

**Comments Summary and Response**  
**Harbor Beaches of Ventura County Bacteria TMDL**  
**Comment due date: September 26, 2007**

1. Ventura Port District
2. City of Ventura
3. City of Oxnard
4. Heal the Bay
5. Ventura County Agricultural Irrigated Lands Group (VCAILG)
6. City of Moorpark
7. City of Camarillo
8. City of Thousand Oaks
9. California Department of Transportation (Caltrans) (Submitted 09/26/07 via email) (Received 09/27/07 via email)

<b>No.</b>	<b>Author</b>	<b>Date</b>	<b>Comment</b>	<b>Response</b>
1.1	Ventura Port District	Sep 19	If the only available information on sources to the beach indicates that the sources are from the Harbor, then we feel that the TMDL should be postponed and combined with the development of the Bacteria TMDL to address the Coliform Bacteria listing for the Ventura Harbor: Ventura Keys. Developing the Harbor Cove Beach TMDL in conjunction with the Ventura Harbor: Ventura Keys Bacteria TMDL would allow the connection between sources to the Harbor, sources to the beach, and responsible parties to be developed.	Staff finds that bacteria impairments associated with the Ventura Harbor Keys and Harbor Cove Beach may have common sources and a technical and regulatory advantage may be derived from coordinating and developing the TMDLs together. As such, the TMDL for Harbor Cove Beach will be continued to later date which will coincide with the development of the future TMDL for bacteria impairments at the Ventura Harbor Keys. The staff report and proposed basin plan amendment (BPA) will be revised to remove reference to Harbor Cove Beach.
1.2	Ventura Port District	Sep 19	1. The available data suggests that the listing may not be justified [for Harbor Cove Beach] by looking at the entire	Staff disagrees.

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			data set.	<p>In addition to the comment letter, The City of Ventura and Ventura Port District (Port District) submitted a letter to State Water Resources Control Board on February 28, 2007 in response to the 2008 303(d) data request which recommended delisting for Harbor Cove Beach.</p> <p>In response, staff re-evaluated the existing data based on guidelines set forth in <i>Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List</i> (September 2004) (Listing Policy).</p> <p>Staff determined exceedances based on an exceedance day approach for single samples (section 2.4.2 of the Staff Report). For geometric means, a similar approach was taken to evaluate exceedances of geometric mean standards where an exceedance of one geometric mean criterion would count as an exceedance day for geometric means.</p> <p>Data were analyzed from April 1999 to March 2006 and staff has determined that Harbor Cove Beach has a total of 96 out 523 total exceedances of</p>

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				<p>geometric mean standards. Using binomial distribution and the values provided in Table 4.2 of the listing policy for sample sizes greater than 121, staff determined that a total of 86 exceedances or less out of 523 samples is necessary to delist Harbor Cove Beach. Precedence for not delisting a waterbody based on exceedances of bacteria geometric mean standards is set in the <i>2006 Clean Water Action Section 303(d) list of water quality limited segments Fact sheets Supporting "Do Not Delist" Recommendations</i> for Ventura River Estuary as well as other waterbodies.</p> <p>Given the determinations made by staff and guidance from the listing policy, staff has determined that Harbor Cove Beach exceeds bacteria standards for geometric means in excess of the listing policy standard for delisting Harbor Cove Beach.</p> <p>The staff report presented the data in a seasonal form and further analyzed the data in terms of wet- and dry-weather to better understand the similar conditions in which exceedances occur, which is consistent with previous adopted</p>

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				<p>bacteria TMDLs in the Los Angeles region.</p> <p>The analysis of data included with the delisting request used only data from 2003 and more recent. Section 6.1.5.3 of the Listing Policy states that, “[i]f the implementation of a management practice(s) has resulted in a change in the water body segment, only recently collected data [since the implementation of the management measure(s)] should be considered.” The City of Ventura and the Port District have not provided information regarding the implementation of a management practice or justification for not using the data prior to 2003.</p> <p>Calculation of geometric means is based on a rolling 30-day period and requires at least 5 equally spaced samples (section 2.4.2 of the staff report). In the data analysis included in the delisting request, data points collected on the same day were considered independently for the calculation of geometric means. However, staff determined that samples taken on the same day by the City of Ventura and County of Ventura were not temporally</p>

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				independent in regards to calculating the geometric mean. In those cases, daily averages were used to contribute to the calculation of the rolling 30-day geometric mean.
1.3	Ventura Port District	Sep 19	2. Sources to the beach have not been identified in the TMDL analysis.	Comment noted. Staff acknowledges the lack of information in regards to nonpoint source loading to Harbor Cove Beach. Source identification studies can be conducted to quantify source loading and adequately establish linkage at Harbor Cove Beach as the TMDL is redeveloped or can be included as special studies to the redeveloped TMDL in its implementation plan.
1.4	Ventura Port District	Sep 19	3. The linkage analysis has not established the connection between allocations and achieving the water quality objectives because of the lack of information about sources.	See response to comment 1.3.
1.5	Ventura Port District	Sep 19	4. The reference beach selected is not appropriate for enclosed beaches. The following sections describe our concerns in more detail.	Staff recognizes the unique conditions of Leo Carrillo as a reference beach—however, Leo Carrillo is currently the best reference beach available and has been used in several enclosed beach TMDLs. The Regional Board continues to work to develop a more appropriate reference beach for enclosed beaches and developments can be considered during the Regional Board

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				reconsideration at four years from the effective date of the TMDL.
1.6	Ventura Port District	Sep 19	<p>[T]he total number of exceedances for all constituents and for all criteria is below the allowable number of exceedances calculated from the Listing Policy. As a result, the available data collected since 2002 show that Harbor Cove Beach should be delisted per the 2004 Listing Policy.</p> <p>On February 28, 2007, the City and Port District submitted a letter to the Regional Water Board in response to a request for data submittals for the 2008 303(d) listing process. Although no formal response was received to this letter, Regional Water Board staff proceeded to develop a TMDL and included a data analysis in the Staff Report to support the continued listing and development of a TMDL for Harbor Cove Beach. The data analysis provided in the Staff Report varies from the analysis we provided in the following ways:</p> <ol style="list-style-type: none"> <li>1. The data analysis is conducted by season (i.e. summer dry weather, winter dry weather, and winter wet weather) rather than looking at the entire data set.</li> <li>2. The data analysis included data from April 1999 to March 2006 and also looked at the data subset from November 2003 to March 2006.</li> <li>3. For days when multiple samples were collected on the same day, the arithmetic mean of the samples was used to calculate the geometric mean. Our analysis used all samples to calculate the geometric mean, even if they were collected on the same day.</li> <li>4. The exceedance frequency is compared to the Los Angeles Region Reference Beach (Leo Carrillo Beach) rather than the allowable exceedances in the 2004 Listing Policy table.</li> </ol>	See response to comment 1.1.

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			Based on the analysis provided in the Staff Report, the number of exceedances would not meet the listing policy during summer dry weather or winter dry weather, but would exceed the number of allowable exceedances under the listing policy during wet weather: Similarly, the summer geometric mean exceedances would not exceed the allowable exceedances in the 2004 Listing Policy, though the winter geometric mean exceedance would.	
1.7	Ventura Port District	Sep 19	The source analysis provides no linkage between the responsible parties in the TMDL and the sources on the beach. The Port District does not own the beach or operate any discharges to the beach and the owner of the beach (State of California) is not listed in the TMDL. All storm water discharges from the Port District enter the storm drain system that does not discharge to the beach area. Dry weather runoff is not present from any Port District facility to the beach. The only point source that could have been considered to be a possible source was the Port District boat washing facility. Discharges from that facility have been discharged to the sanitary sewer system since May 1, 2006. So, point source discharges to the beach area from the Port District do not exist, yet they are listed as point sources in the TMDL.	<p>See response to comment 1.3 in regard to sources.</p> <p>Staff has received the Ventura Port District's letter requesting the rescinding of their NPDES permit for the wash-down facility. Staff is in the process of reviewing and verifying the information in the letter and the comment will be addressed when the new Harbor Cove Beach in conjunction with Ventura Keys TMDL is redeveloped.</p> <p>Staff has received a jurisdictional determination from California State Lands Commission (CSLC) in regards to Harbor Cove Beach (also know as Peninsula Beach). According to their letter of determination received via email on September 25, 2007, "Peninsula Beach, is the ocean facing beach inside the breakwater and jetties</p>

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				<p>at the north end of the peninsula and is under a 49-year lease (PRC 5892.9) to the District, by CSLC.” They further find that “land waterward of the Mean High Tide Line at this location are subject to a 49-year lease to the District, Lease No. PRC 2881.9.</p> <p>Based on the findings of this letter, staff has determined that the Harbor Cove Beach and beach waters are under the jurisdiction of the Port District. As a result, the Port District is responsible for maintaining the water quality at Harbor Cove Beach.</p>
1.8	Ventura Port District	Sep 19	Additionally, the staff report provides no information on nonpoint sources to the beach that could be considered within the Port District jurisdiction. In fact, on page 48, the Staff Report states "Unfortunately, HCB lacks the detailed studies conducted at the CIHB. A source identification study of the VH may help to fully characterize and quantify the loading associated with nonpoint sources."	<p>See response to comment 1.3 regarding sources.</p> <p>See response to comment 1.7 regarding Port District jurisdiction.</p>
1.9	Ventura Port District	Sep 19	Additionally, the entire source analysis section focuses on sources of bacteria to Ventura Harbor. However, there is no discussion of how sources to the Harbor are linked to sources at Harbor Cove Beach. Additionally, no sources specific to the beach are identified. Page 51 of the Staff Report states “The potential beach sources of bacteria loading are not full(y) characterized for HCB.” The text then lists a number of possible sources, but contains no information to identify if any of the sources are actually present at Harbor Cove Beach.	See response to comment 1.3.



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1.10	Ventura Port District	Sep 19	Additionally, if there are no clear anthropogenic sources of bacteria, we feel that natural sources, such as birds, should be explored before issuing a TMDL for a beach whose number of exceedances could possibly be explained by natural sources.	See response to comment 1.5.
1.11	Ventura Port District	Sep 19	As with the source analysis, the TMDL linkage analysis does not provide any information linking discharges from the responsible parties to exceedances of bacteria water quality objectives at Harbor Cove Beach. The linkage analysis states "Regional Board Staff concludes that exceedances of bacteria water quality standards at the HCB is linked to a combination of nonpoint sources (i.e., local sources) and point sources (i.e. Arundell Barranca and boat wash-down station)." Although this statement is made, no information is presented in either the source analysis section or the linkage analysis section to support this statement. No information is presented as to how the Arundell Barranca directly impacts the beach area and local nonpoint sources (other than birds as a natural source) are not identified.	See response to comment 1.3.
1.12	Ventura Port District	Sep 19	Given the substantial differences between these two beaches, the Port District believes the decision to designate Leo Carrillo Beach as the reference beach is premature. As Figure 1-2 in the Staff Report plainly shows, the extensive system of breakwaters and jetties surrounding Harbor Cove Beach substantially alters the natural movement of ocean water that would exist at the beach absent this system. This sheltering from the ocean currents creates an environment uniquely affecting bacterial populations in a manner distinct from exposed beaches like Leo Carrillo Beach. The jetties and breakwater system at Harbor Cove Beach in fact create an artificial cove where the beach waters are relatively stagnated in comparison to Leo Carrillo Beach.	See response to comment 1.5.

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			<p>In addition to the differences in the physical setting, contributions from natural sources to the Harbor Cove Beach occur year-round. Unlike Leo Carrillo Beach where stream flows deliver bacteria from natural sources primarily during wet weather, birds and other animals visit Harbor Cove Beach continuously throughout the year. As a result, allowable exceedances may be appropriate year round, not just during the winter season.</p> <p>The Port District acknowledges the Regional Board Staffs recognition that the Leo Carrillo Beach may not be the most appropriate reference system for the Harbor Cove Beach, as indicated in the Staff Report (p. 34). In addition, although the Regional Board can re-assess a more appropriate reference beach under the TMDL's schedule, the Port District requests that a more appropriate reference beach having a physical setting more like that of a cove be designated before adoption of the TMDL or consider use of the natural sources exclusion approach should an appropriate reference beach not be defined.</p>	
1.13	Ventura Port District	Sep 19	<p><b>The Ventura Port District Individual NPDES Permit Discharge is no longer a source to the Ventura Harbor.</b> As stated previously, the Ventura Port District's discharge associated with the individual NPDES permit ceased in May, 2006. As such, the reference to this source as a potentially significant source of bacteria loading should be removed from the Tentative BPA, page 3, and from the Staff Report.</p>	See response to comment 1.7.
1.14	Ventura Port District	Sep 19	<p>The Staff Report does not provide any links between any permitted discharge and the elevated bacteria concentrations at Harbor Cove Beach. Additionally, as quoted above, the Staff Report does not provide any information on nonpoint sources of</p>	See response to comment 1.3.

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			bacteria to Harbor Cove Beach. The Source Analysis section of the Tentative BPA should clearly distinguish between known sources identified for the Channel Island Beaches and Harbor Cove Beaches and state that point and nonpoint sources to Harbor Cove Beaches have not been identified.	
1.15	Ventura Port District	Sep 19	<b>The Responsible Parties listed in the TMDL are incorrect.</b> On page 4 in Table 7-28.1 of the Tentative BPA, the Ventura County Watershed Protection District and <i>associated Municipal Separate Storm Sewer System (MS4) permittees</i> (emphasis added) are listed as having wasteload allocations (WLAs) in the TMDL. Many of the "associated MS4 permittees" do not discharge to the waterbodies listed in the TMDL (such as the Cities of Simi Valley, Moorpark, and Thousand Oaks). Please remove the language from the Tentative BPA and Staff Report that refer to "associated MS4 permittees."	Comment noted. The BPA and staff report will be revised to clarify responsible parties.
1.16	Ventura Port District	Sep 19	Additionally, the State of California, which owns Harbor Cove Beach, is not listed as a responsible party. To assist in your understanding of the ownership and leasing arrangements in the Harbor Cove Beach area, included herewith is a recent aerial photograph of the Ventura Harbor/Ventura Keys area with the boundaries of the District's three leases (also included) with the State of California overlain upon it. Lease numbers 5872.9 and 5892.9 can be characterized as real leases because the Port District has control of the leased premises for the duration of the lease. Lease number 2881.9, which includes the Harbor Cove Beach, is really just a permit allowing for the construction of certain structures. See paragraph 1 of the lease which reads as follows:  "1. Said permit shall be used only for the construction, operation and maintenance of a harbor entrance	See response to comment 1.7.

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			<p>channel and jetties which shall in all respects comply with all applicable laws, rules and regulations."</p> <p>Thus, the State of California retains control of the lands which are the subject of Lease number 2881:9 and should thus be added as a responsible party receiving a load allocation. Though the Port District recognizes its responsibility for discharges to the Harbor and any water quality objective exceedances these discharges may cause at Harbor Cove Beach, the link between discharges under our jurisdiction and the sources at Harbor Cove Beach have not been identified. Until the link is established, we request that the Port District be removed as a responsible party to the TMDL.</p>	
1.17	Ventura Port District	Sep 19	<p><b>Table 7-28.1 in Tentative BPA makes inconsistent statements in regard to assigned waste load allocations (WLAs).</b> This table <i>states</i> that WLAs are assigned to various permittees discharging into the Harbor Beaches in Ventura County (HBVC). WLAs are designated for each of the stated time periods at each of the three HBVC beaches. The WLA for winter dry-weather and wet-weather single sample bacteria densities for Hobie Beach, Kiddie Beach, and Harbor Cove Beach are listed in Table 7-28.2. That table allows some exceedances for the bacteria objectives during the winter dry-weather and wet-weather periods. The WLA section in Table 7-28.1 is inconsistent with this allowance. That section states that "general NPDES permits, individual NPDBS permits, the Statewide Industrial Storm Water General Permit...are assigned WLAs of <i>zero (0)</i> days of allowable exceedances <i>for all three time periods</i> and for the single sample limits and the rolling 30-day geometric mean." (emphasis added). However, in the Staff Report, these sources appear to be given allocations that include</p>	See response to comment 1.3.

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			some allowable exceedances. As no sources have been clearly identified for the TMDL and no support is provided for determining that some sources should have no allowable exceedances, the Port District requests the language quoted above be removed from the Tentative BPA.	
1.18	Ventura Port District	Sep 19	<b>Table 7-28.1 in Tentative BPA does not identify sources and provide a linkage to the responsible parties for the Interim or Final Allocations.</b> The Tentative BPA provides tables of allowable exceedances as both interim and final wasteload and load allocations. However, the allocations are not assigned to identified TMDL sources and the associated responsible parties, but rather to the beach. In Table 7-28.3, several responsible parties are identified for compliance with the TMDL and page 4 lists the parties that have been assigned WLAs and load allocations (LAS), however the Tentative BPA and the Staff Report do not provide information on how those responsible parties are linked to the allocations presented in the Tentative BPA. The Tentative BPA should clearly provide information on the sources that are assigned allocations for the TMDL and how those sources are linked to the responsible parties identified in Table 7-28.3.	<p>The allowable exceedances in the TMDL are intended to account for exceedances caused by natural sources and it is not the intent of the Regional Board to require the treatment of these sources.</p> <p>The Port District has jurisdiction and responsibility, along with the other responsible parties, to reduce loads to reach the allowable exceedance levels. Source identification studies can be conducted to quantify source loading and adequately establish linkage at Harbor Cove Beach as the TMDL is redeveloped or can be included as special studies to the redeveloped TMDL in its implementation plan.</p>
1.19	Ventura Port District	Sep 19	<b>The TMDL documentation fails to adequately explain why the Port District has a nonpoint designation.</b> Table 7-28.4 in the Basin Plan Amendments (BPA) designates the Port District as both a point and non-point source and assigns allocations for both designations. The allocations are the same for both point and nonpoint sources. Despite these designations, most of the discussion in Section 4 (Source Assessment) and Section 5 (Linkage Analysis) concerning Harbor Cove Beach indicates	The Port District is a responsible party with jurisdiction over the Marina and the subject beach. Nonpoint source bacterial contributions to beaches are well understood; as the new TMDL for Harbor Cove Beach and the Ventura Keys is developed further assessments of sources can be undertaken including

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			that very little is known about the nonpoint sources of bacteria to this beach. Section 4.3 states that "HCB lacks the detailed [bacteria source identification] studies conducted at the CIHB," and recommends a source identification study of the Ventura Harbor to fully characterize and quantify the loading associated with nonpoint sources. Further, Section 5.2 Linkage Analysis states that "[c]irculation and source identification studies have not been completed for HCB," and provides only a rudimentarily conclusion that exceedances of bacteria water quality standards at the HCB is linked to both nonpoint and point sources. We request that Regional Water Board staff refine the Source Assessment and Linkage Analysis based on completed and more definitive studies of nonpoint sources of bacteria into HCB before designating the Port District as a nonpoint source. In addition, we note that other bacteria TMDLs do not assign the Cities as both nonpoint and point sources. Therefore, we request the Regional Water Board staff provide justification for this significant break from precedence or remove the Port District as a nonpoint source in the TMDL.	<p>a better understanding of how many exceedances at the beach are caused by point and nonpoint sources.</p> <p>In terms of the precedence, Cities have been identified as nonpoint and point sources in the recently adopted Trash TMDLs such as at Legg Lake for example.</p>
1.20	Ventura Port District	Sep 19	<b>Interim Allocations should be calculated based on a percentile of annual exceedances in data from Harbor Cove Beach, not by using a critical condition analysis assumption.</b> The interim WLAs and LAs in the Tentative BPA and Staff Report are calculated based on translating the exceedance frequency of the data to number of days based on the critical condition year of 1993 at LAX. Interim limits should be calculated based on the direct use of available data, not based on a comparison using critical condition assumptions. Based on the available data from January 2002 to September 2006, the number of exceedances in the data from Harbor Cove Beach for each year (November 1-October 31)	Staff disagrees. Usage of the 95 <sup>th</sup> percentile values would lead to situations in which the actual number of exceedances at the HBVC would be significantly less than then allowable number of exceedances in all conditions. Staff notes that the sum of the exceedances days in the 95 <sup>th</sup> percentile calculation exceed the sum of the exceedances days in even the highest exceedance year, and significantly exceed the sum of the

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			<p>was developed. The following table summarizes the number of exceedance days for each of the seasons and type of criteria.</p> <table><tr><th>Year</th><th>Summer Dry Single Sample</th><th>Winter Dry Single Sample</th><th>Winter Wet Single Sample</th><th>Summer Geomean</th><th>Winter Geomean</th></tr><tr><td>2001</td><td>3</td><td>0</td><td>1</td><td>0</td><td>0</td></tr><tr><td>2002</td><td>4</td><td>0</td><td>3</td><td>8</td><td>4</td></tr><tr><td>2003</td><td>2</td><td>1</td><td>6</td><td>3</td><td>9</td></tr><tr><td>2004</td><td>4</td><td>3</td><td>6</td><td>9</td><td>16</td></tr><tr><td>2005</td><td>5</td><td>1</td><td>5</td><td>14</td><td>7</td></tr><tr><td>95<sup>th</sup> Percentile</td><td>4.8</td><td>2.6</td><td>6</td><td>13</td><td>14.6</td></tr></table> <p>We request that the 95th percentile values shown in the table above be used as the interim limits for the Harbor Cove Beach rather than the values calculated using the critical condition assumptions.</p>	Year	Summer Dry Single Sample	Winter Dry Single Sample	Winter Wet Single Sample	Summer Geomean	Winter Geomean	2001	3	0	1	0	0	2002	4	0	3	8	4	2003	2	1	6	3	9	2004	4	3	6	9	16	2005	5	1	5	14	7	95 <sup>th</sup> Percentile	4.8	2.6	6	13	14.6	<p>lowest exceedance years. Staff also notes that no single year experienced the 100 percentile exceedance days during all conditions. Accordingly, staff has determined that the use of the observed exceedance probability and the number of days on the critical condition year of 1993 at LAX to determine the interim allocations, as the more conservative of the two approaches.</p>
Year	Summer Dry Single Sample	Winter Dry Single Sample	Winter Wet Single Sample	Summer Geomean	Winter Geomean																																									
2001	3	0	1	0	0																																									
2002	4	0	3	8	4																																									
2003	2	1	6	3	9																																									
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95 <sup>th</sup> Percentile	4.8	2.6	6	13	14.6																																									
1.21	Ventura Port District	Sep 19	<p><b>Final Allocations should be calculated using critical condition years defined based on precipitation in Ventura County, not at LAX.</b> The Staff Report, page 63, states that the rationale for using the LAX station is that "the station has the longest historical rainfall record in the Los Angeles Region." While that may be a correct statement for Los Angeles County, Ventura County has numerous stations with rainfall records of as long or longer in duration as the LAX station. Rainfall patterns in Ventura County can vary significantly from Los Angeles County. Although the analysis may not make a significant impact to the TMDL calculations, the differences between Ventura County and Los Angeles County should be acknowledged in the TMDL. Ventura County watersheds respond differently to rainfall because of the large amounts of open space and agriculture.</p>	<p>Comment noted. Time has been allocated in the implementation schedule for to the Regional Board to consider the use of Ventura County precipitation data in determining final allocations (see Table 7-28.3).</p>																																										

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1.22	Ventura Port District	Sep 19	<b>Final Allocations for Winter Dry Season should be based on the 90<sup>th</sup> percentile critical dry weather year, not wet weather year.</b> As discussed in the Staff Report on page 63 under critical conditions, 1993 was chosen as the reference year because "it is the 90th percentile year in terms of wet weather days". The reasoning for choosing this year is so that the reference beach is not frequently exceeding the allowable exceedance days. We fully support this approach and reasoning for selection of the 90 <sup>th</sup> percentile year in terms of wet weather days for determining the allowable number of wet weather exceedances. However, using the same reference year for both wet weather and winter dry weather results in a situation where the reference beach can be expected to exceed its allowable number of winter dry weather exceedances in 9 out of 10 years. Rather than using this same reference year to calculate the number of allowable exceedances for both wet weather and winter dry weather, the same analysis should be conducted to determine the reference year for winter dry weather that is based on the 90 <sup>th</sup> percentile year in terms of winter dry weather days. Assuming that all of the wet days presented in Appendix A occurred between November 1 and larch 31 (which is likely not completely accurate), the 90 <sup>th</sup> percentile year in tends of winter dry weather days would be approximately equal to the 10 percentile year in terms of wet weather days. According to Appendix A, this would equate to somewhere between 115 (88.6 <sup>th</sup> percentile) and 118 (91.6 <sup>th</sup> percentile) winter dry weather days as compared to 80 winter dry	Staff acknowledges the concerns of the Port District and the potential situation cause by selection 90th percentile storm year. When the TMDL is reconsidered by the Regional Board, the reconsideration of allocations can include an evaluation of whether the allowable exceedance days should be adjusted annually based on the number of wet weather days each year (while keeping the exceedance probability constant) rather than fixing the number based on the 90th percentile year. This would mean that in years with fewer wet days, there would be fewer allowable exceedance days, while in a year that exceeded the 90th percentile year, more allowable exceedance days would be permitted.



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			days currently used to calculate the allowable exceedances in the TMDL. Using the methods described in the Staff Report, the 90 <sup>th</sup> percentile year in terms of dry weather days would result in 4 (rather than 3) allowable exceedance days during winter dry weather if daily sampling is conducted.	
1.23	Ventura Port District	Sep 19	The final plans are due at the same time the Regional Board reconsiders the TMDL (four years after the TMDLs effective date). The advantage of performing the substantial amount of work in developing the draft and final workplans prior to TMDL reconsideration is unclear because the Regional Board's may substantially alter the TMDL's requirements during reconsideration, including in particular changing the reference beach and evaluating natural sources.	Staff disagrees. While the reconsideration will allow for appropriate adjustments in the TMDL and allocations to be made, it is expected that in the first four years after the TMDL is effective, substantial progress will be made in reducing bacterial exceedances and plans can be laid for final compliance even in the face of the uncertainty of precise final compliance allowable exceedances. A draft work plan is necessary to determine the current course of action to remediate the bacteria impairments at the HBVC. This approach is consistent with Mother's Beach in Marina del Rey Harbor and Back Basins Bacteria TMDL, which has also listed requirements for a draft and final work plan prior to Regional Board reconsideration.
1.24	Ventura Port District	Sep 19	As indicated in Section 9.1.1 of the Staff Report, BMPs are designed to comply with the listed WLAs and LAs. Thus, the scope of a structural or nonstructural BMP program is inescapably linked to the established WLA and LAs, as well as the designated reference beach since the reference	See response to comment 1.23.

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			system/antidegradation approach is designed to achieve reductions in exceedances to the level representative of the reference beach. It is impractical to identify and characterize BMP programs for the purpose of complying with WLAs and LA because said allocations may in fact be changed down the road. Therefore, the responsible parties recommend Regional Board staff remove the requirements for draft workplan submittals altogether and require submittal of the final workplans six to 12 months after the Regional Board reconsiders the TMDL.	
1.25	Ventura Port District	Sep 19	In addition, the Port District requests the Regional Board extend the implementation schedule for HCB to 10 years to allow time for studies and reconsideration of the TMDL prior to requiring implementation actions.	Comment noted. This comment will be addressed when the TMDL for Harbor Cove Beach is redeveloped.
1.26	Ventura Port District	Sep 19	<b>The TMDL does not appropriately characterize the bacteria problem at the Harbor Cove Beach.</b> In particular, the Staff Report overstates the problem at HCB beach by blurring the distinction between the beach's bacteria problem and the significant and recognized bacteria problem at the Channel Islands Harbor beaches. While the Staff Report appropriately discusses the general health risks associated with bacteria impaired recreational waters, it lacks a balanced characterization of the bacteria problem at Harbor Cove Beach. This results in an alarmist portrayal about the beach qualities, which may inappropriately impact public perception and use of the beach in an adverse way. In particular, the staff report describes only the poor ratings this beach has received, but not its good ratings.	Considering the real health risk of swimming in contaminated waters, staff disagrees that the description of the bacterial exceedances at Harbor Cove Beach is alarmist. The data analysis is the Staff Report was thorough – data were analyzed for different seasons and weather conditions and over a full five years and the more recent three years so that improvements in exceedance levels would be made clear.
1.27	Ventura Port District	Sep 19	<b>The discussion of Natural Source Exclusion Approach inappropriately characterizes the approach and applicability to the Harbor Cove Beach watershed.</b> On page 44 of the Staff Report, a discussion of the natural source exclusion approach incorrectly states "All anthropogenic sources must be removed	Comment noted. The staff report will be revised to address this comment.

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			first." The Basin Plan Amendment adopted in 2002 (Resolution 2002-22) that provides for natural sources exclusion states that "after all anthropogenic sources of bacteria have been controlled <i>such that they do not cause or contribute to an exceedance of the single sample objectives</i> " (emphasis added). The Basin Plan Amendment language states that anthropogenic sources must be controlled, not removed, and only to the degree that they cause or contribute to an exceedance of a water quality objective.	
1.28	Ventura Port District	Sep 19	Additionally, we request that the last sentence of the paragraph discussing the natural sources exclusion be removed as it inaccurately characterizes both the nature of the Harbor Cove Beach watershed and refers to the removal of all anthropogenic sources.	Comment noted. The staff report will be revised to address this comment.
1.29	Ventura Port District	Sep 19	We also request that this discussion include the following language from the 2002 Basin Plan Amendment "The natural sources exclusion' approach may be used if an appropriate reference system cannot be identified due to the unique characteristics of the target water body." Although we recognize that this approach cannot currently be used due to the lack of available data on natural sources, we feel that the Staff Report should recognize this approach as a potentially appropriate future approach to addressing bacteria exceedances at Harbor Cove Beach.	See response to comment 1.5.
1.30	Ventura Port District	Sep 19	<b>Clarification comments on Staff Report</b> On page 25 of the Staff Report, a statement is made that the Santa Monica Bay Epidemiological Study provided much of the basis for the current marine bacteria standards. Although this study may have provided the impetus for the development of the legislation and support for the development of the standards, the data in the study did not provide information on the value of the water quality objectives that were developed. This statement	Comment noted. The staff report will be revised to address this comment.

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			should be clarified.	
1.31	Ventura Port District	Sep 19	Throughout the Staff Report, references to "Ventura Harbor Keys" should be changed to "Ventura Keys" and references to "Ventura Marina" should be changed to "Ventura Harbor[.]"	Comment noted. This comment will be addressed when the TMDL for Harbor Cove Beach is redeveloped.
1.32	Ventura Port District	Sep 19	Figure 1-2 incorrectly outlined the extent of Harbor Cove Beach. The portion of the outlined area north of the middle jetty is not part of the beach.	Comment noted. This comment will be addressed when the TMDL for Harbor Cove Beach is redeveloped.
1.33	Ventura Port District	Sep 19	On page 15, the Staff Report states "The USACE were contracted to construct the harbor." This statement is incorrect and should be deleted.	Comment noted. This comment will be addressed when the TMDL for Harbor Cove Beach is redeveloped.
1.34	Ventura Port District	Sep 19	On page 27, the Staff Report states "CIH is the gateway to the Channel Islands National Park." The operator of all trips to Channel Islands National Park is actually located in Ventura Harbor so this is an incorrect statement.	Comment noted. This comment will be addressed when the TMDL for Harbor Cove Beach is redeveloped.
1.35	Ventura Port District	Sep 19	On page 28, the Staff Report includes impairments for other constituents (DDT and PCBs) that are listed throughout the Ventura Harbor. This information is unnecessary and confusing and should be deleted from the Staff Report.	Comment noted. In a general discussion of the environmental setting, it is appropriate to include the other impairments in the Harbor. This comment may be further addressed when the TMDL for Harbor Cove Beach is redeveloped.
1.36	Ventura Port District	Sep 19	On page 30 in Table 2-1, Ventura Keys are listed with "(Marina)" shown below the listing. The Ventura Keys are not a marina and the reference should be deleted.	Staff agrees that Ventura Keys is not a marina. In drafting the technical documents, staff has identified beneficial uses for waterbodies the affected waterbody or waterbodies and their corresponding beneficial uses. The Ventura Keys (Marina) listing and its corresponding beneficial uses is listed in the California Water Quality Control Plan, Los Angeles Region (Basin Plan)

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1.37	Ventura Port District	Sep 19	On page 50, the Staff Report refers to septic tanks on boats. Septic tanks are not used on boats. Please replace septic tanks with holding tanks.	Comment noted. The BPA and staff report will be revised to address this comment.
2.1	City of Ventura	Sep 19	It is unclear why the City is listed as a responsible party in the Ventura Harbor Cove Beach TMDL when the City has no point source discharges to this cove, no property ownership, nor any right-of ways that drain to the beach. In fact, to the best of our knowledge, the Harbor Cove Beach (HCB) is owned by the State of California, which is <i>not</i> listed as a responsible party in the draft TMDL.	See response to comment 1.3 regarding sources.  See response to comment 1.7 regarding jurisdiction and the State Lands Commission. In any respect, the City is a permittee under the Ventura County MS4 permit and stormwater is a source of exceedances of bacterial standards in wet-weather.
2.2	City of Ventura	Sep 19	The Staff Report source analysis has failed to demonstrate any clear reason why the City should be listed as a responsible party in the Harbor Cove Beach TMDL. It provides no information on sources to the beach that could be considered within the City's jurisdiction. In fact, the Staff Report (page 48) states, "Unfortunately, Harbor Cove Beach lacks the detailed studies conducted at the Channel Islands Harbor Beach. A source identification study of the Ventura Harbor may help to fully characterize and quantify the loading associated with non-point sources."	See response to comment 1.3 regarding sources and 2.1 regarding jurisdiction.
2.3	City of Ventura	Sep 19	If it is likely that the Harbor is the originating source, we feel that the TMDL should be postponed and combined with the development of the Bacteria TMDL to address the Coliform Bacteria TMDL listing for the Ventura Harbor/Ventura Keys.	See response to comment 1.1.
2.4	Ventura Port District	Sep 19	1. The available data suggests that the listing may not be justified [for Harbor Cove Beach] by looking at the entire	See response to comment 1.2.

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			data set.	
2.5	Ventura Port District	Sep 19	2. Sources to the beach have not been identified in the TMDL analysis.	See response to comment 1.3
2.6	Ventura Port District	Sep 19	3. The linkage analysis has not established the connection between allocations and achieving the water quality objectives because of the lack of information about sources.	See response to comment 1.3
2.7	Ventura Port District	Sep 19	4. The reference beach selected is not appropriate for enclosed beaches. The following sections describe our concerns in more detail.	See response to comment 1.5
2.8	City of Ventura	Sep 19	<p>[T]he total number of exceedances for all constituents and for all criteria is below the allowable number of exceedances calculated from the Listing Policy. As a result, the available data collected since 2002 show that Harbor Cove Beach should be delisted per the 2004 Listing Policy.</p> <p>Although no formal response was received to this letter, Regional Water Board staff proceeded to develop a TMDL and included a data analysis in the Staff Report to support the continued listing and development of a TMDL for Harbor Cove Beach. The data analysis provided in the Staff Report varies from the analysis we provided in the following ways:</p> <ol style="list-style-type: none"> <li>1. The data analysis is conducted by season (i.e. summer dry weather, winter dry weather, and winter wet weather) rather than looking at the entire data set.</li> <li>2. The data analysis included data from April 1999 to March 2006 and also looked at the data subset from November 2003 to March 2006.</li> <li>3. For days when multiple samples were collected on the same day, the arithmetic mean of the samples was used to calculate the geometric mean. Our analysis used all samples to calculate the geometric mean, even if they were collected on</li> </ol>	See response to comment 1.2

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			<p>the same day.</p> <p>4. The exceedance frequency is compared to the Los Angeles Region Reference Beach (Leo Carrillo Beach) rather than the allowable exceedances in the 2004 Listing Policy table.</p> <p>Based on the analysis provided in the Staff Report, the number of exceedances would not meet the listing policy during summer dry weather or winter dry weather, but would exceed the number of allowable exceedances under the listing policy during wet weather: Similarly, the summer geometric mean exceedances would not exceed the allowable exceedances in the 2004 Listing Policy, though the winter geometric mean exceedance would.</p>	
2.9	City of Ventura	Sep 19	<p>The source analysis provides no linkage between the responsible parties in the TMDL and the sources on the beach. The City does not own the Harbor Cove Beach, and the owner of the beach (State of California) is not listed in the TMDL. The City does not own or operate any discharges to the beach. All storm water discharges from the City enter the storm drain system that does not discharge to the beach area. Dry weather runoff is not present from any City facility to the beach. The City has no point source discharges to the beach area, yet we are listed as point sources in the TMDL.</p>	<p>See response to comment 1.3 for sources.</p> <p>See response to 1.7 and 2.1 regarding jurisdiction.</p>
2.10	City of Ventura	Sep 19	<p>Additionally, the Staff Report provides no information on non-point sources to the beach that could be considered within the City jurisdiction. In fact, on page 48, the Staff Report states, "Unfortunately, HCB lacks the detailed studies conducted at the CIHB. A source identification study of the Ventura Harbor may help to fully characterize and quantify the loading associated with non-point sources."</p>	See response to comment 1.3
2.11	City of Ventura	Sep 19	<p>Additionally, the entire source analysis section focuses on sources of bacteria to Ventura Harbor. However, there is no</p>	See response to comment 1.3

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			discussion of how sources to the Harbor are linked to sources at Harbor Cove Beach. Additionally, no sources specific to the beach are identified. Page 51 of the Staff Report states, "The potential beach sources of bacteria loading are not full(y) characterized for HCB." The text then lists a number of possible sources, but contains no information to identify if any of the sources are actually present at Harbor Cove Beach.	
2.12	City of Ventura	Sep 19	Additionally, if there are no clear anthropogenic sources of bacteria, we feel that natural sources, such as birds, should be explored before issuing a TMDL for a beach whose number of exceedances could possibly be explained by natural sources.	See response to comment 1.5
2.13	City of Ventura	Sep 19	Additionally, if the only available information on sources to the beach indicates that the sources are from the Harbor, then <b>we feel that the HCB TMDL should be postponed and combined with the development of the upcoming Ventura Harbor Bacteria TMDL to address the Coliform Bacteria listing for the Ventura Harbor/Ventura Keys.</b>	See response to comment 1.1
2.14	City of Ventura	Sep 19	As with the source analysis, the TMDL linkage analysis does not provide any information linking discharges from the responsible parties to exceedances of bacteria water quality objectives at Harbor Cove Beach. The linkage analysis states, "Regional Board Staff concludes that exceedances of bacteria water quality standards at the HCB is linked to a combination of non-point sources (i.e., local sources) and point sources (i.e. Arundell Barranca and boat wash-down station)." Although this statement is made, no information is presented in either the source analysis section or the linkage analysis section to support this statement. No information is presented as to how the Arundell Barranca directly impacts the beach area and local non-point sources (other than birds as a natural source) are not identified.	See response to comment 1.3
2.15	City of	Sep 19	Additionally, as stated previously, the boat wash down facility no	See response to comment 1.7.



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	Ventura		longer discharges to the Harbor and should no longer be considered a source to the beach.	
2.16	City of Ventura	Sep 19	<p>Given the substantial differences between these two beaches, the City of Ventura believes the decision to designate Leo Carrillo Beach as the reference beach is inappropriate. As Figure 1-2 in the Staff Report plainly shows, the extensive system of breakwaters and jetties surrounding Harbor Cove Beach substantially alters the natural movement of ocean water. This sheltering from the ocean currents creates an environment uniquely affecting bacterial populations in a manner distinct from exposed beaches like Leo Carrillo Beach. The jetties and breakwater system at Harbor Cove Beach, in fact, create an artificial cove where the beach waters are relatively stagnated in comparison to Leo Carrillo Beach.</p> <p>In addition to the differences in the physical setting, contributions from natural sources to the Harbor Cove Beach occur year-round. Unlike Leo Carrillo Beach where stream flows deliver bacteria from natural sources primarily during wet weather, birds and other animals visit Harbor Cove Beach continuously throughout the year. As a result, allowable exceedances may be appropriate year round, not just during the winter season.</p> <p>The City of Ventura acknowledges the Regional Board staff's recognition that the Leo Carrillo Beach may not be the most appropriate reference system for the Harbor Cove Beach, as indicated in the Staff Report (p. 34). In addition, although the Regional Board can re-assess a more appropriate reference beach under the TMDL's schedule, the City of Ventura requests that a more appropriate reference beach (i.e. having a physical setting</p>	See response to comment 1.5.

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			more like that of a cove) be designated as a reference beach before adoption of the TMDL. If an appropriate reference beach is not located, a natural sources exclusion should be considered for the HCB.	
2.17	City of Ventura	Sep 19	The Staff Report does not provide any links between any permitted discharge and the elevated bacteria concentrations at Harbor Cove Beach. Additionally, as quoted above, the Staff Report does not provide any information on non-point sources of bacteria to Harbor Cove Beach. The Source Analysis section of the Tentative BPA should clearly distinguish between known sources identified for the Channel Island Beaches and Harbor Cove Beaches and state that point and non-point sources to Harbor Cove Beaches have not been identified.	See response to comment 1.3
2.18	City of Ventura	Sep 19	<b>Table 7-28.1 in Tentative BPA makes inconsistent statements in regards to assigned waste load allocations (WLAs).</b> This table states that WLAs are assigned to various permittees discharging into the Harbor Beaches in Ventura County (HBVC). WLAs are designated for each of the stated time periods at each of the three HBVC beaches. The WLA for winter dry weather and wet weather single sample bacteria densities for Hobie Beach, Kiddie Beach, and Harbor Cove Beach are listed in Table 7-28.2. That table allows some exceedances for the bacteria objectives during the winter dry-weather and wet-weather periods. The WLA section in Table 7-28.1 is inconsistent with this allowance. That section states that "general NPDES permits, individual NPDES permits, the Statewide Industrial Storm Water General Permit...are assigned WLAs of <i>zero (0)</i> days of allowable exceedances <i>for all three time periods</i> and for the single sample limits and the rolling 30-day geometric mean" (emphasis added). However, in the Staff Report, these sources appear to be given allocations that include some allowable	See response to comment 1.3

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			exceedances. As no sources have been clearly identified for the TMDL and no support is provided for determining that some sources should have no allowable exceedances, the City of Ventura requests the language quoted above be removed from the Tentative BPA.	
2.19	City of Ventura	Sep 19	<b>Table 7-28.1 in Tentative BPA does not identify sources and provide a linkage to the responsible parties for the Interim or Final Allocations.</b> The Tentative BPA provides tables of allowable exceedances as both interim and final wasteload and load allocations. However, the allocations are not assigned to identified TMDL sources and the associated responsible parties, but rather to the Harbor Cove Beach. In Table 7-28.3, several responsible parties are identified for compliance with the TMDL and page 4 lists the parties that have been assigned WLAs and load allocations (LAO, however the Tentative BPA and the Staff Report do not provide information on how those responsible parties are linked to the allocations presented in the Tentative BPA. The Tentative BPA should clearly provide information on the sources that are assigned allocations for the TMDL and how those sources are linked to the responsible parties identified in Table 7-28.3."	See response to comment 1.3
2.20	City of Ventura	Sep 19	<b>The TMDL documentation fails to adequately explain why the City of Ventura has non-point designations.</b> Table 7-28.4 in the Basin Plan Amendments (BPA) designates the City of Ventura as both point and non-point sources and assigns allocations for both entities. The allocations are the same for both point and non-point sources. Despite these designations, most of the discussion in Section 4 (Source Assessment) and Section 5 (Linkage Analysis) concerning Harbor Cove Beach indicates that very little is known about the non-point sources of bacteria to this beach. Section 4.3 states that "HCB lacks the detailed	See response to comment 1.3.  See response to 1.19 regarding Cities assigned as both point source and nonpoint source.

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			[bacteria source identification] studies conducted at the CRIB," and recommends a source identification study of the Ventura Harbor to fully characterize and quantify the loading associated with non-point sources. Further, Section 5.2 Linkage Analysis states that "circulation and source identification studies have not been completed for HCB," and provides only a rudimentarily conclusion that exceedances of bacteria water quality standards at the HCB is linked to both non-point and point sources. We request that Regional Water Board staff refine the Source Assessment and Linkage Analysis based on completed and more definitive studies of non-point sources of bacteria into HCB before designating the City of Ventura as a non-point source. In addition, we note that other bacteria TMDLs do not assign cities as both non-point and point sources. Therefore, we request the Regional Water Board staff provide justification for this significant break from precedence or remove the City as a non-point source in the TMDL.	
2.21	City of Ventura	Sep 19	<b>Interim Allocations should be calculated based on a percentile of annual exceedances in data from Harbor Cove Beach, not by using a critical condition analysis assumption.</b> The interim WLAs and LAs in the Tentative BPA and Staff Report are calculated based on translating the exceedance frequency of the data to number of days based on the critical condition year of 1993 at LAX. Interim limits should be calculated based on the direct use of available data, not based on a comparison using critical condition assumptions. Based on the available data from January 2002 to September 2006, the number of exceedances in the data from Harbor Cove Beach for each year (November 1-October 31) was developed. The following table summarizes the number of exceedance days for each of the seasons and type of criteria.	See response to comment 1.20.

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			<table><tr><th>Year</th><th>Summer Dry Single Sample</th><th>Winter Dry Single Sample</th><th>Winter Wet Single Sample</th><th>Summer Geomean</th><th>Winter Geomean</th></tr><tr><td>2001</td><td>3</td><td>0</td><td>1</td><td>0</td><td>0</td></tr><tr><td>2002</td><td>4</td><td>0</td><td>3</td><td>8</td><td>4</td></tr><tr><td>2003</td><td>2</td><td>1</td><td>6</td><td>3</td><td>9</td></tr><tr><td>2004</td><td>4</td><td>3</td><td>6</td><td>9</td><td>16</td></tr><tr><td>2005</td><td>5</td><td>1</td><td>5</td><td>14</td><td>7</td></tr><tr><td>95<sup>th</sup> Percentile</td><td>4.8</td><td>2.6</td><td>6</td><td>13</td><td>14.6</td></tr></table> <p>We request that the 95th percentile values shown in the table above be used as the interim limits for the Harbor Cove Beach rather than the values calculated using the critical condition assumptions.</p>	Year	Summer Dry Single Sample	Winter Dry Single Sample	Winter Wet Single Sample	Summer Geomean	Winter Geomean	2001	3	0	1	0	0	2002	4	0	3	8	4	2003	2	1	6	3	9	2004	4	3	6	9	16	2005	5	1	5	14	7	95 <sup>th</sup> Percentile	4.8	2.6	6	13	14.6	
Year	Summer Dry Single Sample	Winter Dry Single Sample	Winter Wet Single Sample	Summer Geomean	Winter Geomean																																									
2001	3	0	1	0	0																																									
2002	4	0	3	8	4																																									
2003	2	1	6	3	9																																									
2004	4	3	6	9	16																																									
2005	5	1	5	14	7																																									
95 <sup>th</sup> Percentile	4.8	2.6	6	13	14.6																																									
2.22	City of Ventura	Sep 19	<b>Final Allocations should be calculated using critical condition years defined, based on precipitation in Ventura County, not at LAX.</b> The Staff Report, page 63, states that the rationale for using the LAX station is that "the station has the longest historical rainfall record in the Los Angeles Region." While that may be a correct statement for Los Angeles County, Ventura County has numerous stations with rainfall records of as long or longer in duration as the LAX station. Rainfall patterns in Ventura County can vary significantly from Los Angeles County.	See response to comment 1.21.																																										
2.23	City of Ventura	Sep 19	<b>Final Allocations for Winter Dry Season should be based on the 90<sup>th</sup> percentile critical dry weather year, not wet weather year.</b> As discussed in the Staff Report on page 63 under critical conditions, 1993 was chosen as the reference year because "it is the 90 <sup>th</sup> percentile year in terms of wet weather days." The reasoning for choosing this year is so that the reference beach is	See response to comment 1.22.																																										

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			<p>not frequently exceeding the allowable exceedance days. We fully support this approach and reasoning for selecting the 90<sup>th</sup> percentile year in terms of wet weather days for determining the allowable number of wet weather exceedances. However, using the same reference year for both wet weather and winter dry weather results in a situation where the reference beach can be expected to exceed its allowable number of winter dry weather exceedances in 9 out of 10 years. Rather than using this same reference year to calculate the number of allowable exceedances for both wet weather and winter dry weather, the same analysis should be conducted to determine the reference year for winter dry weather that is based on the 90<sup>th</sup> percentile year in terms of winter dry weather days. Assuming that all of the wet days presented in Appendix A occurred between November 1 and March 31 (which is likely not completely accurate), the 90<sup>th</sup> percentile year in terms of winter dry weather days would be approximately equal to the 10<sup>th</sup> percentile year in terms of wet weather days. According to Appendix A, this would equate to somewhere between 115 (88.6<sup>th</sup> percentile) and 118 (91.6<sup>th</sup> percentile) winter dry weather days as compared to 80 winter dry days currently used to calculate the allowable exceedances in the TMDL. Using the methods described in the Staff Report, the 90<sup>th</sup> percentile year in terms of dry weather days would result in 4 (rather than 3) allowable exceedance days during winter dry weather if daily sampling is conducted.</p>	
2.24	City of Ventura	Sep 19	<p>The final plans are due at the same time the Regional Board reconsiders the TMDL (four years after the TMDL's effective date). The advantage of performing the substantial amount of work in developing the draft and final workplans prior to TMDL reconsideration is unclear because the Regional Board may substantially alter the TMDL's requirements during</p>	<p>See response to comment 1.23.</p>

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			reconsideration, including, in particular, changing the reference beach and evaluating natural sources.	
2.25	City of Ventura	Sep 19	<p>As indicated in Section 9.1.1 of the Staff Report, BMPs are designed to comply with the listed WLAs and LAs. Thus, the scope of a structural or nonstructural BMP program is inescapably linked to the established WLA and LAs, as well as the designated reference beach, since the reference system/antidegradation approach is designed to achieve reductions in exceedances to the level representative of the reference beach. It is impractical to identify and characterize BMP programs for the purpose of complying with WLAs and LA because said allocations may in fact be changed in the future.</p> <p>Therefore, the City recommends Regional Board staff remove the requirements for draft workplan submittals altogether and require submittal of the final workplans six to 12 months after the Regional Board reconsiders the TMDL.</p>	See response to comment 1.23.
2.26	City of Ventura	Sep 19	In addition, the City of Ventura requests that the Regional Board extend the implementation schedule for the HCB TMDL to eight to ten years to allow time for studies and reconsideration of the TMDL prior to requiring implementation actions.	See response to comment 1.25.
2.27	City of Ventura	Sep 19	<p><b>The TMDL does not appropriately characterize the bacteria problem at the Harbor Cove Beach.</b> In particular, the Staff Report overstates the problem at HCB by blurring the distinction between the beach's bacteria problem and the significant and recognized bacteria problem at the Channel Islands Harbor beaches (i.e. Kiddie Beach &amp; Hobie Beach). While the Staff Report appropriately discusses the general health risks associated with bacteria impaired recreational waters, it lacks a balanced characterization of the bacteria problem at Harbor Cove Beach. This results in an alarmist portrayal about the beach qualities,</p>	See response to comment 1.26.

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			which may inappropriately impact public perception and use of the beach in an adverse way. In particular, the Staff Report describes only the poor ratings this beach has received, but not its good ratings.	
2.28	City of Ventura	Sep 19	<b>The discussion of the Natural Source Exclusion Approach inappropriately characterizes the approach and applicability to the Harbor Cove Beach watershed.</b> On page 44 of the Staff Report, a discussion of the natural source exclusion approach incorrectly states, "All anthropogenic sources must be removed first." The Basin Plan Amendment adopted in 2002 (Resolution 2002-22) that provides for natural source exclusions states that "after all anthropogenic sources of bacteria have been controlled <i>such that they do not cause or contribute to an exceedance of the single sample objectives</i> " (emphasis added). The Basin Plan Amendment language states that anthropogenic sources must be controlled, not removed, and only to the degree that they cause or contribute to an exceedance of a water quality objective.	See response to comment 1.27.
2.29	City of Ventura	Sep 19	Additionally, we request that the last sentence of the paragraph discussing the natural source exclusion be removed as it inaccurately characterizes both the nature of the Harbor Cove Beach watershed and refers to the removal of all anthropogenic sources.	See response to comment 1.28.
2.30	City of Ventura	Sep 19	We also request that this discussion include the following language from the 2002 Basin Plan Amendment "The 'natural source exclusion' approach may be used if an appropriate reference system cannot be identified due to the unique characteristics of the target water body." Although we recognize that this approach cannot currently be used due to the lack of available data on natural sources, we feel that the Staff Report should recognize this approach as a potentially appropriate future approach to addressing 'bacteria exceedances at Harbor Cove	See response to comment 1.5.



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			Beach.	
2.31	City of Ventura	Sep 19	On page 25 of the Staff Report, a statement is made that the Santa Monica Bay Epidemiological Study provided much of the basis for the current marine bacteria standards. Although this study may have provided the impetus for the development of the legislation and support for the development of the standards, the data in the study did not provide information on the value of the water quality objectives that were developed. This statement should be clarified.	See response to comment 1.30.
2.32	City of Ventura	Sep 19	On page 28, the Staff Report includes impairments for other constituents (DDT and PCBs) that are listed throughout the Ventura Harbor. This information is unnecessary and confusing and should be deleted from the Staff Report.	See response to comment 1.35.
3.1	City of Oxnard	Sept 10	<u>STAFF REPORT</u> Section 1.1, Regulatory Background, states that the "Los Angeles Regional Water Quality Control Board Staff (Regional Board Staff) proposes a reference system/antidegradation approach as the implementation procedure for this TMDL. The United States Environmental Protection Agency, in its report <i>Experts Scientific Workshop On Critical Research Needs For The Development Of New Or Revised Recreational Water Quality Criteria</i> (June 15, 2007), recommended a toolbox approach with alternatives that include strategies more in line with the World Health Organization (WHO) and European Union (EU). We recommend delay of TMDL implementation until the recommendations in this document are evaluated.	<i>In Experts Scientific Workshop On Critical Research Needs For The Development Of New Or Revised Recreational Water Quality Criteria</i> (June 15, 2007), USEPA sites the lack data on fecal coliform/illness rate relationships for additional methods and the need for additional epidemiological studies to support the implementation of the Toolbox approach.  Delay of the TMDL is not appropriate due to the direct, negative human health consequences which would be allowed to continue if the TMDL is delayed.
3.2	City of Oxnard	Sept 10	Section 1.1, <i>Regulatory Background</i> , states that the "Regional Board Staff will use Leo Carrillo Beach (LCB) and its associated drainage area, Arroyo Sequit Canyon, as the local reference	Staff acknowledges that the LCB may not be the most appropriate reference system. As such, time has been

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			system until other reference systems are evaluated and found to be more appropriate." Since these two systems are not analogous, we recommend an alternate approach, such as used in the EU (see above bullet).	allocated for the regional board to re-evaluate the reference system in the implementation schedule. See response to comment 3.1 in regards to proposed alternative approaches.
3.3	City of Oxnard	Sept 10	There is no information provided in the Staff Report to support the statement that the diversion led to lower total and fecal concentrations in the harbor. The diversion has made no difference in the AB411 monitoring performed at the Channel Islands Beaches, and this finding should be added to the staff report. Additionally, these are the only two sources of stormwater runoff contributing to the listing of Kiddie and Hobie Beaches[.]	The Larry Walker Study (2001) found that the diversion "lead to significantly lower total and fecal coliform concentrations at the South Kiddie Beach site" and "exceedances of the enterococcus standard." Though the study also finds that exceedances and bacteria level at other sites are unaffected. The staff report will be revised to discuss the diversion more fully.
3.4	City of Oxnard	Sept 10	Avian sources of bacteria and a lack of circulation are the causes of bacterial exceedances at Kiddie Beach/Hobie Beach areas of the harbor, not an abundance of bacterial inputs from storm drains in other areas of the harbor. The reference to the Los Angeles Harbor study should be deleted.	Comment noted. Avian and other nonpoint sources and the lack of circulation may be major contributors to the exceedances in dry-weather; however, in wet-weather storm water is likely to be a source of exceedances. The Los Angeles Harbor study is appropriately referenced as a study conducted at a similar enclosed beach.
3.5	City of Oxnard	Sept 10	Section 4.3, <i>Nonpoint Sources</i> , mentions that there have been a series of special studies performed at the harbor. In the interest of clarity, the sequence of special studies should be laid out in this early section, so that the reader can follow the findings and recommendations of the various studies in the following sections.	Comment noted. The staff report will be revised to address this comment.
3.6	City of	Sept 10	Section 5.1, <i>Channel Islands Harbor Beaches</i> , notes the	Comment noted. The staff report will be

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	Oxnard		<p>conclusions of a bacterial source study conducted by URS Corporation:</p> <p>"Approximately one-half of the 56 total combined Human/Sewage source matches are attributable to humans and one-half to sewage. The precise source of human sewage matches is not known. Based on the information provided in previous studies, there are no known sources of direct sewage discharge to the study area (Larry Walker, 2001),"</p> <p>This section should be followed by a discussion of the City of Oxnard's closed circuit television survey of laterals in the vicinity, and the locating and repair of a leaking lateral that most likely contributed to the above finding.</p>	revised to address this comment.
3.7	City of Oxnard	Sept 10	<p><u>SUBSTITUTE ENVIRONMENTAL DOCUMENTS</u></p> <p>Section 3.2, <i>Project Description, TMDL Goals, and Water Quality Objectives</i>, states that the revised water quality objective for REC-1 in the Basin Plan include geometric mean hurts and single sample limits for four bacterial indicators; including total coliform, fecal coliform, the fecal-to-total coliform ratio, and enterococcus. The revised objectives are also consistent with, but augment, current USEPA guidance (1986), which recommends the use of enterococcus in marine water, based on national epidemiological studies."</p> <p>In our experience in tracking bacterial indicator organisms in Ventura County, much of the exceedances of REC-1 limits are due to total coliform or the fecal-to-total coliform ratio due to natural or agricultural runoff of soils. While this augmentation of</p>	Staff disagrees. Work is currently being conducted by SCCWRP and USEPA in regards to alternative methodologies for water quality management. The lag time between study and practical application is unknown at the moment. In the meanwhile, the continued application of established ambient monitoring criteria will continue to protect human health until more appropriate monitoring criteria are established.

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			the EPA's recommended indicator organism may be appropriate for highly urbanized watersheds, they may not be useful indicators of pathogen input, as seen in our site-specific studies in Channel Islands Harbor. The Southern California Coastal Water Research Project (SCCWRP) is currently investigating alternative methodologies for water quality measurement that may more closely correlate with environmental and bather risk. We recommend delay of the TMDL implementation until these studies are complete.	
3.8	City of Oxnard	Sept 10	Many of the potential mitigation methods listed in Section 5, <i>Description of Implementation Alternatives and Site Specific Analyses</i> , have been implemented at Channel Islands Harbor beaches in an attempt to address elevated bacterial indicator organisms. These measures include diverting the storm drain to the sewer collection system, bird excluders, and squa[w]kers, and have not resulted in improvements in water quality, or were otherwise proven ineffective.	Staff disagrees. In <i>Channel Islands Harbor Beach Park Dry Weather Runoff Diversion characterization Study</i> (May 2007), Larry Walker Associates found that water in the diverted run-off at Silverstrand Pump Station to be well above single sample objectives, which would otherwise discharge directly into beach waters, potentially affecting water quality. In <i>Channel Islands Harbor Beach Park Bird Control Measure Efficacy Study</i> (May 2007), Larry Walker Associates note that wire structures were placed on the seawall and not piloted on beach. They cast doubt on the effectiveness of the piloted bird excluder.
3.9	City of Oxnard	Sept 10	Results of a recent study ( <b>Water Research</b> Volume 41, Issue 1, January 2007, Pages 3-10) indicated that bathers transport significant amounts of <i>enterococci</i> and <i>S. aureus</i> to the water column, and thus human microbial bathing load should be considered as a non-point source when designing recreational	Staff disagrees. The URS study found that approximately one-half of the 18% combined human source matches can be attributed to humans. At this time, the percentage of human bacterial loading

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			water quality models. One of the Implementation Alternatives not addressed by the Substitute Environmental Documents is bather exclusion; this should be added to the analyses.	<p>from bather transport is not known. Bather exclusion would result in the loss of listed beneficial uses in section 2.2.1 of the staff, including water contact recreation (REC-1).</p> <p>In addition, the listed journal article made no attempt to place the significance of bather transport in context or determine the relative amounts of bacteria from bather transport in relation to other human sources or other point and nonpoint sources.</p>
3.10	City of Oxnard	Sept 10	6.1.3, <i>Environmental Setting - Channel Islands Harbor</i> , States that "Hobie beach is a rocky beach." If this is the case, exploring an option of [Hobie Beach is a rocky beach?] contradicts 5.1.3 - alternative of using larger grain size makes very little sense.	Comment noted. The Staff Report will be revised to address this document.
3.11	City of Oxnard	Sept 10	The <i>Source Analysis</i> section of Table 7-28.1 states that "Of the nine active NPDES permits and WDRs, discharge associated with the Ventura Port District's individual NPDES permit is a potentially significant source of bacteria loading." The City of Oxnard is also holder of Waste Discharge Requirements for dredging at Mandalay Bay (Regional Board Order No. R4-2004-0108). This type of operation is a potentially significant, albeit short-term, non-point source contributor to exceedances of bacterial indicator organisms. We concur with the subsequent statement in this section that "local non-point sources are the majority contributor in summer dry-weather," and dredging should be listed as one of the potential sources.	Staff has examined the bacteria data from Kiddie Beach and Hobie Beach and cross-referenced the dredging dates received from the County of Ventura for the Harbor entrance. During the dredge periods, samples did not exceed water quality criteria in excess of their historical exceedance percentage at Kiddie Beach. The bacteria loading potential of dredging at the Channel Islands Harbor is not well understood and should be studied further.

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				Stakeholders may present new and relevant information to the regional board for consideration at any time and time is allocated in the implementation schedule to re-evaluate the reference beach as well as consider other relevant information.
3.12	City of Oxnard	Sept 10	The <i>Waste Load Allocations (for point sources)</i> section states that "For the Channel Islands Harbor Beaches, the County of Ventura, the Ventura County Watershed Protection District (VCWPD) and associated Municipal Separate Storm Sewer System (MS4) permittees, the City of Oxnard, and Caltrans are assigned WLAs." Since the <i>Source Analysis</i> section (see bullet point above) found only one individual point source permittee of concern (Ventura Port District), it is unclear why the City of Oxnard is listed individually as well as listed as a co-permittee under the Ventura Countywide Municipal Stormwater Program. Since there are no other point source, please remove the second reference to the City of Oxnard. The dredging operations, as well as operations at the beach itself, are adequately addressed under <i>Load Allocations (for non-point sources)</i> .	The Ventura County MS4 permit includes the Ventura County Watershed Protection District and associated permittees, including the County of Ventura and City of Oxnard. In section 4.2.1 of the staff report, staff sites a storm drain adjacent to the sheetpile groin along the southern boundary of the US Coast Guard Station as a potential source.  See response to comment 1.15 regarding responsible parties.
3.13	City of Oxnard	Sept 10	<i>Implementation Action, Compliance (WLAs)</i> , Table 7-28.3, lists the Ventura County Watershed Protection District (VCWPD) and associated MS4 Co-permittees (with a footnote to specifically identify the City of Oxnard) as a responsible party, as well as a separate listing of the City of Oxnard as a responsible party. Since there are no other point source inputs of concern, please remove the second reference to avoid confusion.	See response to comment 1.15.
3.14	City of Oxnard	Sept 10	<i>Implementation Action, Compliance (LAs)</i> , requires <i>no exceedances of the interim load, allocations</i> . Our investigation of the exceedances in the document entitled <i>Bacteria: Source Study</i>	See response to comment 3.9.

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			<i>for Channel Islands Harbor</i> (URS Corporation, March 2004) found that natural sources (predominantly birds) were responsible for the majority of the potential pathogens, as indicated in this DNA source tracking study. Human sources (termed "swimmer wash-off" in the <i>Source Analysis</i> section) accounted for very little of the potential pathogen input, however, research has indicated that bathers transport significant amounts of enterococci, and may account for some of the exceedances. The only practical implementation measure for this nonpoint input would be the removal of the source.	
4.1	Heal the Bay	Sep 28	Heal the Bay supports the proposed bacteria TMDL for the Harbor Beaches of Ventura County (HBVC) including Kiddie Beach, Hobie Beach and Harbor Cove Beach.	Comment noted.
4.2	Heal the Bay	Sep 28	<p><b>The TMDL fails to ensure abatement of all anthropogenic sources will occur, and in particular, that human sewage sources will be eliminated. The compliance plan in the TMDL should specifically require source abatement strategies to ensure circulation improvement projects are not the only action taken. Additionally, the TMDL should require abatement of human sources, most notably from nearby sanitary lines, restrooms, and boat waste.</b></p> <p>Implementation planning at the HBVC tends to focus on circulation improvement strategies because these beaches are enclosed beaches sheltered from direct ocean wave energy. While we support the concept of circulation projects at these beaches, it is imperative that abatement of all anthropogenic sources occurs in conjunction with circulation improvement projects for the ultimate goal of public health protection.</p> <p>In particular, human sources must be abated. As shown in the</p>	<p>Staff agrees that human sources must be abated, however, the Regional Board is prohibited from specifying the exact manner of compliance (Water Code §13360).</p> <p>The City of Oxnard has also located and repaired leaking lateral that may have caused the sewage match. See comment 3.6.</p> <p>In addition, during development of the TMDL responsible parties must submit work plans to the Regional Board which will detail how they intend to implement source control and BMPs. The Regional Board can ensure appropriate source control measures</p>

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			staff report, human sources are still polluting the Channel Island Harbor Beaches (CIHB), despite efforts to address fecal pollution. A source study at the CIHB found 18% of all DNA matches were determined to be human (page 55). This is a relatively high percentage of human sewage matches for a beach bacteria source study. There is sanitary sewer infrastructure in the vicinity of the CIHB including bathrooms, which should be re-examined to ensure these are not a source.	through those workplans.  For Harbor Cove Beach this comment can be further addressed when the TMDL for Harbor Cove Beach is redeveloped.
4.3	Heal the Bay	Sep 28	Additionally, the TMDL should specifically assign a load allocation (LA) of zero bacteria for boat discharge.	Waste Load Allocations (WLAs) and Load Allocations (LAs) in this TMDL are assigned to individual parties and to specific sites, in which the listed responsible parties are responsible for meeting the allocations. Assigning allocations to specific actions like boat discharge is not necessary as the responsible parties with jurisdiction of the relevant harbors are also given allocations. Responsible parties must submit a draft and final implementation plan for wet- and dry-weather to address source control and the Regional Board can ensure appropriate source control measures including control of boat discharges, through those workplans. See table 7-28.3 in the proposed BPA.
4.4	Heal the Bay	Sep 28	<b>Dry-weather compliance should occur in three years.</b>  The TMDL requires achievement with dry-weather limits in five years, a whole two years longer that the dry-weather compliance	Staff disagrees. Dry-weather bacteria exceedances at Hobie Beach and Kiddie Beach can be attributed to a combination of diffuse nonpoint sources



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			<p>schedule for all of the Santa Monica Bay Beaches. The HBVC are small beaches located in relatively small watersheds with correspondingly lower numbers of sources. Dry weather compliance should be achievable in three years. This is particularly true of the CIHB where years of work and several studies have already been completed (including completion of significant projects funded by the State's Clean Beach Initiative).</p> <p>We understand that responsible parties would like to see the results of the circulation project at Cabrillo beach before beginning work on similar projects at their beaches. Although we believe observing the results of other beach cleanup efforts is helpful, this is not a valid reason to hold-up cleanup of these beaches for another two years because: 1) each enclosed beach has unique characteristics that ultimately dictate the design and effectiveness of circulation devices, so while some useful information may be gleaned from the Cabrillo experience, the ultimate success or failure of the Cabrillo project will not dictate whether a similar project should be implemented at the CIHB, and 2) another circulation project at Baby Beach in Dana Point Harbor has already collected much useful data and can serve as an example.</p> <p>We also understand that bacteria mitigation projects including circulation improvement projects take time to complete, however, it has been common knowledge for several years that these beaches have poor water quality. Additionally, the responsible parties have had the benefit of the completed Santa Monica Bay Beaches Bacteria TMDL for over five years. Clearly, the requirements of this TMDL are not unexpected.</p>	<p>and poor circulation. Studies conducted at the Channel Islands Harbor did not identify a primary point source of bacteria attributing to bacteria exceedances at Hobie and Kiddie Beach.</p> <p>The Harbor Beaches of Ventura County, Kiddie Beach and Hobie Beach, are enclosed beaches and are not analogous to the Santa Monica Bay Beaches. Santa Monica Bay bacteria exceedances were attributed primarily to storm drain discharges. Studies conducted at the Channel Islands Harbor did not identify a primary point source of bacteria. Dry-weather bacteria exceedances at Kiddie Beach and Hobie Beach are primarily attributed to a combination of diffuse nonpoint sources and poor circulation.</p> <p>While three years was allocated for the bacteria TMDL dry-weather compliance at the enclosed Mother's Beach in Marina del Rey Harbor, Mother's Beach has several direct discharges from surrounding restaurants which could be addressed by installation of low-flow diversions and also was awarded a Clean Beaches Initiative</p>

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			Heal the Bay urges the Board to revise the dry-weather compliance date to three years.	<p>(CBI) Grant for circulation devices which they have now installed. Although the County of Ventura was also awarded a CBI grant to address bacteria impairments at Kiddie and Hobie Beach, a significant amount was returned due to the decision to not pursue phase 2 of the proposal, which included piloting enhanced circulation devices. Resultantly, the Harbor Beaches of Ventura County will need more time to address a more diffuse problem and to identify sufficient funding.</p> <p>The Harbor Beaches of Ventura County, addressed in this TMDL, have conditions more similar to Inner Cabrillo Beach in the Port of Los Angeles, as both are enclosed beaches located within a harbor, with similar diffuse and multiple bacteria sources. As a result, staff finds that dry-weather compliance in five years is reasonable given the added time necessary to achieve source reduction for diffuse nonpoint sources and to plan and pilot structural BMPs, which is consistent with Los Angeles Harbor Bacteria TMDL.</p>

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4.5	Heal the Bay	Sep 28	<p><b>Agricultural source entities should be listed as a responsible party now. Waiting four years to include these entities could delay final compliance.</b></p> <p>As drafted, the TMDL requires monitoring of agricultural sources and to reconsider these sources at the re-opener in four years. We believe agricultural entities that contribute runoff to discharges received by the harbors should be identified as responsible parties now. There is agricultural runoff data to show there is reasonable potential for agricultural sources to be a contributor to the bacteria impairment at the HBVC (See EPA EMPACT data or Ventura County's MS4 stormwater data). There is no question that agriculture meets the threshold of having the reasonable potential to cause or contribute to exceedances of water quality standards. Delaying inclusion of these sources now will only delay final compliance of the TMDL later. As proposed, agricultural contributors will have less than six years to meet wet-weather compliance. Given the fact that agricultural land use is the second and third highest land uses in the two watersheds (~27% for Channel Islands Harbor and ~14% in Ventura Harbor), it seems imperative: that these sources are targeted early in the implementation process.</p>	<p>Staff disagrees. While agricultural lands are a significant part of the watershed, the loading capacity and potential of agricultural discharge is unknown at this time.</p> <p>To quantify the agricultural loading potential of discharge into the Channel Islands Harbor and Ventura Harbor subwatersheds, the regional board has placed monitoring requirements in the implementation schedule for agricultural dischargers. Load allocations are not initially assigned due to the uncertainty of agricultural loading. Time has been allotted in the regional board reconsideration to determine a proper load allocation based on monitoring results from the conditional waiver for dischargers from irrigated lands.</p>
4.6	Heal the Bay	Sep 28	<p>Importantly, the Malibu Creek watershed bacteria TMDL set the precedent of zero loading allocation for nonpoint source pollution like septic systems and agriculture. Heal the Bay recommends a consistent approach for this watershed: a zero load allocation for all nonpoint sources including agriculture.</p>	<p>Staff disagrees. In the Malibu Creek Watershed Bacteria TMDL, allocations were assigned to specific waterbodies, as measured at specific monitoring locations.</p>
4.7	Heal the Bay	Sep 28	<p><b>Using the 90<sup>th</sup> percentile storm year in terms of wet days to set the number of allowable exceedances is not conservative or protective of public health because it will allow more</b></p>	<p>The critical condition for bacteria exceedances is wet weather, and the 90th percentile year, in terms of the</p>

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			<p><b>exceedances at the beaches than the actual number of exceedances that occur at the reference location during 90 % of all years.</b></p> <p>The proposed TMDL uses the 90<sup>th</sup> percentile storm year in terms of wet days to determine the number of days of allowable number of exceedances. Because the 90<sup>th</sup> percentile rain event year is used to determine the number of allowable exceedances, during 90% of all years, the <i>actual</i> number of exceedances at the reference location will be less than the <i>allowable</i> number of exceedances. Thus, in 90% of the years the TMDL is failing to meet the goal of having all beaches meet or exceed the water quality at the reference location. We have expressed our concern over this methodology in our comments letters regarding previous bacteria TMDLs completed in Region IV.</p>	<p>number of wet-weather days, has a return frequency consistent with that used in other TMDLs. Establishing the WLA based on the historical exceedances of the reference watershed during a dry year would result in the reference watershed itself being in non-compliance. This would undermine the intent of the reference watershed approach, which is to make allowances for natural sources of bacteria and to avoid diverting natural creeks and drainages. In addition, the methods employed to meet the WLAs based on the critical wet-year will reduce exceedances during drier years as well.</p> <p>Use of the 90th percentile year assists implementing agencies in planning for a worst-case scenario and it is expected that in years with fewer wet days a decline in exceedance days will be observed. Staff may re-evaluate the reference year approach during the reconsideration of the TMDL.</p>
5.1	VCAILG	Sep 26	We have concerns with the Harbor Beaches of Ventura County Bacteria TMDI because it places additional requirements on the VCAILG members that are beyond the Conditional Waiver or TMDL compliance requirements.	The Conditional Waiver, similar to NPDES permits or WDRs, are required to be in compliance with the Basin Plan. These TMDLs will be included as an amendment to the Basin Plan. As such,

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				compliance with the TMDL cannot be considered “beyond” the Conditional Waiver.
5.2	VCAILG	Sep 26	<p>Additionally, we feel that the Regional Board has not provided any support in the TMDL document as to why a deviation from the established Conditional Waiver monitoring program is warranted. There is no agricultural area adjacent to any of the three beaches considered by this TMDL. There are no documented agricultural discharges to either beach. Finally, there is no evidence provided that agricultural discharges within the Ventura Harbor or Channel Islands Harbor watersheds could be impacting the bacteria levels at the beaches. As a result, we do not understand why agriculture was singled out of all the other possible sources in the two watersheds for monitoring requirements in the TMDL.</p> <p>We request that the Regional Board remove the agricultural monitoring requirements from the Tentative BPA and Staff Report.</p>	Agriculture is a significant land use in the watersheds, and agricultural lands can be a source of bacteria to waters, so monitoring to assess how much these agricultural lands contribute to bacterial contamination is warranted. However, the TMDL requirement for monitoring will not alter the process for developing monitoring plans within the structure of the Condition Waiver for Discharges from Irrigated Lands.
6.1	City of Moorpark	Jul 23	<p>The City drains to the Calleguas Creek Watershed, which drains to Mugu Lagoon located a significant distance south of the Harbors. The Staff Report, Substitute Environmental Documents and Tentative Resolution do not establish any link between stormwater or urban runoff discharges from Mugu Lagoon and water quality impairments at the Harbors. If the TMDL is adopted as currently written, the City would be responsible for a TMDL that is designed to correct an impairment in a watershed to which the City does not discharge.</p> <p>Please remove the City from the list of Responsible Parties for the TMDL, as the City was named by mistake as a Responsible</p>	The BPA and staff report will be revised to clarify that the responsible parties does not include Cities outside of the watershed.

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			Party in the TMDL.	
7.1	City of Camarillo	Jul 23	The Calleguas Creek watershed drains to Mugu Lagoon, which is located a significant distance south of the Channel Islands and Ventura Harbors. The Regional Board's Staff Report, Substitute Environmental Documents and Tentative Resolution fail to establish any linkage between stormwater or urban runoff discharges from the City of Camarillo and water quality impairments at the Channel Islands or Ventura Harbor beaches. Thus, Camarillo has been named a Responsible Party for this TMDL despite having no contribution of any pollutant loading or drainage to the harbor beaches of concern.	See response to comment 6.1.
8.1	City of Thousand Oaks	Jul 23	Thousand Oaks drains primarily to the Calleguas Creek watershed, with a small portion draining easterly to the Malibu Creek Watershed. The Calleguas Creek watershed drains to Mugu Lagoon, which is located a significant distance south of the Channel Islands and Ventura Harbors. The Regional Board's Staff Report, Substitute Environmental Documents and Tentative Resolution fail to establish any linkage between stormwater or urban runoff discharges from the City of Thousand Oaks and water quality impairments at the Channel Islands or Ventura Harbor beaches. Thus, Thousand Oaks has been named a Responsible Party for this TMDL despite having no contribution of any pollutant loading or drainage to the harbor beaches of concern.	See response to comment 6.1.
9.1	Caltrans	Sep 26	a) A study performed by Larry Walker Associates for the Channel Islands Harbor Beaches found that half of the sources of fecal pathogens identified in that study were due to sewage (see Reference 1). Sources of direct sewage were, however, not described in the staff report. Based on the findings of the Larry Walker Associates report, the loads from direct sources likely make up a significant	See response to comment 4.2

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			portion of the total pathogen load, and it is imperative that they be identified and accounted for in this TMDL.	
9.2	Caltrans	Sep 26	b) The Staff Report also concludes that several potential sources, such as the Oly Mandalay Bay Sea Bridge and maintenance dredging activities at Ventura Marina and Edison Canal, are "not expected to be significant sources of bacteria" (pages 45 and 46). However, it does not provide data or other evidence to support that conclusion. The Department requests that evidence be provided to support that conclusion and that all potential sources of indicator bacteria be evaluated.	See response to comment 3.11.
9.3	Caltrans	Sep 26	c) Lastly, the Staff Report refers to the bacteria source study performed by URS for others in 2004 for the Channel Islands Harbor (see Reference 2). That study found that there were occasions where high bacteria levels occurred and no human matches were found. That finding is significant when evaluating the pollutant sources, transport of pathogens within the watershed, and the appropriateness of the reference site. However, its implications are not discussed in the report. The Department requests a discussion of how this finding supports or contradicts the anticipated sources and number of exceedance days established for the Channel Islands Harbor Beaches.	<p>The findings of the URS study in general support the contention that sources of bacteria to the beach are multiple diffuse nonpoint sources in dry-weather</p> <p>The allowable exceedances in the TMDL are intended to account for exceedances caused by natural sources and it is not the intent of the Regional Board to require the treatment of these sources.</p> <p>See response to comment 1.5 for further discussion regarding the reference site.</p>
9.4	Caltrans	Sep 26	The Department strongly supports the application of modified objectives for wet weather conditions for single sample targets. Modified objectives for wet weather should, however, also apply to the 30-day rolling geometric mean targets, as discussed on	Staff disagrees. In the listed reference, <i>Implementation Guidance for Ambient Water Quality Criteria for Bacteria</i> (USEPA, 2002), the United States

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			<p>page 33 of the Staff Report. This approach is also supported by the US EPA when it stated:</p> <p style="padding-left: 40px;">...an intermittent recreation use may be appropriate when the water quality criteria associated with primary contact recreation are not attainable for all wet weather events. Meeting the water quality criteria associated with the primary contact recreation use may be suspended during defined periods of time, usually after a specified hydrologic or climatic event. (See Reference 3)</p> <p>Use of this methodology is especially critical given the lack of technically feasible options for reducing bacteria in storm water runoff.</p>	<p>Environmental Protection Agency (USEPA) also states that "...this intermittent primary contact recreation use to be adopted for waterbodies in a limited number of circumstances, contingent upon a state or authorized tribe demonstrating that the primary contact recreation use is not an existing use, is not attainable through effluent limitations under CWA §301(b)(1)(A) and (B) and §306 or through cost effective and reasonable best management practices, and meets one of the six reasons listed under 40 CFR 131.10(g)."</p> <p>As discussed in section 2.2.1 of the staff report, primary contact recreation is an existing use and that reasonable BMPs have been identified.</p> <p>Reducing bacteria in storm water is technically feasible, and staff has described wet-weather BMPs, in section 9.1 of the staff report, designed to address storm water.</p> <p>In the past USEPA has expressed reservation in regards to modified targets for geometric mean objectives. As such, the TMDL does not include</p>



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				any allowable exceedances of geometric mean targets in the final allocations, consistent with previous adopted bacteria TMDLs in the Los Angeles region. Staff will examine this comment in greater detail during Regional Board reconsideration.
9.5	Caltrans	Sep 26	The Department strongly supports the reference system approach and the work that the Regional Board has undertaken to locate and evaluate a site that closely resembles the conditions that would be found under natural conditions. However, the Department is strongly concerned with the effect that ocean circulation has upon concentrations of bacterial indicators. The reference site chosen by the Regional Board, Leo Carrillo Beach, does not have the barriers to circulation present at the impaired beaches. The Staff Report states that barriers may create "an environment capable of supporting high bacteria densities by providing favorable conditions and organic material from natural and man-made sources" (page 54). The Larry Walker Associates study found that under certain conditions this phenomenon occurs at the Channel Island Harbor Beaches, and this is likely to occur at Harbor Cove Beach as well (see Reference 1). The Department believes that without quantifying this effect at the reference site, the targets are not appropriate.	See response to comment 1.5.
9.6	Caltrans	Sep 26	Section 7.5 of the State Water Resource Control Board's <u>A Process for Addressing Impaired Waters In California</u> guidance document (see Reference 4) states that a RWQCB, when amending a Basin Plan, must provide a discussion of economic factors for the reasonably foreseeable methods of compliance with proposed performance standards and/or treatment requirements. However, in examining the Staff Report, the	Staff disagrees. In section 9.5 of the staff report, cost considerations were analyzed. Staff acknowledges that the cost analysis in the staff report for sub-regional structural BMPs is more limited given the variability of devices available and the number of devices

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			discussion of sub-regional and regional structural BMPs includes virtually no mention of economic factors.	<p>necessary. For instance, employing sub-regional structural BMP in certain selected sites may achieve greater efficiency and reduce the total cost.</p> <p>Time has been allocated in the implementation schedule for the submittal of a wet-weather implementation plan. The implementation plan will more accurately gauge each implementation option and the associated cost and effectiveness of each sub-regional and regional structural BMPs.</p>
9.7	Caltrans	Sep 26	While not specifically discussed in the Staff Report, we wish to inform you that it is the Department's contention that state highway facilities are not a significant source of pathogen indicator bacteria during dry weather, because Department facilities have minimal discharge during these conditions. The only source of discharge originating from Department activities would be runoff from over irrigation; however, the Department has undertaken steps to eliminate irrigation runoff from our facilities and will continue to work toward zero dry weather discharges.	Comment noted. Staff finds that dry-weather bacteria exceedances at Hobie Beach and Kiddie Beach can be attributed to a combination of diffuse nonpoint sources and poor circulation and are likely to be local in origin.