

LOS ANGELES HARBOR BACTERIA TMDL (INNER CABRILLO BEACH AND MAINSHIP CHANNEL)

Comments Received on the Los Angeles Harbor Bacteria TMDL Staff Report, Tentative Resolution and Basin Plan Amendment

Letters received by the end of comment period, 14 June 2004:

1. City of Los Angeles
2. County of Los Angeles
3. Flow Science on behalf of:
 - Construction Industry Coalition on Water Quality
 - County Sanitation Districts of Los Angeles County
 - Western States Petroleum Association
 - Coalition for Practical Regulation
 - Executive Advisory Committee of Los Angeles County MS4 Permittees
4. Heal the Bay
5. U.S. EPA
6. City of Hawthorne
7. City of Lawndale

	Commentor	Comment	Regional Board Staff Response
1.1	<ul style="list-style-type: none"> • City of Los Angeles, Bureau of Sanitation 	<ul style="list-style-type: none"> • Compliance monitoring should be moved from Terminal Island Treatment Plant NPDES permit and moved to the Los Angeles County Stormwater permit. 	<ul style="list-style-type: none"> • City of Los Angeles can request a change in permit requirements at the time of NPDES permit renewal.
1.2	<ul style="list-style-type: none"> • City of Los Angeles, Bureau of Sanitation 	<ul style="list-style-type: none"> • Compliance monitoring – frequency should be at discretion of implementing agency consistent with Santa Monica Bay Beaches and Marina del Rey bacteria TMDLs. 	<ul style="list-style-type: none"> • The monitoring requirements are specified in the Basin Plan amendment Table 7-11.1. City of Los Angeles can increase frequency or add monitoring sites as necessary to determine success of implementation.
1.3	<ul style="list-style-type: none"> • City of Los Angeles, Bureau of Sanitation 	<ul style="list-style-type: none"> • Final Compliance dates: Add possibility of extending final compliance dates during re-consideration of TMDL issues at 4 year point. 	<ul style="list-style-type: none"> • Staff agrees. The implementation plan in Table 7-11.3 of the Basin Plan Amendment has been modified.

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1.4	<ul style="list-style-type: none"> City of Los Angeles, Bureau of Sanitation 	<ul style="list-style-type: none"> Cost: Storm drain diversions are more costly than described in Staff Report. The capital cost for diversion based on Santa Monica Bay projects range from \$500,000 to 1,000,000 each. Regional Board should delete discussion of total annualized costs. Cost for water circulation project not included. 	<ul style="list-style-type: none"> The capital cost for the storm drain diversion estimated by Regional Board staff is \$760,000 per storm drain. This is comparable to the storm drain diversion structure costs cited by the City. Annualized costs are an appropriate way to evaluate TMDL costs. Staff finds that there are several concepts for increasing water circulation at Inner Cabrillo Beach. It is difficult to estimate costs for projects in the conceptual phases. Regional Board staff can work with the City to ensure the results of Regional Board studies and analyses are used to define the most cost effective circulation project.
1.5	<ul style="list-style-type: none"> City of Los Angeles, Bureau of Sanitation 	<ul style="list-style-type: none"> Implementation plan includes a UAA and it is not appropriate to require a UAA to be conducted for TMDL implementation. This study can be undertaken outside of the TMDL by the RWQCB, City of Los Angeles, or any interested party. . 	<ul style="list-style-type: none"> The performance of a UAA is an option to address the beneficial uses issues in the Main Ship Channel. For clarity, specific reference to a UAA has been removed from the implementation plan, Table 7-11.3.

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<p>1.6</p>	<ul style="list-style-type: none"> City of Los Angeles, Bureau of Sanitation 	<ul style="list-style-type: none"> The City supports a re-evaluation of reference system; Leo Carillo Beach/Arroyo Sequit is inappropriate for Los Angeles Harbor. The current reference system is an open coast beach subject to high wave and wind action. Conversely, Los Angeles Harbor Inner Cabrillo Beach is in a very protected area that has little wave action and is not always influenced by wind currents. BOS requests the 4-year re-opener to include assessing the size of the reference system, annual adjustment of allowable exceedance days based on rainfall conditions, and an evaluation of natural variability in exceedance levels in the reference system(s). BOS requests an enclosed bay system versus an open coast system be included in this reassessment. It may not be possible to find a relatively unimpacted enclosed bay system locally. A possible option for this reassessment is the Natural Source Exclusion approach Another approach is to select a reference system outside of the local area, but this raises questions regarding its relevancy to the local situation. 	<ul style="list-style-type: none"> Regional Board Staff recognize the disadvantages of Leo Carillo as the reference beach – as was also recognized in the recent Marina del Rey bacteria TMDL (also an enclosed beach which used Leo Carillo Beach as a reference) – however, Leo Carillo is currently the best reference beach available. The Regional Board is currently working with the Southern California Coastal Water Research Project (SCCWRP) to locate and validate a more appropriate reference beach. The 4-year reconsideration of the TMDL includes the reassessment of the reference system, consideration of adjustment of allowable exceedance days based on rainfall, and an evaluation of natural variability, as requested.
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1.7	<ul style="list-style-type: none"> City of Los Angeles, Bureau of Sanitation 	<ul style="list-style-type: none"> Support the re-evaluation of geometric mean; geometric mean standard is problematic. (1) A large single sample objective exceedance or small series of exceedances could trigger a series of geometric mean exceedance days, some of which will occur on days with low bacterial counts. This may happen even in years when the total number of allowable exceedance days is fewer than the permitted number. (2) A discrepancy occurs since Leo Carrillo, the reference beach, is sampled weekly and Inner Cabrillo Beach is sampled daily. Our analyses of historic data have found that this approach can result in substantial differences (greater than an order of magnitude) in the number of exceedance days solely as a result of the inconsistency in the number of sampling days. 	<ul style="list-style-type: none"> Staff concurs. Provisions for review of the 30 day geometric mean are already incorporated into the TMDL implementation plan.
1.8	<ul style="list-style-type: none"> City of Los Angeles, Bureau of Sanitation 	<ul style="list-style-type: none"> Staff Report clarification. – no figure or text delineating the watershed precisely. 	<ul style="list-style-type: none"> Staff considers the Inner Cabrillo Beach and the Main Ship Channel to be a subwatershed of the Dominguez Channel and Los Angeles Harbor watershed. It includes all land areas adjacent to the Inner Los Angeles Harbor which are drained, either by surface flows during storms or by a storm sewer, onto Inner Cabrillo Beach or into the Main Ship Channel. The Staff Report will be updated to add text to delineate the watershed more precisely.

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1.9	<ul style="list-style-type: none"> City of Los Angeles, Bureau of Sanitation 	<ul style="list-style-type: none"> Staff report clarification – should also describe landuse in watershed. 	<ul style="list-style-type: none"> Staff finds that the available landuse data for the Dominguez Channel and Los Angeles Harbor watershed may not be applicable to Inner Cabrillo Beach and the Main Ship Channel due to the relatively large proportion of residential, commercial and recreational areas in the vicinity of Inner Cabrillo Beach and the Main Ship Channel.
1.10	<ul style="list-style-type: none"> City of Los Angeles, Bureau of Sanitation 	<ul style="list-style-type: none"> Staff Report clarification – no Appendix E. 	<ul style="list-style-type: none"> Appendix E, listed by title (“Draft comments received”), is available on the Regional Board website.
1.11	<ul style="list-style-type: none"> City of Los Angeles, Bureau of Sanitation 	<ul style="list-style-type: none"> Staff Report clarification – duplicate paragraph on page 24 and 28. 	<ul style="list-style-type: none"> The paragraph cited contains information that is pertinent to both sections.
1.12	<ul style="list-style-type: none"> City of Los Angeles, Bureau of Sanitation 	<ul style="list-style-type: none"> Staff Report clarification – correction of Agency names. Correct Agency names are: Environmental Affairs Department, Recreation and Parks Department, and Bureau of Sanitation, Environmental Division. 	<ul style="list-style-type: none"> Staff concurs and change will be made in update of Staff Report
1.13	<ul style="list-style-type: none"> City of Los Angeles, Bureau of Sanitation 	<ul style="list-style-type: none"> Staff Report clarification – Figure 2.1 cannot be found. 	<ul style="list-style-type: none"> Figure 2.1 is on page 25.
1.14	<ul style="list-style-type: none"> City of Los Angeles, Bureau of Sanitation 	<ul style="list-style-type: none"> Costs: Cost for diverting 10 drains is estimated – need details of which drains and a map. 	<ul style="list-style-type: none"> Ten drains is an estimate. The special study required for the Main Ship Channel will identify diversion of which drains will be most effective.

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1.15	<ul style="list-style-type: none"> City of Los Angeles, Bureau of Sanitation 	<ul style="list-style-type: none"> Costs - Delete: “<i>The annualized capital cost to construct 10 low flow diversions is estimated at \$717,386, assuming financing for 20 years at 7 percent.</i>” Replace with: “<i>The total capital cost to construct 10 low flow diversions is estimated to be \$5 million to \$10 million based on the Santa Monica Bay low flow diversion projects costing each at \$500,000 - \$1,000,000.</i>” 	<ul style="list-style-type: none"> See response 1.4.
1.16	<ul style="list-style-type: none"> City of Los Angeles, Bureau of Sanitation 	<ul style="list-style-type: none"> Costs - At the end of this sentence: “<i>Based on a simple scaling ration, the operation and maintenance cost of diversion of the 10 storm drains in the inner Los Angeles Harbor is \$630,000.</i> Delete: “<i>and the total annualized cost is estimated at \$1.34 million.</i>” 	<ul style="list-style-type: none"> See response 1.4.
1.17	<ul style="list-style-type: none"> City of Los Angeles, Bureau of Sanitation 	<ul style="list-style-type: none"> Staff Report clarification – identification of which City of Los Angeles personnel gave BMP cost and upgrading existing sewer system cost estimates for Staff Report page 62 . 	<ul style="list-style-type: none"> The information cited on non-structural BMPs is based on a meeting with Regional Board staff and personnel from the City of Los Angeles Department of Parks and Recreation.
1.18	<ul style="list-style-type: none"> City of Los Angeles, Bureau of Sanitation 	<ul style="list-style-type: none"> Draft Amendment – reference to footnote 4 and there is no footnote 4. 	<ul style="list-style-type: none"> Basin Plan Amendment has been corrected.

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2.1	<ul style="list-style-type: none"> County of Los Angeles (Dept of Public Works) 	<ul style="list-style-type: none"> Inner Harbor should not be addressed in this TMDL when the Inner Harbor not specifically listed as impaired by bacteria. The County understands the Inner Harbor has been included because it is considered the primary source of bacteriological impairment to the Main Ship Channel but the County questions this assumption (see comment 2.2). 	<ul style="list-style-type: none"> The Main Ship Channel is specifically listed (long term monitoring sites maintained by the City of Los Angeles established the listing and is part of the larger body of water, the Los Angeles Harbor. While mass-balance models have not been completed to establish the precise contribution of the Inner Harbor sources of bacteria to the monitoring site in the Main Ship Channel, there is a clear hydrologic connection and the Inner Harbor sources cannot be ignored and must be addressed in this TMDL.
2.2	<ul style="list-style-type: none"> County of Los Angeles (Dept of Public Works) 	<ul style="list-style-type: none"> Main Ship Channel linkage analysis is insufficient; insufficient scientific data exists to attribute bacteriological exceedances at the Main Ship Channel to storm drain discharges into the Inner Harbor. As it should not be part of the TMDL, the County does not think it appropriate to require a special study of the area. 	<ul style="list-style-type: none"> A special study of the sources of bacteria in the Inner Harbor within the first two and a half years of the TMDL will provide the data necessary enhance the linkage analysis and to make decisions about precise implementation in the Inner Harbor and Main Ship Channel. The Regional Board cannot justify abandoning the pursuit of more information precisely because we do not have enough information.
2.3	<ul style="list-style-type: none"> County of Los Angeles (Dept of Public Works) 	<ul style="list-style-type: none"> Leo Carillo Beach is inappropriate as a reference beach. The County understands that the Regional Board is leading a study (of which Public Works is a participant), however, for the record the County reiterates their concerns. 	<ul style="list-style-type: none"> See response 1.6.
2.4	<ul style="list-style-type: none"> County of Los Angeles (Dept of Public Works) 	<ul style="list-style-type: none"> TMDL’s re-consideration should coincide with that of the Santa Monica Bay Beaches Bacteria TMDL. 	<ul style="list-style-type: none"> The implementation plan schedules the re-consideration at the time of the Santa Monica Bay Beaches Bacteria TMDL or four years after the effective date of this TMDL. Staff’s intent is to have the due dates roughly coincide with the Santa Monica Bay due dates. However, in the past hard, near-term due dates have been problematic when the final effective date of the TMDL is delayed.

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2.5	<ul style="list-style-type: none"> County of Los Angeles (Dept of Public Works) 	<ul style="list-style-type: none"> County of Los Angeles should not be responsible for the identification nor mitigation of non-point sources of bacteria in the MSC. 	<ul style="list-style-type: none"> The subwatershed for the Main Ship Channel includes land under both jurisdiction of the City of Los Angeles and the County of Los Angeles.
2.6	<ul style="list-style-type: none"> County of Los Angeles (Dept of Public Works) 	<ul style="list-style-type: none"> Wet weather compliance timeline for Main Ship Channel is inadequate. Because the monitoring site is subject to anti-degradation provision, the TMDL will be violated in any year which is wetter than the 90th percentile year (reference year) possibly before the opportunity to address potential causes. Santa Monica Bay Beaches TMDL gives 10 or 18 years whether or not the anti-degradation provision applies. 	<ul style="list-style-type: none"> The Santa Monica Bay Beaches Bacteria TMDL explicitly requires <i>“For those beach monitoring locations subject to the antidegradation provision, there shall be no increase in exceedance days during the implementation period above that estimated for the beach monitoring location in the critical year...”</i>
2.7	<ul style="list-style-type: none"> County of Los Angeles (Dept of Public Works) 	<ul style="list-style-type: none"> Implementation plan should not be prescriptive: Table 7-11.3 calls for a <i>“work plan for Executive Officer approval for source control or diversion of storm drains that are found to be sources of bacteriological loading...”</i> Request that the phrase be replaced with <i>“work plan for Executive Officer approval describing the process the responsible agencies will follow to meet the TMDL’s WLA for the MSC within the allotted timeframe”</i> 	<ul style="list-style-type: none"> Staff disagrees that the wording is overly prescriptive and does not preclude the County from evaluating other processes from those described in the Implementation Plan.
2.8	<ul style="list-style-type: none"> County of Los Angeles (Dept of Public Works) 	<ul style="list-style-type: none"> Cost estimate for low-flow diversions is low: the cost to engineer and construct a single low flow diversion structure ranges between \$800,000 and \$900,000 which is more than 10 times the estimate provided. 	<ul style="list-style-type: none"> Regional Board staff find that the comment appears to be comparing annualized costs presented in the staff report to capital costs cited in the comment. The capital cost for the storm drain diversion estimated by Regional Board staff is \$760,000 per storm drain. This is comparable to the storm drain diversion structure costs cited by the County.

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2.9	<ul style="list-style-type: none"> County of Los Angeles (Dept of Public Works) 	<ul style="list-style-type: none"> Main Ship Channel beneficial uses are inappropriate for a commercial waterway in one of the world’s largest and busiess seaports. The County supports the idea of conducting a UAA for this area. 	<ul style="list-style-type: none"> The Main Ship Channel is not a recreation site, nor is it likely to be - however some occasional scuba diving is to be expected in a working port (hull inspections etc). A Use Attainability Analysis would be required to change the beneficial uses for this waterbody.
2.10	<ul style="list-style-type: none"> County of Los Angeles (Dept of Public Works) 	<ul style="list-style-type: none"> To avoid confusion, reference to Dominguez Channel in Table 7-11.1 should be deleted. 	<ul style="list-style-type: none"> Agreed and Table 7-11.1 has been modified.
3.1	<ul style="list-style-type: none"> Flow Science Inc. 	<ul style="list-style-type: none"> REC-1 beneficial use in inappropriate for Main Ship Channel. The TMDL should be delayed until a UAA is complete. 	<ul style="list-style-type: none"> See response 2.9. In addition, Staff does not recommend delay of the adoption of the TMDL until a UAA complete due to the importance of addressing the health issues at Inner Cabrillo Beach and to meet the schedule of the TMDL consent decree.
3.2	<ul style="list-style-type: none"> Flow Science Inc. 	<ul style="list-style-type: none"> Concern regarding water quality objectives, economic impacts and costs not fully considered when the bacterial objectives adopted. 	<ul style="list-style-type: none"> The current Basin Plan bacteria objectives were adopted by the Regional Board in September of 2001 and approved by US EPA in September of 2002. The objectives were not challanged and are in effect. Moreover, the analysis required pursuant to Water Code 13241, including the consideration of economics, was done at that time.
3.3	<ul style="list-style-type: none"> Flow Science Inc. 	<ul style="list-style-type: none"> Concern regarding water quality objectives, bacteria from natural sources are not all excluded from the TMDL, dry weather flows carry bacteria from natural and human-generated sources. 	<ul style="list-style-type: none"> The reference watershed approach makes allowances for natural sources of bacteria.
3.4	<ul style="list-style-type: none"> Flow Science Inc. 	<ul style="list-style-type: none"> Concern regarding water quality objectives, controlling bacteria in the Main Ship Channel may not aid in reducing bacteria concentrations at beach where recreational activities actually occur. 	<ul style="list-style-type: none"> The Main Ship Channel is included on the 303(d) list due to beach closures.

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3.5	<ul style="list-style-type: none"> Flow Science Inc. 	<ul style="list-style-type: none"> Effects on human health - need to know how much of the indicator bacteria are due to human vs. non-human sources to fully assess human health risk - should postpone implementation of TMDL until well-evaluated methods are developed capable of determining degree of human vs. non-human source bacteria. 	<ul style="list-style-type: none"> The Regional Board acknowledges that bacteriological approaches which use methods which distinguish between human-generated bacteria and non human-generated bacteria in marine waters would be of great value in accurately assessing human health risk. 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). It may be many years until newer methods are established, validated with epidemiological studies and accepted by EPA and state health agencies. Regional Board staff cannot recommend to delay implementation of the TMDL which reduces this health risk.
3.6	<ul style="list-style-type: none"> Flow Science Inc. 	<ul style="list-style-type: none"> Implementation - the selected reference beach may be inappropriate because it has a largely undeveloped watershed. 	<ul style="list-style-type: none"> The principal requirement of a reference beach is that it have an undeveloped watershed.
3.7	<ul style="list-style-type: none"> Flow Science Inc. 	<ul style="list-style-type: none"> Implementation - targets developed using reference beach approach may be inappropriately applied via tributary rule to Dominguez channel. 	<ul style="list-style-type: none"> This TMDL does not address the Dominguez Channel. The Dominguez Channel is also impacted due to bacteria and a TMDL will be developed separately for the Dominguez Channel.
3.8	<ul style="list-style-type: none"> Flow Science Inc. 	<ul style="list-style-type: none"> Implementation - diversion of flow may be very costly. If Dominguez Channel is found to be a significant source of bacteria the diversion of storm drains in Dominguez Channel could be very costly. 	<ul style="list-style-type: none"> This TMDL does not address the Dominguez Channel. The Dominguez Channel is also impacted due to bacteria and a TMDL will be developed separately and the associated cost will be evaluated at that time.
3.9	<ul style="list-style-type: none"> Flow Science Inc. 	<ul style="list-style-type: none"> Implementation – support the staged implementation however, the time to complete special studies and implement may be too short. 	<ul style="list-style-type: none"> Staff believes the time scheduled will be sufficient to meet exceedance day goals. This conclusion is reinforced by the support of the City of Los Angeles..

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4.1	<ul style="list-style-type: none"> • Heal the Bay 	<ul style="list-style-type: none"> • Heal the Bay supports use of reference system/antidegradation approach. This approach is currently the most appropriate way to develop a TMDL that will ensure beneficial uses are attained in the future without requiring control of natural sources. Application of the natural source exclusion method at this time would be inappropriate because all sources have not been identified and quantified, and it has not been shown that beneficial uses can not be restored through control of anthropogenic sources. 	<ul style="list-style-type: none"> • Staff agrees.
4.2	<ul style="list-style-type: none"> • Heal the Bay 	<ul style="list-style-type: none"> • Specify that the reference study should include local beaches along the Palos Verdes coast. These beaches are more likely to have similar sized drainages, water temperature and other conditions. 	<ul style="list-style-type: none"> • The Regional Board is currently working with the Southern California Coastal Water Research Project (SCCWRP) to locate and validate a more appropriate beach, the areas considered will include the Palos Verdes coast.
4.3	<ul style="list-style-type: none"> • Heal the Bay 	<ul style="list-style-type: none"> • Supports 5 year compliance schedule. Cabrillo Beach has been one of the two the most polluted beaches (along with Malibu Surfrider Beach) in Los Angeles County for over a decade. Heal the Bay acknowledges that compliance with dry weather TMDL requirements would be difficult in the 3 year time line used in the Santa Monica Bay beaches fecal bacteria TMDL, but five years is ample time to develop and implement a solution to the water quality problems at Cabrillo Beach. 	<ul style="list-style-type: none"> • Staff agrees.

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4.4	<ul style="list-style-type: none"> Heal the Bay 	<ul style="list-style-type: none"> Shellfish impairment is inadequately addressed. The MSC is not even listed as impaired for shellfish. Although the numeric bacteria standards for protection of shellfishing are much lower than those for protection of REC-1 use, and it is reasonable to assume that the water quality in the MSC does not always meet the shellfish standards, the requirement for the MSC to meet the shellfish standards has not been adequately presented in the TMDL. This is entirely inappropriate. 	<ul style="list-style-type: none"> Inner Cabrillo Beach and the Main Ship Channel are listed for beach closures. This TMDL only addresses Analytical Unit 72, Beach Closures, as described in the consent decree and not any possible shellfish impairment.
4.5	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> Requirements and discussions on the need for a UAA are not appropriate for TMDLs. The UAA language in the TMDL must be removed. 	<ul style="list-style-type: none"> Specific reference to a UAA has been removed from the implementation plan, Table 7-11.3. See comment 1.5.
4.6	<ul style="list-style-type: none"> Heal the Bay 	<ul style="list-style-type: none"> Implementation tiers should be reduced from 3 to 2 and more clearly defined. 	<ul style="list-style-type: none"> Implementation schedule has been clarified.
4.7	<ul style="list-style-type: none"> Heal the Bay 	<ul style="list-style-type: none"> TMDL should allow more flexibility in monitoring locations. 	<ul style="list-style-type: none"> Basin Plan Amendment has been modified to specifically allow flexibility in monitoring locations.

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4.8	<ul style="list-style-type: none"> Heal the Bay 	<ul style="list-style-type: none"> 90th percentile storm year is not conservative or protective of human health - it will allow more exceedances at the beaches than the number that occur at the reference location during 90% of all years. Thus, in 90% of the years the TMDL is failing to meet the goal of having all beaches meet or exceed the water quality at the reference location. Heal the Bay has expressed its concern over this methodology in our comments letters regarding both the dry and wet bacteria TMDLs for Santa Monica Bay. 	<ul style="list-style-type: none"> The critical condition for bacteria exceedances is wet weather, and the 90th percentile year, in terms of the number of wet-weather days, has a return frequency consistent with that used in other TMDLs. Establishing the WLA based on the historical exceedances of the reference watershed during a dry year would result in the reference watershed itself being in non-compliance. This would undermine the intent of the reference watershed approach, which is to make allowances for natural sources of bacteria. Technically, a responsible party could be in compliance with the TMDL implementation plan even while experiencing an increase in the number of exceedances of the single-sample standard during dry years. However, the methods employed to meet the WLAs based on the critical wet-year will reduce exceedances during drier years as well. In addition, the antidegradation provision ensures that the number of allowable exceedances for a specified location can be no greater than the estimated number of exceedances for that location during the critical year. Another approach would be to set the allowable exceedances based on the actual number of wet-weather days for the year. The Regional Board will reconsider this approach 4 years after the effective date of the TMDL (Attachment A to the Tentative Resolution, Table 7-5.3).
4.9	<ul style="list-style-type: none"> Heal the Bay 	<ul style="list-style-type: none"> M. Taggart is cited as a source incorrectly for cat population size at Cabrillo Beach. 	<ul style="list-style-type: none"> Cabrillo Marine Aquarium staff is the correct citation for information regarding the cat population at Inner Cabrillo Beach and the Staff report will be updated

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4.10	<ul style="list-style-type: none"> • Heal the Bay 	<ul style="list-style-type: none"> • Openings in breakwater closer to the beach must be addressed as part of analysis of circulation options at Cabrillo Beach. Heal the Bay believes may be most likely to provide the necessary water quality benefits. 	<ul style="list-style-type: none"> • Openings in breakwater are included as a structural change to be studied and implemented if appropriate in implementation tier 3.
4.11	<ul style="list-style-type: none"> • Heal the Bay 	<ul style="list-style-type: none"> • Clean Beaches Initiative Project is further along than stated in TMDL and includes a dry weather diversion. 	<ul style="list-style-type: none"> • Staff concurs and the Staff Report will be updated.
4.12	<ul style="list-style-type: none"> • Heal the Bay 	<ul style="list-style-type: none"> • Why is Dominguez Channel ruled out as a significant source of bacteria to Main Ship Channel? More comprehensive discussion of study on bacterial densities in the Dominguez Channel is necessary. 	<ul style="list-style-type: none"> • A special study of the sources of bacteria in the Inner Harbor including the Dominguez Channel within the first two and a half years of the TMDL will provide the data necessary to better characterize the extent of contributions of the sources and to make decisions about precise implementation in the Inner Harbor and Main Ship Channel.
4.13	<ul style="list-style-type: none"> • Heal the Bay 	<ul style="list-style-type: none"> • Reference to Ocean Plan bacterial standards which do not apply to the San Pedro Bay. 	<ul style="list-style-type: none"> • This TMDL will bring the waters of Los Angeles Harbor in compliance with Basin Plan Standards which apply.
4.14	<ul style="list-style-type: none"> • Heal the Bay 	<ul style="list-style-type: none"> • Discussion of success of bird excluder device out of date, bird densities reduced but not to the 95% level stated in Staff Report. 	<ul style="list-style-type: none"> • Staff concurs that the bird density reductions may be less than 95% and the Staff Report will be updated to reflect this.
4.15	<ul style="list-style-type: none"> • Heal the Bay 	<ul style="list-style-type: none"> • The current velocity stated may be the maximum and not average – the low velocities demonstrate the need for improved water circulation at Cabrillo Beach. 	<ul style="list-style-type: none"> • Staff agrees that the water velocities are typically very low and the implementation plan includes, if BMPs and source control are inadequate to reach target numbers of exceedance days, structural or mechanical methods to improve circulation.
4.16	<ul style="list-style-type: none"> • Heal the Bay 	<ul style="list-style-type: none"> • The optimal wind conditions described, which could reduce contamination at beach, do not often occur at Cabrillo Beach. 	<ul style="list-style-type: none"> • Staff concurs and the Staff Report will be updated to reflect this.

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Comments Received on the Los Angeles Harbor Bacteria TMDL Staff Report, Tentative Resolution and Basin Plan Amendment

4.17	<ul style="list-style-type: none"> • Heal the Bay 	<ul style="list-style-type: none"> • Please clarify what the WLAs and LAs are for the Main Ship Channel and Inner Cabrillo Beach. Staff Report appears to be inconsistent on the number of allowable days of exceedances for wet weather and dry weather during winter. 	<ul style="list-style-type: none"> • The number of allowable exceedance days are as in Table 9.2 of the Staff Report (Table 7-11.2 of the Basin Plan Amendment). These are the total number of allowable exceedance days whether the allocation was a Waste Load Allocation (WLA) (point source) or a Load Allocation (LA) (non-point source).
4.18	<ul style="list-style-type: none"> • Heal the Bay 	<ul style="list-style-type: none"> • Support special study of Northern Cabrillo Beach due to heavy use during summer and beach should be monitored on a regular basis. 	<ul style="list-style-type: none"> • The special study regarding Northern Cabrillo Beach will provide information to determine the requirements for regular monitoring.
4.19	<ul style="list-style-type: none"> • Heal the Bay 	<ul style="list-style-type: none"> • The alternatives discussed on pages 55-57 [structural and mechanical alternatives to improve water circulation at Inner Cabrillo Beach] have a number of issues. 	<ul style="list-style-type: none"> • Staff agrees, the alternatives discussed do have many issues and would require a much greater technical analysis before an alternative could be selected.
4.20	<ul style="list-style-type: none"> • Heal the Bay 	<ul style="list-style-type: none"> • Have the City or County agreed to perform the required special studies. 	<ul style="list-style-type: none"> • City and County comments on this TMDL are included in Sections 1 and 2 of this table.
4.21	<ul style="list-style-type: none"> • Heal the Bay 	<ul style="list-style-type: none"> • Cost analysis should be strengthened. • Clean Beaches Initiative already provided 1.25 million to the Port of LA for Cabrillo Beach. • Also consider the economic benefits of cleaning up one of California’s most polluted Beaches. 	<ul style="list-style-type: none"> • Staff agrees that there are many economic benefits to a clean beach - greater economic activity and lower health costs. Tourism alone accounted for more than half the State of California’s \$17.3 billion ocean-related economic activity ((Trends in U.S. Coastal Regions 1970-1998, 1999) In addition, the economic value of beaches to local, state and federal government revenue is well established (The Fiscal Impact of Beaches in California, P. King, 1999) • The Implementation Plan took into account the actions and expenditure of the Clean Beaches Initiative; the costs estimated are for work remaining to be completed. Cost analysis will be updated in the Staff Report.

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5.1	<ul style="list-style-type: none"> U.S. EPA 	<ul style="list-style-type: none"> Further description of separation of northern and southern Inner Cabrillo Beach. 	<ul style="list-style-type: none"> The conventional division between the northern section of Cabrillo Beach (sometime referred to as the Youth Sports Camp Beach) and the southern or swimming beach, is the rock jetty. The southern part of the beach is swimming beach also used for the launch of small recreational watercraft. The first part of the northern beach encloses the small wetland re-created by the Port of Los Angeles and used by birds and also includes the beach in front of a Youth Sports Camp and is used for launch of small watercraft.
5.2	<ul style="list-style-type: none"> U.S. EPA 	<ul style="list-style-type: none"> Margin of safety section in the Staff Report is unclear, how is margin of safety provided? 	<ul style="list-style-type: none"> 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). This allows exceedances of single sample standards no more than 5% of the time where the Regional Board currently concludes that there is water quality impairment if more than 10% of the samples at a site exceed the single sample objectives.
6.1	<ul style="list-style-type: none"> City of Hawthorne 	<ul style="list-style-type: none"> The TMDL addresses potential bacterial sources such as birds and urban runoff but does not adequately address the possible discharge of bilge water from ships. 	<ul style="list-style-type: none"> At Inner Cabrillo Beach the data shows that the sources of bacteria to the beach are largely local i.e. contributions from other outer Harbor waters are small which would include any contribution from ships in the Harbor (see Staff Report Section 4.3). Data from the Inner Harbor and the Main Ship Channel indicate that storm drains are a large source of the contamination but this area is not as well characterized. A special study of the area will be conducted to more precisely assess the sources.
6.2	<ul style="list-style-type: none"> City of Hawthorne 	<ul style="list-style-type: none"> MSC use designations inappropriate – No water contact recreational use (swimming, wading, skin and scuba diving etc.) in the Main Ship Channel. 	<ul style="list-style-type: none"> See response 2.9.

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6.3	<ul style="list-style-type: none"> City of Hawthorne 	<ul style="list-style-type: none"> Since the Dominguez Channel will be subject to a bacterial TMDL the Dominguez Channel should be specifically excluded from regulation under this TMDL unless a linkage can be conclusively shown. 	<ul style="list-style-type: none"> A separate TMDL will be developed for bacteria contamination in the Dominguez Channel and the Regional Board does not intend to regulate Dominguez Channel discharges under this TMDL.
6.4	<ul style="list-style-type: none"> City of Hawthorne 	<ul style="list-style-type: none"> Recommend that separate TMDLs be developed for Cabrillo Beach and the Main Shipping Channel. 	<ul style="list-style-type: none"> Inner Cabrillo Beach and the Main Ship Channel are both part of the same body of water – the Los Angeles Harbor – and the consent decree between U.S. EPA and Heal the Bay <i>et al.</i> has combined these two impaired areas in one TMDL. However, the sources of bacteria to the two area appear to be different (Staff Report Section 4) so this TMDL has dealt with the two areas separately – separate source assessment, linkage analysis and implementation schedule.
6.5	<ul style="list-style-type: none"> City of Hawthorne 	<ul style="list-style-type: none"> This statement, on page 55, <i>...a thorough assessment of the effectiveness of the BMP's and the achievement of target numbers of exceedance days will be required to evaluate the necessity of actions in the third tier</i> is too vague and appears to leave an open-ended potential of additional requirements. 	<ul style="list-style-type: none"> The several types structural or mechanical actions which could be taken in the third tier are discussed at some length in the Staff Report. Staff cannot be too prescriptive however, and the City of Los Angeles should have sufficient flexibility to assess the degree of continuing contamination at that point to determine the most appropriate third tier actions.
6.6	<ul style="list-style-type: none"> City of Hawthorne 	<ul style="list-style-type: none"> Santa Monica Bay Beaches Bacterial TMDL allows a 10 or 18 year compliance strategy while this TMDL allows only 5 years. 	<ul style="list-style-type: none"> The 10 and 18 year compliance schedules in the Santa Monica Bay Beaches Bacterial TMDL are for wet weather – due to the complications of dealing with storm drains. The storm drain issue at Inner Cabrillo Beach has already been addressed by the City of Los Angeles and wet weather targets are already being met in the Main Ship Channel.

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6.7	<ul style="list-style-type: none"> City of Hawthorne 	<ul style="list-style-type: none"> The TMDL assigns primary responsibility to the City and County of Los Angeles, but also notes that MS4 discharges (cities) may ultimately be asked share responsibility. There is no mechanism for potential cost sharing proposed within the TMDL and therefore no opportunity to offer comments. 	<ul style="list-style-type: none"> The implementation of this TMDL will not require alteration of, or new requirements in the MS4 permit.
6.8	<ul style="list-style-type: none"> City of Hawthorne 	<ul style="list-style-type: none"> The Santa Monica Bay Beaches Bacterial TMDL exempts exceedances that are a result of a one-time sewer overflow / spills. This exemption does not appear to be included in this TMDL. 	<ul style="list-style-type: none"> There are no water reclamation plants which have requirements derived from this TMDL so the provision is unnecessary.
7.1	<ul style="list-style-type: none"> City of Lawndale 	<ul style="list-style-type: none"> Based on the public notice it appears that the TMDL will only deal with bacteria from “human-generated” sources. 	<ul style="list-style-type: none"> The TMDL is aimed at the protection of human health using the established bacterial standards which were developed based on human health effects. The notice emphasized these health based objectives. that are a focus of this TMDL. See comment 3.5 for a further discussion of human-generated bacteria and non human-generated bacteria.
7.2	<ul style="list-style-type: none"> City of Lawndale 	<ul style="list-style-type: none"> Based on the public notice it appears that the Dominguez Channel may be regulated by the “tributary rule.” 	<ul style="list-style-type: none"> See response 3.8.
7.3	<ul style="list-style-type: none"> City of Lawndale 	<ul style="list-style-type: none"> Based on the public notice, will the City of Lawndale be required to fund any of the BMPs and structural remedies? 	<ul style="list-style-type: none"> The responsible parties are identified in the TMDL.