



California Regional Water Quality Control Board Los Angeles Region



Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

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Arnold Schwarzenegger
Governor

May 6, 2005

Ms. Rita Robinson, Director
Bureau of Sanitation
City of Los Angeles
433 S. Spring Street
Los Angeles, California 90013

COMMENTS ON DRAFT SANTA MONICA BAY BEACHES BACTERIA TOTAL MAXIMUM DAILY LOAD IMPLEMENTATION PLAN FOR JURISDICTIONAL GROUPS 2 AND 3 SUBMITTED ON MARCH 15, 2005

Dear Ms. Robinson,

The Los Angeles Water Board (Water Board) commends the Bureau of Sanitation, Department of Public Works of the City of Los Angeles (City) along with the Cities of Santa Monica and El Segundo, the County of Los Angeles, and the California Department of Transportation (Caltrans)¹ ("agencies") on the draft Implementation Plan (draft I-Plan) submitted to the Water Board on March 15, 2005. The draft I-Plan for the seven subwatersheds² in Jurisdictional Groups 2 and 3 is an excellent step towards outlining a plan of action for improving water quality at the region's world class beaches along Santa Monica Bay.

The Water Board also applauds the efforts of the agencies to solicit the input of stakeholders and the public throughout the development of the draft I-Plan. The Water Board recognizes that the support of local residents and stakeholders is important to the successful implementation of the plan.

The following letter contains the comments of the Water Board on the draft I-Plan dated March 15, 2005. Many of these comments were previously conveyed to the agencies during meetings held at the Water Board on April 4th and April 14th to discuss the draft I-Plan.

¹ Collectively referred to as Jurisdictional Groups 2 and 3 in the TMDL.

² Castle Rock, Santa Ynez Canyon, Pulga Canyon, Santa Monica Canyon, Santa Monica, Venice Beach, and Dockweiler.

Background

Submittal of implementation plans was a requirement of the Wet Weather TMDL. The final wet weather implementation schedules for each Jurisdictional Group³ will be determined on the basis of these implementation plans. The Wet Weather TMDL allows for two broad approaches to implementation – an integrated water resources approach or a non-integrated approach. An integrated water resources approach (IWRA) is 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 the watershed; addresses multiple pollutants; and may incorporate and enhance other public goals. A non-integrated approach, in contrast, is one in which the sole objective is to reduce or eliminate bacteria from storm water runoff before it reaches the beach.

The Water Board recognized the multiple environmental benefits of an integrated approach as well as the additional complexity of planning, designing and implementing such an approach. In light of this, the Water Board provided *up to* 18 years to achieve compliance using an integrated approach in contrast to *up to* 10 years using a non-integrated approach. In either case, the Wet Weather TMDL emphasizes that the implementation schedules should be *as short as possible* and that the implementation plans must provide a *clear demonstration of the time needed* to achieve compliance with the TMDL.

GENERAL COMMENTS

1. Describe more clearly and in greater detail how the draft I-Plan provides an integrated water resources approach to compliance with the Wet Weather TMDL.

The draft I-Plan needs to provide more explicit detail on how it represents an integrated approach to TMDL compliance. The draft I-Plan should both describe how “all the pieces work together” to support an integrated water resources approach as well as clearly enumerate for each of the institutional programs and “local” projects (committed and pilot) how the program/project meets the IWRA criteria.

2. Demonstrate more clearly the need for an 18-year implementation schedule.

The TMDL states that the implementation schedule should be as short as possible and that there must be a clear demonstration of the time needed under the proposed approach. As proposed, the

³ A Jurisdictional Group is a set of subwatersheds and the corresponding responsible agencies in those subwatersheds. Jurisdictional Groups were formed to allow agencies flexibility to prioritize implementation efforts, focusing on achieving exceedance day reductions at certain beach locations ahead of others rather than requiring the same pace and timing of reductions at all beach locations.

draft I-Plan uses the maximum time period allowed by the TMDL (18 years) to achieve compliance with the Wet Weather TMDL. A stronger justification for this time period should be included. Additional detail might include discussion of:

- How long projects take from planning to implementation (planning, design, permits, environmental documentation, construction, operational testing, etc.).
- Work program scheduling (how many projects can be underway each year)
- Using the results from the iterative, adaptive process to assess each stage/phase of the programs and make necessary changes
- Weather related issues

3. Discuss in more detail how the draft I-Plan will achieve the TMDL compliance milestones (i.e. exceedance day reductions at the beach).

The draft I-Plan does not directly link the proposed actions to specific percent reductions in exceedance days as required by the TMDL. While admittedly difficult, the draft I-Plan should provide an estimate of the reductions that are expected to be achieved or a more clear description of why the actions proposed are likely to achieve the required reductions. In particular, the I-Plan needs to demonstrate the linkage between the Stage 1 project siting for committed and pilot projects and implementation of institutional programs and the interim milestone of a 25% reduction in exceedance days in the two Jurisdictional Groups. This discussion might include the targeting of the worst storm drains/subwatersheds (i.e. Table 16 analysis) for early action. Additionally, the discussion might include the targeting of particular land uses that seem to contribute higher loadings of bacteria than others based on local research on wet weather bacteria loading. Clearly identify through maps and tables which institutional programs and committed and pilot projects outlined in the I-Plan will be implemented in these areas and the timeline for these actions. Discuss how the iterative approach and watershed and BMP monitoring will allow further targeting of potential "hot spots". Additionally, more detail on the expected reductions in runoff volume and bacteria load should be provided for individual projects (see also comments #4 and #7).

4. Include specific performance measures (i.e. implementation goals) as well as project-level schedules for committed and pilot Stage 1 institutional programs (Table 23) and local projects (Table 22).

The specific project commitments summarized in Tables 22 and 23 will ultimately be included into the Municipal Separate Storm Sewer System (MS4) NPDES Permit for Los Angeles County for these subwatersheds. These commitments need to have specific performance measures and time schedules associated with them that if met will provide a reasonable expectation that the interim milestones and waste load allocations in the TMDL will be achieved.

The Water Board understands the need for flexibility to allow for contingencies associated with project planning and implementation. Therefore, the individual local project schedules may be identified as tentative and need only include start and end dates, with the understanding that the schedules may be changed with good cause upon notification to the Water Board. However, the agencies should prioritize the 30 local (committed and pilot) projects, working on the highest priority projects first wherever possible, and be prepared to maintain the pace of implementation proposed in the I-Plan.

For institutional programs, the I-Plan should identify how the strategies have been optimized to achieve the maximum water quality benefits from these programs. This optimization should include an assessment of the best way to achieve the desired result; for example, for restaurants, the most effective approach may be to identify community groups that would work directly with restaurant owners and managers in tandem with a restaurant incentive/certification program rather than simply mailing out educational materials. Additionally, performance measures for the program and timelines for the four general implementation steps should be included for existing programs as well as the committed and pilot programs listed in Table 24.

5. The draft I-Plan should discuss in more detail how the agencies would maximize coordination within their organization and with other agencies to create opportunities for more efficient and effective actions to achieve water quality improvements.

Agencies should coordinate *within* their agencies as well as with other agencies in the subwatersheds to the maximum extent possible. This coordination can create opportunities, increase efficiency and effectiveness, and avoid agencies working at cross-purposes. For example, the City of Los Angeles should increase coordination with LAX as well as the Departments of Water and Power and Building and Safety. As for outside agencies, the responsible agencies should coordinate with MWD, for example, to optimize the timing for flushing storm drains.

6. The draft I-Plan should replace the requests for additional reopeners with periodic reports to the Water Board on implementation progress, monitoring results and updates to the I-Plan.

Reopeners do not need to be specifically built into TMDLs in order to reconsider the TMDL, including its requirements and implementation schedule. Because the Water Board adopts TMDLs as Basin Plan amendments, the Water Board may at its discretion reconsider and amend a TMDL at any time. Instead of scheduled reopeners, the I-Plan should recommend periodic reports to the Water Board on implementation progress, monitoring results, and updates to the I-Plan. During these periodic reports, agencies may request that the Water Board reconsider the TMDL if appropriate in light of this new information.

SPECIFIC COMMENTS

Local (Structural) Solutions

7. Provide a fact sheet for each of the 30 local projects in Stage 1, including:
 - Map of project location
 - Subwatershed location
 - Approximate drainage area served
 - Amount of runoff managed
 - Land use(s) targeted
 - Estimated reduction in bacteria
 - Estimated project footprint
 - IWRA criteria achieved by project
 - Tentative start and end dates
 - Brief project description, including type of runoff control
8. The I-Plan should distinguish between the two general types of pilot projects identified: a) those that are “on-the-ground” tests and have specific locations already identified, and b) those for which specific locations have yet to be determined.
9. In the I-Plan, the term “local” solutions should be replaced with the term “sub-regional” solutions where appropriate.
10. Though public schools are not within the agencies’ jurisdictions, the I-Plan should provide additional detail on what could be done at school sites that would complement activities at other city-owned public sites. These recommendations regarding BMPs such as retrofitting schools with green roofs, target levels of pervious surface, institutional programs, etc. could ultimately be considered by the Water Board in subsequent phases of the municipal stormwater permitting program.

Institutional (Nonstructural) Solutions

11. The I-Plan should include a description of existing institutional controls along with the associated performance measures and timeframes for El Segundo, Caltrans and the County (section 4.4.1 and Appendix L).

Regional Solutions

12. The Water Board does not consider discharge of untreated stormwater through an extended outfall an integrated water resources approach. Furthermore, though this option might address bacterial contamination at the beaches, the Water Board does not consider it a viable solution

Groups 2 or 3. S10 is a compliance point for Jurisdictional Group 8 (Ballona Creek Watershed) under the Beaches TMDLs.

23. Section 4.7.1, p. 4-29, First paragraph: The second sentence should be revised to state that ongoing research is exploring other methods for detection of pathogens in recreational waters. It is misleading to state that studies have shown that the bacterial indicators used by the state are limited in their ability to assess human-health risk. One recent study has shown this under specific conditions (Mission Bay, San Diego), but many others including the Santa Monica Bay epidemiological study have shown that bacterial indicators are well correlated with health risk.
24. Section 4.8.1, p. 4-32: Baseline and performance monitoring should be conducted using established protocols and, specifically, the ASCE monitoring protocols so that the data collected can be imported into the International BMP Database.
25. Section 4.8.2, p. 4-33: The draft I-Plan proposes using the conceptual framework developed by the Australia-based Cooperative Research Centre (CRC) for assessing the value and costs of nonstructural BMPs for stormwater quality improvement. The I-Plan should also describe local efforts such as those of the California Association of Stormwater Quality Agencies (CASQA) to develop a framework for compiling this type of information and the County of Los Angeles to assess the effectiveness of nonstructural programs under the LA County MS4 Permit. Any assessments conducted as part of the I-Plan should be designed to the extent possible to make use of and feed into these other local efforts.

Again we acknowledge and applaud the agencies for the tremendous work to develop the draft Implementation Plan. We look forward to continuing to work with you to improve the quality of Santa Monica Bay's beaches. If you have any questions, please feel free to contact either Renee DeShazo at (213) 576-6783 or Xavier Swamikannu at (213) 620-2094.

Sincerely,


Jonathan S. Bishop
Executive Officer