

Comment Summary and Responses
 Reconsideration of the Revolon Slough/Beardsley Wash Trash TMDL
 and the Malibu Creek Watershed Trash TMDL
 Comment Due Date: May 25, 2018

Date Received	Author
5/25/18	1. County of Ventura, Ventura County Watershed Protection District, City of Camarillo, City of Oxnard, Ventura County Agricultural Irrigated Lands Group, and California Department of Transportation (Caltrans)
5/25/18	2. City of Thousand Oaks, County of Ventura, Ventura County Watershed Protection District
5/25/18	3. Heal the Bay

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1.1	County of Ventura, Ventura County Watershed Protection District, City of Camarillo, City of Oxnard, Ventura County Agricultural Irrigated Lands Group, and California Department of Transportation (Caltrans)	The County of Ventura, Ventura County Watershed Protection District, City of Camarillo, City of Oxnard, Ventura County Agricultural Irrigated Lands Group, and the California Department of Transportation (Caltrans), as Responsible Parties to the Revolon Slough and Beardsley Wash Trash TMDL (Trash TMDL), are submitting this letter to comment on the proposed 2018 revisions to the Trash TMDL. The Responsible Parties appreciate the chance to comment on the proposed 2018 revisions made by the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) and appreciate the alignment between the Trash TMDL and the Water Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California (ISWEBE Plan) and the Water Quality Control Plan for Ocean Waters of California (Ocean Plan), together the "Statewide	Comment noted.

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		<p>Trash Amendments”. However, based on experience gained from Trash TMDL implementation over the past ten years, the Responsible Parties have identified several items of concern in the proposed revisions to the Basin Plan Amendment (BPA). Comments and recommendations related to the identified items of concern are provided below.</p>	
1.2	<p>County of Ventura, Ventura County Watershed Protection District, City of Camarillo, City of Oxnard, Ventura County Agricultural Irrigated Lands Group, and California Department of Transportation (Caltrans)</p>	<p>Comment 1 The proposed 2018 Trash TMDL revisions remove narrative portion of the definition of Zero Trash for the Numeric Target Element of Table 7-24.1. Not having the narrative definition of Zero Trash in the Numeric Target Element could potentially lead to compliance ambiguity as it may be inferred that zero trash must always be attained, which is nearly impossible to achieve. The California State Water Resources Control Board (State Water Board) recognized this fact in the Statewide Trash Amendments by only including narrative water quality objectives.</p> <p>ISWEBE Plan: “Trash shall not be present in inland surface waters, enclosed bays, estuaries, and along shorelines or adjacent areas in amounts that adversely affect beneficial uses or cause nuisance.”</p>	<p>The proposed Basin Plan amendment to revise the Revolon Slough/Beardsley Wash Trash TMDL moves the definition of zero trash from the numeric target section to the load allocation (LA) and waste load allocation (WLA) sections. While the numeric target of zero trash is interpreted from the narrative water quality objectives, compliance is determined by meeting the WLAs and LAs.</p> <p>The WLA section now states that WLAs are “zero trash discharged from MS4s into Revolon Slough and Beardsley Wash.” The (LA) section now defines zero trash as “no trash immediately following each assessment and collection event consistent with an established Minimum Frequency of Assessment and Collection Program (MFAC Program) where the MFAC Program is established at an interval that prevents trash from accumulating in</p>

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		<p>Ocean Plan: "Trash shall not accumulate in ocean waters, along shorelines or adjacent areas in amounts that adversely affect beneficial uses or cause nuisance."</p> <p>While TMDLs must include a numeric target, providing a definition of the numeric target via narrative language removes the compliance ambiguity and further aligns the Trash TMDL with the Statewide Trash Amendments.</p> <p>Recommendation To be consistent with the Statewide Trash Amendments, the Responsible Parties recommend not eliminating the narrative definitions of zero trash from the Numeric Target Element of Table 7-24.1 and recommend the following language for the Numeric Target Element:</p> <p><u><i>Zero trash in Revolon Slough and Beardsley Wash, and in the channel. Zero is defined as (1) for nonpoint sources, no trash immediately following each assessment and collection event consistent with an established Minimum Frequency of Assessment and Collection Program (MFAC Program). The MFAC Program is established at an interval that prevents trash from accumulating in deleterious amounts that</i></u></p>	<p>deleterious amounts that cause nuisance or adversely affect beneficial uses between collections."</p> <p>The Los Angeles Water Board agrees that zero trash should be defined in the TMDL to prevent any ambiguity in compliance. Since compliance is based on responsible parties meeting WLAs and LAs, the definition of zero trash has been moved to these sections of the Basin Plan amendment.</p>

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		<p><u>cause nuisance or adversely affect beneficial uses between collections, and (2) for point sources, zero trash discharged into Revolon Slough and Beardsley Wash, shoreline and channel.</u></p>	
1.3	<p>County of Ventura, Ventura County Watershed Protection District, City of Camarillo, City of Oxnard, Ventura County Agricultural Irrigated Lands Group, and California Department of Transportation (Caltrans)</p>	<p>Comment 2 The Implementation Element of Table 7-24.1 states “Irrespective of these two general approaches to implementing the WLAs, Ventura County MS4 Permittees may comply with the WLAs in any lawful manner to achieve full capture equivalency as defined in the Trash Amendments.” However, the actual term in the Statewide Trash Amendments is “full capture system equivalency”.</p> <p>Recommendation The Responsible Parties recommend that Los Angeles Water Board staff revise the language in the Implementation Element of Table 7-24.1 to match the terminology in the Statewide Trash Amendments.</p> <p><u>Irrespective of these two general approaches to implementing the WLAs, Ventura County MS4 Permittees may comply with the WLAs or in any lawful manner to achieve full capture system equivalency as defined in the Trash Amendments.</u></p>	<p>The Los Angeles Water Board agrees, and will make the appropriate change to “full capture system equivalency” in Table 7-24.1.</p>

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1.4	County of Ventura, Ventura County Watershed Protection District, City of Camarillo, City of Oxnard, Ventura County Agricultural Irrigated Lands Group, and California Department of Transportation (Caltrans)	<p>Comment 3 The Implementation Element of Table 7-24.1 states “Ventura County MS4 Permittees may comply with the final WLA by installing adequately sized and maintained full capture systems certified by the Executive Officer of the Los Angeles Water Board or the Executive Director of the State Water Board.” However, the Statewide Trash Amendments state “Upon the effective date of these trash provisions, the Los Angeles Water Board shall cease its full capture system certification process and provide that any new full capture systems shall be certified by the State Water Board in accordance with these trash provisions.”</p> <p>Recommendation To be consistent with the Statewide Trash Amendments, the Responsible Parties recommend that Los Angeles Water Board staff revise the language in the Implementation Element of Table 7-24.1 to clarify the types of certified full capture systems applicable to comply with the final WLA.</p> <p><u>Ventura County MS4 Permittees may comply with the final WLA by installing adequately sized and maintained full capture systems <i>previously</i></u></p>	<p>The statewide Trash Amendments became effective on December 2, 2015. The Final Staff Report for the Trash Amendments states that “...the State Water Board would take responsibility for the certification for new full capture systems. The process for certification would follow a similar process established by the Los Angeles Water Board. Prior to installation, the full capture systems must be certified by the Executive Director, or designee, of the State Water Board...To request certification, the permittee would submit a certification request letter, including supporting documentation, to the State Water Board’s Executive Director. The Executive Director or designee will issue a written response either approving or denying the proposed certification.” The definition of “full capture system” in the statewide Trash Amendments states, “Full Capture Systems certified by the Los Angeles Regional Water Board prior to the effective date of these Trash Provisions and Full Capture Systems listed in Appendix I of the Bay Area-wide Trash Capture Demonstration Project, Final Project Report (May 8, 2014) will satisfy the requirements of these Trash Provisions, unless the Executive Director, or designee, of the State Water Board determines</p>

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		<p><u>certified by the Executive Officer of the Los Angeles Water Board or that have and/or may be certified by the Executive Director of the State Water Board.</u></p>	<p>otherwise.” The Los Angeles Water Board therefore finds that addition clarification is not necessary.</p> <p>In addition, the language proposed by the commenters: “that have and/or may be certified...” suggests that responsible parties would be able to install full capture devices that are not yet certified by the Executive Director of the State Water Board.</p>
1.5	<p>County of Ventura, Ventura County Watershed Protection District, City of Camarillo, City of Oxnard, Ventura County Agricultural Irrigated Lands Group, and California Department of Transportation (Caltrans)</p>	<p>Comment 4 The Implementation Element of Table 7-24.1 contains a revised MFAC that does not align with the Responsible Parties’ current MFAC as found in the Responsible Parties’ Los Angeles Water Board Executive Officer-approved Trash Monitoring and Reporting Plan (TMRP). The Responsible Parties are providing this comment to align the proposed 2018 Trash TMDL revisions with the Los Angeles Water Board Executive Officer-approved TMRP.</p> <p>The Responsible Parties originally submitted an MFAC and TMRP in April 2009. However, in July 2014, the Responsible Parties submitted a letter to propose changes to the MFAC and TMRP. On December 22, 2014, the Responsible Parties</p>	<p>In order to align the point source compliance approach of the Revolon Slough/Beardsley Wash Trash TMDL with the statewide Trash Amendments while ensuring that water quality standards are attained in these waterbodies, there must be an MFAC program downstream of all non-priority land use areas.</p> <p>The numeric target, WLAs, and LAs are zero trash. Effective MFAC programs must be in place to both meet the zero trash LAs assigned to nonpoint sources and offset any potential discharges of trash from non-priority point source areas to meet the numeric target of zero.</p>

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		<p>received a letter from Mr. Samuel Unger, Executive Officer of the Los Angeles Water Board at the time, stating that the Responsible Parties' proposed revised MFAC and TMRP Addendum No. 1 were approved pending several revisions. On June 10, 2015, the Responsible Parties submitted a revised MFAC and TMRP per the Los Angeles Water Board's request and began implementing the new elements in July 2015.</p> <p>The changes to the MFAC and TMRP were based on experience gained from implementing the MFAC and TMRP over five years – experience that included identifying trash generation “hot spots” and removing low trash generating areas to focus resources on the “hot spots”. The MFAC portion of the Implementation Element includes locations that have been removed from the Responsible Parties' approved TMRP Addendum No. 1, due to low trash amounts. Specifically, the inlet to Beardsley Wash at Wright Rd and the adjacent land areas, Las Posas Estate Drain between Central Ave. and the 101 Freeway, as well as the inlet to North Ramona Place Drain debris basin. Furthermore, the Responsible Parties attempted to address the “bi-monthly on the water, shoreline, and channels of Beardsley Wash and Revolon Slough in areas</p>	<p>Although data from annual reports generally showed low amounts of trash at MFAC sites 2, 4, and 6, trash collected at sites 2 and 4 exceeded 100 pieces per month at times. These data suggest that there is a potential for non-priority land use areas to discharge significant amounts of trash (See Staff Report, pages 20-22). The Los Angeles Water Board finds that revising the requirements of the Revolon Slough/Beardsley Wash Trash TMDL to require full capture systems in priority land use areas only (or areas draining both priority and non-priority land uses) will potentially allow for trash to be discharged from non-priority point source areas. Therefore, the Los Angeles Water Board finds that there must be an effective MFAC program in place downstream to be used as a backstop for trash potentially discharged from non-priority land use areas to achieve the numeric target of zero. The staff report, page 23 states, “Since full capture devices will not be required on all catch basins within the Revolon Slough and Beardsley Wash subwatershed, the revised TMDL will utilize the MFAC/BMP programs as a backstop for any trash that is discharged from non-priority land use areas.”</p>

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		<p>under the jurisdiction of the County of Ventura, and agricultural lands” MFAC requirement by utilizing rotating sites in Revolon Slough between E Pleasant Valley Rd. and the 101 freeway. However, the rotation of sites was hindered by accessibility and safety concerns, so the rotation of sites was ceased after the first year of implementing the MFAC and TMRP.</p> <p>The current MFAC and TMRP (TMRP Addendum No. 1) include monthly assessment and collection events at five sites within the Revolon Slough and Beardsley Wash subwatershed. One of the sites is in the 5th St. Drain at Del Norte Blvd. located within the City of Oxnard, one is a California Department of Transportation site on the 101 freeway, one is in Revolon Slough at Wood Rd., one is at an outlet on the north side of the Camarillo Hills Drain, and one is in Revolon Slough downstream of an agriculture drain near Etting Rd. The Responsible Parties also conduct additional, monthly cleanups in the channels upstream and downstream of these sites, which serve as a best management practice (BMP) as part of the MFAC/BMP Program.</p> <p>The MFAC sites the Responsible Parties are recommending below, have shown to be sites</p>	<p>At sites where data have shown that trash is not accumulating in deleterious amounts between collections, there may be justification to reduce the frequency of collection events. Responsible entities may propose new frequencies in their revised TMRP and MFAC/BMP programs associated with Task 5 of Table 7-24.2b.</p> <p>The Los Angeles Water Board believes that with responsible entities addressing priority land use areas with full capture systems, and with effective MFAC/BMP programs being implemented downstream to address any potential trash discharged from non-priority areas, 100% trash reduction will be achieved. Therefore, MFAC frequencies may be revised where it is shown that trash is not accumulating between collection events, but it is not possible to remove MFAC locations and still meet the 100% trash reduction.</p> <p>The Revolon Slough/Beardsley Wash Trash TMDL established an initial MFAC frequency at various drains discharging to Revolon Slough and Beardsley Wash. The initial frequencies included a requirement that all of those drains must be cleaned within one week of every</p>

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		<p>with higher trash amounts and are located in areas downstream of a mix of priority and non-priority land use areas. Addressing these sites will account for the potential trash discharged from the non-priority land use areas within the Revolon Slough and Beardsley Wash subwatershed. The Revised Trash TMDL Staff Report recognized that: 1) the recommended sites have the highest levels of trash, and 2) the MFAC sites the Responsible Parties have removed from their MFAC Program/TMRP, which are downstream of areas primarily comprised of non-priority land use areas, “generally show low amounts of trash”. Furthermore, the Staff Report indicated that the majority of non-priority land use areas are intermixed with priority land use areas in the Camarillo area and that these areas eventually drain to the Camarillo Hills Drain where, as mentioned above, the Responsible Parties conduct a monthly MFAC Event and an additional monthly cleanup event. While the TMRP, in its current form, does not include MFAC sites below all non-priority land use areas, it does include MFAC sites below the majority of the non-priority land use areas (e.g., those in the Camarillo area), and the non-priority areas that do not have a MFAC site downstream, generally have shown low amounts of trash, which is why the sites were</p>	<p>storm event greater than one inch. Responsible entities addressed pre- and post-rain events in their original TMRP submitted in 2009. However, when the TMRP was revised in 2014, the storm event cleaning was removed from the plan. Responsible entities have not provided any justification or supporting documentation regarding the removal of this requirement. It is therefore necessary to keep the requirement to clean all drains listed under the MFAC section of the Implementation Element of Table 7-24.1 within one week of every storm event greater than one inch of rain. The requirement to clean the listed drains within one week of every storm event greater than one inch was established as an initial minimum frequency, and therefore, there is flexibility to revise the frequency based on data and information submitted to the Los Angeles Water Board. The Los Angeles Water Board will continue to address this requirement with responsible entities in the MFAC/BMP program implementation and revision process.</p> <p>The Los Angeles Water Board acknowledges that responsible parties submitted, and the Executive Officer approved, a revised TMRP in 2014. After reviewing the annual reports</p>

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		<p>removed from the approved TMRP Addendum No. 1.</p> <p>In addition, the requirement to clean all drains listed under the MFAC section of the Implementation Element of Table 7-24.1 within one week of every storm event greater than one inch of rain is not feasible due to scheduling and resource constraints. The Responsible Parties currently conduct monthly clean up events in large portions of Revolon Slough and Beardsley Wash, which will continue along with the MFAC program, and will address this requirement.</p> <p>Recommendations:</p> <p>1. The Responsible Parties support the removal of the City of Oxnard-specific MFAC Sites in the proposed 2018 Trash TMDL revisions Staff Report; specifically, the proposed removal of the following requirements by the Los Angeles Water Board staff:</p> <p><i>7. Monthly on a rotating basis of the following channels from the City of Oxnard (i.e. one drain cleaned per month):</i></p> <p><i>a. Fifth Street Drain from Del Norte Blvd. to Revolon Slough</i></p> <p><i>b. Sturgis Drain from Oxnard City Limits to</i></p>	<p>submitted according to the revised TMRP, staff concludes that the TMRP should be revised again to add back sites and increase frequencies to ensure that trash is not accumulating in deleterious amounts between assessment and collection events as well as to serve as a backstop for any potential trash discharged from non-priority areas. The BPA has been revised to reflect the required increase in frequency at sites where trash was shown to accumulate in deleterious amounts between collection events.</p>

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		<p><u>Revolon Slough</u> <u>c. Nyeland Drain from Center Drive to Friedrich Rd.</u> <u>d. Del Norte Drain from Del Norte Blvd. to Revolon Slough</u></p> <p>2. The Responsible Parties strongly recommend that Los Angeles Water Board staff further revise the language in the Implementation Element of Table 7-24.1 to align the MFAC requirements with the Responsible Parties' current Los Angeles Water Board Executive Officer-approved MFAC and TMRP Addendum No. 1, as follows:</p> <p style="padding-left: 40px;"><i>“For Revolon Slough and Beardsley Wash, the initial minimum frequency shall be set as follows:</i></p> <p style="padding-left: 40px;"><u>1. Monthly on Revolon Slough and its adjacent land areas at Wood Road (the end of the concrete-lined channel), as defined in the Executive Officer approved Trash Monitoring and Reporting Plan (TMRP) Addendum No. 1.</u></p> <p style="padding-left: 40px;"><u>2. Bi-monthly on the water, shoreline and channels of Beardsley Wash and Revolon Slough in areas under the jurisdiction of the</u></p>	

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		<p><u>County of Ventura, and agricultural lands.</u></p> <p><u>32. Monthly assessment and collection at the outlets on the north side of Camarillo Hills Drain between Las Posas Rd. and Wood Rd as defined in the Executive Officer approved TMRP Addendum No. 1.</u></p> <p><u>3. Monthly in Revolon Slough downstream of the agriculture drain discharging from the left bank just south of Etting Rd as defined in the Executive Officer approved TMRP Addendum No. 1.</u></p> <p><u>4. Monthly on Las Posas Estate Drain between Central Ave. and the 101 Freeway.</u></p> <p><u>5. Monthly at the inlet to the North Ramona Place Drain debris basin.</u></p> <p><u>6. Monthly at inlet to Beardsley Wash at Wright Road and the adjacent land areas, as defined in the Executive Officer approved TMRP.</u></p> <p>3. The Responsible Parties the recommend the removal of the requirement to clean all drains listed under the MFAC section of the Implementation Element of Table 7-24.1 within</p>	

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		<p>one week of every storm event greater than one inch of rain.</p> <p><u>7.All Drains listed above will also be cleaned within one week of every storm event greater than 1 inch of rain.</u></p>	
1.6	<p>County of Ventura, Ventura County Watershed Protection District, City of Camarillo, City of Oxnard, Ventura County Agricultural Irrigated Lands Group, and California Department of Transportation (Caltrans)</p>	<p>Comment 5 Table 7-24.2a details an implementation schedule for point sources and requires installation of full capture systems or other measures to achieve 100 percent reduction of trash from the Baseline WLA by March 6, 2016.</p> <p>The Statewide Trash Amendments provide a ten-year compliance timeframe from the effective date of the first implementing permit. For the Trash TMDL, the first implementing permit was the 2010 Ventura County Municipal Separate Storm Sewer System (MS4) Permit (Order No. R4-2010-0108). The Revised Trash TMDL should be aligned with the Statewide Trash Amendments by providing a ten-year compliance timeframe from the effective date of the first implementing permit, or by July 2020. This will ensure statewide consistency as other agencies will be given ten years to fully comply after they receive their first implementing permit.</p>	<p>The statewide Trash Amendments became effective on December 2, 2015. The Trash Amendments specifically state that the "...trash provisions apply to all surface waters of the State, with the exception of those waters within the jurisdiction of the Los Angeles Regional Water Quality Control Board for which trash TMDLs are in effect prior to the effective date of these Trash Provisions; provided however that:</p> <ol style="list-style-type: none"> (1) Upon the effective date of these Trash Provisions, the Los Angeles Water Board shall cease its full capture system certification process and provide that any new full capture systems shall be certified by the State Water Board in accordance with these Trash Provisions. (2) Within one year of the effective date of these Trash Provisions, the Los Angeles Water Board shall convene a

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		<p>Furthermore, the June 2014 Draft Statewide Trash Amendments stated “Within one year of the effective date of these trash provisions, the Los Angeles Water Board shall convene a public meeting to reconsider the scope of its trash TMDLs, with the exception of those for the Los Angeles River and Ballona Creek watersheds, and to particularly consider an approach that would focus MS4 permittees’ trash-control efforts on high-trash generation areas within their jurisdictions.” Due to this, the Responsible Parties scaled back their point source implementation measures as it was unclear if the Trash TMDL would be revised and if so, to what extent. The Responsible Parties wanted to have a better understanding on how the Trash TMDL might look before expending significant resources on implementation measures. The Final Statewide Trash Amendments were released in April 2015 and the Responsible Parties continued to wait and see what the Los Angeles Water Board was going to do with the Trash TMDL before finalizing their implementation measures.</p> <p>The Responsible Parties will continue to implement an MFAC/BMP Program during the extension period, so there will be little, if any,</p>	<p>public meeting to reconsider the scope of its trash TMDLs, with the exception of those for the Los Angeles River and Ballona Creek Watersheds, to particularly consider an approach that would focus MS4 permittees trash control efforts on high-trash generation areas within their jurisdictions.”</p> <p>The Los Angeles Water Board staff finds that since the statewide Trash Amendments specifically carved out Los Angeles Water Board Trash TMDLs that were already effective, responsible parties should have continued with their implementation of the Revolon Slough/Beardsley Wash Trash TMDL. The Los Angeles Water board did convene the public meeting required in (2), above, on November 28, 2016. At the meeting, Los Angeles Water Board staff presented their approach to determining high-trash generating land use areas and discussed how the Trash TMDLs would be reconsidered in light of the statewide Trash Amendments. After that meeting, responsible parties would have known that, at a minimum, they would need to comply with WLAs in high-trash generation areas.</p>

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		<p>impact to beneficial uses.</p> <p>Recommendation The Responsible Parties recommend an extension of the final point source compliance date in Task No. 9 of Table 7.24.2a from March 6, 2016 to July 8, 2020. This will align the Trash TMDL with the compliance timeframe allotted by the Statewide Trash Amendments and will account for the time it took to revise the Trash TMDL. <u>March 6, 2016 July 8, 2020</u></p>	<p>Furthermore, when the statewide Trash Amendments were adopted on April 7, 2015 and became effective on December 2, 2015, responsible parties should have already met the March 6, 2015 milestone requiring the installation of full capture systems or other measures to achieve an 80% reduction of trash from the Baseline WLA. Therefore, relying on the adoption date of the statewide Trash amendments as justification for needing additional time to implement WLAs is not reasonable.</p> <p>The Los Angeles Water Board does not find that there is support for changing the final compliance date to July 8, 2020, given that responsible parties were required to meet an 80% full capture/reduction milestone prior to the adoption of the statewide Trash Amendments and given the fact that the number of catch basins that must meet WLAs has decreased by more than half under the proposed Basin Plan amendment.</p>

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1.7	County of Ventura, Ventura County Watershed Protection District, City of Camarillo, City of Oxnard, Ventura County Agricultural Irrigated Lands Group, and California Department of Transportation (Caltrans)	<p>Comment 6 The 2018 revised Trash TMDL strikes out a footnote to Table 7-24.2a that states “compliance with the percent reductions from the Baseline WLA will be assumed wherever full capture systems are installed in corresponding percentages of the conveyance discharging to Revolon Slough and Beardsley Wash...” As the Responsible Parties are utilizing full capture systems to achieve compliance with the point source requirements of the Trash TMDL, and do not have baseline WLAs, striking out this footnote removes important compliance language for point sources.</p> <p>Recommendation The Responsible Parties recommend not striking out the footnote for Table 7-24.2a and revising the current language to align it with the point sources Implementation Element of Table 7-24.1.</p> <p><u><i>*Compliance with the percent reductions from the Baseline WLA will be assumed wherever full capture systems are installed in corresponding percentages of the conveyances discharging to Revolon Slough and Beardsley Wash that collect drainage from priority land use areas. Installation will be prioritized based on the greatest point source loadings.</i></u></p>	The Los Angeles Water Board agrees that restoring the footnote with the amended language proposed by the commenters is appropriate. The added language clarifies that compliance will be based on the installation of full capture systems in catch basins collecting drainage from priority land use areas.

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1.8	County of Ventura, Ventura County Watershed Protection District, City of Camarillo, City of Oxnard, Ventura County Agricultural Irrigated Lands Group, and California Department of Transportation (Caltrans)	<p>Comment 7 The 2018 revised Trash TMDL, in Table 7-24.2b, states the Responsible Parties must submit a revised MFAC/BMP Program and TMRP within three months of the effective date of the revisions to the Trash TMDL. The Responsible Parties must also implement the MFAC/BMP Program within six months from approval of the TMRP from the Los Angeles Water Board Executive Officer. Both timeframes are not long enough for the Responsible Parties as procedurally (e.g., developing and signing a memorandum of understanding), it will take longer than three months to revise the coordinated MFAC/BMP Program and TMRP and longer than six months to collectively implement the MFAC/BMP Program. In addition, the 2007 Trash TMDL BPA provided a six-month period to develop and submit the TMRP, which should remain consistent in the Revised Trash TMDL BPA.</p> <p>Recommendation The Responsible Parties recommend revising the timeframes in Table 7-24.2b Task No. 2 and Task No. 5 to one year from approval of the TMRP from the Los Angeles Water Board Executive Officer and six months from the effective date of the revisions to the TMDL, respectively.</p>	<p>Responsible entities in the Ventura County stakeholder group (Ventura County, Ventura County Watershed Protection District, the cities of Camarillo and Oxnard, Caltrans, and the Ventura County Agriculture Irrigated Lands Group) have been implementing MFAC/BMP programs in their TMRP throughout the life of the Revolon Slough/Beardsley Wash Trash TMDL. In addition, the Ventura County stakeholder group revised their TMRP in 2015.</p> <p>Responsible entities will continue to implement the current MFAC/BMP program and TMRP while making any revisions to ensure an effective program is in place to address potential discharges of trash from non-priority land use areas. The Los Angeles Water Board believes that there will not be many substantial changes to the plan such that responsible entities will need more than three months from the effective date of the revisions to the TMDL to submit revised TMRPs and MFAC/BMP programs. Similarly, the Los Angeles Water Board believes that six months from the approval of a revised TMRP is adequate time to begin implementing the TMRP, because staff does not anticipate substantial changes and the development of an entirely new plan is</p>

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		Task No. 2 <u>Six months One year from approval of TMRP from Los Angeles Board Executive Officer.</u> Task No. 5 <u>Three Six months from the effective date of the revisions to the TMDL.</u>	not needed.
2.1	City of Thousand Oaks, County of Ventura, Ventura County Watershed Protection District	The City of Thousand Oaks (City), County of Ventura (County), and the Ventura County Watershed Protection District (District), as Responsible Parties to the Malibu Creek Watershed Trash TMDL (MCW Trash TMDL), are submitting this letter to comment on the proposed 2018 revisions to the MCW Trash TMDL. The Responsible Parties appreciate the chance to comment on the proposed 2018 revisions made by the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) and appreciate the alignment between the MCW Trash TMDL and the Water Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California (ISWEBE Plan) and the Water Quality Control Plan for Ocean Waters of California (Ocean Plan), together the "Statewide Trash Amendments". Aligning the MCW Trash TMDL with the Statewide Trash Amendments' approach to addressing priority land uses rather	Comment noted.

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		<p>than all land uses will allow the Responsible Parties to focus funds and resources on the areas that generate the most trash.</p>	
2.2	<p>City of Thousand Oaks, County of Ventura, Ventura County Watershed Protection District</p>	<p>Even though the MCW Trash TMDL, effective July 7, 2009, was not included in the 2010 Ventura County Municipal Separate Storm Sewer System (MS4) Permit (Order No. R10-2010-0108), the Responsible Parties took the initiative and began addressing the MCW Trash TMDL by developing a Minimum Frequency of Assessment and Collection (MFAC) Program and preparing Trash Monitoring and Reporting Plan (TMRP), which was submitted to Los Angeles Water Board on April 30, 2010. Further, in order to meet MCW Trash TMDL implementation schedule, the Responsible Parties informed Los Angeles Water Board on March 25, 2011 about their intent to proceed with implementation of the proposed TMRP. The monitoring and cleanup work was initiated in July 2011 and is still on-going.</p> <p>Furthermore, the County/District have installed full capture systems to achieve point source compliance as discussed with Los Angeles Water Board staff. The City is also currently planning on installing full capture systems to address priority</p>	<p>Comment noted.</p>

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		<p>land use areas. Based on experience gained from MCW Trash TMDL implementation over the past seven years, the Responsible Parties have identified several items of concern in the proposed revisions to the Basin Plan Amendment (BPA). Comments and recommendations related to the identified items of concern are provided below.</p>	
2.3	<p>City of Thousand Oaks, County of Ventura, Ventura County Watershed Protection District</p>	<p>Comment No. 1 The proposed 2018 MCW Trash TMDL revisions remove the narrative portion of the definition of Zero Trash for the Numeric Target Element of Table 7-31.1. Removing the narrative definition of Zero Trash in the Numeric Target Element could potentially lead to compliance ambiguity as it may be inferred that zero trash must always be attained, which is nearly impossible to achieve. The California State Water Resources Control Board (State Water Board) recognized this fact in the Statewide Trash Amendments by only including narrative water quality objectives for trash as quoted below:</p> <p style="padding-left: 40px;">ISWEBE Plan: “Trash shall not be present in inland surface waters, enclosed bays, estuaries, and along shorelines or adjacent</p>	<p>See response to comment 1.2</p>

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		<p style="text-align: center;">areas in amounts that adversely affect beneficial uses or cause nuisance.”</p> <p style="text-align: center;">Ocean Plan: “Trash shall not accumulate in ocean waters, along shorelines or adjacent areas in amounts that adversely affect beneficial uses or cause nuisance.”</p> <p>While TMDLs must include a numeric target, providing a definition of the numeric target, via narrative language, removes the compliance ambiguity and further aligns the MCW Trash TMDL with the Statewide Trash Amendments.</p> <p>Recommendation: To be consistent with the Statewide Trash Amendments, the Responsible Parties recommend not eliminating the narrative definitions of zero trash from the Numeric Target Element of Table 7-31.1 and recommend the following language for the Numeric Target Element:</p> <p><u><i>Zero trash in the above listed subwatersheds waterbodies of the Malibu Creek Watershed, and on the shorelines of those waterbodies. Zero is</i></u></p>	

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		<p><u>defined for nonpoint sources as no trash immediately following each assessment and collection event consistent with an established Minimum Frequency of Assessment and Collection Program (MFAC Program). The MFAC Program is established at an interval that prevents trash from accumulating in deleterious amounts that cause nuisance or adversely affect beneficial uses between collections. For point sources, zero is defined as no trash discharged into the listed waterbodies of the Malibu Creek Watershed and on the shoreline of those waterbodies.</u></p>	
2.4	City of Thousand Oaks, County of Ventura, Ventura County Watershed Protection District	<p>Comment No. 2</p> <p>The Waste Load Allocations (WLAs) Element of Table 7-31.1 states “WLAs are zero trash discharged from MS4s into the waterbodies of the Malibu Creek Watershed.” However, the scope of the MCW Trash TMDL is for the waterbodies <u>listed</u> in the Problem Statement Element of Table 7-31.1.</p> <p>Recommendation: The Responsible Parties recommend that Los Angeles Water Board staff revise the language in the WLAs Element of Table 7-31.1 to match the scope of the Trash TDML as listed in the Problem</p>	<p>The revised TMDL assigns WLAs to all waterbodies in the Malibu Creek Watershed because trash discharged to unlisted waterbodies may flow downstream into listed waterbodies. In addition, the WLAs will protect unimpaired reaches from trash impairment.</p> <p>Furthermore, the statewide Trash Amendments are applicable to all surface waters of the State that did not have an existing Los Angeles Water Board Trash TMDL in place at the time of adoption. Addressing only the <i>listed</i> waterbodies of the Malibu Creek Watershed in</p>

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		<p>Statement Element of Table 7-31.1, as follows:</p> <p><u>WLAs are zero trash discharged from MS4s into the <i>listed</i> waterbodies of the Malibu Creek Watershed</u></p>	<p>the Malibu Creek Watershed Trash TMDL may cause an unintended regulatory gap in the control of trash statewide.</p>
2.5	City of Thousand Oaks, County of Ventura, Ventura County Watershed Protection District	<p>Comment No. 3</p> <p>The Implementation Element of Table 7-31.1 states “Los Angeles and Ventura County MS4 Permittees may comply with WLAs by installing certified full capture systems on conveyances that collect drainage from priority land use areas...or in any lawful manner to achieve full capture equivalency as defined in the Trash Amendments.” However, the actual term in the Statewide Trash Amendments is “full capture system equivalency”.</p> <p>Recommendation:</p> <p>The Responsible Parties recommend that Los Angeles Water Board staff revise the language in the Implementation Element of Table 7-31.1 to match the terminology in the Statewide Trash Amendments, as follows:</p> <p><u>...or in any lawful manner to achieve full capture <i>system</i> equivalency as defined in the Trash Amendments.</u></p>	<p>See response to comment 1.3</p>

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2.6	City of Thousand Oaks, County of Ventura, Ventura County Watershed Protection District	<p>Recommendation: The Responsible Parties recommend that Los Angeles Water Board staff revise the proposed language in the Implementation Element of Table 7-31.1 to clarify the types of certified full capture systems applicable to comply with the final WLA, as follows:</p> <p><u>Los Angeles and Ventura County MS4 Permittees may comply with the final WLA by installing adequately sized and maintained full capture systems previously certified by the Executive Officer of the Los Angeles Water Board or that have and/or may be certified by the Executive Director of the State Water Board.</u></p>	See response to comment 1.4
2.7	City of Thousand Oaks, County of Ventura, Ventura County Watershed Protection District	<p>Comment No. 5 The Implementation Element of Table 7-31.1 contains the following MFAC requirements:</p> <p><u>Medea Creek Reach 2</u> - “Twice per month above the intersection with Thousand Oaks Blvd., and within 72 hours after critical conditions.”</p> <p><u>Lindero Creek Reach 2</u> - “Twice per month for Lindero Creek Reach 2 including the waterbody, shorelines and the adjacent areas,</p>	<p>The numeric targets, WLAs and LAs are zero trash. Effective MFAC programs must be in place to both meet the zero trash LAs assigned to nonpoint sources and offset any potential discharges of trash from non-priority point source areas in order to meet the numeric target of zero.</p> <p>In order to align the point source compliance approach of the Malibu Creek Watershed Trash TMDL with the statewide Trash Amendments while ensuring that water quality</p>

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		<p>and within 72 hours after critical conditions.”</p> <p>The April 2010 TMRP for MCW Trash TMDL stated that MFAC Events would be conducted monthly and that the frequency may be modified depending on the results from the assessments.</p> <p>Data collected at the Medea Creek Reach 2 MFAC Site (MC1), from July 2011-June 2016, have a monthly average of 13 pieces of trash and the most pieces of trash found in a month during that period was only 36. Data collected at the Lindero Creek Reach 2 MFAC Site (LC1), from July 2011-June 2016, have a monthly average of 16 pieces of trash and the most pieces of trash found in a month during that period was only 69.</p> <p>These low trash amounts indicate that a monthly MFAC Event frequency is adequate for addressing trash to ensure it does not accumulate in deleterious amounts that cause nuisance or adversely affect beneficial uses between collections. As such, the Responsible Parties have not modified their MFAC Event frequency and have continued monthly MFAC Events. Furthermore, in the Staff Report for the proposed MCW Trash TMDL revisions, the Los Angeles Water Board stated that due to the low amount of</p>	<p>standards are attained in these waterbodies, there must be an effective MFAC program downstream of all non-priority land use areas.</p> <p>MFAC sites MC1 and LC1 are downstream of mixed priority and non-priority land use areas. Data show low amounts of trash from sites MC1 and LC1 (See Staff Report, pages 39-40). However, while the amount of trash collection at MC1 and LC1 was generally less than 30 pieces per month and less than 50 pieces per month, respectively (See Staff Report pages 39-40), this amount of trash can be still considered deleterious. Referring to the Surface Water Ambient Monitoring Program (SWAMP) Rapid Trash Assessment protocol for reference, the Rapid Trash Assessment protocol defines optimal conditions as less than ten pieces of trash. Trash levels above 10 pieces range from suboptimal to poor.</p> <p>At sites where data have shown that trash is not accumulating in deleterious amounts between collections, there may be justification to reduce the frequency of collection events. Responsible entities may propose new frequencies in their revised TMRP and MFAC/BMP programs associated with Task 5</p>

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		<p>trash found at MC1 and LC1, “it can be inferred that the amount of trash generated in both priority and nonpriority land use areas is low.”</p> <p>In addition, the requirement to conduct an MFAC Event within 72 hours after critical conditions is burdensome and difficult for the Responsible Parties to meet. This is primarily due to the effort of trying to schedule a crew to conduct the MFAC Event on short notice. The Responsible Parties’ MFAC crews are comprised of staff and consultants that often have rigid schedules, which makes it difficult to schedule short-term work. Also, critical conditions can often lead to dangerous field conditions including high water, unstable river banks, elevated heat/wind conditions – even 72 hours after the critical conditions.</p> <p>Recommendation: The Responsible Parties recommend that Los Angeles Water Board staff revise the language in the Implementation Element of Table 7-31.1 to require a once per month MFAC frequency for Medea Creek Reach 2 and Lindero Creek Reach 2 in Ventura County and remove the requirement to conduct a MFAC Event within 72 hours after critical conditions.</p>	<p>of Table 7-31.2b.</p> <p>The Malibu Creek Watershed Trash TMDL takes into account seasonal variations and critical conditions. Discharge of trash from nonpoint sources occurs during all seasons, but can increase during or shortly after high wind events, which are defined as periods of wind advisories issued by the National Weather Service. Discharge of trash from point sources peaks during rain events.</p> <p>Also see response to comment 1.5.</p>

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		<p><u>Medea Creek Reach 2 (above confluence)</u> 2. <u>Twice Once per month above the intersection with Thousand Oaks Blvd. and within 72 hours of critical conditions.</u></p> <p><u>Lindero Creek Reach 2 (above Lake Lindero)</u> <u>Twice Once per month for Lindero Creek Reach 2 including the waterbody, shorelines and the adjacent areas. and within 72 hours of critical conditions.</u></p>	
2.8	City of Thousand Oaks, County of Ventura, Ventura County Watershed Protection District	<p>Comment No. 6</p> <p>The Nonpoint Sources section of the Table 7-31.1 Implementation Element states: “The Executive Officer may approve or require a revised assessment and collection frequency, location, and definition of the critical conditions: (a) To prevent trash from accumulating in deleterious amounts that cause nuisance or adversely affect beneficial uses between collections; (b) To reflect the results of trash assessment and collection; (c) If the amount of trash collected does not show a decreasing trend, where necessary to prevent nuisance or</p>	<p>The implementation of additional trash measures may decrease the amount of trash being discharged, but there is no guarantee that this is the case. The Los Angeles Water Board included the language for nonpoint sources to revise the assessment and collection frequency to provide flexibility to both increase or decrease the frequency, if there is justification to do so. Implementing additional trash measures may show that there is a justification to decrease the frequency; however, responsible entities must demonstrate that with trash collection data. Therefore, the Los Angeles Water Board finds that it is necessary to leave the conditions for the Executive Officer to approve or require a revised assessment and collection frequency,</p>

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		<p>adverse effects on beneficial uses, such that a shorter interval between collections is warranted; or</p> <p>(d) If the amount of trash collected is decreasing such that a longer interval between collections is warranted.”</p> <p>Language should be included in this section such that the initial minimum MFAC frequency is modifiable based on the implementation of additional trash management actions that significantly reduce trash generation, such as new programs to locate sources of trash (e.g., on-land visual assessments of streets) and the implementation of additional BMPs (e.g., Playfield BMPs including tennis court signage, additional debris fences to control wind-blown trash from picnic areas, and added scope of park routine maintenance to include an expanded perimeter to control the movement of off-site trash, etc.).</p> <p>Recommendation: The Responsible Parties recommend the following language for the Nonpoint Sources section of the Table 7-31.1 Implementation Element: <u>The Executive Officer may approve or require a revised assessment and collection</u></p>	<p>location, and definition of the critical conditions as they currently exist. There is flexibility for responsible entities to decrease their frequency if they implement additional trash measures and show with data that they meet any of the applicable listed conditions.</p>

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		<p><u>frequency, location, and definition of the critical conditions:</u></p> <p><u>(a) To prevent trash from accumulating in deleterious amounts that cause nuisance or adversely affect beneficial uses between collections;</u></p> <p><u>(b) To reflect the results of trash assessment and collection;</u></p> <p><u>(c) If the amount of trash collected does not show a decreasing trend, where necessary to prevent nuisance or adverse effects on beneficial uses, such that a shorter interval between collections is warranted; or</u></p> <p><u>(d) If the amount of trash collected is decreasing such that a longer interval between collections is warranted; or ;</u></p> <p><u>(e) If the Responsible Parties implement additional trash management actions that significantly reduce trash generation.</u></p>	
2.9	City of Thousand Oaks, County of Ventura, Ventura County Watershed Protection District	<p>Comment No. 7</p> <p>Table 7-31.2a details an implementation schedule for point sources and requires installation of full capture systems or other measures to achieve 100 percent reduction of trash from the Baseline WLA by July 7, 2017.</p>	See response to comment 1.6

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		<p>The Statewide Trash Amendments provide a ten-year compliance timeframe from the effective date of the first implementing permit. The MCW Trash TMDL is not associated with a “first implementing permit” as it was not included in the 2010 Ventura County MS4 Permit (Order No. R4-2010-0108). The Revised MCW Trash TMDL should be aligned with the Statewide Trash Amendments by providing a ten-year compliance timeframe from the effective date of the first implementing permit; however, since the TMDL became effective in 2009, which is six years before the final Statewide Trash Amendments were adopted, it may be not justifiable to request for additional 10 years to implement.</p> <p>During the development of the Statewide Trash Amendments, it became clear that prior TMDLs may be subject to modifications. The June 2014 Draft Statewide Trash Amendments stated:</p> <p>“Within one year of the effective date of these trash provisions, the Los Angeles Water Board shall convene a public meeting to reconsider the scope of its MCW Trash TMDLs, with the exception of those for the Los Angeles River and Ballona Creek watersheds, and to</p>	

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		<p>particularly consider and approach that would focus MS4 permittees' trash-control efforts on high-trash generation areas within their jurisdictions."</p> <p>Accordingly, the Responsible Parties anticipated scaling back their point source implementation measures but it was unclear if the MCW Trash TMDL would be revised and if so, to what extent. The Responsible Parties wanted to have a better understanding on how the MCW Trash TMDL might look before expending significant resources on implementation measures. After the Final Statewide Trash Amendments became effective in December 2015, the Responsible Parties continued to wait for Los Angeles Water Board's direction for implementation of the MCW Trash TMDL before finalizing their plans for implementation measures; therefore, an extension for installation of the devices is requested. The Responsible Parties continue to implement an MFAC/BMP Program so if an extension is granted, during the extension period, so there will be little, if any, impact to beneficial uses.</p>	

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		<p>Recommendation: The Responsible Parties recommend an extension of the final point source compliance date in Task No. 9 of Table 7.31.2a from July 7, 2017 to July 7, 2020. This will align the MCW Trash TMDL with the compliance timeframe allotted by the Statewide Trash Amendments and will account for the time it took to revise the MCW Trash TMDL. Please revise final point source compliance date as follows: <u>July 7, 2017 July 7, 2020</u></p>	
2.10	City of Thousand Oaks, County of Ventura, Ventura County Watershed Protection District	<p>Comment No. 8</p> <p>The 2018 revised MCW Trash TMDL strikes out a footnote to Table 7-31.2a that states “compliance with the percent reductions from the Baseline WLA will be assumed wherever full capture systems are installed in corresponding percentages of the conveyance discharging to Malibu Creek Watershed...” As the Responsible Parties are utilizing and plan to utilize full capture systems to achieve compliance with the point source requirements of the MCW Trash TMDL, striking out this footnote removes important compliance language for point sources.</p>	See response to comment 1.7

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		<p>Recommendation: The Responsible Parties recommend not striking out the footnote for Table 7-31.2a and revising the current language to align it with the point sources Implementation Element of Table 7-31.1 as follows:</p> <p><u><i>*Compliance with the percent reductions from the Baseline WLA will be assumed wherever full capture systems are installed in corresponding percentages of the conveyances discharging to the listed waterbodies of the Malibu Creek Watershed that collect drainage from priority land use areas. Installation will be prioritized based on the greatest point source loadings.</i></u></p>	
2.11	City of Thousand Oaks, County of Ventura, Ventura County Watershed Protection District	<p>Comment No. 9</p> <p>Table 7-31.2b of the proposed 2018 revised MCW Trash TMDL states the Responsible Parties must submit a revised MFAC/BMP Program and TMRP within three months of the effective date of the revisions to the MCW Trash TMDL. The Responsible Parties must also implement the MFAC/BMP Program within six months from approval of the TMRP from the Los Angeles Water Board Executive Officer. Both timeframes are not long enough for the Responsible Parties as procedurally (e.g., developing and signing a</p>	See response to comment 1.8

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		<p>memorandum of understanding for cost sharing), it will take longer than three months to revise the coordinated MFAC/BMP Program and TMRP and longer than six months to collectively implement the MFAC/BMP Program. In addition, the 2008 MCW Trash TMDL BPA provided a six-month period to develop and submit the TMRP, which should remain consistent in the proposed revised MCW Trash TMDL BPA.</p> <p>Recommendation: The Responsible Parties recommend revising the timeframes in Table 7-31.2b Task No. 2 and Task No. 5 to one year from approval of the TMRP from the Los Angeles Water Board Executive Officer and six months from the effective date of the revisions to the TMDL, respectively.</p> <p>Task No. 2 “Implement MFAC/BMP Program” <u>Six months One year from approval of TMRP from Los Angeles Water Board Executive Officer.</u></p> <p>Task No. 5 “Submit revised MFAC/BMP Program and Trash monitoring and Reporting Plan” <u>Three Six months from the effective date of the revisions to the TMDL.</u></p>	

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3.1	Heal the Bay	<p>Heal the Bay is a nonprofit organization with over 15,000 members dedicated to making the coastal waters and watersheds of Greater Los Angeles safe, healthy and clean. We have reviewed the following documents in regards to the proposed amendments to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to revise the Total Maximum Daily Loads (TMDLs) for trash in Revolon Slough/Beardsley Wash and the Malibu Creek Watershed:</p> <ul style="list-style-type: none"> • Reconsideration of the Revolon Slough / Beardsley Wash Trash TMDL and the Malibu Creek Watershed Trash TMDL (Staff Report). • Resolution No. R18-XXX: Amendment to the Water Quality Control Plan for the Los Angeles Region to Revise the Total Maximum Daily Load for Trash in Revolon Slough and Beardsley Wash (Revolon Slough / Beardsley Wash Proposed Amendment). • Resolution No. R18-XXX: Amendment to the Water Quality Control Plan for the Los Angeles Region to Revise the Total Maximum Daily Load for Trash in the Malibu Creek Watershed (Malibu Creek Watershed Proposed Amendment) 	Comment noted.

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		<p>On behalf of Heal the Bay, we respectfully submit the following comments in response to the Staff Report, the Revolon Slough/Beardsley Wash Proposed Amendments and the Malibu Creek Watershed Proposed Amendments.</p>	
3.2	Heal the Bay	<p>In reviewing the above listed documents, we have come to the following conclusions:</p> <p>(1) We support the proposed amendments that will remove the conditional waivers from the TMDLs, separate Caltrans from the Los Angeles and Ventura County municipal separate storm sewer system (MS4) permittee requirements, and require non-point source dischargers to submit revised trash monitoring and reporting plans (TMRPs).</p> <p>(2) The minimum frequency of trash assessment and collection (MFAC) programs must be adaptively managed based on continuing TMRP and MFAC data to ensure that the “zero trash” objectives are maintained in the future.</p> <p>(3) We oppose the proposed amendment that requires compliance with waste load allocations (WLAs) by addressing point sources of trash only in priority land use areas. Full capture systems or equivalent programs should be installed first in priority land use areas, but must also be installed</p>	<p>Comment noted. Responses to this comment will be broken down in the matrix below, as each of these numbered conclusions were addressed in detail further along in the letter.</p>

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		<p>in non-priority land use areas until 100% trash reduction is achieved.</p> <p>(4) There must be sufficient explanation or penalties for Responsible Jurisdictions that are not in compliance with TMDLs for both point and non-point sources of trash.</p>	
3.3	Heal the Bay	<p>THE STATEWIDE TRASH AMENDMENT</p> <p>The Statewide Trash Amendment, adopted in April 2015, provides statewide consistency between the different Regional Boards for their regulatory approach to reducing trash pollution in waterways. Under the Statewide Trash Amendment, MS4 permittees are only required to address point sources within priority land use areas. This can be done with full capture systems, or an approved best management practices (BMP) program with equivalent results. Priority land use areas are defined as high density residential, industrial, commercial and mixed urban areas as well as public transportation stations.</p> <p>Trash TMDLs that were in effect prior to April 2015 take precedence over this Statewide Trash Amendment. The Revolon Slough/Beardsley Wash Trash TMDL was implemented in 2007 and the Malibu Creek Watershed Trash TMDL was</p>	<p>The statewide Trash Amendments required the Los Angeles Water Board to convene a public meeting to reconsider the scope of its trash TMDLs, with the exception of those for the Los Angeles River and Ballona Creek watersheds, to particularly consider an approach that would focus MS4 permittees' trash-control efforts on high-trash generation areas within their jurisdictions. The Los Angeles Water Board held this meeting on November 28, 2016.</p> <p>The Los Angeles Water Board agrees that the revised Malibu Creek Watershed Trash TMDL must still meet zero trash water quality objectives.</p> <p>Los Angeles Water Board staff analyzed land use maps, MFAC programs, responsible entities' annual reports, and three criteria to determine whether aligning the point source compliance approach of the Malibu Creek</p>

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		<p>implemented in 2008. Any revisions made to align the Revolon Slough / Beardsley Wash Trash TMDL or the Malibu Creek Watershed Trash TMDL with the Statewide Trash Amendment must be sufficient to maintain the original 2007/2008 “zero trash” water quality objectives.</p>	<p>Watershed Trash TMDL with the statewide Trash Amendments would still be sufficient to achieve on an ongoing basis the zero trash water quality objectives.</p> <p>The Los Angeles Water Board believes that addressing the high trash generation (priority) land use areas with full capture systems and implementing effective MFAC/BMP programs will meet the zero trash water quality objectives.</p>
3.4	Heal the Bay	<p>MALIBU CREEK WATERSHED TRASH TMDL AND PROPOSED AMENDMENTS</p> <p>The Malibu Creek Watershed is the most undeveloped watershed in the Los Angeles area. The open space, wildlife and park land provide opportunity for improving biodiversity, and for tourism and recreation. Unfortunately, five waterways in the Malibu Creek Watershed (Malibu Creek, Medea Creek, Lindero Creek, Lake Lindero and Las Virgenes Creek) have been identified as impaired due to trash and placed on the Clean Water Act (CWA) 303(d) list of impaired water bodies. This trash pollution is an identified stressor effecting the ecosystem of the Malibu Creek Watershed². Efforts must be made to</p>	<p>The Los Angeles Water Board agrees that the Malibu Creek Watershed is a unique watershed in the Los Angeles area with its undeveloped areas, high quality habitat, and open space. The 2008 Malibu Creek Watershed Trash TMDL established a numeric target of zero trash based on water quality objectives, and corresponding zero trash WLAs and LAs. The proposed revised Malibu Creek Watershed Trash TMDL maintains the zero trash numeric target, WLAs, and LAs.</p>

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		<p>remove this trash before it enters the waterways and harms local wildlife. The 2008 Trash TMDL established a “zero trash” objective in order to protect beneficial uses in the Malibu Creek Watershed.</p> <p>=====</p> <p>²Heal the Bay. 2013. Malibu Creek Watershed Ecosystem on the Brink. https://healthebay.org/wp-content/uploads/2016/12/Heal-the-Bay-Malibu-Creek-Watershed-Report-Ecosystem-on-the-Brink.pdf</p>	
3.5	Heal the Bay	<p><i>TMDL compliance is not yet being met. Stronger regulatory action is required.</i></p> <p>The 2008 Malibu Creek Trash TMDL required responsible entities to comply with WLAs by addressing all point sources of trash with full capture systems, or an approved program with equivalent results. Full capture systems have been installed by three responsible jurisdictions within the Malibu Creek Watershed (Los Angeles County, Ventura County, and the City of Agoura Hills) with additional full capture system implementation plans proposed by the Cities of Hidden Hills, Malibu and Thousand Oaks. The Cities of Calabasas and Westlake Village have</p>	<p>The 2012 Los Angeles County Municipal Separate Storm Sewer (MS4) permit includes requirements, including water quality based effluent limitations consistent with the assumptions and requirements of the WLAs in the Malibu Creek Watershed Trash TMDL. These are enforceable requirements. The final compliance deadline for this TMDL was July 7, 2017. The Los Angeles Water Board staff has been reviewing monitoring reports for this TMDL and may pursue enforcement actions, if appropriate.</p>

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		<p>not initiated implementation of full-capture systems or an equivalent program. The Regional Board must provide explanation or enforce penalties for responsible jurisdictions that do not comply with the TMDL requirements for point sources.</p> <p>Responsible jurisdictions within the Malibu Creek Watershed have been deemed in compliance with the 2008 Trash TMDL for non-point sources because the MFAC program achieves the “zero trash” objective following each collection event. However, as stated in the Staff Report, a harmful amount of trash accumulates at some sites between these collection events. The MFAC program is therefore not sufficient to protect the Malibu Creek Watershed against trash pollution, so the responsible jurisdictions should not be deemed in compliance. The Regional Board must provide explanation or enforce penalties for responsible jurisdictions that do not comply with the TMDL requirements for non-point sources.</p>	<p>Zero trash for nonpoint sources is defined as zero trash immediately following each assessment and collection event consistent with a responsible entity’s MFAC Program. Therefore, if responsible entities are demonstrating zero trash following each collection event, then they are complying with the LA. However, if a deleterious amount of trash is accumulating between collection events, responsible entities must revise their MFAC/BMP programs to increase collection frequencies. The proposed revisions to the TMDL require responsible entities to submit revised TMRPs and MFAC/BMP programs to increase the frequencies and in some cases the locations of trash collection and assessment. The proposed revisions also increase the specified minimum frequencies for certain sites to clarify the expected revisions in the TMRP.</p> <p>The revised TMDL states that LAs will be implemented through a conditional waiver of waste discharge requirements (WDRs), WDRs, or another appropriate order of the Los Angeles Water Board in accordance with the statewide Policy for Implementation and Enforcement of the Nonpoint Source Pollution</p>

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			<p>Control Program (Policy). The Policy requires any nonpoint source program to state the consequences of failure to achieve its stated purpose, including revising the program or taking enforcement action. The Policy describes the Water Board's authorities to implement a nonpoint source program, including the authorities contained in Water Code section 13269 to issue a waiver of WDRs. Water Code section 13269(e) mandates that the regional water boards require compliance with the conditions of a waiver of WDRs.</p> <p>Since the conditional waiver in the TMDL previously expired, Los Angeles Water Board staff will be proposing in the future that the Board adopt a nonpoint source conditional waiver separate from the TMDL that would apply to all non-point sources subject to a trash TMDL. A conditional waiver is an enforceable regulatory mechanism to implement the LAs and could require increased collection frequencies if trash is accumulating in deleterious amounts between collection events.</p>

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3.6	Heal the Bay	<p><i>Trash is being discharged from both priority and non-priority land use areas.</i></p> <p>The Staff Report recognizes that there is a potential for non-priority land use areas to discharge significant amounts of trash to impaired water bodies. The highest amounts of trash were found at sites CSM_LDC1 (downstream of non-priority land use area), MC1 and LC1 (downstream of mixed and non-priority land use area) and CMS_LDC1 and CMS_LVC2 (downstream of priority land use area). Trash is accumulating from priority and non-priority land use areas. Non-priority land use areas must also have full capture systems, or another approved equivalent program.</p> <p>The Staff Report also recognizes that there are priority land use areas upstream and/or in near proximity to non-priority land use areas, such that trash from priority land use areas may enter MS4s in nearby non-priority land use areas. This may be contributing to the high trash levels observed at CSM_LDC1, MC1 and LC1. Full capture systems installed in the non-priority areas would prevent any transported trash from entering the waterways.</p>	<p>The highest amounts of trash were found at sites CMS_LDC1 (downstream of primarily non-priority land use areas), CMS_LDC2 and CMS_LVC2 (downstream of primarily priority land use areas). Low amounts of trash were found at sites MC1 and LC1.</p> <p>Although CMS_LDC1 is primarily downstream of non-priority land uses, there are some priority land use areas near this site. Not all of the catch basins in these priority land use areas have been addressed with full capture systems yet. It is not possible to determine how much trash may be coming from priority versus non-priority land uses. However, the non-priority land uses are likely contributing trash to CMS_LDC1. For this reason, staff finds that the requirement for full capture systems only in priority land use areas is only possible as long as MFAC/BMP programs are in place in downstream waters.</p> <p>In addition, the proposed revised Malibu Creek Watershed Trash TMDL requires priority land use areas to be addressed with full capture systems, but also requires catch basins in non-priority areas that receive drainage from priority land use areas to be addressed with full</p>

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			<p>capture systems.</p> <p>The revised TMRP and MFAC/BMP program for sites that have demonstrated high levels of trash will require the responsible parties to increase the frequencies and in some cases the locations of collection and assessment.</p>
3.7	Heal the Bay	<p>Regional Board Proposed Amendments Regional Board staff conclude that full-capture systems installed only in priority land use areas will be sufficient as long as an effective MFAC program is established. The revised TMDL does require a revised TMRP and MFAC Program where needed.</p>	Comment noted.
3.8	Heal the Bay	<p>Heal the Bay Recommendations An effective MFAC Program has not yet been established for the Malibu Creek Watershed Trash TMDL as harmful amounts of trash have historically accumulated between collection periods. The potential of trash pollution between these MFAC events still poses a risk to the Malibu Creek Watershed ecosystem. Therefore, the amount of trash entering the waterways should be eliminated to the extent practicable by addressing all point sources (on priority and non-priority land) until 100% trash reduction is achieved. Full capture systems should first be installed in priority land use areas to address high volume trash</p>	<p>The Los Angeles Water Board believes that with responsible entities addressing priority land use areas with full capture systems, and with effective MFAC/BMP programs being implemented downstream to address trash from non-priority areas, 100% trash reduction will be achieved.</p> <p>The Los Angeles Water Board agrees that effective MFAC programs must be established, and has proposed Task 5 in Tables 7-24.2b and 7-31.2b, which is a revision of existing TMRP and MFAC/BMP programs. Task 5 of Tables 7-24.2b and 7-31.2b requires</p>

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		<p>discharge, but they must also be installed in non-priority land use areas to address the additional trash discharge. In addition, an effective MFAC Program must be established to address any remaining trash from non-point sources.</p>	<p>responsible entities to revise their TMRP and MFAC/BMP programs. In areas where trash has been found to accumulate in deleterious amounts between collections, revised TMRPs and MFAC/BMP programs will be required to increase frequencies and in some cases locations. In addition, the minimum frequency specified in the Basin Plan amendment for Lindero Creek Reach 1 (CMS_LDC2) is being increased to once per week to clarify the expected revisions in the TMRP. For other sites where data from annual reports show deleterious amounts of trash accumulating (CMS_LVC2, CMS_LDC1, CMS_LVC3) the minimum frequencies specified in the existing BPA are not reflected in the existing TMRP. Therefore, responsible entities must revise their TMRPs to reflect the existing minimum frequencies in the BPA.</p>
3.9	Heal the Bay	<p>REVOLON SLOUGH/BEARDSLEY WASH TRASH TMDL AND PROPOSED AMENDMENTS</p> <p>Similar to conditions in the Malibu Creek Watershed, trash pollution poses an environmental health risk to the ecosystems of Revolon Slough and Beardsley Wash. Segments of these waterways were placed on the CWA</p>	<p>Comment noted.</p>

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		303(d) list as impaired for trash. The 2007 Revolon Slough / Beardsley Wash Trash TMDL established a “zero trash” objective to protect water quality and beneficial uses.	
3.10	Heal the Bay	<p><i>TMDL compliance is not yet being met. Stronger regulatory action is required.</i></p> <p>The 2007 Revolon Slough / Beardsley Wash Trash TMDL requires responsible entities to comply with WLAs by addressing all point sources of trash with full capture systems, or an approved program with equivalent results. Full capture systems have been installed in Ventura County and the City of Camarillo. BMP Programs have been completed in the City of Oxnard, with proposed full capture systems pending funding.</p> <p>Responsible jurisdictions within Revolon Slough and Beardsley Wash have been deemed in compliance with the 2007 Trash TMDL for non-point sources because zero trash is observed following each MFAC event. However, the Staff Report states that following monthly visual assessment and collection, some special collection events were necessary. The MFAC program is therefore not sufficient to protect Revolon Slough and Beardsley Wash against trash pollution, so the responsible jurisdictions</p>	<p>The 2010 Ventura County MS4 permit includes requirements, including water quality based effluent limitations consistent with the assumptions and requirements of the WLAs in the Revolon Slough/Beardsley Wash Trash TMDL. These are enforceable requirements. The final compliance deadline for this TMDL was March 6, 2016. The Los Angeles Water Board staff has been reviewing monitoring reports for this TMDL and may pursue enforcement actions, if appropriate.</p> <p>Zero trash for nonpoint sources is defined as zero trash immediately following each assessment and collection event consistent with a responsible entity’s MFAC Program. Therefore, if responsible entities are demonstrating zero trash following each collection event, then they are complying with the LA. However, if a deleterious amount of trash is accumulating between collection events, responsible entities must revise their MFAC/BMP programs to increase collection</p>

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		<p>should not be deemed in compliance. The Regional Board must provide explanation or enforce penalties for responsible jurisdictions that do not comply with the TMDL requirements for non-point sources.</p>	<p>frequencies. The proposed revisions to the TMDL require responsible entities to submit revised TMRPs and MFAC/BMP programs to increase the frequencies and in some cases the locations of trash collection and assessment. The proposed revisions also increase the specified minimum frequencies for certain sites to clarify the expected revisions in the TMRP.</p> <p>The revised TMDL states that LAs will be implemented through a conditional waiver of WDRs, WDRs, or another appropriate order of the Los Angeles Water Board in accordance with the statewide Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program (Policy). The Policy requires any nonpoint source program to state the consequences of failure to achieve its stated purpose, including revising the program or taking enforcement action. The Policy describes the Water Board's authorities to implement a nonpoint source program, including the authorities contained in Water Code section 13269 to issue a waiver of WDRs. Water Code section 13269(e) mandates that the regional water boards require compliance with the conditions of a</p>

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			<p>waiver of WDRs.</p> <p>Since the conditional waiver in the TMDL previously expired, Los Angeles Water Board staff will be proposing in the future that the Board adopt a nonpoint source conditional waiver separate from the TMDL that would apply to all non-point sources subject to a trash TMDL. A conditional waiver is an enforceable regulatory mechanism to implement the LAs and could require increased collection frequencies if trash is accumulating in deleterious amounts between collection events.</p>
3.11	Heal the Bay	<p><i>Trash is being discharged from both priority and non-priority land use areas.</i></p> <p>The Staff Report recognizes that there is a potential for non-priority land use areas to discharge significant amounts of trash to impaired water bodies. 1040 out 1900 catch basins within the Revolon Slough / Beardsley Wash area are categorized as non-priority land use areas. The highest amounts of trash were found at Sites 1, 3a-d and 8, which are located downstream of both priority and non-priority land use areas. Non-priority land use areas must have full capture systems or other approved projects with an equivalent effect.</p>	See response to comment 3.6

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		<p>The Staff Report also recognizes that there are priority land use areas upstream and/or in near proximity to non-priority land use areas, such that trash from priority land use areas may enter MS4s in non-priority land use areas. This may be contributing to the high trash levels observed at Sites 1, 3a-d and 8. Full capture systems installed in the non-priority areas would prevent this trash from entering the waterways.</p>	
3.12	Heal the Bay	<p>Regional Board Proposed Amendments Regional Board staff conclude that full-capture systems installed only in priority land use areas will be sufficient as long as an effective MFAC program is established. The revised TMDL does require a revised TMRP and MFAC Program where needed.</p>	Comment noted.
3.13	Heal the Bay	<p>Heal the Bay Recommendations An effective MFAC Program has not yet been established for the Revolon Slough / Beardsley Wash Trash TMDL as special collection events have been necessary. The potential of trash pollution between these MFAC events poses an environmental risk. Therefore, the amount of trash entering the waterways should be eliminated to the extent practicable by addressing all point sources (in priority and non-priority land) until 100% trash reduction is achieved. Full</p>	See response to comment 3.8

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		capture systems should first be installed in priority land use areas to address high volume trash discharge, but they must also be installed in non-priority land use areas to address the additional trash discharge. In addition, an effective MFAC Program must be established to address any remaining trash from non-point sources.	
3.14	Heal the Bay	<p>HEAL THE BAY RECOMMENDATIONS FOR AMENDMENTS TO THE REVOLON SLOUGH / BEARDSLEY WASH AND MALIBU CREEK WATERSHED TRASH TMDLS.</p> <p>We support the proposed amendments to the Revolon Slough / Beardsley Wash and Malibu Creek Watershed Trash TMDLs that will remove the conditional waivers from the TMDLs, separate Caltrans from the Los Angeles and Ventura County MS4 permittee requirements, and require non-point source discharges to submit revised TMRPs.</p> <p>We oppose the proposed amendment that require MS4 Permittees to comply with WLAs by addressing point sources of trash only in priority land use areas. The harmful amounts of trash accumulating between collection events, even downstream of non-priority land use areas, poses a risk to the ecosystems in Revolon Slough, Beardsley Wash and the Malibu Creek</p>	The Los Angeles Water Board agrees that trash poses a harmful risk to the ecosystems of Revolon Slough/Beardsley Wash and the Malibu Creek Watershed. Task 5 of Table 7-24.2b and 7-31.2b require responsible entities to revise their TMRP and MFAC/BMP programs. In areas where trash has been found to accumulate in deleterious amounts between collections, revised TMRPs and MFAC/BMP programs will be required to increase frequencies and in some cases locations. The revised TMRP and MFAC/BMP programs will address any potential discharges of trash from non-priority land uses and will ensure that trash does not end up in these waterways. In addition, the minimum frequency specified in the Basin Plan amendment for Revolon Slough at Wood Road, in Beardsley Wash and Revolon Slough in areas under the jurisdiction of the County of Ventura and agricultural lands, and the

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		<p>Watershed. Trash pollution must be removed to the extent practicable before it enters the waterways by addressing all point sources of discharge (in priority and non-priority land use areas). Full capture systems or equivalent programs should be installed first in priority land use areas, but must also be installed in non-priority land use areas. An effective and adaptive MFAC Program must also be established to address remaining trash from non-point sources. Additionally, there must be sufficient explanation or penalties for responsible jurisdictions that are not in compliance with TMDLs for both point and non-point sources of trash.</p>	<p>Camarillo Hills drain are being increased to twice per month to clarify the expected revisions in the TMRP.</p> <p>The 2012 Los Angeles County Municipal Separate Storm Sewer (MS4) permit includes requirements, including water quality based effluent limitations consistent with the assumptions and requirements of the WLAs for trash. These requirements are enforceable.</p> <p>The proposed action to remove the nonpoint source conditional waiver and to adopt it as a separate action will ensure that there is an enforceable regulatory mechanism to implement the LAs and require increased collection frequencies and locations if trash is accumulating in deleterious amounts between collection events.</p> <p>Also see response to comments 3.5 and 3.10.</p>