

2004 Triennial Review Responsiveness Summary

No.	Commenter	Date	Comment	Response
1-1	City of Oxnard	August 10, '04	Clarification of the application of the Sources of Drinking Water Policy.	The Sources of Drinking Water Policy is a statewide policy; therefore, any clarification or modification of this policy should be handled at that level. An ongoing effort by the State and Regional Boards to determine the most appropriate approach(es) to address effluent and agriculturally dominated water bodies may focus in part on clarifying the application of the Sources of Drinking Water Policy to these waters. This effort is listed in the Triennial Review as Issue Number S-8, "Participate in Statewide Effort on Effluent Dominated Waters (EDW) Policy", and is one of the issues that Regional Board staff propose to address during this Triennial Review cycle (2005-2007).
1-2	City of Oxnard	August 10, '04	Justification for contact recreation (REC-1) beneficial use for Ormond Wetlands.	The national fishable/swimmable goal is central to the federal Clean Water Act. The Regional Board is responsible in large part for implementing the provisions of the Clean Water Act by establishing water quality standards in the Basin Plan and carrying out a program of implementation, outlined in the Basin Plan, to achieve the standards. As such, all surface waters in the region are designated with the contact recreation (i.e. swimmable) beneficial use unless a use attainability analysis has been performed per federal regulation to remove the use. Existing uses cannot be removed per 40 CFR 131.10(g). (Existing uses are those that existed as of November 28, 1975.) The Ormond Beach Wetlands are listed in Table 2-4 of the Basin Plan as having an Existing REC-1 use;

2004 Triennial Review Responsiveness Summary

No.	Commenter	Date	Comment	Response
				therefore the use cannot be removed.
1-3	City of Oxnard	August 10, '04	Clarification of the application of the Tributary Rule, especially as it relates to agricultural drainages and storm water conveyance systems.	Staff included an issue to clarify the applicability of the tributary rule (R-21) in the staff report and identified it as one of the highest priorities to address over the next three years.
1-4	City of Oxnard	August 10, '04	Appropriate beneficial uses for wet weather/dry weather flows in storm channels that exclude public access.	Staff has spent considerable time evaluating this issue over the past three years. Staff prepared, and the Regional Board adopted, a Basin Plan amendment to suspend the REC-1 beneficial use and associated bacteria objectives in engineered channels during wet weather conditions characterized by high flows and high velocity. At the time of preparation, necessary data was not available for Ventura County; therefore, the existing suspension only applies to select engineered channels in Los Angeles County. Staff included a similar issue for Ventura County in this Triennial Review (R-2). This issue was assigned a high priority and was ranked 14 th among the high priorities. Due to the number of competing high priorities and limited resources, staff is not proposing to address this in this Triennial Review cycle. However, staff does recognize that this should be addressed prior to development of bacteria TMDLs for engineered channels in Ventura County. Staff also included in this Triennial Review an issue to evaluate appropriate recreational beneficial use designations for engineered channels (R-5). However, based on the prioritization considerations used to evaluate each issue, this was not considered to be a high priority for this

2004 Triennial Review Responsiveness Summary

No.	Commenter	Date	Comment	Response
				Triennial Review cycle.
1-5	City of Oxnard	August 10, '04	AB411 exceedances related to natural phenomenon.	Broadening the application of the "natural sources exclusion" (R-13) was included in the list of basin planning issues. While assigned a medium priority, the Regional Board is actively funding and participating in research studies to refine the use of this approach in bacteria TMDLs as well as collect the necessary data and lay the groundwork for its application in other TMDLs for pollutants that are naturally occurring. This research and any subsequent Basin Plan amendments that are an outgrowth of this research are likely to address the City's concerns about exceedances of AB411 standards due to natural phenomenon. This item was assigned a medium priority in the staff report. Staff assigned this a medium priority, since the research necessary to support a Basin Plan amendment will be ongoing during the next three years, while a Basin Plan amendment will likely not be developed until the next Triennial Review cycle.
2-1	City of Signal Hill	August 16, '04	A comprehensive update to the Basin Plan is required in order to properly regulate the region's surface water quality.	The Basin Plan was adopted in conformance with applicable state and federal laws. As individual issues are identified where the Basin Plan requires updating because of changed circumstances, and revisions are permissible under applicable law, then the Regional Board will consider placing the individual issues on the Triennial Review workplan.
2-2	City of Signal Hill	August 16, '04	Cities have grown extremely concerned about the mounting regulatory and financial	The water quality standards contained in the Basin Plan and other prevailing standards such

2004 Triennial Review Responsiveness Summary

No.	Commenter	Date	Comment	Response
			burden of the Regional Board's application of the Basin Plan surface water quality standards and objectives to storm water and urban runoff.	as those in the California Toxics Rule (CTR) are applicable to all surface waters. Where surface waters are dominated by stormwater discharges, it is clear that these discharges must be controlled to achieve in-stream water quality standards. Where waterbodies are not achieving water quality standards, TMDLs must be developed, including allocations for stormwater, in order to attain water quality standards. Staff has spent a significant amount of time on related issues over the past three years, including the Basin Plan amendment to suspend the REC-1 use and associated bacteria objectives in engineered channels during wet weather conditions characterized by high flows and high velocity and a thorough use attainability analysis of the water contact recreational beneficial use of the upper reaches of Ballona Creek. Staff has also included a number of specific issues in this Triennial Review that are related to this comment. Those included in the <i>highest</i> priorities and which staff have proposed to address during this Triennial Review cycle include: 1) participating in a State/Regional Board effort to address effluent dominated waters (EDW) [S-8]; 2) clarifying applicability of the tributary rule [R-21]; 3) developing and overseeing a pilot project on tiered aquatic life uses [O-1]. In addition, staff included the following as high priorities: 1) evaluate and apply the high-flow suspension of the REC-1 use to engineered channels in Ventura County as appropriate [R-2] and 2) clarify the applicability

2004 Triennial Review Responsiveness Summary

No.	Commenter	Date	Comment	Response
				of CTR and the SIP to stormwater [R-22].
2-3	City of Signal Hill	August 16, '04	Concern that the board has changed its policy on receiving water limitations, now requiring that cities be in full compliance with water quality standards and numeric limits expressed in the TMDLs and the receiving water limits required by NPDES permits. The previous policy relied on use of BMPs that are consistent with the MEP standard.	This is not a specific suggestion relating to the Basin Plan, nor is it a correct statement of how municipal storm water permits operate. The development of requirements pertaining to receiving water limitations in municipal storm water permits are driven by the records supporting the permits, precedential decisions of the State Board, and applicable law. Further, staff notes that the municipal storm water permits do not yet contain permit requirements corresponding to the wasteload allocations established in the TMDLs. The Regional Board staff has previously noted that it intends to consider USEPA's guidance memorandum issued on November 22, 2002, concerning the incorporation of TMDLs into municipal storm water permits.
2-4	City of Signal Hill	August 16, '04	Full compliance in the near term with the Basin Plan standards and objectives may not be technically or economically feasible for the municipalities. The commenter refers to cost estimates by the County of Los Angeles, USC and California Department of Transportation.	The Regional Board recognizes that new, revised or newly interpreted water quality standards may require time before compliance can be achieved. To address this, the Regional Board adopted a Basin Plan amendment in 2003 to allow, when appropriate, compliance schedules of up to five years in permits for new, revised or newly interpreted standards. Additionally, the Regional Board is carefully considering through the TMDL process the amount of time needed to implement TMDLs and ultimately achieve water quality standards. The Regional Board is providing generous implementation schedules in many cases in

2004 Triennial Review Responsiveness Summary

No.	Commenter	Date	Comment	Response
				recognition of the challenges faced by municipalities as they implement TMDLs. Implementation schedules for the various TMDLs are also being coordinated to help dischargers maximize compatible solutions that address multiple TMDLs.
2-5	City of Signal Hill	August 16, '04	<p>The Regional Board should include a chapter in the Basin Plan devoted to the issues of urban runoff and storm water, that would include answers to the following:</p> <ol style="list-style-type: none"> 1. What strategy should be followed to comply with water quality standards and NPDES permit requirements? 2. How can the process be a stakeholder driven, problem solving approach in improving water quality? 3. How can we avoid becoming overwhelmed by enforcement and litigation? 4. How should the region pay for these water quality investments and how do we balance them with other community needs? 	This suggestion was also raised at the August 16, 2004 workshop. Staff has included as an issue in this Triennial Review to develop and compile existing information and regulatory requirements related to stormwater in one chapter of the Basin Plan. Staff views this as an administrative revision to the Basin Plan, meaning that no regulatory requirements would change, rather the information and regulatory requirements would simply be summarized in one place within the Basin Plan. The specific comments by the City go beyond the scope of the Triennial Review.
2-6	City of Signal Hill	August 16, '04	There is a concern about the Consent Decree driving the schedule for completion of the TMDLs.	This comment is not related to the Triennial Review. The US EPA, Region IX and the plaintiffs developed the Consent Decree and the schedule contained therein. While the Regional Board had input regarding the schedule, the Regional Board does not have the authority to change the TMDL schedule or pacing requirements contained in the Consent Decree.
2-7	City of Signal Hill	August 16, '04	The Basin Plan should discuss more of the	Comment noted. In many respects, the

2004 Triennial Review Responsiveness Summary

No.	Commenter	Date	Comment	Response
			limitations in the region for achieving the TMDLs and all the competing concerns.	comment is already addressed by existing practice. The difficulties implementing TMDLs vary by constituent. As individual TMDLs are developed and approved, the challenges facing the Regional Board and dischargers are discussed in detail as part of the problem statement. Ultimately, the TMDLs become part of the Basin Plan.
2-8	City of Signal Hill	August 16, '04	The Basin Plan's water quality standards do not properly incorporate Porter-Cologne Section 13200 and 13241 requirements to consider economics, housing, recycled water and the level of water quality that can be reasonably achieved through coordinated control of all factors. A detailed program of implementation should be provided (required by Section 13242 of Porter-Cologne).	It is incorrect to say that the water quality standards do not incorporate requirements to consider economics, housing, recycled water and the level of water quality that could reasonably be achieved, because neither water quality objectives nor water quality standards include those elements. Instead the comment concerns the procedural requirements for adopting water quality standards under state law. That is a prospective issue. To the extent the commenter is concerned about the historical adoption of water quality objectives, the State Office of Administrative Law approved the 1994 Basin Plan and has approved all subsequent amendments to the Basin Plan, verifying that all legal requirements have been met. None of the water quality objectives established by those amendments have been challenged judicially. However, staff has included an issue [S-10] on the list of basin planning priorities to develop explicit protocols for addressing the requirements of Porter Cologne sections 13200 and 13241 in order to increase the consistency with which these requirements are addressed

2004 Triennial Review Responsiveness Summary

No.	Commenter	Date	Comment	Response
				and improve the public's understanding of these requirements. While this was assigned a low priority at the regional level, the statewide Basin Planning Roundtable is discussing these requirements and is undertaking a project to make more explicit the requirements for considering economics, in particular, when adopting new or revised water quality standards.
2-9	City of Signal Hill	August 16, '04	The Basin Plan standards are based on old data ("decades-old") and a lack of sufficient monitoring data to assess the standard's effectiveness.	Staff has included a number of specific issues to revise water quality objectives as appropriate based on data collected using more precise methods, new statistical techniques, more recent and thorough research on the relationship between a pollutant and adverse effects, more comprehensive data, and local conditions among others. The fact that some water quality objectives are based on data that are "decades old" does not in itself invalidate the objectives. In many cases such as for mineral quality, objectives were set to protect the baseline conditions that existed at the time the Basin Plans were originally adopted (1974-75), so older data is often appropriate to use. In some of these situations, recent data (if water quality has declined) would be inappropriate to use and would potentially violate federal and state antidegradation requirements. When provided by the commenter, specific suggestions for revising water quality objectives with a clear explanation that justifies the request can be fully evaluated by staff and included if appropriate as issues on the list of basin planning priorities.

2004 Triennial Review Responsiveness Summary

No.	Commenter	Date	Comment	Response
2-10	City of Signal Hill	August 16, '04	The Basin Plan was never intended to regulate storm water from urban areas, construction sites or farming.	See response to 2-2. In addition, it is important to recall that under federal law water quality standards consist of two parts: designated uses and criteria sufficient to protect those designated uses. The source of the discharge generally is not relevant to establishing the water quality standard. Moreover, the Basin Plan has historically recognized these sources as sources of waste discharges. It is true, however, that as a result in changes in federal law, methods to control some of these discharges have been shifted to a new regulatory scheme.
2-11	City of Signal Hill	August 16, '04	Concrete lined, fenced, no access storm drains are designated as REC-1 areas.	See response to 1-4.
2-12	City of Signal Hill	August 16, '04	Standards disregard naturally occurring sources (natural sources of bacteria or turbidity) or natural conditions (dissolved oxygen, temperature, pH). Attainment requires the collection and treatment of urban runoff.	The Regional Board has spent considerable time and resources investigating natural sources of certain pollutants such as bacteria, nutrients and metals. The Regional Board in response adopted detailed implementation provisions for the region's bacteria objectives that under certain circumstances allow for some exceedances of the objectives where the exceedances are no more frequent than those that are observed in a "reference" system (i.e., a largely pristine, undeveloped area). The Regional Board also adopted an alternative implementation provision, the natural sources exclusion, for situations in which an appropriate reference system could not be identified for the target waterbody. Regional Board staff continues to actively participate in technical

2004 Triennial Review Responsiveness Summary

No.	Commenter	Date	Comment	Response
				committees that are overseeing research projects to collect the necessary data and develop appropriate methods for applying the reference system/antidegradation approach or “natural sources exclusion” approach in the context of TMDLs. Two issues on the list of basin planning priorities address this comment: 1) R-6, Evaluate how to determine “natural conditions” and deviations from natural conditions due to waste discharge when applying the pH, turbidity and temperature objectives and 2) R-13, Broaden application of the natural sources exclusion approach to other pollutants that may occur naturally in elevated concentrations. The first of these was considered a high priority and ranked 13 th , but due to the number of competing high priorities, staff does not propose to address this issue during this Triennial Review cycle. The second was considered a medium priority; however, staff is actively working on this issue. See response to 1-5.
2-13	City of Signal Hill	August 16, '04	California Toxic Rule is unreasonably applied to storm water.	See response to 2-2.
2-14	City of Signal Hill	August 16, '04	Beneficial uses should be based on “past, present and probable future beneficial uses of water” rather than on “potential.”	Staff has included as an issue for consideration “Reevaluation of Potential Uses” (S-3), which may address the commenter’s concern in part by considering how “potential” beneficial uses can be fully protected, while considering the possibility of regulatory flexibility in limited circumstances. The historical designation of “potential” uses is also consistent with state and

2004 Triennial Review Responsiveness Summary

No.	Commenter	Date	Comment	Response
				federal authority to designate probable uses. At times, the designation of potential uses is necessary to reflect the congressional goals established in Clean Water Act section 101.
2-15	City of Signal Hill	August 16, '04	Current water pollution control technologies will not allow us to impound and treat large volumes of storm water to the levels to meet standards.	This comment is not specifically related to the Triennial Review.
2-16	City of Signal Hill	August 16, '04	Water quality objectives should be defined in terms of frequency, duration and magnitude, and should expressly account for natural or ambient conditions, including seasonality and flow.	The Regional Board agrees that objectives should be defined in terms of magnitude, frequency and duration. Most numeric objectives in the Basin Plan contain these basic elements, although they are not always explicitly stated. Where the duration is not explicitly stated, the assumption is that it is an instantaneous standard. See also response to 2-12. Further, staff included in the Triennial Review an issue to develop a policy for addressing peak storm flows and whether objectives should apply to infrequent and/or substantial storm flows (R-14).
2-17	City of Signal Hill	August 16, '04	Consider whether certain beneficial use designations should reflect wet and dry period variability, particularly during storms.	See responses to 1-4 and 2-2.
2-18	City of Signal Hill	August 16, '04	Revise the tributary rule to account for limited duration storm water flows, hydrologic conductivity, co-mingling of non-storm flows, and exchange of aquatic life in order to properly apply downstream beneficial use designations to channel or stream locations.	See response to 1-3.
2-19	City of Signal Hill	August 16, '04	Develop provisions in the Basin Plan for regulating peak storm flows, including a	See responses to 1-4 and 2-2.

2004 Triennial Review Responsiveness Summary

No.	Commenter	Date	Comment	Response
			clear statement of the extent to which beneficial use designations and water quality objectives should apply to infrequent or substantial storm flows and implementation requirements.	
2-20	City of Signal Hill	August 16, '04	Revise objectives based on factors under Water Code Section 13241, including environmental characteristics of certain hydrographic units and the water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality, including economics and need for housing.	The Regional Board has considered the factors under Water Code section 13241 in its adoption of Basin Plan amendments. See also response to 2-8.
2-21	City of Signal Hill	August 16, '04	We are ready to assist the Board in efforts to update the Basin Plan in a comprehensive and complete manner, by helping to develop a detailed workplan and to identify the resources and procedures to move these efforts forward.	Comment noted. See also response to 2-1.
3-1	Executive Advisory Committee	Sept. 17, '04	Reconsider designated beneficial uses to be made for water bodies that will be included in upcoming TMDL studies. These designations were not made in accordance with federal or state water quality law. Inappropriate designations can cost implementing agencies billions of dollars.	The State Office of Administrative Law approved the 1994 Basin Plan and has approved all subsequent amendments to the Basin Plan, verifying that all legal requirements have been met. None of the standards, including beneficial uses, established by those amendments have been challenged judicially. However, staff has included several issues on the list of basin planning priorities that could address the commenter's concerns regarding some beneficial use designations. These include issue R-3, Evaluate individual beneficial use designations; S-3, Define potential uses more

2004 Triennial Review Responsiveness Summary

No.	Commenter	Date	Comment	Response
				specifically; R-2, Evaluate and apply high flow suspension of REC-1 use to engineered channels in Ventura County; and R-4, Evaluate appropriate recreational uses for engineered channels with limited public access, among others.
3-2	Executive Advisory Committee	Sept. 17, '04	Develop a new Basin Plan water category for storm and flood control channels. Evidence exists that storm and flood control waters were specifically excluded from plan considerations. During subsequent revisions this exclusion was lost and the current Basin Plan is used to justify issues for which it never intended to apply. Federal regulations indicate that different compliance standards should apply to storm and non-stormwater discharges.	See response to 2-2.
3-3	Executive Advisory Committee	Sept. 17, '04	The EAC is willing to partner with the Board to complete this critical work, or take responsibility for completing the work under the Board's supervision.	Comment noted.
4-1	County of Los Angeles – Department of Public Works	Sept. 22, '04	The candidate amendment, "clarify the applicability of CTR criteria and SIP to stormwater discharges," should be raised to a high priority.	This issue has been identified as a high priority and is ranked 18 th among the high priority issues. While the Basin Planning Program does not have sufficient resources to address this issue over the next three years, it must be considered in upcoming metals TMDLs. The CTR applies to instream water quality and when instream flows are primarily comprised of stormwater discharges, it is clear that these discharges will have to be controlled to achieve instream water quality objectives. The SIP does

2004 Triennial Review Responsiveness Summary

No.	Commenter	Date	Comment	Response
				not apply to stormwater discharges. However, through the TMDL implementation plans, the Regional Board will discuss how permits will be written to meet instream CTR criteria using other available guidance and regulatory tools. Because the metals TMDLs will be adopted as Basin Plan amendments with ample opportunity for public comment, the TMDL Program will likely address this issue within the next three years.
4-2	County of Los Angeles – Department of Public Works	Sept. 22, '04	The candidate amendment, "broaden application of "natural sources exclusion" used in bacterial TMDLs to other naturally occurring constituents, e.g. arsenic and selenium, based on results of SCCWRP natural loadings study," should be raised to a high priority.	This issue (R-13) was identified as a medium priority because staff does not expect to prepare a Basin Plan amendment in the next three years. However, staff is actively participating in technically committees overseeing research that will lay the groundwork for future Basin Plan amendments. Staff participation in these committees will continue during the next three years.
4-3	County of Los Angeles – Department of Public Works	Sept. 22, '04	The candidate amendment, "develop guidance on incorporation of TMDL requirements into permits", should be raised to a high priority.	While this issue was identified as a high priority, due to the number of competing high priorities it was ranked 20 th and, therefore, due to limited resources cannot be addressed by Basin Planning staff over the next three years.
4-4	County of Los Angeles – Department of Public Works	Sept. 22, '04	The candidate amendment, "develop a narrative objective for emerging chemicals such as MTBE", should be lowered to a medium priority.	Staff disagrees. It is critical to monitor and regulate emerging chemicals early so as to avoid widespread environmental damage such as that caused by MTBE to the region's groundwater. Staff has combined this issue with the issue of developing a general policy for interpreting narrative objectives (R-5) and has identified it as one of the highest priorities to be

2004 Triennial Review Responsiveness Summary

No.	Commenter	Date	Comment	Response
				addressed over the next three years.
5-1	Western States Petroleum Association	October 6, '04	<p>Further studies are needed with respect to TMDLs under development. Some of these studies are:</p> <ul style="list-style-type: none"> ▪ evaluation of storm water monitoring methodologies and development of guidance for monitoring and assessment of data ▪ development of guidance for assessment of BMP effectiveness ▪ further monitoring studies for smaller NPDES stormwater discharges to better assess appropriate allocations ▪ evaluation of acute water quality objective criteria for storm conditions ▪ evaluation of natural sources and the applicability of "natural sources exclusion" used in bacterial TMDLs to other naturally occurring constituents. 	<p>The first three bullets refer to special studies, which are not directly related to the Triennial Review. Some of these studies are already underway, including a study on BMP effectiveness funded by the Regional Board and a project to develop model monitoring programs. The fourth bullet is addressed in the responses to 1-4 and 2-2, while the fifth bullet is addressed in the response to 2-12.</p>
5-2	Western States Petroleum Association	October 6, '04	The Regional Board should work with the State Water Resources Control Board to develop a statewide policy for storm water management (high priority).	The Regional Board's Stormwater Program staff has been working with the State Board on this issue. While this issue was included in the list of basin planning priorities (S-9), it is being handled by Stormwater Program staff and therefore does not require Basin Planning Program resources.
5-3	Western States	October 6, '04	Developing guidance on incorporation of	See response to 4-3.

2004 Triennial Review Responsiveness Summary

No.	Commenter	Date	Comment	Response
	Petroleum Association		TMDL requirements into permits should be a high priority.	
5-4	Western States Petroleum Association	October 6, '04	Broadening the application of "natural sources exclusion" used in the bacterial TMDL to other naturally occurring constituents, e.g. arsenic and selenium should be a high priority. This should also include other metals, such as copper, nickel and zinc.	See response to 4-2.
5-5	Western States Petroleum Association	October 6, '04	The Board should characterize storms, including storm variability and storm discharges. This would be helpful in identifying effective management measures to reduce or control stormwater discharges.	Comment noted. While not directly related to the Triennial Review, the Regional Board has been funding various studies to characterize the quality and variability of stormwater runoff from different land uses to help identify effective management measures to implement TMDLs and achieve water quality standards.
5-6	Western States Petroleum Association	October 6, '04	It would be helpful for the Board to develop a model for looking at air deposition of pollutants. Air deposition is important to consider when looking at progress toward a TMDL.	The Regional Board along with other agencies has funded research and modeling through SCCWRP and UCLA on direct and indirect aerial deposition of pollutants to waterbodies in the region.
5-7	Western States Petroleum Association	October 6, '04	WSPA recommends that the Board develops an integrated plan showing priority, deadline and labor required (PY) for each proposed amendment, allowing the public to see how the issues fit within the staff resources to do the work.	Prioritization of the basin planning issues and estimation of the staff resources needed to address each issue was included in the Staff Report.
6-1	Stakeholders of the Calleguas	October 7, '04	Their one priority is on the evaluation of the appropriate averaging period(s) for mineral	Staff included this issue (O-4) as an ongoing project in the Staff Report. Ongoing projects are

2004 Triennial Review Responsiveness Summary

No.	Commenter	Date	Comment	Response
	Creek Watershed		quality objectives. They have included this work under their own work plans. They would like any Board effort to be done in conjunction with their analysis. They would like to have averaging periods developed for TDS, sulfate, chloride, boron, nitrogen and SAR (sodium absorption ratio).	those in which staff has already invested significant resources and, therefore, is committed to completing during the next three years. However, staff does not believe it is appropriate to address nitrogen in the same manner as the mineral objectives. Nitrogen and nutrient objectives in general will be handled as a separate issue when the Board looks at developing nutrient objectives (see S-4) and nutrient TMDLs.
7-1	City of Los Angeles (Department of Public Works, Bureau of Sanitation)	October 7, '04	The Regional Board should assign additional resources to assist in the development of Basin Plan amendments to address these significant issues.	Comment noted.
7-2	City of Los Angeles (Department of Public Works, Bureau of Sanitation)	October 7, '04	The City of Los Angeles identified three issues of greatest importance to them: 1. Translation of narrative water quality objectives into numeric limits. 2. Chlorides. 3. Evaluation of the appropriate averaging period(s) for mineral quality objectives.	Comment noted and details addressed below in response to 7-3, 7-4 and 7-5.
7-3	City of Los Angeles (Department of Public Works, Bureau of Sanitation)	October 7, '04	In the top three priorities for the City, is the translation of narrative water quality objectives into numeric limits. This combines 2 of the items into 1 – consider developing a regional policy on interpreting narrative toxicity objectives and develop a general policy for interpreting narrative objectives. In accordance with 40 CFR § 131.11(a)(2),	Staff included these two issues – developing a general policy for interpreting narrative objectives (R-5) and interpreting narrative toxicity objectives (S-7) – among the highest priorities to address over the next three years. These issues were ranked 2 nd and 3 rd , respectively, among the high priorities.

2004 Triennial Review Responsiveness Summary

No.	Commenter	Date	Comment	Response
			adopt an amendment stating how the Board intends to translate the narrative objective into numeric permit limits. This translation methodology should be transparent to the public and regulated community. Narrative objectives that need numeric translation are the biostimulatory, toxicity, pesticide and chemical objectives.	
7-4	City of Los Angeles (Department of Public Works, Bureau of Sanitation)	October 7, '04	One of the top three priorities for the City, the City requests consideration of a resolution to raise the chloride objectives for receiving waters. The Title 22 standards for potable water used for irrigation specify chloride levels of 250-500 mg/l. In dry years the City must import water from the State Water Project, where chloride concentrations can exceed the groundwater recharge standards. Water conservation efforts increase the mineral content of wastewater, making it difficult to both conserve and abide by objectives.	This issue was added to the list of basin planning priorities in response to this comment (see Issue Number R-26) and was assigned a high priority. However, when evaluating this issue, staff must carefully consider the water quality necessary to fully protect other beneficial uses of the water as well as antidegradation requirements.
7-5	City of Los Angeles (Department of Public Works, Bureau of Sanitation)	October 7, '04	One of the three top priorities for the City, the City requests that appropriate averaging period(s) be evaluated for mineral quality objectives (including TDS, sulfate, chloride, boron, nitrogen (nitrate and nitrite) and SAR (sodium absorption ratio). The appropriate averaging period for dissolved oxygen should also be evaluated as part of this amendment. In the interim, the averaging period that was used in Basin Plans prior to	See response to 6-1.

2004 Triennial Review Responsiveness Summary

No.	Commenter	Date	Comment	Response
			1994 should be adopted immediately.	
7-6	City of Los Angeles (Department of Public Works, Bureau of Sanitation)	October 7, '04	A high priority for the City, though not in the top three, is to evaluate what hardness value(s) should be used in the calculation of permit limits (or TMDLs) for hardness dependent metals.	Staff identified this issue (R-8) as one of the top priorities to be addressed over the next three years, ranking it 7 th among the high priorities.
7-7	City of Los Angeles (Department of Public Works, Bureau of Sanitation)	October 7, '04	A high priority for the City, though not in the top three, is to work with the SWRCB, and other stakeholders to evaluate the need for and to potentially develop a policy for how to address effluent dominated/dependent waterways. Until such a policy is developed the City recommends that a performance-based permit limit be applied instead of water quality based limit.	Staff identified participating in a statewide effort on effluent dominated waters (EDWs) as one of the highest priorities for the next three years, ranking it 11 th among the high priorities.
7-8	City of Los Angeles (Department of Public Works, Bureau of Sanitation)	October 7, '04	A high priority for the City, though not in the top three, is to update the maps in the Basin Plan. In addition to the work that the Board staff has outlined for the map updates, the City would like the board to update the maps to accurately identify designated and existing uses, remove uses that are not existing, and to connect the beneficial uses with their corresponding criteria.	Staff included updating the maps in the Basin Plan (R-1) among the highest priorities to address over the next three years, ranking it 6 th among the high priorities. Staff also included other issues related to the City's comment on the list of basin planning priorities, including R-3 and R-4, though they were not ranked among the highest priorities. Due to the large number of competing high priority issues and limited staff available to address these issues, not all high priority issues could be proposed for completion from 2005-2007.
7-9	City of Los Angeles (Department of Public Works,	October 7, '04	A high priority for the City, though not in the top three, is to develop guidance on incorporation of TMDL requirements into permits. There is significant uncertainty as	See response to 4-3.

2004 Triennial Review Responsiveness Summary

No.	Commenter	Date	Comment	Response
	Bureau of Sanitation)		to how TMDL requirements will be translated into permits. Since TMDL staff develops the TMDLs and different staff (permitting staff) must implement the TMDLs, it is important that there is clear guidance for permitting staff so that the implementation of the TMDLs is reflective of the intent of the TMDLs.	
7-10	City of Los Angeles (Department of Public Works, Bureau of Sanitation)	October 7, '04	A high priority for the City, though not in the top three, is the development of interim effluent limits and provide guidance on how to set performance-based limits when there is inadequate data to determine reasonable potential, to calculate effluent limits, or while a TMDL is being developed. The City prefers the method of using the mean plus three standard deviations (99.7 th percentile) of performance used by Region 2.	This was added to the staff report for evaluation as "Interim Effluent Limits" (R-30). Staff identified this issue as a medium priority based on the prioritization considerations used to evaluate each issue included in the Triennial Review.
7-11	City of Los Angeles (Department of Public Works, Bureau of Sanitation)	October 7, '04	A high priority for the City, though not in the top three, is to broaden the use of the "natural sources exclusion" used in bacterial TMDLs to other naturally occurring constituents, e.g. arsenic and selenium, so that dischargers would not be tasked with cleaning up pollutants whose source is natural. The City requests that salts be added to the list of excluded constituents.	See response to 1-5.
7-12	City of Los Angeles (Department of Public Works, Bureau of	October 7, '04	A high priority for the City, though not in the top three, is to adopt three different waiver policies: a) A variance policy or general permit for short-term discharges with no	As suggested, staff separated this issue into three individual issues – R-27, R-28, and R-31. The issue regarding groundwater dewatering (R-27) was assigned a high priority, while the issues regarding short-term discharges (R-28)

2004 Triennial Review Responsiveness Summary

No.	Commenter	Date	Comment	Response
	Sanitation)		<p>significant potential environmental impacts.</p> <p>b) A groundwater de-watering policy particularly for construction projects where water could be returned to its groundwater of origin.</p> <p>c) Categorical waiver policies as appropriate, e.g. agricultural waiver, green waste waiver, etc.</p> <p>The City recommends these be separated out into different amendments due to their perception that each will require significant staff resources.</p>	and categorical waivers (R-31) were each assigned medium priorities. While these are worthwhile policies to consider, staff could not recommend them for completion during the 2005-2007 period due to the many other higher ranked issues.
7-13	City of Los Angeles (Department of Public Works, Bureau of Sanitation)	October 7, '04	A high priority for the City, though not in the top three, is that the Board <u>not</u> reference the Title 22 drinking water standards. The City considers the use of MCLs for receiving water only where conventional drinking water treatment systems cannot reasonably control the constituents of concern.	The Title 22 standards are approved water quality objectives for waters designated with the Municipal and Domestic Supply (MUN) beneficial use in the Basin Plan. The Basin Plan incorporates a prospective reference to the Title 22 standards, meaning that future changes are included as the changes take effect. There have been a number of changes to Title 22 standards since adoption of the 1994 Basin Plan. Therefore, staff included this administrative update on the list of basin planning issues, but did not identify it as a high priority due to the number of other substantive basin planning priorities identified during this Triennial Review and the limited Basin Planning Program resources available.
7-14	City of Los Angeles (Department of	October 7, '04	A high priority for the City, though not in the top three, is that the Board work with State and Federal agencies to reduce pollutants	See response to 5-16.

2004 Triennial Review Responsiveness Summary

No.	Commenter	Date	Comment	Response
	Public Works, Bureau of Sanitation)		in water bodies caused by air deposition. The City states that air deposition effects TMDLs.	
7-15	City of Los Angeles (Department of Public Works, Bureau of Sanitation)	October 7, '04	A high priority for the City, though not in the top three, is that the board should comply with various sections of the Water Code when adopting water quality objectives. These include: a) §1313(c)(1) to review at least once every three years all applicable water quality standards (uses and criteria), modify existing standards and adopt new standards. b) §13241 analysis (factors to be considered when establishing objectives). c) §13050(j)(1)-(3) (requires an implementation program) d) §13242 (some required contents of an implementation program).	The Regional Board has fulfilled the requirements of the Water Code enumerated by the City. The current Triennial Review and supporting documents meet the requirements of section 1313(c)(1). See also response to 2-8.
8-1	Coalition of Regulated Agencies ¹	July 3, 2003	Explicit protocols should be developed to ensure that Porter Cologne §13000 and 13241 factors are applied in assessing existing and future basin plan water quality standards.	See response to 2-8.
8-2	Coalition of Regulated Agencies	July 3, 2003	Implementation programs for water quality standards should be developed that are consistent with § 13242 requirements.	Consistent with section 13242 of the Water Code, the Basin Plan includes various programs intended to implement water quality standards.

¹ For simplicity, Regional Board staff has identified the following agencies as the "Coalition of Regulated Agencies". This group includes the following: Los Angeles County, Department of Public Works; City of Signal Hill; Executive Advisory Committee, Los Angeles County NPDES Stormwater Permit; Western States Petroleum Association; Sanitation Districts of Los Angeles County; Construction Industry Coalition on Water Quality; and Los Angeles/Orange Counties Building and Construction Trades Council.

2004 Triennial Review Responsiveness Summary

No.	Commenter	Date	Comment	Response
				These are described in detail in Chapter 4 of the Basin Plan.
8-3	Coalition of Regulated Agencies	July 3, 2003	Clear, rational criteria should be developed for creating and applying beneficial use designations, including the revision of current Basin Plan 'potential use' designations. These criteria should direct the completion of use attainability analyses (UAAs) as necessary to support seasonal and/or tiered use designations.	See response to 2-14. Additionally, staff has included as an ongoing project (O-1) a pilot study on the applicability of tiered aquatic life uses to the coastal, semi-arid streams in the Los Angeles Region.
8-4	Coalition of Regulated Agencies	July 3, 2003	Water quality objectives should include components of frequency, duration, and magnitude and should account for natural/ambient conditions including seasonality and flow. Translators should be developed for narrative standards to indicate how these criteria will be interpreted for use in permits and other regulations.	See response to 2-16.
8-5	Coalition of Regulated Agencies	July 3, 2003	Assess the appropriateness of the REC-1 and REC-2 beneficial uses, particularly in highly urbanized areas dominated by 'artificial' drainage channels.	See response to 2-11.
8-6	Coalition of Regulated Agencies	July 3, 2003	Consider whether certain beneficial use designations should reflect wet and dry period variability, particularly during storm flow conditions.	See response to comment 2-17.
8-7	Coalition of Regulated Agencies	July 3, 2003	Consider the appropriateness of beneficial use designations for flood control channels and effluent-dominated waters. Consider either a new water body category or beneficial use designation for these waters.	See responses to 1-4, 2-2 and 7-7.

2004 Triennial Review Responsiveness Summary

No.	Commenter	Date	Comment	Response
8-8	Coalition of Regulated Agencies	July 3, 2003	Develop guidelines to address how the Regional Board will determine dilution factors and assimilative capacity.	This issue was included in the staff report as "Clarify Mixing Zones" (R-25) and was assigned a high priority by staff. However, due to the number of competing high priorities and limited resources, staff could not propose this as an issue to address over the next three years.
8-9	Coalition of Regulated Agencies	July 3, 2003	Consider whether bacteria water quality objectives should be revised to account for non-human ambient loads, to optimize health and ecological risk attenuation, and to reflect wet and dry period variability.	See response to 2-17.
8-10	Coalition of Regulated Agencies	July 3, 2003	Revise the tributary rule to account for limited duration stormwater flows, hydrologic connectivity, co-mingling of non-storm flows, and exchange of aquatic life required to apply downstream beneficial use designations to upstream locations.	See response to 1-3.
8-11	Coalition of Regulated Agencies	July 3, 2003	Develop a policy for addressing peak storm flows and whether objectives should apply to infrequent and/or substantial storm flows.	See response to 2-2.
8-12	Coalition of Regulated Agencies	July 3, 2003	Develop a method for interpreting water quality objectives that relate to "natural conditions," such as temperature and pH.	See response to 2-12.
8-13	Coalition of Regulated Agencies	July 3, 2003	Revise narrative objectives for sediment to reflect ambient and natural sediment loads and the beneficial role that transported sediment plays in beach nourishment/shoreline erosion control.	The narrative objective states that waters shall not contain solid, suspended or settleable materials that cause nuisance or adversely affect beneficial uses. In determining whether sediment is causing a nuisance or adversely affecting beneficial uses, staff considers natural sediment loads.
8-14	Coalition of Regulated	July 3, 2003	Provide guidance as to why and how CTR should be applied to stormwater flows or	See response to 2-2.

2004 Triennial Review Responsiveness Summary

No.	Commenter	Date	Comment	Response
	Agencies		other seasonably variable factors.	
8-15	Coalition of Regulated Agencies	July 3, 2003	Revise mineral objectives using appropriate background data and averaging periods, considering the beneficial uses to be protected.	See response to 6-1.
8-16	Coalition of Regulated Agencies	July 3, 2003	Develop site-specific objectives for chloride, cyanide for CTR human health criteria, and copper and metals using the water effects ratio analysis.	This was evaluated in the staff report as three separate issues, one for chloride (R-26, assigned a high priority), one for copper (O-3, identified as an ongoing project), and one for cyanide and metals (R-12, assigned a medium priority). Due to limited resources and the number of competing high priorities, staff only proposes to address O-3 during this Triennial Review cycle.