

Comment Summary and Reponses
2023-2025 Triennial Review
Comment deadline: October 9, 2023

Commenter:

1	Beach Cities Watershed Management Group (Beach Cities WMG)
2	County of Los Angeles and County of Los Angeles Flood Control District (LA County and LACFCD)
3	Los Angeles County Sanitation District (LACSD)
4	City of Los Angeles Sanitation and Environment (LASAN)

Comment Summary and Responses:

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1.1	Beach Cities WMG	As permittees subject to the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Water Toxic Pollutants TMDL limits for copper, lead and zinc, the Beach Cities WMG is particularly supportive of the priority project to continue work to incorporate the Biotic Ligand Model (BLM) for copper into the Basin Plan freshwater quality criteria.	Comment noted.
2.1	LA County and LACFCD	I. Prioritize participation in stakeholder-led studies Updating Basin Plan standards and implementation provisions often requires conducting site- or region-specific scientific studies. Several studies are currently underway in the region to collect necessary data and information across various watersheds, the findings of which can assist the Regional Board in updating the	The Triennial Review process is the opportunity for the Los Angeles Water Board to set its own priorities in response to multiple factors including State or federal legal requirements, or judicial mandates such as

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		<p>Basin Plan standards and associated TMDLs. Over \$12 million in public funds are being invested in these studies with the understanding that such studies are crucial for water quality protection and prioritization of projects and programs. Some of these studies include the Regional Pathogen Reduction Study, Zinc Recalculation Study, and Street Sweeping Study.</p> <p>The Zinc Recalculation Study, led by the City of Los Angeles, will use an EPA established method to help develop site-specific zinc objectives for the region based on recent data. This will help to update a 22-year-old zinc standard, considered outdated. The study is funded largely by the SCWP [Safe, Clean Water Program] and encompasses three watersheds: Los Angeles River, Ballona Creek, and Dominguez Channel watersheds.</p> <p>The County and District, along with other stakeholders, are actively participating in the aforementioned studies to help advance scientific understanding and guide the development of strategy to address water quality issues in our region. Regional Board staff have helped provide guidance and input for some of the preliminary study efforts. Regional Board staff's expertise in amending the Basin Plan based on the scientific findings of these studies is critical. As such, the County and District request the Regional Board to continue prioritizing support for stakeholder-led studies as part of the 2023-25 triennial review.</p>	<p>consent decrees, State Water Board plans and policies, needs of other state and federal agencies related to water quality, and stakeholder priorities.</p> <p>The Los Angeles Water Board carefully considers and selects which stakeholder-led studies to dedicate resources to from the larger body of projects under consideration.</p>

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2.2		<p>II. Prioritize updating TMDLs</p> <p>Over the last 10 years, the County has been focusing on implementation of projects and programs to meet the requirements of the Regional MS4 Permit. The County is part of 12 WMP groups, and projects are distributed throughout all watersheds. The County has completed six large-scale regional projects with a total cost of over \$125 million. Three projects with a total cost of \$60 million are currently under construction, and two projects with a total cost of over \$70 million are expected to commence construction soon. Several additional projects are in the design and planning phases. In addition, both the County and District have contributed toward several co-permittee-led projects. Permittees, including the County and District, are making every effort to implement projects under these constraints and challenges. Equally important is for the Regional Board to ensure that the water quality standards, which these projects are being designed to address, are up to date and consistent with science. In particular, it is crucial to reconsider and update TMDLs on a timely basis. For example, existing Bacteria TMDLs need to be updated to reflect the current bacteria standards in the Basin Plan, including the removal of total coliform bacteria objectives from coastal Bacteria TMDLs. Further, reconsideration of final deadlines for various TMDLs is necessary to allow time to complete planned projects.</p>	<p>The establishment of, or reconsideration of, a TMDL is a separate process from the triennial review. The Los Angeles Water Board has reconsidered many TMDLs in the Los Angeles region (most recently the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL reconsideration adopted by the Los Angeles Water Board on September 8, 2022) These TMDL reconsiderations include, where supported, extending final compliance deadlines (examples include the Revision of the Implementation Schedules for MS4 Dischargers for Nine TMDLs, effective May 2, 2022). The Los Angeles Water Board will continue to update TMDLs to meet commitments and in response to new data, updated objectives and stakeholder needs as resources allow. We note that while several bacteria TMDLs are based on the “old” bacteria objectives, practically, the “old” objectives</p>

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			<p>and the current objectives are so similar (both “old” and current bacteria criteria are based on an equivalent health risk) that it is unlikely that any difference in implementation requirements would be created by updating the TMDLs to the current objectives. In addition, Finally, we note that Time Schedule Orders (TSO) may also be available for dischargers to allow time to complete planned projects that will result in meeting the TMDLs.</p>
2.3	LA County and LACFCD	<p>III. Expedite the completion of BLM-based metal standards</p> <p>The County and District support the continued prioritization of updating the copper objectives based on the Biotic Ligand Model (BLM) approach. This project started during the 2017-19 triennial review cycle and continued through the 2020-22 cycle. This project is taking longer than expected, and the County requests that it be prioritized and completed during the current triennial review period. In support of this project, many stakeholders, including the County and District, have collected data on BLM parameters in several watersheds.</p> <p>As indicated in the February 1, 2023, letter, in addition to copper, the County would like to request zinc be</p>	<p>Updating freshwater metal criteria based on the Biotic Ligand Model (BLM) remains a priority of the Los Angeles Water Board. While past efforts primarily focused on copper for the Los Angeles Water Board and the State Water Board, zinc has now also become a priority project for the State Water Board. As detailed in the draft Staff Report, given the complexity of applying the BLM (e.g., there are no implementation guidelines from</p>

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		<p>included in the scope of this project. Zinc is a primary driver of WMP implementation in many watersheds and, thus, should be given priority. This is especially important for watersheds that are not covered under the aforementioned Zinc Recalculation Study. This request is consistent with the Regional Board's intention during the 2020-22 triennial that directed staff to evaluate zinc criteria in a similar manner as copper.</p>	<p>the 2007 U.S. EPA copper BLM, nor U.S. EPA's BLM guidelines for zinc), the Los Angeles Water Board is now following State Water Board's lead on the project and is focused on how BLM could be implemented in the Los Angeles Region for both copper and zinc.</p>
2.4	LA County and LACFCD	<p>IV. Increase staffing resources to adequately address basin planning matters</p> <p>Page 34 of the Staff Report states, "<i>[t]he Los Angeles Water Board's Basin Planning Program currently consists of 1.7 personnel years (PYs). Carrying out the projects identified during the triennial review process is only one of the responsibilities of those staff whose time comprises the 1.7 PYs each year. Therefore, the number of projects that can be addressed during the time remaining in this triennial review period is limited.</i>"</p> <p>This was used as a primary factor for not prioritizing a large number of projects, which has been the case for many years. This is of great concern to the County and District as critical basin plan issues cannot be addressed.</p> <p>As indicated in the Staff Report, there are over 30 basin planning projects that were identified by Regional Board staff and stakeholders. However, less than one-third of these projects were prioritized for the 2023-25 triennial review. From previous experience, even those prioritized projects are often not completed. For</p>	<p>Increasing staffing resources is a task determined at the State level. As such, consideration of increasing staff is not part of the Triennial Review process. Additionally, regional boards have limited ability to shift staff resources between program areas because funding sources are often specific and tied to performance goals.</p> <p>At the program level, staffing resources are allocated to the projects identified for the current triennial review period, and priority is given to projects that are already ongoing. The remaining projects will be addressed subsequently by staff, for example when new water quality criteria from U.S.</p>

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		<p>example, out of ten projects prioritized during the last triennial review cycle (2020-22), only one project (or 10 percent) was completed. With this level of progress, it would not only take many decades to address the current basin planning issues, but also makes it difficult to keep up with emerging issues, which would in turn lead to relying on outdated standards to implement water quality projects for many years to come, with projects and efforts that are often more costly than warranted. Therefore, it is imperative for the Regional Board to allocate sufficient staffing and funding resources toward the Basin Plan to ensure that standards are up-to-date and public resources are spent wisely.</p>	<p>EPA become available, and/or new statewide policies are adopted by the State Water Board.</p>
3.1	LACSD	<p>The Sanitation Districts strongly support the Regional Board’s priority to “Oversee studies evaluating the temperature water quality objectives” for the 2023-2025 Triennial Review cycle. As discussed in our February 6, 2023 letter, titled “2023-2025 Triennial Review,” throughout 2021 and 2022, seven of the Sanitation Districts’ National Pollutant Discharge Elimination System (NPDES) permits for treated wastewater discharges to surface waters were updated by the Regional Board with a new interpretation of the temperature objectives, resulting in more stringent wastewater treatment plant effluent and receiving water temperature limitations, which currently cannot be consistently met with existing infrastructure, climate change trends, and other conditions. As such, the Regional Board included temperature compliance</p>	<p>Comment noted.</p>

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		schedules in the Sanitation Districts' NPDES permits, in both the San Gabriel and Santa Clara River watersheds.	
4.1	LASAN	<p>i. The following priority should be added to the list of priorities for the 2023- 25 Triennial Review period: "Initiate coordination with stakeholders on the re-evaluation of the Basin Plan's Bacteria Objectives for Fresh, Estuarine, and Marine Waters Designated for Water Contact Recreation."</p> <p>LASAN agrees that studies need to be conducted to know the levels of alternative indicators that would ensure an acceptable health risk in order to establish alternative water quality objectives. For that reason, LASAN has been supportive of conducting studies which aim to gather the local data necessary to answer this complex question, including the study being funded by the Safe, Clean Water Program which will commence during the 2023-25 Triennial Review period. In order for these studies to gather the information that the Regional Board has stated that it needs, it is critical to have Regional Board staff participate and provide feedback early on during study development and throughout the studies (e.g., during development of the study work plans, selection of stakeholder and technical advisory committees, and participation in committee meetings). Without meaningful engagement by Regional Board staff, these studies are at risk of not providing the information that the Regional Board has stated that it needs. As such,</p>	<p>The bacteria objectives have recently been updated. The State Water Board updated the bacteria objectives in 2019 and the Los Angeles Water Board incorporated the updated bacteria objectives in the Los Angeles region's Basin Plan in 2020.</p> <p>The Los Angeles Water Board acknowledges that stakeholders are interested in alternatives to the most recently adopted bacteria objectives. Both the Los Angeles Water Board and the State Water Board are carefully following the state of the science on alternative indicators of microbial pollution. The State Water Board held a bacteria summit to review with stakeholders the status of the science on September 14-16, 2022 and will hold another bacteria summit focusing on tribal and non-governmental organization concerns in 2024.</p>

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		<p>LASAN is requesting that Regional Board staff make coordination with stakeholders on the re-evaluation of the Basin Plan’s bacteria objectives for fresh, estuarine, and marine waters designated for water contact recreation a priority. This priority would be similar to the proposed priority of continuing to coordinate with stakeholders on the re-evaluation of the Basin Plan’s temperature water quality objectives.</p>	<p>See also response to comment 2.1.</p>
4.2	LASAN	<p>II. Section 3.1 of the Draft Staff Report should be corrected to accurately reflect the projects adopted for the 2020-22 Triennial Review period under Resolution 2020-004.</p> <p>LASAN would also like to note that the list of projects for the 2020-22 Triennial Review period from Section 3.1 of the Draft Staff Report appears to be inconsistent with the projects adopted under Resolution 2020-004. Section 3.1 of the Draft Staff Report removes the project to “Provide support for efforts towards developing region-specific bio-objectives”, removes the evaluation of steps to evaluate zinc freshwater quality objectives, and adds the following projects that were not included in Resolution 2020-004:</p> <ul style="list-style-type: none"> • Consider a high flow suspension of REC-1 beneficial use for the engineered channels in Ventura County; • Continue the development of a regional strategy to address the effects of climate change on water quality; 	<p>Section 3.1 of the draft Staff Report has been revised to accurately reflect Resolution No. 2020-004. Additionally, the titles of Sections 6 and 7 of the draft Staff Report have also been revised from 2020-2022 to reflect the correct years, and now read “2023-2025 Triennial Review: Potential Projects Identified by U.S. EPA and Stakeholders” and “2023-2025 Triennial Review: Staff Recommendations on Priorities,” respectively. In staff recommendations (Section 7.1 of the draft Staff Report), staff also revised the sentence, “Continue the work on updating the freshwater quality objectives for copper” to read, “Continue the work on updating the</p>

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		<ul style="list-style-type: none"> • Provide support to other Los Angeles Water Board programs, including TMDLs; and • Provide support to statewide standards-related initiatives. <p>LASAN requests that Section 3.1 of the Draft Staff Report be corrected to accurately reflect the projects adopted for the 2020-22 Triennial Review period under Resolution 2020-004.</p>	<p>freshwater quality objectives for copper <u>and evaluate steps necessary to address zinc in a similar manner.</u>"</p>