



## COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

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Charles R. Hoppin, Chair, and Members of the Board  
State Water Resources Control Board  
1001 I Street, 24th Floor  
Sacramento, CA 95814  
Attn: Jeanine Townsend, Clerk to the Board



Dear Chair Hoppin and Members of the Board:

### **Comment Letter - California Ocean Plan Amendments**

The Sanitation Districts of Los Angeles County (Sanitation Districts) thank you for the opportunity to submit comments regarding the draft staff report and proposed amendments (Draft Amendments) to the California Ocean Plan (Ocean Plan) regarding designation of State Water Quality Protection Areas (SWQPAs) to protect Marine Protected Areas (MPAs). Our comments focus on the provisions of the Draft Amendments related to municipal wastewater outfalls. We greatly appreciate the staff's efforts to date on this Draft Amendments and the staff's intent to adhere to the schedule indicated by the Board at our behest. As such, we support the adoption of the Draft Amendments, with the modifications described below and in the Joint Association comment letter on the Draft Amendments submitted by Tri-TAC, the California Association of Sanitation Agencies (CASA), and the Southern California Alliance of POTW's (SCAP), which the Sanitation Districts fully endorse, as close as possible to the May 2012 timeline identified in Resolution No. 2010-0057. In this letter, the Sanitation Districts will limit its comments to those issues most critical or specific to our particular agency.

The Sanitation Districts of Los Angeles County (Sanitation Districts) are a confederation of 23 independent special districts located throughout Los Angeles County serving the wastewater and solid waste management needs for about 5.4 million people. For over 87 years, the Sanitation Districts have operated one of the largest regional wastewater collection and treatment systems in the nation, with a service area that covers approximately 820 square miles and encompasses 78 cities and the unincorporated territories of Los Angeles County. Within the greater Los Angeles metropolitan area, the Sanitation Districts operate an interconnected system of sewers and wastewater treatment plants called the Joint Outfall System (JOS), which serves 17 districts, 73 cities and a population of over 5 million people. The terminal treatment plant in the JOS is the Joint Water Pollution Control Plant (JWPCP), which discharges to an ocean outfall system offshore of White Point on the southern side of the Palos Verdes Peninsula. To ensure our operations are protective of public and environmental health, we have conducted over 40 years of comprehensive coastal environmental monitoring along Palos Verdes including the areas associated with two recently designated MPAs that are part of the South Coast region network of MPAs.

The Draft Amendments were written in response to State Water Resources Control Board (SWRCB) Resolution No. 2010-0057 (hereafter referred to as "the Resolution") to establish criteria for designating new SWQPAs, including conditions and prohibitions applicable to point source and nonpoint source discharges that protect existing public infrastructure as well as water quality in these areas. Among other things, the Draft Amendments are intended to outline requirements pertaining to existing municipal wastewater outfall discharges located in the vicinity of MPAs and/or SWQPAs. The Resolution outlined

the language that the SWRCB intended for staff to include in these amendments as well as a timeline for amending the Ocean Plan to address this issue.

The Sanitation Districts appreciate the SWRCB's efforts to date in developing the Draft Amendments, but have identified several key issues that must be addressed in order to fully realize the intent of the Resolution adopted by the SWRCB. Our primary recommendation is that the Draft Amendments be modified to include all of the intended language included in the Resolution so as to fully realize the intent of the SWRCB. The omissions of greatest concern are in Resolved Paragraphs 3.b and 3.c of the Resolution, which were an essential part of the direction provided by the SWRCB regarding future regulation of existing municipal wastewater treatment facilities discharging in the vicinity of General Protection SWQPAs (SWQPA-GPs). Further discussion of the significance of these recommended revisions to the Draft Amendments follow.

Resolved Paragraph 3.b states "*where new SWQPAs are established in the vicinity of existing municipal wastewater outfalls, there shall be no new or modified limiting conditions or prohibitions for the SWQPAs relative to those outfalls*". While Provision E.2 of the Draft Amendments provides direction in relation to designated MPAs, an overlying SWQPA is a Marine Managed Area, not an MPA. Therefore, contrary to the intent of the Resolution, new or modified limiting conditions or prohibitions could be placed in NPDES permits based on the SWQPA designation. In this scenario, Provision E.2 of the Draft Amendments would not provide protection from "*new or modified limiting conditions or prohibitions*" because the new requirements would be based on the SWQPA-GP, not an associated MPA. Therefore, the Draft Amendments must be modified to include the language in Resolved Paragraph 3.b to provide the guidance intended by the SWRCB.

Resolved Paragraph 3.c states "*regulatory requirements for discharges from existing treated municipal wastewater outfalls shall be derived from the California Ocean Plan*". This language was intended to clarify that regardless of the location of a SWQPA-GP, if it is near an existing municipal wastewater discharge, the applicable water quality standards for that discharge will be the same as those required of other ocean dischargers without a SWQPA-GP in their vicinity. Therefore, the Draft Amendments should also be modified to include the language in Resolved Paragraph 3.c to provide clear direction for regulation of existing municipal dischargers, as intended by the SWRCB.

To fully realize the SWRCB's intent for the Draft Amendments, the Sanitation Districts request that Provision E.5.(a) of the Draft Amendments be modified as indicated below to include new sections E.5.(a)(3) and (a)(4) (underlined), which would incorporate the exact language from Resolved Paragraphs 3.b and 3.c of the Resolution:

*5. Implementation Provisions for SWQPAs-GP\**

*(a) Implementation provisions for existing point source wastewater discharges*

*(1) An SWQPA-GP shall not be designated over existing permitted point source wastewater discharges or encroach upon the zone of initial dilution associated with an existing discharge. This requirement does not apply to discharges less than one million gallons per day.*

*(2) Designation of an SWQPA-GP shall not include conditions to move existing point source wastewater outfalls*

*(3) Where new SWQPAs are established in the vicinity of existing municipal wastewater outfalls, there shall be no new or modified limiting conditions or prohibitions for the SWQPAs relative to those wastewater outfalls*

*(4) Regulatory requirements for discharges from existing treated municipal wastewater outfalls shall be derived from the California Ocean Plan*

Described below are additional provisions in the Draft Amendments which are either ambiguous or inconsistent with the SWRCB's intent as described in the Resolution and we request that these be clarified or corrected.

- 1) In Appendix I of the Draft Amendments, the definition of SWQPA-GP should be consistent with the language in Provision E.3 of the Draft Amendments. As currently written, the Provision does not make sense because the definition is equivalent to an SWQPA-ASBS. The Sanitation Districts request that the definition be changed as follows:

*State Water Quality Protection Areas – General Protection (SWQPA-GP) designated by the State Water Board to ~~maintain~~ prevent the undesirable alteration of natural water quality in order to protect or conserve marine life and habit within State Marine Parks and State Marine Conservation Areas.*

- 2) Provision E.2 of the Draft Amendments states that

*“no new or modified limitations, substantive conditions, or prohibitions (beyond those in existing law, regulations, and water quality control plans) will be imposed upon existing municipal point source wastewater discharge outfalls based on any MPAs designated as State Marine Parks and State Marine Conservation Areas. This Provision does not apply to State Marine Reserves.”*


The phrase “(beyond those in existing law, regulations, and water quality control plans)” should be removed to avoid regulatory confusion. This language could imply that existing laws, regulations, or water quality control plans might already apply to allow imposition of water quality- based limitations, conditions, or prohibitions based on SMP or SMCA MPA designations, and that new requirements could be based thereon, thereby creating contradictory provisions in these amendments.

- 3) The Draft Amendments contain some errors and typos that should be corrected prior to finalizing the document. One such error can be found in Section 5.6.2, Table 2 in which the list of MPAs is incorrect and should be consistent with MPAs designated via the Marine Life Protection Act (MLPA). In Los Angeles alone, the Abalone Cove and the Point Fermin State Marine Parks no longer exist. However, two new MPAs in this area, the Point Vicente State Marine Conservation Area (SMCA) and the Abalone Cove SMCA are missing from the list.

In closing, the Sanitation Districts are responsible to more than 5 million people to protect their investment in essential public health infrastructure from unintended impacts as a result of the two recently designated MPAs adjacent to the Sanitation Districts' outfall in Palos Verdes. The Sanitation Districts request that the SWRCB incorporate the modifications to the Draft Amendments requested here and in the Joint Association comment letter into the final version that is proposed for adoption by the SWRCB.

Thank you for consideration of our comments. We look forward to working with you to finalize the proposed amendments.

Very truly yours,



Grace Robinson Chan