

TENTATIVE RESOLUTIONS TO SUPPORT THE EFFORTS OF JURISDICTIONAL GROUPS 2 AND 3 TO ACHIEVE THE SANTA MONICA BAY BEACHES WET WEATHER BACTERIA TMDL USING AN INTEGRATED WATER RESOURCES APPROACH
RESPONSIVENESS SUMMARY FOR COMMENTS RECEIVED BY MARCH 20, 2006

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

Comment #	Commenter	Date Received
1	Heal the Bay	3/20/06
2	Rex Frankel, Ballona Ecosystem Education Project	3/20/06

Note: The comment # above corresponds to the first number in the Comment Number field in Table 2.

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	Heal the Bay has significant concerns with regard to the sufficiency of these Draft Plans to meet the goals and expectations of an IWRP approach ... the Regional Board should not grant the jurisdictions another 8 years for implementation under the TMDL. Heal the Bay is ... concerned that the Draft Plans fail to demonstrate any technical quantitative nexus between the BMPs proposed and actual attainment of TMDL.	<p>Regional Board staff has addressed these concerns by adding three new "Resolves" to the tentative resolutions to encourage responsible jurisdictions and agencies to submit quantifiable estimates of the integrated water resources benefits of the proposed projects as well as quantitative objectives and estimates of the water quality benefits of the proposed projects. This information must be submitted to the Regional Board within 9 months to allow sufficient time for staff analyses prior to the Board's reassessment of the TMDL, scheduled for July 2007. These estimates will provide the necessary information to demonstrate (1) the proposed plans will meet the interim and final WLAs and (2) the proposed actions will result in additional benefits enumerated in the definition of an integrated water resources approach contained in the TMDL.</p> <p>The Regional Board will not make a final decision to grant a longer implementation schedule (beyond 10 years and up to 18 years from the effective date of the TMDL) until the TMDL is reconsidered in 2007. Prior to the re-consideration of the TMDL, the Regional Board will carefully evaluate the estimates described above for each Jurisdictional Group.</p>	Yes	Tentative Resolution (strikeout version), see new Resolves 5, 6 and 7

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1.2	<p>The Draft Plans do not meet the basic definition for an Integrated Water Resources Planning approach as defined in the TMDL. The Draft Plans should be revised to incorporate quantitative objectives for other water resource benefits and for other pollutant reductions. Without these minimum improvements, an additional 8 years should not be granted for implementation under the TMDL.</p>	<p>Regional Board staff concluded that the Implementation Plan meets the definition of an IWR approach at a conceptual level. At a broad scale, responsible jurisdictions and agencies proposed a combination of institutional solutions and structural BMPs. While institutional solutions focus on controlling sources of bacteria specifically, many of the proposed structural BMPs are focused on capturing, eliminating or reducing runoff at multiple points throughout subwatersheds, thereby addressing multiple pollutants rather than solely bacteria. Additionally, some of the proposed BMPs would capture runoff that would then be available for a source of non-potable water supply.</p> <p>Regional Board staff has added new Resolves to the tentative resolution to clarify the type of quantifiable estimates needed prior to the reconsideration of the TMDL to clearly demonstrate that an integrated water resources approach is being pursued and will convey significant additional water resources benefits.</p>	Yes	Tentative Resolution (strikeout version), revisions to Resolves 2 and 4, and addition of new Resolves 5 and 6.
1.3	<p>The Draft Plans fail to demonstrate that the proposed BMPs and Projects will actually meet the numeric targets of the TMDL.</p>	<p>Due to the iterative, adaptive approach outlined in the Implementation Plan, it is impossible to identify the final suite of proposed actions that will be employed to meet the final WLAs. However, Regional Board staff does agree that it is critical to identify quantitative objectives that will need to be achieved to meet interim and final WLAs. Furthermore, staff agrees that quantitative estimates of the water quality benefits of proposed projects to meet the first and second interim compliance deadlines, and later ones on an iterative basis, are important to provide assurance that agencies are on track to meet</p>	Yes	Tentative Resolution (strikeout version), addition of Resolves 5 and 7

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		TMDL compliance targets.		
1.4	The Draft Plan for Jurisdictional Groups 1 and 4 fails to adequately address septic tanks.	The comment is not related to the Implementation Plan for Jurisdictional Groups 2 and 3, but is addressed in the Responsiveness Summary for Jurisdictional Groups 1 and 4.	No	
1.5	The 1-4 Draft Plan fails to adequately address additional non-point sources: agriculture and golf courses.	The comment is not related to the Implementation Plan for Jurisdictional Groups 2 and 3, but is addressed in the Responsiveness Summary for Jurisdictional Groups 1 and 4.	No	
1.6	The [Marina del Rey] implementation plan should be less focused on education and investigation, and more focused on structural BMPs and institutional controls such as new ordinances and enforcement.	The comment is not related to the Implementation Plan for Jurisdictional Groups 2 and 3, but is addressed in the Responsiveness Summary for the Marina del Rey Implementation Plan.	No	
1.7	The MDR plan does not provide a mechanism to reduce pollutant loads associated from runoff sheet flow, the 700 drains, and compliance assurance programs for restaurants, boats and illicit connections and illegal discharges.	The comment is not related to the Implementation Plan for Jurisdictional Groups 2 and 3, but is addressed in the Responsiveness Summary for the Marina del Rey Implementation Plan.	No	
1.8	The MDR plan does not provide any information on what areas in the watershed are appropriate for implementation versus those sites that are more appropriate for treatment BMPs because of high groundwater. Also, the plan does not include any commitment to runoff reuse in the watershed.	The comment is not related to the Implementation Plan for Jurisdictional Groups 2 and 3, but is addressed in the Responsiveness Summary for the Marina del Rey Implementation Plan.	No	
2.1	The Water Board should reject the proposed SMB Beaches Bacteria TMDL Implementation Plan for jurisdictional areas 2 and 3 because it is infeasible and does not comply with the goals of the 18 year integrated water resources approach. The Board should declare that the Plan is not a good-faith effort to comply with the 18 year timetable and instead mandate that the original 10 year compliance timetable be reinstated along with immediate consideration of	The Regional Board will not make a final decision to grant a longer implementation schedule (beyond 10 years and up to 18 years from the effective date of the TMDL) until the TMDL is reconsidered in 2007. Prior to the reconsideration of the TMDL, the Regional Board will carefully evaluate additional information submitted by responsible jurisdictions and agencies including quantifiable estimates of the integrated water resources benefits as well as	Yes	Tentative Resolution (strikeout version), new Resolves 5, 6 and 7

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	major structural treatment plants.	quantitative objectives and estimates of the water quality benefits of the proposed actions. These estimates will provide the necessary information to demonstrate (1) the proposed plans will meet the interim and final WLAs and (2) the proposed actions will result in additional benefits enumerated in the definition of an integrated water resources approach contained in the TMDL.		
2.2	The plan's 25 major subregional structural components for local capture and reuse ... capture an extremely small amount of the total "target" runoff goal.	See response to comment 2.1.	Yes	Tentative Resolution (strikeout version), new Resolves 5, 6 and 7
2.3	Natural solutions which expand the acreage of parks and restore natural wetlands are not in this plan. This violates the TMDL IWRA goals of "environmental justice; parks, greenways and open space; and active and passive recreational and environmental education opportunities."	An integrated water resources approach is defined in the TMDL 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; focuses on beneficial re-use of storm water, including groundwater infiltration, at multiple points throughout a watershed; and addresses multiple pollutants for which Santa Monica Bay or its watershed are listed on the CWA section 303(d) List as impaired." The TMDL also anticipates, but does not require, that an IWR approach "will incorporate and enhance other public goals. These may include, but are not limited to, water supply, recycling and storage; environmental justice; parks, greenways and open space; and active and passive recreational and environmental education opportunities." (Wet Weather TMDL, Table 7-4.4, footnote 4)		

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		See also response to comment 2.1.		
2.4	The chosen approach for the next seven years is to use only institutional and small-scale subregional approaches for managing this huge amount of water that will in fact manage only a very small amount of the next seven-years' goal.	The iterative, adaptive approach to implementation is consistent with the philosophy behind the Wet Weather TMDL. Given the uncertainties of an integrated approach, the agencies are proposing to implement pilot and small scale BMPs initially to assess their effectiveness and then implement the most effective solutions throughout the jurisdictional area.	Yes	Tentative Resolution (strikeout version), addition of Resolves 5 and 7
		See response to comment 1.3.		
2.5	These [larger structural projects on public facilities] do not lead to an increased amount of parkland; at least one project would remove existing recreational uses and replace that with an industrialized stormwater treatment wetlands. This hardly seems in compliance with the IWRA goals.	The integrated water resources approach does not require the creation of new parkland or recreational uses. See also response to comment 2.3.	No	
2.6	For the sites they have proposed for two of three treatment plants, they are likely infeasible.	During adoption of the Wet Weather TMDL, the Regional Board strongly encouraged the use of an integrated water resources approach to implementation. This was also the approach preferred by the responsible jurisdictions and agencies in Jurisdictional Groups 2 and 3. Furthermore, Jurisdictional Groups 2 and 3 held four stakeholder workshops during the development of the Implementation Plan and found that stakeholders also preferred an integrated water resources approach rather than end-of-the-pipe treatment plants. As a result, agencies have postponed full feasibility studies for treatment plants. Siting considerations would likely be addressed in such studies.	No	
		The tentative resolution does direct responsible		

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		jurisdictions and agencies to begin feasibility studies and planning for regional solutions to managing wet weather runoff and bacteria loading early in the implementation schedule (prior to 2013) to ensure sufficient time to redirect implementation activities if necessary to include regional solutions and still achieve the final compliance deadline.		
2.7	It is unfortunate that the Playa Vista site is only mentioned one a single page and yet no reason is given for the lack of analysis of this site as a regional solution.	See response to comment 2.6.	No	