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HAND DELIVERED

May 7, 2012

Mr. Samuel Unger
California Regional Water Quality Control Board
Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Attention: Mr. Man Voong

Dear Mr. Unger:

TECHNICAL COMMENTS ON THE PROPOSED AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION TO REVISE TMDLS FOR BACTERIA FOR (1) SANTA MONICA BAY BEACHES, (2) MARINA DEL REY HARBOR, MOTHERS' BEACH, AND BACK BASINS, AND (3) LOS ANGELES HARBOR, INNER CABRILLO BEACH, AND MAIN SHIP CHANNEL

On March 23, 2012, the California Water Quality Control Board Los Angeles Region (Regional Board) released proposed amendments to the *Water Quality Control Plan for the Los Angeles Region* (Basin Plan) to revise Bacteria Total Maximum Daily Loads (TMDLs) for five watersheds. The City of Los Angeles, Bureau of Sanitation (Bureau) appreciates the opportunity to provide technical comments and recommendations to the Regional Board on the TMDL revisions. The comments and recommendations herein are for the three beach TMDLs[1], as follows:

1. Santa Monica Bay Beaches
2. Marina del Rey Harbor, Mother's Beach and Back Basins
3. Los Angeles Harbor, Inner Cabrillo Beach, and Main Ship Channel

[1] A separate submittal will provide the Bureau's comments and recommendations on the proposed revisions to the TMDL for Ballona Creek, Ballona Estuary, and Sepulveda Channel.

Water quality at our beaches is one of our highest priorities, and the City's efforts to reduce and eliminate discharges of bacteria began well before bacteria TMDLs were adopted. The City began diverting dry weather flows from several storm drains into the sewer system in the early 1990s. Working with Los Angeles County and the City of Santa Monica, the City of Los Angeles has led the way in planning and implementing over twenty-three (23) low flow diversion facilities (LFDs) along Santa Monica Bay Beaches. At Inner Cabrillo Beach, the City has spent over $20M for capital improvement and beach remediation projects, making it one of the most heavily invested-in beaches in California. For discharges to Marina del Rey, the watershed agencies have implemented three low flow diversions (which are owned and operated by Los Angeles County) to protect the back basins. Cumulatively, the Bureau is confident these projects have greatly reduced the risk associated with swimming at our area beaches.

We thank the Regional Board staff for the time and energy contributed to the TMDL re-opener process. Re-openers are a critical component of the TMDL implementation process, as there are often significant data gaps and science evolves over the course of implementation schedules. This is especially the case for bacteria TMDLs – which may be the most challenging TMDLs for the City to implement – given, for example, the myriad of sources, large wet weather volumes, and the fact that bacteria water quality objectives (WQOs) have been in the process of being revised by USEPA since 2004. Reopeners ensure that public resources are directed at efforts that match the latest science.

While the proposed revisions to the beach TMDLs have made strides to incorporate the latest science, the Bureau has remaining concerns and hopes the comments herein will result in constructive changes to the proposed amendments to the Basin Plan. Our comments are organized such that general topics across *all of the beach TMDLs* are highlighted first followed by comments specific to the Santa Monica Bay and Marina del Rey beach TMDLs. A comment matrix with a similar organizational approach is provided in Attachment A, which includes additional comments not discussed herein.

REVISIONS THAT AFFECT ALL THREE BEACH TMDLS (Santa Monica Bay, Marina del Rey and Cabrillo Beach)

There are several revisions that affect all of the beach TMDLs because all three beach TMDLs were scheduled to address similar, specific items during the this re-opener. The Bureau would like to express its support for many of these revisions as follows:

- **Establishing that the City's Implementation Plans represent an Integrated Water Resources Management (IWRM) approach**: the beach TMDLs allowed for slightly extended wet weather compliance schedules if responsible jurisdictions used an IRWM approach for their Implementation Plans. The Bureau went through considerable effort, including stakeholder processes, to ensure its Implementation Plans qualified as IRWM approaches. The Bureau supports the Regional Board's modifications of the wet weather TMDL compliance schedules (year 2021 instead of 2018) to reflect IRWM timelines.

- **Revision of Allowable Exceedance Days based on Updated Reference Site Data:** after the Santa Monica Bay Beaches TMDL was adopted, the sample sites were moved from 50 yards up- or down-coast to "point zero" which means directly in front of the freshwater outlet. The original TMDL acknowledged this change was expected to increase observed exceedance rates due to the increased influence of freshwater. The Bureau supports the Regional Board's decision to revise the allowable exceedance rates and Exceedance Days using Point Zero data from the reference site at Leo Carrillo Beach.
- **Geometric mean calculation does not require "filled-in" values:** for each of the three beach TMDLs, the current practice as specified in the Coordinated Monitoring Program (CMP) is to "fill in" concentration values on days when samples are not collected in order to calculate a geometric mean on a daily basis. The fill-in, or daily, calculation approach is cumbersome and unnecessary to protect human health, and is questionable at sites that have periods with limited access (due to safety concerns) because a single concentration value can be filled-in for long periods thereby misrepresenting water quality. The Bureau supports the Regional Board's decision to use a calculation approach that does not require filled-in values while maintaining the same level of human health protection.
- **Allowance for special studies to better represent non-detect samples:** many of the beaches commonly exhibit bacteria concentrations that are below the method detection limit. The current practice is to substitute the detection limit for non-detect samples, but for enterococcus the detection limit (10 MPN/100mL) is relatively close to the TMDL target for the geometric mean (35 MPN/100mL). As such, some geometric mean exceedances may be an artifact of detection limit substitution as opposed to poor water quality. The Bureau supports the Regional Board's acknowledgement of this issue and allowance to submit special studies to facilitate substitution of alternative values for non-detect samples.
- **Changing compliance with geometric mean targets to reflect wet weather compliance dates:** the previous BPAs included the concept of a "dry weather geometric mean" which was misrepresentative because the calculation reflected a long-term condition but with many days potentially excluded. The Bureau supports the Regional Board's decision to link geometric mean compliance with the final compliance dates (after both dry and wet weather allocations must be attained).

While the Bureau supports the above TMDL revisions, there are a few general issues for which the Bureau requests changes to the proposed revisions to the beach TMDLs. The following sub-sections include three comments/changes that are critical to the City's ability to successfully implement the beach TMDLs. In addition, these comments will allow the beach TMDLs to accurately reflect the latest science and to discern MS4 discharges from other sources. The comment matrix in Attachment A contains additional comments.

Major General Comment #1) ***Revisions to the beach TMDLs should not be limited to the specific elements identified at the time of original TMDL adoption:***

As noted in Staff Report and Public Notice, the Regional Board has focused on specific reconsideration elements, rather than conducting a general reconsideration of the beach TMDLs and the high priority issues that may affect them. As such, the current reopeners are potentially limited in nature and scope. Since the development of the TMDLs, the Regional Board staff and responsible jurisdictions have learned many lessons regarding TMDLs and their implementation. These lessons have come during implementation of projects to reduce discharges of bacteria to beaches, and from development of subsequent TMDLs including the Los Angeles River Bacteria TMDL. Furthermore, the TMDL reopener process has been greatly delayed in some cases; the Dry Weather Santa Monica Bay Beaches TMDL re-opener is nearly seven years late, originally scheduled for 2005. Since the originally scheduled re-opener date of 2005, the list of high priority issues for beach TMDLs has certainly changed. In addition, the Regional Board staff and responsible jurisdictions will put a tremendous amount of time and resources into the adoption hearing for these reopeners, and it would be most efficient if the scope of the TMDL revisions would include other high priority issues (discussed herein). Finally, there are instances during the bacteria TMDL revision process where the Regional Board expanded the scope to include items beyond the original reconsideration elements (e.g., modifications to monitoring requirements in Ballona Creek). The jurisdictions responsible for implementation of these TMDLs should be given the opportunity to provide input on other high-priority issues to be considered during these TMDL revisions.

> **REQUEST:** Do not limit beach TMDL revisions to the original reconsideration elements. Instead, consider comments from responsible jurisdictions regarding all topics that are high priority for TMDL implementation and compliance.

Major General Comment #2) ***Beach TMDL implementation schedules should include at least one TMDL reopener prior to the final compliance dates:***

Reopeners are a critical aspect of TMDL implementation. The forthcoming revisions to the beach TMDLs will make important modifications, and the Bureau greatly appreciates the time of Regional Board staff to develop and adopt these revisions. However, one reopener during a 18-year implementation process is not sufficient. For example, the recently adopted Los Angeles River Bacteria TMDL acknowledges the value of multiple reopeners and included two specific reopeners at four- and ten- years after the effective date as well as specific language that a reopener would occur within one year of significant technical studies or policy changes. The science of bacteria regulations are rapidly evolving, and the Bureau requests at least one additional re-opener prior to the final (wet weather) compliance dates in 2021. The Regional Board has already limited the scope of the current TMDL revisions to specific elements, and over the next nine years it is certain that many more high priority issues will emerge through completion of implementation projects, special studies, and other data collection efforts. In addition, this future reopener could be used to evaluate and, if needed, revise the proposed

calculation method of the geometric mean, as this method uses a rolling calculation that may result in multiple propagations of peak values at the reference site and compliance sites.

REQUEST: Additional reopeners are necessary and should be incorporated into the schedules for the revised TMDLs. At least one explicit reopener should occur prior to the final wet weather compliance date for the Santa Monica Bay and Marina del Rey Beach TMDL. The recommended dates for a future beach TMDL re-opener is 2018, for the following reasons:

- **Santa Monica Bay Beaches:** the year 2018 corresponds with the 50% wet weather implementation milestone and would represent the point at which dischargers are implementing final projects to meet the final compliance date in 2021.
- **Marina del Rey:** the year 2018 is suitable because (1) it will allow for the completion of any additional special studies to assess natural sources and (2) implementation of major projects to meet the final compliance date (e.g., Oxford Basin) should have been completed.
- **Inner Cabrillo Beach:** Additional tiered implementation actions and studies at Inner Cabrillo Beach are underway to meet final WLAs.
- **MS4 Permit Reasonable Assurance Plan (RAP):** provide opportunities for correlating the success of the RAP to meeting the TMDLs.

Major General Comment #3) ***Language should be added to the wasteload allocation sections that allow the Regional Board to discern MS4 discharges from other sources***

The watersheds for the beach TMDLs have a multitude of dischargers including various types of NPDES permits. Additionally, non-point sources can affect bacteriological water quality. However, the final WLAs for MS4s are based on allowable numbers of Exceedance Days at the beaches. In this manner, the beach TMDLs make MS4s wholly responsible for attainment of WQOs at the beaches. That is, if the numbers of exceedances at a beach are higher than allowable, then MS4s that discharge to that beach are out of compliance regardless of whether the many other NPDES permittees have addressed their discharges. For example, MS4s could be deemed out of compliance if a major industrial NPDES discharger was continually exceeding their TMDL-required permit limits for *Enterococcus*. Similarly, there is potential for localized non-point sources to affect beach water quality (e.g., localized source on the beach such as trash cans). The Los Angeles River Bacteria TMDL addressed this concern with language regarding three "equivalent conditions" that represent WLA attainment for MS4s. This same language should be incorporated into the beach TMDLs.

REQUEST: The equivalent conditions language from the Los Angeles River Bacteria TMDL should be incorporated to the Basin Plan Amendments for each of the three beach TMDLs. The language below was copied directly from the BPA for the LA River Bacteria TMDL and modified to reflect the beach TMDLs (e.g., replaced "River" with "beach", "*E. coli*" with "bacteria", etc.):

> "MS4 dischargers can demonstrate compliance with WLAs by demonstrating that WLAs are met in the wave wash at the beach or by demonstrating one of the following conditions at outfalls to the beach:
>
> 1. Flow-weighted concentration of bacteria in MS4 discharges is less than or equal to the single sample WQOs, based on a weighted-average using flow rates from outfalls to the beach;
> 2. Zero discharge;
> 3. Demonstration of compliance as specified in the MS4 NPDES permit which may include the use of BMPs where the permit's administrative record supports that the BMPs are expected to be sufficient to implement the WLA in the TMDL, the use of calculated loading rates such that loading of bacteria to the beach is less than or equal to a calculated loading rates that would not cause or contribute to exceedances based on a loading capacity representative of conditions at the beach at the time of compliance or other appropriate method."

For the SMB Beaches TMDL, Condition #2 is particularly important, given the large number of LFDs that are operated along SMB and relied upon for TMDL compliance. Additional language stating that an operational and maintained LFD constitutes compliance is requested. For example, Condition #2 above could be modified as follows:

> 2. Zero discharge (e.g., demonstration of a properly functioning low flow diversion)

It should be noted that this requested change does not necessarily constitute a substantive change to the BPA. During the public comment period for the LA River Bacteria TMDL, the exact language above was added to the BPA and the TMDL was not re-noticed.

REVISIONS THAT ARE SPECIFIC TO THE SANTA MONICA BAY BEACHES TMDL

The Santa Monica Bay Beaches TMDL was the first bacteria TMDL adopted in the Los Angeles region. Since development of the TMDL, the Regional Board and responsible jurisdictions have gained significant experience regarding approaches and challenges of regulating and controlling bacteria. At the same time, the science of bacteria source identification and risk assessment has greatly evolved. The City of Los Angeles, in collaboration with Los Angeles County and City of Santa Monica, has implemented twenty-five (23) LFDs to eliminate nearly all its dry weather urban runoff into Santa Monica Bay. In 2009, the operation of the LFDs was enhanced such that urban runoff is diverted year-round (not just in summer). The City is proud of its efforts in Santa Monica Bay and considers the Santa Monica Bay Beaches TMDL to be among its highest priorities. The next compliance phase – wet weather – poses an immense challenge to MS4s along the Bay, and we look forward to working with the Regional Board and other stakeholders as we implement cost-effective, multi-use, and multi-pollutant solutions.

This TMDL re-opener provides an important opportunity to address issues that are specific to the Santa Monica Bay Beaches TMDL. Below are two major comments/requests from the Bureau regarding the Regional Board's proposed TMDL revisions. The comment matrix in Attachment A contains additional comments.

Major SMB Comment #1) ***The proposed revisions to the wasteload allocations for POTWs should be modified to avoid unintended consequences including potential requirements for effluent disinfection:***

On Page 5 of the Proposed Amendment for Santa Monica Bay, the WLAs for the Hyperion Treatment Plant (HTP) have been revised as follows:

> The three Publicly Owned Treatment Works (POTWs)[4] discharging to Santa Monica Bay are each given individual WLAs ~~of zero (0) days of exceedance~~ equal to the bacteriological objectives contained in Chapter 3 during ~~both~~ summer dry weather, ~~and~~ winter dry weather, and wet weather.
>
> Where footnote 4 is as follows: "Hyperion Wastewater Treatment Plant, Joint Water Pollution Control Plant, and Tapia Wastewater Reclamation Facility."

The revision to the WLAs for POTWs could have an unintended consequence of establishing end-of-pipe effluent limits equal to the Basin Plan WQOs, which would require disinfection. HTP effluent does not affect beach water quality and, in particular, does not cause or contribute to exceedances of bacteriological objectives at the beaches. As described in the HTP NPDES Permit (No. CA0109991) Fact Sheet (Page F-15), monitoring results indicate that effluent from the 5-Mile Outfall does not reach the shoreline and that elevated bacterial counts at the beaches are associated with runoff from storm drains and discharges from piers. Additionally, as indicated in the staff reports for the Santa Monica Bay Beaches Bacteria TMDLs Dry Weather (Resolution No. 02-004) and Wet Weather (Resolution No. 2002-022), HTP is not considered a source of bacteria impairing beaches. Adding disinfection to HTP's treatment process to meet the revised WLAs would cost an enormous amount of money and yet provide no environmental benefit. In fact, disinfection may have negative environmental consequences to aquatic life near the 5-Mile Outfall.

The WLAs from the original Santa Monica Bay Beaches TMDLs have been incorporated into the HTP NPDES Permit (Page 30) as follows:

> "The Discharge shall ensure that bacterial concentrations in the effluent discharged from Discharge Points 001 and 002 do not result in exceedance of the Hyperion Treatment Plant's waste load allocation of zero (0) days exceedance of single same numeric limits or geometric mean limits (based on Basin Plan bacteria objectives for marine waters designated REC-1, see Section VI.A.1.b) at shoreline compliance points, as specified in Regional Water Board Resolution Nos. 2002-004 and 2002-022."

Additionally, the HTP NPDES Permit (Pages 31 and 32) incorporates receiving water limitations in the form of both geometric mean limits for total coliform, fecal coliform, and enterococcus and single sample maximum limits for total coliform, fecal coliform, enterococcus, and the ratio between fecal and total coliform. These receiving water limitations are a standard component of the permit and are not affected by the TMDL.

The City understands the Regional Board's need to adjust the WLA language for POTWs, as the Basin Plan implementation provisions for Exceedance Days only apply to MS4 permits. However, given that HTP effluent is not a source to the beaches for which the TMDL is intended to protect it is unclear why HTP is assigned WLAs. As such, the WLAs for HTP should be removed from the TMDL. The bacteria receiving water limitations in the HTP permit will not be affected by the TMDL, will remain in effect, and will ensure continued protection of the portions of Santa Monica Bay affected by HTP effluent.

> **REQUEST:** Remove WLAs for HTP as it is not a source of bacteria to Santa Monica Bay Beaches. If the WLAs cannot be removed, modify the proposed language for POTW WLAs to avoid the unintended consequence of requiring disinfection by HTP. The following modified language is proposed:
>
> "The three Publicly Owned Treatment Works (POTWs)[4] discharging to Santa Monica Bay are each assigned individual WLAs expressed as receiving water limitations as follows: the Discharger shall ensure that bacterial concentrations in the effluent do not cause or contribute to WQO exceedances at shoreline compliance points. As HTP is not a source of bacteria to Santa Monica Bay Beaches, no additional actions are expected to be necessary to be in compliance with TMDL allocations."

Major SMB Comment #2) ***Milestones should be calculated based on monitoring data from the 2004-05 critical year instead of using data collected after BMPs have been implemented:***

The wet weather milestones in the Santa Monica Bay Beaches TMDL are designed to require interim reductions based on the "baseline critical condition" prior to implementation activities (note: the milestones are intended to represent baseline *critical* conditions not *long-term* conditions). The original TMDL used watershed models to represent the baseline critical condition (the year 1993). The revised TMDL uses exceedance rates from samples collected between 2004 and 2010. However, using data from the later years in this record does not correspond to critical conditions and does represent a "baseline" because BMPs have been implemented in these years. For example, the first compliance milestone was in 2009 meaning BMPs were implemented prior to 2009 to meet TMDL requirements. In essence, using data from recent years has "moved the goal post" for implementation. Furthermore, it is critical that the calculation approach for estimating critical conditions does not use a long-term average of years (e.g., the Regional Board's approach uses the average from 2004-2010) because it is rainfall and wet days that drives the critical wet years and corresponding rates of exceedance.

The Bureau acknowledges the technical challenges associated estimating critical conditions. We propose an alternative approach based on the 2004-05 monitoring year (the first year of the CMP), which was a wet year that is an excellent representation of the critical year (in terms of

rainfall and wet days) used to develop the TMDL exceedance day calculation (1993), as shown in **Table 1**. In essence, the data from the 2004-05 water year allow for a *direct measurement* of critical year conditions. It is apparent from the results shown in **Table 2** that the revised approach proposed by the Regional Board greatly underestimated the number of exceedances during a baseline critical year. Also, the proposed alternative milestones closely reflect the milestones in the original SMB TMDL.

> **REQUEST:** Use the point zero data from 2004-05 to represent the critical baseline condition and to calculate 10%, 25%, and 50% milestones. Shown in **Table 2** are the milestones calculations for Jurisdictional Group 2 based on the 2004-05 data (and a comparison to milestones proposed by the Regional Board based on 2004-2010 data). Additional details on the calculation methodology can be provided upon request.

Table 1. Comparison of 2005 Storm Year to the 1993 Critical Year at USC Rainfall Gage [a]

Year	Number of Wet Days	Rainfall (inches)
1993 storm year	75	27.36
2005 storm year	75	34.31

a- The USC gage is used for SMB CMP monitoring to determine wet versus dry days

Table 2. Proposed Milestones based on 2004-05 Water Year for Jurisdictional Group 2 [a]

Compliance Date	Percent Reduction Milestone	Interim Number of Allowable Exceedances in J2 in Original SMB TMDL	Revised Interim Number of Allowable Exceedances in J2 Proposed by Regional Board [b]	Proposed Alternative Interim Milestones for J2 based on 2004-05 Data [b]
July 2009	10%	342	195	**327**
July 2013	25%	324	162	**272**
July 2018	50%	294	119	**182**

a- Based on daily sampling
b- These milestones represent the number of exceedances allowed *in excess* of the final number of Exceedance Days (e.g., 17 days per site would be added to these milestones to calculate the total exceedances allowed).

REVISIONS THAT ARE SPECIFIC TO THE MARINA DEL REY TMDL

The City and the Marina del Rey (MdR) watershed agencies have made significant progress with implementation of the Marina del Rey bacteria TMDL. The City's implementation efforts in MdR and other beaches have resulted in significant experience and many "lessons learned." Based on these lessons learned, the following sub-sections include two comments/changes that

are critical to the City's ability to successfully implement the MdR bacteria TMDL. The comment matrix in Attachment A contains additional comments.

Please note that, although the comments submitted herein are specific to City concerns, the City will continue to coordinate and assist the lead agency, County of Los Angeles, and other watershed agencies to implement the TMDL.

Major MdR Comment #1) ***The City of Los Angeles is jointly responsible for attainment of WLAs in Basins E and G. Attainment of WLAs in Basins A, C, D, F, and H should not be linked the City of Los Angeles' compliance determination.***

To date, the Regional Board has held the City accountable for attainment of WLAs at all compliance monitoring locations in Marina del Rey. However, urban runoff from the City only drains to Back Basins E and G. As shown in **Figure 1**, the City's jurisdiction drains MdR subwatershed areas 1A, 2, 3, and 4. However, as shown in **Table 3**, these subwatersheds drain to Basins E and G. As such, the City's compliance with the MdR TMDL should not be linked to attainment of WLAs in Basins A, C, D, F, or H. Note that Basin G currently attains WQOs and thus is not listed as impaired.

Previous dry weather circulation and modeling studies have demonstrated that Basin E is not hydraulically connected to Basin D, which indicates it is not connected to other basins, either. These findings are from a report developed by the County of Los Angeles Department of Beach and Harbors using Proposition 13 funds[2]. The study included development of two hydrodynamic models, one that was bacteria-specific. The model results demonstrated that exceedances in Basin E are limited in spatial influence during non-storm conditions.

> **REQUEST:** Clarify in the BPA for the MdR Bacteria TMDL that the City is a responsible jurisdiction for Back Basins E and G only. The City's compliance with the MdR TMDL should not be linked to attainment of WLAs in Basins A, C, D, F, or H. Note that the allocations for Inner Cabrillo Beach are an example of WLAs for specific sites being assigned to specific agencies.

[2] Kinnetic Laboratories, Inc. 2004. Phase I Final Report, Marina Beach Water Quality Improvement Project, Bacterial Source Studies and Recommendations.

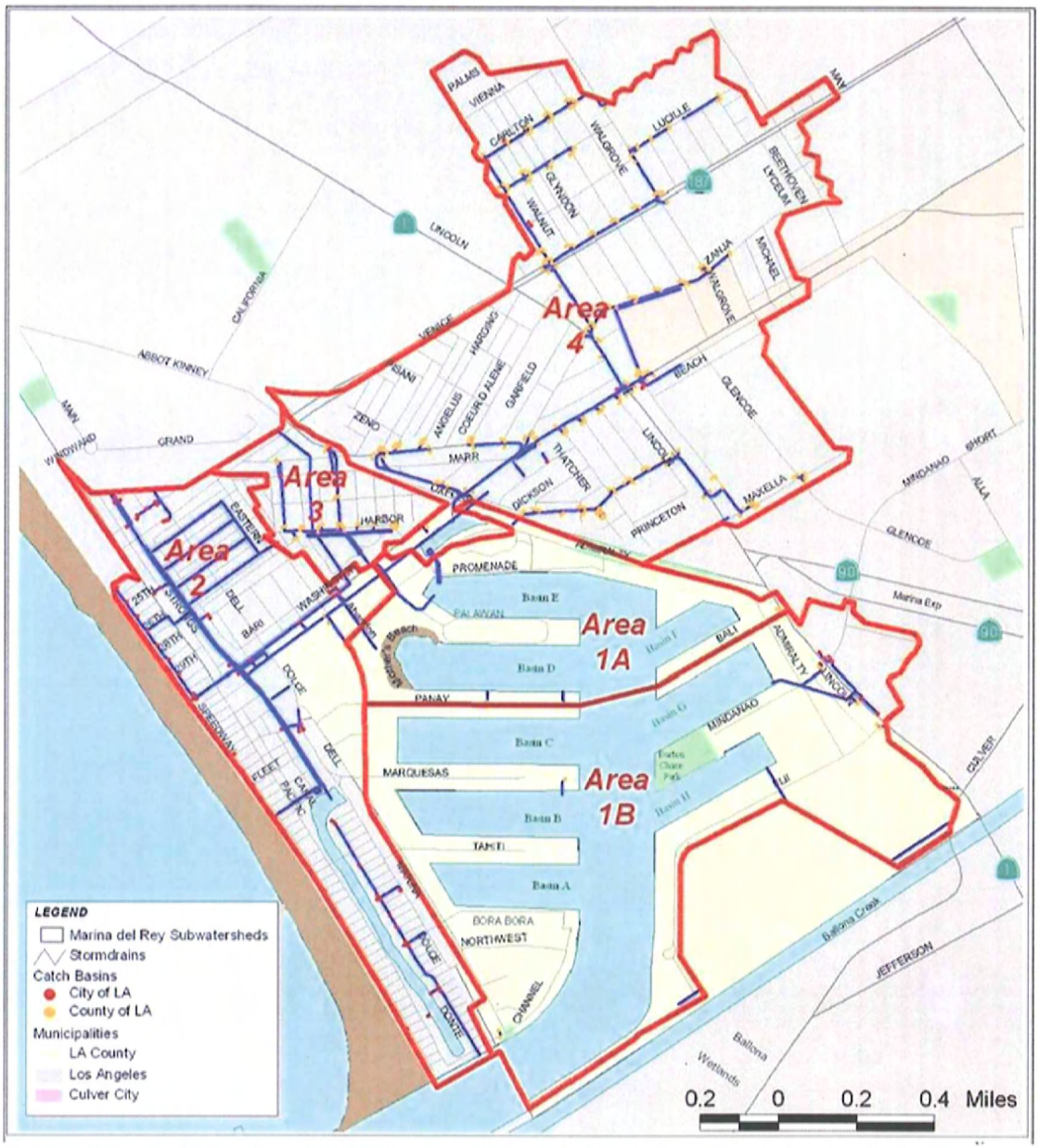

Figure 1. Marina del Rey Subwatersheds, Back Basins, and Jurisdictions

Table 3. Marina del Rey Back Basins to which the Subwatershed Areas Drain

MdR Sub-watershed	Drains Runoff from the City?	Drains to which MdR Basin?									Notes
		A	B	C	D	E	F	G	H	None	
1A	No										
1B	Yes							√			Basin G is not impaired
2	Yes									√	Drains to Grand Canal
3	Yes					√					
4	Yes					√					

Major MdR Comment #2) ***The Bureau respectfully requests an extension of the dry weather compliance schedule for the Marina del Rey Bacteria TMDL.***

The Watershed Agencies in MdR have made great strides to reduce and eliminate discharges of urban runoff and bacteria, as follows:

- Implemented three (3) Low Flow Diversion (LFD) projects (owned and operated by County of Los Angeles)
- Installed five bio-retention filters in drainage areas that are under tidal influence and not served by the LFDs (installed in December 2006)
- Continuous implementation of institutional measures
  - Catch basin cleaning (three to four times per year)
  - Street sweeping (ranging from daily to monthly)
  - Trash Management (restaurant and grocery store inspections, outreach, and enforcement)
- 100% retrofit of catch basins to install screens for trash capture
- Continuous public educations and outreach
- Adopted City-wide Low Impact Development Ordinance and Water Conservation Ordinance

At the time of TMDL adoption, the Regional Board staff and responsible jurisdictions were not fully aware of the technical challenges associated with controlling bacteria in an enclosed harbor. In particular, the following issues have extended the time needed to comply with the TMDL WLAs:

- **Length of time to construct and start-up BMPs:** the experience gained by the City during implementation of Prop O projects has changed our understanding of how long it takes to design, permit, construct, and start-up major BMP projects. Individual projects can easily take 5+ years to start-up. In MdR, the County of Los Angeles is implementing the Oxford Retention Basin Flood Protection Multiuse Enhancement Project at an estimated cost exceeding $11 million, which is to be funded by responsible agencies in the watershed and grants, and is expected to be completed in 2013. The project will address dry and wet-weather requirements of not only the Bacteria TMDL but also the Toxic Pollutants TMDL.

- **Non-anthropogenic sources:** In 2007, Los Angeles County submitted a Nonpoint Source Study that found that non-anthropogenic sources are significantly affecting water quality in MdR. Based on the information presented in the report, approximately 70% of dry weather inputs of bacteria in Basin E may originate from birds (based on the measured proportions of source-specific bacteria isolates). Similarly, source tracking data collected during the study also suggested that only 4% of inputs to Basin E were from human fecal sources. Note this was a *required* study, and responsible jurisdictions expected the results (significant impact of birds on water quality) to affect the determination of MS4 compliance, but there was no effect.

Overall, the City has made a good faith effort to meet the dry weather compliance date of 2007, but the above issues have led the Bureau to respectfully request a dry weather schedule extension.

> **REQUEST:** Please revise the MdR final dry weather compliance deadline from 2007 to 2016. This will provide the responsible jurisdictions the additional time needed to complete the Oxford Basin Multiuse Project, refine existing actions, fully evaluate and quantify natural sources, and, if appropriate, provide the Regional Board sufficient time to consider a Natural Source Exclusion. Given the linkage between the Oxford Basin Multi-use Project and Basin E, it might be appropriate to extend the schedule for Basin E only (as opposed to all of the basins).

CONCLUSIONS

The Regional Board's effort to revise the beach TMDLs is notable, as these are the first bacteria TMDLs in California known to be re-opened and revised. The re-opener process is critical to the City, as TMDL implementation is our most challenging stormwater requirement. The beach TMDLs rank among our highest priorities and the City has made a good faith effort to implement the TMDLs and partner with the Regional Board and other stakeholders. The Bureau feels it is critical to address all high priority issues during this TMDL re-opener process, as opposed to limiting the scope to the reconsideration elements identified over a decade ago.

In developing the comments herein, it was a difficult decision for the Bureau to ask for a schedule extension for MdR. The Bureau considers itself a good actor, rarely making special requests to the Regional Board. However, in the case of MdR, the Bureau has no choice but to ask for additional time. When considering the request for schedule extensions, please take into account the multitude of actions implemented by the City not just in these beach watersheds, but in many other watersheds in the region to address a wide range of TMDLs. We look forward to continuing our partnership with the Regional Board during ongoing and future TMDL implementation projects.

If you have any questions regarding the Bureau's comments, please contact Ms. Donna Chen at (213) 485-3928 or Mr. Zora Baharians, staff lead on bacteria TMDLs, at (213) 485-3918 of the Watershed Protection Division.

Sincerely,

for ENRIQUE C. ZALDIVAR, Director
Bureau of Sanitation

ECZ:SK:DC:ZB
WPDCR8948

Attachment A – Bureau of Sanitation's Detailed Comment Matrix

cc: Renee Purdy, California Regional Water Quality Control Board - Los Angeles Region
Deborah J. Smith, Regional Water Quality Control Board - Los Angeles Region
Renee Purdy, Regional Water Quality Control Board - Los Angeles Region
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Shahram Kharaghani, Bureau of Sanitation/WPD
Hubertus Cox, Bureau of Sanitation/WPD
Mas Dojiri, Bureau of Sanitation/EMD
Omar Moghaddam, Bureau of Sanitation/RAD
Hassan Rad, Bureau of Sanitation/RAD
Mike Christenson, Port of Los Angeles
Chris Cannon, Port of Los Angeles

Attachment A – Detailed Comment Matrix for Beach TMDLs Revisions

Comment #	Beach TMDL Name	Document Reference:	Issue	Comments
1 (This comment is also in the letter)	Santa Monica Bay and Marina del Rey	**SMB BPA,** page13, last row of table **MdR BPA,** page14, last row on page	Establishing that the City's Implementation Plans represent an Integrated Water Resources Management (IWRM) approach	The beach TMDLs allowed for slightly extended wet weather compliance schedules if responsible jurisdictions used an IRWM approach for their Implementation Plans. The Bureau went through considerable effort, including stakeholder processes, to ensure its Implementation Plans qualified as IRWM approaches. The Bureau supports the Regional Board's modifications of the wet weather TMDL compliance schedules (year 2021 instead of 2018) to reflect IRWM timelines.
2 (This comment is also in the letter)	Santa Monica Bay	**BPA,** Table 7-4.2a	Revision of Allowable Exceedance Days based on Updated Reference Site Data	After the Santa Monica Bay Beaches TMDL was adopted, the sample sites were moved from 50 yards up- or down-coast to "point zero" which means directly in front of the freshwater outlet. The original TMDL acknowledged this change was expected to increase observed exceedance rates due to the increased influence of freshwater. The Bureau supports the Regional Board's decision to revise the allowable exceedance rates and Exceedance Days using Point Zero data from the reference site at Leo Carrillo Beach.

Attachment A – Detailed Comment Matrix for Beach TMDLs Revisions

Comment #	Beach TMDL Name	Document Reference:	Issue	Comments
3 (This comment is also in the letter)	All	**Beaches Staff Report,** page 27	Geometric mean calculation does not require "filled-in" values	For each of the three beach TMDLs, the current practice as specified in the Coordinated Monitoring Program (CMP) is to "fill in" concentration values on days when samples are not collected in order to calculate a geometric mean on a daily basis. The fill-in, or daily, calculation approach is cumbersome and unnecessary to protect human health, and is questionable at sites that have periods with limited access (due to safety concerns) because a single concentration value can be filled-in for long periods thereby misrepresenting water quality. The Bureau supports the Regional Board's decision to use a calculation approach that does not require filled-in values while maintaining the same level of human health protection.
4 (This comment is also in the letter)	All	**Beaches Staff Report,** page 31	Allowance for special studies to better represent non-detect samples	Many of the beaches commonly exhibit bacteria concentrations that are below the method detection limit. The current practice is to substitute the detection limit for non-detect samples, but for enterococcus the detection limit (10 MPN/100mL) is relatively close to the TMDL target for the geometric mean (35 MPN/100mL). As such, some geometric mean exceedances may be an artifact of detection limit substitution as opposed to poor water quality. The Bureau supports the Regional Board's acknowledgement of this issue and allowance to submit special studies to facilitate substitution of alternative values for non-detect samples.

Attachment A – Detailed Comment Matrix for Beach TMDLs Revisions

Comment #	Beach TMDL Name	Document Reference:	Issue	Comments
5 (This comment is also in the letter)	All	**SMB BPA,** page13, first and second row **MdR BPA,** page14, last row on page **Harbor BPA,** page 11, second to last row	Changing compliance with geometric mean targets to reflect wet weather compliance dates	The previous BPAs included the concept of a "dry weather geometric mean" which was misrepresentative because the calculation reflected a long-term condition but with many days potentially excluded. The Bureau supports the Regional Board's decision to link geometric mean compliance with the final compliance dates (after both dry and wet weather allocations must be attained).

Attachment A – Detailed Comment Matrix for Beach TMDLs Revisions

Comment #	Beach TMDL Name	Document Reference:	Issue	Comments
6 (This comment is also in the letter)	All	**Beaches Staff Report,** page 6	Revisions to the beach TMDLs should not be limited to the specific elements identified at the time of original TMDL adoption	As noted in Staff Report and Public Notice, the Regional Board has focused on specific reconsideration elements, rather than conducting a general reconsideration of the beach TMDLs and the high priority issues that may affect them. As such, the current reopeners are potentially limited in nature and scope. Since the development of the TMDLs, the Regional Board staff and responsible jurisdictions have learned many lessons regarding TMDLs and their implementation. These lessons have come during implementation of projects to reduce discharges of bacteria to beaches, and from development of subsequent TMDLs including the Los Angeles River Bacteria TMDL. Furthermore, the TMDL reopener process has been greatly delayed in some cases; the Dry Weather Santa Monica Bay Beaches TMDL re-opener is nearly seven years late, originally scheduled for 2005. Since the originally scheduled re-opener date of 2005, the list of high priority issues for beach TMDLs has certainly changed. In addition, the Regional Board staff and responsible jurisdictions will put a tremendous amount of time and resources into the adoption hearing for these reopeners, and it would be most efficient if the scope of the TMDL revisions would include other high priority issues (discussed herein). Finally, there are instances during the bacteria TMDL revision process where the Regional Board expanded the scope to include items beyond the original reconsideration elements (e.g., modifications to monitoring requirements in Ballona Creek). The jurisdictions responsible for implementation of these TMDLs should be given the opportunity to provide input on other high-priority issues to be considered during these TMDL revisions. **REQUEST:** Do not limit beach TMDL revisions to the original reconsideration elements. Instead, consider comments from responsible jurisdictions regarding all topics that are high priority for TMDL implementation and compliance.

Attachment A – Detailed Comment Matrix for Beach TMDLs Revisions

Comment #	Beach TMDL Name	Document Reference:	Issue	Comments
7 (This comment is also in the letter)	All	**SMB BPA,** page13 **MdR BPA,** page14 **Harbor BPA,** page 12	Beach TMDL implementation schedules should include at least one TMDL reopener prior to the final compliance dates	Reopeners are a critical aspect of TMDL implementation. The forthcoming revisions to the beach TMDLs will make important modifications, and the Bureau greatly appreciates the time of Regional Board staff to develop and adopt these revisions. However, one reopener during a 18-year implementation process is not sufficient. For example, the recently adopted Los Angeles River Bacteria TMDL acknowledges the value of multiple reopeners and included two specific reopeners at four- and ten- years after the effective date as well as specific language that a reopener would occur within one year of significant technical studies or policy changes. The science of bacteria regulations are rapidly evolving, and the Bureau requests at least one additional re-opener prior to the final (wet weather) compliance dates in 2021. The Regional Board has already limited the scope of the current TMDL revisions to specific elements, and over the next nine years it is certain that many more high priority issues will emerge through completion of implementation projects, special studies, and other data collection efforts. **REQUEST:** Additional reopeners are necessary and should be incorporated into the schedules for the revised TMDLs. At least one explicit reopener should occur prior to the final wet weather compliance date for each beach TMDL. The recommended dates for a future beach TMDL re-opener is 2018, for the following reasons: • **Santa Monica Bay Beaches:** the year 2018 corresponds with the 50% wet weather implementation milestone and would represent the point at which dischargers are implementing final projects to meet the final compliance date in 2021. • **Marina del Rey:** the year 2018 is suitable because (1) it will allow for the completion of any additional special studies to assess natural sources and (2) implementation of major projects to meet the final compliance date (e.g., Oxford Basin) should have been completed. • **Inner Cabrillo Beach:** Additional tiered implementation actions and studies at Inner Cabrillo Beach are underway to meet final WLAs. • MS4 Permit Reasonable Assurance Plan (RAP): provide opportunities for correlating the success of the RAP to meeting the TMDLs.

Attachment A – Detailed Comment Matrix for Beach TMDLs Revisions

Comment #	Beach TMDL Name	Document Reference:	Issue	Comments
8 (This comment is also in the letter)	All	**SMB BPA,** page 5, Waste Load Allocations **MdR BPA,** page 4, Waste Load Allocations **Harbor BPA,** page 4, Waste Load Allocations	Language should be added to the wasteload allocation sections that allow the Regional Board to discern MS4 discharges from other sources	The watersheds for the beach TMDLs have a multitude of dischargers including various types of NPDES permits. Additionally, non-point sources can affect bacteriological water quality. However, the final WLAs for MS4s are based on allowable numbers of Exceedance Days at the beaches. In this manner, the beach TMDLs make MS4s wholly responsible for attainment of WQOs at the beaches. That is, if the numbers of exceedances at a beach are higher than allowable, then MS4s that discharge to that beach are out of compliance regardless of whether the many other NPDES permittees have addressed their discharges. For example, MS4s could be deemed out of compliance if a major industrial NPDES discharger was continually exceeding their TMDL-required permit limits for *Enterococcus*. Similarly, there is potential for localized non-point sources to affect beach water quality (e.g., localized source on the beach such as trash cans). The Los Angeles River Bacteria TMDL addressed this concern with language regarding three "equivalent conditions" that represent WLA attainment for MS4s. This same language should be incorporated into the beach TMDLs. **REQUEST:** The equivalent conditions language from the Los Angeles River Bacteria TMDL should be incorporated to the Basin Plan Amendments for each of the three beach TMDLs. The language below was copied directly from the BPA for the LA River Bacteria TMDL and modified to reflect the beach TMDLs (e.g., replaced "River" with "beach", "*E. coli*" with "bacteria", etc.): "MS4 dischargers can demonstrate compliance with WLAs by demonstrating that WLAs are met in the wave wash at the beach or by demonstrating one of the following conditions at outfalls to the beach: 1. Flow-weighted concentration of bacteria in MS4 discharges is less than or equal to the single sample WQOs, based on a weighted-average using flow rates from outfalls to the beach; 2. Zero discharge; 3. Demonstration of compliance as specified in the MS4 NPDES permit which may include the use of BMPs where the permit's administrative record supports that the BMPs are expected to be sufficient to implement the WLA in the TMDL, the use of calculated loading rates such that loading of bacteria to the beach is less than or equal to a calculated loading rates that would not cause or contribute to exceedances based on a loading capacity representative of conditions at the beach at the time of compliance or other appropriate method." For the SMB Beaches TMDL, Condition #2 is particularly important, given the large number of LFDs that are operated along SMB and relied upon for TMDL compliance. Additional language stating that an operational and maintained LFD constitutes compliance is requested. For example, Condition #2 above could be modified as follows: 2. Zero discharge (e.g., demonstration of a properly functioning low flow diversion) It should be noted that this requested change does not necessarily constitute a substantive change to the BPA. During the public comment period for the LA River Bacteria TMDL, the exact language above was added to the BPA and the TMDL was not re-noticed.

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Comment #	Beach TMDL Name	Document Reference:	Issue	Comments
9 (This comment is also in the letter)	Santa Monica Bay	**SMB BPA,** page 5, Waste Load Allocations	The proposed revisions to the wasteload allocations for POTWs should be modified to avoid unintended consequences including potential requirements for effluent disinfection	On Page 5 of the Proposed Amendment for Santa Monica Bay, the WLAs for the Hyperion Treatment Plant (HTP) have been revised as follows: The three Publicly Owned Treatment Works (POTWs)[4] discharging to Santa Monica Bay are each given individual WLAs ~~of zero (0) days of exceedance~~ equal to the bacteriological objectives contained in Chapter 3 during ~~both~~ summer dry weather, ~~and~~ winter dry weather, and wet weather. Where footnote 4 is as follows: "Hyperion Wastewater Treatment Plant, Joint Water Pollution Control Plant, and Tapia Wastewater Reclamation Facility." The revision to the WLAs for POTWs could have an unintended consequence of establishing end-of-pipe effluent limits equal to the Basin Plan WQOs, which would require disinfection. HTP effluent does not affect beach water quality and, in particular, does not cause or contribute to exceedances of bacteriological objectives at the beaches. As described in the HTP NPDES Permit (No. CA0109991) Fact Sheet (Page F-15), monitoring results indicate that effluent from the 5-Mile Outfall does not reach the shoreline and that elevated bacterial counts at the beaches are associated with runoff from storm drains and discharges from piers. Additionally, as indicated in the staff reports for the Santa Monica Bay Beaches Bacteria TMDLs Dry Weather (Resolution No. 02-004) and Wet Weather (Resolution No. 2002-022), HTP is not considered a source of bacteria impairing beaches. Adding disinfection to HTP's treatment process to meet the revised WLAs would cost an enormous amount of money and yet provide no environmental benefit. In fact, disinfection may have negative environmental consequences to aquatic life near the 5-Mile Outfall. The WLAs from the original Santa Monica Bay Beaches TMDLs have been incorporated into the HTP NPDES Permit (Page 30) as follows: "The Discharge shall ensure that bacterial concentrations in the effluent discharged from Discharge Points 001 and 002 do not result in exceedance of the Hyperion Treatment Plant's waste load allocation of zero (0) days exceedance of single same numeric limits or geometric mean limits (based on Basin Plan bacteria objectives for marine waters designated REC-1, see Section VI.A.1.b) at shoreline compliance points, as specified in Regional Water Board Resolution Nos. 2002-004 and 2002-022." Additionally, the HTP NPDES Permit (Pages 31 and 32) incorporates receiving water limitations in the form of both geometric mean limits for total coliform, fecal coliform, and enterococcus and single sample maximum limits for total coliform, fecal coliform, enterococcus, and the ratio between fecal and total coliform. These receiving water limitations are a standard component of the permit and are not affected by the TMDL. The City understands the Regional Board's need to adjust the WLA language for POTWs, as the Basin Plan implementation provisions for Exceedance Days only apply to MS4 permits. However, given that HTP effluent is not a source to the beaches for which the TMDL is intended to protect it is unclear why HTP is assigned WLAs. As such, the WLAs for HTP should be removed from the TMDL. The bacteria receiving water limitations in the HTP permit will not be affected by the TMDL, will remain in effect, and will ensure continued protection of the portions of Santa Monica Bay affected by HTP effluent. **REQUEST:** Remove WLAs for HTP as it is not a source of bacteria to Santa Monica Bay Beaches. If the WLAs cannot be removed, modify the proposed language for POTW WLAs to avoid the unintended consequence of requiring disinfection by HTP. The following modified language is proposed: "The three Publicly Owned Treatment Works (POTWs)[4] discharging to Santa Monica Bay are each assigned individual WLAs expressed as receiving water limitations as follows: the Discharger shall ensure that bacterial concentrations in the effluent do not cause or contribute to WQO exceedances at shoreline compliance points. As HTP is not a source of bacteria to Santa Monica Bay Beaches, no additional actions are expected to be necessary to be in compliance with TMDL allocations."

Attachment A – Detailed Comment Matrix for Beach TMDLs Revisions

Comment #	Beach TMDL Name	Document Reference:	Issue	Comments
10 (This comment is also in the letter)	Santa Monica Bay	**SMB BPA,** Table 7-4.2b	Milestones should be calculated based on monitoring data from the 2004-05 critical year instead of using a long-term average	The wet weather milestones in the Santa Monica Bay Beaches TMDL are designed to require interim reductions based on the "baseline critical condition" prior to implementation activities (note: the milestones are intended to represent baseline *critical* conditions not *long-term* conditions). The original TMDL used watershed models to represent the baseline critical condition (the year 1993). The revised TMDL uses exceedance rates from samples collected between 2004 and 2010. However, using data from the later years in this record does not correspond to critical conditions and does represent a "baseline" because BMPs have been implemented in these years. For example, the first compliance milestone was in 2009 meaning BMPs were implemented prior to 2009 to meet TMDL requirements. In essence, using data from recent years has "moved the goal post" for implementation. Furthermore, it is critical that the calculation approach for estimating critical conditions does not use a long-term average of years (e.g., the Regional Board's approach uses the average from 2004-2010) because it is rainfall and wet days that drives the critical wet years and corresponding rates of exceedance. The Bureau acknowledges the technical challenges associated estimating critical conditions. We propose an alternative approach based on the 2004-05 monitoring year (the first year of the CMP), which was a wet year that is an excellent representation of the critical year (in terms of rainfall and wet days) used to develop the TMDL exceedance day calculation (1993), as shown in **Table 1** in letter. In essence, the data from the 2004-05 water year allow for a *direct measurement* of critical year conditions. It is apparent from the results shown in **Table 2** in the letter that the proposed revised approach proposed by the Regional Board greatly underestimated the number of exceedances during a baseline critical year. Also, the proposed alternative milestones closely reflect the milestones in the original SMB TMDL. **REQUEST:** Use the point zero data from 2004-05 to represent the critical baseline condition and to calculate 10%, 25%, and 50% milestones. Shown in **Table 2** are the milestones calculations for Jurisdictional Group 2 based on the 2004-05 data (and a comparison to milestones proposed by the Regional Board based on 2004-2010 data).

Attachment A – Detailed Comment Matrix for Beach TMDLs Revisions

Comment #	Beach TMDL Name	Document Reference:	Issue	Comments
11 (This comment is also in the letter)	Marina del Rey	**MdR BPA,** page 4, Waste Load Allocations	The City of Los Angeles is jointly responsible for attainment of WLAs in Basins E and G. Attainment of WLAs in Basins A, C, D, F, and H should <u>not</u> be linked the City of Los Angeles' compliance determination.	To date, the Regional Board has held the City accountable for attainment of WLAs at all compliance monitoring locations in Marina del Rey. However, urban runoff from the City only drains to Back Basins E and G. As shown in **Figure 1** of the letter, the City's jurisdiction drains MdR subwatershed areas 1A, 2, 3, and 4. However, as shown in **Table 3** of the letter, these subwatersheds drain to Basins E and G. As such, the City's compliance with the MdR TMDL should <u>not</u> be linked to attainment of WLAs in Basins A, C, D, F, or H. Note that Basin G currently attains WQOs and thus is <u>not</u> listed as impaired. Previous dry weather circulation and modeling studies have demonstrated that Basin E is not hydraulically connected to Basin D, which indicates it is not connected to other basins, either. These findings are from a report developed by the County of Los Angeles Department of Beach and Harbors using Proposition 13 funds[1]. The study included development of two hydrodynamic models, one that was bacteria-specific. The model results demonstrated that exceedances in Basin E are limited in spatial influence during non-storm conditions. **REQUEST:** Clarify in the BPA for the MdR Bacteria TMDL that the City is a responsible jurisdiction for Back Basins E and G only. The City's compliance with the MdR TMDL should <u>not</u> be linked to attainment of WLAs in Basins A, C, D, F, or H. Note that the allocations for Inner Cabrillo Beach are an example of WLAs for specific sites being assigned to specific agencies. Please note although the comments submitted herein are specific to City concerns, the City will continue to coordinate and assist the lead agency, County of Los Angeles, and other watershed agencies to implement the TMDL.

[1] Kinnetic Laboratories, Inc. 2004. Phase I Final Report, Marina Beach Water Quality Improvement Project, Bacterial Source Studies and Recommendations.

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Comment #	Beach TMDL Name	Document Reference:	Issue	Comments

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(This comment is also in the letter)
	Marina del Rey	**MdR BPA,** Table 7-5.2
		
		Page 13, last row of table
			The Bureau respectfully requests an extension of the dry weather compliance schedule for the Marina del Rey Bacteria TMDL.	The Watershed Agencies in MdR have made great strides to reduce and eliminate discharges of urban runoff and bacteria, as follows:
				• Implemented three (3) Low Flow Diversion (LFD) projects (owned and operated by County of Los Angeles)
				• Installed five bio-retention filters in drainage areas that are under tidal influence and not served by the LFDs (installed in December 2006)
				• Continuous implementation of institutional measures
				  o Catch basin cleaning (three to four times per year)
				  o Street sweeping (ranging from daily to monthly)
				  o Trash Management (restaurant and grocery store inspections, outreach, and enforcement)
				• 100% retrofit of catch basins to install screens for trash capture
				• Continuous public educations and outreach
				• Adopted City-wide Low Impact Development Ordinance and Water Conservation Ordinance
				At the time of TMDL adoption, the Regional Board staff and responsible jurisdictions were not fully aware of the technical challenges associated with controlling bacteria in an enclosed harbor. In particular, the following issues have extended the time needed to comply with the TMDL WLAs:
				• **Length of time to construct and start-up BMPs:** the experience gained by the City during implementation of Prop O projects has changed our understanding of how long it takes to design, permit, construct, and start-up major BMP projects. Individual projects can easily take 5+ years to start-up. In MdR, the County of Los Angeles is implementing the Oxford Retention Basin Flood Protection Multiuse Enhancement Project at an estimated cost exceeding $11 million, which is to be funded by responsible agencies in the watershed and grants, and is expected to be completed in 2013. The project will address dry and wet-weather requirements of not only the Bacteria TMDL but also the Toxic Pollutants TMDL.
				• **Non-anthropogenic sources:** In 2007, Los Angeles County submitted a Nonpoint Source Study that found that non-anthropogenic sources are significantly affecting water quality in MdR. Based on the information presented in the report, approximately 70% of dry weather inputs of bacteria in Basin E may originate from birds (based on the measured proportions of source-specific bacteria isolates). Similarly, source tracking data collected during the study also suggested that only 4% of inputs to Basin E were from human fecal sources. Note this was a *required* study, and responsible jurisdictions expected the results (significant impact of birds on water quality) to affect the determination of MS4 compliance, but there was no effect.
				Overall, the City has made a good faith effort to meet the dry weather compliance date of 2007, but the above issues have led the Bureau to respectfully request a dry weather schedule extension.
				REQUEST: Please revise the MdR final dry weather compliance deadline from 2007 to 2016. This will provide the responsible jurisdictions the additional time needed to complete the Oxford Basin Multiuse Project, refine existing actions, fully evaluate and quantify natural sources, and, if appropriate, provide the Regional Board sufficient time to consider a Natural Source Exclusion. Given the linkage between the Oxford Basin Multi-use Project and Basin E, it might be appropriate to extend the schedule for Basin E only (as opposed to all of the basins).

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Comment #	Beach TMDL Name	Document Reference:	Issue	Comments
13 (This comment is not in the letter)	All	**Staff Report,** page 29. Also Appendix B. **SMB BPA,** page13, last row of Table **MdR BPA,** page14, first row on page **Harbor BPA,** page11, second row on page	Geometric Mean Exceedances at Leo Carrillo Beach are a Primary Reason to Schedule Explicit Reopeners in the Future	According to the Staff Report and the Bureau's calculations, the reference site Leo Carrillo Beach exceeds the geometric mean target frequently. The Staff Report lists *Enterococcus* exceedance rates greater than 20% using various different geometric mean approaches. However, compliance monitoring locations at beaches are not allowed to have any exceedances of the geometric mean targets. The implication of the elevated rate of exceedance at the reference beach is (1) the reference site will be out of compliance with the TMDL after 2021 and (2) MS4s are required to maintain a level of water quality that is "cleaner" than the reference site. The frequent rate of geometric mean exceedance at Leo Carrillo Beach is a critical reason for each Beach TMDL to schedule an explicit reopener prior to the final compliance dates. Further analysis of the seasonal geometric mean calculation alternatives that were provided in the staff report may clarify the best alternative for geometric mean calculation. Additionally, since the calculation of a rolling geometric mean provides retroactive data, it does not reflect the immediate health of a beach. The City looks forward to working with the Regional Board on this and other critical reopener issues. **Request:** Please revise the BPA for each beach TMDL to include an explicit TMDL re-opener in the implementation schedule prior to 2019. Also see additional discussion regarding this comment in the Bureau's comment letter (page 4).
14 (This comment is not in the letter)	Santa Monica Bay	**SMB BPA,** page10, Compliance Monitoring **MdR BPA,** page 9, Compliance Monitoring	CMP Monitoring Locations	The strikethrough version of the SMB BPA could be interpreted as the Regional Board is requiring responsible jurisdictions to monitor additional sites and increase monitoring frequency beyond the current CMP requirements. The City is concerned that re-opening the CMP to change the geomean calculation approach will lead to requirements/requests to change other aspects of the CMP (as opposed to simply revising the geomean calculations). **Request #1:** Please clarify in the Regional Board's response to this comment that it is not the intent of the Regional Board to add sites or sampling frequency to the current CMP for Santa Monica Bay Beaches or Marina del Rey. **Request #2:** Please clarify in the Regional Board's response to this comment that the revision to the SMB and MdR CMPs can be conducted through submittal of a simple letter, as opposed to an extensive process to re-open and revise the CMP.

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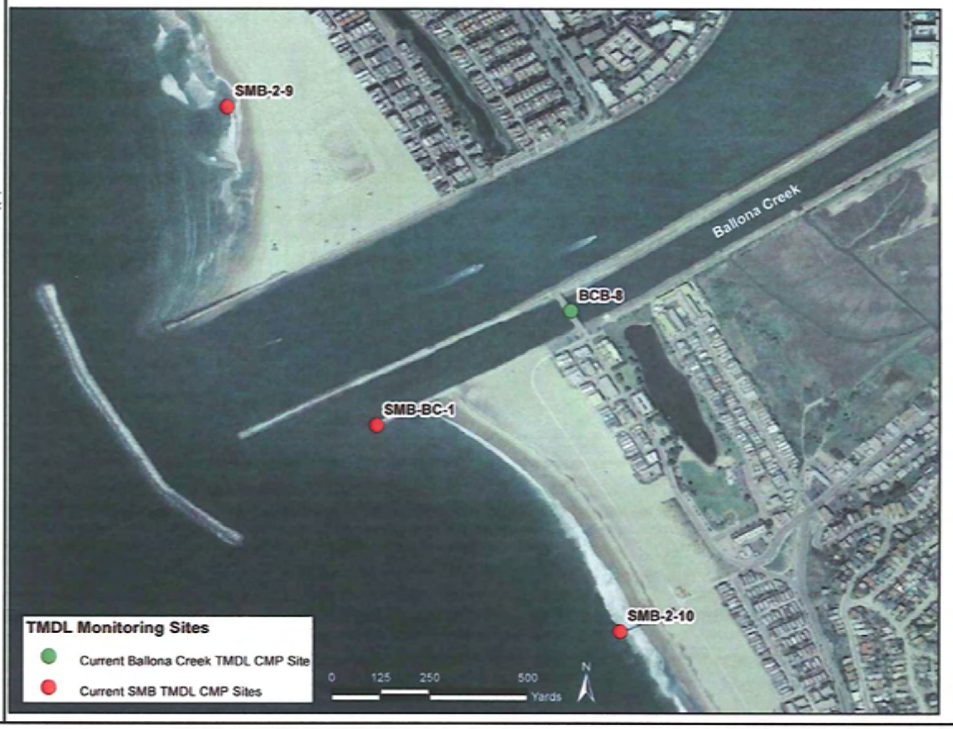
Comment #	Beach TMDL Name	Document Reference:	Issue	Comments
15 (This comment is not in the letter)	Santa Monica Bay	**BPA,** Table 7-4.2a **BPA,** Table 7-4.2b	Compliance requirements for Ballona Creek mouth site BC-1 should be linked to the Ballona Creek TMDL and not the Santa Monica Bay TMDL	The site BC-1 at the Ballona Creek mouth is a currently a compliance location for the Santa Monica Bay Bacteria TMDL. A very nearby site at BCB-8 is a compliance location for the Ballona Creek Bacteria TMDL. The map below shows the CMP monitoring locations in proximity to the Ballona Creek mouth. The attainment of WQOs at site BC-1 depends entirely on BMPs and implementation activities in the Ballona Creek watershed not the Santa Monica Bay watershed. In addition, unlike any other SMB CMP site, the site BC-1 is not a wave wash site, it is collected from deep water at the jetty. Thus, there is a contradiction among the TMDLs, and it does not make sense for compliance at site BC-1 to be linked to the Santa Monica Bay TMDL. **Request:** Please strike the site BC-1 from Table 7-4.2a. Compliance determination for site BC-1 should be linked to the Ballona Creek TMDL and not the Santa Monica Bay TMDL. Activities along the Santa Monica Bay beaches will have little to no effect on the Ballona Creek mouth. Attainment of WLAs at site BC-1 should be linked to activities in Ballona Creek watershed instead. 

Attachment A – Detailed Comment Matrix for Beach TMDLs Revisions

Comment #	Beach TMDL Name	Document Reference:	Issue	Comments
16 (This comment is not in the letter)	Santa Monica Bay	**BPA,** Table 7-4.2b	Equation used to calculate milestones does not output "Allowable Exceedance Days"	To calculate wet weather milestones, the equation provided by the Regional Board indicates that the allowable number of exceedances are subtracted from the current number of exceedances. In this manner, the equation produces the number of exceedances allowed in excess of the allowable number of Exceedance Days. For example, if a site is currently exceeding 27 days per year but only allowed 17 days per year, then the calculated milestone is 27 – 17 = 10 days per year times the fraction. These 10 days are in *excess* of the 17 that are allowed. **Recommendation:** Change the header of the far right columns from "Interim Compliance Targets as Maximum Allowable Exceedance Days during Wet Weather" to "Interim Compliance Targets as Maximum Exceedances Beyond those Allowed." Or alternatively, change the milestone calculation approach such that Table 7-4.2b reports the *total* exceedances allowed (i.e., the *allowable* exceedance days plus the additional exceedances *beyond* those allowed).
17 (This comment is not in the letter)	Santa Monica Bay	**Staff Report,** Table 3 **BPA,** Table 7-4.2b	Incorrect names for monitoring locations	Some of the Sample Stations and Location names in Table 3 of the Draft Staff Report for the Santa Monica Bay Beaches Bacteria TMDL do not match. For example, SMB-1-2 is listed as Las Flores State Beach at Las Flores Creek and station SMB-1-18 is listed as Carbon Beach at Sweetwater Canyon Storm Drain; however, SMB-1-2 is El Pescador State Beach and SMB-1-18 is Topanga Canyon at Topanga State Beach. **Request:** Please review and revise Table 3, Table 4, and Table 5 of the Draft Staff Report to ensure location names correctly correspond with the sample stations. This is especially important considering Table 5 of the Draft Staff Report is the same as Table 7-4.2a of the Santa Monica Bay Beaches Bacteria TMDL Implementation Schedule.
18 (This comment is not in the letter)	Santa Monica Bay	Staff Report, Table 5	Incorrect names for monitoring locations	SMB 2-5 Location Name: Temescal Storm Drain is incorrect. Please change the Location Name to Bay Club Storm Drain SMB 2-6 Location Name: Bay Club Storm Drain is incorrect. Please change the Location Name to Temescal Storm Drain.

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Comment #	Beach TMDL Name	Document Reference:	Issue	Comments
19 (This comment is not in the letter)	Santa Monica Bay	**BPA,** Table 7-4.2a **BPA,** Table 7-4.2b	Missing compliance monitoring locations	On December 3, 2009, the City received approval from the Regional Board to upgrade two observation stations SMB O-1 and SMB O-2 (Puerco Canyon SD, Puerco Beach) to bacterial monitoring sites based on persistent runoff and accessibility. These shoreline monitoring stations are not listed and should be included in Table 7-4.2a (page 14) and Table 7-4.2b (page 15): • SMB O-1 (Zumeriz Drive; Subwatershed: Ramirez Canyon; Coordinates: 34.01690, -118.78900) • SMB O-2 (Puerco Canyon Storm Drain on Puerco Beach; Subwatershed: Corral Canyon; Coordinates: 34.03160, -118.71300). **Request:** Please add sites SMB O-1 and SMB O-2 to Table 7-4.2a (page 14) and Table 7-4.2b (page 15). Please revise the interim wet weather milestones for Jurisdictional Group #1 accordingly.
20 (This comment is not in the letter)	Marina del Rey	**BPA,** page5, Waste Load Allocations **BPA,** page6, Load Allocations	BPA refers to "seasonal periods" for geomean attainment	The BPA states the geometric mean targets for point and non-point sources is "zero (0) exceedances during seasonal periods." It is unclear what is meant by "seasonal periods." Please clarify.