



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 26, 2005

Mr. Michael Shay
Engineering and Building Services Department
City of Redondo Beach
415 Diamond Street, P.O. Box 270
City of Redondo Beach, California 90277

Mr. Steven Didier
Department of Public Works
City of Manhattan Beach
1400 Highland Avenue
City of Manhattan Beach, California 90266

COMMENTS ON DRAFT SANTA MONICA BAY BEACHES BACTERIA TOTAL MAXIMUM DAILY LOAD IMPLEMENTATION PLAN FOR JURISDICTIONAL GROUPS 5 AND 6 SUBMITTED ON MARCH 15, 2005

Dear Messrs. Shay and Didier,

The Los Angeles Water Board (Water Board) commends the Cities of Redondo Beach and Manhattan Beach along with the Cities of Hermosa Beach, Torrance and El Segundo, the County of Los Angeles, and the California Department of Transportation (Caltrans)¹ ("agencies") on the draft Implementation Plan (draft Implementation Plan) submitted to the Water Board on March 15, 2005. The draft Implementation Plan for the two subwatersheds² in Jurisdictional Groups 5 and 6 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 through two stakeholder workshops during the development of the draft Implementation Plan. The Water Board recognizes that the support of local residents and stakeholders is important to the successful implementation of the plan.

¹ Collectively referred to as Jurisdictional Groups 5 and 6 in the TMDL.

² Manhattan Beach and Redondo Beach subwatersheds.

California Environmental Protection Agency



The following letter contains the comments of the Water Board on the draft Implementation Plan dated March 15, 2005. Many of these comments were previously conveyed to the agencies during a meeting held at the Water Board on April 25th to discuss the draft Implementation Plan.

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 Implementation Plan provides an integrated water resources approach to compliance with the Wet Weather TMDL.**

The draft Implementation Plan needs to provide more explicit detail on how it represents an integrated approach to TMDL compliance. The draft Implementation 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 programmatic solutions, structural BMPs and potential source controls how the program/project meets the IWRA criteria identified in the Wet Weather TMDL.

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.

2. In light of historical water quality, discuss in more detail why the maximum timeframe of 18 years is necessary to achieve compliance.

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 draft Implementation Plan appears to use the maximum time period allowed by the TMDL (18 years) to achieve compliance with the Wet Weather TMDL. However, most shoreline compliance monitoring sites in the two subwatersheds are subject to the antidegradation provisions of the TMDL, meaning that the agencies are only required to maintain existing water quality. Table 2-3 summarizes the required reductions in wet weather exceedance days, indicating that only sites SMB 6-1 and SMB 6-4 have required reductions of two days each. In light of this situation, please explain in greater detail why the maximum time period is needed.

3. Include specific performance measures (i.e. implementation goals) as well as more detailed schedules for the Phase I programmatic solutions, Phase I pilot site-specific structural BMPs, and Phase I source identification and source controls.

The Phase I commitments summarized in section 4.1 and Table 4-3 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 schedules may be identified as tentative, with the understanding that the schedules may be changed with good cause upon notification to the Water Board. However, the agencies should be prepared to maintain the pace of implementation proposed in the Implementation Plan.

For the Phase I programmatic solutions described in section 4.1.1, performance measures for each program and program-level timelines should be included. For example, for the speakers' bureau, how many homeowners associations, garden clubs and other groups will be targeted each year? How many groups will be reached in high priority drainages (e.g. Herondo drainage), and what will be the schedule for outreach in these high priority areas?

For the Phase I pilot site-specific structural BMPs in section 4.1.2, the first two steps, including (1) selecting drainage area(s) for study and (2) siting data collection and BMP selection process (including a list of applicable site-specific BMPs for each candidate public parcel), should be completed and included in the final Implementation Plan. Additionally, more detailed schedules for the last two steps should be specified (study area conceptual design alternative selection and site-specific BMP design, implementation and monitoring). Finally, the Implementation Plan

should more clearly indicate the agencies' commitment in terms of the number and type of pilot structural BMPs that will be implemented in Phase I.

For Phase I of the source identification and source control element, the general timeline should be accelerated given the significance of this element in achieving reductions in the high priority drainage areas such as the Herondo drainage (SMB 6-1). Phase I should be completed by July 2007 to allow one cycle of Phase II (discussed below) to be completed by the first wet-weather interim compliance deadline in July 2009. The Implementation Plan should also specify task-level timeframes for completing each of the tasks outlined in sections 4.1.3.1, 4.1.3.2, 4.1.3.3, and 4.1.3.4.

4. Include specific performance measures (i.e. implementation goals) as well as program-level schedules for the Phase II programmatic solutions and Phase II source identification and source controls.

The Phase II programmatic solutions and source control commitments summarized in sections 4.2.1 and 4.2.3 and Table 4-3 will ultimately be included into the Municipal Separate Storm Sewer System (MS4) NPDES Permit for Los Angeles County for these subwatersheds. As with the Phase I commitments, these Phase II activities 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.

As discussed above, the Water Board understands the need for flexibility to allow for contingencies associated with project planning and implementation. Therefore, the schedules may be identified as tentative, with the understanding that the schedules may be changed with good cause upon notification to the Water Board. However, the agencies should be prepared to maintain the pace of implementation proposed in the Implementation Plan.

For the Phase II programmatic solutions described in section 4.2.1, the Implementation Plan should indicate which of these program enhancements are commitments versus which will be evaluated for effectiveness during Phase I before further implementation in Phase II. For those that are commitments, performance measures for each program and program-level timelines should be included as described for Phase I programmatic solutions above.

For Phase II of the source identification and source control element, the general timeline should be accelerated given the significance of this element in achieving reductions in the high priority drainage areas such as the Herondo drainage (SMB 6-1). Phase II should be completed by the first wet-weather interim compliance deadline in July 2009.

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

The draft Implementation 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 Implementation Plan should provide an estimate of the reductions that are expected to be achieved or at a minimum a more clear description of why the actions proposed are likely to achieve the required reductions. In particular, the Implementation Plan needs to demonstrate the linkage between the Phase I, Phase II and Phase III activities and the interim milestones of 10% and 25% reductions in exceedance days by 2009 and 2013, respectively, in the Jurisdictional Groups. This discussion might include the targeting of the worst storm drains/subwatersheds for early source identification and controls. Clearly identify through maps and tables which programmatic solutions, structural BMPs and source identification studies outlined in the Implementation Plan will be implemented in these different drainage areas and the timeline for these actions. Discuss how the iterative, adaptive approach and watershed and BMP monitoring will allow further targeting of potential "hot spots".

6. The draft Implementation Plan should replace the requests for additional reopeners with periodic reports to the Water Board on implementation progress, monitoring results and updates to the Implementation 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 Implementation Plan should recommend periodic reports (annually or at key junctures between phases) to the Water Board on implementation progress, monitoring results, and updates to the Implementation Plan. During these periodic reports, agencies may request that the Water Board reconsider the TMDL if appropriate in light of this new information.

7. The draft Implementation Plan should reconsider the use of watershed direct mail pieces as a programmatic solution.

The agencies should carefully consider the most effective programmatic solutions given their emphasis in the draft Implementation Plan. Further, the agencies should assess the most effective programmatic solutions and work toward optimizing them based on past lessons learned to achieve the maximum water quality benefits. To effectively deliver public education messages and change behavior, agencies should select target audiences based on the target pollutant, bacteria. Then agencies should evaluate data from two studies conducted by the Los Angeles County Department of Public Works (1997 Stormwater Segmentation Study and 2000

Stormwater Interim Segmentation Study) and identify the target groups most likely to contribute to bacteria loads and most likely to change their behaviors.

Many of these programmatic solutions (particularly related to general outreach and education) have been implemented before and some have been shown to be largely ineffective. For example, it was shown that direct mailers are largely ineffective based on the Los Angeles County's Public Participation Evaluation conducted under the LA County MS4 Permit. On the basis of this evaluation, the Water Board does not consider direct mailings a viable programmatic solution relative to others proposed in the draft Implementation Plan. Other more effective programmatic solutions such as a speakers' bureau among others should be emphasized. The Implementation Plan should also discuss in more detail how the agencies intend to work toward improving compliance with existing ordinances that minimize release of bacteria sources among targeted populations (see p. ES-2).

8. The draft Implementation Plan should provide additional detail on what could be done at school sites that would complement activities at other publicly owned sites.

Though public schools are not within the agencies' jurisdictions, the Implementation Plan should provide additional detail on what could be done at school sites that would complement activities at other publicly owned sites. The Water Board could ultimately consider these recommendations regarding BMPs such as retrofitting schools with green roofs, target levels of pervious surface and institutional programs in subsequent phases of the municipal stormwater permitting program.

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

Messrs. Shay and Didier

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May 26, 2005

cc: Ron Fajardo, El Segundo
Angela George, LA County Department of Public Works
Rick Morgan, Hermosa Beach
Bob Wu, Caltrans, District 7
Wendell Johnson, Torrance

California Environmental Protection Agency



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