

SANTA MONICA BAY BEACHES WET-WEATHER BACTERIA TMDL
RESPONSIVENESS SUMMARY FOR OCTOBER 2002 PUBLIC NOTICE

Table 1. List of commenter submitting written comments before the close of the public comment period

Comment Letter #	Commenter	Date Received
1	City of Los Angeles, Department of Public Works	11/25/02
2	Natural Resources Defense Council (NRDC)	11/25/02
3	Southern California Alliance of Publicly Owned Treatment Works (SCAP)	11/25/02
4	Heal the Bay	11/25/02
5	County Sanitation Districts of Los Angeles County	11/25/02
6	County of Los Angeles, Department of Public Works	11/25/02

Table 2. Responsiveness summary for written comments submitted before the close of the public comment period

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	LOCATION IN DOCUMENTS
1.1	The City appreciates and supports this timeframe; however, the associated interim milestones are cause for concern. The City's concerns are addressed in footnotes to Tables 7-4.6 and 7-4.7, which indicate that the milestones can be modified to reflect technical issues involved in the NEPA/CEQA process, land procurement, design, and construction rather than exceedance day reductions. The City requests that this footnote also be added to the Implementation Section of Table 7-4.4.	Staff will make the requested change.	YES	BPA Table 7-4.4
1.2	The City envisions two problems associated with the proposed application of the geometric mean objectives. (1) A large single sample objective exceedance could trigger a series of geometric mean exceedance days, some of which will occur on days with low bacterial counts. This may happen in years when the total number of allowable exceedance days is fewer than the permitted number. (2) Because the geometric means are rolling 30-day limits, there is an inherent penalty for daily sampling versus weekly sampling. Calculating the 30-day rolling geometric means on a weekly	The rolling 30-day geometric mean will be calculated on each day. If weekly sampling is conducted, the weekly sample result will be assigned to the remaining days of the week in order to calculate the daily rolling 30-day geometric mean. This is consistent with the approach used in permitting. The Regional Board will consider how penalties are assessed, and will evaluate daily and geometric mean values in this assessment. It is not the intent of the Regional Board to penalize dischargers on multiple days due to one large single sample exceedance, which	YES	BPA Tables 7-4.4 and 7-4.7

SANTA MONICA BAY BEACHES WET-WEATHER BACTERIA TMDL
RESPONSIVENESS SUMMARY FOR OCTOBER 2002 PUBLIC NOTICE

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	LOCATION IN DOCUMENTS
	basis regardless of whether sampling is conducted daily or weekly is one way to rectify the second problem. A second and perhaps better approach is to assess compliance with the geometric mean requirement on the basis of a calendar month. One solution to this problem is to use the 'reference system/antidegradation approach' or 'natural sources exclusion approach' for geometric mean data to determine allowable exceedances as the Regional Board has for single samples.	subsequently "rolls" through the 30-day period causing multiple geometric mean violations. In the initial implementation years, the interim reductions will afford the dischargers a measure of protection, since compliance with the geometric mean limits is not required until the end of the implementation period, and will provide data to determine whether there is a need for further clarification and revision of the 30-day geometric mean implementation provision. The Regional Board will further evaluate this issue prior to the fourth-year revision of the TMDL.		
1.3	Members of each jurisdictional group will need to agree on the approach and produce a proposal within one year of the effective date of the TMDL that will result in the expenditure of large sums of public monies. The City is concerned that this is not an adequate timeframe to accomplish this task unless all members of a jurisdictional group quickly agree on the compliance approach (integrated or non-integrated). Because of this, the City requests the RWQCB to provide a mechanism in the basin plan amendment to address situations where not all members of a jurisdictional group agree on an implementation plan within the required timeframe.	Staff does not propose any changes at this time. However, since the implementation plans are due two years after the effective date of the TMDL, and the revision of the TMDL is scheduled for four years after the effective date, should inconsistencies arise in how jurisdictions within a jurisdictional group intend to implement the TMDL, the Regional Board will evaluate the best approach for addressing the inconsistencies in term of the implementation schedule at the fourth-year revision.	NO	
1.4	In the last sentence of the second paragraph of the "Seasonal Variations and Critical Conditions" section of Table 7-4.4, it is acknowledged that more than the allowable number of exceedance days is expected in years wetter than the 90 th percentile storm year. Because these years exceed the agreed upon design capacity, the City requests the following sentence be added to	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 90 th 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. The Regional Board intends to	NO	

SANTA MONICA BAY BEACHES WET-WEATHER BACTERIA TMDL
RESPONSIVENESS SUMMARY FOR OCTOBER 2002 PUBLIC NOTICE

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	LOCATION IN DOCUMENTS
	then end of this paragraph: "If after review by the Regional Board, it is concluded that the excess exceedances are due to extreme environmental conditions and not negligence by the discharger, no penalties will be assessed."	re-evaluate the critical condition, or reference year, prior to the fourth-year revision of the TMDL. The Board's intention is presented in Table 7-4.6, which outlines the scope of the re-evaluation at year 4. The scope of the re-evaluation includes a reconsideration of the reference year and whether the allowable number of 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 90 th 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 90 th percentile year, more allowable exceedance days would be permitted. Since no compliance is required prior to the fourth-year revision, the Regional Board does not intend to revise the proposed language until these options are fully evaluated by stakeholders.		
1.5	The proposed language for Chapter 3 clearly states, "...it is not the intent of the Regional Board to require treatment or diversion of natural water bodies or to require treatment of natural sources of bacteria from undeveloped areas." The City agrees with this philosophy to protect the environment, and requests that it be extended to apply to geometric mean data.	The Regional Board will evaluate whether the reference system/antidegradation implementation procedure should be extended to the geometric mean objectives based on a re-evaluation of the reference system and analysis of the additional shoreline monitoring data collected from the reference system(s) prior to the fourth-year revision. The Regional Board does not intend to extend the reference system/ anti-degradation approach to the geometric mean limits until such evaluation is completed.	YES	BPA Table 7-4.7
1.6	The City notes and supports the RWQCB's proposal for "...an evaluation of natural variability in exceedance levels in the reference system(s)..." The City reiterates	The Regional Board will evaluate natural variability in the reference system(s) as well as site-specific variability. However, it should be noted that the intent of the TMDL approach	YES	BPA Table 7-4.7

SANTA MONICA BAY BEACHES WET-WEATHER BACTERIA TMDL
RESPONSIVENESS SUMMARY FOR OCTOBER 2002 PUBLIC NOTICE

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	LOCATION IN DOCUMENTS
	here a request in our September 11, 2002 letter that this evaluation be applied to all Santa Monica Bay subwatersheds because 'natural variability' occurs in all systems, will impact both the 'reference system/antidegradation approach' and the 'natural sources exclusion approach,' and an understanding of site-specific variability is crucial to any evaluation of compliance.	is to mimic the reference system or, alternatively, to maintain existing water quality per the anti-degradation provision. Therefore, the Regional Board does not intend to allow variability above that which would occur naturally or, alternatively, above what occurs at existing shoreline monitoring sites subject to the anti-degradation provision.		
1.7	In the last sentence of the "Waste Load Allocations (for point sources)" section of Table 7-4.4, it is stated "The three Publicly Owned Treatment Works (POTWs) discharging to Santa Monica Bay are each given individual WLAs of zero (0) days of exceedance during wet weather." This clearly refers to days of exceedance at the beaches and not zero bacterial discharge allowed (i.e., <2.2 MPN/100 ml) or applying AB 411 Bacterial Standards as End of Pipe.	The commenter is correct. The WLAs are receiving water requirements expressing that the POTWs shall not cause an exceedance of the water quality standards at the SMB beaches. The WLA would not correspond to an effluent limitation of zero bacterial discharge.	NO	
2.1	We hereby incorporate by reference all of the previous comments of NRDC and the Santa Monica BayKeeper on the Santa Monica Bay Beaches Bacteria TMDL. We particularly note that Regional board staff has yet again ignored our serious concerns relating to the use of the 90 th percentile year in terms of rain days as the critical condition for wet weather.	Staff has indicated that the critical condition (i.e. reference year) will be re-evaluated prior to the fourth-year revision (see Table 7-4.7 of Proposed Basin Plan Amendment). As staff previously responded [see Responsiveness Summary, 09/23/02, Response 21.1], the 90 th percentile year was selected to assist implementing agencies in planning for a worst-case scenario. 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 90 th percentile year.	NO	
2.2	The Draft TMDL must more clearly reflect the Regional Board's recognition that a schedule of 10 years for implementation is appropriate except in extreme circumstances. We therefore suggest that the following language	Staff will make the requested change, but believes the appropriate place for the change is in section 9.3 of the Staff Report.	YES	Staff Report, Section 9.3

SANTA MONICA BAY BEACHES WET-WEATHER BACTERIA TMDL
RESPONSIVENESS SUMMARY FOR OCTOBER 2002 PUBLIC NOTICE

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	LOCATION IN DOCUMENTS
	be added to the beginning of the first paragraph of section 9.2.1: The Regional Board believes that a 10-year implementation schedule is appropriate. However, some cities have expressed a strong desire for a longer implementation schedule based on new efforts to integrate storm water management with other wastewater and water use programs.			
2.3	Second, we believe it is important to emphasize that the burden of demonstrating an integrated approach under section 9.2.1 of this TMDL rests with those municipalities seeking an extended implementation schedule. In addition, we believe the TMDL should contain minimum criteria for utilizing the proposed integrated approach. Section 9.2.1 should be revised to include, at minimum, the following criteria: (1) the municipalities must demonstrate that multiple pollutants will be addressed by the approach and (2) the municipalities must demonstrate a commitment to a comprehensive beneficial reuse program for the water based upon infiltration and/or reuse of the water.	Staff agrees that the burden of demonstrating that an integrated water resources approach is being undertaken rests with the responsible jurisdictions and agencies. The TMDL describes an integrated water resources approach as one that “takes a holistic view of regional water resources management by integrating planning for future wastewater, storm water, recycled water, and potable water needs and systems, and focusing on beneficial re-use of storm water at multiple points throughout a watershed to preserve local groundwater resources and reduce the need for imported water...” (Staff Report, section 9.1.1). Staff believes that such an approach will necessarily address multiple pollutants, but will clarify the point by adding language stating that multiple pollutants should be addressed by such an approach.	YES	RES Finding 14; BPA Table 7-4.4
3.1	We support and encourage the use of geometric mean data. Care must be exercised, however, to ensure that compliance is equitable to all parties and that it is appropriately linked to water quality objectives and actual water quality conditions. To this end, we have concerns with two issues: (1) Penalties could be issued on days when water quality standards are met and (2) Agencies/jurisdictions that monitor more	See Response 1.2.	YES	BPA Tables 7-4.4 and 7-4.7

SANTA MONICA BAY BEACHES WET-WEATHER BACTERIA TMDL
RESPONSIVENESS SUMMARY FOR OCTOBER 2002 PUBLIC NOTICE

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	LOCATION IN DOCUMENTS
	frequently (daily versus weekly) are at risk for receiving more penalties simply because they monitor more frequently.			
3.2	We also encourage the Board to examine geometric mean data from the reference system to determine if some geometric mean exceedances are attributable to natural sources. If so, we ask the Regional Board to consider making allowances for them in the TMDL as they have done for single sample exceedances.	See Response 1.5.	YES	BPA Table 7-4.7
4.1	An 18-year compliance schedule should only be allowed under very limited circumstances given the human health risk associated with this TMDL. The TMDL should clearly state the minimum standards that an implementation plan must meet to be deemed an integrated water resources plan.	See Response 2.3.	YES	RES Finding 14; BPA Table 7-4.4
4.2	Using the 90 th percentile storm year in terms of wet days to set the number of allowable exceedances is not 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 90% of all years. We understand that this issue will be considered during the reopener of the TMDL in four years, however, since this TMDL has little or no margin of safety (see comment #3) we reiterate our concern over this issue.	See Response 2.1.	NO	
4.3	The TMDL does not contain an appropriate margin of safety. The three provisions identified as contributing to a margin of safety only apply to modeling efforts that were not used in the TMDL.	The TMDL is set at levels that are exactly equivalent to the applicable WQS and proposed implementation procedures (i.e. allowable exceedance days based on the reference system/antidegradation approach). The implicit margin of safety contained in the modeling assumptions, while not used to determine the proposed WLAs, will be used	YES	BPA Table 7-4.4

SANTA MONICA BAY BEACHES WET-WEATHER BACTERIA TMDL
RESPONSIVENESS SUMMARY FOR OCTOBER 2002 PUBLIC NOTICE

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	LOCATION IN DOCUMENTS
		prior to the fourth-year revision to assist municipalities in identifying strategies to ensure compliance with the WLAs in the TMDL.		
4.4	The "natural sources exclusion" implementation procedure discussed in section 2.2.1 (Implementation Provision for Bacteria Objectives) should be deleted from the TMDL.	The natural sources exclusion implementation procedure is included as a companion to the reference system/antidegradation implementation procedure. The natural sources exclusion approach would be applied when an appropriate reference system cannot be identified within the Region due to unique characteristics of the target waterbody (e.g., a coastal lagoon).	NO	
4.5	The studies conducted before the reopener in four years should investigate the potential existence of other storm drains or freshwater outlets that are discharging during the wet weather and contributing to the impairment of the 303(d) listed Santa Monica Bay beaches.	Staff believes that the requirement in the Dry-Weather TMDL to identify and provide documentation on the 342 potential discharges to SMB beaches listed in Appendix C [of the January 11, 2002 Staff Report] and potential discharges to the ASBS in northern SMB from Latigo Point to the County line will address the commenter's request.	NO	
4.6	Please include an explanation in the TMDL on how the implementation scheme of jurisdiction groups will be structured to ensure anti-degradation provisions of the Clean Water Act.	Staff proposes adding text to Table 7-4.4 of the Proposed Basin Plan Amendment and adding a footnote to Table 7-4.6 of same, stating that at those monitoring locations subject to the antidegradation provisions there may be no increase in exceedance days during the implementation period above that estimated for the beach monitoring location in the critical year as identified in Table 7-4.5 of the Basin Plan Amendment.	YES	BPA Tables 7-4.4 and 7-4.6
4.7	Please add that jurisdictions or agencies may be responsible for nonpoint sources of bacteria under different regulatory mechanisms other than the municipal storm water NPDES permit.	Staff has stated that the regulatory mechanisms used to implement the TMDL will include not only the MS4 permits and NPDES permits for POTWs, but also the authority contained in sections 13267, 13263 and 13178 of the Water Code (see BPA Table 7-	YES	BPA Table 7-4.4

SANTA MONICA BAY BEACHES WET-WEATHER BACTERIA TMDL
RESPONSIVENESS SUMMARY FOR OCTOBER 2002 PUBLIC NOTICE

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	LOCATION IN DOCUMENTS
		4.4). Staff will also add a reference to regulations to be adopted pursuant to Water Code section 13291. Once in place, the regulations to be adopted pursuant to section 13291 will afford an additional mechanism for addressing bacterial contamination from onsite sewage treatment systems.		
4.8	Interim compliance targets must be set for Malibu Creek and Ballona Creek to be consistent with the TMDL consent decree schedule (Heal the Bay, Santa Monica BayKeeper, et al. v. Browner, No. 98-4825, March 22, 1999).	Separate TMDLs are being developed for these water bodies and interim compliance targets will be set in these individual TMDLs. The Regional Board does not have sufficient data and because of the unique situations in Malibu and Ballona Creeks has not solicited adequate stakeholder input to establish interim load reductions at this time. As such, only final compliance targets are included in this TMDL.	NO	
4.9	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. The Regional Board intends to work with the Steering Committee and other responsible jurisdictions and agencies, along with stakeholders, to develop the reference characterization study plan. A general discussion of the reference characterization monitoring component is provided in section 10.1 of the Staff Report.	NO	
4.10	Water quality model estimates of total daily volume requiring treatment by subwatershed should be removed from the TMDL.	The referenced table [Staff Report, 11/07/02, section 9.2.3, Table 9-1] is for illustrative purposes and, therefore, staff does not propose to remove the table. Staff acknowledges that the model, which was	NO	

SANTA MONICA BAY BEACHES WET-WEATHER BACTERIA TMDL
RESPONSIVENESS SUMMARY FOR OCTOBER 2002 PUBLIC NOTICE

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	LOCATION IN DOCUMENTS
		<p>used to determine the estimates of total daily volume requiring treatment by subwatershed, 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.</p>		
5.1	<p>We recommend that the Regional Board conduct a thorough source analysis for potential nonpoint sources and conclude the appropriate load allocation in the TMDL at the time of reopening.</p>	<p>The Regional Board considered all available information in setting the WLAs and determining that a load allocation of zero was appropriate for nonpoint sources. A mechanism to track and identify responsible entities related to nonpoint source contamination is included [see BPA Table 7-4.4]. The Regional Board intends to continue to investigate, through various mechanisms, sources of bacterial contamination at SMB beaches, including nonpoint sources that may be directly impacting beach water quality. In the event that new information establishes a basis and a need to promulgate a load allocation other than zero for nonpoint sources, the Regional Board can incorporate those changes when the TMDL is re-evaluated during the fourth year.</p>	NO	
5.2	<p>We are also concerned that storm water dischargers would be required to conduct source investigations when a beach location is out-of-compliance due to nonpoint source contributions. We believe that storm water</p>	<p>If a nonpoint source is directly impacting beach water quality, jurisdictions will not be responsible through the MS4 permit (see BPA Table 7-4.4). However, the Regional Board may require pursuant to the authority of Water</p>	YES	BPA Table 7-4.4

SANTA MONICA BAY BEACHES WET-WEATHER BACTERIA TMDL
RESPONSIVENESS SUMMARY FOR OCTOBER 2002 PUBLIC NOTICE

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	LOCATION IN DOCUMENTS
	dischargers should not be held responsible for any investigations related to nonpoint sources and that it is the Regional Board's responsibility to identify nonpoint sources and to develop appropriate nonpoint source control programs.	Code section 13267 that the jurisdiction or agency adjacent to the shoreline monitoring location conduct further investigation. This approach recognizes the responsible jurisdictions' statutory responsibility to identify the source of beach postings for those beaches over which they have jurisdiction. The Regional Board may take other appropriate regulatory action pursuant to the authority of Water Code section 13263 or other applicable regulations. For example, some localities may request authority under regulations to be adopted pursuant to Water Code section 13291 to regulate onsite sewage disposal systems. Notwithstanding these requirements applicable to responsible jurisdictions and agencies, the Regional Board anticipates that it will assist and where necessary conduct its own investigations to identify sources of contamination.		
5.3	We are concerned that one year is simply not enough time to develop any comprehensive, detailed, and accurate plan that includes implementation methods, an implementation schedule, and proposed milestones, given the fact that such a plan requires the completion of many tasks, such as resource gathering, hydrology calculations, field investigation and site evaluation, treatment technology investigation, implementation plan preparation, and review and administrative approval. We therefore request that the Regional Board amend the tentative resolution and Attachment A to provide for a three and a half year schedule for submission of implementation plans.	Staff proposes that responsible jurisdictions and agencies be given two years (rather than one year) from the effective date of the TMDL to submit the implementation plans. Staff proposes the additional time because, while the final approval process for most TMDLs from the time of Regional Board approval to the effective date takes approximately one year, this TMDL is on a "fast-track" and will likely move through the process in only a few months.	YES	BPA Tables 7-4.4, 7-4.5, and 7-4.7
5.4	We therefore recommend that the Regional	Staff proposes to include in the fourth-year	YES	BPA Table 7-4.7

SANTA MONICA BAY BEACHES WET-WEATHER BACTERIA TMDL
RESPONSIVENESS SUMMARY FOR OCTOBER 2002 PUBLIC NOTICE

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	LOCATION IN DOCUMENTS
	Board adopt a reopener provision providing for a reexamination of the compliance schedules for the integrated and non-integrated approaches after submission of the implementation plans.	revision a re-evaluation of interim compliance targets and final compliance dates, based on the implementation plans submitted two years after the effective date of the TMDL and progress toward compliance.		
5.5	With respect, the checklist submitted by the Executive Officer fails in a number of respects to adequately identify significant environmental impacts arising from the implementation of the TMDL, and yet concludes without evidence, that none of these impacts are "significant."	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. The environmental checklist draws on analysis contained in and conclusions reached in the staff report. 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 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 a likely means of compliance with the TMDL requirements and those reasonably foreseeable environmental impacts from the likely means of compliance.	NO	
5.6	Regional Board staff prepared an analysis only of the costs of the "Interim Strategy," but neither the "Integrated Resources Strategy" nor the "Upstream Structural and Non-Structural Controls Strategy." While with respect to the former strategy, staff indicates that costs could not be estimated "because it is still in the planning stage, (Staff Report, p. 70), the failure even to provide a rough estimate of the cost does not provide either the Regional Board or the public any idea of the "economic factors" that must, pursuant to	The Regional Board is not required to consider the costs of all potential means of complying with the requirements of the TMDL. It is required to consider the costs of a reasonably foreseeable means of compliance, which it has done (see Staff Report, 11/07/02, section 9.4.1).	NO	

SANTA MONICA BAY BEACHES WET-WEATHER BACTERIA TMDL
RESPONSIVENESS SUMMARY FOR OCTOBER 2002 PUBLIC NOTICE

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	LOCATION IN DOCUMENTS
	state law, be taken into account in devising the TMDL.			
5.7	The Regional Board lacks legal authority to adopt an enforceable implementation program through the TMDL, and, thus, the implementation program outlined in Attachment A to the tentative resolution is merely advisory. Ultimately, implementation of the TMDL must be accomplished through the permitting process. We have similar concerns regarding the "Compliance Monitoring" section which could be read as an attempt to constrain the discussion of TMDL implementation which must occur in the context of the MS4 permit. At this point, the Compliance Monitoring section is also advisory.	The regulatory provisions of the TMDL are adopted as a Basin Plan Amendment and therefore have regulatory effect pursuant to the Porter-Cologne Water Quality Control Act. As such, those provisions incorporated into the Basin Plan are not advisory. The implementation provisions of the TMDL provide regulatory requirements for future actions the dischargers and Regional Board will take. The Regional Board will need to ensure that subsequent permits, including the MS4 permit, are consistent with the Basin Plan and the TMDL as incorporated into the Basin Plan.	NO	
6.1	The Districts believe that the option for the Regional Board to specify two implementation plan/periods may lead to a fractured and unsatisfactory implementation strategy.	The Regional Board has voiced a strong desire to have the shortest possible implementation schedule for this TMDL given the public health concerns arising from the bacteriological water quality impairments at SMB beaches, and previous testimony has indicated that implementation could be achieved in ten years. However, the City of Los Angeles in particular has voiced a strong desire to undertake an integrated water resources approach, which will require more complex planning, design, and construction. The Regional Board recognized the multiple benefits of such an approach, including addressing multiple pollutants and beneficially re-using or infiltrating storm water, and agreed to provide the flexibility to responsible jurisdictions and agencies choosing to pursue such an approach. Staff believes the added complication will be outweighed by the environmental gains made by the responsible	NO	

SANTA MONICA BAY BEACHES WET-WEATHER BACTERIA TMDL
RESPONSIVENESS SUMMARY FOR OCTOBER 2002 PUBLIC NOTICE

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	LOCATION IN DOCUMENTS
		jurisdictions and agencies that choose to pursue an integrated water resources approach. [See also Response 1.3.]		
6.2	The time-frame allowed for the review of the proposed integrated resources plan (IRP) and the decision by the Regional Board is unreasonably short.	See Response 5.3.	YES	BPA Tables 7-4.4, 7-4.5, and 7-4.7
6.3	The ten-year timeframe for non-integrated approaches is not sufficient.	Staff believes that ten years is sufficient for non-integrated approaches. This conclusion was supported by statements made by the City of Los Angeles during the June public workshop. The Regional Board acknowledges that efforts to achieve compliance with the TMDL will need to be aggressive under either an integrated or non-integrated approach, but contends that this should be a top priority given the public health concerns this TMDL is intended to address.	NO	
6.4	The Regional Board is proposing a natural sources exclusion approach without adequate information.	<p>The natural sources exclusion approach is a companion to the reference system/antidegradation implementation procedure. The appropriateness of either implementation procedure will be evaluated within the context of TMDL development for a specific waterbody, at which time the Regional Board may select one of these approaches, if appropriate. Therefore, additional information will be available to determine whether the natural sources exclusion approach is the most appropriate.</p> <p>The intent of these approaches is to avoid imposing requirements to treat natural sources of bacteria from undeveloped areas. The Regional Board acknowledges that the relative risk from human vs. non-human sources of bacteria is unknown at this time. The Regional Board does not assume that</p>	NO	

SANTA MONICA BAY BEACHES WET-WEATHER BACTERIA TMDL
RESPONSIVENESS SUMMARY FOR OCTOBER 2002 PUBLIC NOTICE

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	LOCATION IN DOCUMENTS
		bacteria from non-human sources is without a human health risk. However, the Regional Board does acknowledge that there may be competing beneficial uses such as REC-1 and various aquatic and wildlife uses. The implementation procedures proposed are intended to allow the Regional Board to balance protections for these equally important beneficial uses.		
6.5	The reference system/anti-degradation approach may lead to ineffective use of resources.	The BWQWG recommendations to the State Board have not been adopted as statewide policy and, furthermore, do not address the issue of antidegradation. The nine Regional Boards will soon submit to the State Board recommendations on the Statewide 303(d) Policy, which include a discussion of listing water bodies on the basis of violating State and federal antidegradation policies. Water quality standards include beneficial uses, water quality objectives and the State antidegradation policy. Therefore, violation of the State antidegradation policy is grounds for listing a water body on the CWA section 303(d) List.	NO	
6.6	The use of single sample limits is being increasingly questioned.	Single sample limits continue to be recommended by EPA, and are included in State law, as well as the LA Region's Basin Plan. The LA Region conducts a review of its Basin Plan every three years (i.e. the Triennial Review) to identify and prioritize needed updates. Regional Board staff is also staying abreast of developments in the field of beach water quality monitoring and assessment and, if and when it is appropriate, will propose updates to the Basin Plan to reflect the latest scientific research and EPA recommendations.	NO	
6.7	This TMDL should contain re-opener	See Response 6.6.	NO	

SANTA MONICA BAY BEACHES WET-WEATHER BACTERIA TMDL
RESPONSIVENESS SUMMARY FOR OCTOBER 2002 PUBLIC NOTICE

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	LOCATION IN DOCUMENTS
	provisions to take advantage of the very dynamic activities in the fields of indicator and pathogen detection, and epidemiology.			

Notes: BPA = Basin Plan Amendment
RES = Tentative Resolution