



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

DONALD L. WOLFE, Director

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

6/26/07 Scoping Mtg.
CA Ocean Plan Amend.
Deadline: 7/27/07 Noon

ADDRESS ALL CORRESPONDENCE TO
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91803-1460

IN REPLY PLEASE
REFER TO FILE **WM-9**

July 26, 2007

Ms. Dorothy Rice
Executive Director
California State Water
Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

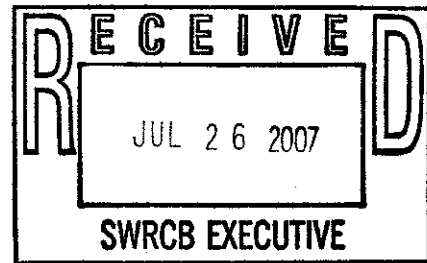
Attention Ms. Song Her

Dear Ms. Rice:

COMMENT LETTER – CALIFORNIA OCEAN PLAN AMENDMENT

The County of Los Angeles and the Los Angeles County Flood Control District appreciate this opportunity to provide comments on the June 2007 Scoping Document Amendment of the Water Quality Control Plan Ocean Waters of California. We had also commented on your previous proposed Amendments in August 2006.

Of the most recent proposed Amendments, our comments specifically address the Fecal Coliform Standard for Shellfish (Issue 2), the Proposed Standard Monitoring Procedures (Issues 14, 15, 17, and 18), and Plastic Debris Regulations (Issue 23).

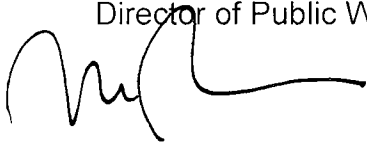


Ms. Dorothy Rice
July 26, 2007
Page 2

Thank you for consideration of these comments. If you have any questions, please contact Mr. Frank Wu at (626) 458-4358 or fwu@dpw.lacounty.gov.

Very truly yours,

DONALD L. WOLFE
Director of Public Works

A handwritten signature in black ink, appearing to read 'M. Pestrella', written over the printed name of Mark Pestrella.

MARK PESTRELLA
Assistant Deputy Director
Watershed Management Division

Enc.

MS:sv

P:\wmpub\Secretarial\Letters\Comment Letter_Ocean Plan 7-27-07.doc\C07279

cc: Tam Doduc
Arthur Baggett
Charles Hoppin
Frances Spivey-Weber
Gary Wolff
Department of Beaches and Harbors (Paul Wong)
County Counsel (Judith Fries)
Chief Executive Office (Jan Takata)
Los Angeles Regional Water Quality Control Board (Deborah Smith)

County of Los Angeles and Los Angeles County Flood Control District Comments on the Proposed Amendment to the California Ocean Plan

The County of Los Angeles and Los Angeles County Flood Control District (collectively, County) provide the following comments on the Proposed Amendment of the Water Quality Control Plan: Ocean Waters of California (Scoping Document) dated June 2007.

1. ISSUE 2: FECAL COLIFORM STANDARD FOR SHELLFISH

Staff's recommended Alternative 2 is too vaguely worded and would result in unintended impacts on wetlands and estuaries in the County of Los Angeles, many of which are currently designated for either existing or potential shellfish harvesting beneficial use. These beneficial use designations are inappropriate for heavily urbanized watersheds such as those in the County of Los Angeles and should be reassessed. Staff should amend the Ocean Plan to apply the 14 organisms per 100 ml fecal coliform standard to existing commercial shellfish harvesting areas only. With respect to the protection of recreational harvesting areas, we believe the prudent course of action is for the State Department of Health Services (DHS) to first complete the sanitary survey as required by Assembly Bill 459, so that subsequent protective efforts can focus on those areas where recreational shellfish harvesting is actually taking place or can be realistically expected in the future.

In short, we urge that the recommended Alternative 2 be revised as follows:

“Amend the Ocean Plan by adding the DHS Fecal Coliform Standard of 14 organisms per 100 ml for waters where shellfish are harvested commercially for human consumption...” (Scoping Document, page 6).

2. ISSUES 14 THROUGH 18: REGIONAL AMBIENT WATER QUALITY MONITORING, STANDARD MONITORING AND REPORTING REQUIREMENTS, STORMWATER DISCHARGES AND NONPOINT SOURCE

We agree in concept with staff's recommendation to “use a Model Monitoring Approach... with minimum requirements to provide consistent Statewide ocean monitoring” (Scoping Document, page 14). However, as it is currently written, Alternative 3 is very prescriptive and goes well beyond what can be considered “minimum requirements.” Furthermore, the program described in Appendix III raises serious logistical concerns and would have major resource ramifications on the County. It also is not clear how a program such as one described in

Appendix III would integrate with existing monitoring programs mandated by Regional Boards through Total Maximum Daily Loads (TMDLs) and National Pollutant Discharge Elimination System Permits.

The specificity of Appendix III (i.e., size and number of outfalls to be monitored, frequency of monitoring, lists of constituents to be monitored, etc.) limits the flexibility of the Regional Water Boards and dischargers to determine the appropriate and specific details of a monitoring program for ocean discharges in their regions. In fact, the monitoring program called for in Appendix III may interfere with existing monitoring programs instead of supplementing them.

Furthermore, the proposed Amendments miss the real purpose of a standard monitoring program, which is to establish standard procedures, therefore, ensuring that the monitoring data are consistent and provide a high degree of quality.

We support Alternative 2, use of a Model Monitoring Approach providing flexibility in implementing standard monitoring procedures, but without minimum requirements. In addition, Appendix III should be modified to conform with the approach described in Alternative 2.

3. ISSUE 23: PLASTIC DEBRIS REGULATIONS

Staff's recommended Alternative 2, as it is written, would conflict with trash TMDLs already in effect in the County of Los Angeles. For example, trash TMDLs in the County of Los Angeles call for the incremental reduction of manmade debris down to 5 mm in size, for runoff generated by storms up to, and including, the one- year- one- hour event. The County and other responsible agencies in the County are already taking substantial steps to comply with these TMDLs. Alternative 2 would require that trash of all sizes be essentially eliminated from runoff generated by all storm events.

We strongly urge staff to amend the Ocean Plan narrative objectives for manmade trash so they acknowledge and are consistent with trash TMDLs already in place.

4. ASBS ISSUES

The County believes that the Ocean Plan Amendment process should also consider issues relevant to Areas of Special Biological Significance (ASBS). This issue is of importance to the County in that ASBS 24 is located directly adjacent to the western Los Angeles County coastline.

The protection of ASBS is of great importance to the people of the State and of the County of Los Angeles. The County believes that the Ocean Plan should be amended to address the potential effects of stormwater runoff on the receiving waters in ASBS rather than an interpretation that the Ocean Plan prohibits the discharge of all stormwater to the ASBS from developed areas. The latter approach treats stormwater as a *per se* waste and, therefore, requires municipalities and other dischargers to seek exceptions across the board. We believe, with other stakeholders, that an approach that looks at the quality of the runoff as it affects the receiving waters of the ASBS would be a workable approach, which is consistent with the State Board's decision in the San Diego Municipal Separate Storm Sewer System matter, where the Board rejected a Regional Board finding that urban runoff constituted a *per se* waste.

We, therefore, join with other commenters in urging the State Board to address the issue of stormwater discharges to the ASBS in a program developed through inclusion in the triennial review priority list, the scoping document, and ultimately, amendment of the Ocean Plan. Such a program should set forth a process for determining, for each ASBS, what stormwater and runoff discharges constitute waste, and which do not, based on whether the discharge contained concentrations of pollutants that caused undesirable alterations to natural water quality or harmful levels of pollutants, the statutory standards contained in the Water and Public Resources Codes.

FW:sv

P:\wmpub\Secretarial\Reports\Ocean Plan Amendments - DPW comments 7-26-07.doc\C07279