



GAIL FARBER, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE

REFER TO FILE: WM-9

October 24, 2011

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



Dear Ms Townsend.

COMMENT LETTER – CALIFORNIA OCEAN PLAN AMENDMENTS

Thank you for the opportunity to provide comments on the proposed California Ocean Plan Amendments. The enclosed comments are being submitted on behalf of the County of Los Angeles and the Los Angeles County Flood Control District.

We look forward to your consideration of these comments. If you have any questions, please contact me at (626) 458-4300 or ghildeb@dpw.lacounty.gov or your staff may contact Ms. Angela George at (626) 458-4325 or ageorge@dpw.lacounty.gov.

Very truly yours,

GAIL FARBER
Director of Public Works

A handwritten signature in blue ink that reads "Gary Hildebrand".

GARY HILDEBRAND
Assistant Deputy Director
Watershed Management Division

El:jtz

P:\wmpubl\Secretarial\2011 Documents\Letters\Comment Ocean Plan Model Monitoring.docx\C11341

Enc.

**COMMENTS OF THE COUNTY OF LOS ANGELES AND THE LOS ANGELES
COUNTY FLOOD CONTROL DISTRICT ON THE PROPOSED AMENDMENTS
TO THE CALIFORNIA OCEAN PLAN REGARDING MODEL MONITORING,
CONTROL OF COMMERCIAL VESSEL DISCHARGES AND INVASIVE SPECIES,
AND NON-SUBSTANTIVE ADMINISTRATIVE CHANGES AND THE DRAFT
SUBSTITUTE ENVIRONMENTAL DOCUMENTATION FOR THE
PROPOSED AMENDMENTS**

The County of Los Angeles (County) and the Los Angeles County Flood Control District (LACFCD) appreciate the opportunity to comment on the proposed amendment to the California Ocean Plan (Ocean Plan) by the State Water Resources Control Board (State Water Board). The proposed amendment addresses a wide range of issues. However, the comments below focus specifically on the proposed Model Monitoring guidance as it applies to point source stormwater dischargers. The County and the LACFCD generally support the goal of State Water Board to establish statewide consistency in ocean monitoring by using a model monitoring framework that includes flexibility and minimum requirements. However, as discussed below, we have serious concerns regarding the details of the guidance as currently written.

I. The proposed Model Monitoring guidance should be adaptive and take into account other regulatory mechanisms

The proposed Model Monitoring guidance uses a question-driven approach and a three-pronged framework. For point source stormwater dischargers, the management questions are:

1. does the receiving water meet the water quality standard?
2. are the conditions in receiving water getting better or worse?
3. what is the extent and magnitude of current or potential receiving water problems from stormwater runoff?
4. what is the relative urban runoff contribution to pollutant loading in the receiving water?
5. what are the sources of the runoff problem?

The elements of the monitoring framework are:

1. core monitoring, or site-specific monitoring to measure compliance with effluent limits and/or impacts to receiving water quality;
2. regional monitoring to assess ambient conditions over a large area and cumulative effects of all anthropogenic inputs, and
3. special studies designed to answer specific management or research questions.

Though with crucial differences as described below, this approach is rooted in a model monitoring program developed by the Southern California Coastal Water Research Project (SCCWRP) and the Southern California Stormwater Monitoring Coalition (SMC) in 2004. (*Model monitoring program for municipal separate storm sewer systems in southern California 2004 Model Monitoring Technical Committee Technical Report 419 SCCWRP*) As a member agency of both SCCWRP and the SMC, the LACFCD actively participated in the development of this model program

The philosophy behind the 2004 model monitoring program was three-fold, that monitoring should be (1) question driven, (2) proportional to level of impact, and (3) adaptive. The 2004 management questions were:

1. are conditions in receiving waters protective, or likely to be protective, of beneficial uses?
2. what is the extent and magnitude of the current or potential receiving water problems?
3. what is the relative urban runoff contribution to the receiving water problem(s)?
4. what are the sources to urban runoff that contribute to receiving water problem(s)?
5. are conditions in receiving waters getting better or worse?

This approach is designed to address water quality problems in a logical and systematic manner within the current regulatory framework, namely the 303(d) listing process and Total Maximum Daily Loads (TMDLs). Under this framework, more extensive site-specific monitoring is considered after receiving water impairments have been identified, for example, as part of TMDL compliance monitoring.

The Model Monitoring guidance proposed by State Water Board staff would require extensive core monitoring to assess compliance with individual effluent limits unless it is waived by a Regional Water Quality Control Board (Regional Board) in favor of participation in a regional monitoring program. This approach is not adaptive or proportional to level of impact. In fact, the level of effort that would be required to implement this program is on par with the monitoring program associated with the Special Protections for Areas of Special Biological Significance (ASBS). Requiring ASBS-level monitoring for the entire California coast is not appropriate and would divert scarce public resources to unnecessary monitoring and diminish dischargers' capacity to address priority water quality problems.

A more logical approach would be to require participation in a regional monitoring program which can identify impairments (if any) for 303(d) listing as well as assess ambient receiving water conditions. If impairments are detected, then responsible parties would be identified through the TMDL process and required to conduct compliance monitoring for impaired waterbodies.

II. The proposed core monitoring is excessive and should be more targeted.

Should State Water Board staff choose to retain the current framework of using core monitoring as a baseline, the County and the LACFCD would suggest that it be modified to be more targeted. As currently proposed, core monitoring would require MS4 dischargers to monitor:

- Indicator bacteria at all outfalls greater than 36 inches a minimum of three storms per year and when flowing during dry weather and if located at an AB411 beach, at least five times per month,
- Water chemistry, toxicity, and ocean characteristics at 10 percent of all outfalls greater than 36 inches annually; and
- Sediment chemistry and bioaccumulation once per permit cycle

This level of bacteria monitoring is on par with that for the Santa Monica Bay Beaches Bacteria TMDL. It is not reasonable, as a minimum requirement, to impose TMDL-level monitoring on non-303(d) listed waterbodies. Based on our analysis, the proposed core monitoring would significantly increase the monitoring costs across the state, including in Los Angeles County, and would diminish the ability of local agencies to implement control measures to address priority water quality impairments.

To make core monitoring more targeted, the County and the LACFCD recommend that monitoring be limited to priority constituents and areas of concern. As currently proposed, monitoring is required for all chemical constituents including bacteria, metals, nutrients, PAHs, pesticides, solids, oil and grease, organic carbon, temperature, pH, BOD, turbidity etc. Experience indicates that many of these constituents are typically either not detectable or of minimal concern because of their low concentrations. The County and the LACFCD recommend that core monitoring focus on site-specific constituents of concern.

III. Stormwater monitoring locations should be sited in the receiving water taking into consideration dilution factors

The Ocean Plan Chapter 2 “Water Quality Objectives” under General Provision states:

“ Compliance with the water quality objectives of this chapter shall be determined from samples collected at stations representative of the area within the waste field where initial* dilution is completed.” (Ocean Plan P 4, emphasis added)

Thus, it is clear that the water quality objectives in the Ocean Plan are set to be attained in the receiving water (the ocean) after initial dilution.

However, the proposed model monitoring requires core monitoring to be conducted “in the immediate vicinity of discharge” (Proposed Ocean Plan P. 37) indicating a monitoring location where discharge is first mixed with the receiving water. This is contrary to the Ocean Plan’s intent and should be changed. The guidance should be revised to provide that all stormwater compliance monitoring is conducted outside of the discharge mixing zone where initial dilution is completed. Alternatively, if the State Water Board insists that the monitoring should be conducted in the immediate vicinity of the discharge, then the guidance should be revised to assign appropriate dilution factors to stormwater discharges similar to those for wastewater discharges.

IV. Indicator bacteria monitoring should be limited to enterococcus

Though unclear, the proposed model monitoring appears to require monitoring for both *E coli* and *enterococcus* (see page 46 of the proposed Ocean Plan). Bacteria monitoring should be done only for *enterococcus* in accordance with USEPA criteria and guidance being developed for indicator bacteria (Stakeholder Meeting on USEPA’s Development of New or Revised Recreational Water Quality Criteria June 14-15, 2011).

V. “Core Runoff Monitoring” should be replaced with “Core Monitoring” for consistency

Appendix III, page 37 of the proposed Ocean Plan defines “Core Monitoring”. However, the stormwater section of Appendix III uses the term “core runoff monitoring” which is confusing. It is our understanding that “core monitoring” and “core runoff monitoring” are being used interchangeably. To avoid confusion, the term “runoff” should be removed (Proposed Ocean Plan P. 41, Section 5.2) so that “core runoff monitoring” would read “core monitoring”.