

TENTATIVE RESOLUTIONS TO SUPPORT THE EFFORTS OF JURISDICTIONAL GROUPS 5 AND 6 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	City of Manhattan Beach	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 5 and 6, 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 5 and 6, 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 5 and 6, 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 5 and 6, 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 5 and 6, but is addressed in the Responsiveness Summary for the Marina del Rey Implementation Plan.	No	
2.1	We suggest that point 5 from page 5 of the resolution be re-worded to clarify that the JG 5 & 6 responsible agencies will submit a single coordinated annual report to the Board. We would like to submit one coordinated report in order to prevent duplication of effort by the responsible agencies. We suggest the following language for the first three sentences of point 5, page 5.	The tentative resolution has been revised to reflect the intent of the commenter's recommendation.	Yes	Tentative Resolution (strikeout version), revision to Resolve 8

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	5. Directs staff to incorporate into the Los Angeles County Municipal Separate Storm Sewer System (MS4) NPDES permit at reissuance explicit requirements for the responsible agencies in Jurisdictional Groups 5 & 6 to submit a single coordinated annual report to the Board on progress toward achieving the required reductions set forth in the TMDLs. This single coordinated annual report may be submitted as a part of the Los Angeles County MS4 Annual Program and Annual Monitoring reports. The coordinated Annual report on progress toward compliance with the TMDL shall include data and information on...			