

## **Exhibit H: Coordinated Integrated Monitoring Program (CIMP) For the Santa Monica Bay Watershed Jurisdictions 2 & 3 EWMP Group**

The Natural Resources Defense Council (“NRDC”), Heal the Bay, and Los Angeles Waterkeeper (“LAWK”) (collectively, “Environmental Groups”) have identified several concerns with the Draft Coordinated Integrated Monitoring Program (“CIMP”) for the Santa Monica Bay Watershed Jurisdictions 2 & 3 EWMP Group, submitted by the City of Los Angeles, City of El Segundo, City of Santa Monica, County of Los Angeles, and Los Angeles County Flood Control District,<sup>1</sup> which we discuss below.

This discussion, however, is not intended to provide an exhaustive list of deficiencies of the CIMP. Nor does it, in general, address concerns with the Enhanced Watershed Management Program (EWMP) Work Plan for the Santa Monica Bay Watershed Jurisdictions 2 & 3 EWMP Group.<sup>2</sup> For Environmental Groups’ comments in response to the Santa Monica Bay J2 & 3 EWMP Work Plan, please see Environmental Groups’ September 16th letter to the Los Angeles Regional Water Quality Control Board (“Regional Board”),<sup>3</sup> submitted under separate cover.

### **I. Specific Comments to the CIMP for the Santa Monica Bay J2 & 3 Watershed**

#### **A. Implementation**

The CIMP states that “it is anticipated that the permitting and installation process [of fixed autosamplers and appurtenances] may take 18 months.”<sup>4</sup> Under this framework, monitoring may not begin at some or all new receiving water and outfall monitoring sites until spring 2016. This is an inappropriately long timeframe to begin key monitoring. The CIMP should provide an interim plan (e.g. grab samples, portable sampling devices) and steps to expedite the installation process. Moreover, the CIMP proposes to have 100 percent of the watershed’s outfalls prioritized by December 28, 2017.<sup>5</sup> This time period is too long and should be reduced, as the proposed date for completion of the final prioritization would be five years after the 2012 Permit’s adoption, representing an entire permit cycle.

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<sup>1</sup>City of Los Angeles, the County of Los Angeles, Los Angeles County Flood Control District, and the Cities of El Segundo and Santa Monica, *Draft Coordinated Integrated Monitoring Program* (“Santa Monica Bay J2&3 CIMP”)

<sup>2</sup> City of Los Angeles, the County of Los Angeles, Los Angeles County Flood Control District, and the Cities of El Segundo and Santa Monica,, *Draft Enhanced Watershed Management Program Work Plan* (“Santa Monica Bay J2&3 EWMP”)

<sup>3</sup> 3 Natural Resources Defense Council, Los Angeles Waterkeeper, and Heal the Bay.

"Comments on Enhanced Watershed Management Program Work Plans and Monitoring Plans Pursuant to Requirements under the Los Angeles County Municipal Separate Storm Sewer System Permit, NPDES Permit No. CAS004001, Order No. R4-2012-0175." Letter to California Regional Water Quality Control Board, Los Angeles Region. 16 Sept. 2014.

<sup>4</sup> Santa Monica Bay J2 & 3 CIMP, at 73.

<sup>5</sup> *Id* at 53.

## **B. Receiving Water Monitoring**

The CIMP proposes three receiving water monitoring locations.<sup>6</sup> Two are located in the far west of the EWMP Group area (SMB-1,SMB-2) and the other is located off of Santa Monica (SMB-3). Noticeably absent is a receiving water monitoring site capturing runoff from El Segundo. As El Segundo has significant industrial activity, this is a land-use that must be captured in the receiving water monitoring for the watershed. The permittees should add an additional site to incorporate runoff from this area.

## **C. Outfall Monitoring**

The CIMP states that “parameters in Table E-2 of the MRP...will not be identified as exceeding applicable water quality objectives until after the first year of receiving water monitoring.”<sup>7</sup> But the CIMP provides no justification for this delayed approach, and should make any such determination based initially on historical or new monitoring.

## **D. Non-Stormwater Monitoring**

The CIMP states that “as non-stormwater flow at the beach outfalls are non-existent, and have been reviewed for over 10 years, outfall screening of these outfalls will not be conducted.”<sup>8</sup> But the CIMP fails to demonstrate whether the diversions reducing flow for these outfalls have been operational for 100% of the time during dry-weather periods, or whether any operations or maintenance issues may have arisen during dry-weather periods resulting in discharge. Absent further justification, this approach is unwarranted.

The CIMP additionally states that “as all data are gathered and processed, major outfalls with dry-weather flows reaching the receiving water body and presence of *E.coli* at all three screening events will be deemed as exhibiting significant non-stormwater discharge.”<sup>9</sup> This proposal suggests, for example, that one high flow event without the presence of *E.coli* would not be considered a “significant” discharge, and thus, would not require further action. This is inappropriate. Flow alone can impact the receiving water and indicate a potential illicit discharge. Further, flows can be intermittent, so could be captured on one site screening but not on others. This proposal should be modified to reflect the potential variability of source or conditions, or potential for non-bacteria related input.

To this end, we are concerned that *E. coli* was selected as the representative pollutant, as it is not representative of all constituents found in runoff (i.e. metals, organics, nutrients, etc.). This decision requires further scientific justification.

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<sup>6</sup> *Id* at 17.

<sup>7</sup> *Id* at 45.

<sup>8</sup> *Id* at 47.

<sup>9</sup> *Id* at 51.

## E. Toxicity Methodology

The MS4 Permit requires permittees to conduct sensitivity screening for a vertebrate, an invertebrate, and a plant species to identify the most sensitive species for toxicity testing. If there is prior knowledge of potential toxicants and a test species is sensitive to such toxicants, then monitoring shall be conducted using that species. (2012 Permit, at E-32). The CMIP states that *Macrocystis pyrifera* (giant kelp) collection challenges during wet weather and *Atherinops affinis* (topsmelt) survival and growth test duration limitations (7 days) necessitates the removal of these species from initial sensitivity screenings.<sup>10</sup> This reasoning for not conducting toxicity testing for giant kelp and topsmelt is unjustified. The MS4 Permit does not allow for screening challenges or limitations to lead to exclusion from sensitivity screening. These species should be included in the monitoring program's sensitive species screening and selection.

The CIMP does not include wet weather freshwater chronic toxicity testing because “[u]tilization of chronic tests to assess wet weather samples generates results that are not representative of receiving water conditions.”<sup>11</sup> This statement is unsubstantiated; receiving water pollutant loading can last up to seven days during and following rain events. In addition, both acute and chronic toxicity testing must be conducted to identify stormwater impacts on aquatic species. Thus, freshwater chronic testing must be included in the CIMP. Furthermore, we suggest considering *Hyalella azteca* for acute freshwater testing.

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<sup>10</sup> *Id.* at C-17.

<sup>11</sup> *Id.* at C-18