



David Gustavson, Director of Public Works and Transportation  
Public Works & Transportation

September 13, 2010

Mr. Sam Unger  
Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
320 West 4<sup>th</sup> Street, Suite 200  
Los Angeles, California 90013  
ATTN: Stefanie Hada

Dear Mr. Unger and Ms. Hada:

PROPOSED AMENDMENT TO WATER QUALITY PLAN TO INCORPORATE DEBRIS  
TMDL FOR NEARSHORE AND OFFSHORE SANTA MONICA BAY

The City of Beverly Hills appreciates the opportunity to comment on this amendment. As you know, the City is an active member of LASQP, and strives to cooperate with the Regional Water Board and all concerned cities in maintaining and improving the quality of waters in Santa Monica Bay. But, in this particular instance, the City respectfully submits that the proposed inclusion of it in the requirements with respect to “plastic pellets” is not founded on any substantial evidence and would be difficult to achieve compliance.

The TMDL dealing with “plastic pellets” sets waste load allocation of zero for such pellets and specifies that industrial facilities with SIC codes 282X, 305X, 308X, 39XX, 25XX, 3261, 3357, 373X and 2893 are typically associated with such pellet manufacturing. The tentative TMDL further states that “industrial facilities with the term ‘plastic’ in the facility or operator name may also be subject to this Waste Load Allocation. With respect, the City does not have within its jurisdictional limits any such industry. Nor does Beverly Hills have industries with the name “plastic” in the facility or operator name within its jurisdictional limits.

The City of Beverly Hills suggests that the requirements of this TMDL be implemented in the existing General Industrial Waste NPDES permit. Plastic manufacturers, which stores and uses these “plastic pellets” are usually issued with this permit. Therefore, compliance inspectors and plastic manufacturing facilities will be able to implement BMPs for this pollution of concern without extensive resources or changes to their current procedures. If the burden of compliance is placed on the MS4 owners, MS4 owners will need to learn new inspection methods and processes to ensure compliance for such facilities. Consequently, more time will be required from MS4 owners to implement the requirements of this permit and additional economic burden will be placed in the MS4 owners.

Based on this TMDL, compliance is measured based on BMP implementation to reduce “plastic pellets” pollution. Sometimes, the size of these pellets is smaller than 5 mm in diameter. Hence, these “plastic pellets” are smaller than both the full capture and partial capture catch basin debris device. Would that suggest MS4 owners will never achieve full compliance?

The Plastic Pellet Monitoring and Reporting Plan requirement will be difficult, if not impossible to implement. As mentioned before, Beverly Hills doesn’t have any plastic manufacturing facilities within its jurisdiction. It would be a useless exercise in paper and an unnecessary regulatory burden upon the City and its staff to report something that is not existent in our jurisdiction. In addition, the City doesn’t have access to outflow channel pipes because the City doesn’t have any open channel system. Entrance to our storm drain system would require a confined space entry and is a safety issue. The monitoring and reporting plan also requires the City to “count” for plastic pellets in our storm drain system. Without a known methodology, this would a very time consuming process as it may require staff to “sift” through our catch basin debris separating plastic pellets and other debris. This would only cause a tremendous stress on staff and moneys. The City simply doesn’t find this efficient use of resources to comply with this TMDL.

On page 15 of the Basin Plan Amendment (Table 7-34.2 Santa Monica Bay Nearshore and Offshore Debris TMDL: Implementation Schedule), the City is unclear on our responsibility to the Trash Monitoring and Reporting Plan (TMRP) and the Pellet Monitoring and Reporting Plan (PMRP). One could interpret that language to mean that the City would be responsible for the PMRP, while someone else could easily interpret that language to mean that the City would be responsible for only the TMRP. The City requests that Regional Board staff clarify this issue.

The City is a strong advocate of environmental protections for water and other media. It has adopted and continues a very cooperative approach with the Regional Water Board on issues such as stormwater discharges. But, the City should not be subjected to a TMDL with associated Waste Load Allocations and associated reporting requirements when there is simply no evidence that the City is even a possible source of “plastic pellets.”

We urge the Board to modify the tentative TMDL to exempt cities, such as Beverly Hills, from having to monitor and report on non-existent activities.

Sincerely,



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