

Comment Summary and Responses
Comment Deadline: 12:00 pm, May 11, 2015

Non-Regulatory Amendments to the Water Quality Control Plan for the Los Angeles Region to Administratively Update Chapters 1: “Introduction,” 5: “Plans and Policies,” and 6: “Monitoring and Assessment” by Incorporating Updated Information, Tables, and Figures

List of Commenters:

Comment Reference	Commenter/Organization	Representative
1	Joyce Dillard (Private Citizen)	Self

Response to Comments:

No.	Author	Comment	Response
0.1	Joyce Dillard	Comments submitted on or in opposition to the State Water Resources Control Board’s (State Water Board) approval of this amendment to the Water Quality Control Plan for the Los Angeles Region to administratively update Chapters 1, 5, and 6 were either: a) previously submitted to the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) and submitted verbatim to the State Water Board without further explanation, or b) were not previously submitted to the Los Angeles Water Board without further explanation.	<p>The State Water Board’s Notice of Opportunity to Comment concerning this Basin Plan amendment accurately informs interested persons of the procedural requirements used to implement the State Water Board’s regulatory programs. According to the State Water Board’s CEQA Regulations (23 Cal. Code Regs. § 3779, subd. (f)):</p> <p>The state board, when considering approval of a regional board’s adoption of an amendment to its water quality control plan or guideline, shall prescribe a comment period of not less than 30 days. The state board may refuse to accept any comments received after the noticed deadline. All comments submitted to the state board must be specifically related to the final amendment adopted by the regional board. If the regional board previously responded to the comment, the commenter must explain why it believes that the regional board’s response was inadequate. The commenter must include either a</p>

			<p>statement that each of the comments was timely raised before the regional board, or an explanation of why the commenter was unable to raise the specific comment before the regional board. The state board may refuse to accept any comments that do not include such a statement. The state board is not required to consider any comment that is not in compliance with this section.</p> <p>Comments submitted to the State Water Board on this matter are either identical to a comment submitted to the Los Angeles Water Board or were not previously submitted to the Los Angeles Water Board at the time the draft version of this regulation was under Los Angeles Water Board consideration. Where a commenter has merely repeated a comment, the comment does not comply with the above-quoted regulation. During its consideration, the Los Angeles Water Board received and provided written responses to all significant comments. The Los Angeles Water Board's responses either indicated that changes would be made to the regulatory provisions or related documentation in view of the comment (in which case corresponding changes were made), or the Los Angeles Water Board's written responses indicated that changes would not be made, and the response indicated why not. The State Water Board cannot divine what the commenter believes has been adequately satisfied by the Los Angeles Water Board, nor can it determine the reason for any remaining dissatisfaction. Without that information, the State Water Board does not have a fair opportunity to understand what, if any, remaining concerns exist.</p>
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Chapter 1			
1.0	Joyce Dillard	<p>You show changes <i>Triennial Review Process</i> <i>Federal law only requires modifications “as appropriate.” Modifications to the Basin Plan are usually made to incorporate new scientific and technical information; in response to USEPA’s mandates, applicable recommendations, and guidelines, as appropriate; to address stakeholder concerns, where it is appropriate to do so; to address new legislation or case law; and to address issues identified in due course by the State or Regional Water Boards themselves or its staff during the regular course of business.</i></p> <p>Comments: By adding “applicable” and “as appropriate”, who determines that applicability?</p>	The Los Angeles Water Board made this change in response to written comments by the County Sanitation Districts of Los Angeles County requesting clarification that USEPA’s recommendations and guidelines are not mandatory (see Los Angeles Water Board response to Comment No. 1.5). The language was clarified in response to that comment to indicate that, while USEPA’s recommendations and guidelines are not mandatory, that modifications to the Basin Plan can be made in response to applicable recommendations and guidelines, as appropriate. The State and Los Angeles Water Boards make determinations of applicability and appropriateness based on the intent of the recommendations and guidelines being considered.
1.1	Joyce Dillard	<p>You show no changes <i>About 10.6 million people currently live in the Region (SCAG, 2011). From 1950 to 2000 the population in the Region more than doubled. The Region’s population is projected to be 10.8 million by 2015 and 11.3 million by 2020 (MWD, 2010).</i></p> <p>Comments: This paragraph was not changed and is incorrect. The population growth for the period 1/1/2014-10/1/2021 issued by SCAG is 412,137 with Los Angeles County at 179,881 and Ventura County at 19,158. Metropolitan Water District is not a MPO</p>	The commenter is correct that the reference to “(MWD, 2010)” is in error. The actual source of the population information is “State of California, Department of Finance, Demographic Research Unit. Interim County Population Projections. Sacramento, California: June 2011.” This agency is authorized to make such projections. The Los Angeles Water Board’s Executive Officer has corrected the citation in Chapter 1, as indicated in a memo to the State Water Board on May 19, 2015.

		<p>Metropolitan Planning Organization authorized for these projections. Department of Finance projections should be reconciled with the State Department of Housing and Community Development acceptance of SCAG projections. Attached is the documentation from SCAG and California Department of Housing and Community Development.</p> <p>The Regional Board answered our comments as follows: <i>COMMENT SUMMARY 5.1</i></p> <p><i>Facts, science, monitoring and measurement are poorly illustrated in this draft.</i></p> <p><i>Accuracy is an issue not addressed in this draft. Laws governing population projections and the Metropolitan Planning Organization that releases those projections if SCAG Southern California Council of Governments, with approval by the State Department of Housing and Community Development.</i></p> <p><i>Geology and soils need to be taken into consideration as should Hazards and Hazardous Materials in the planning of the Basin Plan. Earthquakes and faults, landslides, liquefaction and petroleum soils are missing from the discussion. Oil appears in rocks at Temescal Canyon in an area with an oil drilling controversy (Occidental Oil).</i></p> <p><i>RESPONSE 5.1</i></p> <p><i>The Regional Water Board disagrees with this comment. The Board had made every effort to ensure that the information provided in the updated Basin Plan chapters is accurate. The commenter has not provided any information or evidence that any of the information is inaccurate. If such information had been presented, the Regional Water Board would</i></p>	
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		<i>have considered the information and made any necessary changes.</i>	
1.2	Joyce Dillard	<p>You show <i>Figure 1.7 Regional Land Use</i></p> <p>Comments: Figure 1.7-1 shows Land Use, but does not note the source(s). Land Use is derived from Local Government Community Plans, part of the State required General Plan and Its Elements. Where did the Regional Board obtain this source?</p> <p>The Regional Board answered our comments as follows: COMMENT SUMMARY 5.6 <i>City General Plans and its Elements, as state required, should be incorporated into this document. MS4 permitting is issued through the cities as well as the LA County Flood Control District.</i></p> <p>RESPONSE 5.6 <i>The Basin Plan is the Regional Water Board's master water quality control planning document. It designates beneficial uses and water quality objectives for waters of the State. It also includes programs of implementation to achieve water quality objectives and thereby protect the beneficial uses of the region's waters. City General Plans and their elements are not adopted by the Regional Water Board and have no place in the Basin Plan. City plans, however, should take applicable regulations into consideration.</i></p>	The source of the land use information for Figure 1-7 is the Southern California Association of Governments (SCAG), 2005 as provided on the figure itself (in the upper right corner).
1.3	Joyce Dillard	<p>You show changes <i>Water Resources/Water Quality</i> <i>In addition, the demand for water is increasingly being fulfilled by the use of reclaimed water for indirect potable reuse (i.e. groundwater recharge) and nonpotable purposes such as landscape irrigation and industrial processing and servicing.</i></p>	The physical, chemical, and biological impacts of reclaimed water use are addressed through the Los Angeles Water Board's issuance of waste discharge requirements and/or water reclamation requirements.

		<p><i>(See Other Sources of Water, below.)</i></p> <p>Comments: Waste assimilation is not addressed properly for landscape irrigation etc. The physical, chemical, and biological impacts should be addressed and not assumed.</p>	
Chapter 5			
1.4	Joyce Dillard	<p>You show <i>Figure 5.2 Detailed Locations of Areas of Special Biological Significance in the Los Angeles Region.</i></p> <p>Comments: <i>Figure 5.2 does not note the source(s). These areas are approved by the County Board of Supervisors via the planning departments. Other than these County resources how does the Board characterize the “region’s varied ecology”?</i></p> <p>The Regional Board answered our comments as follows: <i>COMMENT SUMMARY 5.7</i> <i>Significant Ecological Areas need more emphasis as out-of-state developers (Hidden Creek Estates) plan to encroach watershed and annex to the City of Los Angeles.</i></p> <p><i>RESPONSE 5.7</i> <i>Significant Ecological Areas (SEAs) are designations made by Los Angeles County, not by the Regional Water Board. The identification of these areas in the Basin Plan is merely intended to support the characterization of the region’s varied ecology.</i></p>	<p>See response to Comment 0.1. As stated in the section titled “Water Quality Control Plan – Ocean Waters of California” in Chapter 5, the Ocean Plan is the source of the Areas of Special Biological Significance depicted in Figure 5.2. Areas of Special Biological Significance differ from the Significant Ecological Areas designated by Los Angeles County, which are the subject of the previous comment 5.7.</p> <p>The region’s varied ecology is characterized in Chapter 1 under the sections titled “Natural Resources” and “Unique Habitats.”</p>
Chapter 6			
1.5	Joyce Dillard	<p>You show changes <i>Multiagency Programs</i> <i>In addition to the previously described programs that are implemented under the direct supervision of the</i></p>	<p>The Watershed Management Initiative (WMI) is designed to integrate various surface and ground water regulatory programs within the Water Boards, while promoting cooperative</p>

		<p><i>State and Regional Water Boards, the following nationwide multiagency programs also collect water quality data that support the assessment of the health of regional waters. Finally, there are also many watershed specific monitoring programs, which are described in the Regional Water Board's Watershed Management Initiative (WMI) chapters.</i></p> <p>Comments: Please define the <i>Watershed Management Initiative (WMI)</i>. We question that the Public has not been allowed to comment on this Initiative. It is not part of the Basin Plan yet the website describes it as a Chapter.</p> <p>The Regional Board responded to the Las Virgenes-Triunfo JPA comments as follows: RESPONSE 3.3 <i>The section the commenter references is simply meant to provide general background information and was not designed to reflect the level of detail requested by the commenter. However, more detailed geologic descriptions could be included in the document currently referred to as the Watershed Management Initiative, which serves as a supplement to the Basin Plan. The Watershed Management Initiative tends to contain a greater level of descriptive detail for each of the region's watersheds, and is continually updated.</i></p>	<p>and collaborative efforts within a watershed. It is also designed to focus limited Water Board resources on key issues and use sound science. For implementation of the WMI, each regional water board identified the watersheds in their region, prioritized water quality issues, and works with stakeholder groups to develop watershed management strategies. These strategies and the State Water Board's overall coordinating approach to WMI are contained in the Integrated Plan for Implementation of the WMI, which are referred to as WMI Chapters. These chapters are not part of the Basin Plan, but are considered a support document. This informational document contains no regulation or policies.</p>
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