



Linda S. Adams
Agency Secretary

California Regional Water Quality Control Board Los Angeles Region

Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

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Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>



Arnold Schwarzenegger
Governor

Notice of Public Meeting/Hearing

Thursday, August 9, 2007

9:00 a.m.

Meeting Location:

Metropolitan Water District of
Southern California
(Board Room)
700 North Alameda Street
Los Angeles, California

Agenda

The Regional Board strives to conduct an accessible, orderly, and fair meeting. During the meeting, the Chair will conduct the meeting and establish appropriate rules and time limitations for each item. The Board will only act on items designated as action items. Action items on the agenda are staff proposals, and may be modified by the Board as a result of public comment or Board member input. Additional information about Regional Board meeting procedures is included after the last agenda item.

To ensure a fair hearing and that the Regional Board Members have an opportunity to fully study and consider written material, unless stated otherwise, written materials must be provided to the Executive Officer *not later than 5:00 p.m. on July 30, 2007. Please consult the agenda description for specific items, because certain items may have an earlier deadline for written submissions. If you are considering submitting written materials, please consult the notes at the end of the agenda. Failure to follow the required procedures may result in your materials being excluded from the hearing record; however, failure to timely submit written materials does not preclude a person from testifying before the Board.*

INTRODUCTORY ITEMS

1. Roll Call.
2. **Order of Agenda.** The agenda items are numbered for identification purposes only and may not necessarily be considered in this order.
3. **Approval of June 7, 2007 Draft Meeting Minutes.**
[Ronji Harris, (213) 576-6612]
4. **Board Member Communications.**
 - 4.a. Ex Parte Disclosure. Board Members will identify any discussions they may have had requiring disclosure pursuant to Government Code section 11430.40.

- 4.b. Board Member Reports. The Board Members may discuss communications, correspondence, or other items of general interest relating to matters within the Board's jurisdiction.
- 5.a. **Executive Officer's Report.**
[Deborah Smith, (213) 576-6609]
- 5.b. **Board Checklist.**
- 5.c. **Update from State Board.**
6. **Public Forum.** Any person may address the Board regarding any matter within the Board's jurisdiction that does not appear elsewhere on this agenda. Remarks will be limited to five (5) minutes, unless otherwise directed by the Chair. Items marked with an asterisk are expected to be routine and noncontroversial. The Board will be asked to approve these items at one time without discussion. Any person may request that an item be removed from the uncontested calendar. The Chair will determine the appropriate time to consider an item removed from the consent calendar.

UNCONTESTED ITEMS

Waste Discharge Requirements that Serve as Individual NPDES Permits

Time Schedule Order-

- *7. Consideration of a proposed Time Schedule Order for Al Larson Boat Shop; NPDES No. CA0061051. (Comment submittal deadline was June 22, 2007) [Cassandra Owens, (213) 576-6750]
- *8. Consideration of a proposed Time Schedule Order for Simi Valley Water Quality Control Plant NPDES No. CA0055221 (The comment submittal deadline was July 16, 2007) [Blythe Ponek-Bacharowski, (213) 576-6720]

Renewal-

- *9. Ultramar, Inc. (Wilmington Marine Terminal, Berth 164), Wilmington; NPDES No. CA0055719 (Comment submittal deadline was July 19, 2007) [Rosario Aston, (213) 576-6653]

Non-NPDES State Discharge Requirements

New-

- *10. Consideration of a tentative Resolution approving a California Environmental Quality Act (CEQA) Environmental Checklist and adopting a Mitigated Negative Declaration and Waste Discharge Requirements for the Boeing Realty Corporation for remediation of volatile organic compounds (VOCs) in groundwater at the former C-6 Facility in Los Angeles (File No. 95-036) (Comment submittal deadline was June 11, 2007.) [Ana Townsend, (213) 576-6738]

10.1 Waste Discharge Requirements

10.2 Mitigated Negative Declaration

Revision-

- *11. Consideration of revised Waste Discharge Requirements for The Thacher School for discharge of domestic wastewater from an upgraded wastewater treatment plant. (File No. 93-16) (Comment submittal deadline was June 25, 2007) [Dionisia Rodriguez, (213) 620-6122]

ACTION ITEMS

Waste Discharge Requirements/NPDES Permit Reopener-

12. County of Los Angeles Municipal Separate Storm Sewer System Permit; NPDES No. CAS004001, to consider incorporation of the summer dry weather wasteload allocations from the Marina Del Rey Harbor Mothers' Beach and Back Basins Bacteria TMDL for Mothers' Beach (Also known as Marina Beach). (Comment submittal deadline was June 25, 2007) [Rebecca Christmann, (213) 576-6757 and Carlos Urrunaga, (213) 620-2083]

BASIN PLANNING/TMDL

13. Consideration of a proposed Basin Plan Amendment to incorporate a Total Maximum Daily Load for trash in the Los Angeles River Watershed. (Comment submittal deadline was May 4, 2007) [Ginachi Amah, (213) 576-6685]

CLOSED SESSION

14. As authorized by the Government Code section 11126, the Regional Board will be meeting in closed session. Closed session items are not open to the public. Items the Board may discuss include the following: [Michael Levy, (MJL), (916) 341-5193; Jennifer L. Fordyce (JLF) (916) 324-6682.]
- 14.1 *Cities of Los Angeles, City of Burbank v. Los Angeles Regional Water Quality Control Board*, Los Angeles County Superior Court, Case Nos. BS 060957 and BS 060960. [Challenging the Burbank, Tillman, and Los Angeles-Glendale Water Reclamation Plants' NPDES permits]. (MJL)
- 14.2 *Cities of Arcadia, et al., v. Los Angeles Regional Water Quality Control Board et al.*, San Diego Superior Court No. GIC 803631 [Challenging the Los Angeles River Trash TMDL]. (MJL)
- 14.3 *County of Los Angeles et al. v. Commission on State Mandates et al. and City of Artesia et al. v. State of California*, Los Angeles Superior Court Nos. BS 089769 & BS089785, Second District Court of Appeal No. B183981 [Alleging that the Los Angeles MS4 Permit created an unfunded state mandate]. (MJL)
- 14.4 *Boeing v. Los Angeles Regional Water Quality Control Board et al., Los Angeles County Superior Court No. BS106941* [Challenge to permit for the Santa Susana Field Laboratory]. (MJL)
- 14.5 *In re Halaco Engineering Company*, United States Bankruptcy Court, Central District of California, Northern Division, No. ND-02-12255 RR; [Regarding a CDO and CAO at the Oxnard Property]. (JLF)
- 14.6 *Cities of Arcadia et al., v. Los Angeles Regional Water Quality Control Board*, Orange County Superior Court No. 06CC02974 [Challenging the 2004 Triennial Review]. (MJL)
- 14.7 *Cities of Bellflower et al., v. Los Angeles Regional Water Quality Control Board et al.*, Los Angeles Superior Court No BS101732 [Challenging the Los Angeles River and Ballona Creek Metals TMDLs]. (MJL)
- 14.8 *People of the State of California Regional Water Quality Control Board, Los Angeles Region v. City of Santa Paula, Santa Paula Water Reclamation Facility, Ventura County Superior Court.* (JLF)
- 14.9 Consultation with counsel about:
- (a) A judicial or administrative adjudicatory proceeding that has been formally initiated to which the Regional Board is a party;
 - (b) A matter that, based on existing facts and circumstances, presents significant exposure to litigation against the Regional Board;
 - (c) A matter which, based on existing facts and circumstances, the Regional Board is deciding whether to initiate litigation. (JLF)
- 14.10 Consideration of the appointment, employment, evaluation of performance, or dismissal of or complaints about a public employee. (MJL)
15. • **Adjournment of Current Meeting.** The next regular meeting is scheduled for September 6, 2007, at the Metropolitan Water District of Southern California, Board Room, 700 North Alameda Street, Los Angeles, CA.

NOTICE

Additional information concerning hearing procedures, written submissions, and the record.

Hearing Procedures: The Regional Board follows procedures established by the State Water Resources Control Board. These procedures are established in regulations commencing with section 647 of title 23 of the California Code of Regulations. The Chair may establish specific procedures for each item, and consistent with section 648, subdivision (d) of title 23 of the California Code of Regulations may waive

nonstatutory provisions of the regulations. Generally, all witnesses testifying before the Regional Board must affirm the truth of their testimony and are subject to questioning by the Board Members. The Board does not, generally, require the designation of parties, the prior identification of witnesses, or the cross examination of witnesses. Any requests for an alternate hearing process should be made to the Executive Officer in advance of the meeting, and under no circumstances later than 5:00 p.m. on the Thursday preceding the Board meeting.

Written Submissions: Written materials (whether hand-delivered, mailed, e-mailed, or facsimiled) *must be received prior to the relevant deadline* established in the agenda and public notice for an item. If the submitted material is more than 10 pages or contains foldouts, color graphics, maps, or similar items, 12 copies must be submitted prior to the relevant deadline.

Failure to comply with requirements for written submissions is grounds for the Chair to refuse to admit the proposed written comment or exhibit into evidence. (Cal. Code Regs. tit. 23, § 648.4(e).) The Chair may refuse to admit written testimony into evidence unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would otherwise create a hardship. If any other party demonstrates prejudice resulting from admission of the written testimony, the Chair may refuse to admit it.

Administrative Record: Material presented to the Board as part of testimony that is to be made part of the record must be left with the Board. This includes photographs, slides, charts, diagrams, etc. All Board files pertaining to the items on this Agenda are hereby made a part of the record submitted to the Regional Board by staff for its consideration prior to action on the related items.

Accessibility: Individuals requiring special accommodations or language needs should contact Dolores Renick at (213) 576-6629 or drenick@waterboards.ca.gov at least ten working days prior to the meeting. TTY/TDD/Speech -to-Speech users may dial 7-1-1 for the California Relay Service.

Availability of Complete Agenda Package: A copy of the complete agenda package is available for examination at the Regional Board Office during regular working hours (8:00 a.m. to 5:00 p.m. Monday through Friday) beginning 10 days before the Board meeting. Questions about specific items on the agenda should be directed to the staff person whose name is listed with the item.

Continuance of Items: The Board will endeavor to consider all matters listed on this agenda. However, time may not allow the Board to hear all matters listed. Matters not heard at this meeting may be carried over to the next Board meeting or to a future Board meeting. Parties will be notified in writing of the rescheduling of their item. Please contact the Regional Board staff to find out about rescheduled items.

Challenging Regional Board Actions: Pursuant to Water Code section 13320, any aggrieved person may file a petition to seek review by the State Water Resources Control Board of most actions taken by the Regional Board. A petition must be filed within 30 days of the action. Petitions must be sent to State Water Resources Control Board, Office of Chief Counsel; ATTN: Elizabeth Miller Jennings, Senior Staff Counsel; 1001 "I" Street, 22nd Floor; Sacramento, CA 95814.

Electronic Information and Updates: Our web site address is www.waterboards.ca.gov/losangeles/. The site can also be accessed through the State Water Resources Control Board's web site at www.waterboards.ca.gov/ then clicking on "Regional Boards". Information available online includes the Regional Board's meeting schedule, a list of the Regional Board members, past and present Executive Officer reports, program information, a list of staff and phone numbers arranged by their work unit, and links to the Santa Monica Bay Restoration Commission's home page and other governmental agencies. Last-minute changes to the agenda, such as the continuance of an item, will be posted electronically. If you need further information, please contact Jack Price at (213) 576-6669.

Pending Water Quality Certifications: A listing of pending water quality certification applications currently on public notice pursuant to Section 401 of the Federal Clean Water Act may be obtained by calling Valerie Carrillo at (213) 576-6759.

Settlement of Enforcement Actions: A listing of settlement enforcement actions can be accessed by the following link: <http://www.waterboards.ca.gov/losangeles/html/programs/enforcement/acl.html>



State of California
 Environmental Protection Agency
 State Water Resources Control Board
 Los Angeles Regional Water Quality Control Board

SIGN-IN SHEET

Board Meeting
 August 9, 2007

Name	Mail Address Company Name/Organization	E-Mail Address or Telephone Number	Add Name to Mail List
VIRGINIA BLEICH	ULTRAVAR	virginia.bleich@valera.com	✓
Susan Greene	Dover	sgreene@dover.org	✓
Richard Watson	Richard Watson & Assoc.	rwater@rwa-planning.com	-
Liz Tisdler	Altramar (Tisdler Kowale)	liz@t-kee.com	
Josette Desautels	City of Beverly Hills	jdesautels@beverlyhills.org	
William Bowling	P.O. Box 1636, Torrance, CA 90290	william.preston.bowling@pwr.com	✓
Mark Gold	Head the Bay	mgold@headthebay.org	
Gary Roberts	A&E	groberts@a&einc.com	



State of California
 Environmental Protection Agency
 State Water Resources Control Board
 Los Angeles Regional Water Quality Control Board

SIGN-IN SHEET

Board Meeting
 August 9, 2007

Name	Mail Address Company Name/Organization	E-Mail Address or Telephone Number	Add Name to Mail List
JEFF MOY	MWA		
CINDY LIM	USEPA		
Ann Heil	LACSD		
SINHEE AMART	LARWQCB		
LB NYE)		
Man Voong	LARWQCB		
Tom Volpke	LACDPA	(826) 478-4362	
Corina Amem	LA PPA	(626) 408-4332	



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 Environmental Protection Agency
 State Water Resources Control Board
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SIGN-IN SHEET

Board Meeting
 August 9, 2007

Name	Mail Address Company Name/Organization	E-Mail Address or Telephone Number	Add Name to Mail List
Larry Forster	2175 Choring Ave Signal Hill CA 90758	lforster@signalhill.org	
Chamber Yu	1149 S. Broad Way, LA, 90015	Chamber.yu@lacity.org	
Johanna Huata	ITLWA	JHARTER@ITLWA	.NET
Susanah Turney	City of Arcadia - PWSID	sturney@arcadia.ca.us	YES ✓
Daniel Reynolds	City of Burbank Dig. Resources	dreyn@ci.burbank.ca.us	Yes
Kevin McSherry	Roscoe Moss Company 4300 North St. L & Owens	k.mcs@roscoemoss.com	Yes
Ray Tarrin	TEOS ENVIRONMENTAL	rtarrin@teosenv.com	Yes
Ken Hoffman	LACSD	khoffman@lacs.d.org	Yes



State of California
Environmental Protection Agency
State Water Resources Control Board
Los Angeles Regional Water Quality Control Board

SIGN-IN SHEET

Board Meeting
August 9, 2007

Name	Mail Address Company Name/Organization	E-Mail Address or Telephone Number	Add Name to Mail List
Sam Hayes	RW & CS	stungon@waterboards.ca.gov	

State of California
Environmental Protection Agency
Water Resources Control Board
Los Angeles Regional Water Quality Control Board

SPEAKER REQUEST CARD

Date: 8/9/07

I wish to speak during the Board Meeting:

- I wish to speak on Agenda Item No. 12
 I wish to speak during Public Forum on a non-agenda item.

I do not wish to speak but I do want to express the following position:

- I support Agenda Item No. _____
 I oppose Agenda Item No. _____

Name: Mark Pestrella

- Representing Self
 Representing: County of Los Angeles

Los Angeles County Flood Control District
Unless exempted by the Board, comments are limited to three (3) minutes.

State of California
Environmental Protection Agency
Water Resources Control Board
Los Angeles Regional Water Quality Control Board

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- I support Agenda Item No. 12
 I oppose Agenda Item No. _____

Name: Dr. Cindy Lin

- Representing Self
 Representing: US EPA R9

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 I oppose Agenda Item No. _____

Name: Mark Gold
 Representing Self
 Representing: Health 1500

Unless exempted by the Board, comments are limited to three (3) minutes.

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Environmental Protection Agency
Water Resources Control Board
Los Angeles Regional Water Quality Control Board

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 I oppose Agenda Item No. _____

Name: Tatiana K. Gaur
 Representing Self
 Representing: Santa Monica Baykeeper joint w/ Heal the Bay

Unless exempted by the Board, comments are limited to three (3) minutes.

State of California
Environmental Protection Agency
Water Resources Control Board
Los Angeles Regional Water Quality Control Board

SPEAKER REQUEST CARD

Date: 8/18/07

I wish to speak during the Board Meeting:

- I wish to speak on Agenda Item No. 12
- I wish to speak during Public Forum on a non-agenda item.

I do not wish to speak but I do want to express the following position:

- I support Agenda Item No. _____
- I oppose Agenda Item No. _____

Name: Jonathan Krasenics
 Representing Self
 Representing: _____


Unless exempted by the Board, comments are limited to three (3) minutes.

LA County Municipal Storm Water Permit:
 Limited Reopener to Incorporate Summer Dry Weather
 Waste Load Allocations for Bacteria –
 Mothers' Beach and Basins D, E, and F
 in Marina del Rey Harbor

506th Public Meeting
 LA Water Board, Los Angeles

Renee Purdy DeSnooze
 Rebecca Christman

August 9, 2007



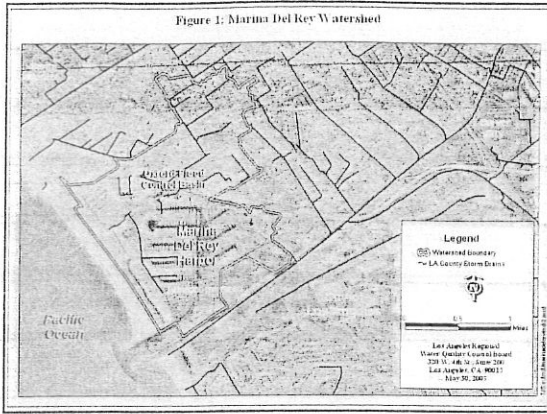
Proposal – Limited Reopener

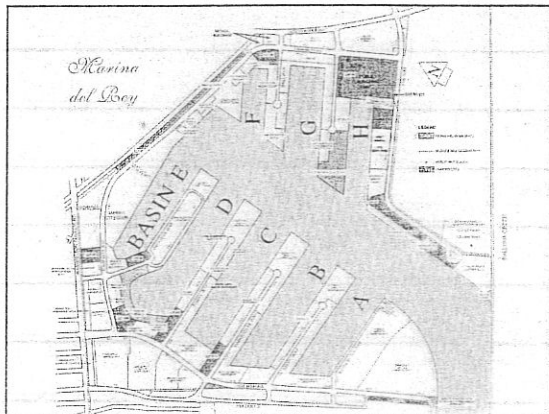
- Covers Marina del Rey Harbor
Subwatershed of Santa Monica Bay
- Incorporates summer dry weather WLAs
*Same approach as Sep '06 reopener for
 SMB Beaches*
- Does not affect any new jurisdictions
Subgroup of SMB responsible jurisdictions

Background
 2006 LA County MS4 Permit Reopener

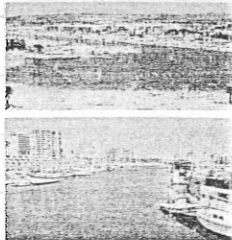
- Covered Santa Monica Bay Beaches
- Incorporated summer dry weather waste load allocation (WLA) via ...
 - 1 Prohibition of summer dry weather flows to SMB beaches that cause exceedances of bacteria standards
 - 2 Receiving water limits based on bacteria objectives set to protect REC-1, as set forth in Basin Plan

Figure 1: Marina Del Rey Watershed





Marina del Rey Harbor Recreational Opportunities



- Mothers' Beach
- Largest Small Craft Harbor
- Yacht Clubs
- Loyola and UCLA Crews
- Fishing
- Fisherman's Village
- South Bay Bicycle Trail
- Burton Chase Park and Admiralty Park

Marina del Rey Harbor Bacteria Total Maximum Daily Load (TMDL)

- Numeric targets are bacteria objectives adopted by Board in 2001
 - Same as "AB 411" minimum bacteriological standards for protection of public health at beaches (CCR Title 17 §7958)
- Summer Dry Weather Waste Load Allocations
 - No exceedances during summer dry weather (Apr 1 to Oct 31)

MDRH Bacteria TMDL Implementation Mechanisms

- The TMDL adopted in 2003 states,

"The regulatory mechanisms used to implement the TMDL will include the Los Angeles County Municipal Storm Water NPDES Permit (MS4), the Caltrans Storm Water Permit, ... and the authority contained in Sections 13263 and 13267 of the Water Code."

MDRH Bacteria TMDL Approval

- Regional Board adopted MDRH TMDL on Aug. 7, 2003
- State Water Board approved on Nov. 19, 2003
- Office of Administrative Law approved on Jan. 30, 2004
- U.S. EPA approved on March 18, 2004
- TMDL became effective on March 18, 2004
- Summer dry weather compliance required by April 1, 2007

Status
MDRH Dry Weather Implementation

- 3 Low Flow Storm Drain Diversion Projects
 - Two projects completed in December 2006
 - Oxford Pump Station LFD Project to be completed in 2006
- Mothers' Beach Water Quality Improvement Project
 - Increase Basin D Circulation completed October 2006
 - Sheet Flow Diversion from Basin D to Basin C
- Marina Source Identification and Control Program
 - Mother's Beach and Back Basins Bacteria TMDL Non-Point Source Study

**Mother's Beach and Back Basins
Bacteria TMDL Non-Point Source Study**

- Dry- and Wet-Weather Spatial and Temporal Surveys
 - Dumpsters, restaurants, and restrooms found to contribute bacteria
 - Q-PCR studies found human bacteriological sources
 - Avian sources were found to be a major contributor of the contamination
- Inspection of Sewage Infrastructure
 - Cracked sewer lines; structural defects and O&M problems
- Illicit Boat Discharge Investigation
 - Discharges of sewage from boats are not a likely source of contamination
- Beach Sand Investigation
 - Sediments are generally uncontaminated

This study has not been peer reviewed or critically reviewed by staff.

Status
MDRH Compliance

- Mothers' Beach / Basin D
 - 11 days of Exceedances
- Basin E
 - 4 days of Exceedances
- Basin F
 - 1 day of Exceedances
- Back of the Main Channel
 - 1 day of Exceedances

Permitting Options

Considered by Board

- A. **Staff Recommendation:** Prohibition of summer dry weather discharges to MDRH containing bacteria in excess of stds
- B. Requiring amendments to the Storm Water Quality Management Program (iterative approach)
- C. Combined non-stormwater/stormwater permit for the MS4 (recognizing separate criteria)
- D. Separate individual permit for the MS4 for non-stormwater discharges
- E. No Action

Proposed Amendments

- **Part 1.B. Discharge Prohibition**

Discharges of Summer Dry Weather flows from MS4s into Santa Monica Bay or into Marina del Rey Harbor Basins D, E, or F, including Mother's Beach, that cause or contribute to exceedances of the bacteria Receiving Water Limitations in Part 2.5 and 2.6 below, are prohibited.

- **Part 2.1 Receiving Water Limitations**

Except as provided in Part 2.5 and 2.6 below, discharges from the MS4 that cause or contribute to the violation of Water Quality Standards or water quality objectives are prohibited.

Proposed Amendments

- **Part 2.5 Receiving Water Limitations**

During Summer Dry Weather there shall be no discharges of bacteria from MS4s into the Santa Monica Bay that cause or contribute to exceedances in the Wave Wash of the applicable bacteria objectives. The applicable bacteria objectives include both the single sample and geometric mean bacteria objectives set to protect the Water Contact Recreation (REC-1) beneficial use, as set forth in the Basin Plan.

- **Part 2.6 Receiving Water Limitations**

During Summer Dry Weather there shall be no discharges of bacteria from MS4s into Marina del Rey Harbor Basins D, E, or F, including Mother's Beach that cause or contribute to exceedances of the applicable bacteria objectives. The applicable bacteria objectives include both the single sample and geometric mean bacteria objectives set to protect the Water Contact Recreation (REC-1) beneficial use, as set forth in the Basin Plan.

Public Comment

Opportunity for Comment

- Comment Period (May 11 – June 25)
 - Heal the Bay & Santa Monica Baykeeper
 - County of Los Angeles and Los Angeles County Flood Control District
 - Burninn & Gest LLP, representing the County of Los Angeles and Los Angeles County Flood Control District
- Response to Comments (posted July 26)
- Board Hearing (August 9)

Los Angeles County Significant Comments Received

Comment: Board should incorporate BMPs rather than numeric limits, per US EPA Nov 22 '02 memorandum

Response:

- Same as Comment 11.2 during Sep '06 reopening
- US EPA memorandum relates to stormwater discharges, proposal relates to non-stormwater (i.e. dry weather) discharges

Comment: Board's inclusion of numeric limits is contrary to the recommendations of the State Board's Blue Ribbon Panel

Response:

- Same as Comment 11.4 during Sep '06 reopening
- The Panel's report does not address non-stormwater discharges from MS4s
- proposal relates to non-stormwater (i.e. dry weather) discharges
- State Board has not taken action on Panel's report

Los Angeles County Significant Comments Received

Comment: Board should incorporate WLAs as part of iterative process. County claims this is the process recommended by EPA and ordered by State Board

Response:

- Same as Comment 1.B.8 during Sep '06 reopening
- US EPA's memorandum and State Board's Order WQ 99-05 discuss use of iterative approach for stormwater discharges
- Appropriate response for non-stormwater discharges is to prohibit the discharges or require compliance with water quality standards
- The iterative approach is not consistent with the summer dry weather provisions of the TMDL
- An iterative approach is not appropriate because
 - WLAs do not regulate discharge of stormwater
 - harm to public from violating WLAs is significant in terms of health impacts and economic cost to region

Los Angeles County Significant Comments Received

Comment: Board should not incorporate numeric limits into the Permit while the issue of whether bacteria from non-point sources indicates the presence of human pathogens.

Response:

- Same as Comment 11.5 during Sep '05 reopening
- Documented that storm drains in Santa Monica Bay contain human pathogens; presence of human pathogens coincided with levels of bacteria in excess of standards (Noble et al. 1999)
- SMEI Epi Study found relationships between illnesses and proximity to storm drains (Haile et al. 1999)
- Non-point source study, commissioned by County, identified structural defects in sanitary sewer
- In light of these findings, and given the thousands of recreationists using MDRH, it is appropriate that the Regional Board regulate these discharges.

Los Angeles County Significant Comments Received

Comment: Board should defer consideration of the amendment. County claims Board is without authority to reopen permit because permit has expired.

Response:

- WLAs are available in MDR TMDL
- Thousands of people are engaged in water contact recreation in MDR
- Exceedances of sids continue during summer dry weather
- Compliance required by Apr 1 '07, prior to when the LA County MS4 Permit can feasibly be reissued
- To defer until permit reissuance would be inconsistent with the Board's regulation
- Full legal analysis in response to comment 1.8

Alternatives

- No Action
- Option A - Prohibition of summer dry weather discharges containing bacteria in excess of standards with corresponding receiving water limits
- Option A with changes arising as a logical outgrowth of the board hearing

**Staff Recommendation –
Option A with Changes**

- Adopt the proposed amendments to Pt. 1, Discharge Prohibitions, and Pt. 2, Receiving Water Limitations, to prohibit the discharge of summer dry weather flows that result in an exceedance of REC-1 standards.
- Adopt proposed non-substantive modifications to eliminate redundancies and fix typographical errors (Page 12-17)
- Adopt proposed changes to Revised Tentative Findings (yellow change sheet)



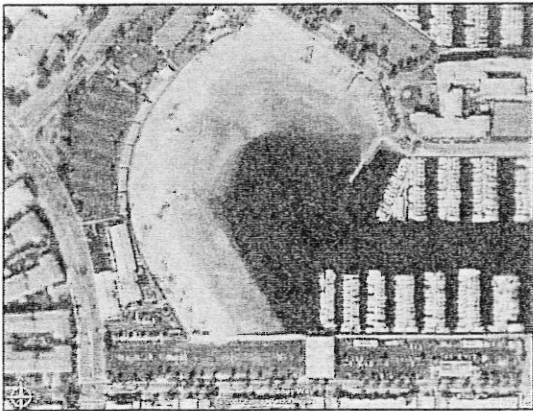
Reopener of the LA County MS4
to incorporate the
MDR Bacteria TMDL

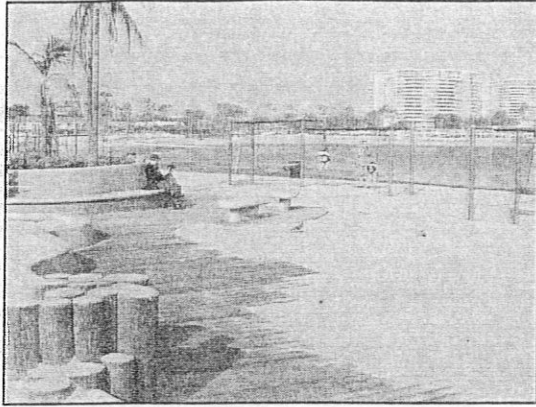


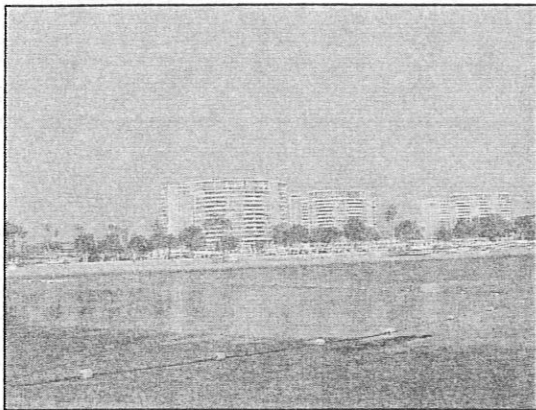
August 9, 2007

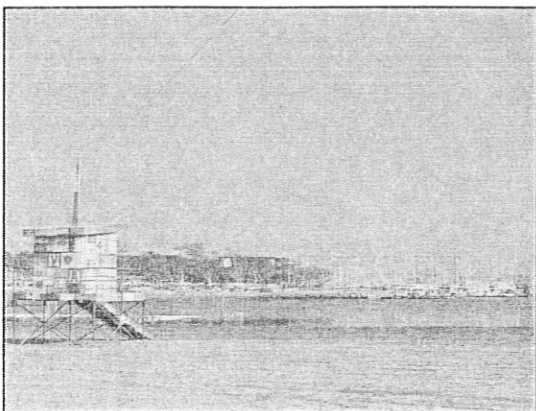












CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

IN REGARDS TO:)
)
BASIN PLANNING TMDL:)
)

CERTIFIED
COPY

CORRECTED

TRANSCRIPT OF PROCEEDINGS

LOS ANGELES, CALIFORNIA

THURSDAY, AUGUST 9, 2007

REPORTED BY:

BRENDA J. MARTINEZ
CSR NO. 12858

JOB NO.:
A5941NCO

Kennedy

COURT REPORTERS, INC.

Orange County
920 W. 17th St., Second Floor
Santa Ana, CA 92706

Los Angeles
523 W. Sixth St., Suite 528
Los Angeles, CA 90014

Central Coast
1610 Oak St., Suite 106
Solvang, CA 93463

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

IN REGARDS TO:)
BASIN PLANNING TMDL:)
_____)

TRANSCRIPT OF PROCEEDINGS, TAKEN
AT METROPOLITAN WATER DISTRICT OF
SOUTHERN CALIFORNIA (BOARD ROOM),
700 NORTH ALAMEDA STREET, LOS ANGELES,
CALIFORNIA, COMMENCING AT 9:00 A.M.,
ON THURSDAY, AUGUST 9TH, 2007, REPORTED
BY BRENDA J. MARTINEZ, CSR NO. 12858,
A CERTIFIED SHORTHAND REPORTER IN AND FOR
THE STATE OF CALIFORNIA.

APPEARANCES:

CHAIR, FRANCINE DIAMOND
VICE-CHAIR, MARY ANN LUTZ
BOARD MEMBER, H. DAVID NAHAI
BOARD MEMBER, LEO VANDER LANS:
BOARD MEMBER, MARIBEL MARIN:
BOARD MEMBER, BRADLEY MINDLIN
EXECUTIVE OFFICER, DEBORAH SMITH
SENIOR STAFF COUNSEL, MICHAEL LEVY

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1 LOS ANGELES, CALIFORNIA, THURSDAY, JULY 9, 2007

2 9:00 A.M.

3
4
5 CHAIR DIAMOND: WHAT WE WILL ALL DO IS STAND FOR
6 THE PLEDGE OF ALLEGAANCE AND ASK MR. MINDLIN TO LEAD US.

7 (PLEDGE OF ALLEGIANCE)

8 CHAIR DIAMOND: MS. HARRIS, WOULD YOU PLEASE TAKE
9 ROLL CALL.

10 MS. HARRIS: YES. MS. DIAMOND?

11 CHAIR DIAMOND: HERE.

12 MS. HARRIS: MS. LUTZ?

13 VICE-CHAIR LUTZ: PRESENT.

14 MS. MARIN: HERE.

15 MS. HARRIS: MR. MINDLIN?

16 MR. MINDLIN: HERE.

17 MS. HARRIS: MR. NAHAI?

18 MR. NAHAI: YES.

19 MS. HARRIS: MR. RICHARDSON? (NOT PRESENT)

20 MS. HARRIS: MR. VANDER LANS?

21 MR. VANDER LANS: HERE.

22 CHAIR DIAMOND: MS. SMITH, WOULD YOU PLEASE SPEAK
23 TO US ABOUT THE ORDER OF THE AGENDA.

24 MS. SMITH: THE EX PARTE DISCLOSURES ITEM 4.A. AND
25 THE UNCONTESTED ITEMS WILL BE HEARD NEXT FOLLOWED BY ITEMS

1 12 AND 13. ITEMS 3, 4.B, 5.A, 5.B., 5.C., AND 6 WILL BE
2 MOVED TO FOLLOW ITEM 13 TODAY AND THE TRASH T.M.D.L..

3 CHAIR DIAMOND: IF THERE ARE NO CHANGES, CAN I
4 PLEASE HAVE A MOTION TO ACCEPT THE ORDER OF THE AGENDA.
5 ALL THOSE IN FAVOR?

6 THE BOARD: AYE.

7 CHAIR DIAMOND: MOTION PASSES.

8 WE WILL NOW MOVE ON TO EX PARTE
9 COMMUNICATIONS FOR ITEMS 12 AND 13.

10 VICE-CHAIR LUTZ: YES, I DO. ON TUESDAY JULY 17TH,
11 I MET ALONG AMONG WITH OUR INTERIM EXECUTIVE OFFICER,
12 DEB SMITH AND SAM UNGER WITH SIGNAL HILL COUNCILMAN
13 LARRY FORRESTER, KEN FARSING, AND DEBBIE ALVARADO TO
14 DISCUSS ITEMS RELATING TO THE TRASH T.M.D.L.. ALL OF
15 WHICH ITEMS HAVE BEEN SUBMITTED IN THEIR WRITTEN
16 STATEMENTS WHICH WE HAVE IN OUR PACKET. AND, I BELIEVE,
17 THEY WILL BE VERBALLY DISCUSSED HERE TODAY.

18 CHAIR DIAMOND: WE WILL NOW MOVE ONTO ITEM
19 NUMBER 12.

20 VICE-CHAIR LUTZ: MADAM CHAIR, BECAUSE I AM -- THE
21 FACT I AM A COUNCILMEMBER OF THE CITY OF MONROVIA WHICH
22 HOLDS AN MS4 PERMIT, I WILL NEED TO EXCUSE MYSELF FROM
23 ITEM 12.

24 CHAIR DIAMOND: THANK YOU, MS. LUTZ.

25 COUNTY COUNSEL: BEFORE YOU RECUSE YOURSELF, ARE

1 THERE ANY UNCONTESTED ITEMS?

2 CHAIR DIAMOND: BEFORE YOU RECUSE YOURSELF WE WILL
3 GO ON TO THE UNCONTESTED ITEMS. THANK YOU. MS. SMITH,
4 WILL YOU PLEASE REPORT TO US ON THAT.

5 MS. SMITH: YES. CONSENT ITEMS FOR TODAY'S AGENDA
6 ARE ITEMS 7, 8, 9, 10, AND 11.

7 CHAIR DIAMOND: AND CAN I HAVE A MOTION TO ACCEPT
8 THAT?

9 MS. MARIN: I MOVE TO ACCEPT THE UNCONSENTED ITEMS.

10 THE COURT: THOSE IN FAVOR.

11 THE BOARD: AYE.

12 CHAIR DIAMOND: MOTION PASSES. WE WILL MOVE ONTO
13 ITEM NUMBER 12. I AM GOING TO READ AN OPENING STATEMENT
14 FOR THIS ITEM. THIS IS THE TIME AND PLACE FOR A HEARING
15 IN THE MATTER OF THE -- THIS IS THE OPENING STATEMENT, I
16 SHOULD BEGIN. WITH THE PROPOSED REOPENER OF THE LOS
17 ANGELES COUNTY MUNICIPAL STORM WATER DISCHARGE, PERMIT
18 ORDER NUMBER, 01-182. NPDS NO. CAS004001.

19 THIS IS THE TIME AND PLACE FOR A HEARING IN
20 THE MATTER OF THE PROPOSED REOPENER OF THE LOS ANGELES
21 COUNTY MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT TO
22 INCORPORATE PROVISIONS THAT IMPLEMENT THE SUMMER DRY
23 WEATHER WASTELOAD ALLOCATION FOR MARINA DEL REY HARBOR
24 MOTHERS' BEACH AND BACK BASINS BACTERIA T.M.D.L. FOR
25 MOTHERS' BEACH.

1 I AM FRAN DIAMOND. I AM THE CHAIR OF THE
2 REGIONAL BOARD AND WILL BE PRESIDING AT THIS HEARING. IF
3 YOU WISH TO ADDRESS THE BOARD TODAY, PLEASE PROMPTLY FILL
4 OUT A SPEAKER CARD AND HAND IT TO THE BOARD'S CLERK RONJI
5 HARRIS SEATED RIGHT OVER THERE. THE DEADLINE TO
6 SUBMITTING WRITTEN COMMENTS AND DOCUMENTARY EVIDENCE IS
7 JUNE 25TH, 2007. ALL ITEMS THAT WERE TIMELY RECEIVED ARE
8 HEREBY MADE PART OF THE RECORD. IF YOU USED SPEAKING
9 NOTES OR VISUAL AID ILLUSTRATING PREVIOUSLY SUBMITTED
10 EVIDENCE OF YOUR PRESENTATION, PLEASE LEAVE A COPY OF IT
11 BEFORE YOU LEAVE SO THEY CAN BE INCORPORATED INTO THE
12 RECORD. NO OTHER DOCUMENTS AND EVIDENCE WILL BE ACCEPTED
13 INTO THE RECORD UNLESS I MAKE A SPECIFIC RULING TO THE THE
14 CONTRARY.

15 PURSUANT TO THE HEARING PROCEDURE ON PAGE 3
16 OF THE AGENDA AND THE NOTICE OF HEARING DATED MARCH 11TH,
17 2007, THE REGIONAL BOARD RECEIVED ONE TIMELY REQUEST FOR
18 ALTERNATIVE HEARING PROCEDURES AS WELL AS NUMEROUS
19 OBJECTIONS TO THE PROCEEDINGS TODAY. THESE WERE INCLUDED
20 IN THE LETTER FROM HOWARD GUESTS (PHONETIC) ON JUNE 20TH
21 ON BEHALF OF THE COUNTY OF LOS ANGELES AND THE LOS ANGELES
22 COUNTY FLOOD CONTROL DISTRICT.

23 ON AUGUST 7TH, 2007, ASSISTANT DEPUTY
24 DIRECTOR OF PUBLIC WORKS, MARK PESTRELLA, SENT A LETTER IN
25 WHICH HE FORMERLY WITHDREW THE COMMENTS OF OBJECTIONS, AND

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1 PROCESSING REQUEST THAT WERE CONTAINED IN MR. GUESTS' JUNE
2 20TH LETTER. THE BOARD EXTENDED ITS APPRECIATION THE
3 COUNTY FOR THIS GESTURE. MR. PESTRELLA ALSO SUBMITTED A
4 COMMENT LETTER FOR THE COUNTY IN WHICH HE REQUESTED THAT
5 STAFF RUN NINE DOCUMENTS TO THE HEARING. FOUR OF THESE
6 DOCUMENTS WERE CONTAINED IN THE ADMINISTRATIVE RECORDS AND
7 HAVE BEEN BROUGHT TO THIS HEARING. THESE INCLUDE THE
8 MARINA DEL REY T.M.D.L. IMPLEMENTATION PLAN, THE MOTHERS'
9 BEACH AND BACK BASINS BACTERIA T.M.D.L. NINE POINT SOURCE
10 STUDY, THE NOVEMBER 26TH, 2002 MEMORANDUM FROM EPA
11 RELATING TO ESTABLISHING T.M.D.L. WASTELOAD ALLOCATION AND
12 PERMIT REQUIREMENTS FOR STORM WATER, THE REPORT TO THE
13 STATE BOARD REGARDING THE FEASIBILITY OF THE NUMERIC
14 AFFLUENT LIMITATIONS TO THE STORM WATER DISCHARGES.

15 TO REVIEW THE DOCUMENTS, PLEASE SPEAK WITH
16 REBECCA CHRISTMANN -- PLEASE RAISE YOUR RIGHT HAND,
17 REBECCA, ON THESE ITEMS. ON JULY 20TH, STAFF THEN
18 SUBMITTED A LETTER TO MR. PESTRELLA REMINDING THE COUNTY
19 THAT THE OTHER FIVE DOCUMENTS THAT WERE REQUESTED BY THE
20 COUNTY WERE NOT IN THE ADMINISTRATIVE RECORD AND THE
21 COUNTY HAD NOT SUBMITTED THOSE DOCUMENTS TO THE BOARD.

22 THE COUNTY WAS OFFERED THE OPPORTUNITY TO
23 SUBMIT AN OFFER OF PROOF ABOUT WHY THE DOCUMENT SHOULD
24 BE SUBMITTED LATE. THE COUNTY DID NOT RESPOND TO THAT
25 INVITATION AND HAS NOT SUBMITTED THE DOCUMENTS TO THE

1 REGIONAL BOARD. THE REQUEST WILL INCLUDE THOSE DOCUMENTS
2 AS THEREFORE WAIVED. ACCORDINGLY, THE FOLLOWING DOCUMENTS
3 WILL NOT BE INCLUDED IN THE ADMINISTRATIVE RECORD. THE
4 MISSION BAY STUDY PUBLISHED BY THE BOARD TECHNICAL REPORT
5 449. THE SEDIMENT STUDY PUBLISHED BY WATER RESEARCH, THE
6 QUANTITATIVE PCR STUDY PUBLISHED BY APPLIED ENVIRONMENTAL
7 MICROBIOLOGY. THE BEACH, SAND, AND SEDIMENT STUDY
8 PUBLISHED BY ENVIRONMENT SCIENCE TECHNOLOGIES. THE LETTER
9 FROM SANTA MONICA/BAYKEEPER AND NRDC, DATED MAY 31ST,
10 2007.

11 THE ORDER OF PROCEEDINGS AT THIS HEARING WILL
12 BE AS FOLLOWS: FIRST, STAFF WILL PRESENT THE ITEM FOR THE
13 BOARD. THE STAFF PRESENTATIONS WILL BE FOLLOWED BY THE
14 COUNTY. THE COUNTY WILL BE ALLOCATED -- I BELIEVE THEY
15 WANTED 20 TO 30 MINUTES. FOLLOWING THE COUNTY'S
16 PRESENTATION, OTHER PARTIES SUCH AS THE CITY OF LOS
17 ANGELES AND CULVER CITY WILL BE ALLOTTED 5 MINUTES, BUT WE
18 HAVE NOT HEARD FROM THEM. SO DON'T ANTICIPATE THAT THEY
19 WILL BE HERE TO DO THAT.

20 NEXT, ANY INTERESTED PERSONS MAY PRESENT
21 PUBLIC COMMENTS TO THE BOARD. PER THEIR REQUEST, HEAL THE
22 BAY AND BAYKEEPER WILL BE ALLOWED 20 MINUTES TO MAKE A
23 JOINT PRESENTATION, AND THAT'S BEEN VERIFIED. IF ANYONE
24 NEEDS A LITTLE MORE TIME THAN I'VE JUST SAID, PLEASE LET
25 ME KNOW AT THAT TIME. BUT WE'RE GOING TO TRY TO KEEP TO

1 THAT TIMETABLE.

2 UNLESS OTHERWISE NOTICED, THE REMAINING
3 PUBLIC COMMENTS WILL BE LIMITED TO 5 MINUTES EACH.
4 FOLLOWING PUBLIC COMMENTS, THE BOARD MAY ASK QUESTIONS OF
5 STAFF AND STAKEHOLDERS, AS IS OUR USUAL CUSTOM. AFTER ANY
6 QUESTIONS OF STAFF AND STAKEHOLDERS, THE HEARING WILL BE
7 DEEMED CLOSED. IT IS EXPECTED THAT TODAY THAT THE BOARD
8 WILL EITHER ADOPT, REJECT, OR MODIFY THE RECOMMENDATIONS
9 OF THE STAFF.

10 I'D LIKE TO REMIND EVERYBODY THAT THE
11 VALIDITY OF THE MARINA DEL REY T.M.D.L. IS NOT AN ISSUE
12 THAT IS BEFORE THE REGIONAL BOARD IN THIS PROCEEDING. BY
13 NATURE, REGULATIONS LIKE T.M.D.L.'S MUST BE ADOPTED IN
14 SEPARATE PROCEEDINGS THAN THE PROCEEDINGS WHICH THEY ARE
15 INCORPORATED INTO PERMITS.

16 STAKEHOLDERS HAD AN OPPORTUNITY TO COMMENT
17 UPON T.M.D.L. WHEN IT WAS ADOPTED. AND THE BOARD SIMPLY
18 DOES NOT HAVE THE LUXURY OF REEXAMINING THE MERITS OF EACH
19 REGULATION AT THE TIME THAT IT IS IMPLEMENTED. WHILE
20 STAKEHOLDERS ARE FREE TO SUBMIT ANY NEW INFORMATION ABOUT
21 THE T.M.D.L. OR THE WATER QUALITY STANDARDS TO STAFF AT
22 ANY TIME, SUCH SUBMITTALS AND ANY ARGUMENT ABOUT THE
23 VILIDITY OF THE T.M.D.L. OR THE WATER QUALITY STANDARDS IT
24 IMPLEMENTED ARE OUTSIDE THE SCOPE OF AND NOT RELEVANT TO
25 THIS PROCEEDINGS. I WOULD ASK ALL STAKEHOLDERS TO

1 RESTRICT THEIR PRESENTATIONS ACCORDINGLY.

2 I WILL NOW ADMINISTER THE OATH. IF YOU
3 INTEND TO SPEAK OR PROVIDE TESTIMONY ON THIS MATTER BEFORE
4 THE BOARD, I'D -- WELL PLEASE STAND, RAISE YOUR RIGHT HAND
5 AND REPEAT AFTER ME.

6 (THE OATH WAS GIVEN)

7 CHAIR DIAMOND: OKAY. WE'LL NOW PROCEED WITH THE
8 STAFF PRESENTATION.

9 MS. DE SHAZO: GOOD MORNING, CHAIR DIAMOND, MEMBERS
10 OF THE BOARD. MY NAME IS RENEE DESHAZO, AND I AM THE
11 BASIN PLANNING COORDINATOR OF THE LOS ANGELES REGIONAL
12 BOARD.

13 OVER THE NEXT FEW MINUTES I WILL PRESENT
14 STAFF'S RECOMMENDATION TO REOPEN THE L.A. COUNTY MS4
15 PERMIT TO INCORPORATE THE SUMMER DRY WEATHER BACTERIA
16 T.M.D.L. WASTE LOAD ALLOCATIONS FOR MARINA DEL REY HARBOR
17 AND MOTHER'S BEACH. I WANT TO NOTE THAT THE PREPARATION
18 OF THIS ITEM HAS BEEN A COOPERATIVE EFFORT BETWEEN THE
19 T.M.D.L. UNITS AT THE BOARD AND THE STORMWATER UNIT. AND
20 I WANT TO ACKNOWLEDGE IN PARTICULAR THE SUBSTANTIAL EFFORT
21 OF REBECCA CHRISTMANN, CARLOS URRUNAGA, AND ALSO THERESA
22 ROGERS WHO WORKED ON THIS ITEM.

23 LAST SEPTEMBER YOU REOPENED THE LOS ANGELES
24 COUNTY MS4 PERMIT TO INCORPORATE THE SUMMER DRY WEATHER
25 WASTE LOAD ALLOCATIONS FOR THE SANTA MONICA BAY BEACHES

1 BACTERIA T.M.D.L.. THE ITEM BEFORE YOU TODAY IS VIRTUALLY
2 IDENTICAL TO THAT ACTION AND USES THE SAME APPROACH THAT
3 WAS USED IN SEPTEMBER OF 2006. THE SUMMER DRY WEATHER
4 PROVISIONS OF THE MARINA DEL REY HARBOR BACTERIA T.M.D.L.,
5 INCLUDING THOSE FROM MARINA DEL REY BEACH, WERE NOT
6 INCORPORATED IN SEPTEMBER OF 2006, BECAUSE MARINA DEL REY
7 HARBOR, INCLUDING MOTHER'S BEACH, IS COVERED UNDER A
8 SEPARATE BACTERIA T.M.D.L. PER THE CONSENT DECREE.

9 SO I JUST WANT TO EMPHASIZE BEFORE I LAUNCH
10 INTO THE BULK OF THE PRESENTATION THAT THE ITEM BEFORE YOU
11 TODAY IS A VERY LIMITED REOPENER WHICH COVERS MARINA DEL
12 REY, WHICH IS A SUBWATERSHED OF THE SANTA MONICA BAY
13 WATERSHED AREA. IT WOULD INCORPORATE THE SUMMER DRY
14 WEATHER WASTE LOAD ALLOCATIONS, WHICH ARE THE SAME AS
15 THOSE IN THE SANTA MONICA BAY BEACHES' BACTERIA T.M.D.L.,
16 USING THE EXACT SAME APPROACH AS USED IN THE SEPTEMBER
17 2006 REOPENER. RECALL THAT SUMMER DRY WEATHER WASTE LOAD
18 ALLOCATIONS FOR BOTH THE SANTA MONICA BAY BEACHES'
19 T.M.D.L. AND MARINA DEL REY HARBOR ARE ZERO DAYS OF
20 EXCEEDANCE OF THE WATER QUALITY STANDARDS AT THE
21 COMPLIANCE LOCATIONS.

22 ALSO, THIS PROPOSAL DOES NOT AFFECT ANY NEW
23 JURISDICTIONS. THAT IS, ALL THE JURISDICTIONS THAT ARE
24 WITHIN THE MARINA DEL REY SUBWATERSHED, ARE ALSO
25 RESPONSIBLE JURISDICTIONS IN THE LARGER SANTA MONICA BAY

1 WATERSHED AND THE PROVISIONS INCORPORATED INTO THE MS4
2 PERMIT PERTAINING TO THAT T.M.D.L. IN SEPTEMBER OF 2006.

3 THEREFORE, THE KEY CONSIDERATION BEFORE YOU
4 TODAY IS WHETHER THERE IS ANY COMPELLING REASON TO TREAT
5 MOTHER'S BEACH AND THE BACK BASINS OF MARINA DEL REY ANY
6 DIFFERENTLY THAN THE SANTA MONICA BAY BEACHES WHEN MAKING
7 THE MS4 PERMIT CONSISTENT WITH THE AVAILABLE SUMMER DRY
8 WEATHER WASTE LOAD ALLOCATIONS. STAFF BELIEVES THAT THERE
9 IS NOT ANY REASON TO TREAT THEM DIFFERENTLY. BECAUSE OF
10 THE FACT THAT, AS I SAID, MARINA DEL REY IS A SUBWATERSHED
11 OF THE LARGER SANTA MONICA BAY WATERSHED AREA, THE MARINA
12 DEL REY BACTERIA T.M.D.L. WAS IDENTICAL AND IT'S APPROACH
13 AS SETTING THE WASTE LOAD ALLOCATIONS TO THE SANTA MONICA
14 BAY BEACHES BACTERIA T.M.D.L.. AND ALSO, MARINA DEL REY
15 IS A VERY VALUABLE RECREATIONAL AND ECONOMIC RESOURCE TO
16 THE REGION.

17 TO QUICKLY REVIEW SOME BACKGROUND: IN 2001,
18 THE L.A. COUNTY MS4 PERMIT WAS REISSUED AND INCORPORATED
19 STATE BOARD DIRECTED LANGUAGE TO REQUIRE COMPLIANCE WITH
20 WATER QUALITY STANDARDS. IN SEPTEMBER OF 2006, AS I'VE
21 MENTIONED, THE BOARD REOPENED THE PERMIT TO INCORPORATE
22 THE SUMMER DRY WEATHER WASTE LOAD ALLOCATIONS FOR THE
23 SANTA MONICA BAY BEACHES' BACTERIA T.M.D.L. INTO THE
24 PERMIT. THE WASTE LOAD ALLOCATIONS WERE INCORPORATED, AS
25 YOU'LL RECALL, AS A PROHIBITION ON SUMMER DRY WEATHER

1 FLOWS TO SANTA MONICA BAY BEACHES THAT CAUSE OR CONTRIBUTE
2 TO EXCEEDANCES OF THE REGIONAL BACTERIA STANDARDS THAT ARE
3 SET TO PROTECT WATER CONTACT RECREATION AND TO MININIMIZE
4 THE RISK OF ILLNESS FROM SWIMMING AND WATERS CONTAMINATED
5 WITH BACTERIA.

6 ADDITIONALLY, SPECIFIC RECEIVING WATER
7 LIMITES BASED ON THE BACTERIA OBJECTIVES WERE INCORPORATED
8 INTO THE PERMIT. THAT TAKES US TO THE PRESENT, WHICH IS
9 THE SUBJECT OF THIS HEARING, WHICH IS TO INCORPORATE THE
10 SAME SUMMER DRY WEATHER WASTE LOAD ALLOCATIONS FOR THE
11 MARINA DEL REY HARBOR BACK BASINS AND MOTHER'S BEACH.

12 SHALL I PAUSE WHILE THE COURT REPORTER GETS
13 SET UP?

14 CHAIR DIAMOND: THE RECORDER IS ON, SO LET'S JUST
15 CONTINUE.

16 MS. DE SHAZO: OKAY. SO NEXT, I'D LIKE TO JUST GO
17 OVER FOR YOU THE EMPITICE (PHONETIC) FOR THIS ACTION.

18 THE FIRST, OF COURSE, IS THAT MARINA DEL REY
19 IS A VERY VALUABLE, RECREATIONAL, AND ECONOMIC RESOURCE TO
20 OUR REGION. MOTHER'S BEACH ATTRACTS OVER 300,000 VISITORS
21 PER YEAR, MANY OF WHOM ARE CHILDREN DUE TO THE FACT THAT
22 MOTHER'S BEACH IS A VERY PROTECTED BEACH. MARINA DEL REY
23 AND THE IMMEDIATE VICINITY HAS A RESIDENT POPULATION OF
24 8,000 PEOPLE. IT IS THE LARGEST SMALL-CRAFT HARBOR IN THE
25 UNITED STATES, WITH OVER 5,000 BOATS' LIFTS; AND IT

1 SUPPORTS A SIGNIFICANT COMMERCIAL AREA.

2 SECOND, SINCE THE APRIL 1ST DEADLINE FOR
3 COMPLYING WITH THE SUMMER DRY WEATHER WASTE LOAD
4 ALLOCATIONS, THERE CONTINUE TO BE EXCEEDANCES OF THE
5 BACTERIA WATER QUALITY STANDARDS DURING SOME SUMMER DRY
6 WEATHER AT BOTH MOTHER'S BEACH AS WELL AS IN THE BACK
7 BASINS OF MARINA DEL REY. AND REBECCA CHRISTMANN WILL
8 PROVIDE YOU WITH MORE DETAIL ON THE STATUS OF COMPLIANCE
9 IN HER PORTION OF THE PRESENTATION.

10 THIRD, THE BOARD ESTABLISHED THE T.M.D.L. --
11 THE BOARD ESTABLISHED IN THE T.M.D.L. THAT SUMMER DRY
12 WEATHER EXCEEDANCES MUST BE ELIMINATED AND IDENTIFIED THE
13 MS4 PERMIT AS THE PRINCIPAL IMPLEMENTATION MECHANISM FOR
14 THE WASTE LOAD ALLOCATION SET FORTH IN THE T.M.D.L..

15 FURTHERMORE, THE BOARD DETERMINED THAT APRIL
16 1ST OF THIS YEAR WAS AN APPROPRIATE DEADLINE FOR COMPLYING
17 WITH THOSE SUMMER DRY WEATHER WASTE LOAD ALLOCATIONS.
18 FEDERAL REGULATION REQUIRE THAT ANY PERMIT IS CONSISTENT
19 WITH ANY AVAILABLE WASTE LOAD ALLOCATIONS FORM A T.M.D.L..

20
21 FINALLY, THE REST OF THE SANTA MONICA BAY
22 BEACHES ARE OPERATING UNDER THESE REQUIREMENTS AS A RESULT
23 OF YOUR ACTION IN SEPTEMBER OF 2006.

24 AT THIS POINT I'M GOING TO TURN THE
25 PRESENTATION OVER TO REBECCA SO THAT SHE CAN GIVE YOU AN

1 ORIENTATION TO MARINA DEL REY HARBOR, QUICKLY SUMMARIZE
2 THE T.M.D.L., AND GIVE YOU A REPORT ON THE STATUS OF
3 IMPLEMENTATION AND COMPLIANCE.

4 MS. CHRISTMANN: THANK YOU, RENEE.

5 AS PREVIOUSLY STATED, MARINA DEL REY IS A
6 SUBWATERSHED OF THE SANTA MONICA BEY WATERSHED. THE
7 WATERSHED -- THE MARINA DEL REY WATERSHED COMPRISES OF
8 APPROXIMATELY 2.9 SQUARE-MILE OF THE 414 SQUARE-MILE SANTA
9 MONICA BAY WATERSHED. MARINA DEL REY IS LOCATED SOUTH OF
10 VENICE BEACH AND NORTH OF PLAYA DEL REY, AND APPROXIMATELY
11 15 MILES SOUTHWEST OF DOWNTOWN LOS ANGELES.

12 GIVEN THE LIMITED SIZE OF THE MARINA DEL REY
13 WATERSHED, STAFF DOES NOT BELIEVE THAT THERE IS ANY REASON
14 TO TAKE A DIFFERENT APPROACH TO INCORPORATE THE SUMMER DRY
15 WEATHER WASTE LOAD ALLOCATIONS FOR MOTHER'S BEACH AND THE
16 BACK BASINS AS THAT USED IN THE SEPTEMBER 2006 REOPENER
17 WHICH INCORPORATED THE SUMMER DRY WEATHER WASTE LOAD
18 ALLOCATIONS FOR THE SANTA MONICA BAY BEACHES.

19 THE CITY OF LOS ANGELES, WHICH COMPLETELY
20 SURROUNDS THE MARINA, IS 54 PERCENT OF THE WATERSHED: THE
21 COUNTY OF LOS ANGELES COMPRISES 24 PERCENT; MARINA DEL REY
22 HARBOR COMPRISES OF 20 PERCENT; AND CULVER CITY COMPRISES
23 THE REMAINING 2 PERCENT ON THE WATERSHED. THESE AGENCIES,
24 ALONG WITH CALTRANS, ARE THE RESPONSIBLE JURISDICTIONS
25 WITHIN THE MARINA DEL REY WATERSHED. .

1 THE HARBOR IS OWNED BY THE COUNTY OF LOS
2 ANGELES AND OPERATED BY THE DEPARTMENT OF BEACHES AND
3 HARBORS. THE HARBORS CONFIGURE THE MAIN CHANNEL AND A
4 TRIBUTORY BASIN, IDENTIFIED AS BASINS A. THROUGH H. THE
5 MOST INLAND BASINS, BASINS D., E., AND F., ARE KNOWN AS
6 THE "BACK BASINS." MARINA BEACH, WHICH IS LOCATED IN THE
7 BACK OF BASIN D., MORE COMMONLY KNOWN AS "MOTHER'S BEACH",
8 THE MARINA DEL REY BACTERIA T.M.D.L. IN THIS PROCEEDING
9 COVERS MOTHER'S BEACH AND BASINS D., E., AND F. OF THE
10 BACK BASINS.

11 AS STATED PREVIOUSLY, MARINA DEL REY HARBOR
12 IS A SIGNIFICANT COMMERCIAL AND RECREATIONAL FACILITY FOR
13 SOUTHERN CALIFORNIA. AS IT'S NAME IMPLIES, MOTHER'S BEACH
14 IS A POPULAR DESTINATION OF FAMILIES WITH YOUNG CHILDREN,
15 WHERE THEY CAN SWIM IN CALM WATERS PROTECTED FROM THE
16 WAVES. MARINA DEL REY HARBOR IS THE SMALLEST LARGE-CRAFT
17 HARBOR IN THE UNITED STATES WITH OVER 5,000 BOATS' LIFTS,
18 6 YACHTS CLUBS, AND 19 ANCHORAGES.

19 IN ADDITION, THE LOYOLA AND UCLA CREW CLUBS
20 PRACTICE IN AND AROUND THE HARBOR. THE MARINA ALSO DRAWS
21 MANY ANGLERS, SINCE FISHING IS PERMITTED ALONG THE PUBLIC
22 DOCKS AROUND THE MARINA. THERE ARE ALSO A VARIETY OF
23 RESTAURANTS, SHOPS, AND HOTELS IN AND AROUND MARINA DEL
24 REY THAT ARE POPULAR TOURIST DESTINATIONS. THE COUNTY OF
25 LOS ANGELES' SOUTH BAY BICYCLE TRAIL IS A 19-MILE BIKE

1 PATH FROM TORRANCE BEACH TO SANTA MONICA, WHICH PROVIDES
2 AN ACT FOR JOGGING, WALKING, ROLLER SKATING, AND BIKING IN
3 AND AROUND THE HARBOR.

4 THE MARINA DEL REY HARBOR, MOTHER'S BEACH,
5 AND BACK BASINS' BACTERIA T.M.D.L. SETS A NUMERIC TARGET
6 AND WASTE LOAD ALLOCATIONS TO TREAT WATER QUALITY STATUS
7 FOR MOTHER'S BEACH AND BASINS D., E., AND F. THE NUMERIC
8 TARGETS ARE THE WATER QUALITY OBJECTIVES FOR FECAL
9 INDICATIVE BACTERIA SAID TO PROTECT THE WATER CONTACT
10 RECREATION BENEFICIAL USE IN MARINE WATERS, WHICH WERE
11 ADOPTED BY THIS REGIONAL BOARD IN 2001. THESE OBJECTIVES
12 ARE THE SAME AS THE AB411 BACTERIOLOGICAL STANDARD FOR
13 PROTECTION OF PUBLIC HEALTH CONTAINED IN THE CALIFORNIA
14 CODE OF REGULATIONS.

15 THE T.M.D.L. ESTABLISHES SUMMER DRY WEATHER
16 WASTE LOAD ALLOCATIONS AS ZERO EXCEEDANCES OF THE BACTERIA
17 OBJECTIVES DURING DRY WEATHER FROM APRIL 1ST THROUGH
18 OCTOBER 31ST. THE T.M.D.L., WHEN ADOPTED IN 2003,
19 SPECIFIES THAT IMPLEMENTATION MECHANISMS FOR THE T.M.D.L.
20 WILL INCLUDE THE L.A. COUNTY MS4 PERMIT. EACH MPDS PERMIT
21 ASSIGNED A WASTE LOAD ALLOCATION (INAUDIBLE) IN ACCORDANCE
22 WITH APPLICABLE LAWS TO INCORPORATE THE WASTE LOAD
23 ALLOCATIONS AS A PERMIT REQUIREMENT.

24 THE T.M.D.L., WHICH WAS ADOPTED BY THE
25 REGIONAL BOARD FOUR YEARS AGO AND BECAME EFFECTIVE ON

1 MARCH 18TH, 2004, AFTER BEING APPROVED BY STATE BAR AND
2 THE OFFICE OF ADMINISTRATIVE LAW AND U.S. EPA, DETERMINED
3 THAT COMPLIANCE OF THE SUMMER DRY WEATHER WASTE LOAD
4 ALLOCATIONS WAS ENCARTED (PHONETIC) BY APRIL 1ST OF THIS
5 YEAR.

6 AS IS IN THE FIGHT IN THE MARINA DEL REY
7 IMPLEMENTATION PLAN SUBMITTED IN JANUARY OF 2007, THE
8 STRUCTURAL DRY WEATHER DISCHARGE CONTROL PROGRAM CONSISTS
9 OF THREE LOW-FLOW DIVISION PROJECTS, THE MARINA BEACH
10 WATER QUALITY IMPROVEMENT PROJECT, AND THE MARINA SHORES'
11 IDENTIFICATION AND CONTROL PROGRAM. THREE OF THE LOW-FLOW
12 PROJECTS WERE COMPLETED DECEMBER OF 2006. THE (INAUDIBLE)
13 PUMP STATION LOW-FLOW DIVERSION PROJECT IS EXPECTED TO BE
14 COMPLETED IN 2008. ALL THREE OF THESE PROJECTS WOULD
15 DIVERT NON-STORE WATER RUNOFF TO SANITARY SEWER FOR
16 TREATMENT AT THE HYPERION TREATMENT PLANT.

17 THE COUNTY OF LOS ANGELES, DEPARTMENT OF
18 BEACHES AND HARBORS INITIATED THE MOTHER'S BEACH WATER
19 QUALITY IMPROVEMENT PROJECT. AS PART OF THAT PROJECT TWO
20 WATER CIRCULATORS WERE INSTALLED IN BASIN D. IN OCTOBER OF
21 2006, TO INCREASE WATER CIRCULATION AT MOTHER'S BEACH.
22 CURRENTLY A STORM DRAIN COLLECTION SYSTEM IS BEING
23 INSTALLED AT MOTHER'S BEACH TO DIVERT SURFERS AROUND FROM
24 THE BEACH TO BASIN C.

25 AS REQUIRED BY THE T.M.D.L., A NON-PROFIT

1 SOURCE STUDY WAS SUBMITTED TO IDENTIFY AND DETERMINE THE
2 BACTERIAL LOADING FROM NON-POINT SOURCES. THE STUDY
3 IDENTIFIED AND CHARACTERIZED NON-POINT SOURCES AND
4 PROVIDED RECOMMENDATIONS TO THE MARINA DEL REY
5 JURISDICTIONAL GROUP.

6 THIS SLIDE CONTAINS A BRIEF SUMMARY OF SOME
7 OF THE CONCLUSIONS REACHED AT MOTHER'S BEACH AND BACK
8 BASINS' BACTERIA (INAUDIBLE) NON-POINT SOURCE STUDY. THE
9 SPATIAL AND TECRAL (PHONETIC) SURVEYS CONSISTED OF FIVE
10 DRY WEATHER (INAUDIBLE) AND TWO WEATHER (INAUDIBLE). LIVE
11 RESAMPLING TO FACILITATE RIVAL TYPING TECHNIQUES AND
12 VISUAL AND SPOT SAMPLE OF POTENTIAL BACTERIA SOURCES. SOME
13 OF THE CONCLUSIONS REACHED IN THIS STUDY ARE THAT
14 DUMPSTERS, RESTAURANTS, AND RESTROOMS WASH DOWN PRACTICES
15 ARE A SOURCE OF BACTERIA. OTHER SOURCES OF BACTERIAL
16 CONTAMINATION INCLUDES BIRDS, RODENTS, DOGS, AND HUMANS.

17 A CLOSED CIRCUIT TELEVISION CAMERA
18 INVESTIGATION FOUND CRACKS AND OTHER EVIDENCE OF
19 STRUCTURAL INTERGRITY PROBLEMS IN THE SEWER LINES ADJACENT
20 TO MOTHER'S BEACH AND THE BACK BASINS. THREE BOAT SURVEYS
21 WERE CONDUCTED TO ASSESS THE EXTENT TO WHICH BOATS MAY
22 HAVE HAD WATER QUALITY. THE RESULTS INDICATED THAT
23 ILLICIT DISCHARGES OF SEWAGE FROM BOATS ARE NOT A LIKELY
24 SOURCE OF CONTAMINATION.

25 HOWEVER, ILLEGAL DISCHARGES FROM BOATS ARE

1 INHERENTLY EPISODIC, AND THE RESULTS OF THE STUDY CANNOT
2 RULE OUT BOATS AS A POTENTIAL SOURCE. A DRY AND WET
3 WEATHER SEDIMENT INVESTIGATION WAS CONDUCTED AT MOTHER'S
4 BEACH TO ACCESS THE EXTENT THAT SEDIMENTS MAY ACT AS A
5 RESERVOIR OF BACTERIA. THIS STUDY FOUND THAT THE
6 SEDIMENTS ARE GENERALLY UNCONTAMINATED. ALTHOUGH THIS
7 STUDY HAS BEEN SUBMITTED, PLEASE NOTE THAT IT HAS NOT BEEN
8 PEER REVIEWED, NOR HAS REGIONAL BOARD STAFF CRITICALLY
9 REVIEWED ITS DESIGN AND IMPLEMENTATION.

10 THEREFORE, THIS CITY CANNOT BE THE BASIS AT
11 THIS TIME FOR REEVALUATION OF THE RECENT ALLOCATIONS. THE
12 COUNTY IS RELYING UPON THIS STUDY TO CONCLUDE THAT THE
13 PRIMARY SOURCE OF BACTERIA IS BIRDS. HOWEVER, THE STUDY
14 SHOWS THAT THERE ARE OTHER MAJOR SOURCES OF BACTERIA OT
15 THE BACK BASINS BESIDES THE ONES I'VE ALREADY MENTIONED.
16 ANOTHER SOURCE IS THE DISCHARGE FROM ITS OXFORD FLOOD
17 CONTROL BASIN.

18 FROM APRIL 1ST THROUGH JULY 31ST OF THIS
19 YEAR, THERE HAVE BEEN 17 EXCEEDANCE DAYS OF THE BACTERIAL
20 WATER QUALITY OBJECTIVES. THIRTEEN 267 LETTERS HAVE BEEN
21 SUBMITTED REQUIRING INFORMATION FOR THE EXCEEDANCES AT
22 MOTHER'S BEACH AND BASIN E. TIMELY RESPONSES RECEIVED BY
23 THE REGIONAL BOARD FOR THE (INAUDIBLE) AND ARE CURRENTLY
24 BEING EVALUATED BY REGIONAL BOARD STAFF.

25 ALTHOUGH IMPLEMENTATIONS HAVE BEEN CONDUCTED

1 BY THE RESPONSIBLE AGENCIES TO COMPLY WITH THE SUMMER DRY
2 WEATHER WASTE LOAD ALLOCATIONS, EXCEEDANCES OF THE
3 BACTERIA WATER QUALITY STATUS CONTINUE TO INCUR.

4 RENE DE SHAZO WILL NOW BE PRESENTING
5 PERMITTING OPTIONS, PROPOSE LANGUAGE, SIGNIFICANT
6 COMMENTS, AND ALTERNATIVES, AND STAFF RECOMMENDATIONS.

7 MS. DE SHAZO: SO THERE ARE FIVE OPTIONS FOR
8 BRINGING THE T.M.D.L.'S SUMMER DRY WEATHER WASTE LOAD
9 ALLOCATIONS INTO THE FEDERAL MS4 PERMITTING SCHEME, SOME
10 OF WHICH WERE PURPOSED BY THE MS4 PERMITEES DURING THE
11 SEPTEMBER 2006 REOPENER. THESE ARE LISTED ON THE SLIDE
12 BEFORE YOU. THESE WERE THE OPTIONS THAT WERE CONSIDERED
13 BY THE BOARD DURING THE SEPTEMBER 2006 REOPENER TO
14 INCORPORATE THE SANTA MONICA BAY BEACHES BACTERIA T.M.D.L.
15 WASTE LOAD ALLOCATIONS.

16 AT THAT TIME, STAFF RECOMMENDED OPTION A.,
17 AND THE BOARD CONCLUDED AT THE END OF THAT HEARING THAT
18 OPTION A. WAS THE MOST APPROPRIATE APPROACH TO USE TO
19 INCORPORATE THE WASTE LOAD ALLOCATIONS INTO THE PERMIT.
20 TODAY IN THIS ACTION FOR US, A SUBWATERSHED OF SANTA
21 MONICA BAY, WE ARE AGAIN RECOMMENDING OPTION A. THE STAFF
22 REASONING WAS DETAILED IN THE FACTS SHEET PROVIDED TO YOU
23 BACK FOR THE SEPTEMBER 2006 REOPENER AND HAS BEEN AGAIN
24 REITERATED IN THE FACTS SHEET FOR THIS ITEM BEFORE YOU.

25 SO TO QUICKLY REVIEW THE CONTENTS OF OPTION

1 A., WHAT WE'RE RECOMMENDING IS INCORPORATING THE SUMMER
2 DRY WEATHER BACTERIA WASTE LOAD ALLOCATIONS AS A
3 PROHIBITION ON DISCHARGES FROM THE MS4 TO MARINA DEL REY
4 BACK BASINS AND MOTHER'S BEACH AND TO MAKE THE ADDITIONS
5 THAT YOU SEE ON YOUR SLIDE TO PART 1.B OF THE PERMIT AND
6 ADD A NEW SECTION, PART 2.6, UNDER "RECEIVING WATER
7 LIMITATIONS." AND YOU CAN SEE THESE ADDITIONS ON PAGE
8 12-14 OF YOUR BOARD PACKAGES.

9 AS YOU CAN SEE, THE TEXT ADDITIONS FOR THIS
10 LIMITED REOPENER BASICALLY ADDS THE WORDS "MARINA DEL REY
11 HARBOR BACK BASINS" D., E., AND F., AND MOTHER'S BEACH TO
12 THE PROVISIONS THAT WERE ADDED IN SEPTEMBER OF 2006.

13 PART 2.6 IS IDENTICAL TO PART 2.5 ADDED IN
14 SEPTEMBER OF 2006 FOR SANTA MONICA BAY, BUT RELATES TO THE
15 MARINA DEL REY BACK BASINS AND MOTHER'S BEACH. AND YOU
16 CAN SEE THESE ADDITIONS ON PAGE 12-16 OF YOUR BOARD
17 PACKAGES.

18 THE NEXT THING I'D LIKE TO DO IS GO OVER THE
19 PUBLIC COMMENTS, THE OPPORTUNITY FOR PUBLIC COMMENT THAT
20 WE PROVIDED AND THE COMMENTS THAT WE RECEIVED. THE
21 COMMENT PERIOD FOR THIS ITEM EXTENDED FROM MAY 11TH TO
22 JUNE 25TH. WE RECEIVED THREE COMMENT LETTERS. THESE WERE
23 A JOINT LETTER FROM HEAL THE BAY AND SANTA MONICA
24 BAYKEEPER; A JOINT LETTER FROM THE COUNTY OF LOS ANGELES
25 AND THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT; AND A

1 LETTER FROM THE LAW FIRM BERNHEIM AND GUEST (PHONETIC)
2 REPRESENTING THE COUNTY OF LOS ANGELES AND L.A. COUNTY
3 FLOOD CONTROL DISTRICT.

4 AS MENTIONED BY CHAIR DIAMOND IN THE OPENING
5 STATEMENT FOR THIS ITEM, MR. MARK PESTRELLA, ON BEHALF OF
6 THE COUNTY OF LOS ANGELES AND THE L.A. COUNTY FLOOD
7 CONTROL DISTRICT, HAS WITHDRAWN THE LETTER CONTAINING THE
8 PROCEDURAL OBJECTIONS LODGED BY MR. HOWARD GUEST, ON
9 BEHALF OF THE COUNTY. HEAL THE BAY AND SANTA MONICA
10 BAYKEEPER WERE FULLY SUPPORTIVE OF THE PROPOSED ACTION.
11 OUR RESPONSE TO COMMENTS WAS INCLUDED IN YOUR AGENDA
12 PACKAGE ON PAGE 12-51 TO 12-67 AND POSTED ON THE REGIONAL
13 BOARD'S WEBSITE ON JULY 26TH.

14 NEXT I'D LIKE TO BRIEFLY DISCUSS FIVE OF THE
15 SIGNIFICANT COMMENTS FROM THE LOS ANGELES COUNTY AND
16 STAFF'S RESPONSE TO THOSE COMMENTS. THE FIRST THAT I
17 WANTED TO NOTE IS THAT FOUR OF THE FIVE COMMENTS THAT I'M
18 GOING TO DISCUSS WITH YOU ARE THE SAME AS COMMENTS THAT
19 WERE RAISED BY THE COUNTY IN THE SEPTEMBER 2006 HEARING.
20 AND ON THE SLIDES I'VE PROVIDED A REFERENCE TO THE COMMENT
21 FROM SEPTEMBER 2006, AND WE ALSO, AS YOU PROBABLY NOTED IN
22 YOUR BOARD PACKAGE, PROVIDED YOU WITH SOME OF THE
23 MATERIALS FROM SEPTEMBER 2006 SO THAT YOU CAN REFERENCE
24 BACK TO THOSE SAME COMMENTS.

25 IN THE FIRST COMMENTS, L.A. COUNTY COMMENTED

1 THAT THE BOARD SHOULD NOT INCLUDE NUMERIC LIMITS, BUT
2 RATHER SHOULD INCLUDE BMP'S INTO THE PERMIT. THE COUNTY
3 CLAIMS THAT THE INCLUSION OF NUMERIC LIMITS IS CONTRARY TO
4 U.S. EPA'S 2002 MEMORANDUM ON ESTABLISHING T.M.D.L. WASTE
5 LOAD ALLOCATIONS FOR STORM WATER SOURCES AND MPDS PERMIT
6 REQUIREMENTS BASED ON THOSE WASTE LOAD ALLOCATIONS, AS
7 WELL AS CONTRARY TO THE STORM WATER PANEL RECOMMENDATIONS
8 TO THE STATE BOARD THAT WERE ISSUED LAST SUMMER. THOSE
9 DOCUMENTS REFERENCED BY THE COUNTY DEAL EXCLUSIVLY WITH
10 STORM WATER DISCHARGES, WHILE THE PROPOSAL BEFORE YOU
11 TODAY AND THE PROPOSAL YOU ADOPTED IN SEPTEMBER OF 2006
12 RELATE OT DRY WEATHER THAT IS NON-STORM WATER DISCHARGES
13 FROM THE MUNICIPAL SEPARATE STORM SEWER SYSTEM. THESE
14 MEMORANDUMS AND PANEL RECOMMENDATIONS DO NOT SPEAK TO
15 NON-STORM WATER OR DRY WEATHER DISCHARGES.

16 THE NEXT COMMENT THAT L.A. COUNTY MADE WAS
17 THAT THE BOARD SHOULD INCORPORATED THE WASTE LOAD
18 ALLOCATIONS AS PART OF THE ITERATIVE PROCESS. THE COUNTY
19 SAYS THAT THIS IS THE PROCESS RECOMMENDED BY EPA AND
20 ORDERED BY THE STATE BOARD. AGAIN, THE U.S. EPA
21 MEMORANDUM AND STATE BOARD'S ORDER THAT THEY REFERENCE
22 DISCUSS THE USE OF THE ITERATIVE APPROACH FOR STORM WATER
23 DISCHARGES. THE APPROPRIATE RESPONSE FOR NON-STORM WATER
24 DISCHARGE IS TO PROHIBIT THE DISCHARGE OR TO REQUIRE
25 COMPLIANCE WITH THE WATER QUALITY STANDARDS. AN ITERATIVE

1 APPROACH IS NOT APPROPRIATE IN THIS CASE BEAUSE IT WOULD
2 NOT BE CONSISTENT WITH THE SUMMER DRY WEATHER WASTE LOAD
3 ALLOCATIONS OF THE T.M.D.L.. AND BE HARM (SIC) TO THE
4 PUBLIC FROM VIOLATING THOSE WASTE LOAD ALLOCATIONS IS
5 SIGNIFICANT IN TERMS OF THE HEALTH IMPACTS AND THE
6 ECONOMIC COSTS TO REGION.

7 THE NEXT COMMENT WAS FROM THE COUNTY THAT
8 BOARD SHOULD NOT INCORPORATE NUMERIC LIMITS INTO THE
9 PERMIT WHILE THE ISSUE OF WHETHER BACTERIA FROM NON-POINT
10 SOURCES INDICATES THE PRESENCE OF HUMAN PATHOGENS. AND I
11 WANT TO RESPOND HERE THAT IT HAS BEEN DOCUMENTED THAT
12 STORM DRAINS IN SANTA MONICA BAY CONTAIN HUMAN PATHOGENS
13 AND THAT THE PRESENCE OF HUMAN PATHOGENS HAS BEEN SHOWN TO
14 COINCIDE IN SOME STUDIES WITH LEVELS OF BACTERIA IN EXCESS
15 OF THE STANDARDS. AND ONE OF THESE STUDIES IS THE
16 REGIONAL MONITORING PROGRAM CONDUCTED BY THE
17 S.C.C.W.R.P.S, SOUTHERN CALIFORNIA COASTAL WATER RESEARCH
18 PROJECT IN 1998.

19 ADDITIONALLY, THE SANTA MONICA BAY
20 EPIDEMIOLOGICAL STUDY CONDUCTED IN 1995 FOUND
21 RELATIONSHIPS BETWEEN ILLNESSES AND THE PROXIMITY TO STORM
22 DRAINS. THE NON-POINT SOURCE STUDY COMMISSIONED BY THE
23 COUNTY AND OTHER RESPONSIBLE AGENCIES, AS PART OF
24 REQUIREMENTS FOR THE T.M.D.L., ALSO IDENTIFIED STRUCTURAL
25 DEFECTS, AS REBECCA MENTIONED, IN THE SEWER -- THE

1 SANITARY SEWER LINES SURROUNDING MARINA DEL REY, ALONG
2 OTHER POTENTIAL ANTHROPOGENIC SOURCES OF BACTERIA. IN
3 LIGHT OF THESE FINDINGS AND AGAIN THE THOUSANDS OF PEOPLE
4 WHO ARE USING MARINA DEL REY, WE FEEL IT'S APPROPRIATE
5 THAT THE REGIONAL BOARD PUT IN THIS PROHIBITION TO THE
6 STORM WATER PERMIT.

7 THE NEXT COMMENT AND THE FINAL ONE THAT I'LL
8 TALK ABOUT THAT THE COUNTY MADE IS THAT THE BOARD SHOULD
9 DEFER CONSIDERATION OF THE AMENDMENT BECAUSE THE COUNTY
10 CLAIMS THAT THE BOARD IS WITHOUT AUTHORITY TO REOPEN THE
11 PERMIT BECAUSE THE PERMIT HAS EXPIRED. AND OUR RESPONSE TO
12 THAT IS THAT THERE ARE WASTE LOAD ALLOCATIONS THAT ARE
13 AVAILABLE FROM THE MARINA DEL REY T.M.D.L. AS I'VE
14 MENTIONED NUMEROUS TIMES, THERE ARE THOUSANDS OF PEOPLE THAT
15 ARE ENGAGED IN WATER CONTACT RECREATION AT MOTHER'S BEACH
16 AND IN MARINA DEL REY. THERE ARE CONTINUED EXCEEDANCES OF
17 THE STANDARDS DURING SUMMER DRY WEATHER, AND COMPLIANCE WAS
18 REQUIRED PER THE T.M.D.L. BY APRIL 1ST, 2007, PRIOR TO WHEN
19 THE L.A. COUNTY PERMIT CAN FEASIBLY BE REISSUED.

20 SO TO DEFER UNTIL PERMIT REISSUANCE WOULD BE
21 CONSISTENT WITH THE T.M.D.L. REGULATION. AND ALSO IN
22 TERMS OF THE LEGAL ANALYSIS, YOU'VE HAD AN OPPORTUNITY TO
23 REVIEW THE FULL LEGAL ANALYSIS OF THIS COMMENT AND THE
24 RESPONSE TO COMMENTS BEGINNING AT PAGE 12-58 AND
25 CONTINUING TO 12-62.

1 SO JUST TO CONCLUDE THE DISCUSSION OF THE
2 COMMENTS THAT WE RECEIVED, I JUST WANT TO STATE THAT WE
3 RECEIVED NO COMPELLING COMMENTS ON WHY THIS SUB-WATERSHED
4 OF SANTA MONICA BAY SHOULD BE TREATED ANY DIFFERENTLY THAN
5 THE OTHER SANTA MONICA BAY BEACHES THAT WERE INCORPORATED
6 IN 2006.

7 SO QUICKLY TO GO OVER THE OPTIONS BEFORE THE
8 BOARD TODAY, IN TERMS OF YOUR ACTIONS, YOU HAVE THE ACTION
9 TO NOT ACT AT ALL; OPTION A., WHICH I SAID IS OUR
10 RECOMMENDED OPTION, WHICH WOULD BE INCLUDING A PROHIBITION
11 ON THE SUMMER DRY WEATHER DISCHARGES CONTAINING BACTERIA
12 IN EXCESSIVE STANDARDS WITH THE CORRESPONDING RECEIVING
13 WATER LIMITS; AND OPTION A., WITH CHANGES ARISING AS A
14 LOGICAL OUTGROWTH OF THE BOARD HEARING TODAY.

15 AGAIN, OUR RECOMMENDATION IS THAT THE BOARD
16 ADOPT OPTION A., WHICH AMENDS PART 1, "DISCHARGE
17 PROHIBITIONS," AND PART 2, "RECEIVING WATER LIMITATIONS."
18 ADDITIONALLY, STAFF RECOMMENDS THAT THE BOARD ADOPT THE
19 NON-SUBSTANTIVE MODIFICATIONS DESCRIBED ON PAGE 12-17,
20 WHICH ELIMINATES SOME REDUNDANCIES AND FIX A TYPOGRAPHICAL
21 ERROR IN THE SEPTEMBER 2006 AMENDMENT. AND I CAN WALK YOU
22 THROUGH THOSE IF YOU'D LIKE. HOWEVER, THEY ARE ALL
23 NON-SUBSTANTIVE IN NATURE.

24 ADDITIONALLY, THE COUNTY HAS REQUESTED THAT YOU
25 ADD THE FINDING SHOWN ON THE YELLOW CHANGE SHEET THAT WAS

1 GIVEN TO YOU THIS MORNING. THESE FINDINGS ACKNOWLEDGE THE
2 WORK OF THE COUNTY AND OTHER RESPONSIBLE AGENCIES TOWARD
3 IMPLEMENTING THE MARINA DEL REY T.M.D.L. WE SUGGEST THAT
4 YOU ADOPT OPTION A. WITH THESE CHANGES TO THE FINDINGS AND
5 WITH THE NON-SUBSTANTIVE CHANGES.

6 AND THAT'S THE CONCLUSION OF MY PRESENTATION.
7 THANK YOU.

8 CHAIR DIAMOND: THANK YOU, RENEE, VERY MUCH. AND I
9 WANT TO THANK ALL OF THE STAFF FOR THE WORK THAT YOU'VE
10 DONE. I HAVE TO ACKNOWLEDGE THAT A LOT OF WORK WAS DONE
11 IN PREPARATION FOR THE ALTERNATIVE HEARINGS, WHICH WE
12 FOUND OUT -- THAT YOU FOUND OUT JUST YESTERDAY WOULD NOT
13 BE TAKING PLACE. AND WHILE WE APPRECIATE THE COUNTY'S
14 ALLOWING US NOT TO HAVE THOSE ALTERNATIVE HEARINGS, I DO
15 WANT TO RECOGNIZE THAT THE STAFF WORKED VERY HARD TO
16 PREPARE FOR THAT. BECAUSE WE JUST FOUND YESTERDAY THAT
17 THOSE WOULDN'T BE HAPPENING.

18 SO NOW WE'RE GOING TO GO ON TO THE COUNTY'S
19 PRESENTATION. AND I HAVE MR. MARK PESTRELLA REPRESENTING
20 THE COUNTY OF LOS ANGELES.

21 MR. PESTRELLA: GOOD MORNING, MADAM CHAIR,
22 HONORABLE BOARD MEMBERS. MY NAME IS MARK PESTRELLA. I'M
23 ASSISTANT DEPUTY DIRECTOR OF L.A. COUNTY DEPARTMENT OF
24 PUBLIC WORKS. AND I'M HERE TODAY REPRESENTING THE COUNTY
25 OF LOS ANGELES AND THE L.A. COUNTY FLOOD CONTROL DISTRICT.

1 I APPRECIATE YOUR CONSIDERATION IN MOVING
2 THIS AGENDA ITEM TO THE TOP OF TODAY'S AGENDA. MY WIFE IS
3 ESPECIALLY APPRECIATIVE, AS IT'S OUR 18TH WEDDING
4 ANNIVERSARY AND WE'RE TRYING TO GET OUT OF TOWN TODAY.

5 THE PURPOSE OF MY TESTIMONY TODAY IS TO
6 RESPECTFULLY ACCEPT YOUR STAFF'S RECOMMENDATION TO REOPEN
7 THE COUNTY OF LOS ANGELES' MS4 PERMIT FOR THE PURPOSE OF
8 INCLUDING THE PROVISION OF THE MARINA DEL REY WEATHER --
9 DRY WEATHER BACTERIA T.M.D.L., THE COUNTY, AND THE FLOOD
10 CONTROL DISTRICT HAVE SUBMITTED COMMENTS, AS YOU'VE HEARD,
11 ARTICULATING OUR CONCERNS REGARDING THIS ACTION. AND WE
12 HAVE RECEIVED YOUR STAFF'S RESPONSES TO THESE COMMENTS.

13 I'VE PERSONALLY SPENT THE LAST MONTH
14 DISCUSSING THESE CONCERNS WITH THE COUNTY BOARD OF
15 SUPERVISORS, YOUR ACTING -- OR YOUR INTERIM EXECUTIVE
16 OFFICER DEBORAH SMITH, THE MARINA DEL REY RESPONSIBLE
17 AGENCIES, AND OTHER IMPORTANT STAKEHOLDERS, SUCH AS MARK
18 GOLD OF HEAL THE BAY. I'M PLEASED TO REPORT TO YOU AS A
19 RESULT OF THESE DISCUSSIONS, WE ARE READY TO MOVE FOWARD
20 IN A SPIRITED COLLABORATION AND IN THE INTEREST OF OUR
21 CITIZENS, BY PUTTING ASIDE ANY DIFFERENCES IN OPINION AND
22 CONTINUE OUR ONGOING EFFORTS TO QUANTIFY AND ADDRESS
23 ANTHROPOGENIC SOURCES OF BACTERIA WITHIN THE MARINA.

24 WHAT I'D LIKE TO DO WITH THE REST OF MY TIME
25 TODAY IS GO OVER A LITTLE BIT ABOUT WHAT THE COUNTY'S BEEN

1 DOING IN THE MARINA DEL REY WATERSHED. TALK TO YOU A
2 LITTLE BIT ABOUT THE COUNTY OF LOS ANGELES AND THE LOS
3 ANGELES COUNTY FLOOD CONTROL DISTRICT'S RESPONSIBILITIES
4 FOR THE MARINA DEL REY WATERSHED. GIVE YOU AN UPDATE ON
5 THE WATER QUALITY RESULTS THAT WE'VE BEEN COLLECTING FOR
6 SOME TIME AND SOME NEW RESULTS THAT I THINK YOU'D BE
7 PLEASED TO HEAR, AND TALK TO YOU ABOUT SOME FUTURE PLANS
8 FOR THE MARINA THAT THE COUNTY OF LOS ANGELES IS CURRENTLY
9 PUTTING TOGETHER.

10 PROJECTING ON THE SCREEN YOU WILL SEE A
11 OVERSIGHT OF THE MARINA DEL REY WATERSHED. RENEE AND
12 REBECCA DID A GOOD JOB IN QUANTIFYING, SO THAT THINGS ARE
13 -- I'LL GIVE YOU SOME OF THE FACTS THAT I KNOW ABOUT IT AS
14 WELL. THE WATERSHED IS 1855 ACRES IN SIZE; 1849 ACRES OF
15 THAT WATERSHED ARE ACTUALLY DEVELOPED WITH ABOUT,
16 APPROXIMATELY, 7 ACRES STILL IN OPEN SPACE. MOST OF THE
17 DEVELOPMENT, AS YOU KNOW, IS RESIDENTIAL IN NATURE: HIGH
18 DENSITY RESIDENTIAL, COMMERCIAL AND BUSINESSES, INCLUDING
19 THE MARINA.

20 ONE THING OF INTEREST FOR THIS T.M.D.L. IS
21 THAT THE WATERSHED AREA THAT IS ACTUALLY TRIBUTARY TO THE
22 BACK BASINS IS A SMALL PORTION OF THE GREATER BASIN; AND
23 THAT WATERSHED IS THE UPPER PORTION YOU SEE ON THE SCREEN
24 UP THERE, AND PRIMARILY THAT AREA IS OCCUPIED BY THE CITY
25 OF LOS ANGELES RESIDENCE. AND THE FLOWS FROM THAT AREA,

1 STORM WATER AND (INAUDIBLE), RUN TO THE BACK BASINS D.,
2 E., AND F., INCLUDING OXFORD BASIN AND MOTHER'S BEACH AS
3 DISCUSSED TODAY EARLIER.

4 THE MARINA IS OWNED AND OPERATED BY THE
5 COUNTY OF LOS ANGELES AS NOTED EARLIER, AND YOU CAN
6 IMAGINE THAT -- IT IS CONSIDERED A JOULE ON THE COUNTY'S
7 (INAUDIBLE) LANDS. THE MARINA SERVES A MAJOR ECONOMIC AND
8 RECREATIONAL PUBLIC ASSET AND IS MANAGED BY OUR DEPARTMENT
9 OF BEACHES AND HARBORS AS STATED EARLIER. AND, YES, EVERY
10 YEAR THOUSANDS OF TOURISTS AND RESIDENCE VISIT THE MARINA
11 BY LAND AND SEA. THE COUNTY BELIEVES MAINTAINING PROPER
12 WATER QUALITY IS ESSENTIAL TO THE HEALTH AND SUSTAINIBILITY
13 OF THE MARINA DEL REY COMMUNITY AND ITS INTEGRITY IN IT
14 ECONOMIC FUTURE; DEVELOP IT WITHIN THE MARINA AND SUBMIT
15 IT TO THE PROVISIONS OF THE COUNTY MPDS PERMIT -- I WANT
16 THAT TO BE NOTED, THAT ANY DEVELOPMENT WITHIN THE COUNTY
17 OR UNINCORPORATED AREA AND WITHIN THE MARINA, LEASE HOLDS
18 IS REVIEWED FOR COMPLIANCE WITH OUR CURRENT MS4 PERMIT AND
19 THOSE PROVISIONS UNDER THE DEVELOPMENT -- PLANNING
20 DEVELOPMENT CONSTRUCTION PROVISIONS OR OTHERWISE KNOWN AS
21 SUISUN (PHONETIC) PROVISIONS.

22 COUNTY'S CURRENTLY REVIEWING ITS SUISUN
23 PROVISIONS AND IS -- IN THE MONTH AUGUST OR SEPTEMBER WHEN
24 WE -- PROPOSING NEW LID STANDARDS WITHIN THE COUNTY, BUT
25 FOR NEW DEVELOPMENT TO COMPLY WITH, WHICH WE BELIEVE WILL

1 HELP NON-POINT SOURCE CONTRIBUTION TO THIS ISSUE TODAY.
2 THE OTHER REGULATIONS THAT APPLY IN DEVELOPMENT IN THE
3 MARINA AREA ARE, OF COURSE, THE COUNTY'S LAND USE
4 REQUIREMENTS IN THE CALIFORNIA COMMISSION -- HEALTH
5 (INAUDIBLE) COAST COMMISSIONS' REQUIREMENTS, ALONG WITH
6 THIS (INAUDIBLE) REQUIREMENTS.

7 THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT
8 HAS OWNED AND OPERATED A SYSTEM OF STORM DRAINS WHICH
9 PROVIDE FLOOD PROTECTION PRIMARILY TO THE LOS ANGE- -- TO
10 THE CITY OF LOS ANGELES BY RECEIVING WATER, STORM WATER
11 AND URBAN RUNOFF FROM THAT UPPER AREA THAT I POINTED OUT
12 PREVIOUSLY. THAT AREA THERE (INDICATING) IS L.A. CITY.
13 THE BLUE LINES YOU SEE IN THE -- IN THE SLIDE ARE ACTUALLY
14 STORM DRAIN LINES. THERE ARE THREE SEPARATED STORM DRAIN
15 LINES IN THIS AREA, NEXT SLIDE HERE, THAT SHOW WHAT L.A.
16 COUNTY FLOOD CONTROL CURRENTLY MAINTAINS. WE HAVE TWO
17 LINES THAT ACTUALLY MAKE THERE WAY TO OXFORD BASIN, THIS
18 ONE HERE (INDICATING) AN ANOTHER LINE THAT MAKES ITS WAY
19 TO OXFORD BASIN HERE (INDICATING), AND THEN WE HAVE A
20 THIRD LINE THAT RUNS DOWN AND ACTUALLY DIRECTLY DISCHARGES
21 TO BASIN E. IN THIS AREA (INDICATING). THOSE THREE LINES
22 ARE THE PRIMARY INFRASTRUCTURE THAT THE COUNTY FLOOD
23 CONTROL DISTRICTS OWNS AND OPERATES AND HAS RESPONSIBILITY
24 FOR UNDER THE MS4 PERMIT.

25 WITHOUT THESE FACILITIES PROPERLY OPERATING,

1 THE STREETS AND HOUSING IN THIS AREA AND BUSINESSES WOULD
2 BE FLOODED. AND THAT WOULD BE PRIMARILY IN THE CITY OF
3 L.A. AREA. AND, IN FACT, EVERY YEAR, EVEN IN SMALL
4 EVENTS, THIS AREA UP IN THIS UPPER NEIGHBORHOOD HERE
5 (INDICATING) IS -- IT'S FLOODED, AND EVEN IN A ONE-YEAR
6 EVENT. AND WHAT WE CURRENTLY DO, DUE TO LACK OF CAPACITY
7 AT OXFORD BASIN, IS PUMP THOSE FLOWS OUT OF THAT AR- --
8 WELL, PUMP THEM TO OXFORD BASIN MANUALLY FROM THAT AREA SO
9 WE CAN KEEP THE RESIDENCES AND BUSINESSES IN THAT AREA
10 FREE FROM FLOODING.

11 THE FACILITIES THAT I'M DESCRIBING WERE BUILT
12 AT THE TIME THAT THE MARINA WAS BEING DEVELOP- -- OR NOT
13 THE MARINA, BUT THE CITY OF L.A. AREA WAS BEING DEVELOPED
14 AND THAT'S SOME YEARS AGO, PRIOR TO THE 60'S; THE MARINA
15 ITSELF WAS BUILT IN THE 60'S. THIS FLOW CONTROL FAC- --
16 THESE FLOOD CONTROL FACILITIES, AS STATED EARLIER, ARE A
17 PRIMARY SOURCE OF FLOOD PROTECTION FOR THE CITY OF L.A.
18 AREA AND THIS AREA. THEY WERE NOT DESIGNED FOR WATER
19 QUALITY IMPROVMENTS OR AS STRUCTURES THAT WOULD ACTUALLY
20 TREAT STORM FLOWS OR URBAN RUNOFFS FOR WATER QUALITY.

21 OKAY. WATER QUALITY RESULTS. LIKE ANY
22 COASTAL HARBOR OR MARINA IN CALIFORNIA, THE WATER QUALITY
23 IN OUR MARINA IS HIGHLY VARIABLE. IF YOU LOOK AT THE
24 RESULTS OVER A LONG PERIOD OF TIME IN OUR MONITORING AND,
25 ACTUALLY, CURRENT RESULTS, IT'S PRETTY BAFFLING BECAUSE AT

1 ANY GIVEN TIME YOU MIGHT HAVE A SPIKE IN ONE ARE OR
2 ANOTHER, AND IT CAN BE FRUSTRATING TO TRY TO CHASE THIS
3 KIND OF GHOST ISSUE. WE ACKNOWLEDGE THERE IS WATER --
4 THERE ARE WATER QUALITY EXCEEDANCES IN THE MARINA, IN THE
5 BACK BASIN. AND WE ARE, AS YOU ARE, MOTIVATED TO ADDRESS
6 THOSE.

7 THE FACTORS AFFECTING WATER QUALITY INCLUDE
8 CIRCULATION SURROUNDING TRIBUTARY LAND USE, MARINE
9 ACTIVITIES AND ANIMAL LIFE. AS STATED EARLIER, SOME
10 RECENT STUDIES REFLECT THE MOST COMMON EXCEEDANCES
11 OCCURRED NEAR MOTHER'S BEACH SINCE APRIL OF THIS YEAR AS
12 WE'VE -- AS NOTED EARLIER IN, I BELIEVE, IT WAS RENEE'S
13 PRESENTATION. AND ALSO IN BASIN E. WE HAVE SEEN A HIGHER
14 LEVEL OF EXCEEDANCES. WE ALSO HAVE AS NOTED, A RECENT
15 NON-POINT SOURCE STUDY THAT YOUR STAFF MEMBERS AND MINE
16 WORKED ON TOGETHER OR PUT TOGETHER AND ACTUALLY HIRED
17 CONSULTANTS TO DO THIS WORK THAT IDENTIFIED THAT THERE ARE
18 NOT ONLY HUMAN, BUT ANIMAL, SPECIFICALLY BIRD,
19 CONTRIBUTIONS TO THE BACTERIA ISSUES IN THE MARINA.

20 THESE FINDINGS HAVE BEEN REPORTED TO YOU
21 THROUGH OUR WEEKLY MONITORING REPORTS AND STUDIES
22 SUBMITTED TO YOUR STAFF, AND WE ACKNOWLEDGE YOUR STAFF HAS
23 NOT HAD TIME TO REVIEW THAT STUDY FULLY. I ONLY BRING IT
24 TO YOUR ATTENTION TODAY TO LET YOU KNOW WE DO HAVE NEW
25 EVIDENCE ABOUT ISSUES IN THE AREA AND NOT TO CIRCUMVENT

1 YOUR ACTION TODAY.

2 SO LET'S TALK A LITTLE BIT ABOUT ACTIONS THAT
3 THE COUNTY HAS TAKEN AND ALSO THE OTHER RESPONSIBLE
4 AGENCIES, AS WELL AS YOURS. SOME OF THE ACTIONS WE'VE
5 TAKEN, WHICH WE DESCRIBED EARLIER AND I'LL GIVE YOU -- I
6 WAS SITTING IN THE BACK SEAT BACK THERE GETTING UP-TO-DATE
7 STATUS OF EVERY ONE OF THESE ITEMS, SO I CAN TELL YOU THAT
8 THIS IS AS OF THE MOMENT. THE COUNTY HAS DIVERTED TWO OF
9 THE MAJOR STORM DRAINS, NOT THREE AS EARLIER STATED. ONE
10 TO OXFORD BASIN; WE'VE DIVERTED ALL THE LOW FLOW THAT
11 REACHES OXFORD BASIN FROM THIS DRAIN TO L.A. CITY SEWER
12 FOR TREATMENT. AND WE HAVE DIVERTED FROM OUR (INAUDIBLE)
13 PLANT, WHICH IS A PUMP PLANT THAT HAS A VOLT THAT CAN
14 CATCH MOST OF THE DRY WEATHER FLOWS IN THIS AREA OFF TO
15 L.A. CITY SEWER AS WELL. THE THIRD DRAIN, WHICH IS THIS
16 DRAIN HERE (INDICATING) COMING INTO OXFORD BASIN, IS
17 CURRENTLY UNDER THE -- THE DIVERSION IS CURRENTLY UNDER
18 DESIGN. THE DIFFICULTIES WITH THAT DRAIN ARE LIKE THE
19 OTHER ONES, HIGH (INAUDIBLE) IS A MAJOR FACTOR IN ANY WORK
20 WE DO AND THAT WILL VARY AS WELL AS CONFLICTING UTILITIES.
21 THE COST TO DIVERT THAT DRAIN ALONE IS PROBABLY TWICE THE
22 PREVIOUS DRAIN HERE BECAUSE OF THE LACK OF INFRASTRUCTURE.

23 DESPITE THE COST, THE COUNTY'S COMMITTED TO
24 DIVERTING THAT DRAIN AND WE EXPECT IT TO BE -- THE DESIGN
25 TO BE COMPLETED THIS YEAR AND CONSTRUCTED TO HAVE

1 COMMENCED NEXT YEAR. WE BELIEVE THOSE DIVERSIONS WILL
2 AGAIN HELP WITH THE WATER QUALITY WITHIN OXFORD BASIN, AND
3 WE WOULD HOPE THAT IT WOULD HELP WITHIN THE MOTHER'S BEACH
4 AREA AS WELL AS IN BASIN E.

5 OKAY. THE OTHER THING THAT WE HAVE DONE,
6 MOTHER'S BEACH A VERY IMPORTANT FACILITY, AS STATED
7 PREVIOUSLY, TO THE COMMUNITY AND TO OUR BEACHES AND HARBOR
8 DEPARTMENT. WE'VE INSTALLED TWO CIRCULATOR INSTALLED IN
9 THE MOTHER BEACH AREA. THESE CIRCULATORS GENERATE, CAUSE
10 CIRCULATION, AS CAN GATHER, WITHIN THE MARINA -- WITHIN
11 THE MOTHER'S BEACH AREA. THE IDEA IS THAT THE CIRCULATION
12 WILL CAUSE ANY BACTERIA TO RISE TO THE SURFACE AND THAT
13 ULTRA VIOLET LIGHT FROM THE SUN RAYS WOULD THEN KNOCK DOWN
14 THE BACTERIA. SOME GOOD NEWS ABOUT THAT IS SINCE JUNE OF
15 THIS YEAR, LATE JUNE OF THIS YEAR, AFTER WE TOOK A LOOK AT
16 OPERATIONS IN THAT AREA, WE'VE SEEN SOME REDUCTIONS. IN
17 FACT, WE HAVEN'T HAD ANY EXCEEDANCES SINCE JUNE 28TH, I
18 BELIEVE IT IS, OF THIS YEAR AT THE MOTHER'S BEACH. WE'RE
19 HOPING THAT THIS IS PART OF THE SOLUTION IN THIS AREA.

20 THE OTHER THING THAT WE'VE DONE AT MOTHER'S
21 BEACH, WHICH IS VERY NEW, IT IS ALSO IMPORTANT, IS THAT
22 WE'VE DIVERTED DRAINS THAT WERE NOT L.A. COUNTY FLOOD
23 CONTROL DISTRICT DRAINS, BUT LOCAL DRAINS MAINTAINED BY
24 BEACHES AND HARBOR. AND THAT FACILITY, BELIEVE IT OR NOT,
25 IS COMPLETED TODAY, COINCIDENTALLY. CONSTRUCTION

1 COMMENCED EARLIER THIS YEAR; THE FLOWS ARE ALREADY BEING
2 DIVERTED. WHEN WE SAY THE FACILITY IS COMPLETED, THAT
3 MEANS OUR CONSTRUCTION (INAUDIBLE) IS ACTUALLY TURNING THE
4 KEY, THE DRAIN, OVER TO THE BEACHES AND HARBOR (INAUDIBLE)
5 MAINTENANCE AGAIN. SO ANY LOCAL FLOWS IN THAT AREA OF THE
6 BEACH ARE NOW BEING DIVERTED, COLLECTED AND DIVERTED OFF
7 OF THE BEACH AREA.

8 ONE OTHER ITEM THAT WAS MENTIONED WAS
9 POTENTIALLY CRACKED SEWER LINES OR INFRASTRUCTURE. THERE
10 WAS AN ISSUE, L.A. COUNTY SEWER MAINTENANCE DIVISION THAT
11 RUNS -- MAINTAINS THE SEWER LINE IN THIS AREA HAS
12 ADVERTISED IT IS GOING TO COMMENCE WITH CONSTRUCTION THIS
13 YEAR. THEY'RE LINING ALL OF THE SEWER LINES THAT ARE
14 WRAPPING AROUND THE MOTHER'S BEACH AREA HERE (INDICATING)
15 THIS YEAR. WE'VE ALSO CONDUCTED, AS YOU HEARD EARLIER,
16 MOTHER'S BEACH SMALL DRAIN I.D. STUDY, WHICH IDENTIFIED
17 LOTS OF SMALL DRAINS THAT ARE NOT MAINTAINED BY L.A.
18 COUNTY OR -- WELL MAINTAINED BY L.A. COUNTY BEACHES AND
19 HARBOR OR OTHERS, BESIDES L.A. COUNTY FLOOD CONTROL AND
20 HAVE ATTEMPTED TO START ADDRESSING THOSE DISCHARGES,
21 POTENTIAL DISCHARGES TO THESE AREAS. WE'VE PUT THE
22 (INAUDIBLE). WE PRODUCED A MARINA COORDINATED MONITORING
23 PLAN, WHICH YOUR STAFF HAS LOOKED AT AND APPROVED AND
24 WE'RE COMMENCING.

25 AND SO I'M HAPPY TO REPORT TO YOU THAT THESE

1 EFFORTS APPEARED TO HAVE HAD AN EFFECT ON WATER QUALITY AT
2 MOTHER'S BEACH WITH NO KNOWN EXCEEDANCES THAT I'VE STATED
3 EARLIER SINCE JUNE OF THIS YEAR, WHICH CORRELATES AGAIN
4 WITH SOME OF THE ADJUSTMENTS THAT WE'VE MADE TO OUR
5 INFRASTRUCTURE. OF COURSE, EXCEEDANCES MAY CONTINUE. AND
6 DESPITE THESE EFFORTS, SOME -- DESPITE ALL OF THESE
7 EFFORTS, THEY MAY CONTINUE WITH SOME POTENTIALLY
8 ATTRIBUTED TO BIRD POPULATION IN THE MARINA OR OTHER
9 WILDLIFE. I THINK EVERYONE AGREES IT'S A DIFFICULT TASK
10 THAT WE'RE AT. BUT WE AGAIN AS YOU CAN SEE AND WHAT I'VE
11 JUST STATED, ARE COMMITTED TO GOING AFTER THIS ISSUE.

12 WE'RE LOOKING TO THE FUTURE -- LOOKING INTO
13 THE FUTURE, WE'RE CURRENTLY IN THE PRELIMINARY STAGES OF
14 THE STAKEHOLDER-DRIVEN, MULTI-PURPOSE PROJECT IN AND
15 AROUND OXFORD BASIN, WHICH IS THE BASIN HERE (INDICATING),
16 THE FLOOD CONTROL BASIN IN THIS AREA. FEATURES OF THIS
17 PROJECT WILL INCLUDE: STORM WATER QUALITY TREATMENT
18 FACILITIES MADE OF PLANT LANDSCAPING, A WALK PATH, AND
19 OBSERVATION DECKS FOR BIRD VIEWING.

20 AND THERE IS MORE GOOD NEWS, BELIEVE IT OR
21 NOT. WITHIN THE (INAUDIBLE) OUR BEACH WATER QUALITY
22 MONITORING IS REFLECTING AN OVERALL REDUCTION IN BEACH
23 CLOSURES THIS SUMMER. WE BELIEVE THAT THE INSTALLATION OF
24 LOW FLOW DIVERSIONS AND ALL OF L.A. COUNTY FLOOD CONTROL
25 DISTRICT DRAINS, WHICH HISTORICALLY DELIVERED FLOWS DURING

1 THE SUMMER MONTHS, HAS BEEN A MAJOR FACTOR IN THIS
2 ACHIEVEMENT. AND I WANT TO APPLAUD YOU AS OUR PARTNER IN
3 THAT EFFORT, ALONG WITH OTHER RESPONSIBLE AGENCIES AND
4 ORGANIZATIONS LIKE THE SANTA MONICA BAY RESTORATION
5 COMMISSION, HEAL THE BAY, AND BAYKEEPER IN ACHIEVING THIS
6 MONUMENTAL TASK. IT'S GREAT NEWS TO BE BRINGING YOU.

7 IN ADDITION, WITHIN THE NEXT FEW DAYS WE WILL
8 COMPLETE THE CONSTRUCTION OF OUR MARIE CANYON WATER
9 QUALITY TREATMENT FACILITY LOCATED WITHIN THE CITY OF
10 MALIBU. IT UTILIZES, AGAIN, ULTRA VIOLET LIGHT TO TREAT
11 WATER FOR BACTERIA. AND IF YOU WATCH OUR WATER QUALITY
12 MONITORING, THIS HAS BEEN THE PLACE IN MALIBU THAT SEEMS
13 TO GET HIT EVERY WEEK. SO WE'RE HAPPY TO HAVE THIS
14 FACILITY UP AND RUNNING, AND IT SHOULD BE RUNNING WITHIN
15 THE NEXT 15 DAYS.

16 IN CLOSING I WANT TO REITERATE THE COUNTY OF
17 LOS ANGELES' COMMITMENT TO THE ENVIRONMENT, INCLUDING
18 STORM WATER QUALITY AND URBAN RUNOFF QUALITY AND, OF
19 COURSE, COMPLIANCE WITH ALL RELATED LAWS. THE PLANNING,
20 DESIGN, LIMITATION, AND MAINTENANCE OF THE B.M.P.'S
21 MENTIONED HERE TODAY DO NOT COME WITH A SMALL PRICE TAG,
22 AND IT IS A KEEPER OF THE PUBLIC'S RESOURCES. THE COUNTY
23 BOARD OF SUPERVISORS ARE CHARGED WITH FISCAL
24 RESPONSIBILITY FOR THE TAX PAPERS.

25 WE BELIEVE THE SCIENCE SPACE (INAUDIBLE)

1 APPROACH IS WHAT WE OWE THE CITIZENS WE REPRESENT. AND WE
2 ARE COMMITTED TO WORKING WITH YOUR STAFF TO DEVELOP
3 REGULATIONS WHICH REFLECT THIS APPROACH. WE RECOGNIZE
4 THAT MPDS PERMIT IS CONSTRUCTED OF THREE DISTINCT
5 ENTITIES: THE REGIONAL BOARD, THE PUBLIC, AND INTERESTED
6 CITIZEN GROUPS. POLITICS ASIDE, WE ALL STRIVE TOWARD THE
7 SAME GOAL AND OUR EFFORTS ARE IN SUPPORT OF ONE CAUSE.
8 THAT POINT WAS MADE CLEAR ON MANY PRODUCTIVE DISCUSSIONS
9 WITH YOUR INTERIM EXECUTIVE OFFICER DEBORAH SMITH. I WANT
10 TO THANK HER FOR TAKING THE TIME TO TAKE MY CALLS, TO BE
11 AVAILABLE WITH HER VERY BUSY SCHEDULE TO MEET WITH BOTH ME
12 AND THE DIRECTOR -- THE EXECUTIVE DIRECTOR OF HEAL THE BAY
13 MARK GOLD TO DISCUSS THIS ITEM TODAY. AND I THINK THIS
14 RELATIONSHIP THAT WAS ESTABLISHED THAT HAD A LOT TO DO
15 WITH US TO BE ABLE TO COME IN FRONT OF YOU TODAY AND NOT
16 ASK FOR A LONG-WITTED HEARING.

17 WE LOOK FORWARD TO BUILDING UPON THE
18 FOUNDATION BUILT IN DEVELOPING TODAY'S HEARINGS AND THE
19 NURTURING OF A MUTUAL RESPECT, OPEN COMMUNICATION BETWEEN
20 OUR AGENCIES IN THE FUTURE ACTIONS. AND I WANT TO THANK
21 YOU FOR YOUR TIME TODAY.

22 CHAIR DIAMOND: THANK YOU, MR. PESTRELLA. WE
23 APPRECIATE THAT AND WE HOPE FOR THE SAME, AND WE WISH YOU
24 A VERY HAPPY ANNIVERSARY.

25 NEXT, I'M GOING TO -- I DO HAVE A CARD FROM

1 DR. CINTY LIN OF THE U.S. EPA. I DIDN'T ANNOUNCE YOU
2 BEFORE, BUT IF YOU'D LIKE TO COME UP NOW AND MAKE YOUR
3 STATEMENT. AND THEN WE'LL FOLLOW BY THE PRESENTATION BY
4 HEAL THE BAY AND BAYKEEPER.

5 DR. LIN: THANK YOU. GOOD MORNING, CHAIR DIAMOND
6 AND MEMBERS OF THE BOARD. I AM CINDY LIN AND I REPRESENT
7 THE U.S. ENVIRONMENTAL PROTECTION AGENCY.

8 WE ARE HERE TO SUPPORT THE PROPOSED
9 MODIFICATIONS OF THE L.A. COUNTY MS4 PERMIT AND URGE YOU
10 TO ADOPT THE MODIFICATIONS. WE RECOGNIZE NEEDING A
11 REQUIREMENT TO THE DRY WEATHER T.M.D.L. FOR BACTERIA IN
12 MARINA DEL REY HARBOR, WHICH INCLUDES MOTHER'S BEACH AND
13 THE BACK BASINS, INCLUDES SOME CHALLENGES. WE ARE,
14 HOWEVER, AWARE OF DATA AND MONITORING THAT CONTINUES TO
15 SHOW EXCEEDANCES OF THE REC-1 BACTERIAL WATER QUALITY
16 STANDARDS, AND THOSE ARE NOT MEETING THE T.M.D.L.
17 REQUIREMENTS DURING THE SUMMER DRY WEATHER THAT YOU
18 ADOPTED AND EPA APPROVED.

19 THE MARINA DEL REY, MOTHER'S BEACH, AND BACK
20 BASINS WAS ADOPTED FOUR YEARS AGO AND SET COMPLIANCE
21 (INAUDIBLE) OF APRIL 1ST, 2007. AND, THUS, PROVIDED WITH
22 THE FIVE DIFFERENT OPTIONS TO ADDRESS THE T.M.D.L.
23 REQUIREMENTS, WE SUPPORT YOUR STAFF'S RECOMMENDED OPTION
24 TO INCORPORATE T.M.D.L. REQUIREMENTS INTO THE (INAUDIBLE)
25 WATER LIMITATIONS, THE PERMIT IN PART 2 AND ADOPT THE

1 DISCHARGE PROHIBITION IN PART 1. WE BELIEVE THIS IS FULLY
2 CONSISTENT WITH THE FEDERAL REG. MPDS REGULATIONS, WHICH
3 REQUIRE THAT THE PERMIT BE CONSISTENT WITH THE T.M.D.L.
4 AND THAT THE PERM. ELEMENTS WOULD ENSURE CONSISTENCY IN
5 THE MOST DIRECT MANNER POSSIBLE.

6 FURTHERMORE, WE BELIEVE THIS MODIFICATION
7 WILL PROTECT THE BENEFICIAL USE AND USAGES HIGHEST AND
8 RISK TO THE PUBLIC HEALTH IS GREATEST. EPA IS COMMITTED
9 TO WORKING WITH THE STATE AND LOCAL AGENCIES TO MAKE THIS
10 HAPPEN. THE ADOPTION OF THIS PROPOSED MODIFICATION WILL
11 STRENGTHEN THE LIMITATION OF THE PERMIT. WE OFFER OUR
12 CONTINUING SUPPORT TO THE BOARD AND THE PARTNER AGENCIES
13 RESTORING THE BENEFICIAL USES OF THE BOARD'S WATER
14 AGENCIES.

15 THANK YOU.

16 CHAIR DIAMOND: THANK YOU VERY MUCH. I DON'T HAVE
17 A CARD, BY THE WAY, FOR THE CITY OF LOS ANGELES OR FOR THE
18 CITY OF CULVER CITY. AND SINCE I HAVEN'T RECEIVED ONE, I
19 WOULD ASSUME THAT THEY'RE NOT HERE, UNLESS YOU IDENTIFY
20 YOURSELVES TO US NOW.

21 SO I'M GOING TO CALL MR. MARK GOLD.
22 DR. MARK GOLD.

23 DR. GOLD: THANKS. GOOD MORNING. MY NAME IS
24 MARK GOLD, AND I'M PRESIDENT OF THE ORGANIZATION HEAL THE
25 BAY. AND I'M HERE REPRESENTING HEAL THE BAY AND THE

1 BAYKEEPER, WE'RE MAKING A JOINT PRESENTATION. AND FIRST
2 OF ALL, I JUST WANTED TO SAY I DID HAVE THIS PREPARED, BUT
3 I THINK IT'S IMPORTANT THAT, YOU KNOW, CREDIT NEEDS TO GO
4 WHERE CREDIT IS DUE. AND I GOT TO TELL YOU, IT WAS VERY,
5 VERY REFRESHING -- AS YOU KNOW, I'VE BEEN DOING THIS A
6 VERY LONG TIME. AND TO SEE THAT REPORT FROM MARK AND TO
7 SEE ALL THE PROGRESS THAT HAS BEEN MADE IN MARINA DEL REY,
8 WHEN IT HAS BEEN SUCH A MAJOR PROBLEM FOR SO LONG, IS JUST
9 REALLY REFRESHING AND I THINK GIVES US GREAT DEAL OF HOPE
10 FOR THESE DRY WEATHER BEACH BACTERIA T.M.D.L.'S, AND IT'S
11 SOMETHING THAT I THINK WE SHOULD ALL TAKE NOTE OF. AND I
12 ALSO WANT TO THANK REGIONAL BOARD STAFF AND THE COUNTY FOR
13 THE DISCUSSIONS THAT WE'VE HAD OVER THE LAST FEW MONTHS
14 AND, IN PARTICULAR, DEB SMITH AND MARK PESTRELLA FOR
15 REALLY, I THINK, COMING TO AN UNDERSTANDING OF REALLY WHAT
16 THE EXPECTATIONS WERE AND WHAT DOES THIS ALL MEAN AND
17 WHERE WE CAN GO FROM HERE.

18 SO I KNOW THAT'S NOT THE NORMAL TESTIMONY YOU
19 OFTEN HEAR FROM ME. AND SO, BUT I THINK IT'S IMPORTANT TO
20 GIVE CREDIT WHERE CREDIT'S DUE. THE OTHER THING THAT YOU
21 NEVER HEAR FROM HEAL THE BAY IS THAT WE SUPPORT STAFF
22 RECOMMENDATIONS WITH ONLY THE MODIFIED CHANGES AS PROPOSED
23 BY STAFF, SO WE HAVE NOTHING ADDITIONAL TO ADD. SO THAT
24 SHOWS YOU THAT WE'RE ALL IN -- WE CONCUR WITH THE
25 RECOMMENDATIONS HERE AND THAT'S QUITE POSITIVE. SO I'M

1 GOING TO ZOOM THROUGH THIS VERY QUICKLY AND, OBVIOUSLY,
2 WE'RE IN STRONG RECOMMENDATION. YOU'VE SEEN THIS SLIDE, I
3 THINK, NOW FROM THREE DIFFERENT FOLKS. SO I'M NOT GOING
4 TO SPEND ANY TIME ON THAT.

5 SO MOTHER'S BEACH IS OBVIOUSLY THE ISSUED
6 THAT WE'RE TALKING ABOUT. AND JUST A BASIC BACKGROUND ON
7 WATER QUALITY, AND I OFFER TO ANSWER ANY TECHNICAL
8 QUESTIONS THAT YOU MAY HAVE ON ANY OF THE VARIOUS
9 DIFFERENT ISSUES IN REGARDS TO BEACH AND WATER QUALITY.
10 AS YOU KNOW, THAT'S PRETTY MUCH WHAT MY EXPERTISE HAS BEEN
11 FOR MANY, MANY YEARS. MY DISSERTATION WAS ON THE EXACT
12 ISSUE OF HUMAN SEWAGE GETTING INTO THE STORM DRAIN SYSTEM
13 AND THE POTENTIAL HEALTH RISKS OF BEING EXPOSED TO THAT.
14 SO THAT' OBVIOUSLY PERTINENT TO ALL THE BEACH BACTERIA
15 T.M.D.L.'S, INCLUDING THIS ONE HERE AND THAT WAS FOR DRY
16 WEATHER (INAUDIBLE) FLOWS. AND SO ANY QUESTION YOU HAVE
17 ABOUT THAT, I'D BE GLAD TO ANSWER.

18 ALSO, THE SANTA MONICA BAY EPIDEMIOLOGY
19 STUDY, WHICH YOU'VE ALREADY HEARD ABOUT, TALKED ABOUT THE
20 HEALTH RISKS FROM HUMAN AND NONHUMAN EXPOSURE TO POLLUTED
21 RUNOFF -- I'M SORRY, IT WASN'T FOCUSED JUST ON HUMAN
22 SOURCES OF FECAL BACTERIA. THERE'S ALSO BEEN OVER 25
23 EPIDEMIOLOGY STUDIES AROUND THE WORLD, INCLUDING RECENT
24 STUDIES THAT ARE VERY EXCITING ON THE GREAT LAKES BY THE
25 EPA, USING RAPID INDICATOR METHODS THAT CAN GIVE YOU

1 ANSWERS FOR FECAL BACTERIA DENSITIES IN LESS THAN TWO
2 HOURS. AND SO THAT'S SOMETHING THAT I THINK THAT'S REALLY
3 GOING TO HELP PUBLIC HEALTH RISK MANAGEMENT IN THE FUTURE.
4 AND THERE'S ALSO BEEN SOME STUDIES IN EUROPE BY THE
5 EUROPEAN UNION AND THE WORLD HEALTH ORGANIZATION THAT HAVE
6 BEEN VERY, VERY INTERESTING AS WELL. AND THEN RIGHT NOW
7 WE HAVE A NUMBER OF STUDIES THAT ARE ONGOING THAT HEAL THE
8 BAY'S WORKING WITH U.C. BERKLEY AND THE SOUTHERN
9 CALIFORNIA COASTAL WATERS RESEARCH PROJECT AT DOHENY
10 BEACH; IT WILL BE CONTINUING INTO NEXT SUMMER AND,
11 ACTUALLY, TWO SUMMERS, AND THAT WILL ALSO INCLUDE SURF
12 RIDER BEACH NEXT SUMMER. AND AVALON IS GOING ON RIGHT
13 NOW. SO THOSE ARE OBVIOUSLY BEACHES, WITH SURF RIDER AND
14 AVALON, THAT HAVE BEEN QUITE PROBLEMATIC FOR QUITE SOME
15 TIME. AND SO WE'LL KNOW A LOT MORE ABOUT THE HEALTH RISK
16 ISSUES THERE IN THE COMING YEARS LOOKING AT OVER 35
17 DIFFERENT MICROBES, WHICH HAS NEVER BEEN DONE BEFORE, AND
18 THE HEALTH RISK OF EXPOSURE TOO.

19 SO HERE WE'RE TALKING ABOUT MOTHER'S BEACH
20 AND THERE'S NO QUESTION ABOUT THE FACT THAT THIS HAS BEEN
21 A CHRONICALLY POLLUTED BEACH THAT HAS BEEN STUDIED ON AND
22 OFF FOR THE BETTER PART OF 20 YEARS. I'M TRYING TO FIGURE
23 OUT WHAT ARE THE SOURCES OF THE FECAL BACTERIA WITHIN THE
24 AREA. THIS SUMMER -- THIS IS JUST TO GIVE YOU AN IDEA OF
25 THE BEACH. THIS IS ACTUALLY THE AREA THAT IS OFTEN MOST

1 POLLUTED, IT IS RIGHT IN FRONT OF THE PLAYGROUNDS. SO
2 JUST TO PUT THAT IN PROSPECTIVE, THAT'S WHERE THERE'S BEEN
3 THE MOST EXCEEDANCES SO FAR THIS SUMMER. THERE'S ANOTHER
4 VIEW OF MOTHER'S BEACH. YOU CAN SEE WHY THEY CALL IT
5 MOTHER'S BEACH, OBVIOUSLY, BECAUSE OF THE PLACID WATERS ON
6 -- AND, YOU KNOW, EVEN THAT IS KID-ORIENTED.

7 ALL RIGHT. SO THESE ARE THE EXCEEDANCES THIS
8 YEAR. I THINK IT'S IMPORTANT TO KNOW I -- WE WILL VERIFY
9 WHAT MARK HAS SAID. YEAH, THERE HAS BEEN 7 EXCEEDANCES AT
10 THAT ONE PARTICULAR BEACH; 11 OVERALL AT MOTHER'S BEACH.
11 SO MOST OF THE VIOLATIONS OF THE WASTE LOAD ALLOCATION
12 REQUIREMENT HAD BEEN IN THAT AREA; 7 RIGHT IN FRONT OF THE
13 PLAYGROUND STRUCTURE THAT YOU SAW BEFORE. BUT I THINK
14 WHAT'S VERY, VERY INTERESTING TO NOTE IS THERE HAS NOT
15 BEEN AN EXCEEDANCE SINCE MID-JUNE, MID TO LATE JUNE. AND
16 SO THAT'S SOMETHING THAT'S PRETTY UNUSUAL FOR MOTHER'S
17 BEACH. WE HOPE IT HAS TO DO WITH THE IMPLEMENTATION OF
18 THE WATER CIRCULATION ELEMENT. IT MAY HAVE TO DO WITH
19 CURRENTS, TIDES, A WIDE VARIETY OF DIFFERENT FACTORS. SO
20 WE'LL JUST HAVE TO SEE OVER TIME.

21 BUT, AGAIN, IT IS VERY PROMISING TO BE ABLE
22 TO SAY THAT IT'S BEEN A GOOD SIX WEEKS OR SO SINCE THERE'S
23 BEEN AN EXCEEDANCE AT MOTHER'S BEACH DURING THE PEAK-USE
24 TIME PERIOD. SO THAT'S A VERY POSITIVE OUTCOME, INDEED.
25 AND ONE OTHER THING I WANT TO EMPHASIZE IS THAT THE

1 PROJECT ON THE WATER CIRCULATORS WAS A PROJECT THAT YOU,
2 YOURSELF, HAVE A PART IN FUNDING; IT'S A \$2.5 MILLION
3 PROJECT, IT WAS FUNDED BY THE STATE WATER RESOURCES
4 CONTROL BOARD. SOME OF THE FUNDS CAME THROUGH A
5 RECOMMENDATION THROUGH THE REGIONAL WATER QUALITY CONTROL
6 BOARD, SOME OF IT CAME THROUGH A CLEAN BEACH INITIATIVE
7 GRANT, TOTALING 2.5 MILLION. WE WOULD HAVE PREFERRED IT
8 WOULD HAVE BEEN FINISHED A LITTLE BIT EARLIER, BUT IT WAS
9 FINISHED IN PLENTY OF TIME IN FRONT OF APRIL 1ST. SO IT
10 WAS FINISHED LAST OCTOBER, WHICH IS POSITIVE. IT WAS ONE
11 OF THE FIRST PROJECT FUNDED UNDER THE CLEAN BEACH
12 INITIATIVE, WHICH AS YOU KNOW WAS CREATED BY FRAN PAVLEY.
13 SO IT'S GOOD THAT THAT HAS FINALLY BEEN COMPLETED. WE
14 THINK THAT THERE ARE A COUPLE OF ISSUES THAT WILL NEED TO
15 BE DISCUSSED ABOUT THE OPERATION OF THE WATER CIRCULATORS,
16 AND WE'VE OFFERED TO WORK WITH COUNTY PUBLIC WORKS AND
17 BEACHES AND HARBORS TO TRY TO FIGURE OUT THE PROPER
18 OPERATION OF THAT. SO THAT'S POSITIVE AND HOPEFULLY WE'LL
19 MOVE IN THE RIGHT DIRECTION ON THAT.

20 ONE OF THE THINGS I DO WANT TO REMIND YOU --
21 I KNOW IT'S A VERY COMPLICATED SLIDE. THIS IS TO GIVE YOU
22 AN OVERVIEW OF WHAT HAS BEEN HAPPENING IN THE SANTA MONICA
23 BAY BACTERIA T.M.D.L. THIS IS NOT A FULL TABLE. THIS IS
24 JUST A TABLE OF THOSE BEACHES THAT HAVE EXCEEDANCES OVER
25 15 PERCENT FROM APRIL 1ST TO WHERE WE ARE TODAY. THIS IS

1 AS FRIDAY OF LAST WEEK. AND AS YOU CAN TELL, THERE ARE
2 MANY, MANY BEACHES THAT ARE STILL EXCEEDING THE WATER
3 QUALITY STANDARDS THAT ARE WITHIN THE BEACH BACTERIA
4 T.M.D.L. AND SO, AGAIN, AS WE OFTEN DO AT THESE BOARD
5 HEARINGS IS, YOU KNOW, WE ENCOURAGE YOU TO MOVE FORWARD ON
6 COMPLIANCE ASSURANCE TO TRY TO MAKE SURE THAT THESE
7 BEACHES ARE MADE SAFE AS SOON AS POSSIBLE SO THAT PEOPLE
8 CAN SWIM IN CLEAN WATER THAT DOESN'T EXCEED BEACH WATER
9 QUALITY STANDARDS.

10 AS YOU HEARD EARLIER, THE MARIE CANYON
11 PROJECT IS ONE OF THE MORE EXCITING ONES THAT'S GOING TO
12 BE COMPLETED THIS SUMMER. WE STILL HAVE A LONG WAY TO GO.
13 FOR EXAMPLE, SANTA MONICA PIER, WHICH I THINK HAD 52
14 EXCEEDANCES SINCE APRIL 1ST -- AND BELIEVE ME, NOT FOR
15 LACK OF PEOPLE MEETING WITH THE CITY OF SANTA MONICA AND
16 HOW TO FIX THE PROJECT. IT MIGHT END UP BEING A COMPLETE
17 STORM DRAIN OVERHALL PROJECT THAT MIGHT BE A MULTIPLE-YEAR
18 PROJECT. I JUST MET WITH THE HEAD OF PUBLIC WORKS ON THIS
19 EARLIER IN THE WEEK. SO WE WILL -- SO WE ENCOURAGE YOU TO
20 MOVE FORWARD ON THIS TO TRY TO MAKE SURE THAT THERE'S
21 PROACTIVE ACTIVITY IN COMPLETING -- IN CLEANING UP ALL OF
22 THESE BEACHES.

23 ONE OF THE ONES YOU MIGHT ALSO WANT TO NOTE
24 IS REDONDO BEACH. YOU MADE A VERY SMART DECISION TO
25 APPROVE A STUDY THAT WAS FUNDED THROUGH SET FUNDS BASED ON

1 THE MANHATTAN BEACH BILL FROM THE L.A. COUNTY SANITATION
2 DISTRICTS TO DO SOME SOURCE OF IDENTIFICATION WORK DOWN AT
3 REDONDO PIER. AND AS YOU CAN SEE, REDONDO PIER IS STILL
4 ONE OF THE MORE POLLUTED BEACHES IN THAT AREA WITHIN THE
5 WHOLE SANTA MONICA BAY AREA. SO ANOTHER ONE THAT NEEDS TO
6 BE CLEANED UP QUICKLY IF POSSIBLE.

7 SO WITH THAT, I'D BE -- REALLY, WE HAVE NO
8 OTHER RECOMMENDATION OTHER THAN JUST GO FORTH AND APPROVE
9 THIS. AND, OBVIOUSLY, IT'S A GREAT DAY FOR MARINA DEL
10 REY, AND GLAD TO SEE SO MUCH PROGRESS HAS OCCURRED DURING
11 THIS TIMEFRAME.

12 THANK YO FOR THE OPPORTUNITY TO SPEAK.

13 CHAIR DIAMOND: THANK YOU. AND NOW I'M GOING TO
14 ASK TATIANA GAUR -- ARE YOU GOING TO DO --

15 MS. GAUR: YES.

16 CHAIR DIAMOND: -- FOR --

17 MS. GAUR: VERY BRIEFLY.

18 CHAIR DIAMOND: OKAY.

19 MS. GAUR: GOOD MORNING. MY NAME IS TATIANA GAUR.
20 I'M A STAFF ATTORNEY WITH SANTA MONICA BAYKEEPER. AND
21 PLEASE BEAR WITH ME, THIS IS MY FIRST TIME IN FRONT OF
22 YOU.

23 NOW, CHAIR DIAMOND AND BOARD MEMBERS, THANK
24 YOU FOR THE OPPORTUNITY TO COMMENT ON THE INCORPORATION OF
25 MARINA DEL REY'S SUMMER DRY WEATHER BACTERIA T.M.D.L. AND

1 TO THE L.A. COUNTY MPDS MS4 PERMIT.

2 I AM HERE TODAY AS A REPRESENTATIVE OF SANTA
3 MONICA BAYKEEPER. AND I'M HERE ON BEHALF OF HEAL THE BAY.
4 I AM ALSO HERE AS A MOTHER WHO CURRENTLY CANNOT TAKE HER
5 DAUGHTER TO MOTHER'S BEACH. BUT IT APPEARS AFTER HEAL THE
6 BAY'S PRESENTATION, THAT I ACTUALLY MIGHT BE ABLE TO DO
7 THAT, WHICH IS REALLY ENCOURAGING. AND, OF COURSE, WE
8 WANT TO TELL YOU AND THE COUNTY HOW ENCOURAGED WE ARE AND
9 HOW WE WELCOME THEIR TEAM TO POSITION. THAT IS REALLY
10 GREAT FOR PEOPLE LIKE ME WHO LIVE FIVE MILES AWAY FROM THE
11 BEACH, BUT WILL NOT GO RIGHT NOW BECAUSE OF THIS KNOWLEDGE
12 THAT IT'S SO POLLUTED BY BACTERIA. BUT HOPEFULLY THAT
13 WILL BE ENDED VERY SOON AND DURING A TIME WHEN THE BEACH
14 AND MARINA DEL REY IS HIGHLY USED. AND AS YOU ALL SAW,
15 IT'S A WONDERFUL BEACH. IT HAS A LOT OF PLAYGROUNDS, AND
16 IT'S A GREAT PLACE TO RECREATE AND GO IN THE WATER IF IT'S
17 SAFE.

18 SO WE, OF COURSE, FULL HEARTEDLY SUPPORT THE
19 STAFF RECOMMENDATION. BECAUSE FIRST OF ALL, THE T.M.D.L.,
20 ITSELF, REQUIRES THE COMPLIANCE FOR SUMMER DRY WEATHER
21 (INAUDIBLE) BY APRIL OF '07, AND AS WE ALL KNOW THE STATE
22 HAS ALREADY PASSED. IN FACT, THE DRY WEATHER SEASON WILL
23 BE OVER VERY SOON, ON OCTOBER 31ST. SO WE HAVE NOT BEEN
24 WITHOUT A ENFORCEABLE T.M.D.L. FOR ALMOST THE ENTIRE DRY
25 WEATHER SEASON OF '07.

1 THE REGIONAL BOARD SHOULD INCORPORATE THE
2 T.M.D.L., WHICH I'M SURE IT WILL, BECAUSE IT WILL PROVIDE
3 A COMPLETE PROTECTION FROM BACTERIA IN SANTA MONICA BAY.
4 NOT TO ADOPT IT WILL CLEARLY BE INCONSISTENT AND
5 ILLOGICAL.

6 I JUST WANT TO ALSO MENTION THAT THE COUNTY'S
7 SUGGESTIONS IN THE COMMENT LETTER THAT THE BOARD SHOULD
8 WAIT FOR FURTHER STUDIES TO DETERMINE THE SOURCES OF
9 BACTERIA. I WANT TO ADDRESS THAT. FIRST OF ALL, STAFF
10 RESPONDED. THESE CONCERNS -- THESE DETERMINATIONS WERE
11 MADE DURING THE T.M.D.L. ADOPTION. AND THERE WERE
12 NUMEROUS STUDIES SHOWING THAT THE BACTERIA WAS COMING FROM
13 HUMAN SOURCES AND IT'S COMING THROUGH THE GREEN. AND IN
14 ANY CASE, I WANT TO ALSO REMIND YOU THAT THE REGIONAL
15 BOARD UNDER THE T.M.D.L. IS REQUIRED TO RECONSIDER IF FOUR
16 YEARS AFTER IT TOOK EFFECT, WHICH WILL HAPPEN PROBABLY ON
17 MARCH 18 OF '08. AND AT THAT TIME IF THERE'S NEW STUDIES,
18 OF COURSE, THE BOARD SHOULD CONSIDER THEM AND CHANGE THE
19 T.M.D.L. IF IT SEES FIT.

20 AND, OF COURSE, THE BOARD SHOULD NOT WAIT FOR
21 PERMIT RENEWAL BECAUSE OF -- THE LAW SAYS THAT THE BOARD
22 SHOULD NOT WAIT. THE 2235 SECTION OF CCR PROVIDES THAT
23 WHEN THE PERMIT EXPIRES, ITS TERMS AND CONDITIONS ARE
24 AUTOMATICALLY CONTINUED, PENDING THE ISSUANCE OF A NEW
25 PERMIT. AND THE (INAUDIBLE) PROVISION WHICH THE BOARD

1 WILL UTILIZE TODAY IS A TERM OF A PERMIT WHICH MEANS IT'S
2 BEEN CLEARLY CONTINUED AUTOMATICALLY. AND SO THE ACTION
3 THAT YOU WILL TAKE TODAY IS VALID.

4 AS FOR THE EPA MEMORANDUM OR GUIDANCE WHICH
5 THE COUNTY REFERRED TO IN HIS COMMENTS, I JUST WANT TO
6 ALSO ADD THAT THE RECOMMENDATION OF THE MEMO FROM EPA ARE
7 NOT BINDING. THE MEMO SAYS THERE ARE MANY OTHER
8 APPROACHES THAT WOULD BE APPROPRIATE IN PARTICULAR
9 SITUATIONS THAT THE BOARD CAN TAKE.

10 IN CONCLUSION, MY PRESENTATION ALL OF A
11 SUDDEN BECAME VERY SHORT THANKS TO THE COUNTY. AND IN
12 CONCLUSION, SANTA MONICA/BAYKEEPER AND HEAL THE BAY ASK
13 THE REGIONAL BOARD TO ACT TODAY ACCORDING TO THE CONSCIOUS
14 ADMISSION. (INAUDIBLE) LOS ANGELES COUNTY TO PROVIDE THE
15 EFFECTIVE AND CARING SERVICE THAT OBTAINED TO (INAUDIBLE)
16 IN THIS MODEL.

17 THANK YOU.

18 CHAIR DIAMOND: THANK YOU. I DO HAVE ONE CARD LEFT
19 FROM A KATHLINE CORSENIX (PHONETIC). KATHLINE CORSENIX?

20 MS. CORSENIX: GOOD MORNING, MRS. DIAMOND AND BOARD
21 MEMBERS. I'M HERE AS A PRIVATE CITIZEN TO DISCUSS MY
22 RECREATIONAL USE WITHIN THE MARINA. MY NAME IS KATHLINE
23 CORSENIX AND I LIVE AND WORK AND PLAY IN MARINA DEL REY. I
24 HAVE LIVED HERE FOR OVER SIX YEARS AFTER MOVING OUT FROM
25 NEW YORK CITY.

1 CHAIR DIAMOND: EXCUSE ME, MS. CORSENIX. I THINK
2 YOU CAME IN AFTER WE TOOK THE OATH. WE DO TAKE AN OATH
3 WITH THE BOARD.

4 MS. CORSENIX: OH, OKAY.

5 CHAIR DIAMOND: SO -- AND ALSO BEFORE THE
6 ANNOUNCEMENT, THE PUBLIC SPEAKERS WILL HAVE UP TO FIVE
7 MINUTES. SO WOULD YOU PLEASE RAISE YOUR RIGHT HAND AND
8 REPEAT AFTER ME.

9 (THE OATH WAS GIVEN)

10 CHAIR DIAMOND: THANK YOU.

11 MS. CORSENIX: THANK YOU. COMING OUT TO
12 CALIFORNIA, I THOUGHT I'D FIND PEOPLE THAT TOOK CARE OF
13 THEIR BEACHES, WATER AND LAND. AFTER TODAY, I SEE THAT
14 THAT'S THE CASE, AND I'M REALLY ENCOURAGED BY WHAT I'VE
15 HEARD SO FAR TODAY. HOWEVER, I DO -- I AM AT POWER WITH
16 THE MARINA DEL REY OUTRIGGER CANOE CLUB. I'VE USED THE
17 MARINA THREE TO FOUR TIMES PER WEEK AT MOTHER'S BEACH TO
18 LAUNCH OUR CANOES. WE WADE THROUGH THE WATER EACH TIME WE
19 LAUNCH A CANOE. WE ALSO FLIP OVER IN THE WATER, SPLASHING
20 THE WATER AND WE GET THE WATER ALL OVER OURSELVES WHILE
21 CANOEING.

22 WE HAVE OVER 150 PEOPLE IN OUR CLUB ALONE
23 THAT RECREATE WEEKLY HERE, WHO ALSO EXPERIENCE THE SAME
24 THINGS I DO. I KNOW THERE ARE ALSO MANY KAYAKERS, SAILING
25 SCHOOLS, AND A LARGE CONTINGENT OF LOYOLA MARYMOUNT ROWERS

1 USING THE MARINA AS WELL. ALL OF US HERE ARE APT TO COME
2 IN DIRECT CONTACT WITH THE WATER IN THE MARINA. IN
3 ADDITION, EVERY WEEKEND THERE ARE HUNDREDS OF CHILDREN, AS
4 YOU'VE HEARD, AND FAMILIES THAT RECREATE IN THE WATER AT
5 MOTHER'S BEACH, WHICH TO ME SEEMS LIKE THE MOST STAGNANT
6 PART OF THE ENTIRE MARINA.

7 FOR MY WORK ALSO AS A VOLUNTEER WITH THE
8 SANTA MONICA/BAYKEEPERS, I KNOW THAT THESE WATERS ARE
9 QUITE POLLUTED WITH ALL SORTS OF DIFFERENT BACTERIA AND
10 RUNOFF FROM THE CITY STREETS. IN FACT, TWO PADDLERS ON MY
11 TEAM, THE MARINA DEL REY OUTRIGGER CANOE CLUB, CONTRACTED
12 A STAFF INFECTION FROM THE WATER JUST THIS YEAR -- AT
13 LEAST THAT'S WHERE THEY THINK THEY GOT IT FROM. IT MAKES
14 ME CRINGE, ACTUALLY, AFTER HEARING THAT EVERY TIME I STEP
15 IN THE WATER, AND I PRAY THAT I DON'T CONTRACT A STAFF
16 INFECTION MYSELF THROUGH ANY OPEN WOUNDS.

17 IN ADDITION, I SEE MANY PEOPLE ACTUALLY
18 FISHING RIGHT IN THE MARINA OFF OF OUR BRIDGES AND
19 JETTIES. I JUST HAVE TO HOPE THAT THEY DON'T EAT WHAT
20 THEY CATCH. SOMETIMES I JUST WANT TO POST A SIGN, IN
21 SPANISH POSSIBLY AND ENGLISH, WARNING FISHERMEN ABOUT THE
22 DANGERS OF EATING FOOD FROM THIS WATER. AND ALSO, WHAT
23 ABOUT THOSE HUNDREDS OF CHILDREN IN THE WATER EVERY DAY
24 TAKING ACCIDENTAL GULPS OF MARINA WATER WHILE LEARNING TO
25 SWIM, OR JUST MERELY PUTTING THEIR HANDS IN THEIR MOUTHS

1 AFTER WADING.

2 AND LASTLY, I ALSO -- I AM A PHOTOGRAPHER. I
3 APPRECIATE THE WONDERFUL BIRDS OF PREYING, THE CALIFORNIA
4 SEA LIONS THAT STILL LIVE AND FEED IN THE MARINA. I'M SO
5 AWE STRUCK BY THE EXPANSIVE WINGSPAN OF THE GREAT BLUE
6 HERONS THAT ARE THERE, AND THE KEEN EYE OF THE MANY
7 BLACK-BROWN NIGHT HERONS THAT I SEE EVERY DAY. IN
8 ADDITION, I ACTUALLY SPOTTED AN OSPREY RECENTLY, AND A
9 KINGFISHER NOT TOO LONG AGO. WE ALSO HAVE MANY PELICANS,
10 GREBES, SNOW HERONS, AND CORMORANTS TOO.

11 IT'S HARD TO IMAGINE THAT THIS GREAT CITY
12 CANNOT CLEAN UP THIS WONDERFUL MARINA FOR ALL OF US TO
13 USE, PEOPLE, ANIMALS, BIRDS, ALL OF US. FOR WE WILL
14 CONTINUE TO USE THE MARINA; SOME OF US WILL CONTINUE GO
15 GET SICK. HOPEFULLY THERE ARE SOME OF YOU WITHIN THE
16 COUNTY THAT BELIEVE THAT WE DESERVE MORE, AND FROM WHAT IT
17 SOUNDS LIKE TODAY, THAT IS THE CASE. SO I'LL LOOK FORWARD
18 TO SEEING A CLEANER MARINA IN THE FUTURE.

19 CHAIR DIAMOND: THANK YOU. OKAY. SO NOW WE ARE --
20 AND SINCE WE HAVE NO OTHER CARDS, I BELIEVE NOTHING HAS
21 COME IN SINCE. WE ARE GOING TO GO TO BOARD QUESTIONS. AND
22 I THINK WE'LL START WITH STAFF, IF THAT'S OKAY. AND -- DO
23 WE -- DOES ANY -- WELL, FIRST LET ME ASK THE BOARD MEMBERS
24 IF THEY HAVE ANY QUESTIONS.

25 UNIDENTIFIED MALE: I HAVE A COMMENT.

1 CHAIR DIAMOND: OKAY. NO QUESTIONS, JUST COMMENTS.
2 OKAY. THEN WE WILL START OVER HERE.

3 MS. MARIN, GO AHEAD.

4 MS. MARIN: WELL I'M VERY PLEASED THAT WE HAD THE
5 KIND OF TESTIMONY WE HAD TODAY. AND IT SOUNDS LIKE, DEB,
6 YOU AND YOUR STAFF DID A TREMENDOUS JOB IN WORKING WITH
7 THE STAKEHOLDERS AND BRINGING TO US -- BRINGING US TO A
8 CONSENSUS, AND I THINK THAT THAT'S SOMETHING TO BE REALLY
9 PROUD OF. SO I WANT TO CONGRATULATE THE STAFF FOR THE
10 GREAT WORK THAT THEY DID.

11 I'M VERY PLEASED WE DON'T GET A LOT OF THESE
12 TYPES OF HEARINGS, AND I WAS PREPARED FOR SOMETHING A
13 LITTLE BIT MORE CONTENTIOUS. SO I'M VERY, VERY HAPPY. SO
14 I THINK I JUST WANT TO EXPRESS MY PLEASURE IN THE
15 EXCEEDANCE PROCESS, YOU'LL HAVE A SUCCESSFUL OUTCOME AND
16 HOPE THAT WE CAN CONTINUE THIS INTO THE FUTURE WITH SOME
17 OF OUR OTHER ISSUES. AND KNOWING THAT WORKING WITH
18 STAKEHOLDERS REALLY IS A METHOD THAT WORKS AND CAN BRING
19 US ALL TO A GOOD PLACE. I HOPE THAT WE WILL (INAUDIBLE)
20 TO PURSUE THAT.

21 MS. SMITH: ASSUMING THAT WE WERE.

22 MR. MINDLIN: DEB, AGAIN, I JUST WANT TO REITERATE
23 THAT, YOU KNOW, WITH SUCH A TRANSITION, I, AS ACTING
24 EXECUTIVE OFFICER, THIS HAS BEEN A FANTASTIC STAFF
25 PRESENTATION SO FAR. YOU REALLY NEED TO BE COMMENDED.

1 YOUR WHOLE TEAM HAS DONE A FANTASTIC JOB NOT ONLY IN THE
2 PRESENTATION, BUT HOW YOU WORKED WITH THE STAKEHOLDERS SO
3 FAR. IT JUST -- YOU REALLY SHOUL BE APPLAUDED.

4 ONE OF THE THINGS I'VE NOTICED NOW IS THE
5 506TH PUBLIC MEETING; 506 PUBLIC MEETINGS ON THIS MATTER
6 SO FAR. IT'S JUST AMAZING JUST KNOWING THAT HOW MANY --
7 AND THE (INAUDIBLE) IN THE FIRST SLIDE THAT WAS SHOWN; IS
8 THAT CORRECT?

9 MS. SMITH: ON THE (INAUDIBLE) BOARD MEETING.

10 MR. MINDLIN: I WAS LOOKING AT THE T.M.D.L. FOR THE
11 506TH MEETING. SO I WAS JUST WONDERING HOW MANY PUBLIC
12 MEETINGS WE'VE HAD. BUT, YEAH, I JUST WANT TO THANK YOU.
13 AND IT SEEMS VERY INTERESTING HOW YOU'VE WORKED WITH ALL
14 THE DIFFERENT CITIES AND STAKEHOLDERS, THAT IT WASN'T VERY
15 (INAUDIBLE).

16 MS. SMITH: WELL, THANK YOU. AND I, YOU KNOW, I
17 (INAUDIBLE) A LOT OF GREAT STAFF HERE AND A GREAT TEAM. I
18 KNOW, IN PARTICULAR, IT WAS A TEAM EFFORT BETWEEN THE
19 STORM WATER T.M.D.L.'S STAFF AND THAT WAS GREAT. AND I
20 WOULD LIKE TO TAKE THE OPPORTUNITY TO THANK BOTH MARKS FOR
21 WORKING AND CLOSELY WORKING AS WELL. IT WAS GREAT TO HAVE
22 -- (INAUDIBLE) MARK PESTRELLA IN PARTICULAR, WHO -- HE AND
23 I HAVE DEVELOPED A NEW, CLOSER RELATIONSHIP, MAKING EACH
24 OTHER AVAILABLE TO, YOU KNOW -- EVERY NIGHT DRIVING HOME
25 AT 6:00 AND 7:00 O'CLOCK AT NIGHT, YOU KNOW, TO TALK OVER

1 ISSUES, AND IT'S JUST BEEN GREAT. AND WE'VE BEEN OPEN AND
2 HONEST ALL ALONG. AND I FOUND THAT HAVING THAT, YOU CAN
3 RESOLVE A LOT OF ISSUES.

4 SO THANKS TO BOTH MARKS AND ALSO MY STAFF AND
5 INTERNS. THANK YOU.

6 UNIDENTIFIED MALE: (INAUDIBLE) IMPROVE (INAUDIBLE)
7 COMMENTS AND HOPEFULLY IT WILL CONTINUE.

8 MS. SMITH: THANK YOU.

9 MR. NAHAI: I JUST WANTED TO TAKE A MOMENT TO BOTH
10 THANK AND COMMEND MARK AND THE COUNTY OF LOS ANGELES. THIS
11 DOESN'T HAPPEN VERY OFTEN. BUT I BOTH HOPE AND BELIEVE
12 THAT MARK'S PRESENTATION HERE TODAY IS DIPLOMATIC OF THE
13 COUNTY'S RECOGNITION, THAT COASTAL PROTECTION HAS TO BE A
14 PRIORITY ECONMICALLY AND ENVIRONMENTALLY FROM A PUBLIC
15 HEALTH POINT OF VIEW. I ALWAYS THOUGHT THAT MOTHER'S
16 BEACH SHOULD BE RENAMED MOMMY DEAREST BEACH BECAUSE OF THE
17 THREAT TO ALL THE KIDS THAT GET TAKEN THERE TO SWIM.
18 HOPEFULLY, NOW IT WILL START TO ACTUALLY EARN ITS NAME.

19 AND, DEBBIE, YOU CONTINUE TO DEMONSTRATE YOUR
20 GREAT VALUE TO THIS (INAUDIBLE). THANK YOU FOR THAT TOO.

21 MS. SMITH: THANK YOU.

22 CHAIR DIAMOND: ALL I CAN ADD IS THAT AS A SENSE OF
23 GUILT AS A MOTHER WHO USED TO TAKE HER CHILDREN TO THIS
24 BEACH A LOT AND WONDER WHY THEY GOT SICK SO OFTEN. I'VE
25 LEARNED A LOT. AND I'M HAPPY TODAY THAT WE'RE ABLE TO

1 MOVE ON AND, HOPEFULLY, NOW I CAN WATCH MY GRANDCHILDREN
2 SWIM THERE AND NOT GET SICK. SO I THINK THAT THIS IS A
3 GREAT ACCOMPLISHMENT, THE FACT THAT WE DON'T HAVE ANY
4 CITIES HERE COMMENTING AND THE LACK OF CONTENTION. AND
5 MORE THAN THAT, THE SENSE OF PARTNERSHIP THAT WE HAVE
6 BETWEEN THE BOARD AND THE COUNTY, THE ENVIRONMENTAL
7 ORGANIZATION, IS SOMETHING WE SHOULD ALL BE PROUD OF. AND
8 WE OWE THIS GREAT WORK TO OUR STAFF, AS WELL AS TO THE
9 PARTICIPATING STAKEHOLDERS WHO I'VE JUST MENTIONED. SO I
10 LOOK AT THIS AS AN OPPORTUNITY TO MOVE FORWARD IN MANY OF
11 OUR OTHER T.M.D.L.'S AND PERMIT, AND OUR EFFORTS TO
12 PROTECT THE COAST IN THIS GREAT REGION. SO THANK YOU TO
13 EVERYONE.

14 AND, I GUESS, I'M JUST GOING TO MOVE THAT WE
15 ACCEPT THAT WE INCORPORATE THIS T.M.D.L. INTO OUR STORM
16 WATER PERMIT -- I GUESS, I'M BEING TOLD TO WAIT. YES.
17 YES.

18 MS. SMITH: I'M SORRY, CHAIR DIAMOND. MARK PESTRELLA
19 JUST POINTED OUT THAT -- WE MENTIONED ON THE CHANGE SHEET
20 TWO OF (INAUDIBLE) PROJECT AND THEN (INAUDIBLE) THREE HAD
21 (INAUDIBLE) AND THEN INITIATED. I JUST WANTED TO SUGGEST WE
22 ADD THAT AND REFLECT THAT CHANGE IN THE CHANGE SHEET. IT
23 WAS PROVIDED ON THE FINDINGS AND IT'S FINDING 35, THE SIXTH
24 BULLET. AND IF WE COULD CHANGE THE WORD "TWO" TO "THREE."
25 AND AT THE END, AFTER "FOWARD GRANT," PUT A COMMA, IT WOULD

1 SAY "TWO OF WHICH HAVE BEEN COMPLETED." I'D APPRECIATE IF
2 WE COULD MAKE THAT CHANGE.

3 CHAIR DIAMOND: THAT WILL REFLECT AND BRING US UP
4 TO DATE. I WILL MOVE THAT WE INCORPORATE THIS T.M.D.L.
5 INTO OUR STORM WATER PERMIT AND ACCEPT THE STAFF
6 RECOMMENDATIONS: THE CHANGE SHEET, THE MODIFICATIONS, AND
7 THE CHANGE THAT WAS JUST MENTIONED BY OUR INTERIM E.O.

8 ALL THOSE IN FAVOR?

9 THE BOARD: AYE.

10 CHAIR DIAMOND: THE MOTION PASSES. AT THIS POINT I
11 THINK WE'RE GOING TO TAKE A RECESS.

12 (RECESS)

13 CHAIR DIAMOND: WELCOME BACK EVERYBODY. WE ARE
14 GOING TO -- WE'RE BACK IN SESSION. WE ARE GOING TO HEAR
15 ITEM NUMBER 13 WHICH IS THE PROPOSED BASIN PLAN AMENDMENT
16 TO INCORPORATE A TOTAL MAXIMUM DAILY LOADS FOR TRASH IN
17 THE LOS ANGELES RIVER WATERSHED.

18 THE ORDER OF PRESENTATION WILL BE STAFF,
19 FOLLOWED BY DISCHARGE PRESENTATION. THEN WE WILL HAVE
20 HEAL THE BAY AND BAYKEEPER AND OTHER SPEAKERS. WE WOULD
21 LIKE TO MAKE SURE WHEN WE BEGIN THAT PEOPLE TELL ME HOW
22 MUCH TIME THEY ARE PLANNING TO SPEAK. AND I WILL TELL YOU
23 HOW MUCH TIME WE HAVE YOU ON RECORD OF SPEAKING. SO WE
24 WILL BEGIN WITH OUR PRESENTATION.

25 MS. NYE: GOOD MORNING, MEMBERS OF THE BOARD. MY