

**Responsiveness Summary – Trash TMDL for the Lake Elizabeth, Munz Lake and Lake Hughes
Comment Due Date: May 4, 2007**

1-1 United States Department of Agriculture Forest Service
1-2 County of Los Angeles, Department of Public Works
1-3 Heal the Bay
1-4 United States Environmental Protection Agency (USEPA)

No.	Author	Date	Comment	Response
1-1.1	United States Department of Agriculture Forest Service	May 1	The proposed default Baseline Load Allocation is equal to 640 gallons of uncompressed trash per square mile per year, which is based on data from trash generation studies from the City of Calabasas. This default number does not clearly correlate to the amount of trash generated at the lakes, in particular for the amount of trash collected at the Lake Elizabeth recreation area. Currently, we estimate that more than 35,000 gallons of uncompressed trash is collected per year at Lake Elizabeth's two acre picnic site, per our Best Management Practices 1 (BMPs). The BMPs for this site include eight 50-gallon garbage cans and two 30 gallon trash cans that are picked up once a week from November to May 15th and twice a week from May 15th through October. Because the Lake Elizabeth recreation site is designated by the Forest Service as a heavily used recreation site ² , I recognize the importance of continuing to implement BMPs as well as the proposed monitoring plan. As stated in the amendment, the Baseline Load Allocation maybe revised by the Regional Board based on studies conducted within the first two years after this Trash TMDL becomes effective. I would like to know under what conditions the Executive Officer will consider and accept revisions within the first two years (2007-2009).	Staff agrees that Baseline Load Allocation is not site specific by using reference approach based on a study from the City of Calabasas for Lake Elizabeth, Munz Lake, and Lake Hughes. However, the Baseline Load Allocation refers to the trash collected on the lake and the lakeshore during each assessment and collection event. Trash being disposed in the trash cans shall not be included in the Load Allocation. Executive Officer may approve or require a revised frequency under the Conditional Waiver to reflect the results of trash assessment.
1-1.2	United States Department of Agriculture	May 1	The proposed amendment states that pickup of visible trash in the water and on the shoreline shall occur within 48 hrs of critical conditions defined as major rain events and wind advisories greater than 30 miles per hour (p. 6). However, due to	Staff agrees that trash collection should not pose safety hazards to personnel. Language revising the BPA to indicate that trash collection should not pose

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	Forest Service		potentially unsafe conditions (such as rising water, continued wind events, increased fire danger, etc.), it may not be feasible for Forest Service employees to pickup trash within 48 hours of a critical event. I would like to request that personnel safety not be compromised in order to respond within the 48 hour time-frame.	safety hazards has been included. Specific parameters shall be included in the workplan.
1-1.3	United States Department of Agriculture Forest Service	May 1	While the Forest Service has jurisdiction of the land on the south shore of Lake Hughes, the recreational residents on this land reside there under special use permits. As a condition of their existing permits, the recreational residents must comply with all present and future federal, state, county, and municipal laws, ordinances, or regulations which are applicable to the area or operations covered by this permit. We will continue to ensure that the recreational residents are in compliance with their permits; however, we recommend that the Regional Board include these residents in your outreach efforts. Please let us know if we can assist in providing information for contacting them.	Staff appreciates the effort of the Forest Service to coordinate residents of this neighborhood.
1-1.4	United States Department of Agriculture Forest Service	May 1	When the agency name is first mentioned in a publication, please write "Forest Service, U.S. Department of Agriculture." Thereafter, writing the Forest Service" will suffice.	Comment noted.
1-2.1	County of Los Angeles, Department of Public Works	May 3	The Department of Public Works is a department of the County, but is not a separate governmental entity. Therefore, all references to the Department as a "responsible jurisdiction" should be deleted from the proposed Basin Plan Amendment (BPA) and replaced by references to the County. <u>Requested Action:</u> Replace all references in the proposed BPA to the "Los Angeles County Department of Public Works" with "the County of Los Angeles."	Comment noted. Staff has revised the Basin Plan Amendment (BPA) to incorporate the same designation as the MS4 permit which names Los Angeles County Flood Control District, and County of Los Angeles, in the TMDL. The TMDL does not preclude the County from assigning responsibility to its own departments for TMDL

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1-2.2	County of Los Angeles, Department of Public Works	May 3	<p>The three subject lakes are: hydraulically connected, located within the same watershed, accessed by the same roadways, and surrounded by the same forests and very limited residential development. No trash assessment records are available for any of the lakes to distinguish one lake from another based on their trash conditions. Our recent investigation in the area revealed that trash in all three lakes was so little, if at all, that there is no statistical basis in distinguishing them.</p> <p>However, Table 7.23.1, based on no technical or statistical evidence, conclusively isolated the Munz Lake as having no trash impairment whereas the other two lakes have impairment. The Staff Report further indicated that Regional Board would formally consider de-listing of Munz Lake from the Clean Water Act Section 303(d) list after a two-year monitoring period. As indicated above, there are no trash assessment records or statistical evidence to prove that Lake Elizabeth and Hughes are more impaired with trash than Munz Lake.</p> <p><u>Requested Action:</u> Consider de-listing Lake Elizabeth and Lake Hughes after a two-year monitoring period in the Problem Statement and Implementation Elements of Table 7-23.1, in Table 7-23.2b after Task 4, and in Page 22 of the Staff Report.</p>	<p>implementation</p> <p>Staff agrees that Lake Elizabeth, Munz Lake and Lake Hughes share similar environmental characteristics. According to multiple inspections by Regional Board staff, Munz Lake has limited access and was found with no trash on the lake or the vicinity.</p> <p>Lake Elizabeth and Lake Hughes are also subject to be delisted from 303(d) list if the data collected support and meet all criteria specified in the Delisting Policy.</p>
1-2.3	County of Los Angeles, Department of Public Works	May 3	<p>The proposed BPA would authorize the Executive Officer to require the County of Los Angeles to submit either a notice of intent to be regulated under a conditional waiver of a waste discharge requirement ("WDR") or a report of waste discharge. In addition, the proposed BPA also would require the County to develop a "Monitoring and Reporting Plan" for Executive Officer approval to, inter al/a, establish alternative Interim WLAs and LAs. Id.</p>	<p>Comment noted. Staff agrees that the County should not be listed as a nonpoint source of trash because it does not own or operate lands in the vicinity of the lakes.</p>

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			Public Works respectfully submits that these requirements are beyond the Regional Board's legal authority to impose on the County for the simple fact that the County is not a nonpoint source "discharger" of trash, or for that matter any other waste, to the subject lakes. Because the County is not a nonpoint source "discharger," it cannot be required to obtain a WDR under the Porter-Cologne Act. And, because it cannot be required to obtain a WDR, the County cannot be required to file a notice of intent to be regulated under a conditional waiver of a WDR.	
1-2.4	County of Los Angeles, Department of Public Works	May 3	Water Code § 13260 provides that "[a]ny person discharging waste, or proposing to discharge waste, ...that could affect the quality of the waters of the state" must file a report of waste discharge and, pursuant to Water Code § 13263, shall be issued a WDR by the appropriate regional water quality control board. The County is not, however, a "person discharging waste" at the subject lakes. Those persons are the individuals that, contrary to County ordinance, are depositing litter on or adjacent to the lakes.	Staff disagrees with the statement that "persons discharging waste are the individuals". Based on California Water Code § 13050, "person" includes any city, county, district, the state, and the United States, to the extent authorized by federal law.
1-2.5	County of Los Angeles, Department of Public Works	May 3	The County does not own any land underlying the lakes nor operates/maintains any recreation area on or surrounding the lakes. The land within and surrounding the lakes is owned by the U.S. Forest Service and individual landowners, not by the County. As noted above, the County is not itself a "discharger" of the trash. It takes no steps to discharge the trash and takes numerous steps to discourage such discharges or the placement of trash where it can be discharged to the lake.	Regional Board staff agrees that the County does not own or operate any land or recreation area on or surrounding the lakes. Based on the Clean Water Act, Title V, Section 502, any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged, are

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1-2.6	County of Los Angeles, Department of Public Works	May 3	As the County is not a "discharger" of waste subject to the requirements of Water Code §§ 13260 and 13263, it is not subject to imposition of a conditional waiver of discharge requirements pursuant to Water Code § 13269. That statute allows the waiver of WDRs otherwise required by Sections 13260 and 13263 (as well as by Water Code § 13264(a), which requires a report of waste discharge prior to a new discharge or material changes in an existing discharge of waste).	considered as "point Sources". Staff agrees that County of Los Angeles may be exempt from being considered as the nonpoint source trash discharger, and highly appreciates that the County voluntarily participates and coordinates the implementation of the Trash TMDL.
1-2.7	County of Los Angeles, Department of Public Works	May 3	<p>The Staff Report for the proposed BPA references the State Water Resources Control Board's 2004 Plan for California's Nonpoint Source Pollution Control Program. The actual document is entitled "Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program," dated May 20, 2004 ("Nonpoint Source Policy"). The Staff Report states, on page 17, that the LAs "will be implemented through regulatory mechanisms that implement that State Board's 2004 Nonpoint Source Policy such as conditional waivers, conditional waste discharge requirements, or prohibitions.</p> <p>A review of the Nonpoint Source Policy document, however, indicates that the State Board did not intend that the Policy supplant the provisions of the Porter-Cologne Act by requiring landowners who are not otherwise dischargers to obtain either a WDR or a conditional waiver.</p>	<p>Comment noted, however the basis for the "review," cited in the comment was not provided.</p> <p>Staff agrees that the discharger may be regulated by Waste Discharge Requirements (WDRs), Waiver of WDRs, or prohibitions. Section V of Nonpoint Source Policy, page 15, clearly defines: "[I]ndividual dischargers, including both landowners and operators, continue to bear ultimate responsibility for complying with a RWQCB's water quality requirements and orders."</p>
1-2.8	County of Los Angeles, Department of Public Works	May 3	In Section IV of the Policy, covering the structuring of a nonpoint source pollution control program to achieve water quality objectives, the State Board provided that the Regional Boards could establish "third-party" programs. In such a "third-party" program, some entity, including a government agency, that is not itself an actual discharger may assist in coordinating	Comment noted. The TMDL has been revised to indicate that the County is not allocated loads. The BPA shows that the County will act as a "third-party," through the recently enacted County

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			<p>the efforts of dischargers. However, the State Board made it clear that, even if the. third-party "fails to follow through on [its] commitments, any RWQCB enforcement action taken will be against individual dischargers, not the third-party." Policy, page 15. This is because, "under the Porter-Cologne Act, the RWQCBs cannot take enforcement actions directly against non-discharger third parties."</p> <p>Thus, while the County could agree to be a voluntary participant in a third party effort to address nonpoint sources of trash pollution at the subject lakes, as a non-discharger of that trash, it is not liable for the failure of such an effort to achieve LAs. And, the County cannot be subject to either a WDR or a conditional waiver because it is not a "discharger."</p>	<p>Ordinance to identify private party dischargers in unincorporated County land.</p> <p>Staff appreciates that County of Los Angeles will voluntarily participate in the third party efforts to coordinates with all private landowners to manage nonpoint source trash.</p>
1-2.9	County of Los Angeles, Department of Public Works	May 3	<p><u>Requested Action:</u> The definition and intent of "Minimum Frequency of Assessment and Collection (MFAC)" should be clarified.</p> <p>Explanation: Public Works understands that the MFAC intends to set the maximum maintenance requirement that can be most practically implemented. However, the use of "minimum" is misleading as it could mean that the frequency can be increased to more than once per day, which would be practically unachievable. Therefore, MFAC can be redefined to set "maximum frequency."</p> <p>Public Works would like to clarify that the Trash Monitoring and Reporting Plan with MFAC option would initially propose a certain frequency of maintenance (less than once per week) in combination with BMPs. If assessed trash volume fails to show progressive reduction over a monitoring period, more BMPs</p>	<p>Staff has revised the tentative Basin Plan Amendment to clarify that the MFAC defines the minimum frequency that agencies must assess and collect trash from waterbodies to comply with the TMDL. The initial frequency for the MFAC program is based on staff's best professional judgment considering factors of current trash abatement programs, trash sources, and land use types, and allows responsible jurisdictions to propose and implement best management practices (BMPs). Responsible jurisdictions have flexibility to increase the assessment and collection frequency above the MFAC as needed in conjunction with</p>

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			<p>would be proposed to reduce the trash. Alternatively, the initially proposed frequency could be increased but no more frequent than once a week. If "maximum frequency requirements" of once per week is ultimately adopted, it would automatically establish "compliance with TMDL" even if the progressive reduction schedule set forth in Table 7-23.2b was not met.</p> <p><u>Requested Action:</u> The definition and intent of MFAC should be clarified as requested above.</p>	<p>BMPs and may propose a less frequent MFAC pending results of monitoring as submitted in annual reports. However, the assessment and collection frequency, unless approved by Executive Officer of RWQCB, cannot be lower than MFAC.</p> <p>Staff notes that the County had not submitted any support for its statement that more than once per week is "practically unachievable". The frequency of once per week may or may not be adequate to prevent from accumulating in amounts that are deleterious.</p>
1-2.10	County of Los Angeles, Department of Public Works	May 3	<p>Table 7-23.2b of the BPA and Table 8 of the Staff Report do not indicate when the compliance is achieved under the MFAC option.</p> <p><u>Requested Action:</u> Add a provision to Table 7-23.2b of BPA and Table 8 of the Staff Report indicating, "Compliance with Waste Load Allocation (WLA) and Load Allocation (LA) is assumed if the implementation follows the schedule in the table or MFAC of once per week is adopted.</p>	<p>Staff agrees. The BPA has been revised to incorporate the suggested change. However, it is noted that the TMDL contains a provision that the Executive Officer can modify the MFAC if it is shown that the MFAC does not prevent trash from accumulating in amounts that are a nuisance or deleterious amounts.</p>
1-2.11	County of Los Angeles, Department of Public Works	May 3	<p>Note that Public Works provides the comments 1.D. and I.E. in an effort to assist Regional Board staff in focusing and clarifying the proposed BPA, and not to waive any argument that the proposed BPA in fact applies to the County with respect to nonpoint sources.</p>	<p>Staff recognizes and appreciates the clarification.</p>
1-2.12	County of Los Angeles, Department of Public	May 3	<p>The proposed BPA sets forth a numeric target of zero trash in or on the subject lakes and on the shoreline. This numeric limit is translated from a narrative water quality objective in the Basin Plan for floating material which states: "Waters shall not contain</p>	<p>The numeric target of "zero" is consistent with narrative water quality objectives for floating, suspended and settleable materials. No studies exist</p>

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	Works		<p>floating materials, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses." The Staff Report, on page 17, concludes simply that based on the narrative objective, "staff finds the capacity of the subject lakes to accumulate trash is zero." This conclusion does not represent any analysis of the linkage between the numeric target of the TMDL and the narrative standard.</p> <p>We encourage Regional Board staff to explain more fully the rationale for their selection of the numeric target. Alternatively, we suggest that the proposed BPA be amended to provide that the capacity of the lake be assessed after removal of some percentage of the trash to determine if a nuisance is still present or beneficial uses still are not being adversely affected.</p>	<p>that demonstrate that waterbodies would support any numeric target greater than zero.</p> <p>There are no studies to show that any amount of trash discovered in waterbodies does not impair aquatic life and other beneficial uses.</p> <p>The numeric target of “zero” was upheld by the California Court of Appeal in <i>Cities of Arcadia v. State Water Resources Control Board</i> [challenge to the Los Angeles River Trash TMDL].</p> <p>This TMDL does not prevent the County from submitting reports of the capacity of the lake after removal of some percentage of the trash to determine if a nuisance is still present or beneficial uses still are not being adversely affected.</p>
1-2.13	County of Los Angeles, Department of Public Works	May 3	The correction indicated in 1.A. above is also requested throughout the Staff Report.	Comment noted. The Staff Report will be revised to address this comment.
1-2.14	County of Los Angeles, Department of Public	May 3	Ditches and fences mentioned in Pages 3 and 4 of the Staff Report were erroneously described as county owned. <u>Requested Action:</u> Correct all references to ditches and fences on Pages 3 and 4 to privately owned ones.	Comment noted. The Staff Report will be revised to address this comment.

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1-2.15	County of Los Angeles, Department of Public Works	May 3	The County's existing-maintenance at the storm drain system in the area of Elizabeth Lake was incorrectly described in the first sentence of the second paragraph of Page 13. <u>Requested Action:</u> Replace the first sentence with "Los Angeles County maintains the sole storm drain and five catch basins in the area of Elizabeth Lake. The catch basins are cleaned out annually."	The Staff Report will be revised to address this comment.
1-2.16	County of Los Angeles, Department of Public Works	May 3	The existing culverts, located behind the roads near the Lake Elizabeth were erroneously described as "storm drains." <u>Requested Action:</u> Replace the second sentence of the second paragraph of Page 13 with Inspection to the surrounding communities road culverts, which pass localized storm flow under the roads around the perimeter of the Lake Elizabeth, found some aluminum and plastic water bottles."	The Staff Report will be revised to address this comment.
1-2.17	County of Los Angeles, Department of Public Works	May 3	The second paragraph in Page 14 described the current trash conditions around the Lake Hughes by stating "Trash was constantly observed." This statement is vague, overly general, and non-specific. <u>Requested Action:</u> Delete the last sentence of the paragraph.	The description was provided based on multiple inspection conducted by staff. However, the Staff Report will be revised to address this comment.
1-2.18	County of Los Angeles, Department of Public Works	May 3	The third paragraph in Page 14 is completely misleading. The referenced statements were from Los Angeles River Trash TMDL and have absolutely no relevance to the trash conditions around the subject lakes. The paragraph erroneously implies that the Los Angeles County Department of Public Works had recognized the trash problem in the subject lakes. However, trash has never been assessed in the lakes nor been recognized as a problem. <u>Requested Action:</u> Delete the third paragraph entirely.	The Staff Report will be revised to address this comment.
1-2.19	County of Los Angeles, Department	May 3	The title of Table 3 erroneously includes Munz Lake and Lake Hughes as having point sources. There are no storm drains or point sources around these two lakes.	Point sources include, but are not limited to storm drains only. Please see 1-2.5 for definition of "point sources".

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	of Public Works		<u>Requested Action:</u> Remove all references to Munz Lake and Lake Hughes in Section A Waste Load Allocations of Pages 18 and 19 and in the title of Table 3.	
1-2.20	County of Los Angeles, Department of Public Works	May 3	<p>Point source area and WLA in Table 3 were erroneously estimated. As indicated in 2.B. above, throughout the entire area surrounding three lakes, there is only one storm drain, which drains runoff from the residential area toward Elizabeth Lake. That is the only drain that can be potentially considered as a point source. Therefore, the County's responsibility for point sources should be limited to the sole storm drain and its tributary area.</p> <p>The area tributary to that drain is estimated as 0.58 square miles with corresponding baseline WLA of 371 gallons per year. Therefore, the area and WLA in Table 3 were overestimated.</p> <p><u>Requested Action:</u> Correct the point source area and baseline WLA in Table 3 with 0.58 square miles and 371 gallons per year, respectively.</p>	See responses at 1-2.5 and 1-2.19. However, staff will revise the Staff Report if more precise data are available.
1-2.21	County of Los Angeles, Department of Public Works	May 3	<p>Nonpoint source area and LA in Table 4 were erroneously estimated. Our estimation based on the County's GIS database, the values for the County were overestimated while the ones for National Forest Service were significantly underestimated. We understand the jurisdictional areas in Table 4 were estimated based on GIS layers from the California Spatial Information Library (CSIL), which were derived from 1,100,000 scale maps. For comparison purpose, note that "Thomas Guide" maps are in 1:28,800 scale. We believe the errors in estimation of nonpoint source areas may have originated from the deficient accuracy of CSIL compared to that of County's GIS database.</p> <p><u>Requested Action:</u> Correct Table 4: for the County, nonpoint source area and LA with 5.35 square miles and 3,424 gallons per year, and for National Forest Service with 5.40 square miles and 3,456 gallons per year, respectively.</p>	The Staff Report will be revised to address this comment.

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1-2.22	County of Los Angeles, Department of Public Works	May 3	In defining critical weather in Page 22, the California Highway Patrol's wind advisory on Highway 5 in Santa Clarita Valley was used. However, a wind advisory in Santa Clarita Valley does not generally translate to a wind advisory in the area of the subject lakes. <u>Requested Action:</u> Delete the ^o reference, to a wind advisory by California Highway Patrol.	Responsible jurisdictions may propose the proper reference information for Executive Officer approval. The Staff Report will be revised to address this comment.
1-2.23	County of Los Angeles, Department of Public Works	May 3	Table 5 lists agencies responsible for point sources around Lake Elizabeth and Lake Hughes. However, there are no storm drains or point sources around Lake Hughes. <u>Requested Action:</u> Delete the second row in the Table 5 in reference to Lake Hughes.	There are culverts observed near Lake Hughes during inspection. However, the Staff Report will be revised to address this comment.
1-2.24	County of Los Angeles, Department of Public Works	May 3	Public Works is unclear as to how WLA and LA shown in Tables 3 and 4, respectively, were derived from the detailed breakdown given in Appendices II and III. <u>Requested Action:</u> Provide details on procedures and assumptions used in determining WLA and LA from provided in these Appendices.	Both WLA and LA were calculated according to the surface areas of land uses which presumably are subject to either point or nonpoint source trash. The land use map is provided and will be included in the Staff Report to address this comment.
1-2.25	County of Los Angeles, Department of Public Works	May 3	The correction indicated in 1.A. above is also requested throughout the Substitute Environmental Documents. The correction indicated in 2.B. above is also requested in the first paragraph of Section 6.1.3.2.	The SED will be revised to address this comment.
1-3.1	Heal the Bay	May 4	We strongly support the Regional Board's requirement of zero trash discharge in the Draft TMDLs. The Regional Board acknowledged that a zero trash discharge requirement was an appropriate piece of regulation with the adoption of the LA River Trash TMDL in 2001, and subsequent legal decisions regarding this Trash TMDL by the judicial system further validates this limit. In the same vein, zero trash limits in the Draft Trash TMDLs meet the threshold of attaining and maintaining water	Comment noted.

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1-3.2	Heal the Bay	May 4	<p>quality standards as set forth in the Clean Water Act.</p> <p>However, we have serious concerns that several requirements in the Draft TMDLs are in direct conflict with the zero trash waste load allocations, and thus do not pave the way for water quality standards attainment in these waterbodies. First, implementation of the Minimum Frequency and Collection Program as outlined in the Draft TMDLs is unlikely to lead to compliance with the zero trash limits. Also, the implementation schedule for nonpoint sources contradicts the established limits. These concerns and others are discussed in further detail below.</p>	Staff disagrees. Manual collection of trash in the receiving water bodies is essential to attaining the goal of zero trash. The minimum frequency program will achieve the zero waste load allocation as discussed below
1-3.3	Heal the Bay	May 4	<p>Staff correctly assigns a TMDL of zero trash.</p> <p>The Draft Trash TMDLs establish a numeric target of zero trash, a final Waste Load Allocation (“WLA”) of zero trash and a final Load Allocation (“LA”) of zero trash. We strongly support these requirements, as zero is the only appropriate TMDL for trash given the water quality standards for these waterbodies set forth in the Basin Plan and Clean Water Act requirements.</p> <p>The federal Clean Water Act requires states to establish TMDLs “...at levels necessary to obtain and maintain the applicable narrative and numerical WQS [water quality standards] with seasonal variations and a margin of safety which takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality.” The Basin Plan calls for no floatables or settleables that will cause a nuisance or adversely affect beneficial uses. Even small quantities of trash violate the Clean Water Act and Basin Plan. For instance, small amounts of trash can maim or kill wildlife that becomes entangled in, or ingests, the debris. Plainly, zero is the only fair interpretation of the Basin Plan water quality standards that will guarantee protection of the beneficial uses of these waterbodies with an appropriate margin of safety. Also after numerous legal challenges by the regulated community, the courts upheld the LA</p>	Comment noted.

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			River Trash TMDL zero trash limit as an appropriate piece of legislation. Thus, the Regional Board staff's proposal of zero trash discharge is, clearly, appropriate.	
1-3.4	Heal the Bay	May 4	<p>While we support the idea of clean-up programs to handle trash, the MFAC as a stand-alone program is unlikely to compliance with final WLAs and LAs.</p> <p>The MFAC Program should be over and above the full capture device concept, not in lieu of this established concept. BMPs used to address nonpoint sources must be the functional equivalent of a full capture system at a minimum. Further, full capture devices may be appropriate for discharges other than storm drains, such as irrigation ditches. As seen in the field, by themselves, full capture devices do not fully address the problem of trash impairment. For instance there are thousands of full capture devices installed throughout Compton Creek Watershed; however, enormous volumes of trash still impair Compton Creek. Volunteer Creek clean-up efforts routinely remove over 10,000 pounds of trash in a two to three hour period. In fact the State Board recently listed Compton Creek as impaired by trash on the 2006 303(d) List of Impaired Waterbodies. Thus, the MFAC Program in addition to a full capture device concept is appropriate. If and only if there is no logical application of the full capture device concept to nonpoint sources should a MFAC Program alone be pursued. Under no circumstances should a MFAC Program be allowed as a functional equivalent for meeting the zero trash limit or as a full capture device on a point source.</p>	<p>The watersheds of this TMDL are different from that of the Los Angeles River where full capture devices are appropriate. The watersheds of this TMDL load a greater proportion of trash from nonpoint sources. In some cases, full-capture devices provide minimal source reduction would not attain a zero trash target. Responsible jurisdictions require greater flexibility for a number of site specific reasons, including but not limited to flooding, extensive non-point source loading, potential for effectiveness of BMPs.</p>
1-3.5	Heal the Bay	May 4	<p>The Implementation Schedule should require a 100% reduction of trash from the baseline for point and nonpoint sources.</p> <p>The final compliance task included in the Draft TMDLs' Implementation Schedules for nonpoint sources is the installation of BMPs to achieve 50% reduction of trash from Baseline WLAs</p>	<p>Staff has revised the BPA to remove the 50% reduction of trash from the Baseline. The MFAC implements zero trash numeric target by attaining a zero trash target on days of collection and a</p>

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			<p>and LAs. This is inconsistent with the prescribed final WLAs and LAs of zero trash.</p> <p>In no shape or form does a 50% reduction of trash from the baseline lead to the zero trash target. Thus, a final WLA or LA of 50% reduction from baseline is in direct conflict with a zero trash limit. Instead, the Regional Board must require a 100% reduction of trash from the baseline in order to meet the zero trash target.</p>	<p>collection frequency that does not allow trash to accumulate in deleterious amounts.</p>
1-3.6	Heal the Bay	May 4	<p>The source analysis should consider trash from upstream discharges.</p> <p>The source analysis sections in the Draft TMDLs discuss three sources of trash to the impaired waterbodies: storm drains, wind action and direct disposal. However, this analysis is missing a critical source of trash. Streams and other drainages discharging into the impaired Lakes and Estuaries are major sources of trash. For instance, the Ventura River that runs through several urban areas discharges into the Ventura River Estuary and is a source of trash to the Estuary. As another example, the Wilmington Drain empties into Machado Lake and is the major source of trash to the Lake. In fact Proposition O funding was approved by the City of Los Angeles for a larger project (a \$117 million restoration and clean up project) that includes targeting trash from the Wilmington Drainage, a 12,800 acre drainage area. Final WLAs will never be met until streams and drainages are addressed as a source. The Regional Board should evaluate these major sources of trash and require full capture devices throughout the watersheds of streams and drainages that discharge to the impaired waterbodies.</p>	<p>The TMDL does consider trash from upstream discharges for those watersheds where upstream sources are an issue. Upstream sources include MS4s, agricultural drainages, and tributaries to 303(d) listed water bodies.</p>
1-3.7	Heal the Bay	May 4	<p>Trash that is currently within the impaired waterbodies should be considered in the baseline calculations.</p> <p>The Draft TMDLs focus on trash that is visible on the shores and surface of the impaired waterbodies. However, the Draft TMDLs fail to address trash below the surface of the waterbody that also</p>	<p>Staff agrees and notes that the Marina del Rey example cited in the comment may not be applicable to Lake Elizabeth, Munz Lake and Lake Hughes. Nevertheless, the Staff Report</p>

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			<p>contributes to violations of water quality objectives and impairs beneficial uses. Maintenance dredging activities such as those conducted in Marina del Rey demonstrate the large volume of trash that can be located in the sediment of a waterbody. Trash within the waterbodies should be considered when developing appropriate baseline values and eventually in determining compliance with WLAs and LAs. For instance, there is likely an underestimation of the baseline load, as only trash around the waterbodies and on the surface was considered. The Draft TMDLs did not consider that a significant portion of the load sinks to the bottom of the receiving water. To address this problem, the Regional Board could estimate that their current calculations do not account for 25% of the true baseline load. Additional assessment of this source could lead to a better estimate at a later date. The Regional Board should consider this source of trash in their development of the Draft TMDLs and appropriate baselines.</p>	<p>will be revised such that when lake cleaning and dredging operations are implemented, that recovered trash is disposed of properly.</p>
1-3.8	Heal the Bay	May 4	<p>The Regional Board should develop a definition for a major rain event.</p> <p>As part of the MFAC monitoring program, the Draft TMDLs require that the discharger develop a definition for a major rain event. This is an inappropriate task for a discharger and would facilitate varied definitions throughout the Region. Instead, the Regional Board should develop a definition. We propose that a major rain event for monitoring purposes be defined as 0.25” or more predicted rainfall based on the National Weather Service forecast. If the actual rain event is 0.1” or greater, the data would be kept.</p> <p>The MFAC Program in the Draft Lake Elizabeth, Munz Lake and Lake Hughes Trash TMDL sets a default minimum clean-up frequency as once per week and within 48 hours of critical conditions defined as major rain events and wind advisories.</p>	<p>Staff notes that a single rain event may not be appropriate across the Region. The widely different land uses, permeability, and topography are such that trash mobilization is different in precipitation events. The TMDL authorizes the Executive Officer to approve a rain event definition in the early stages of the TMDL, based on stakeholder input.</p>

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			Again in this case, the Regional Board should define a major rain event.	
1-3.9	Heal the Bay	May 4	The Regional Board should encourage steady progress to final Waste Load Allocations. The Draft TMDLs specify that “compliance with percent reductions from the Baseline WLA will be assumed wherever full capture systems are installed in corresponding percentages of the storm drain system discharging to the lake.” The Regional Board should encourage dischargers to tackle point sources with the highest loadings first so that major trash reductions are not back-loaded to the end of the compliance schedule.	Staff agrees. The BPA has been revised to include language addressing the importance of prioritizing highest point source loading. The Wasteload reductions specified in the TMDL implementation schedule represent steady progress toward final Waste Load Allocations.
1-3.10	Heal the Bay	May 4	The Baseline Load Allocation in the Draft Ventura River Trash TMDL appears to be incorrect. The Draft Ventura River Estuary Trash TMDL provides a default Baseline LA of 6,389 gallons of uncompressed trash per square mile per year. This appears to be a typographical error based on the figures provided in the Staff Report and other Draft Trash TMDLs. The Regional Board should modify this number accordingly.	The Staff Report will be revised to correct cited errors.
1-3.11	Heal the Bay	May 4	Datasets and calculations for the Baseline WLAs and LAs should be included in the Staff Reports. The Draft TMDLs establish Baseline WLAs and LAs based on several datasets such as data collected by the City of Calabasas for a Continuous Deflective Separator (CDS) installed in December of 1998 for runoff from Calabasas Park Hills to Las Virgenes Creek. However, these datasets are not included in the staff reports so it is impossible to review the appropriateness of the Baseline WLAs and LAs. The Regional Board should incorporate these datasets into the Staff Reports.	The Staff Report will be revised to include data for the Calabasas CDS study.
1-4.1	USEPA	May 4	My initial review suggests the six draft TMDL staff reports have reasonably defined impairment assessments, calculated waste load and load allocations, considered critical conditions and	Comment noted.

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			provided a margin of safety.	
1-4.2	USEPA	May 4	The TMDLs appropriately set the numeric target at zero trash, and included phased reduction tasks from defined baseline waste load and load allocations (WLA and LA).	Comment Noted.
1-4.3	USEPA	May 4	The critical portion of these TMDLs is the implementation plans, which define in detail the steps for achieving zero trash in a set time frame. In addressing non-point sources, each TMDL practically establishes a program of Minimum Frequency of Assessment and Collection (MFAC) and installation of Best Management Practices (BMPs) to address the trash impairment problem. However, at the end of the 5 year compliance schedule, final compliance achievement for non-point sources is defined as “progressive decline of trash by 50% from the baseline WLA and LA.” Please clarify how 100% reduction of trash from the baseline LA will be achieved.	Staff has revised the BPA to remove the 50% reduction of trash from the Baseline. The MFAC implements zero trash numeric target by attaining a zero trash target on days of collection and a collection frequency that does not allow trash to accumulate in deleterious amounts.
1-4.4	USEPA	May 4	The trash TMDLs for Legg Lake, Machado Lake, Ventura River Estuary, Revolon Slough and Beardsley Wash, and Santa Clara River included a final compliance schedule of eight years to achieve the final TMDL target of zero trash for WLA. However, the Los Angeles trash TMDL provided an additional year to responsible parties for achieving the final WLA, based on a 3 year rolling average. Please explain the basis for the differences between the compliance schedules and overall approach towards WLAs.	The difference is that the Los Angeles River trash TMDL addresses a larger watershed than any of the other trash TMDLs, where the waterbodies are both smaller and more homogeneous. Averaging is thereby appropriate for the Los Angeles River watershed.