1 use occurs during wet weather, the Districts believe that a cost/benefit evaluation should be conducted by the RWQCB.	The Regional Board is not required to conduct a cost-benefit analysis. However, staff notes that according to the Los Angeles County Lifeguard Division, on average 1.46 million people visit Santa Monica Bay Beaches per month during the winter season, totaling 7.5 million people. This comes close to the total annual visitation for some regions of the U.S. such as the Mid-Atlantic with an annual visitation of 8.5 million (U.S. Lifesaving Association, Historical Statistics, 1999). Based on an average annual visitation of 55 million, this is approximately 15% of annual visitation. Furthermore, annual direct spending by these 7.5 million people is estimated at $225 million (Hanemann et al. 2001).
22.9	County Sanitation Districts of Los Angeles County	09-17-02	Proposal should allow for revision to 303(d) listings. The Districts recommend that the RWQCB review the existing 303(d) listings for Santa Monica Bay using this approach to ensure that the remedy is appropriate for the problem. The Districts therefore request that the proposed TMDL be amended so that the TMDL can easily be amended to reflect future changes in the 303(d) listed beaches.	TMDLs are Basin Plan Amendments and as such they can be revised as necessary.
23	Heal the Bay	09-17-02		

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23.1	Heal the Bay	09-17-02	The reference characterization study will not provide data to support adjusting the bacteria objectives to recognize naturally occurring exceedances. This language should be removed from the TMDL.	The intent of this language was to clarify that the Regional Board will not require treatment or diversion of natural creeks or treatment of natural sources of bacteria from undeveloped areas. As such, the Regional Board has tried to clarify that its implementation procedure for the recently adopted bacteria objectives is the "reference system/antidegradation approach" outlined in this TMDL. This approach, formalized in this TMDL and the Dry Weather TMDL, may be incorporated into the Basin Plan for future bacteria TMDLs. Due to the confusion expressed by many commentors over this language, staff proposes to remove it.
23.2	Heal the Bay	09-17-02	The proposed implementation schedule of 18 years is unnecessarily long. This schedule is only justifiable if an integrated water resources methodology is developed and executed for this TMDL. An integrated approach supports the reuse of urban runoff and the recharge to groundwater in the Los Angeles region.	The Regional Board may not prescribe the method of compliance with the TMDL. However, it is our understanding that the City of Los Angeles and possibly others are committed to pursuing an integrated resources approach to managing storm water, which in turn, will contribute toward the implementation of this TMDL. The City is a key implementing agency for this TMDL and the Regional Board staff strongly supports the City's plan to beneficially re-use storm water. Therefore, staff proposes a longer implementation schedule to allow the City to coordinate implementation of this TMDL with its Integrated Resource Plan.
23.3	Heal the Bay	09-17-02	Using the 90th percentile storm year in terms of wet days to set the number of allowable exceedances is not conservative or protective of public health because it will allow more exceedances at the beaches than the actual number of exceedances that occur at the reference location during	See Response 16.4, 21.1, and 23.6

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			90% of all years.	
23.4	Heal the Bay	09-17-02	The point of compliance must be at the discharge point (wave wash) for the 6-year interim compliance target.	Regional Board staff proposed an interim compliance point at existing shoreline monitoring locations due to concerns expressed about the likely possibility that the number of exceedance days will be higher when monitoring is conducting in the wave wash, and the timing of the TMDL revision to adjust the allowable exceedance days based on data collected in the wave wash. Upon further consideration, staff proposes removing this interim compliance point for several reasons. First, the TMDL revision will occur before any of the interim compliance deadlines, at which time the allowable exceedance days will be re-calculated based on data from the wave wash. Second, by having an interim compliance point, responsible jurisdictions and agencies would need to monitor both at existing shoreline monitoring locations and in the wave wash.
23.5	Heal the Bay	09-17-02	Interim compliance targets must be set for Malibu Creek and Ballona Creek.	Separate TMDLs are being developed for these water bodies and interim compliance targets will be set in these individual TMDLs. As such, only final compliance targets are included in this TMDL.
23.6	Heal the Bay	09-17-02	The TMDL should include the objectives of the reference characterization study, major study milestones and a timeline.	Regional Board staff believes there is adequate detail and incentive for the implementing agencies to conduct the necessary studies on the reference system approach, including the reference year. If studies are not conducted in a timely and adequate fashion, there will be no justification for any future changes to the TMDL.
23.7	Heal the Bay	09-17-02	Water quality model estimates of total daily volume requiring treatment by subwatershed should be removed from the TMDL	The table is for illustrative purposes and, therefore, staff does not propose to remove the table [see Response 16.5].

No.	Commentor	Date	Comment	Response
			the TMDL.	
23.8	Heal the Bay	09-17-02	The Santa Monica Bay epidemiological study was unique in that it analyzed the total-to-fecal coliform ratio. In addition, it is different from the U.S. EPA studies because it examined non-gastrointestinal illnesses including skin rashes and upper respiratory illnesses. Please add these two points to the discussion of page 12.	Staff will add these two points to the discussion on page 12 of the Staff Report.
23.9	Heal the Bay	09-17-02	The 85% translator to be applied to the interim targets should be removed from the TMDL.	Regional Board staff proposed the translator to provide an incentive to the responsible agencies to try alternative strategies during implementation. Staff notes that the translator only applies to interim compliance targets and not to the final allowable exceedance days for each shoreline monitoring site. As such, staff does not propose removing the translator.