

Comment Summary and Responses
Los Cerritos Channel and San Gabriel River Metals TMDL Implementation Plans
Comment Due Date: May 17, 2013

1. City of Lakewood (comments regarding Los Cerritos Channel)
2. City of Lakewood (comments regarding San Gabriel River and Impaired Tributaries)
3. City of Covina
4. City of La Verne
5. County of Los Angeles/Los Angeles County Flood Control District (LACFCD)
6. City of Glendora
7. City of Irwindale
8. City of West Covina
9. United States Environmental Protection Agency (U.S. EPA), Region IX
10. AES Alamos LLC
11. City of Hawaiian Gardens
12. Los Cerritos Channel (LCC) Metals TMDL Technical Committee
13. Lower San Gabriel River (SGR) Watershed Technical Committee
14. City of Pico Rivera
15. County Sanitation Districts of Los Angeles County
16. City of El Monte
17. City of South El Monte
18. City of Bellflower
19. City of Paramount

No.	Author	Comment	Response
1.1	City of Lakewood	I am writing on behalf of the City of Lakewood. Our City is partially in the Los Cerritos Watershed and participates actively on the Los Cerritos Channel Metals TMDL Technical Committee. We thank the Regional Water Board for its willingness to move forward with the proposed amendments to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to incorporate Implementation Plans for the Total Maximum Daily Loads for Metals and Selenium San Gabriel River and Impaired Tributaries and the	Comment noted.

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		Los Cerritos Channel TMDLs for Metals. The adoption of Implementation Plans with Implementation Schedules is essential since USEPA does not adopt implementation plans and schedules for TMDLs that they establish and such plans and schedules are needed for realistic implementation of TMDLs, especially complex TMDLs such as metals TMDLs where sources are both direct and indirect and many of the sources are beyond the abilities of local governments to control.	
1.2	City of Lakewood	We appreciate the recognition of pollution prevention, including true source control, in Findings 20 and 21. Our Technical Committee for the Los Cerritos Channel has concluded that the most effective strategy for addressing water quality impairments in the Los Cerritos Channel Watershed will be one based initially on a combination of source control (especially true source control) and runoff reduction. The Committee based this conclusion on the fact that if pollutants are not generated or released, they will not be available for transport to receiving waters, and if dry-weather runoff can be eliminated or greatly reduced, a major transport mechanism will be eliminated or greatly reduced. The result of both of these measures will be that many fewer pollutants will reach the receiving waters.	Comment noted.
1.3	City of Lakewood	We also appreciate the provision that if we demonstrate as part of a Watershed Management Program (WMP) that control measures and BMPs will achieve wet-weather water quality-based effluent limitations consistent with the schedule in Table 7-32.2, the compliance with wet-weather water quality-based effluent limitations may be demonstrated by implementation of these control measures and BMPs, subject to Executive Officer approval. Our city supports the decision	Comment noted.

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		of the Technical Committee to proceed with development of a Watershed Management Program while concurrently evaluating the potential for effectively implementing an Enhanced Watershed Management Program (EWMP). The Reasonable Assurance Analysis required for either a WMP or an EWMP will give us the opportunity to demonstrate that our program of source control and runoff reduction, supplemented by capture and infiltration, capture and use, and treatment controls will achieve wet-weather water quality-based effluent limitations consistent with the schedule in Table 7-32.2.	
1.4	City of Lakewood	The Technical Committee is providing detailed comments that we support. However, we would like to emphasize two requested changes to Attachment B to Resolution No. R13-XXX. First, we request that we be given three (3) additional months to prepare the documentation to demonstrate that the 2017, 2020, and 2023 interim compliance milestones and the final wasteload allocations have been met. We ask for this additional time in order to have monitoring data processed and reports prepared.	The Regional Board agrees that data analysis and reporting may take additional time, and finds that it is reasonable to allow responsible jurisdictions a three-month extension to prepare documentation to demonstrate that the 2017, 2020, and 2023 interim compliance milestones and final wasteload allocations (WLAs) have been met.
1.5	City of Lakewood	Secondly, we ask that elements from State Water Board Resolution 2008-046 addressing atmospheric deposition be incorporated into the Basin Plan Amendment in order to make this Metals TMDL Implementation Plan consistent with the State Water Board's approval of the Los Angeles River Metals TMDL Implementation Plan.	The Regional Board agrees to add certain elements from State Board Resolution 2008-046 to the Resolution adopting the Basin Plan amendments. Please also see response comment 12.6.
2.1	City of Lakewood	I am writing on behalf of the City of Lakewood. Our City is partially in the San Gabriel River Watershed and participates actively on the Coyote Creek and Lower San Gabriel River Metals TMDL Technical Committee. We thank the Regional Water Board for its willingness to move forward with the	Comment noted.

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		<p>proposed amendments to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to incorporate Implementation Plans for the Total Maximum Daily Loads for Metals and Selenium San Gabriel River and Impaired Tributaries and the Los Cerritos Channel TMDLs for Metals. The adoption of Implementation Plans with Implementation Schedules is essential since USEPA does not adopt implementation plans and schedules for TMDLs that they establish and such plans and schedules are needed for realistic implementation of TMDLs, especially complex TMDLs such as metals TMDLs where sources are both direct and indirect and many of the sources are beyond the abilities of local governments to control.</p>	
2.2	City of Lakewood	<p>We appreciate the recognition of pollution prevention, including true source control, in Findings 20 and 21. Our Technical Committee for the San Gabriel River Watershed has concluded that the most effective strategy for addressing water quality impairments in the Watershed will be one based initially on a combination of source control (especially true source control) and runoff reduction. The Committee based this conclusion on the fact that if pollutants are not generated or released, they will not be available for transport to receiving waters, and if dry-weather runoff can be eliminated or greatly reduced, a major transport mechanism will be eliminated or greatly reduced. The result of both of these measures will be that many fewer pollutants will reach the receiving waters.</p>	Comment noted.
2.3	City of Lakewood	<p>We also appreciate the provision that if we demonstrate as part of a Watershed Management Program (WMP) that control measures and BMPs will achieve wet-weather water quality-based effluent limitations consistent with the schedule</p>	Comment noted.

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		<p>in Table 7-20.2, the compliance with wet-weather water quality-based effluent limitations may be demonstrated by implementation of these control measures and BMPs, subject to Executive Officer approval. Our city supports the decision of the Technical Committee to proceed with development of a Watershed Management Program while concurrently evaluating the potential for effectively implementing an Enhanced Watershed Management Program (EWMP). The Reasonable Assurance Analysis required for either a WMP or an EWMP will give us the opportunity to demonstrate that our program of source control and runoff reduction, supplemented by capture and infiltration, capture and use, and treatment controls will achieve wet-weather water quality-based effluent limitations consistent with the schedule in Table 7-20.2.</p>	
2.4	City of Lakewood	<p>The Technical Committee is providing detailed comments that we support. However, we would like to emphasize two requested changes to Attachment A to Resolution No. R13-XXX. First, we request that we be given three (3) additional months to prepare the documentation to demonstrate that the 2017, 2020, and 2023 interim compliance milestones and the final wasteload allocations have been met. We ask for this additional time in order to have monitoring data processed and reports prepared.</p>	Please see response to comment 1.4.
2.5	City of Lakewood	<p>Secondly, we ask that elements from State Water Board Resolution 2008-046 addressing atmospheric deposition be incorporated into the Basin Plan Amendment in order to make this Metals TMDL Implementation Plan consistent with the State Water Board's approval of the Los Angeles River Metals TMDL Implementation Plan.</p>	Please see response to comment 1.5.

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3.1	City of Covina	I am writing on behalf of the City of Covina. Our City is in the San Gabriel River Watershed and participates on the Coyote Creek and Lower San Gabriel River Metals TMDL Technical Committee. We thank the Regional Water Board for its willingness to move forward with the proposed amendments to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to incorporate Implementation Plans for the Total Maximum Daily Loads for Metals and Selenium San Gabriel River and Impaired Tributaries and the Los Cerritos Channel TMDLs for Metals. The adoption of Implementation Plans with Implementation Schedules is essential since USEPA does not adopt implementation plans and schedules for TMDLs that they establish and such plans and schedules are needed for realistic implementation of TMDLs, especially complex TMDLs such as metals TMDLs where sources are both direct and indirect and many of the sources are beyond the abilities of local governments to control.	Comment noted.
3.2	City of Covina	We appreciate the recognition of pollution prevention, including true source control, in Findings 20 and 21. Our Technical Committee for the San Gabriel River Watershed has concluded that the most effective strategy for addressing water quality impairments in the Watershed will be one based initially on a combination of source control (especially true source control) and runoff reduction. The Committee based this conclusion on the fact that if pollutants are not generated or released, they will not be available for transport to receiving waters, and if dry-weather runoff can be eliminated or greatly reduced, a major transport mechanism will be eliminated or greatly reduced. The result of both of these measures will be that many fewer pollutants will reach the	Comment noted.

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		receiving waters.	
3.3	City of Covina	We also appreciate the provision that if we demonstrate as part of a Watershed Management Program (WMP) that control measures and BMPs will achieve wet-weather water quality-based effluent limitations consistent with the schedule in Table 7-20.2, the compliance with wet-weather water quality-based effluent limitations may be demonstrated by implementation of these control measures and BMPs, subject to Executive Officer approval. Our city supports the decision of the Technical Committee to proceed with development of a Watershed Management Program while concurrently evaluating the potential for effectively implementing an Enhanced Watershed Management Program (EWMP). The Reasonable Assurance Analysis required for either a WMP or an EWMP will give us the opportunity to demonstrate that our program of source control and runoff reduction, supplemented by capture and infiltration, capture and use, and treatment controls will achieve wet-weather water quality-based effluent limitations consistent with the schedule in Table 7-20.2.	Comment noted.
3.4	City of Covina	The Technical Committee is providing detailed comments that we support. However, we would like to emphasize two requested changes to Attachment A to Resolution No. R13XXx. First, we request that we be given three additional months to prepare the documentation to demonstrate that the 2017, 2020, and 2023 interim compliance milestones and the final wasteload allocations have been met. We ask for this additional time in order to have monitoring data processed and reports prepared.	Please see response to comment 1.4.

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3.5	City of Covina	Secondly, we ask that elements from State Water Board Resolution 2008-046 addressing atmospheric deposition be incorporated into the Basin Plan Amendment in order to make this Metals TMDL Implementation Plan consistent with the State Water Board's approval of the Los Angeles River Metals TMDL Implementation Plan.	Please see response to comment 1.5.
4.1	City of La Verne	I am writing on behalf of the City of La Verne. We thank the Regional Water Board for its willingness to move forward with the proposed amendments to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to incorporate Implementation Plans for the Total Maximum Daily Loads for Metals and Selenium San Gabriel River and Impaired Tributaries and the Los Cerritos Channel TMDLs for Metals. The adoption of Implementation Plans with Implementation Schedules is essential since USEPA does not adopt implementation plans and schedules for TMDLs. Additionally, such plans and schedules are needed for realistic implementation of TMDLs, especially complex TMDLs such as metals TMDLs where sources are both direct and indirect and many of the sources are beyond the abilities of local governments to control.	Comment noted.
4.2	City of La Verne	We appreciate the recognition of pollution prevention, including true source control, in Findings 20 and 21. The Technical Committee for the San Gabriel River Watershed has concluded that the most effective strategy for addressing water quality impairments in the Watershed will be one based initially on a combination of source control (especially true source control) and runoff reduction. The Committee based this conclusion on the fact that if pollutants are not generated or released, they will not be available for transport to receiving waters, and if dry-weather runoff can be eliminated	Comment noted.

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		or greatly reduced, a major transport mechanism will be eliminated or greatly reduced. The result of both of these measures will be that many fewer pollutants will reach the receiving waters.	
4.3	City of La Verne	We also appreciate the provision that if we demonstrate as part of a Watershed Management Program (WMP) that control measures and BMPs will achieve wet-weather water quality-based effluent limitations consistent with the schedule in Table 7-20.2, the compliance with wet-weather water quality-based effluent limitations may be demonstrated by implementation of these control measures and BMPs, subject to Executive Officer approval. The Reasonable Assurance Analysis required for either a WMP or an EWMP will give us the opportunity to demonstrate that our program of source control and runoff reduction, supplemented by capture and infiltration, capture and use, and treatment controls will achieve wet-weather water quality-based effluent limitations consistent with the schedule in Table 7-20.2.	Comment noted.
4.4	City of La Verne	The Technical Committee is providing detailed comments that we support. However, we would like to emphasize two requested changes to Attachment A to Resolution No. R13-XXX. First, we request that cities be given three additional months to prepare the documentation to demonstrate that the 2017, 2020, and 2023 interim compliance milestones and the final wasteload allocations have been met. We ask for this additional time in order to have monitoring data processed and reports prepared.	Please see response to comment 1.4.
4.5	City of La Verne	Secondly, we ask that elements from State Water Board Resolution 2008-046 addressing atmospheric deposition be incorporated into the Basin Plan Amendment in order to make this Metals TMDL Implementation Plan consistent with	Please see response to comment 1.5.

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		the State Water Board's approval of the Los Angeles River Metals TMDL Implementation Plan.	
5.1	County of Los Angeles/LACFCD	Thank you for the opportunity to comment on the proposed amendments to the San Gabriel River and Los Cerritos Channel Metals Total Maximum Daily Loads (TMDLs). The County of Los Angeles and the Los Angeles County Flood Control District generally support the Regional Board's effort to establish implementation plans for the subject TMDLs. While we acknowledge and support the approach proposed for compliance demonstration for stormwater permittees, we have concerns on some aspects of the amendments as discussed below.	Comment noted.
5.2	County of Los Angeles/LACFCD	<p>1. Final compliance schedule should be extended</p> <p>It is our understanding that the proposed TMDL implementation schedule has been developed by taking into consideration the implementation of the State's Senate Bill 346, which prohibits the sale of vehicle brake pads containing more than 0.5% copper by 2025. Accordingly, the final compliance schedule for the TMDLs was set to 2026. However, it may be too optimistic to expect that reductions in copper concentration associated with brake pads will be fully achieved one year after the prohibition takes effect. There is a need to provide sufficient time to demonstrate the positive impact this regulation might have on water quality. Auto experts report that the life span of a brake pad could range from 30,000 to 70,000 miles or longer depending on the drivers. Consequently, the brake pad replaced just before 2025 will not be replaced with a new low copper content brake pad for a few years. Therefore, we recommend that the final compliance schedule be extended from 2026 to 2030 to account for the additional time needed to phase out old brake</p>	<p>The Regional Board has determined that the June 30, 2026 deadline for MS4 and Caltrans storm water permittees to meet final WLAs is realistic. SB 346 prohibits the sale of vehicle brake pads containing more than 5% copper by weight by 2021, and more than 0.5% copper by weight by 2025. Although MS4 and Caltrans storm water permittees must meet the WLAs one year after SB 346 prohibits the sale of vehicle brake pads containing more than 0.5% copper, it is possible that brake companies will go directly to low copper (i.e., 0.5% copper by weight) or copper-free brakes immediately, or achieve the 5% copper by weight requirement before 2021.</p> <p>According to the Brake Pad Partnership, although quantitative information about brake pad copper reductions is not yet available,</p>

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		pads.	<p>strong industry attention to low-copper and copper-free brake pads and promotion of these pads by companies already offering them (such as Honeywell, FDP Brake, Williams, Fastmagna.com, Bendix, Phoenix, ALCO, Wilson, Crowe, Aftermarket News, Murphy) provides evidence that implementation is underway and is proceeding in accordance with the process and time frames anticipated by the Brake Pad Partnership.</p> <p>Furthermore, although studies show that brake pads can be a major contributor of copper in the Los Cerritos Channel and San Gabriel River Watersheds, other sources of metals causing impairment of the watershed include vehicle wear, building materials, pesticides, erosion of paint, and deposition of air emissions from fuel combustion and industrial facilities. Thus, responsible parties may not be able to solely rely on the phase-out of copper in brake pads to attain their copper allocations. In addition, the TMDL addresses other metals, and to base the implementation schedule solely on the schedule in SB 346 would ignore the implementation efforts that will need to occur to attain allocations for other metals.</p> <p>Finally, the implementation plan includes a scheduled reconsideration in 2020 of the TMDL, including the WLAs, load allocations</p>

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			(LAs), and implementation schedule. At that time, the Regional Board can evaluate the impact of SB 346 on TMDL implementation and adjust the schedule if appropriate and necessary.
5.3	County of Los Angeles/LACFCD	<p>2. Reconsideration schedule should be modified As currently proposed, a TMDL reconsideration is scheduled in 2017, which is only two years after a coordinated monitoring plan (CMP) will be submitted by responsible parties. From our experience, the CMP approval and the subsequent installation of the monitoring infrastructure often takes about a year from initial submittal of the CMP. This means that by 2017, if everything goes as scheduled, only about one year's worth of data will have been collected. Data and information gathered via CMPs often play a critical role in reconsidering TMDLs, and the schedule as proposed may not provide a sufficient amount of data for reconsideration assessment. Therefore, we recommend that the reconsideration be postponed to 2020, or an additional reconsideration be scheduled for 2020.</p>	The Regional Board agrees that it would be beneficial to have more data and information in order to provide a sound assessment for making informed decisions during the reconsideration of the TMDL. Therefore, the Regional Board agrees to move the reconsideration from 2017 to 2020.
5.4	County of Los Angeles/LACFCD	<p>3. A robust economic analysis should be done The economic analysis for the proposed implementation plans does not consider the implementation cost analyses made available by the responsible parties in recent years. Responsible parties for similar TMDLs in the region, such as the Los Angeles River and Ballona Creek Metals TMDLs, have submitted implementation plans to the Regional Board over the last three years. The implementation plans submitted were subject to quantitative analyses and contained detailed cost information associated with the types of Best Management Practices or control measures needed to achieve</p>	<p>The staff report takes into account a reasonable range of economic factors in estimating potential costs associated with TMDL compliance. The Regional Board cannot prescribe the method for permittees to achieve compliance and is unable to describe all potential actions that permittees may take to achieve compliance with the TMDL.</p> <p>The differences between the cost estimates in the Los Angeles River and Ballona Creek</p>

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		<p>metals TMDL targets. As it stands, there is a wide gap between the estimated compliance cost derived from the Regional Board staff's economic analysis and that from the responsible parties' implementation plans that were subject to quantitative analyses. The economic analysis for the proposed amendments should be revised to incorporate the cost information in existing TMDL implementation plans such as those for the Los Angeles River and Ballona Creek Metals TMDLs.</p>	<p>implementation plans submitted by responsible agencies and the cost estimates in the staff report before the Regional Board at this time can be explained by the variable factors that contribute to the overall costs of BMP implementation, including planning, design, and construction. The cost estimates in the staff report were based on EPA- and Federal Highway Administration- reported numbers for urban BMPs. These are general numbers that can be applied nationwide. They do not take into account regional differences such as construction costs, which depend on labor costs, and can vary widely from region to region and year to year. This variability is demonstrated by the wide range of BMP costs included in the municipalities' annual reports for the Los Angeles County MS4 Permit, and these cities are all located in the same <i>county</i>. Thus, rather than attempting to reconcile the disparate costs reported by various agencies, the cost estimates in the staff report are based on nationwide numbers that have been previously relied upon for similar analyses in other TMDLs.</p>
6.1	City of Glendora	<p>• Improper Application of Metals TMDL to the City The SGR M-TMDL improperly applies the lead, copper, and zinc - and perhaps selenium - TMDLs not only to Glendora, but to all other reaches above SGR Reach 2. Its rationale for doing is as follows:</p>	<p>Comments pertaining to the responsible jurisdictions assigned WLAs in the TMDL are outside the scope of this action. The Notice of Public Hearing and Opportunity to Comment clearly stated that written and oral comments</p>

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		<p><i>Wet-weather TMDLs will be developed for lead in San Gabriel River Reach 2 and for copper, lead, and zinc in Coyote Creek. <u>Wet-weather allocations will be developed for all upstream reaches and tributaries in the watershed that drain to impaired reaches during wet weather.</u>¹ Discharges to these upstream reaches can cause or contribute to exceedances of water quality standards in San Gabriel River Reach 2 and Coyote Creek and thus contribute to impairments.</i></p> <p>Notwithstanding the above, there is no legal or scientific justification for extending the Reach 2 SGR M-TMDLs to Glendora. TMDLs are exclusively determined by the <i>State's 303(d) List of Water Quality Limited Segments Requiring TMDLs</i>. Reach 5, into which Glendora is located and drains, is not listed for any impairment. Furthermore, the City is not aware of any monitoring data that shows it has exceeded or is exceeding the California Toxics Rule (CTR) for lead, copper, zinc, or selenium. In fact, the SGR Metals TMDL confirms this by acknowledging the following:</p> <p><i>There are no available data to assess water quality in Reaches 4, or 5 of the San Gabriel River or Walnut Creek. There are no wet-weather data for Reach 1 and it is not possible to assess wet-weather water quality at the bottom of the watershed. <u>Additional data representing wet-weather conditions in Reach 1 and the Estuary are needed.</u> No TMDLs or waste load allocations have been developed for Reach 1 or the Estuary during wet-weather, but wet-weather monitoring is recommended as part of the implementation of</i></p>	<p>are limited only to the proposed implementation plans for the TDMLs and that comments on the TMDLs themselves, which were previously established by U.S. EPA, are outside the scope of the hearing and will not be considered nor responded to. Because U.S. EPA-established TMDLs do not contain implementation plans, the purpose of this amendment is to incorporate implementation plans and schedules into the Basin Plan to allow responsible jurisdictions time to achieve the assigned WLAs in the U.S. EPA-established TMDLs. The technical portions of the U.S. EPA-established TMDLs are not being considered by the Regional Board.</p> <p>The Regional Board will nevertheless respond to this comment on the U.S. EPA-established TMDL.</p> <p>As detailed throughout the San Gabriel River Metals TMDL, the TMDL is established for impaired waters or for tributaries that cause or contribute to impairments in downstream, listed water bodies. The TMDL finds that when flows exceed the 90th percentile at the USGS gauge station above the Whittier Narrows Dam in Reach 3, there is sufficient flow to exceed the Dam's capacity, thereby connecting the upper watershed above the Dam with the lower watershed and Reach 2,</p>

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		<p><i>these TMDLs.</i></p> <p>Please note that the SGR M-TMDL also lists Glendora as draining into Walnut Creek and being tributary to it. While this may be true it is not significant for purposes of this discussion. The City also drains into other downstream reaches. What is important to bear in mind is that Walnut Creek is listed as a separate segment and is not 303(d) listed for any metal.</p> <p>Furthermore, even if concentrations of any of the metals were detected at the outfall, below the numeric water quality standard, it would not be enough to subject a permittee to a TMDL. A TMDL is required only if a water quality standard (the CTR standard in this case) is not met. Unless outfall discharges show they contain concentrations of a pollutant that exceeds the CTR standard (which is an ambient standard) there can be no justification for applying a TMDL to the discharger. Regional Board staff has asserted verbally that an upstream permittee still can contribute to the downstream problem.</p> <p>However, that is not how TMDL compliance works when implemented through an MS4 program. Compliance with a TMDL or any other water quality standard is determined by stormwater discharge monitoring at the outfall, measured against an ambient (dry weather) standard. It is not determined by taking measurements in the receiving water. If each permittee were to be held to outfall-based compliance monitoring, each would be responsible for managing its own stormwater issues within its MS4 and for prescribing</p>	<p>where the lead impairment exists. Thus responsible jurisdictions in the upper San Gabriel River watershed are assigned WLAs in wet weather to address the impairment in Reach 2 downstream.</p> <p>The commenter's suggestion that TMDLs should only be developed for 303(d) listed segments is contrary to the thrust of the Clean Water Act, as it would require all water bodies to become impaired before they could be protected. It would also prevent coordinated control of water quality problems. Most importantly, it may prevent the attainment of water quality standards in impaired water bodies if the upstream sources of the impairment could continue. This latter point is especially true of persistent elements, such as the metals addressed by this TMDL.</p> <p>The commenter's assertion that compliance with a TMDL is determined by stormwater discharge monitoring at the outfall, measured against an ambient (dry weather) standard is not correct. The WLA assigned to Glendora applies in wet weather, and achievement of the WLA must be demonstrated under those conditions. Second, the TMDL Implementation Plan before the Regional Board explicitly states, "MS4 Permittees and Caltrans may be deemed in compliance with</p>

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		<p>appropriate BMPs to control pollutants in an effort to meet a TMDL. If an upstream permittee meets the TMDL, but the permittee below it does not, it is incumbent upon the downstream permittee to improve its stormwater program to address the exceedance.</p> <p>Regional Board staff also asserted during a recent San Gabriel Valley COG meeting that it has the authority to apply TMDLs that are non-TMDL listed water bodies (also referred to as segments and reaches) through the "tributary rule." The tributary rule does not apply here. It only operates to extend a beneficial use <u>within a reach</u> to an unidentified water body such as a stream or a lake. It cannot extend a beneficial use to an outside reach for which that same use does not exist. For example, the beneficial use of Reach 2 of the Rio Hondo is ground water supply. It obviously cannot apply the same use to an upstream or downstream reach, even though the reaches are tributary to it. A beneficial use and a water quality standard are two separate issues. A water quality standard is intended to protect a beneficial use. If that standard is not sufficient, based on monitoring, then a TMDL would be required.</p> <p>For the foregoing reasons, the City requests Regional Board staff <u>to delete all references to the City as being subject to any of the SGR metals TMDLs</u>. It can do this by remanding the TMDL to USEPA for correction or by re-proposing this TMDL as a Regional Board TMDL with the corrections.</p>	<p>WQBELs if they demonstrate that: (1) there are no violations of the WQBEL at the Permittee's applicable MS4 outfall(s); (2) there are no exceedances of the receiving water limitations in the receiving water at, or downstream of, the Permittee's outfalls; or (3) there is no direct or indirect discharge from the Permittee's MS4 to the receiving water during the time period subject to the WQBEL."</p> <p>The tributary rule was not relied upon by U.S. EPA when it established the TMDL. The reason for assigning allocations to upstream reaches to address downstream impairments was described previously in this response. The Regional Board cannot "remand" the TMDL to U.S. EPA for modification. Furthermore, TMDLs established by the State must ultimately be approved by U.S. EPA.</p>

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6.2	City of Glendora	<p>• No Statutory Justification for Implementation Plans Regarding implementation plans: in addition to there being no federal requirement for TMDL implementation plans, there is also nothing in the State's water code that mentions TMDLs requiring implementation plans. In fact, there is no referenced implementation plans anywhere in the code. The implementation of TMDLs in MS4 permits should be through stormwater management programs- as is the case with other jurisdictions in the State.</p> <p>The City, therefore, requests that the implementation plan be deleted from the TMDL.</p>	<p>Under California law, TMDLs are programs to implement existing water quality standards established pursuant to California Water Code (CWC) section 13242. Section 303(d) of the Clean Water Act (CWA) requires states to establish TMDLs for impaired waters. CWA section 303(e) requires the states to implement their approved TMDLs through their Continuing Planning Process. The USEPA's regulations do not provide for USEPA development or approval of TMDL implementation plans. TMDL implementation is therefore largely conducted under California law, including, but not limited to, CWC section 13242, which requires a program of implementation to achieve water quality objectives. TMDLs are not generally self-implementing. The LAs and WLAs may be implemented in any manner consistent with the Water Quality Control Policy for Addressing Impaired Waters: Regulatory Structure and Options, adopted by the State Board on June 16, 2005 (Resolution No. 2005-0050). Federal regulations also require that National Pollutant Discharge Elimination System (NPDES) permits be consistent with the assumptions and requirements of all available WLAs. (40 CFR § 122.44(d)(vii)(B).)</p>

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6.3	City of Glendora	<p>• City is Not Responsible for Controlling Pollutants Associated with Atmospheric Deposition</p> <p>Although the SGR M-TMDL admits that atmospherically deposited metals constituents are "non-point" sources, it holds MS4 permittees responsible for controlling them as the following excerpt illustrates: <i>Once metals are deposited on land under the jurisdiction of a storm water permittee, they are within a permittee's control.</i> The City disagrees with this notion. Atmospheric deposition is a non-point source, as indicated in the TMDL. MS4 permittees are only responsible for controlling point-sourced pollutants. Therefore, the load allocation, which applies only to non-point sources, assigned to each of the metals constituents associated with atmospheric deposition, should be deducted from waste load allocations from each of the point-source subject constituents.</p>	<p>Comments pertaining to the responsible jurisdictions assigned WLAs and Las in the TMDL are outside the scope of this action. The Notice of Public Hearing and Opportunity to Comment clearly stated that written and oral comments are limited only to the proposed implementation plans for the TDMLs and that comments on the TMDLs themselves, which were previously established by U.S. EPA, are outside the scope of the hearing and will not be considered nor responded to. Because U.S. EPA-established TMDLs do not contain implementation plans, the purpose of this amendment is to incorporate implementation plans and schedules into the Basin Plan to allow responsible jurisdictions time to achieve the assigned WLAs in the U.S. EPA-established TMDLs. The technical portions of the U.S. EPA-established TMDLs are not being considered by the Regional Board.</p> <p>The Regional Board will nevertheless respond to this comment on the U.S. EPA-established TMDL.</p> <p>Although municipalities may not have direct control over indirect atmospheric deposition, they do have control over infrastructures that facilitate pollutant runoff and discharge to the MS4 system and other surface waters. In addition, research suggests that re-suspended</p>

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			road dust is the primary source of atmospheric deposition of metals. It then follows that roads within the cities are the primary source of the metal-laden particulates that comprise the majority of atmospheric deposition loading. Nonetheless, the Regional Board, State Board, and Air Resources Board have begun to address the issues and will develop appropriate policies or take other actions. The Regional Board is committed to working with stakeholders to analyze recent studies and to further characterize the source and control measures. In response to comments, the Regional Board agrees to add certain elements from State Board Resolution 2008-046 regarding air deposition to the Resolution adopting the Basin Plan amendments. See response to comment 12.6.
7.1	City of Irwindale	<p>• Improper Application of Metals TMDL to the City The SGR M-TMDL improperly applies the lead, copper, and zinc - and perhaps selenium - TMDLs not only to Irwindale, but to all other reaches above SGR Reach 2 as well. Its rationale for doing is as follows:</p> <p>Wet-weather TMDLs will be developed for lead in San Gabriel River Reach 2 and for copper, lead, and zinc in Coyote Creek. <u>Wet-weather allocations will be developed for all upstream reaches and tributaries in the watershed that drain to impaired reaches during wet weather.</u>¹ Discharges to these upstream reaches can cause or contribute to exceedances of water quality standards in San Gabriel River</p>	Please see response to comment 6.1.

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		<p>Reach 2 and Coyote Creek and thus contribute to impairments.</p> <p>Notwithstanding the above, there is no legal or scientific justification for extending the Reach 2 SGR M-TMDLs to Irwindale. It is a well known fact that TMDLs are exclusively determined by the <i>State's 303(d) List of Water Quality Limited Segments Requiring TMDLs</i>. Walnut Creek and Reaches 3, 4, 5, into which Irwindale drains, are not listed for any impairment. Furthermore, the City is not aware of any monitoring data that shows it has exceed or is exceeding the California Toxics Rule (CTR) for lead, copper, zinc, or selenium. In fact, the SGR Metals TMDL confirms this by acknowledging the following:</p> <p><i>There are no available data to assess water quality in Reaches 4, or 5 of the San Gabriel River or Walnut Creek. There are no wet-weather data for Reach 1 and it is not possible to assess wet-weather water quality at the bottom of the watershed <u>Additional data representing wet-weather conditions in Reach 1 and the Estuary are needed.</u> No TMDLs or waste load allocations have been developed for Reach 1 or the Estuary during wet-weather, but wet-weather monitoring is recommended as part of the implementation of these TMDLs.</i></p> <p>Please note that the SGR M-TMDL also lists Irwindale as draining into Walnut Creek and being tributary to it. While this may be true it is not significant for purposes of this discussion. The City also drains into other downstream reaches. What is important to bear in mind is that Walnut</p>	

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		<p>Creek is listed as a separate segment and is not 303(d) listed for any metal.</p> <p>Furthermore, even if concentrations of any of the metals were detected at the outfall, below the numeric water quality standard, it would not be enough to subject a permittee to a TMDL. A TMDL is required only if a water quality standard (the CTR standard in this case) is not met. Unless outfall discharges show they contain concentrations of a pollutant that exceeds the CTR standard (which is an ambient standard) there can be no justification for applying a TMDL to the discharger. Regional Board staff, nevertheless, has asserted verbally that an upstream permittee still can contribute to the downstream problem.</p> <p>However, that is not how TMDL compliance works when implemented through an MS4 program. Compliance with a TMDL or any other water quality standard is determined by stormwater discharge monitoring at the outfall, measured against an ambient (dry weather) standard. It is not determined by taking measurements in the receiving water. If each permittee were to be held to outfall-based compliance monitoring, each would be responsible for managing its own stormwater issues within its MS4 and for prescribing appropriate BMPs to control pollutants in an effort to meet a TMDL. If an upstream permittee meets the TMDL, but the permittee below it does not, it is incumbent upon the downstream permittee to improve its stormwater program to address the exceedance.</p> <p>Regional Board staff also asserted during a recent San</p>	

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		<p>Gabriel Valley COG meeting that it has the authority to apply TMDLs that are non-TMDL listed water bodies (also referred to as segments and reaches) through the "tributary rule." The tributary rule does not apply here, however. It only operates to extend a beneficial use <u>within a reach</u> to an unidentified water body such as a stream or a lake. It cannot extend a beneficial use to an outside reach for which that same use does not exist. For example, the beneficial use of Reach 2 of the Rio Hondo is ground water supply. It obviously cannot apply the same use to an upstream or downstream reach, even though the reaches are tributary to it. And, in any case, a beneficial use and a water quality standard are two separate issues. A water quality standard is intended to protect a beneficial use. If that standard is not sufficient, based on monitoring, then a TMDL would be required.</p> <p>For the foregoing reasons, the City requests Regional Board staff to <u>delete all references to the City as being subject to any of the SGR metals TMDLs</u>. It can do this by remanding the TMDL to USEPA for correction or by re-proposing this TMDL as a Regional Board TMDL with the corrections.</p>	
7.2	City of Irwindale	<p>• No Statutory Justification for Implementation Plans Regarding implementation plans: in addition to there being no federal requirement for TMDL implementation plans, there is also nothing in the State's water code that mentions TMDLs requiring implementation plans. In fact, there is no reference implementation plans per se anywhere in the code. The implementation of TMDLs in MS4 permits should be through stormwater management programs - as is the case with other jurisdictions in the State.</p>	Please see response to comment 6.2.

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		The City, therefore, requests that the implementation plan be deleted from the TMDL.	
7.3	City of Irwindale	<p>• City is Not Responsible for Controlling Pollutants Associated with Atmospheric Deposition</p> <p>Although the SGR M-TMDL admits that atmospherically deposited metals constituents are "non-point" sources, it holds MS4 permittees responsible for controlling them as the following excerpt illustrates: Once metals are deposited on land under the jurisdiction of a storm water permittee, they are within a permittee's control. The City disagrees with this notion. Atmospheric deposition is a non-point source, as indicated in the TMDL. MS4 permittees are only responsible for controlling point-sourced pollutants. Therefore, the load allocation, which applies only to non-point sources, assigned to each of the metals constituents associated with atmospheric deposition, should be deducted from waste load allocations from each of the point-source subject constituents.</p>	Please see response to comment 6.3.
8.1	City of West Covina	<p>• Improper Application of Metals TMDL to the City</p> <p>The SGR M-TMDL improperly applies the lead, copper, zinc, and selenium TMDLs to West Covina. According to this TMDL, West Covina drains into Walnut Creek and Reach 1 of the San Jose Creek. But according to the 303(d) list, there are no metals-related impairments for Walnut Creek. The TMDL also lists the City as being subject to the selenium TMDL because it drains into Reach 1 of San Jose Creek. Although a small area of the City drains into this water body, which is 303(d) listed as selenium-impaired, it cannot be subject to it because the source of the impairment is "unknown." In order for a TMDL to apply to an MS4, the source of its impairment must be designated on the 303(d) list as a "point source." This, of course, is because the City is</p>	Please see response to comment 6.1

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		<p>an MS4 and an MS4 is a point source.</p> <p>It should also be noted that the selenium TMDL is expressed only as a dry weather waste load allocation and a waste load allocation. However, federal stormwater regulations do not support the implementation of dry weather TMDLs through MS4 permits. MS4 permits are stormwater permits not non-stormwater permits. Federal regulations only require MS4s to comply with water quality standards (includes TMDLs) based on stormwater measurements at the outfall. In other words, there is no requirement for complying with a dry weather or nonstormwater compliance standard at the outfall. This is because MS4s are only required to prohibit non-stormwater flows - not control them as is the case with stormwater discharges. If a non-stormwater discharge is observed from the outfall that appears irregular, federal regulations require sampling the discharge upstream of the outfall to determine if the discharge is an illicit one. This is a field screening requirement associated with the illicit discharge detection and elimination program, a federally mandated stormwater management plan requirement.</p> <p>The SGR M-TMDL also extends to the City TMDLs designated for other reaches that the City is neither located in or drains into, as the following excerpt indicates:</p> <p><i>Wet-weather TMDLs will be developed for lead in San Gabriel River Reach 2 and for copper, lead, and zinc in Coyote Creek. <u>Wet-weather allocations will be developed for all upstream reaches and tributaries in the watershed that drain to impaired reaches during wet weather.</u>¹ Discharges</i></p>	

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		<p><i>to these upstream reaches can cause or contribute to exceedances of water quality standards in San Gabriel River Reach 2 and Coyote Creek and thus contribute to impairments.</i></p> <p>Notwithstanding the above, there is no legal or scientific justification for extending the Reach 2 SGR M-TMDL or any other SGR M-TMDL to West Covina. Once again, TMDLs are determined exclusively by the <i>State's 303(d) List of Water Quality Limited Segments Requiring TMDLs</i>. Furthermore, there is no monitoring data measured either at the City's outfall(s) or water bodies into which it drains that would demonstrate a stormwater-related exceedance of any metal.</p> <p>Even if concentrations of any of the metals were detected at the outfall, it would not be enough to subject a permittee to a TMDL. A TMDL is required only if a water quality standard (the CTR standard in this case) is not met. Unless outfall discharges show they contain concentrations of a pollutant that exceeds the CTR standard (which is an ambient standard) there can be no justification for applying a TMDL to the discharger.</p> <p>Regional Board staff, nevertheless, has asserted verbally that an upstream permittee still can contribute to the downstream problem. That is not how TMDL compliance works when implemented through an MS4 program. Compliance with a TMDL or any other water quality standard is determined by stormwater discharge monitoring at the outfall measured against an ambient (dry weather) standard. It is not determined by taking measurements in the receiving water. If</p>	

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		<p>each permittee were to be held to outfall-based compliance monitoring, each would be responsible for managing its own stormwater issues within its MS4 and for prescribing appropriate BMPs to control pollutants in an effort to meet a TMDL. If an upstream permittee meets the TMDL, but the permittee below it does not, it is incumbent upon the downstream permittee to improve its stormwater program to address the exceedance.</p> <p>Regional Board staff also asserted during a recent San Gabriel Valley COG meeting that it has the authority to apply TMDLs that are non-TMDL listed water bodies (also referred to as segments and reaches) through the "tributary rule." The tributary rule does not apply here, however. It only operates to extend a beneficial use within a reach to water body such as a stream or a lake. It cannot extend a beneficial use to an outside reach for which that same use does not exist. For example, the beneficial use of Reach 2 of the Rio Hondo is ground water supply. It obviously cannot apply the same use to an upstream or downstream reach, even though the reaches are tributary to it. And, in any case, a beneficial use and a water quality standard are two separate issues. A water quality standard is intended to protect a beneficial use. If that standard is not sufficient, based on monitoring, then a TMDL would be required.</p> <p>For the foregoing reasons, the City of West Covina Public Works Department requests Regional Board staff to <u>delete all references to the City being subject to any of the SGR metals TMDLs through the MS4 permit program</u>. It can do this by remanding the TMDL to USEPA for correction or by re-</p>	

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		proposing this TMDL as a Regional Board TMDL with the corrections.	
8.2	City of West Covina	<p>• No Statutory Justification for Implementation Plans Regarding implementation plans: in addition to there being no federal requirement for TMDL implementation plans, there is also nothing in the State's water code that mentions TMDLs requiring implementation plans. In fact, there is no reference implementation plans per se anywhere in the code. The implementation of TMDLs in MS4 permits should be through stormwater management programs - as is the case with other jurisdictions in the State.</p> <p>The City of West Covina Public Works Department, therefore, requests that the implementation plan be deleted from TMDL.</p>	Please see response to comment 6.2.
9.1	U.S. EPA	Thank you for the opportunity to review and comment on the Regional Board's proposed TMDL Implementation Plans for Los Cerritos Channel metals and San Gabriel River metals TMDLs, which was public noticed on April 2, 2013. In general, we support the Board's efforts to develop and to incorporate implementation plans for these EPA-established TMDLs into Regional Board's Basin Plan. Here we have two minor concerns about both draft plans that require some additional clarification.	Comment noted.
9.2	U.S. EPA	First, we recommend the Implementation Plan Staff Report include a list of all the NPDES permits and numbers subject to wasteload allocations within each of these TMDLs. Perhaps this information can be included in an Appendix or add another table within each implementation plan.	The Regional Board agrees that adding a list of NPDES permits and numbers subject to WLAs within each TMDL should be added to the Staff Reports for clarity. The Regional Board will make the associated changes to the Staff Reports.

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9.3	U.S. EPA	<p>Second, we are uncertain how to interpret the proposed compliance language regarding dry-weather wasteload allocations for general industrial and construction stormwater permits. The Implementation Plan should consistent with the assumptions and content within each TMDL, which describes the chronic criterion as the most appropriate value for assessing pollutant levels in discharges during dry weather conditions. See Los Cerritos Channel Metals TMDL, section 3.1. Therefore if dry weather effluent limits are expressed as an instantaneous maximum value, then it should be based on the chronic criterion. Also, we cannot see how it would be appropriate for the dry weather effluent limit to be “assess[ed] at a minimum by averaging the results of two grab samples.” It is more appropriate to assess each sampling result against the concentration-based chronic value.</p>	<p>The Regional Board agrees that if dry-weather effluent limits are expressed as an instantaneous maximum value, then they should be based on the chronic criterion. Also, each sampling result should be assessed against the concentration-based chronic value as an instantaneous maximum, and not by averaging the results of two grab samples. Associated changes will be made in the Basin Plan amendments and Staff Report.</p>
10.1	AES Alamos	<p>AES Alamos is one of the two power plants mentioned in the Staff Report of the Implementation Plans and Schedules for the Los Cerritos Channel and San Gabriel River Metals TMDLs (staff report) as utilizing NPDES and storm water permits to discharge into the San Gabriel River flood control channel before it empties into the San Pedro Bay near Long Beach. AES Alamos LLC operates six generating units with a generating capacity of 1,950 megawatts (MW) that would be subject to the proposed policy. The AES Alamos generating station is a critical asset in maintaining electricity reliability in the California Independent System Operator's (CAISO) western Los Angeles local reliability area. As was mentioned in the staff report, AES Alamos is not expected to meet the waste load allocations on a consistent basis without a significant investment in a compliance strategy which would result in the cessation of once-through-cooling</p>	<p>Comment noted.</p>

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		(OTC) and the discharge of cooling water into the San Gabriel River. AES Alamitos is prepared to make such an investment, however, the time required to gain approval from State and local regulatory agencies, design and construct new generating units and the need to maintain generation capacity at all times during a redevelopment of the generating station will necessitate the discharge of cooling water into the San Gabriel River flood control channel until at least 2026.	
10.2	AES Alamitos	<p>On May 4, 2010, the State Water Resources Board (State Board) adopted a policy regulating the use of seawater for cooling at power plants in California. AES Alamitos is planning to comply with the State Water Resources Control Board's (SWRCB's) Resolution No. 2010-0020 (Resolution) and adoption of a Policy for the Use of Coastal and Estuarine Waters for Power Plant Cooling (Policy) by replacing the existing six generating units with new generating technology using dry cooling or a combination of dry cooling and alternative closed cycle cooling technologies. AES Southland has proposed a revised compliance schedule and Implementation Plan to the SWRCB that shows the AES Alamitos generating units would be replaced in phases over a six year period. The two largest generating units (Units 5 and 6) at AES Alamitos would be replaced by December 31, 2020 in compliance with the current Policy and the remaining four units would be replaced by December 2023 (Units 3 and 4) and December 2026 (Units 1 and 2). The SWRCB has yet to comment, or decide on the proposed AES Alamitos Implementation Plan and revised OTC compliance schedule.</p> <p>AES Alamitos proposes that the compliance schedule for the TMDLs mirror the compliance schedules approved by the</p>	<p>The Regional Board will revise the Basin Plan amendment to include an implementation schedule for the power plants that will be consistent with the schedule in the Once Through Cooling Policy. Because the State Board has not yet approved or provided comments on the proposed AES Alamitos implementation plan, the Regional Board proposes to align the TMDL implementation schedule with the schedule in the currently effective Once Through Cooling Policy. If the State Board revises the Once Through Cooling Policy in the future to reflect AES Alamitos' proposed schedule, then the Regional Board may reconsider the TMDL implementation schedule at that point.</p>

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		SWRCB for generating facilities implementing plans for compliance with the Policy, including any and all future revisions to that Policy or the OTC compliance schedule for AES Alamitos. A compliance schedule for the TMDLs that is consistent with our repowering plans for AES Alamitos would insure that generating assets critical to southern California would be able to continue to serve the local reliability area while the complete redevelopment of the facility is completed.	
11.1	City of Hawaiian Gardens	I am writing on behalf of the City of Hawaiian Gardens. Our City is (partially) in the San Gabriel River Watershed and participates actively on the Coyote Creek and Lower San Gabriel River Metals TMDL Technical Committee. We thank the Regional Water Board for its willingness to move forward with the proposed amendments to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to incorporate Implementation Plans for the Total Maximum Daily Loads for Metals and Selenium San Gabriel River and Impaired Tributaries and the Los Cerritos Channel TMDLs for Metals. The adoption of Implementation Plans with Implementation Schedules is essential since USEPA does not adopt implementation plans and schedules for TMDLs that they establish and such plans and schedules are needed for realistic implementation of TMDLs, especially complex TMDLs such as metals TMDLs where sources are both direct and indirect and many of the sources are beyond the abilities of local governments to control.	Comment noted.
11.2	City of Hawaiian Gardens	We appreciate the recognition of pollution prevention, including true source control, in Findings 20 and 21. Our Technical Committee for the San Gabriel River Watershed	Comment noted.

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		<p>has concluded that the most effective strategy for addressing water quality impairments in the Watershed will be one based initially on a combination of source control (especially true source control) and runoff reduction. The Committee based this conclusion on the fact that if pollutants are not generated or released, they will not be available for transport to receiving waters, and if dry-weather runoff can be eliminated or greatly reduced, a major transport mechanism will be eliminated or greatly reduced. The result of both of these measures will be that many fewer pollutants will reach the receiving waters.</p>	
11.3	City of Hawaiian Gardens	<p>We also appreciate the provision that if we demonstrate as part of a Watershed Management Program (WMP) that control measures and BMPs will achieve wet-weather water quality-based effluent limitations consistent with the schedule in Table 7-20.2, the compliance with wet-weather water quality-based effluent limitations may be demonstrated by implementation of these control measures and BMPs, subject to Executive Officer approval. Our city supports the decision of the Technical Committee to proceed with development of a Watershed Management Program while concurrently evaluating the potential for effectively implementing an Enhanced Watershed Management Program (EWMP). The Reasonable Assurance Analysis required for either a WMP or an EWMP will give us the opportunity to demonstrate that our program of source control and runoff reduction, supplemented by capture and infiltration, capture and use, and treatment controls will achieve wet-weather water quality-based effluent limitations consistent with the schedule in Table 7-20.2.</p>	Comment noted.

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11.4	City of Hawaiian Gardens	The Technical Committee is providing detailed comments that we support. However, we would like to emphasize two requested changes to Attachment A to Resolution No. R13-XXX. First, we request that we be given three additional months to prepare the documentation to demonstrate that the 2017, 2020, and 2023 interim compliance milestones and the final wasteload allocations have been met. We ask for this additional time in order to have monitoring data processed and reports prepared.	Please see response to comment 1.4.
11.5	City of Hawaiian Gardens	Secondly, we ask that elements from State Water Board Resolution 2008-046 addressing atmospheric deposition be incorporated into the Basin Plan Amendment in order to make this Metals TMDL Implementation Plan consistent with the State Water Board's approval of the Los Angeles River Metals TMDL Implementation Plan.	Please see response to comment 1.5.
12.1	LCC Metals TMDL Technical Committee	I am writing on behalf of the Los Cerritos Channel Metals TMDL Technical Committee. The Committee thanks the Regional Water Board for its willingness to move forward with the proposed amendments to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to incorporate an Implementation Plan for the Los Cerritos Channel TMDLs for Metals. Members of the Committee particularly appreciate staffs working with our representatives and participating in a meeting with our Technical Committee. Staff understood that implementation plans with implementation schedules are needed for realistic implementation of complex TMDLs such as our metals TMDLs, where sources are both direct and indirect and many of the sources are beyond the abilities of local governments to control.	Comment noted.

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12.2	LCC Metals TMDL Technical Committee	The Technical Committee also appreciates the recognition of pollution prevention, including true source control, in Findings 20 and 21. The Committee has concluded that the most effective strategy for addressing water quality impairments in the Los Cerritos Channel Watershed is one built on a foundation of source control (especially true source control) and runoff reduction. The Committee wants to first eliminate or greatly reduce pollutants and eliminate or greatly reduce dry-weather urban runoff. The result of both of these measures will be that many fewer pollutants will need to be removed from MS4 discharges prior to the discharges reaching the receiving waters. The Technical Committee plans to back up source control and urban runoff reductions with capture and infiltration, capture and use, and treatment control measures.	Comment noted.
12.3	LCC Metals TMDL Technical Committee	Our source control efforts will initially focus on copper and zinc. The legislature specifically recognized the difficulty with regulating a critical source of copper when it passed SB 346, which the Governor signed into law on September 25, 2010. This milestone piece of legislation phases out copper in brake pads over a period of years with an initial regulatory milestone on January 1, 2014 and two key copper reduction milestone dates of January 1, 2021 and January 1, 2025. Full implementation of this legislation is expected to remove approximately 61% of the copper from urban runoff in metropolitan Los Angeles area watersheds.	Comment noted.
12.4	LCC Metals TMDL Technical Committee	Unfortunately, similar legislation does not exist to control zinc, which is almost ubiquitous in the environment because galvanized metal is so widely used. However, one major source may be able to be controlled through implementation of the Safer Consumer Product Regulations now in the	Comment noted. The Regional Board acknowledges that implementation of the Safer Consumer Product Regulations is one way of controlling the zinc contribution from tires. Assuming it takes one year to develop a

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		<p>process of being adopted by the California Department of Toxic Substances Control (DTSC). Developing a similar control measure for zinc in tires (a major source of zinc) will require time because DTSC is given one year to develop a Priority Work Plan and then three additional years to develop the initial Priority Products list, which is to be limited to no more than five (5) Priority Products meeting restrictive defined criteria. However, a petition process is part of the regulations, and the Technical Committee will be supporting use of the Safer Consumer Product Regulations process to greatly reduce the zinc oxide content of rubber tires. We may need the help of this Board and the State Water Board to help make sure that DTSC gives high priority to addressing this widespread water pollution problem. We believe this is the appropriate way to address the zinc problem because it is a long-term solution and not dependent on the variable effectiveness of structural BMPs and the continued effective maintenance of these BMPs.</p>	<p>Priority Work Plan, and three additional years to develop the initial Priority Products list, the Regional Board finds that MS4 and Caltrans storm water permittees will still be able to meet the final WLA in 2026. The Regional Board supports the addition of zinc in tires to the Priority Products list, and will help as appropriate and needed.</p>
12.5	LCC Metals TMDL Technical Committee	<p>The Technical Committee appreciates the provision that, if we demonstrate as part of a Watershed Management Program (WMP) that control measures and BMPs will achieve wet-weather water quality-based effluent limitations consistent with the schedule in Table 7-32.2, the compliance with wet-weather water quality-based effluent limitations may be demonstrated by implementation of these control measures and BMPs, subject to Executive Officer approval. The Technical Committee has decided to proceed with development of a WMP while concurrently evaluating the potential for effectively implementing an Enhanced Watershed Management Program (EWMP). The Reasonable Assurance Analysis required for either a WMP or an EWMP</p>	<p>Comment noted.</p>

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		will give us the opportunity to demonstrate that our program of source control and runoff reduction, supplemented by capture and infiltration, capture and use, and treatment controls, will achieve wet-weather water quality-based effluent limitations consistent with the schedule in Table 7-32.2.	
12.6	LCC Metals TMDL Technical Committee	<p>Although the Technical Committee is pleased with the aforementioned provisions in the proposed Basin Plan Amendment, we believe the Amendment could be strengthened through the addition of two findings related to State Water Board Resolution No. 2008-0046 approving an amendment to the Water Quality Control Plan for the Los Angeles Region that incorporated an implementation plan and schedule for the Total Maximum Daily Load for metals in the Los Angeles River into the Basin Plan. These two proposed findings would provide the context for potential future activities by municipalities, the Regional Water Board, the State Water Board and possibly the South Coast Air Quality Management District (SCAQMD), and the California Air Resources Board (CARB). These proposed findings X and Y are as follows:</p> <p>X. On June 17, 2008, the State Water Board adopted Resolution No.2008-0046, which contains three findings that provide context and guidance for implementation of metals TMDLs in this Region. These findings are:</p> <p style="padding-left: 40px;">10. To the extent that pollutant loadings from indirect atmospheric deposition over land are being conveyed to stormwater discharges, these loadings are included in the stormwater waste load allocations. One study</p>	<p>The Regional Board agrees to add Findings 11 and 12 from State Board Resolution 2008-0046 to the resolution adopting these Basin Plan amendments. These two findings will provide the context for potential future activities by municipalities, the Regional Board, the State Board, and possibly SCAQMD and CARB.</p> <p>The Regional Board will incorporate a revised version of the language of Finding 12 from State Board Resolution 2008-0046 in the resolution for this action to more directly reflect requirements in MS4 orders stating that permittees may implement various provisions of their MS4 permits in order to maximize retention of stormwater and associated metals on site.</p> <p>However, the Regional Board will not include Finding 10 and Resolved 2 in Resolution 2008-0046 (named “finding Y” in the comment) to the resolution for this action as they are not appropriate to incorporate at this time. These findings relate to technical</p>

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		<p>has shown that atmospheric deposition of particulates containing trace metals in the urban areas of the Los Angeles Region is an important source of metals contaminants on land surfaces. (Sabin et al., 2005). The Los Angeles Water Board met with the South Coast Air Quality Management District (SCAQMD) and the California Air Resources Board (CARB) to discuss the findings of the study. It appears that larger particulates are responsible for the highest loadings of metals in atmospheric deposition, and therefore pose the greatest risk to water quality. The two agencies have identified the need to (1) expand monitoring of larger particulates in atmospheric deposition to better gauge the impact to water quality, and (2) investigate the sources of these metals in order to design a control strategy. The Los Angeles Water Board and the State Water Board will continue to meet with the SCAQMD and CARB to pursue further studies and to assist in developing appropriate controls.</p> <p>11. The State Water Board encourages local municipalities within the urban watersheds in the Los Angeles Region and Los Angeles County also to work with SCAQMD and CARB to further identify and control sources of trace metals in atmospheric deposition. If necessary, the State Water Board and Los Angeles Water Board shall enforce compliance with the adopted plans by the SCAQMD and CARB as appropriate under Water Code sections 13146 and 13247, and all other relevant statutes and regulations.</p>	<p>information available in 2008 and there have been additional studies and Regional Board orders regarding air deposition of metals since the State Board adopted Resolution 2008-0046. It is notable that after the issuance of these Regional Board orders and the completion of these studies, the Regional Board has not changed the manner in which it addresses indirect air deposition in TMDLs. For example, the Los Angeles and Long Beach Harbors TMDL, adopted in 2012, addresses indirect air deposition in the same manner as the San Gabriel River Metals TMDL, adopted in 2007. In addition, the information in Finding 10 and Resolved 2, while accurate, relates more to the technical portions of the previously adopted TMDL, and is not germane to the implementation plan proposed for Regional Board consideration at this time.</p>

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		<p>12. The Los Angeles Water Board will work with municipalities and Los Angeles County to encourage building designs and best management practices that will retain pollutants on site. This will help prevent the conveyance of pollutants from atmospheric deposition and other sources from being washed into stormwater and discharged to the Los Angeles River, Ballona Creek, and other urban watersheds.</p> <p>Y. In approving this Board's Basin Plan Amendment to Incorporate the Los Angeles River and Tributaries Metals TMDL, the State Water Board resolved that,</p> <p style="padding-left: 40px;">"The Los Angeles Water Board shall consider the data generated from the TMDL special studies or any other appropriate data, and determine whether and to what extent measures by the CARB and SCAQMD are necessary or appropriate to attain Water Quality Standards and the TMDL. If such measures are appropriate, the Los Angeles Water Board shall adopt a Basin Plan amendment consistent with the atmospheric deposition findings in Whereas 10, 11, and 12 above, and take appropriate action to pursue compliance with such requirements."</p> <p>We believe that these additional findings should be incorporated into Resolution No. R13-XXX after existing Finding 7, because at some point in the future it may be necessary to enforce compliance with adopted plans by SCAQMD and CARB, as appropriate under Water Code</p>	

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		sections 13146 and 13247, as recognized by the State Water Board in State Water Resources Control Board Resolution No. 2008-0046.	
12.7	LCC Metals TMDL Technical Committee	<p>The Technical Committee also recommends the following revisions to Table 7-32.1:</p> <ol style="list-style-type: none"> 1) In the introduction to the Implementation element (page 2 of Attachment B to Resolution No. R13-XXX) add, "If necessary, the Regional Water Board will enforce compliance with the Basin Plan by SCAQMD and CARB under Water Code section 13247 and request the State Water Board to enforce compliance with its policies and plans under Water Code Sections 13146 and 13247." 2) In the "Other Implementation Actions" section of the Implementation Element (page 5 of Attachment B to Resolution No. R13-XXX) add, "If necessary, the Regional Water Board will enforce compliance with the Basin Plan by SCAQMD and CARB under Water Code section 13247 and request the State Water Board to enforce compliance with its policies and plans under Water Code Sections 13146 and 13247." 	The Regional Board agrees to add this language. However, this language is more appropriately included in the resolutions adopting the Basin Plan amendments rather than the amendments themselves.
12.8	LCC Metals TMDL Technical Committee	<p>The Committee also recommends the following revisions to Table 7-32.2:</p> <ol style="list-style-type: none"> 1) In the June 30, 2017; June 30, 2020; June 30, 2023; and June 30, 2026 milestones for MS4 and Caltrans Storm Water Permits (page 6-7 of Attachment B to Resolution No. R13-XXX), modify the Action Statements to say, "The MS4 and Caltrans Storm 	Please see response to comment 1.4.

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		<p>Water permittees shall demonstrate by September 30,2017; September 30,2020; September 30, 2023; and September 30, 2026 that..." This change would provide sufficient time to analyze monitoring data and prepare documentation to demonstrate that the interim milestones and the final waste load allocations have been met.</p> <p>2) In the June 30, 2017; June 30, 2020; June 30, 2023; and June 30, 2026 milestones for MS4 and Caltrans Storm Water Permits (page 6-7 of Attachment B to Resolution No. R13-XXX), modify the alternative compliance measures to specify that the difference between the current loadings and the wet-weather WLAs is to be measured at the Stearns Street compliance point for the Metals TMDLs.</p> <p>The Technical Committee requests these two changes to Table 7-32.2 because more time after the last wet-weather monitoring will be required to process data and prepare reports and because the wet-weather WLAs are based on water quality data from the City of Long Beach monitoring station at Stearns Street.</p>	<p>The Regional Board agrees. For the purposes of clarity and consistency, the Basin Plan amendments will be revised to include language specifying that WLAs will be measured at the relevant existing City of Long Beach MS4 permit monitoring station.</p>
12.9	LCC Metals TMDL Technical Committee	<p>Lastly, the Technical Committee has received a copy of the County of Los Angeles Department of Public Works comments on the Basin Plan Amendment and would like to comment briefly on two of the County's comments. First, with respect to the final compliance schedule, we understand the County's concern with the schedule. In fact, we originally suggested a final compliance date of 2028 since the SB 346 schedule was based on the 2028 final compliance date in the</p>	<p>Comment noted. Please see responses to comments 5.2 and 5.3.</p>

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		Los Angeles River Metals TMDLs. We anticipate that the major friction materials manufacturers will go directly to zero copper pads, but that is not a certainty. Secondly, we agree that a 2020 reconsideration would be desirable. By that time, we will know more about the implementation of both SB 346 and the proposed Safer Consumer Product Regulations.	
13.1	Lower SGR Watershed Technical Committee	I am writing on behalf of the Lower San Gabriel River Watershed Technical Committee. The Committee thanks the Regional Water Board for its willingness to move forward with the proposed amendments to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to incorporate an Implementation Plan for the Total Maximum Daily Loads for Metals and Selenium for the San Gabriel River and Impaired Tributaries. Members of the Committee particularly appreciate staff's working with our representatives and participating in a meeting with our Technical Committee.	Comment noted.
13.2	Lower SGR Watershed Technical Committee	The Technical Committee also appreciates the recognition of pollution prevention, including true source control, in Findings 20 and 21. The Committee has concluded that the most operationally effective and cost effective strategy for addressing water quality impairments in the Lower San Gabriel River Watershed is one built on a foundation of source control (especially true source control) and runoff reduction. The Committee wants to first eliminate or greatly reduce pollutants and eliminate or greatly reduce dry-weather urban runoff. The result of both of these measures will be that many fewer pollutants will need to be removed from MS4 discharges prior to the discharges reaching the receiving waters.	Comment noted.
13.3	Lower SGR Watershed	Our source control efforts will initially focus on copper, lead, and zinc. The legislature specifically recognized the difficulty	Comment noted.

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	Technical Committee	with regulating a critical source of copper when it passed SB 346, which the Governor signed into law on September 25,2010. This milestone piece of legislation phases out copper in brake pads over a period of years, with an initial regulatory milestone of January 1,2014 and two key copper reduction milestone dates of January 1,2021 and January 1,2025. Full implementation of this legislation is expected to remove approximately 61% of the copper from urban runoff in metropolitan Los Angeles area watersheds, including the Lower San Gabriel River Watershed.	
13.4	Lower SGR Watershed Technical Committee	Unfortunately, similar legislation does not exist to control zinc, which is almost ubiquitous in the environment because galvanized metal is so widely used. However, one major source may be able to be controlled through implementation of the Safer Consumer Product Regulations now in the process of being adopted by the California Department of Toxic Substances Control (DTSC). Developing a similar control measure for zinc in tires (a major source of zinc) will require time because the regulations have not yet been adopted. However, a petition process is part of the draft regulations, and the Technical Committee will be supporting use of the Safer Consumer Product Regulations process to greatly reduce the zinc oxide content of rubber tires. We may need the help of this Board, the State Water Board and other watersheds in the greater Los Angeles metropolitan area to help make sure that DTSC gives high priority to addressing this widespread water pollution problem. We believe this is the appropriate way to address the zinc problem because it is a long-term solution and not dependent on the variable effectiveness of structural BMPs and the continued effective maintenance of these BMPs.	Please see response to comment 12.4.

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13.5	Lower SGR Watershed Technical Committee	Addressing lead should be easier than either copper or zinc because multiple lead reduction measures are currently in effect. Leaded gasoline is no longer in use, although some legacy lead from leaded gasoline remains in the soil. In 2009, the California legislature took action on true source control legislation to control lead in wheel weights. SB 757, by Senator Fran Pavley, was approved by the Governor on October 11, 2009 as Chapter 614 of the Statutes of 2009. SB 757 specifies, "no person shall manufacture, sell, or install a wheel weight in California that contains more than 0.1 percent lead by weight." This is important legislation, since lead wheel weights constitute the most significant current source of lead entering the waters of California. In addition, USEPA is developing a Proposed Rulemaking on lead emissions from aviation gasoline (avgas).	Comment noted.
13.6	Lower SGR Watershed Technical Committee	The Technical Committee particularly appreciates the provision that, if we demonstrate as part of a Watershed Management Program (WMP) that control measures and BMPs will achieve wet-weather water quality-based effluent limitations consistent with the schedule in Table 7-20.2, the compliance with wet-weather water quality-based effluent limitations may be demonstrated by implementation of these control measures and BMPs, subject to Executive Officer approval. The Technical Committee has decided to proceed with development of a WMP while concurrently evaluating the potential for effectively implementing an Enhanced Watershed Management Program (EWMP). The Reasonable Assurance Analysis required for either a WMP or an EWMP will give us the opportunity to demonstrate that our program of source control and runoff reduction, supplemented by capture and infiltration, capture and use, and treatment	Comment noted.

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		controls, will achieve wet-weather water quality-based effluent limitations consistent with the schedule in Table 7-20.2.	
13.7	Lower SGR Watershed Technical Committee	<p>Although the Technical Committee is pleased with the aforementioned provisions in the proposed Basin Plan Amendment, we believe the Amendment could be strengthened through the addition of two findings related to State Water Board Resolution No. 2008-0046 approving an amendment to the Water Quality Control Plan for the Los Angeles Region that incorporated an implementation plan and schedule for the Total Maximum Daily Load for metals in the Los Angeles River into the Basin Plan. These two proposed findings would provide the context for potential future activities by municipalities, the Regional Water Board, the State Water Board and possibly the South Coast Air Quality Management District (SCAQMD), and the California Air Resources Board (CARB). These proposed findings X and Y are as follows:</p> <p>X. On June 17,2008, the State Water Board adopted Resolution No.2008-0046, which contains three findings that provide context and guidance for implementation of metals TMDLs in this Region. These findings are:</p> <p>10. To the extent that pollutant loadings from indirect atmospheric deposition over land are being conveyed to stormwater discharges, these loadings are included in the stormwater waste load allocations. One study has shown that atmospheric deposition of particulates containing trace metals in the urban areas of the Los Angeles Region is an important source of metals</p>	Please see response to comment 12.6.

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		<p>contaminants on land surfaces. (Sabin et al., 2005). The Los Angeles Water Board met with the South Coast Air Quality Management District (SCAQMD) and the California Air Resources Board (CARB) to discuss the findings of the study. It appears that larger particulates are responsible for the highest loadings of metals in atmospheric deposition, and therefore pose the greatest risk to water quality. The two agencies have identified the need to (1) expand monitoring of larger particulates in atmospheric deposition to better gauge the impact to water quality, and (2) investigate the sources of these metals in order to design a control strategy. The Los Angeles Water Board and the State Water Board will continue to meet with the SCAQMD and CARB to pursue further studies and to assist in developing appropriate controls.</p> <p>11. The State Water Board encourages local municipalities within the urban watersheds in the Los Angeles Region and Los Angeles County also to work with SCAQMD and CARB to further identify and control sources of trace metals in atmospheric deposition. If necessary, the State Water Board and Los Angeles Water Board shall enforce compliance with the adopted plans by the SCAQMD and CARB as appropriate under Water Code sections 13146 and 13247, and all other relevant statutes and regulations.</p> <p>12. The Los Angeles Water Board will work with municipalities and Los Angeles County to encourage</p>	

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		<p>building designs and best management practices that will retain pollutants on site. This will help prevent the conveyance of pollutants from atmospheric deposition and other sources from being washed into stormwater and discharged to the Los Angeles River, Ballona Creek, and other urban watersheds.</p> <p>Y. In approving this Board's Basin Plan Amendment to Incorporate the Los Angeles River and Tributaries Metals TMDL, the State Water Board resolved that,</p> <p>"The Los Angeles Water Board shall consider the data generated from the TMDL special studies or any other appropriate data, and determine whether and to what extent measures by the CARB and SCAQMD are necessary or appropriate to attain Water Quality Standards and the TMDL. If such measures are appropriate, the Los Angeles Water Board shall adopt a Basin Plan amendment consistent with the atmospheric deposition findings in Whereas 10, 11, and 12 above, and take appropriate action to pursue compliance with such requirements."</p> <p>Our Technical Committee believes that these additional findings should be incorporated into Resolution No. R13-XXX after existing Finding 7, because at some point in the future it may be necessary to enforce compliance with adopted plans by SCAQMD and CARB, as appropriate under Water Code sections 13146 and 13247, as recognized by the State Water Board in State Water Resources Control Board Resolution No. 2008-0046.</p>	

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13.8	Lower SGR Watershed Technical Committee	<p>The Technical Committee also recommends the following revisions to Table 7-32.1:</p> <ol style="list-style-type: none"> 1) In the introduction to the Implementation element (the third unnumbered page of Attachment A to Resolution No. R13-XXX) add, "If necessary, the Regional Water Board will enforce compliance with the Basin Plan by SCAQMD and CARB under Water Code section 13247 and request the State Water Board to enforce compliance with its policies and plans under Water Code Sections 13146 and 13247." 2) In the "Other Implementation Actions" section of the Implementation Element (the fifth unnumbered page of Attachment A to Resolution No. R13-XXX) add, "If necessary, the Regional Water Board will enforce compliance with the Basin Plan by SCAQMD and CARB under Water Code section 13247 and request the State Water Board to enforce compliance with its policies and plans under Water Code Sections 13146 and 13247." 	Please see response to comment 12.7.
13.9	Lower SGR Watershed Technical Committee	<p>The Committee also recommends the following revisions to Table 7-20.2:</p> <ol style="list-style-type: none"> 1) In the June 30, 2017; June 30, 2020; June 30, 2023; and June 30, 2026 milestones for MS4 and Caltrans Storm Water Permits (unnumbered pages 6-7 of Attachment A to Resolution No. R13-XXX), modify the Action Statements to say, "The MS4 and Caltrans Storm Water permittees shall demonstrate by September 30,2017; September 30,2020; September 	Please see response to comment 12.8.

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		<p>30,2023; and September 30, 2026 that... " This change would provide sufficient time to analyze monitoring data and prepare documentation to demonstrate that the interim milestones and the [mal waste load allocations have been met.</p> <p>2) In the June 30, 2017; June 30, 2020; June 30, 2023; and June 30, 2026 milestones for MS4 and Caltrans Storm Water Permit (unnumbered pages 6-7 of Attachment A to Resolution No. R13-XXX), modify the alternative compliance measures to specify that the difference between the current loadings and the wet-weather WLAs is to be measured at the compliance points for the San Gabriel River reaches and Coyote Creek.</p> <p>The Technical Committee requests these two changes to Table 7-20.2 because more time after the last wet-weather monitoring will be required to process data and prepare reports and because the wet-weather WLAs are based on data from receiving water monitoring stations.</p>	
14.1	City of Pico Rivera	<p>• Improper Application of Metals TMDL to the City The SGR M-TMDL improperly applies the lead, copper, and zinc – and perhaps selenium – TMDLs not only to Pico Rivera, but to all other reaches above SGR Reach 2 as well. Its rationale for so doing is as follows:</p> <p><i>Wet-weather allocations will be developed for all upstream reaches and tributaries in the watershed that drain to impaired reaches during wet weather.¹ Discharges to these</i></p>	Please see response to comment 6.1.

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		<p><i>upstream reaches can cause or contribute to exceedances of water quality standards in San Gabriel River Reach 2 and Coyote Creek and thus contribute to impairments.</i></p> <p>Notwithstanding the above, there is no legal or scientific justification for extending the copper, zinc, and selenium TMDLs to Pico Rivera. It is a well known fact that TMDLs are exclusively determined by the <i>State's 303(d) List of Water Quality Limited Segments Requiring TMDLs</i>. Reach 3, into which Pico Rivera also drains, is not listed for any impairment. Furthermore, the City is not aware of any monitoring data that shows it has exceed or is exceeding the California Toxics Rule (CTR) for lead, copper, zinc, or selenium for any reach or segment in the SGR watershed.</p> <p>Furthermore, even if concentrations of any of the metals were detected at the outfall, below the numeric water quality standard, it would not be enough to subject a permittee to a TMDL. A TMDL is required only if a water quality standard (the CTR standard in this case) is not met. Unless outfall discharges show they contain concentrations of a pollutant that exceeds the CTR standard (which is an ambient standard) there can be no justification for applying a TMDL to the discharger. Regional Board staff, nevertheless, has asserted verbally that an upstream permittee still can contribute to the downstream problem.</p> <p>However, that is not how TMDL compliance works when implemented through an MS4 program. Compliance with a TMDL or any other water quality standard is determined by</p>	

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		<p>stormwater discharge monitoring at the outfall, measured against an ambient (dry weather) standard. It is not determined by taking measurements in the receiving water. If each permittee were to be held to outfall-based compliance monitoring, each would be responsible for managing its own stormwater issues within its MS4 and for prescribing appropriate BMPs to control pollutants in an effort to meet a TMDL. If an upstream permittee meets the TMDL, but the permittee below it does not, it is incumbent upon the downstream permittee to improve its stormwater program to address the exceedance.</p> <p>Regional Board staff also asserted during a recent San Gabriel Valley COG meeting that it has the authority to apply TMDLs that are non-TMDL listed water bodies (also referred to as segments and reaches) through the “tributary rule.” The tributary rule does not apply here, however. It only operates to extend a beneficial use within a reach to an unidentified water body such as a stream or a lake. It cannot extend a beneficial use to an outside reach for which that same use does not exist. For example, the beneficial use of Reach 2 of the Rio Hondo is ground water supply. It obviously cannot apply the same use to an upstream or downstream reach, even though the reaches are tributary to it. And, in any case, a beneficial use and a water quality standard are two separate issues. A water quality standard is intended to protect a beneficial use. If that standard is not sufficient, based on monitoring, then a TMDL would be required.</p>	
14.2	City of Pico Rivera	<p>• SGR Reach 2 is Lead-Impaired Only According to the 303(d) list, SGR Reach impaired only listed for lead – not copper or zinc. The “lines of evidence” that</p>	San Gabriel River Reach 2 is listed on the CWA section 303(d) list for lead. Therefore, U.S. EPA addressed this listing by establishing

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		<p>were used to justify the placement of Reach 2 on the 303(d) list as impaired due to lead are not apparent. While Reach 2 may lead-impaired, the City is not aware of any receiving water monitoring that reveals wet weather exceedances for lead. Perhaps this explains why there is no waste load allocation has been developed. Further, there has been no outfall monitoring data demonstrating that the City is exceeding the lead standard based on stormwater outfall discharge monitoring compared against an ambient standard.</p> <p>For the foregoing reasons, the City requests Regional Board staff <u>to delete all references to the City as being subject to any of the SGR metals TMDLs with the exception of Reach 2 for lead.</u> It can do this by remanding the TMDL to USEPA for correction or by re-proposing this TMDL as a Regional Board TMDL with the corrections.</p>	<p>the TMDL on March 26, 2007.</p> <p>Please see response to comment 6.1.</p>
14.3	City of Pico Rivera	<p>• No Statutory Justification for Implementation Plans Regarding implementation plans: in addition to there being no federal requirement for TMDL implementation plans, there is also nothing in the State’s water code that mentions TMDLs requiring implementation plans. In fact, there is no reference implementation plans per se anywhere in the code. The implementation of TMDLs in MS4 permits should be through stormwater management programs – as is the case with other jurisdictions in the State. The City, therefore, requests that the implementation plan be deleted from the TMDL.</p>	Please see response to comment 6.2.
14.4	City of Pico Rivera	<p>• City is Not Responsible for Controlling Pollutants Associated with Atmospheric Deposition Although the SGR M-TMDL admits that atmospherically deposited metals constituents are “non-point” sources, it</p>	Please see response to comment 6.3.

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		<p>holds MS4 permittees responsible for controlling them as the following excerpt illustrates: <i>Once metals are deposited on land under the jurisdiction of a storm water permittee, they are within a permittee's control.</i> The City disagrees with this notion. Atmospheric deposition is a non-point source, as indicated in the TMDL. MS4 permittees are only responsible for controlling point-sourced pollutants. Therefore, the load allocation, which applies only to non-point sources, assigned to each of the metals constituents associated with atmospheric deposition, should be deducted from waste load allocations from each of the point-source subject constituents.</p>	
15.1	County Sanitation Districts of Los Angeles County	<p>The County Sanitation Districts of Los Angeles County (Sanitation Districts) appreciate the opportunity to submit comments on the California Regional Water Quality Control Board, Los Angeles Region's (Regional Board's) amendments to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to incorporate implementation plans for the TMDLs for metals and selenium in the San Gabriel River and impaired tributaries (San Gabriel River Metals TMDL) and metals in the Los Cerritos Channel (Los Cerritos Channel Metals TMDL). The Sanitation Districts are a confederation of 23 special districts providing wastewater and solid waste management services to over 5 million people in Los Angeles County, including 78 cities and unincorporated areas of Los Angeles County. The proposed implementation plans would impact five water reclamation plants (WRPs) operated by the Sanitation Districts as well as the Puente Hills and Spadra Landfills, the Puente Hills Materials Recovery Facility, and the Puente Hills Landfill Gas-to-Energy Facility, and we believe there are provisions of the proposed implementation plans that are problematic and should be</p>	Comment noted.

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		revised before adoption. Detailed comments and recommended corrections are provided below.	
15.2	County Sanitation Districts of Los Angeles County	<p><u>Include Specific Language for POTW Wet-Weather Effluent Limits in the Implementation Plan</u></p> <p>The Implementation Recommendations section of the San Gabriel River Metals TMDL contains specific recommendations regarding establishment of NPDES permit limitations for POTWs and other non-storm water NPDES dischargers. These recommendations include a recommendation to use wet-weather wasteload allocations (WLAs) to set only daily permit limits, not monthly permit limits. However, the current draft of the implementation plan for this TMDL does not carry this important recommendation forward, and the Draft Staff Report for the Implementation Plans and Schedules for the Los Cerritos Channel and San Gabriel River Metals TMDLs (Draft Staff Report) does not provide any justification for this omission. Therefore, the Sanitation Districts request that EPA's recommended language regarding establishment of NPDES effluent limits based on wet-weather WLAs be included in the implementation plan for the San Gabriel River Metals TMDL.</p> <p>Not only would inclusion of this language be consistent with the Implementation Recommendations section of the San Gabriel River Metals TMDL, but it is inappropriate to set wet-weather monthly average effluent limitations. By their nature, storm conditions in the San Gabriel River watershed are typically short-term and sporadic, and it is very common to have only one storm event in a given month. The procedures in the State Water Resources Control Board's</p>	<p>The Regional Board agrees that for the purpose of consistency between the Implementation Plans and the U.S. EPA-established TMDL, the recommended language regarding establishment of NPDES effluent limits based on wet-weather WLAs will be included in the implementation plan for the San Gabriel River Metals TMDL. However, the Regional Board will make two edits to the commenter's suggested language, which is to add the word "final" before effluent limitations and replace the words "would" with "may." In addition, the revised language will only be added to Table 7-20.1 (the TMDL Elements table) and not Table 7-20.2 (the Implementation Schedule). The revised language is provided below.</p> <p>Table 7-20.1: "Effluent limitations shall be consistent with the concentration-based WLAs established for non-storm water point sources in this TMDL. Permit writers may translate applicable WLAs into daily maximum and monthly average <u>final</u> effluent limitations for the major, minor, and general NDPEs permits by applying the effluent limitation derivation procedures in Section 1.4 of the State Water Resources Control Board's Policy for Implementation of Toxics Standards for Inland</p>

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		<p>Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP) require that monthly average limitations be set using a statistical procedure that assumes at least four samples are collected each month (SIP, p. 10, “If the sampling frequency is four times a month or less, n [monthly sampling frequency] shall be set equal to 4.”). However, only on rare occasions is it possible to collect four wet- weather samples in a given month. As a result, any wet-weather monthly average limitation set using the SIP procedures will be unduly stringent and overprotective. The Draft Staff Report does not provide any justification as to why limits more stringent than those contemplated in the TMDL are necessary.</p> <p>Therefore, the following language changes should be made to the “POTWs, power plants, and other non-storm water program NPDES permits” implementation section of Table 7-20.1 and under the “NON-STORM WATER PROGRAM NPDES PERMITS (INCLUDING POTWs, OTHER MAJOR, MINOR, AND GENERAL PERMITS)” section of Table 7-20.2 of Attachment A:</p> <p>Table 7-20.1: “Effluent limitations shall be consistent with the concentration-based WLAs established for non-storm water point sources in this TMDL. Permit writers may translate applicable WLAs into daily maximum and monthly average effluent limitations for the major, minor, and general NPDES permits by applying the effluent limitation derivation procedures in Section 1.4 of the State Water Resources Control Board’s Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and</p>	<p>Surface Waters, Enclosed Bays, and Estuaries of California or other appropriate methodologies subject to Executive Officer approval. <u>Wet-weather WLAs will not be used to determine monthly permit limits, but will only be used in determination of a daily limit. For permits subject to both dry- and wet-weather WLAs, permit writers would may write a monthly limit based on the dry-weather WLA and two separate daily maximum limits based on dry-and wet-weather WLAs.</u>”</p>

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		<p>Estuaries of California or other appropriate methodologies subject to Executive Officer approval. <u>Wet-weather WLAs will not be used to determine monthly permit limits, but will only be used in determination of a daily limit. For permits subject to both dry- and wet-weather WLAs, permit writers would write a monthly limit based on the dry-weather WLA and two separate daily maximum limits based on dry- and wet-weather WLAs.</u></p> <p>Table 7-20.2: “...approved by the Executive Officer. <u>Wet-weather WLAs will not be used to determine monthly permit limits, but will only be used in determination of a daily limit. For permits subject to both dry- and wet-weather WLAs, permit writers would write a monthly limit based on the dryweather WLA and two separate daily maximum limits based on dry-and wet-weather WLAs.</u>”</p>	
15.3	County Sanitation Districts of Los Angeles County	<p><u>The Implementation Plans Should Identify a Specific Capture Rate for Compliance</u></p> <p>The implementation plans for the TMDLs should identify a specific storm capture rate that can be used for compliance purposes, so that dischargers can design facilities appropriately, while having some assurance of compliance. For rates above the specified capture rates, a facility should not be held responsible for discharges in excess of the WLAs in the TMDL.</p> <p>Specifying a capture rate is essential to providing assurance that large capital investments will result in compliance. In order to meet the San Gabriel River Metals TMDL, the Sanitation Districts may have to move forward with the implementation of significant structural best management</p>	<p>For storm capture, the Regional Board has determined that methods for demonstrating compliance with the TMDL and Implementation Schedules are best addressed through the MS4 permits. For example, the recently adopted Los Angeles County MS4 permit contains provisions relating to the capture of the 85th percentile, 24-hour storm. In addition, the State Board’s Draft General Industrial Stormwater permit contains provisions that the Regional Boards, with State Board assistance, will develop TMDL-specific permit requirements by July 1, 2015 and that the State Board will reopen the permit in order to incorporate the TMDL-specific permit</p>

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		<p>practices (BMPs), and in doing so, the Sanitation Districts will have to select a capture rate for design. As an example, the BMPs required to appropriately manage a 10-year, 24-hour rainfall event from a 1,365-acre site, such as our Puente Hills Landfill, are different from the BMPs required for the 100-year, 24-hour storm from the same site. Based on a previously conducted analysis by GeoSyntec Consultants, the preliminary costs (as determined in 2006) for implementation of BMPs range from \$1.7 million to comply with the San Gabriel River Metals TMDL during a 10-year, 24-hour storm event, to approximately \$889 million to comply with San Gabriel River Metals TMDL during a 100-year, 24-hour storm event. The substantial difference in these estimated costs provide a concrete example of the need for a defined capture rate. Furthermore, compliance under 100-year, 24-hour storm conditions would require substantially more area at the base of the Puente Hills Landfill than exists within the property boundary. Existing open-space area near the base of the landfill (including oak trees and riparian habitat) might have to be converted for use as sedimentation basins, and substantial additional area outside of the property boundary might also have to be acquired and converted from its current uses (residential, commercial, and the 60 Freeway). Given that storms can vary significantly in size, and that storm water compliance is complicated and often requires large, structural BMPs that take years to plan and construct, a reasonable capture rate should be selected so BMPs and other treatment facilities can be designed to provide compliance for that capture rate. The Sanitation Districts, and other parties, should only be required to implement BMPs designed for an appropriate capture rate, not for large, infrequent storms.</p>	<p>requirements.</p> <p>In addition, according to the District's comment on the 2006 Regional Board Draft San Gabriel River Metals TMDL, to which the U.S. EPA-established TMDL is nearly identical, compliance with the TMDL will be simplified after landfill closure. The Districts stated that the Puente Hills Landfill will stop accepting solid waste near the end of 2013. The Districts stated that once vegetation is established on the final cover (after 2 years), the potential for fine soil to be mobilized by runoff will be significantly reduced, but that if compliance is required prior to 2015, the Districts may have to implement large structural BMPs (including sedimentation basins); the need for large structural BMPs is not nearly as great after 2015.</p> <p>In light of this comment made by the District in 2006 and other concerns raised during the development of the proposed implementation plans, general stormwater permittees may be provided up to 2017 to attain their WLA if the permittee provides justification demonstrating that additional time is needed to comply. Since this final compliance deadline will occur after 2015, the Regional Board expects that large detention basins will not likely need to be constructed at the Puente Hills Landfill.</p>

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		<p>The Sanitation Districts are requesting a capture rate of 0.5 inches based on the Draft Staff Report issued for these TMDLs. The cost estimates conducted by the Regional Board on pages 24 and 25 of the Draft Staff Report are based on infiltration trenches and sand filters designed to capture and treat 0.5 inches of runoff. If a larger capture rate is required, the cost of compliance could be significantly greater than that in the Draft Staff Report. This capture rate should be added to the first full paragraph on page 15 of the Draft Staff Report and to the last paragraph of the “Implementation of Wet-weather WLAs” under the “General Industrial and Construction Storm Water Permits” section of Table 7-20.1 in Attachment A.</p>	
15.4	County Sanitation Districts of Los Angeles County	<p><u>Allow General Industrial and Construction Storm Water Permittees to Demonstrate Compliance with WQBELs if There are No Exceedances of Receiving Water Limitations in the Receiving Water</u></p> <p>Table 7-20.1 of Attachment A allows dischargers with MS4 and CalTrans Storm Water Permits to demonstrate compliance with water-quality based effluent limitations (WQBELs) if they demonstrate that: “(1) there are no violations of the water quality-based effluent limitation at the Permittee’s applicable MS4 outfall(s); (2) there are no exceedances of the receiving water limitations in the receiving water at, or downstream of, the Permittee’s outfalls; or (3) there is no direct or indirect discharge from the Permittee’s MS4 to the receiving water during the time period subject to the water-quality based effluent limitation.” Dischargers with General Industrial and Construction Storm Water Permits should also be allowed to demonstrate</p>	<p>The Regional Board agrees that General Industrial and Construction Storm Water Permittees should be allowed to demonstrate compliance with water-quality based effluent limitations if there are no exceedances of the receiving water limitations in the receiving water at, or downstream of the Permittee’s outfalls. Associated changes will be made in the Basin Plan amendments.</p>

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		<p>compliance with WQBELs if there are no exceedances of the receiving water limitations in the receiving water at, or downstream of, the permittee’s outfalls.</p> <p>One example of why this should be allowed is the dry-weather selenium WLA for San Jose Creek. Under the San Gabriel River Metals TMDL, WLAs are assigned for San Jose Creek Reaches 1 and 2. However, San Jose Creek, including Reaches 1 and 2, are now in attainment for selenium and there are no impairments. The Sanitation Districts should not be required to install costly, additional treatment to meet the WLA of 5 ug/L if there is no impairment to the receiving water. Instead, we should be allowed to show compliance with the WQBEL by demonstrating compliance with receiving water limitations, as other permittees are allowed. As such, the Sanitation Districts request the following language be included in the General Industrial and Construction Storm Water Permits section of Table 7-20.1:</p> <p><u>“General Industrial and Construction Storm Water Permittees may be deemed in compliance with water-quality based effluent limitations if they demonstrate that there are no exceedances of the receiving water limitations in the receiving water at, or downstream of, the Permittee’s outfalls.”</u></p>	
15.5	County Sanitation Districts of Los Angeles County	<p><u>Clarify the WLAs for Dry-Weather General Industrial and Construction Storm Water Permits</u></p> <p>Page 14 of the Draft Staff Report states that “non-storm water discharges from construction or industrial activities authorized by Order No. 2009-0009-DWQ or Order No. 97-</p>	The Regional Board agrees that, for clarity, Table 8 on page 11 of the Draft Staff Report should be amended to reflect that the value of 0 only applies to unauthorized non-storm water discharges.

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		<p>03-DWQ, respectively, or any successor order, are exempt from the dry-weather waste load allocation equal to zero. Instead, the reach-specific concentration-based waste load allocations assigned to the “other NPDES permits” shall apply to these non-storm water discharges.” However, Table 8 on page 11 of the Draft Staff Report states that the WLA is 0, which is inconsistent with the text of the Draft Staff Report. The value of 0 applies only to unauthorized non-storm water discharges, not allowable limits under this TMDL. To clarify Table 8 and to be consistent with the language on page 14 of the Draft Staff Report, the Sanitation Districts request the following footnote be added to the industrial and construction storm water WLAs of 0:</p> <p><u>“A waste load allocation of 18 ug/L applies to authorized dry-weather industrial/construction permits.”</u></p>	
15.6	County Sanitation Districts of Los Angeles County	<p><u>The Substitute Environmental Documents (SED) Impact Analysis is Insufficient and Must Be Supplemented</u></p> <p>The Regional Board’s SED document does not adequately characterize the entire environmental setting, project description, and all of the reasonably foreseeable impacts associated with the implementation of the San Gabriel River Metals TMDL at the Sanitation Districts’ landfills. Specifically, the Sanitation Districts may need to build large-scale sedimentation basins at the Puente Hills Landfill to comply with the numeric effluent limitation for lead in the case of a large storm. For removal of fine soil particles by sedimentation, a shift in function of the existing basins may mean extending the acreage of the existing basins significantly. It can be assumed that the Sanitation Districts would need to go through a lengthy and costly CEQA process</p>	<p>The Substitute Environmental Documents (SED) fulfill the Regional Board’s CEQA obligations, including section 3777(a) of title 23 of the California Code of Regulations. The SED is a program-level analysis . The Regional Board cannot specify the manner for permittees to achieve compliance with the TMDL and is therefore unable to specify the exact location of structural BMPs and treatment devices. The Regional Board is not required to conduct a site-specific project level analysis of the reasonably foreseeable methods of compliance. The method by which a permittee decides to achieve compliance with the TMDL is a project-level decision that will</p>

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		<p>(most likely resulting in an EIR) and, in the process of building large sedimentation basins, could potentially impact both on-site and off-site resources, including conversion of existing homes, businesses and roads. This would certainly have a significant impact on many of the resources discussed in the SED analysis, for which no potential or likely impact was identified. Specifically, the following environmental impacts sections should be revised in the SED analysis to include the reasonably foreseeable impacts of our landfills complying with the San Gabriel River Metals TMDL:</p> <ul style="list-style-type: none"> • Earth: The stability and the geologic substructures underlying the sedimentation basins are unknown. The construction of the sedimentation basins would result in disruption and compaction of the underlying soil and would change the topography and ground surface relief features. It is unknown whether the construction of the sedimentation basins would result in the destruction, covering, or modification of any unique geologic physical features. The construction of the sedimentation basins would likely result in changes in siltation, deposition or erosion, which may modify the channel of a river stream. Therefore, Items 1a, 1c, and 1d of the environmental check list, along with the corresponding discussion, should be changed to “potentially significant impact.” • Plant Life: Construction of sedimentation basins would have an unknown impact to plant life, but could result in a change in the diversity of species, or number of any 	<p>require an independent environmental review (Pub. Res. C. § 21159.2), which is beyond the scope of analysis that the Regional Board is required to take (Pub. Res. C. § 21159(d).) To the extent that there could be land use impacts at a specific location, these potential land use conflicts are best addressed by the permittee at the project level.</p> <p>On a program level, the Regional Board identified and analyzed the reasonably foreseeable methods of implementing the TMDL and the reasonably foreseeable environmental impacts associated with those methods. The CEQA analysis considers construction of structural BMPs or storage, diversion or treatment facilities for storm water, which would include sedimentation basins, as possible means of compliance and has identified reasonably foreseeable impacts and mitigation measures under all of the categories cited by the commentor. The SED also identifies broad mitigation approaches that should be considered at the project level.</p> <p>The Regional Board specifically analyzed regional detention basins in the SED. Though the analysis was not specific to storm water from landfills, the analysis of regional structural BMPs, including detention basins (page 25 of the SED), applies to storm water</p>

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		<p>species of plants (including crops). Therefore, Item 4d of the environmental check list and the corresponding discussion should be changed to “potentially significant impact.”</p> <ul style="list-style-type: none"> • Population: Construction of sedimentation basins could result in the removal of homes and businesses, which could alter the location, distribution and density of the human population of the area. Therefore, Item 11a of the environmental check list and the corresponding discussion should be changed to “potentially significant impact.” • Housing: Construction of sedimentation basins could result in the removal of existing homes, which could create a demand for additional housing. Therefore, Item 12a of the environmental checklist and corresponding discussion should be changed to “less than significant with mitigation incorporated.” • Public Services: Portions of the property within the landfill boundary are used for recreation purposes. If these recreational uses are transferred to other locations, they could result in additional uses at other facilities. Also, the sedimentation basins would require additional maintenance by the Sanitation Districts. Therefore, Items 14d and 14f of the environmental check list and corresponding discussion should be changed to “potentially significant impact.” 	<p>from all types of facilities. Potential impacts of sedimentation basins on Earth, Plant Life, Population, Housing, and Public Services are adequately addressed.</p> <p>The Regional Board disagrees that the stability and the geologic substructures underlying the Puente Hills Landfill, the largest active landfill in the United States, is unknown. Furthermore, the SED, at page 46, does identify disruption and compaction of soil as a potential impact. The SED concludes at pages 48-49 that detention basins, regardless of their location, would not be of the size or scale to result in changes in topography or ground surface relief features or result in the destruction, covering or modification of any unique geologic or physical features. The SED identifies, at page 50, that changes in siltation, deposition or erosion are potentially significant impacts and analyzes those impacts and their mitigation measures.</p> <p>The commenter appears to have misread the numbering in the checklist. Item 4d on the checklist is for reduction in acreage of any agricultural crop. Item 4a, which relates to the diversity of species, was checked as potentially significant.</p> <p>The SED, at page 93, explains that structural</p>

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			<p>BMPs, including detention basins, would not directly or indirectly induce population growth in the area, displace existing housing, or displace people. There are no houses and businesses near the active portion of the landfill where soils could be mobilized by runoff or need to be treated with sedimentation basins.</p> <p>It is not reasonably foreseeable that construction of sedimentation basins could result in the removal of existing homes. See above. Furthermore, at page 94, the SED explains that if these devices conceivably require the displacement of available housing, it is not reasonably foreseeable that the responsible agencies would install such devices. Rather, an agency would foreseeably opt for other structural or non-structural control measures.</p> <p>Impacts to recreation are adequately analyzed at page 103 of the SED. The impacts to maintenance services were also analyzed and the SED concluded that while TMDL implementation will result in the need for increased maintenance of storm water treatment BMPs, any increase will be outweighed by the resulting overall improvement in water quality and protection of aquatic life and water supply beneficial uses.</p>

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			Therefore, “Less than Significant” was checked.
15.7	County Sanitation Districts of Los Angeles County	<p><u>Diversion of Storm Drain Flow to the Wastewater Collection System is Not a Feasible Alternative</u> Page 24 of the SED states, “The diversion and treatment strategy includes the installation of facilities to provide capture and storage of dry and/or wet-weather runoff and diversion of the stored runoff to a wastewater collection system for treatment.” This strategy is rarely feasible, and as written the language does not recognize several key restrictions. First, the Sanitation Districts currently have a prohibition on urban runoff diversions (wet-weather or dry-weather) to the WRPs, because treatment of urban runoff uses capacity that could otherwise be used for treatment of sewage and could jeopardize these plants’ ability to comply with NPDES effluent limitations. This prohibition applies to all the Sanitation Districts’ WRPs in the San Gabriel River Watershed. Second, even though some of the San Gabriel River watershed has access to an ocean outfall through the Joint Water Pollution Control Plant, the sewers tributary to these plant have limited capacity, and some are not accepting additional flows (even during off-peak periods). It is recommended the Regional Board acknowledge these restrictions in its language regarding potential implementation alternatives in the SED.</p>	<p>The SED (pg. 24) analyzes diversion to a treatment plant, such as the Santa Monica Urban Runoff Recycling Facility (SMURRF).</p> <p>The SED acknowledges constraints of the proposed alternatives on a broader level. The Regional Board cannot specify the manner for permittees to comply with the TMDL, and the feasibility of each alternative is best addressed by the permittees at the project level. Furthermore, this is only one potential compliance alternative presented and analyzed. Permittees may choose to implement the TMDL through other methods. Therefore, the Regional Board finds that it is not necessary to revise the SED to address the comment.</p>
15.8	County Sanitation Districts of Los Angeles County	<p><u>The Date of the Reopener Should be Extended from June 30, 2017 to June 30, 2020</u> Table 7-20.2 of Attachment A currently has June 30, 2017 as the date the Regional Board may reconsider the San Gabriel River Metals TMDL. The Sanitation Districts request this date be extended to June 30, 2020 to allow time for sufficient</p>	Please see response to comment 5.3.

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		<p>data to be collected to inform any reconsideration of the TMDL. Per the current draft of the implementation schedule, the general industrial and construction storm water permittees have until June 30, 2017 to comply with wet-weather WLAs. Because of the significant sedimentation basins that may have to be constructed for our landfills to comply with the San Gabriel River Metals TMDL, the Sanitation Districts may need the entire time allotted to achieve wet-weather WLA compliance. If that is the case, then very little monitoring data will be available to inform the Regional Board during their June 30, 2017 reopening. However, if the date is extended to June 30, 2020, the Regional Board will have, at a minimum, three years of data from general industrial and construction storm water permittees in compliance with wet-weather WLAs on which to base any changes.</p>	
15.9	County Sanitation Districts of Los Angeles County	<p><u>Other Comments</u> In addition to the comments discussed above, the Sanitation Districts have several other, less substantive comments, which are explained below.</p> <ul style="list-style-type: none"> • Section 2.5.2 on page 12 of the Draft Staff Report and Section 3.1.1.2 on page 15 of the Draft Staff Report should include the following language to provide clarity as to when wet-weather conditions apply. This language is consistent with language in the San Gabriel River Metals TMDL. <p>Section 2.5.2: "...tributaries of San Gabriel River Reach 2 and Coyote Creek. <u>In San Gabriel River Reach 2, wet-weather TMDLs apply when the maximum daily flow in the river is equal to or greater than 260 cfs as measured at USGS station 11085000, located at the bottom of Reach 3 just above</u></p>	<p>The Regional Board appreciates the edits suggested for consistency and clarity in the TMDL implementation plans. Associated changes will be made to the staff report.</p>

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		<p><u>Whittier Narrows Dam. In Coyote Creek, wet-weather TMDLs apply when the maximum daily flow in the creek is equal to or greater than 156 cfs as measured at LACDPW flow gauge station F354-R, located at the bottom of the creek, just above the Long Beach WRP. Allocations have been assigned to both...</u></p> <p>Section 3.1.1.2: <u>“..TMDL WLAs. In San Gabriel River Reach 2, wet-weather TMDLs apply when the maximum daily flow in the river is equal to or greater than 260 cfs as measured at USGS station 11085000, located at the bottom of Reach 3 just above Whittier Narrows Dam. In Coyote Creek, wet-weather TMDLs apply when the maximum daily flow in the creek is equal to or greater than 156 cfs as measured at LACDPW flow gauge station F354-R, located at the bottom of the creek, just above the Long Beach WRP. Wet-weather effluent limitations shall be expressed...”</u></p>	
15.10	County Sanitation Districts of Los Angeles County	<ul style="list-style-type: none"> • Language under Table 11 on page 13 of the Draft Staff Report clearly states that zinc in Coyote Creek was removed from the CWA 303(d) list. However, the same language is not included for selenium in San Jose Creek, which was removed from the CWA 303(d) list in 2010. For consistency, and to accurately reflect the CWA 303(d) listings, the following language should be added under Table 9 on page 12 of the Draft Staff Report: <p><u>“In 2010, the listing for selenium in San Jose Creek was removed from the CWA 303(d) list because exceedances in the creek did not exceed the allowable frequency in the “Water Quality Control Policy for Developing California’s Clean Water Act Section 303(d) List” (Listing Policy). Thus,</u></p>	The Regional Board appreciates the edits suggested for consistency and clarity in the TMDL implementation plans. Associated changes will be made to the staff report.

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		<p><u>the selenium allocations for San Jose Creek are likely being attained and can be considered as representing existing conditions. The allocations shall remain in place to ensure that water quality for this pollutant does not degrade below current levels.”</u></p>	
15.11	County Sanitation Districts of Los Angeles County	<ul style="list-style-type: none"> • The second paragraph on page 2 of the Draft Staff Report states that the “ San Gabriel River was included on the 1998, 2002, 2006, and 2010 California CWA Section 303(d) lists as an impaired waterbody for copper, zinc, lead, and selenium.” However, this is not correct. As an example, the San Gabriel River was not listed as impaired for selenium until the 2006 303(d) list. Instead of detailing when each constituent was impaired, the Sanitation Districts recommend replacing the sentence above with a more broad statement, such as “In 2006, portions of the San Gabriel River and its tributaries were listed for copper, zinc, lead, and selenium per the California CWA Section 303(d) lists.” 	Please see response to comment 15.10.
15.12	County Sanitation Districts of Los Angeles County	<ul style="list-style-type: none"> • On page 8 of the Draft Staff Report, the design capacity of the San Jose Creek Water Reclamation Plant was inadvertently given as 1,000 MGD. This should be corrected to 100 MGD. 	The Regional Board will make this correction in the staff report.
15.13	County Sanitation Districts of Los Angeles County	<ul style="list-style-type: none"> • The second paragraph under Section 2.5 “Allocations: San Gabriel River” on page 11 of the Draft Staff Report incorrectly states that the USEPA-established TMDL assigns “wet-weather allocations for copper, lead, and zinc in San Gabriel River Reach 2”. In actuality, the San Gabriel River Metals TMDL only assigns WLAs for lead in San Gabriel River Reach 2 (Tables 6-1 and 6-2 of the USEPA TMDL). To correct this, the language on page 11 of the Draft Staff Report should be changed as follows: 	Please see response to comment 15.10.

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		<p>"The USEPA established TMDL assigns dry-weather allocations for copper in the Estuary and selenium in San Jose Creek and wet-weather allocations for copper, lead, and zinc in San Gabriel River Reach 2 and Coyote Creek, and wet-weather allocations for lead in San Gabriel River Reach 2."</p>	
15.14	County Sanitation Districts of Los Angeles County	<p>• The first paragraph under Section 3.5 on page 20 of the Draft Staff Report states that lead is now in attainment in the Los Cerritos Channel by saying "the U.S. EPA-established TMDL requires maintenance of existing conditions, which are on average better than necessary to achieve the applicable water quality standard for lead." However, this paragraph should also state that selenium in San Jose Creek and zinc in Coyote Creek are now in attainment. Therefore, the Sanitation Districts request the following language be added to the first paragraph of Section 3.5:</p> <p>"In the case of lead in Los Cerritos Channel, <u>selenium in San Jose Creek, and zinc in Coyote Creek</u>, the U.S. EPA-established TMDLs requires maintenance of existing conditions, which are on average better than necessary to achieve the applicable water quality standard for <u>lead in the Los Cerritos Channel, selenium in San Jose Creek, and zinc in Coyote Creek.</u>"</p>	Please see response to comment 15.10.
16.1	City of El Monte	<p>• Improper Application of Metals TMDL to the City The SGR M-TMDL improperly applies the lead, copper, zinc, and perhaps selenium TMDLs to the City of El Monte. According to Table 7-1 of the TMDL, El Monte drains into Reaches 3 and 4 of the San Gabriel River. The City, however, mostly drains into Reach 2 of the Rio Hondo, though a small</p>	Please see response to comment 6.1.

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		<p>portion of it drains into SGR reaches 3 and 4. However, according to the State’s 303(d) <i>List of Water Quality Limited Segments Requiring TMDLs</i>, none of these reaches is listed for any metals-related impairment. As you know, it is the 303(d) list that determines the need for a TMDL.</p> <p>The SGR M-TMDL, nevertheless, to apply copper, lead, and zinc to these reaches as the following excerpt reveals:</p> <p><i>Wet-weather TMDLs will be developed for lead in San Gabriel River Reach 2 and for copper, lead, and zinc in Coyote Creek. <u>Wet-weather allocations will be developed for all upstream reaches and tributaries in the watershed that drain to impaired reaches during wet weather.</u>¹ Discharges to these upstream reaches can cause or contribute to exceedances of water quality standards in San Gabriel River Reach 2 and Coyote Creek and thus contribute to impairments.</i></p> <p>Notwithstanding the above, there is no legal or scientific justification for extending the Reach 2 SGR M-TMDL or any other SGR M-TMDL to El Monte. Once again, TMDLs are determined exclusively by the <i>State’s 303(d) list</i> . Furthermore, there is no monitoring data generated from measurements either at the City’s outfall(s) or water bodies into which it drains that would demonstrate a stormwater-related exceedance of any metal.</p> <p>Even if concentrations of any of the metals were detected at the outfall, it would not be enough to subject a permittee to a TMDL. A TMDL is required only if a water quality standard</p>	

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		<p>(the CTR standard in this case) is not met. Unless outfall discharges show they contain concentrations of a pollutant that exceeds the CTR standard (which is an ambient standard) there can be no justification for applying a TMDL to the discharger.</p> <p>Regional Board staff, nevertheless, has asserted verbally that an upstream permittee still can contribute to the downstream problem. That is not how TMDL compliance works when implemented through an MS4 program. Compliance with a TMDL or any other water quality standard is determined by stormwater discharge monitoring at the outfall measured against an ambient (dry weather) standard. It is not determined by taking measurements in the receiving water. If each permittee were to be held to outfall-based compliance monitoring, each would be responsible for managing its own stormwater issues within its MS4 and for prescribing appropriate BMPs to control pollutants in an effort to meet a TMDL. If an upstream permittee meets the TMDL, but the permittee below it does not, it is incumbent upon the downstream permittee to improve its stormwater program to address the exceedance.</p> <p>Regional Board staff also stated during a recent San Gabriel Valley COG meeting that it has the authority to apply TMDLs that are non-TMDL listed water bodies (also referred to as segments and reaches) through the “tributary rule.” The tributary rule does not apply here, however. It only operates to extend a beneficial use within a reach to water body such as a stream or a lake. It cannot extend a beneficial use to an outside reach for which that same use does not</p>	

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		<p>exist. For example, the beneficial use of Reach 2 of the Rio Hondo is ground water supply. It obviously cannot apply the same use to an upstream or downstream reach, even though the reaches are tributary to it. And, in any case, a beneficial use and a water quality standard are two separate issues. A water quality standard is intended to protect a beneficial use. If that standard is not sufficient, based on monitoring, then a TMDL would be required.</p> <p>For the foregoing reasons, the City requests Regional Board staff <u>to delete all references to the City being subject to any of the SGR metals TMDLs through the MS4 permit program.</u> It can do this by remanding the TMDL to USEPA for correction or by re-proposing this TMDL as a Regional Board TMDL with the corrections.</p>	
16.2	City of El Monte	<p>• No Statutory Justification for Implementation Plans Regarding implementation plans: in addition to there being no federal requirement for TMDL implementation plans, there is also nothing in the State’s water code that mentions TMDLs requiring implementation plans. In fact, there is no reference implementation plans per se any where in the code. The implementation of TMDLs in MS4 permits should be through stormwater management programs – as is the case with other jurisdictions in the State.</p> <p>The City, therefore, requests that the implementation plan be deleted from TMDL.</p>	Please see response to comment 6.2.
17.1	City of South El Monte	<p>• Improper Application of Metals TMDL to the City The SGR M-TMDL improperly applies the lead, copper, zinc, and perhaps selenium TMDLs to the City of South El Monte. According to Table 7-1 of the TMDL, South El</p>	Please see response to comment 6.1.

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		<p>Monte drains into Reach 3 of the San Gabriel River. The City, however, mostly drains into Reach 2 of the Rio Hondo, though a small portion of it drains into SGR reach 3. However, according to the State’s 303(d) list, Reach 3 is not listed for any metals-related impairment. As you know, it is the 303(d) list that also determines the need for a TMDL.</p> <p>The SGR M-TMDL, nevertheless, applies copper, lead, and zinc to all reaches and water body segments as the following excerpt reveals:</p> <p><i>Wet-weather TMDLs will be developed for lead in San Gabriel River Reach 2 and for copper, lead, and zinc in Coyote Creek. <u>Wet-weather allocations will be developed for all upstream reaches and tributaries in the watershed that drain to impaired reaches during wet weather.</u>¹ Discharges to these upstream reaches can cause or contribute to exceedances of water quality standards in San Gabriel River Reach 2 and Coyote Creek and thus contribute to impairments.</i></p> <p>Notwithstanding the above, there is no legal or scientific justification for extending the Reach 2 SGR M-TMDL or any other SGR M-TMDL to South El Monte. Once again, TMDLs are determined exclusively by the <i>State’s 303(d) List of Water Quality Limited Segments Requiring TMDLs</i>. Furthermore, there is no monitoring data generated from measurements either at the City’s outfall(s) or reaches or segments into which it drains that would demonstrate a stormwater discharge-related exceedance of any metal.</p>	

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		<p>Even if concentrations of any of the metals were detected at the outfall, it would not be enough to subject a permittee to a TMDL. A TMDL is required only if a water quality standard (the CTR standard in this case) is not met. Unless outfall discharges show they contain concentrations of a pollutant that exceeds the CTR standard (which is an ambient standard) there can be no justification for applying a TMDL to the discharger.</p> <p>Regional Board staff, nevertheless, has asserted that an upstream permittee still can contribute to the downstream problem. That is not how TMDL compliance works when implemented through an MS4 program. Compliance with a TMDL or any other water quality standard is determined by stormwater discharge monitoring at the outfall measured against an ambient (dry weather) standard. It is not determined by taking measurements in the receiving water. If each permittee were to be held to outfall-based compliance monitoring, each would be responsible for managing its own stormwater issues within its MS4 and for prescribing appropriate BMPs to control pollutants in an effort to meet a TMDL. If an upstream permittee meets the TMDL, but the permittee below it does not, it is incumbent upon the downstream permittee to improve its stormwater program to address the exceedance.</p> <p>Regional Board staff also stated during a recent San Gabriel Valley COG meeting that it has the authority to apply TMDLs that are non-TMDL listed water bodies (also referred to as segments and reaches) through the “tributary rule.”</p>	

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		<p>The tributary rule does not apply here, however. It only operates to extend a beneficial use within a reach to water body such as a stream or a lake. It cannot extend a beneficial use to an outside reach for which that same use does not exist. For example, the beneficial use of Reach 2 of the Rio Hondo is ground water supply. It obviously cannot apply the same use to an upstream or downstream reach, even though the reaches are tributary to it. And, in any case, a beneficial use and a water quality standard are two separate issues. A water quality standard is intended to protect a beneficial use. If that standard is not sufficient, based on monitoring, then a TMDL would be required.</p> <p>For the foregoing reasons, the City requests Regional Board staff to <u>delete all references to the City being subject to any of the SGR metals TMDLs through the MS4 permit program</u>. It can do this by remanding the TMDL to USEPA for correction or by re-proposing this TMDL as a Regional Board TMDL with the corrections.</p>	
17.2	City of South El Monte	<p>• No Statutory Justification for Implementation Plans Regarding implementation plans: in addition to there being no federal requirement for TMDL implementation plans, there is also nothing in the State’s water code that mentions TMDLs requiring implementation plans. In fact, there is no reference implementation plans per se any where in the code. The implementation of TMDLs in MS4 permits should be through stormwater management programs – as is the case with other jurisdictions in the State.</p> <p>The City, therefore, requests that the implementation plan be deleted from TMDL.</p>	Please see response to comment 6.2.

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18.1	City of Bellflower	<p>I am writing on behalf of the City of Bellflower. Our City is partially in the San Gabriel River Watershed and the Los Cerritos Freshwater Channel Watershed. We participate actively on the Coyote Creek and Lower San Gabriel River Metals TMDL Technical Committee and the Los Cerritos Channel Metals TMDL Technical Committee (Technical Committees). We thank the Regional Water Board for its willingness to move forward with the proposed amendments to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to incorporate Implementation Plans for the Total Maximum Daily Loads (TMDL's) for Metals and Selenium San Gabriel River and Impaired Tributaries and the Metals TMDL's for the Los Cerritos Freshwater Channel. The adoption of Implementation Plans with Implementation Schedules is essential since USEPA does not adopt implementation plans and schedules for TMDL's that they establish and such plans and schedules are needed for realistic implementation of TMDL's, especially complex TMDL's such as metals TMDL's where sources are both direct and indirect and many of the sources are beyond the abilities of local governments to control.</p>	Comment noted.
18.2	City of Bellflower	<p>We appreciate the recognition of pollution prevention, including true source control, in Findings 20 and 21. The Technical Committees have concluded that the most effective strategy for addressing water quality impairments in both watersheds will be one based initially on a combination of source control (especially true source control) and runoff reduction. The Technical Committees based this conclusion on the fact that if pollutants are not generated or released,</p>	Comment noted.

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		they will not be available for transport to receiving waters, and if dry-weather runoff can be eliminated or greatly reduced, a major transport mechanism will be eliminated or greatly reduced. The result of both of these measures will be that many fewer pollutants will reach the receiving waters.	
18.3	City of Bellflower	We also appreciate the provision that, subject to Executive Officer approval, if our forthcoming Watershed Management Programs (WMP's) for each respective watershed group demonstrate that control measures and BMP's will achieve wetweather water quality-based effluent limitations (WQBEL's) consistent with the schedule in Tables 7-20.2 and 7-32.2, then compliance with wet-weather WQBEL's may be demonstrated by implementation of these control measures and BMP's. Our City supports the decision of the Technical Committees to proceed with development of WMP's while concurrently evaluating the potential for effectively implementing an Enhanced Watershed Management Program (EWMP). The Reasonable Assurance Analysis required for either a WMP or an EWMP will give us the opportunity to demonstrate that our program of source control and runoff reduction, supplemented by structural improvements, will achieve wet-weather WQBEL's consistent with the schedule in Tables 7-20.2 and 7-32.2.	Comment noted.
18.4	City of Bellflower	<p>The City of Bellflower supports the detailed comments submitted under separate cover by the Technical Committees, which include the following two most critical requested changes to Attachment A to Resolution No. R13-XXX:</p> <p style="margin-left: 40px;">1) to be granted three additional months to prepare the documentation to demonstrate that the 2017, 2020, and 2023 interim compliance milestones and the final</p>	Please see response to comment 1.4.

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		wasteload allocations have been met, with the justification that this additional time will allow us to have monitoring data processed and reports prepared; and,	
18.5	City of Bellflower	2) that elements from State Water Board Resolution 2008-046 addressing atmospheric deposition be incorporated into the Basin Plan Amendment in order to make these Metals TMDL Implementation Plans consistent with the State Water Board's approval of the Los Angeles River Metals TMDL Implementation Plan.	Please see response to comment 1.5.
19.1	City of Paramount	I am writing on behalf of the City of Paramount. Our City is partially in the Los Cerritos Watershed and participates actively on the Los Cerritos Channel Metals TMDL Technical Committee. We thank the Regional Water Board for its willingness to move forward with the proposed amendments to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to incorporate Implementation Plans for the Total Maximum Daily Loads for Metals and Selenium San Gabriel River and Impaired Tributaries and the Los Cerritos Channel TMDLs for Metals. The adoption of Implementation Plans with Implementation Schedules is essential since USEPA does not adopt implementation plans and schedules for TMDLs that they establish and such plans and schedules are needed for realistic implementation of TMDLs, especially complex TMDLs such as metals TMDLs where sources are both direct and indirect and many of the sources are beyond the abilities of local governments to control.	Comment noted.
19.2	City of Paramount	We appreciate the recognition of pollution prevention, including true source control, in Findings 20 and 21 Our	Comment noted.

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		<p>Technical Committee for the Los Cerritos Channel has concluded that the most effective strategy for addressing water quality impairments in the Los Cerritos Channel Watershed will be one based initially on a combination of source control (especially true source control) and runoff reduction. The Committee based this conclusion on the fact that if pollutants are not generated or released, they will not be available for transport to receiving waters, and if dry-weather runoff can be eliminated or greatly reduced, a major transport mechanism will be eliminated or greatly reduced. The result of both of these measures will be that many fewer pollutants will reach the receiving waters.</p>	
19.3	City of Paramount	<p>We also appreciate the provision that if we demonstrate as part of a Watershed Management Program (WMP) that control measures and BMPs will achieve wet-weather water quality-based effluent limitations consistent with the schedule in Table 7-32.2, the compliance with wet-weather water quality-based effluent limitations may be demonstrated by implementation of these control measures and BMPs, subject to Executive Officer approval. Our city supports the decision of the Technical Committee to proceed with development of a Watershed Management Program while concurrently evaluating the potential for effectively implementing an Enhanced Watershed Management Program (EWMP). The Reasonable Assurance Analysis required for either a WMP or an EWMP will give us the opportunity to demonstrate that our program of source control and runoff reduction, supplemented by capture and infiltration, capture and use, and treatment controls will achieve wet-weather water quality-based effluent limitations consistent with the schedule in Table 7-32.2.</p>	Comment noted.

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19.4	City of Paramount	The Technical Committee is providing detailed comments that we support. However, we would like to emphasize two requested changes to Attachment B to Resolution No. R13-XXX. First, we request that we be given three additional months to prepare the documentation to demonstrate that the 2017, 2020, and 2023 interim compliance milestones and the final wasteload allocations have been met. We ask for this additional time in order to have monitoring data processed and reports prepared.	Please see response to comment 1.4.
19.5	City of Paramount	Secondly, we ask that elements from State Water Board Resolution 2008-046 addressing atmospheric deposition be incorporated into the Basin Plan Amendment in order to make this Metals TMDL Implementation Plan consistent with the State Water Board's approval of the Los Angeles River Metals TMDL Implementation Plan.	Please see response to comment 1.5.

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