

Draft Comment Summary and Responses
Consideration of Extension of Final TMDL Implementation Deadlines for
Certain TMDLs in the Los Angeles Region
Comment Due Date: January 11, 2021

No.	Author	Date Received
1.	Beach Cities Watershed Management Group (Beach Cities WMG): Cities of Hermosa Beach, Redondo Beach, Manhattan Beach, Torrance, and the Los Angeles County Flood Control District	1/11/2021
2.	City of Malibu	1/8/2021
3.	Palos Verdes Peninsula Watershed Management Group (Peninsula WMG): Cities of Rancho Palos Verdes, Rolling Hills Estates, Rolling Hills and Palos Verdes Estates and the County of Los Angeles	1/11/2021
4.	Malibu Creek Watershed Group (MCW Group): Cities of Agoura Hills, Calabasas, Hidden Hills, Westlake Village, as well as the County of Los Angeles and Los Angeles County Flood Control District	1/11/2021
5.	County of Ventura, City of Thousand Oaks, Ventura County Watershed Protection District (Ventura County & Thsnd. Oaks & VCWPD)	1/11/2021
6.	Ventura Countywide Stormwater Quality Management Program (VCSQMP)	1/11/2021
7.	County of Los Angeles and Los Angeles County Flood Control District (LA County & LACFC)	1/7/2021
8.	Los Angeles Waterkeeper, Heal the Bay, and the Natural Resources Defense Council (NGO)	1/11/2021
9.	City of Los Angeles Sanitation & Environment (LASAN)	1/11/2021
10.	The County of Ventura, City of Oxnard, and Ventura County Watershed Protection District (Ventura County & Oxnard & VCWPD)	1/11/2021
11.	California Yacht Club	1/11/2021
12.	Los Cerritos Channel Watershed Group (LCCWG): Cities of Bellflower, Cerritos, Downey, Lakewood, Long Beach, Paramount, and Signal Hill, and the Los Angeles County Flood Control District	1/11/2021
13.	Lower Los Angeles River Watershed Management Group (LLAR WMG)	1/11/2021
14.	Lower San Gabriel River Watershed Management Group (LSGR WMG)	1/11/2021
15.	Marina del Rey Lessees Association (MdR Lessees)	12/11/2020

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No.	Author	Comment	Response
1.1	Beach Cities WMG	<p>The Beach Cities Watershed Management Group (WMG), including the cities of Hermosa Beach, Redondo Beach, Manhattan Beach, Torrance and the Los Angeles County Flood Control District, respectfully requests that the Santa Monica Bay Beaches Bacteria TMDL (SMBBB TMDL) final wet weather deadline for the Beach Cities WMG (Jurisdictional Groups 5/6) be extended by an additional two years from what is proposed in Attachment A to Resolution No. R21-001 Proposed Amendment to the Water Quality Control Plan - Los Angeles Region to Revise the Santa Monica Bay Beaches Bacteria TMDL, for a total of five years, or until July 15, 2026. A five-year extension of the Beach Cities WMG's final wet-weather deadline is necessary and is consistent with the five-year extensions proposed for Jurisdictional Group 2/3 under this same TMDL as well as the five-year extension proposed for the Ballona Creek Bacteria TMDL, which also impacts Santa Monica Bay Beaches. Should the Jurisdictional 2/3 and Ballona Creek groups receive longer than the proposed five-year extensions, the Beach Cities requests similar consideration for our schedule extension and parity with these groups.</p> <p>As has been acknowledged both in the staff report for the proposed Basin Plan Amendment as well as in verbal statements made by Regional Board staff at the recent TMDL Extension workshop¹, five years is</p>	<p>Each watershed group implementing the Santa Monica Bay Bacteria TMDL was considered separately. While the fiscal impact of the COVID-19 pandemic affects all permittees subject to this TMDL and was considered in a similar way for each watershed group, all other considerations were specific to the applicable section of watershed, including the number of projects remaining to be implemented in that section of the watershed. For example, according to the analysis in the Staff Report, 81.3% of the projects remain to be completed in the Beach Cities WMG and 88% of the projects remain to be completed in JG2&3. While the percentages for the two groups are similar, JG2&3's watershed area (34,362 acres) is over four times larger than the Beach Cities WMG's watershed area (7,837 acres). Thus JG2&3 has a larger absolute number of projects to complete and a longer schedule extension is warranted for JG2&3 than for the Beach Cities WMG.</p>

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		<p>not sufficient time to complete all of the capital projects necessary to meet final SMBBB TMDL waste load allocations (WLAs). The Beach Cities WMG has faced significant challenges with the feasibility of some of the original regional projects included in the EWMP. Notably, substantial community opposition to the original location of the group's highest priority regional project within the Beach Cities WMG's Herondo (SMB 6-1) analysis region led to significant delays during the preliminary design phase and ultimately the project was unable to move forward to design. The group has been working collaboratively to identify alternative project locations and concepts to replace this large centralized regional project and it is now clear that it will need to be replaced with multiple smaller regional projects in combination with expansion of the infiltrative capacity of the one completed regional project in this analysis region. This has resulted in significant adverse impact on the schedule and cost of implementing the SMBBB TMDL in Jurisdictional Group 5/6. While the three-year extension proposed in the Basin Plan Amendment for the Beach Cities WMG is much appreciated and will allow time for the group to make progress, an additional two years would provide a much clearer pathway for final TMDL attainment.</p> <p>The initial three-year schedule extension will allow for completion of the Torrance Basin Expansion project, which is expected to increase the capacity of the</p>	<p>Regarding the comment that five years is not sufficient time to complete all TMDL projects, the Staff Report states that projects can take from five to seven years from design to completion and, assuming that design takes 1-2 years, 3-5 years is needed for construction. Seventeen years have already passed since adoption of the TMDL and sufficient plans have been made in both the original Jurisdictional Group 5&6 TMDL Implementation Plan, prepared before adoption of the 2012 Los Angeles County MS4 Permit (2012 MS4 Permit), and in the Beach Cities WMG EWMP, prepared in compliance with the 2012 MS4 Permit. The proposed additional three years, including the potential for additional time through Time Schedule Orders (TSOs), if appropriate, allows for adequate time to complete the SMB 6-1 projects noted in the comment letter, while acknowledging the need to protect water quality in a timely manner.</p> <p>The Jurisdictional Group 5&6 TMDL Implementation Plan was submitted</p>
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		<p>completed Torrance Stormwater Basins to capture the 85th percentile, 24-hour storm runoff volume from a 1,400-acre catchment area within the 3,000-acre SMB 6-1 analysis region. The Torrance Basin Expansion Project is currently in design and has been submitted to the South Santa Monica Bay Watershed Area Steering Committee for Safe Clean Water Regional Infrastructure funding. The Beach Cities WMG has identified four potential alternative regional projects in the remaining 1,600-acres of the high-priority SMB 6-1 analysis region and has executed an MOU to conduct feasibility studies for these projects in accordance with Safe Clean Water Program requirements in order to compete for Regional Infrastructure funding. The three-year schedule extension will also allow time to update the Beach Cities EWMP and reasonable assurance analysis with the alternative project concepts, complete the necessary engineering and geotechnical analyses at each of the alternative project locations, initiate preliminary design for the feasible alternative projects, and receive Regional Board approval of the updated EWMP.</p> <p>Despite the significant progress that can be made under a three-year time extension, additional time is necessary for the group to implement appropriate project-level community engagement for each of the alternative projects throughout the planning and design phases in order to ensure the most feasible</p>	<p>by the MS4 permittees in July 2005. At that time, the SMB 6-1 analysis region was already identified as a high priority region. This plan preceded the adoption of the 2012 MS4 permit, adopted nine years ago, and the approval of the Beach Cities WMG's EWMP, first submitted almost five years ago. Thus, the Beach Cities WMG has been planning and designing for projects in the SMB 6-1 analysis region since 2005. While the setbacks faced by the group are understandable, the amount of time that has passed with little progress being made to address wet-weather bacteria loads cannot be disregarded, particularly given the persistent exceedances of bacteria limits at SMB 6-1 and other South Bay beaches (Tables 30 and 31 of Staff Report) and the resulting threat to public health.</p> <p>The estimated times needed to complete the remaining projects included in the Staff Report (page 65) were based on the planning-level cost estimates provided by the group in their EWMP and various</p>
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	<p>projects move forward to full design, to complete permitting and CEQA analysis for the selected projects, to secure funding for these projects, and develop cost-sharing MOUs for construction. Given the group's past experience with community opposition during the design phase of its highest priority regional project, an extended schedule to allow for comprehensive community engagement and outreach during the early stages of project development is necessary. This additional time will also allow for the pursuit of Safe Clean Water Program and other funding opportunities for the design and construction of these alternative regional projects.</p> <p>The Beach Cities WMG believes it is sensible to align the final deadlines for TMDLs addressing the same water body-pollutant combinations (in this case bacteria in the Santa Monica Bay). The rationale for why Jurisdictional Group 5/6 should be afforded a TMDL schedule extension two years shorter than Jurisdictional Group 2/3 is unclear. The staff report states that Regional Board staff relied on the original implementation schedules, the status of water quality, the pace of implementation to-date, the number of projects that remain to be implemented, and the fiscal impacts of COVID-19 for each group in order to determine recommendations for TMDL schedule extensions² All of these factors have impacted the Beach Cities Group's implementation in the same</p>	<p>correspondence with the Los Angeles Water Board, as well as estimated revenue from the Safe Clean Water Program. These estimates are conservative in nature, as explained on page 2 of the Staff Report, and do not take into account other funding sources. The Safe Clean Water Program is one source of revenue now available to the group and does not preclude the group from seeking other sources of funding as it did in the past (including from Prop 1, Prop 12, and the Santa Monica Bay Restoration Foundation) as documented in its MS4 Permit Annual Reports. Furthermore, changes in EWMP projects through adaptive management as noted in the comment were considered as one of the uncertainties in the time estimates based on costs. For this reason, as explained in the Staff Report, these time estimates were not relied on to make the recommendations for TMDL deadline extensions. Instead, as described in the Staff Report, the deadline extension of three years is based on the status of water quality and beneficial use impacts, progress</p>
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	<p>way as Jurisdictional Group 2/3. Both groups still need to make significant improvements in water quality at Santa Monica Bay beaches, and the baseline target bacteria load reductions determined to be necessary in the Beach Cities Group's high priority analysis regions SMB 6-1 and SMB 5-2 are 44.2% and 46.3%, respectively, which are greater than the Jurisdictional Group 2/3 baseline bacteria target load reduction of 35%³.</p> <p>The one notable difference between the Beach Cities WMG and Jurisdictional Group 2/3 analyzed in the staff report is the estimated time to achieve compliance with the SMBBB TMDL-- the estimated timeline for Jurisdictional Group 2/3 in the staff report is thirty-five (35) years while the Beach Cities estimated timeline is twelve (12) years. The Beach Cities WMG's "years to compliance" estimate in the staff report was based on the "remaining capital costs" left to expend on structural projects assumed as a percentage of total capital costs estimated in the original EWMP factored by the remaining pollutant load reduction needed. This "remaining capital cost" was then divided by the annual Safe Clean Water funding available to the Beach Cities WMG and an assumed match of over 100% to determine the number of years it would take to achieve compliance. In the Staff Report's introductory paragraph, a statement is made that this estimate is conservative as, "there are several examples under the 2012 Los</p>	<p>on implementing projects considering the length of the original TMDL implementation schedule, and the projects that remain to be implemented.</p>
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		<p>Angeles County MS4 Permit of projects for which the [EWMP] cost estimate decreased substantially once additional field reconnaissance was done". While this assumption of conservatism may be true for some watershed groups, the Beach Cities Group's capital costs to complete regional projects are anticipated to increase significantly from the original EWMP cost estimate due to the fact that the group's highest priority centralized regional BMP has been found to be infeasible and will need to be replaced with multiple smaller and decentralized regional projects which cannot realize the same cost effectiveness.</p> <p>In summary, the Beach Cities WMG is requesting a five-year extension, until July 15, 2026, of the final wet weather SMBBB TMDL deadline, consistent with the five-year extension afforded to the SMBBB TMDL Jurisdictional Group 2/3 and the Ballona Creek Bacteria TMDL which all address bacteria in Santa Monica Bay.</p> <p>¹Public Workshop on the Extension of Final TMDL Implementation Deadlines for Certain TMDLs in the Los Angeles Region, held December 16, 2020.</p>	
1.2	Beach Cities WMG	Should the Jurisdictional 2/3 and Ballona Creek groups receive longer than the proposed five-year extensions, the Beach Cities requests similar consideration for our schedule extension and parity with these groups. We appreciate the opportunity to provide comments and your consideration of our	See comment 1.1. Given the differences in watershed size and absolute number of projects to be completed, it is not appropriate to set deadline extensions for the Beach Cities WMG equal to those for JG2&3

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		request.	or the Ballona Creek WMG.
2.1	City of Malibu	<p>The City of Malibu (City) appreciates the opportunity to provide comments in response to the November 20, 2020 Notice of Public Hearing for Proposed Resolution for Consideration of Extension of Final Total Maximum Daily Loads (TMDL) Implementation Deadlines for Certain TMDLs in the Los Angeles Region. The City’s comments are focused on the Los Angeles Regional Water Quality Control Board’s (Regional Board) Staff Report, associated recommendations, and the Basin Plan Amendment (BPA). The City recognizes this is a unique opportunity for the Regional Board to address TMDL schedule issues and the impacts of the COVID-19 pandemic (COVID).</p> <p>In 2016, the North Santa Monica Bay Coastal Watersheds (NSMBCW) Enhanced Watershed Management Program (EWMP) was approved by the Regional Board and provided a road map for achieving TMDL water quality targets. In 2018, the passing of Measure W providing a dedicated funding source that will allow the City to build upon our previous efforts to improve water quality. While much has been accomplished in the past 10 years, many projects still need to be undertaken to achieve water quality goals. The City is appreciative for the opportunity to discuss extensions to TMDL schedules but has considerable concerns that the proposed</p>	Comment noted.

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		<p>extensions do not provide sufficient time to recover from the economic impacts of COVID and construct all of the needed water quality improvement projects.</p> <p>The City is a small, 21-mile coastal community with a population of approximately 13,000 that faces particular challenges because of its location and characteristics. Despite these challenges, the City has long been a strong advocate for environmental protection. The City has completed a significant amount of work in developing and implementing effective water quality improvement projects. In Fall 2011, five years after purchasing the property, the City completed Malibu Legacy Park, a \$35M multi-benefit clean water project that can treat up to 2.6 million gallons of stormwater and urban runoff per day. The Legacy Park project has won multiple awards for the project's engineering, sustainability, and water quality improvements, including the award for Outstanding Stormwater Best Management Practice (BMP) Implementation and the 2012 Water Quality Improvement Award. As a multi-benefit project, Legacy Park was designed not only to improve water quality but also to restore native coastal habitats, while creating an open space for passive recreation and environmental education. The development of Legacy Park highlights that complex multi-benefit projects require a significant amount of funds and time to thoughtfully design and complete.</p>	
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		In addition to Legacy Park, the City has completed numerous water quality improvement projects including the Civic Center Stormwater Treatment Facility, Paradise Cove Stormwater Treatment Facility, Broad Beach Road Biofiltration Project, the Wildlife Road Biofilters, and Area of Special Biological Significance outreach. Legacy Park and Civic Center Storm Water Treatment Facility can capture and treat the 85th percentile, 24-hour storm event. The City has also focused on reducing marine debris through notable local laws that prohibit smoking; polystyrene foam food containers and packaging materials; single-use plastic bags; and plastic food items such as straws, stirrers, and cutlery. The implementation of these projects and policies has led to improvements in water quality since the Santa Monica Bay Beaches Bacteria (SMBBB) TMDL was adopted.	
2.2	City of Malibu	While the City is proud of these successes, several projects still need to be completed to reach the final TMDL targets. The length of time the Staff Report notes to develop projects conflicts with the proposed length of schedule extensions. The City's process for planning and constructing projects is in line with the Staff Report's estimate of five to seven years per project. As such, even if the City had all the funding it needed to develop the remaining infrastructure projects, which it does not, the proposed three-year schedule extension would be still be insufficient. Furthermore, the Regional Board's and non-	While a three-year extension is proposed, more than three years have been available to find funding and construct projects. The overall context for the recommended extension is that the three years are in addition to the 18 years already allowed by the Santa Monica Bay Beaches Bacteria TMDL. The 18 years were intended to provide sufficient time to design, fund and build the needed projects to

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	<p>governmental organizations’ (NGOs) preference for permittees to undertake multi-benefit projects, such as Legacy Park, increases the amount of time needed for implementation beyond the five-to-seven-year estimate. Multi-benefit projects require input from diverse stakeholder groups, coordination between multiple municipal agencies, and often additional financial support through grant funding. Irrespective of funding issues, it is unlikely that any multi-benefit projects could be completed within the proposed three-year schedule extension period due to the extensive process required for the completion of projects. During the public workshop on the proposed TMDL BPAs which took place on December 16, 2020, Regional Board staff referenced United States Environmental Protection Agency (USEPA) guidance that implementation plans should be sufficient to attain the TMDL in a reasonable period of time. However, the information provided in the Staff Report suggests a reasonable period of time is longer than three years. Further, the Staff Report does not consider other USEPA guidance related to schedules, such as USEPA’s Financial Capabilities Assessment guidance.</p> <p>The purpose of the schedule extensions as outlined in the Staff Report is “to ensure the ability of permittees subject to these imminent final deadlines to be able to manage the additional fiscal challenge to their ability to build the remaining projects</p>	<p>implement the TMDL.</p> <p>The comment misconstrues the Staff Report. To clarify, the text from the Staff Report quoted in the comment summarizes the justification for providing a 3-year schedule extension on the basis of COVID-19 related impacts alone; it does not reflect the overarching purpose of the TMDL deadline extensions. The overarching purpose of the TMDL deadline extensions is to address requests for extensions of imminent final deadlines from permittees while considering the need to restore water quality and protect public health in a reasonable timeframe. The recommended extensions seek to balance these two aims, while also recognizing the unprecedented impact of the COVID-19 pandemic on cities and counties.</p> <p>The comment also suggests that the proposed three-year schedule extension is in conflict with the length of time estimated to complete the remaining projects. However, the Staff Report states (pages 2-3 and 7-</p>
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	<p>necessary to meet TMDL deadlines.” The Staff Report further notes that the fiscal impacts of COVID are expected to last approximately three years. It is unclear to the City why the Regional Board staff view a TMDL schedule extension of three years as appropriate. An extension of three years provides neither sufficient time for City revenues to fully rebound to pre-COVID levels nor for the completion of multiple projects. The three-year TMDL extension appears to assume that the City will be able to implement multiple, large-scale projects while it is simultaneously suffering from the impacts of COVID. Regional Board staff note as much when they state that “permittees can move forward with the construction of those projects in three to four years per project.” This assumption shows a fundamental misunderstanding that permittees will have sufficient resources available to continue construction of projects during the economic recovery. In reality, project construction can only occur at the pace expected prior to COVID once the City’s financial situation has been restored to pre-COVID levels. Similarly, the proposed TMDL schedule extension does not provide any meaningful time to pursue additional sources of funding and does not allow time to use any funds which are obtained for the completion of water quality improvement projects. If the purpose of the proposed BPA is to provide time to allow permittees to manage fiscal challenges to build the remaining TMDL projects, an appropriate TMDL</p>	<p>9) that the proposed deadlines are not based on the estimates of time to complete projects because the cost estimates provided by permittees in their watershed plans (WMPs and EWMPs) and the availability of funding are uncertain and overly conservative. These time estimates are provided for transparency, but the recommended time extensions are based on the status of water quality and beneficial use impacts, progress on implementing projects considering the length of the original TMDL implementation schedule, and the projects that remain to be implemented, along with federal guidance that TMDL implementation schedules should achieve WLAs in a reasonable period of time. The economic impacts due to the COVID-19 pandemic were also factored in. The City shouldn’t need to fully rebound from the financial effects of COVID-19 before taking any further action. Though impacted by COVID-19, the City of Malibu should be able to continue with the plans already in place to implement the TMDL.</p>
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		<p>schedule extension should consider that this goal has two phases: 1) the period of time needed to restore funding to pre-COVID levels and to acquire new funding, and 2) the period of time needed to design, plan, and construct new TMDL projects once there is funding to allocate towards these projects.</p>	<p>The group has had these plans in place for many years since the TMDL became effective in 2003. The Santa Monica Bay Beaches Bacteria TMDL Implementation Plan was submitted by Jurisdictional Group 1&4 (the predecessor of the NSMBCW group), in 2005. This plan preceded adoption of the 2012 MS4 permit, adopted nine years ago, and approval of the NSMBCW EWMP, first submitted almost five years ago. Both the TMDL implementation plan, and the approved EWMP, plan for a deadline for completion of BMPs by 2021 in compliance with the TMDL.</p> <p>Of note, the NSMBCW EWMP determined the target load reduction for bacteria to be 7.3% and has completed an estimated 49% of the projects needed to complete that goal. Considering this, even if the time estimate based on EWMP costs and available funding were considered as the basis for the extension, only 6 years would be needed to complete the remaining projects -- less than the 10 years requested in the comment letter. The</p>
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			<p>proposed 3-year extension, in combination with a TSO if appropriate, provides sufficient time to complete the remaining projects needed to implement the TMDL.</p> <p>Finally, regarding US EPA’s Financial Capability Assessment (FCA) Guidance, the Los Angeles Water Board did not rely on this guidance for the following reasons. The most recent FCA Guidance was only signed on January 12, 2021 and has not yet been published in the Federal Register (2021 FCA Guidance). The 2021 FCA Guidance incorporates and consolidates earlier guidance: U.S. EPA’s 1997 Combined Sewer Overflows - Guidance for Financial Capability Assessment and Schedule Development (1997 FCA Guidance) and EPA’s 2014 Financial Capability Assessment Framework for Municipal Clean Water Act Requirements (2014 FCA Framework). US EPA’s FCA guidance was originally established to assist with negotiating schedules for communities with combined sewer systems, though it was also found to be suitable in other contexts—</p>
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			<p>particularly integrated planning approaches that take into account <i>both</i> stormwater and wastewater Clean Water Act obligations. (2014 FCA Framework, p. 3.) The new 2021 Guidance suggests that the FCA Framework could be applied to TMDL schedules, however, the 2021 FCA Guidance makes clear that US EPA and states may base their analysis on site-specific circumstances. Given that both the 2014 and 2021 FCA Guidance appear most appropriate for analyzing the financial capability of a single permitted entity, the Board disagrees that it is appropriate for considering potential schedule extensions for TMDLs that apply to a large number of permittees of varying sizes and demographics (as well as financial capability). While the Board did not specifically rely on US EPA's FCA methodology, the Board has considered the financial situation of the permittees in terms of the recent economic impacts of the COVID-19 pandemic, and the availability of funding such as the Safe Clean Water Program and other funds.</p>
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			Also see response to comment 1.1.
2.3	City of Malibu	Regional Board staff assert that the remaining number of projects can be completed by combining the three-year extension with a Time Schedule Order (TSO). In making this statement, Regional Board staff acknowledge that the proposed schedule extensions are insufficient to complete the remaining number of projects, thereby necessitating the use of a TSO. The City does not believe that TSOs are an appropriate policy approach to the solution of inappropriate TMDL schedule revisions which do not reflect the impacts of the COVID on municipal resources or the amount of time necessary to plan, fund, and build projects. The use of TSOs in this manner directly conflicts with the stated purpose of the BPA to provide time to allow permittees to manage fiscal challenges to building remaining TMDL projects. The City believes that the proposed BPA is the appropriate avenue to address TMDL schedules in a realistic manner and that this issue should not be left to future regulatory processes that are often uncertain, such as TSOs. The Staff Report assumes that if permittees request a TSO and demonstrate progress has been made, that the TSO will be granted with a five-year extension. With the Regional Board staff's proposed approach to rely on TSOs for all TMDLs across the region, the City has serious concerns about the Regional Board's capacity	TSOs are an appropriate and useful tool to allow additional time for implementation of planned projects to achieve compliance with NPDES permit requirements where the initial permit compliance schedule has run out. Section C of the Staff Report examines the options available for proposed extensions to the TMDL implementation schedules. These options include Basin Plan amendments, TSOs, or a combination of Basin Plan amendments and TSOs. As discussed in section C.3, a combination of Basin Plan amendments and TSOs may be applied on a case-by-case basis, where appropriate. The combination approach is the selected approach as it allows the Los Angeles Water Board to keep implementation periods as short as reasonable for each Permittee. TSOs enable the

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		<p>to undertake TSOs to address four 2024 final compliance deadlines and TSOs to address six TMDLs with 2026 final compliance deadlines. This approach is not an effective use of the Regional Board staff's or permittees' resources given the Regional Board's ability to address the known issues with the schedules now through this basin planning action.</p>	<p>Board to develop individual schedules and milestones for each Permittee based on their unique circumstances. TSOs also provide added flexibility for the Board to be able to respond to any additional unforeseen delays if appropriate.</p> <p>The Los Angeles Water Board recognizes that the development and administration of multiple TSOs will require Board staff time. However, the benefits of a TSO as a regulatory tool, including the flexibility afforded to the Board, is sufficiently valuable to support this approach.</p> <p>Regarding the overall length of the extension, as detailed in response to comment 2.2, above, sufficient time has been allowed for implementation by the original TMDL schedules and the additional time provided by these Basin Plan amendments.</p>
2.4	City of Malibu	<p>The Safe Clean Water Program (SCWP) funds will provide much-needed assistance in completing the remaining projects. While the City has not yet received the first disbursement of its Municipal Funds, approximately \$275,000 towards the construction of</p>	<p>For Malibu Creek and Northern Santa Monica Bay, the Staff Report considered the impact of the Woolsey Fire (see Sections E.6 d and e and E.8.d and e) as well as the COVID-19</p>

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		<p>the Marie Canyon Green Streets Project and \$100,000 towards operations and maintenance of Legacy Park and the Paradise Cove Stormwater Treatment Facility has been allocated. Future funding of regional projects under the SCWP is an issue for the City as it has limited ability to meet the water supply scoring criteria. As it stands, there is still a sizeable funding gap for developing future projects. The City understands that additional sources will need to be discovered and utilized for the implementation of projects. However, this need has to be put into context with the fact that the City has endured two natural disasters in the past two years. The City was still recovering from the Woolsey Fire when the pandemic started. These two events have not only impacted the financial situation but also have required City staff to focus on rebuilding and protecting our community. Given the economic impacts to General Funds because of these disasters, the assumption in the Staff Report that the City could contribute a 103% funding match is not supported.</p>	<p>pandemic (see Section D). If more time is needed for the City to recover from the economic impacts caused by the Woolsey Fire and the COVID-19 pandemic, a TSO is a viable option. Also see response to comments 2.2 and 4.5.</p> <p>Regarding the funding match numbers, this is the funding match reported by the Safe Clean Water Program during Round 1 of project selection.</p>
2.5	City of Malibu	<p>Regional Board staff have been declaring that the proposed TMDL BPAs would provide a solution to the issues with the manner in which TMDLs are incorporated into the permit. The City does not believe that the proposed TMDL BPAs provide a meaningful solution given that the City cannot implement the required projects within the proposed</p>	<p>The TMDL schedule extensions address concerns expressed by MS4 permittees about imminent MS4 permit compliance deadlines associated with final numeric water quality-based effluent limitations (WQBELs) by providing extensions of</p>

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		<p>schedule. As such, the City requests that the schedule extension for the SMBBB TMDL be set at 10 years to accurately account for the amount of time needed to pursue additional funding sources, recover from the fiscal impacts of COVID, and design, construct, and optimize water quality improvement projects.</p>	<p>these deadlines. As stated at various Board meetings, once the TMDL schedules are extended through these Basin Plan amendments, the extensions will be reflected in revised compliance schedules in the new MS4 permit.</p> <p>Regarding the request for a 10-year extension, as described in response to comment 2.2, even if the time estimate based on EWMP cost estimates and available funding were considered as the basis for the extension, only 6 years would be needed to complete the remaining projects to implement the TMDL (see section E.8.d.iv of the Staff Report). Given the short period of time estimated for the City to implement its existing plans, a TSO alone could be an appropriate regulatory vehicle for this TMDL extension. Nevertheless, in light of the unprecedented nature of the COVID-19 pandemic, Staff also proposed a 3-year extension through this Basin Plan amendment. The proposed 3-year extension, in combination with a TSO if appropriate provides sufficient time to implement</p>
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			<p>the TMDL and reflects the projected duration of the economic impacts due to the COVID-19 pandemic.</p> <p>Additionally, the remaining projects in the NSMBCW EWMP have yet to progress past planning and design since the EWMP was first submitted in 2015, which predated the Woolsey Fire by three years. Based on the EWMP modeling and implementation schedule, all the BMP design and planning should have been completed in order to meet the model predicted load reduction. As such, an additional three years is an appropriate amount of time for the group to complete their designed and planned BMPs based the estimation provided. In addition, the recommended extensions do not preclude the future use of any of the alternatives listed in Section C of the Staff Report.</p> <p>Also see response to comments 2.1 and 2.2.</p>
3.1	Peninsula	The Palos Verdes Peninsula Watershed Management Group respectfully requests that the final deadlines	The group’s request is beyond the scope of the currently proposed Basin

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	<p>WMG</p>	<p>for the Machado Lake Nutrient TMDL and the Machado Lake Pesticides and PCBs TMDL be extended until July 15, 2026, and that these extensions be included in Tentative Resolution No. R21-001 along with a Basin Plan amendment for consideration by the Los Angeles Water Board on February 11, 2021 or very soon thereafter. Extension of the final deadlines for these Machado Lake TMDLs is consistent with Los Angeles Water Board staff's rationale for extending the final deadlines of other TMDLs as discussed in the staff report accompanying Tentative Resolution No. R21-001.</p> <p>[The remainder of this comment letter is included in the Board Agenda Package]</p>	<p>Plan amendments. As stated in the Staff Report, the scope of the proposed Basin Plan amendments includes those TMDLs with approaching final deadlines in the next one to three years. The final deadlines for both Machado Lake TMDLs have already passed. For the Nutrient TMDL the final deadline was September 11, 2018, and for the Pesticides and PCBs TMDL the final deadline was September 30, 2019. Revising the scope at this time would require re-noticing the proposed amendments for additional public review and comment and would thus delay the Board's consideration of the currently proposed amendments. However, the Los Angeles Water Board will work closely with any stakeholders who request an extension for TMDLs other than those addressed in the proposed Basin Plan amendments. Staff will meet with the Peninsula WMG to discuss the potential need for additional TMDL extensions through a Basin Plan amendment or a TSO, or a combination of the two approaches.</p>
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4.1	MCW Group	<p>The Malibu Creek Watershed Group (MCW Group) appreciates the opportunity to comment on the California Regional Water Quality Control Board, Los Angeles Region's (Regional Board) Basin Plan Amendments (BPAs) to revise the implementation schedules for Municipal Separate Storm Sewer System (MS4) dischargers subject to Total Daily Maximum Loads (TMDLs) in the Los Angeles Region. The Group is comprised of the cities of Agoura Hills, Calabasas, Hidden Hills, Westlake Village as well as the County of Los Angeles and Los Angeles County Flood Control District. The Group would like to acknowledge that the proposed BPAs to extend multiple TMDL schedules with one regulatory action is a tremendous opportunity for both permittees and the Regional Board. The passing of the Safe, Clean Water Program (SCWP) has been a monumental success in securing a dedicated funding source for the Group. With this dedicated funding source in place, the Group can focus on developing the large capital improvement projects required to continue to improve water quality. The upcoming Enhanced Watershed Management Program (EWMP) update also offers the Group an opportunity to reevaluate water quality conditions and the implementation projects needed to achieve water quality standards.</p> <p>While the Group is appreciative of the opportunity to discuss and evaluate schedule extensions, we are concerned that the recommendations do not</p>	<p>Comment noted. For responses to the specific concerns included in this comment, see responses to comments 4.3 - 4.7.</p>
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		<p>accurately incorporate the latest information available and provide uncertain regulatory processes moving forward. Most critically, the proposed schedule extensions have been proposed by Regional Board staff as providing a solution to the compliance concerns that MS4 Permittees have been expressing during the reissuance process of the MS4 Permit; however, the short length of the proposed extensions do not provide the advertised solution as the Group does not have any greater probability of implementing the required projects within the extended timeframe as compared with the current schedule. The following comments outline our specific concerns and recommendations.</p>	
4.2	MCW Group	<p>1. The Malibu Creek Nutrients TMDL should be considered for a TMDL schedule extension. During the EWMP development process, the Group used a robust 10-year water quality dataset to identify the water quality priorities in the watershed. Modeling was conducted using the Countywide modeling tool following Regional Board guidance. The results of the Regional Board approved EWMP analyses showed that nutrients are one of the limiting pollutants requiring the Group to implement numerous water quality improvements projects, representing an estimated \$200M in capital costs. However, the proposed revisions do not include a schedule extension for the Malibu Creek Nutrients TMDL (Nutrient TMDLs). This recommendation is based on</p>	<p>As noted in the comment, the Staff Report does not propose extensions for dry weather-related TMDL deadlines due to the prohibition on non-stormwater discharges, which has been in place since the 1990s, and because permittees have had success complying with, or are approaching compliance with, most dry-weather deadlines.</p> <p>However, the Board agrees that the Nutrient TMDL is distinct in that it assigns WLAs seasonally for the summer season and winter season,</p>

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	<p>the justification that only the summer season warrants an extension, for which exceedances are classified as dry-weather exceedances. The Regional Board's November 2020 Staff Report in support of the BPAs (Staff Report) does not propose extensions for dry weather-related TMDL deadlines due to the prohibition on non-stormwater discharges. However, the water quality status analysis presented in Table 29 of the Staff Report includes exceedances of samples collected during the summer season that are wet weather samples. Table 1 summarizes the number of summer season exceedances that occurred during dry and wet weather, with waste load allocation (WLA) exceedance information from the Regional Board's November 2020 MS4 Monitoring Data Review Report. As presented in Table 1 exceedances occur during the summer season during wet weather. Wet weather occurs during the summer season because the Nutrient TMDLs do not distinguish between wet and dry weather, rather they divide WLAs into two seasons based on the calendar year, with the summer season lasting from April 15th to November 15th and the winter season lasting from November 16th to April 14th. This is not the same as the distinction between wet-weather and dry-weather conditions, which is based on rainfall. Because the wet-weather monitoring season starts on October 1st, there is overlap with the summer season. As such, the justification provided by the Regional Board that the summer season is equivalent to dry weather</p>	<p>rather than based on wet- or dry-weather conditions, and that there is the possibility for wet-weather events to occur during the summer season. Therefore, in response to this comment, staff have reviewed the data for wet-weather exceedances during the summer season. Of the 5 days sampled in summer from 2012 to 2017, one sample day occurred during wet weather, on which 3 total nitrogen and 4 total phosphorus samples exceeded the TMDL targets.</p> <p>Therefore, because summer exceedances may be associated with wet weather, the Los Angeles Water Board agrees to extend the deadlines for the Malibu Creek Watershed Nutrients TMDL (above Malibou Lake) and the Malibu Creek Nutrients and Sedimentation TMDL (below Malibou Lake). Given the fact that the MCW EWMP covers portions of the watershed both above and below Malibou Lake, and the fact that phosphorus and <i>E. coli</i> are both limiting pollutants in the MCW EWMP, the deadlines for the Malibu Creek Watershed Nutrients TMDL</p>
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		<p>conditions is incorrect.</p> <p>Table 1. Summary of Summer Exceedances of Receiving Water Limitations and of WLAs at Outfall</p> <table border="1" data-bbox="606 375 1325 626"> <thead> <tr> <th rowspan="2">Constituent</th> <th colspan="3">Number of Exceedances</th> <th rowspan="2">Total Number of Samples</th> <th rowspan="2">Frequency of Exceedances</th> <th rowspan="2">% of Summer Season Exceedances Measured During Wet Weather</th> </tr> <tr> <th>Dry</th> <th>Wet</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td colspan="7" style="text-align: center;">Receiving Water Limitations¹</td> </tr> <tr> <td>Nitrate-N + Nitrite-N</td> <td>2</td> <td>3</td> <td>5</td> <td>13</td> <td>38%</td> <td>60%</td> </tr> <tr> <td>Total Phosphorus</td> <td>8</td> <td>4</td> <td>12</td> <td>14</td> <td>86%</td> <td>33%</td> </tr> <tr> <td colspan="7" style="text-align: center;">Wasteload Allocations²</td> </tr> <tr> <td>Nitrate-N + Nitrite-N</td> <td>0</td> <td>2</td> <td>2</td> <td>2</td> <td>100%</td> <td>100%</td> </tr> <tr> <td>Total Phosphorus</td> <td>0</td> <td>2</td> <td>2</td> <td>2</td> <td>100%</td> <td>100%</td> </tr> </tbody> </table> <p>1. Consideration of Extension of Final TMDL Implementation Deadlines for Certain TMDLs in the Los Angeles Region Staff Report, Table 29. Los Angeles Regional Water Quality Control Board, November 2020. 2. MS4 Monitoring Data Review Report, Section 9: Santa Monica Bay WMA – Malibu Creek Subwatershed, Table 21. Los Angeles Regional Water Quality Control Board, November 2020.</p> <p>Request: Provide a schedule extension for the Malibu Creek Watershed Nutrient TMDLs given 1) that exceedances during wet weather account for almost half of the receiving water exceedances and all of the outfall exceedances and 2) the Group's EWMP demonstrates the need/or a significant level of project implementation.</p>	Constituent	Number of Exceedances			Total Number of Samples	Frequency of Exceedances	% of Summer Season Exceedances Measured During Wet Weather	Dry	Wet	Total	Receiving Water Limitations ¹							Nitrate-N + Nitrite-N	2	3	5	13	38%	60%	Total Phosphorus	8	4	12	14	86%	33%	Wasteload Allocations ²							Nitrate-N + Nitrite-N	0	2	2	2	100%	100%	Total Phosphorus	0	2	2	2	100%	100%	<p>and the Malibu Creek Nutrients and Sedimentation TMDL will be aligned with the Malibu Bacteria TMDL final implementation date of July 15, 2026.</p>
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4.3	MCW Group	<p>2. General Schedule Comments</p> <p>A. It is unclear why the Regional Board staff would not rely on the time estimates calculated in the Staff Report.</p> <p>During the Public Workshop for the proposed BPA on December 16, 2020 (Public Workshop), Regional Board staff acknowledged that a maximum of five-year extensions is not enough time with current funding sources available. One of the quantitative</p>	<p>During the Public Workshop on December 16, 2020, Los Angeles Water Board staff acknowledged that a five-year TMDL deadline extension <i>on its own</i> may not provide enough time to complete all projects, and that is why a combination of TMDL extensions and possible future TSOs are proposed.</p>																																																				

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	<p>analyses conducted in the Staff Report was a calculation of the estimated time needed to implement the remaining projects with the current funding sources available to permittees including an assumption of a 103% match of the SCWP funding. The Regional Board staff conducted this analysis for several EWMP groups and presented the methodology in the Staff Report as well as the results in the Staff Report Appendix. It is noted in the Staff Report that Regional Board staff did not rely on the results of the analysis "due to uncertainties and conservatism inherent in each of the variables used to derive a time estimate," and because the times estimates were "very imprecise, and in some cases, illogical." The cost estimates for the remaining capital projects needed to achieve TMDLs were taken from the Regional Board-approved EWMPs. The cost estimates presented in the EWMPs were the result of a year-long modeling and analysis effort conducted with guidance of the Regional Board. EWMP groups spent a significant amount of time and resources to develop these robust watershed plans that provide a clear roadmap for the level of implementation required to achieve TMDLs. It is unclear to the Group why these cost estimates are now considered imprecise. There is far more certainty on the number of projects and associated costs today, then when the TMDLs were adopted due to the wealth of information that was generated during the EWMP development process. If the Regional Board staff believe the cost</p>	<p>Regarding the time estimates in the Staff Report, they were provided for transparency, but the recommended time extensions are based on the status of water quality and beneficial use impacts, progress on implementing projects considering the length of the original TMDL implementation schedule, and the projects that remain to be implemented, along with federal guidance that states TMDL implementation schedules should achieve WLAs in a reasonable period of time. The economic impacts due to the COVID-19 pandemic were also factored in. The reasons for not basing the implementation schedule extensions on the time estimates are explained in the Staff Report (pages 2-3 and 7-9), as noted in the comment.</p> <p>Specifically, the Staff Report explains why the WMP/EWMP cost estimates are imprecise. The Staff Report states that the EWMP cost estimates are uncertain because they are dependent on the specific set of projects identified in the EWMPs,</p>
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		<p>estimates developed from these plans are imprecise, these reservations should have been discussed during the EWMP development process prior to Regional Board approval.</p> <p>With the Regional Board staff's apprehension regarding utilizing the previous E/WMP cost estimates, it is important to note that revised E/WMPs will be submitted to the Regional Board in June 2021, providing an opportunity to reevaluate cost estimates. During the Public Workshop, Regional Board staff discussed their belief that these revisions to the E/WMPs and Reasonable Assurance Analysis (RAA) could result in the need for fewer control measures to attain TMDLs, resulting in lower costs and shorter time estimates. While the Group hopes this optimistic outcome comes to fruition, it is also possible that E/WMP and RAA revisions could demonstrate that more control measures are needed, leading to higher costs and, as a result, longer timeframes for attaining the TMDLs. During the Public Workshop, Regional Board staff also acknowledged that the E/WMP and RAA revision process is an adaptive management opportunity to reevaluate and refine the amount of implementation projects required to reach water quality goals. Using E/WMP and RAA revisions as an adaptive management process is a more appropriate pathway for adding certainty to the cost and time estimates surrounding compliance schedules than establishing schedules which are known to be too</p>	<p>which are subject to modification through the adaptive management process. They are planning level estimates that are generally conservative and based on unit cost factors, which generally do not consider site-specific characteristics such as infiltration rates, which can significantly affect the size of the project and thus its cost.</p> <p>The comment states that concerns about the accuracy of EWMP costs estimates should have been discussed during the EWMP development process. However, EWMP approval was not contingent on these cost estimates, but on the likelihood of the planned projects contained in the EWMP achieving the required water quality based effluent limits.</p> <p>As discussed in response to comment 2.2, the purpose of the TMDL deadline extensions is to address requests for extensions of imminent final deadlines from permittees while considering the need to restore water quality and protect</p>
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		<p>short and then adaptively managing once those schedules have been exhausted. However, as the updated E/WMPs will be submitted in June 2021, the answer to this question will be available in six months.</p> <p>Until updated cost estimates via the EWMP and RAA revisions are available, the best available information should be factored into the recommendations for schedule extensions. Table 2 presents the Staff Report analysis of the time to comply based on SCWP revenue AND 103% matching funds that are optimistically assumed to be available as agencies are feeling the economic impacts of the current pandemic and thereafter. The estimate shows a range of timeframes to comply from 11 to 74 years, with an average of 31 years. As such, the precision of the variables could be off by 50% and the Group's average schedule would still be 15.5 years (not to mention 37 years for the City of Agoura Hills). This demonstrates that, even if Permittees are able to secure matching funding for all projects and the estimates presented in the Staff Report are not precise, the minimum disparity between the time required to implement needed projects and the proposed schedule extension is greater than a decade (and most likely several).</p>	<p>public health in a reasonable timeframe not to grant permittees additional time to complete projects based on EWMP cost projections and anticipated revenues.</p> <p>The amount of time that has passed with little progress being made in wet weather cannot be disregarded. Bacterial indicator water quality, which is critical to public health protection, still needs to improve. In wet weather, sampling locations are still exceeding the allowable number of exceedance days and the geometric mean objectives for bacteria throughout the Malibu Creek Watershed. Water quality still needs to improve for nutrients as well. In Los Angeles County, total nitrogen TMDL targets are exceeded 38% of the time and total phosphorus targets are exceeded 86% percent of the time in summer. Considering the time that has passed since the TMDLs became effective is not a judgement of past actions by permittees, but rather an acknowledgement of the urgent need to restore waterbodies that were identified as impaired over</p>
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		<p>Table 2. Summary of Years to Compliance Based on SCWP Revenue and Assumed Matching Funds (in \$ Millions) based on Table A.3 of the Staff Report¹</p> <table border="1"> <thead> <tr> <th>Municipality</th> <th>Remaining Capital Costs</th> <th>Expected Revenue Generation from SCWP</th> <th>Matched Funding</th> <th>Total Funding</th> <th>Years to Compliance</th> </tr> </thead> <tbody> <tr> <td>County of Los Angeles</td> <td>\$42.91</td> <td>\$1.87</td> <td>\$1.93</td> <td>\$3.80</td> <td>11.3</td> </tr> <tr> <td>Agoura Hills</td> <td>\$84.46</td> <td>\$0.56</td> <td>\$0.58</td> <td>\$1.14</td> <td>74.1</td> </tr> <tr> <td>Calabasas</td> <td>\$36.53</td> <td>\$0.30</td> <td>\$0.31</td> <td>\$0.60</td> <td>60.7</td> </tr> <tr> <td>Hidden Hills</td> <td>\$0.79</td> <td>\$0.02</td> <td>\$0.02</td> <td>\$0.03</td> <td>24.9</td> </tr> <tr> <td>Westlake Village</td> <td>\$31.61</td> <td>\$0.38</td> <td>\$0.39</td> <td>\$0.77</td> <td>41.1</td> </tr> <tr> <td>Total</td> <td>\$196.30</td> <td>\$3.12</td> <td>\$3.22</td> <td>\$6.34</td> <td>31.0</td> </tr> </tbody> </table> <p>1. Consideration of Extension of Final TMDL Implementation Deadlines for Certain TMDLs in the Los Angeles Region Staff Report, Appendix Table A3. Los Angeles Regional Water Quality Control Board, November 2020.</p> <p>The historic passing of Measure W and creation of the SCWP offers the Group an incredible opportunity to utilize a dedicated, previously unavailable funding source to put towards the completion of water quality improvement projects. Rather than using the lack of implementation under completely different circumstances to not consider an adequate schedule, the Group strongly believes that it more appropriate to look forward and judge the Group based on its actions under this new paradigm.</p> <p>Request: Consider the results of the Regional Board Staff Report time estimate analysis when determining an appropriate schedule extension</p>	Municipality	Remaining Capital Costs	Expected Revenue Generation from SCWP	Matched Funding	Total Funding	Years to Compliance	County of Los Angeles	\$42.91	\$1.87	\$1.93	\$3.80	11.3	Agoura Hills	\$84.46	\$0.56	\$0.58	\$1.14	74.1	Calabasas	\$36.53	\$0.30	\$0.31	\$0.60	60.7	Hidden Hills	\$0.79	\$0.02	\$0.02	\$0.03	24.9	Westlake Village	\$31.61	\$0.38	\$0.39	\$0.77	41.1	Total	\$196.30	\$3.12	\$3.22	\$6.34	31.0	<p>20 years ago when they were placed on the Clean Water Act 303(d) list.</p>
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4.4	MCW Group	<p>B. Length of TMDL schedule extensions does not consider the time required to design and construct implementation projects consistent with information</p>	<p>The recommended extensions take into account that the MCW Group should be beyond the design phase for TMDL projects, since it has been</p>																																										

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	<p>presented in the Regional Board Staff Report.</p> <p>While funding is an important issue, especially during the current pandemic, it is not the only issue. Even if the Group had the needed \$200M to fund the remaining EWMP projects to meet TMDLs, it is not possible to complete the design, construction, and optimization phases needed for all of these complex, multi-benefit projects given that, as acknowledged in the Staff Report, this process takes up to seven years. The Staff Report states that the Regional Board "considers the necessary pollutant reductions and the <u>reasonably foreseeable methods of compliance</u> with those reductions, taking into account a reasonable range of environmental, <u>economic</u>, and <u>technical factors</u>" (emphasis added). Yet the proposed TMDL schedule extensions fail to incorporate the critical technical consideration of the length of time in which a complex project can be feasibly implemented. With the extensions as currently proposed, Regional Board staff are not incorporating the realities of the amount of time required to implement projects into reasonable TMDL schedule deadlines, even as the Staff Report acknowledges these realities.</p> <p>Request: The length of TMDL extensions should be consistent with the time needed to construct the complex water quality improvement projects necessary to attain the TMDLs.</p>	<p>15 years since the TMDL became effective. The Staff Report states that project design may take 1-2 years and project construction may take 3-5 years. The MCW Group has already spent a significant amount of time on the design and planning of projects, so these projects should be ready to move into the construction phase. Therefore, it is possible to complete construction of the remaining projects needed to achieve the TMDL within a 5-year extension plus additional time through a TSO, if appropriate.</p>
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4.5	MCW Group	<p>C. The proposed schedule extensions do not provide adequate time to pursue additional funding sources and do not properly adjust deadlines to account for the economic recovery period.</p> <p>The unique characteristics of the Malibu Creek watershed have led to challenges in developing funding sources on par with the cost of implementing complex, multi-benefit projects. Over 80% of the Group's EWMP jurisdiction is undeveloped land. Because the SCWP's funding is generated as a tax on impervious area, there are less funds available to the Group. As the Staff Report notes, the Group is anticipated to receive only around \$2M in total municipal funds. These local characteristics also present challenges in receiving a passing score for SCWP regional funds due to limited infiltration and reuse opportunities given that water supply benefits account for almost 25% of the total score. Even optimistically assuming matched funding of 103%, which is unlikely to occur soon because of the severe economic impacts due to the current pandemic, there is a large gap between the total funding available to the Group and the \$200M in remaining capital costs needed for implementation of projects. That being said, the Group understands that additional funds will need to be utilized. While other cities, such as Culver City and Santa Monica, previously had success in implementing a stormwater tax, these types of funding sources are unlikely to pass so soon after</p>	<p>As noted in the response above, the Malibu Creek Bacteria TMDL became effective 15 years ago. In the intervening years, the MCW Group has had time to pursue funding for TMDL projects. The Los Angeles Water Board has incorporated the fiscal impacts of the COVID-19 pandemic in the schedule extensions. As stated in the Staff Report, "Economists in general predict that full recovery to pre-COVID-19 levels will occur in 2022 or afterwards." The Staff Report recognizes that other factors contribute to uncertainties in this estimated recovery timeframe, including renewed outbreaks, the timeline of development and distribution of vaccines and/or antiviral therapies, federal funding, and state and local actions. Due to these uncertainties, the Los Angeles Water Board is allowing a three-year extension to TMDL deadlines, or roughly two years after economists' projections for a full economic recovery beginning in 2022. An additional two years is added to the extension to allow for completion of</p>
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		<p>Measure W and in the aftermath of the current pandemic. The fiscal impacts of the current pandemic do not go away when we receive a vaccine. With a best-case estimate that general funds will return to pre-pandemic levels within the next two years and the timeframe to secure additional funds further out, it is unclear to the Group how the proposed TMDL schedule extensions provide enough time to find new sources of funding. During the period of economic recovery, municipalities will not have the resources to contribute matching funds towards implementation. With the proposed schedule extensions for the pandemic at five years, this leaves a short window of one to two years where Regional Board staff expect permittees to undertake a historic scale of construction.</p> <p>Request: Properly incorporate the fiscal impacts of the current pandemic into the schedule extensions to account for the limited resources that will be available during the period of economic recovery.</p>	<p>projects in the watershed.</p> <p>While a five-year extension is proposed, more than five years has been available to find funding and construct projects, and the MCW Group should not need to fully rebound from the financial effects of the COVID-19 pandemic before taking any further action. Additionally, the overall context for the recommended extension is that the three years are in addition to the years already provided in the original TMDL implementation schedules -- 15 years in this case. The 15 years were intended to provide sufficient time to design, fund and build the needed projects to implement the TMDL.</p>
4.6	MCW Group	<p>D. Reliance on Time Schedule Orders to extend proposed TMDL schedules is inappropriate.</p> <p>Throughout the Staff Report and as was discussed during the Public Workshop, Regional Board staff have acknowledged that the proposed schedule extensions are unattainable. The proposed solution to this issue of unattainability is to rely on Time</p>	<p>See response to comment 2.3.</p> <p>Further, as described in Section C of the Staff Report, both Basin Plan amendments and TSOs are viable options to provide more time beyond the current TMDL deadlines. The Los Angeles Water Board understands</p>

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	<p>Schedule Orders (TSOs) to bridge the gap between the TMDL schedule extensions and the timeframe within which the TMDLs could be feasibly attained. During the Public Workshop, Regional Board staff cited uncertainty related to costs and funding as an obstacle to setting schedule extensions and stated their preference towards using TSOs rather than relying on uncertain estimates.</p> <p>There are several reasons why the Group does not agree with the assertion that TSOs are an appropriate process for this form of adaptive management. Given the difference between the TMDL schedule extensions in the proposed BPA and the timeframe within which the TMDLs could be feasibly attained presented in the Staff Report, there is no doubt that the Group will need to request a TSO within the next five years. Also, consideration of TSOs by the Regional Board have often been delayed or not brought before the Regional Board for various reasons, including Regional Board staff citing resources or staffing constraints. Members of our Group submitted requests for a TSO for the Bacteria TMDL consistent with the requirements of the MS4 Permit and the requests for similar TSOs approved in the Marina del Rey, Cabrillo Beach, and Ballona Creek watersheds. However, the TSO request was not carried forward to the Regional Board. Additionally, in reviewing the three approved TSOs on the Regional Board website there were significant</p>	<p>some Permittees' perspective that a single extension via a Basin Plan amendment would provide more regulatory certainty than an extension that is achieved through a combination of Basin Plan amendments and TSO. However, water quality improvement in a reasonable period of time is the primary consideration for this action, and this consideration should not be overridden by perceived concerns about regulatory certainty, particularly when both mechanisms for providing time are viable options authorized by the California Water Code. The Los Angeles Water Board has proposed a combination of Basin Plan amendments and future TSOs, where justified, to best leverage its regulatory tools to attain water quality standards in the Los Angeles Region in as short a time frame as possible. The conclusion that TSOs are an appropriate tool to provide more time to achieve compliance with TMDL requirements in a permit is not just a position of the current Board, as noted above it was established by the California Legislature as a viable</p>
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		<p>delays between the timing of the TSO request and the approval of the request:</p> <ul style="list-style-type: none"> • Inner Cabrillo Beach Permittees submitted a letter requesting a TSO in December 2012 and the TSO was issued in February 2014 (over a year after the request). • Marina del Rey Permittees submitted a letter requesting a TSO in December 2012 and the TSO was issued in July 2014 (over one and a half years after the request). • Ballona Creek Permittees submitted letters requesting a TSO between April 2013 and May 2013 and the TSO was issued in May 2015 (two years after the request). <p>While current Regional Board staff view TSOs as an appropriate option for extending TMDL schedules, future Regional Board members or staff may not share this view. Additionally, the process for adoption of a TSO is time and resource intensive for both the permittee and Regional Board and have led to demonstrated delays between TSO requests and approval. It is unclear to the Group why it is an appropriate policy decision to propose a five-year schedule and use a TSO as a backstop in the face of overwhelming evidence that a longer schedule is needed. Such a policy decision guarantees perceived</p>	<p>option in the California Water Code. Nevertheless, a future Board is not limited by the proposal to keep the Basin Plan amendment extensions to three or five years with the option of TSOs if appropriate. A future Board will have available as options, as they deem appropriate, further extensions via additional Basin Plan amendments or TSOs.</p>
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		<p>failure on all sides which can and should be avoided. The Group believes that, rather than expending the Regional Board and the Group's time and resources on the TSO process, resources can be used more effectively to develop and implement projects.</p> <p>Request: Develop a TMDL extension schedule that does not utilize an uncertain TSO process as a policy backstop given that there is clear evidence that the proposed schedule is insufficient.</p>	
4.7	MCW Group	<p>3. Recommendations</p> <p>Since the adoption of the TMDLs under review, meaningful progress has been made Countywide, not just in water quality as seen by the improvement of dry weather conditions, but in the understanding of the magnitude of work that needs to be done to improve water quality during wet weather conditions. In the last four years, E/WMPs have laid out a roadmap for the scale of projects that need to be undertaken to achieve water quality standards, and the passing of Measure W and creation of the SCWP has provided a dedicated funding source to assist permittees in implementing these projects. Today, we have significantly more reliable information and data available to inform decision-making processes. We cannot continue to rely on the same process for determining compliance schedules that have led us to the current situation. This is especially true when</p>	<p>Progress has been made in acquiring information and data in order to identify and plan for TMDL implementation projects through the EWMP process. However, only a relatively small to moderate percentage of the projects identified in the EWMPs to achieve the TMDLs have been implemented.</p> <p>It has been roughly 15 years, 17 years, and 7 years since the Malibu Creek Bacteria TMDL, the Malibu Creek Watershed Nutrients TMDL, and the Malibu Creek Nutrients and Sedimentation TMDL became effective, respectively. During these time periods, only 2.6% of the control measures identified in the MCW</p>

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	<p>Regional Board staff have explicitly stated to MS4 Permittees and the Regional Board that the proposed BPAs would provide a solution to the compliance concerns that MS4 permittees have been expressing to the Regional Board over the past year. MS4 Permittees can neither meet the current schedule nor the proposed schedule. As such, it is extremely unclear how the proposed schedule extension provides a solution to the issues raised related to the MS4 Permit. A shift in approach is needed and warranted given the new information and data that have been laboriously generated by permittees since the development of the TMDLs.</p> <p>The Group recommends the following options for schedule extensions for the Malibu Creek Nutrient TMDLs and Bacteria TMDL:</p> <p>Recommendation: Revise the proposed schedule extension to be consistent with the Regional Board Staff Report estimate of 30 years with a reopener provision every five years.</p> <p>The Group recommends a TMDL schedule extension of 30 years that includes a reopener provision every five years to allow for a reconsideration of the schedule considering new information that will come from the Group's water quality data and EWMP updates (which will occur every five years as well). As required by the MS4 Permit, the Group's EWMP will contain interim milestones during the Permit term that</p>	<p>EWMP and 1/3 of the control measures identified by Ventura County permittees in their TMDL Implementation Plan have been constructed. The proposed 5-year extension of the Malibu Creek Bacteria TMDL, as well as the Malibu Creek Watershed Nutrients TMDL and Malibu Creek Nutrients and Sedimentation TMDL considers the original TMDL implementation schedules, the continued impairment of water quality, and the limited progress in implementation to date, along with the economic impacts of the COVID-19 pandemic.</p> <p>The Los Angeles Water Board may consider new information and studies and revise the Basin Plan, as appropriate, at any time. The tentative resolution has been revised to include direction to re-examine TMDL schedules in response to revised Watershed Management Programs, other significant planning changes, or when otherwise warranted, such that extensions could be considered by the Board in approximately three years' time.</p>
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	<p>identify the level of implementation required. The interim milestones set a clear expectation for the actions that are needed and provide a transparent metric the Regional Board can enforce upon. This is not an option that the Group takes lightly, and as previously noted, this schedule assumes that the Group will provide 103% matching funds outside of SCWP revenues. We understand the various interests that the Regional Board must balance in setting schedules. This recommendation is based on estimates calculated with the best available information produced during EWMP development and allows the Group to focus on directing resources towards implementation actions that improve water quality rather than towards future regulatory actions to address known issues. A key component of this recommendation is continuing to utilize new information generated through EWMP revisions to reconsider the TMDL schedule. If the EWMP and RAA revisions indicate, as Regional Board staff have suggested, that a shortened schedule is appropriate, the reopener provisions provide the opportunity to make this adjustment.</p> <p>Alternate Proposal: Revise the proposed schedule extension to 10 years with a fixed TMDL reopener at 8 years.</p> <p>The Group's alternate proposal is to revise the proposed schedule to 10 years with a reopener at 8 years to reassess (1) the TMDL as a whole based on</p>	<p>Additionally, as part of this process, staff will consider any methodologies developed through the Water Boards' Strategy to Optimize Resource Management of Stormwater (STORMS) regarding considerations of the cost of compliance to determine any further extensions of TMDL deadlines.</p> <p>A proposal of an additional 30 years approaches a scenario where TMDLs are "open-ended" with no firm commitment to an implementation deadline. Such a scenario conflicts not only with federal guidance that TMDLs be attained in a reasonable period of time, but is contrary to the intent of the Clean Water Act to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." (33 U.S.C §1251(a).) TMDLs are not merely paper exercises that set water quality goals, they must be set to attain water quality standards (33 U.S.C §1313(d)(1)(C); 40 CFR § 130.7.c.1). For this reason, federal regulations require that TMDLs, and any accompanying implementation plan,</p>
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		<p>the latest available scientific and technical information and (2) the 10-year schedule. As part of this option, the Group requests that the Regional Board establish a work group to develop guidance on setting compliance schedules in TMDLs. This work group would gather data aimed at increasing the precision of the time schedule estimates so that future schedules would be based on an objective, fact-driven approach. Similar to our recommendation, this alternate proposal will include interim milestones as contained in our EWMP that set a clear expectation for the actions needed and provide a transparent metric for the Regional Board to enforce upon. It should be noted that the Group believes this alternate proposal is not an accurate representation of the length of time it will take to complete the necessary implementation actions, but a compromise to allow the Group time to demonstrate meaningful progress in good faith that a more appropriate schedule will be identified and provided at the time of the reopening.</p> <p>We sincerely appreciate your consideration of our comments, including our recommendation which aims to replace a problematic, resource intensive TSO solution with a streamlined, information-driven adaptive management process.</p>	<p>be incorporated into the Basin Plan, which has the force of law (40 CFR § 130.6.) Furthermore, a proposal of a 30-year extension conflicts with Goal 1 of the Water Boards’ Strategic Plan, which states, “Implement strategies to fully support the beneficial uses for all 2006-listed water bodies by 2030.” (Water Boards’ Strategic Plan Update 2008-2012, September 2, 2008.)</p> <p>By contrast, a five-year extension for the Malibu Creek Watershed TMDLs, with an additional five to ten years through TSOs if warranted, addresses immediate threats of noncompliance and the economic impacts of COVID-19, while maintaining accountability for permittees and ensuring that TMDLs and water quality standards will be ultimately be attained.</p>
5.1	Ventura County & Thsnd. Oaks	The County of Ventura (County), City of Thousand Oaks (City), and Ventura County Watershed Protection District (District) (Responsible Agencies)	Comment noted. The Los Angeles Water Board acknowledges the difficulties in treating bacteria in wet

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	<p>& VCWPD</p>	<p>are submitting this letter to Consideration of Final TMDL Implementation Deadlines for Certain TMDLs in the Los Angeles Region (BPA). The County, City, and District appreciate the opportunity to comment on the BPA and are providing comments applicable to the Malibu Creek Watershed Bacteria TMDL (MCW Bacteria TMDL).</p> <p>The Responsible Agencies appreciate the Los Angeles Regional Water Quality Control Board’s (Regional Board) consideration of TMDL extensions. The Responsible Agencies have previously expressed concerns regarding the challenges with implementing the Malibu Creek Bacteria TMDL in Ventura County. During the reconsideration of the MCW Bacteria TMDL in 2012, the Responsible Agencies stated that the compliance deadlines in the TMDL were insufficient, and that additional time was necessary to comply with the updated compliance requirements of the revised TMDL.^{1,2} However, the requests to extend TMDL compliance deadlines were not granted by the Regional Board. The Responsible Agencies appreciate the additional time that has been provided, but request that the schedule extension be modified to provide at least a ten-year extension consistent with previous requests regarding the time needed to implement the MCW Bacteria TMDL.</p> <p>The difficulty associated with wet weather bacteria TMDL implementation is exemplified by the four</p>	<p>weather. This was part of the rationale, along with supporting an integrated approach, for extending the wet-weather deadline from January 10, 2016 to July 15, 2021 when the TMDL was reconsidered in 2012.</p> <p>To clarify, during the 2012 TMDL reconsideration process, Ventura County supported an extension of the wet-weather deadline to July 15, 2021 (see page 5 of the Ventura County comment letter), which was approved. At that time, the City of Thousand Oaks asked for a three-year extension of the wet-weather deadline, which was not approved. The current final compliance date is July 15, 2021. The County, City, and the District are now asking for a 10-year extension of the wet-weather deadline.</p> <p>The examples of sources cited in the comment letter to explain why it is difficult to treat bacteria in wet weather (e.g., onsite wastewater treatment systems, horse and livestock, wildlife) are not the</p>
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		<p>TMDL extensions granted for wet weather bacteria in the BPA. In the Malibu Creek Watershed, wet weather bacteria is difficult to address due to the multitude of sources, which include onsite wastewater treatment systems, stormwater runoff, horse and livestock, wildlife, golf courses, tidal inflow to the lagoon, sanitary sewer overflows, and illicit connections (LARWQCB, 2004). Additionally, the distributed nature of the Ventura County MS4 system in the Malibu Creek watershed combined with geology that is not conducive to infiltration BMPs result in significant challenges for identifying and implementing cost effective structural control measures that can effectively address bacteria.</p> <p>The Responsible Agencies recognize that the TMDL has been in effect for many years and there is a need to improve water quality and protect beneficial uses. However, the original TMDL was one of the first TMDLs to be developed in the region. Since the development of the TMDL, significant advances have occurred in our understanding of both the science and risk associated with indicator bacteria during wet weather and the amount of time and effort involved in implementing control measures to address wet weather bacteria. We request that the Regional Board recognize these challenges and provide additional time to implement the MCW Bacteria TMDL.</p> <p>The remainder of the comment letter provides</p>	<p>responsibility of MS4 permittees and will not affect the ability of permittees to achieve the TMDL.</p> <p>It has been 15 years since the Malibu Creek Bacteria TMDL became effective and 13 years since the County, City, and the District, along with other Malibu Creek Watershed permittees, submitted an Implementation Plan for the TMDL. In the intervening years, the County, City, and the District have had time to address challenges such as site-specific geology and community opposition and to apply the lessons learned about bacteria control measures.</p> <p>There has been additional study of the risks associated with bacteria indicators since the TMDL became effective in 2006, but there have been no significant changes to bacteria standards based on these studies. The County, City, and the District should be moving forward with implementation of the TMDL as established without waiting for indeterminate changes to bacteria</p>
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		background on the activities conducted to implement the TMDL to date and why it has taken longer than anticipated and the rationale for the additional time request.	standards based on recent and future studies. However, recognizing the immediate compliance concerns and the economic impacts of the COVID-19 pandemic, a 5-year extension of the Malibu Creek Bacteria TMDL is proposed. This extension considers the original TMDL implementation schedule, the limited progress in implementation to date, and the continued impairment of water quality. Ventura County monitoring stations exceed the allowable number of exceedance days for bacteria about a quarter of the time and many stations exceed the geometric mean target most of the time.
5.2	Ventura County & Thsnd. Oaks & VCWPD	<p>TMDL Implementation</p> <p>The County, City, and District have made significant progress in addressing sources of bacteria in the watershed. Best Management Practices (BMPs) that have been implemented in the watershed since the adoption of the MCW Bacteria TMDL include:</p> <p>1.Trash Full Capture Devices: This includes</p>	The Board acknowledges and the Staff Report reflects the non-structural BMPs, monitoring, and planning efforts that have been conducted to date. Less progress has been made however in implementing structural control measures to reduce bacteria loading. During the 15 years since the TMDL became effective and the 13 years since the TMDL

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	<p>installation of Trash Full Capture</p> <p>Devices to meet 100% point-source compliance by the County, City, and District.</p> <p>2. Public Outreach: This includes education for local students about the how pollutants can impact local streams and rivers. Flyers, brochures, videos, and radio are used to educate the general public about reducing pollutants that enter local waterways (pet waste, fertilizer, & other pollutants of concern). Direct mailers to dog owners to remind them to pick up after their dogs while walking them. Working closely with property owner, the Rancho Simi Recreation and Park District, regarding pet waste management along the Medea Creek.</p> <p>3. Catch Basin Cleaning: Regular maintenance and cleaning of catch basins to remove debris/trash that reduce pollutants that enter the storm drain system.</p> <p>4. Street Sweeping: Routine street sweeping is used to remove debris and trash that could potentially enter waterways.</p> <p>Weekly bacteria monitoring of receiving waters is also performed in the Upper Malibu Creek Watershed as part of the TMDL Compliance Program. An additional Upper Malibu Creek Source Identification Study was performed in the summer of 2013 (jointly by the</p>	<p>Implementation Plan was submitted, only one out of three of the control measures identified for the Ventura County portion of the watershed has been implemented.</p> <p>The 5-year schedule extension accounts for the additional time that responsible agencies spent to pursue alternative approaches when faced with the various challenges outlined in the comment letter. Now that responsible parties have identified alternative approaches, they can begin construction of those projects.</p>
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		<p>Responsible Parties) and in 2015 (County and District only) to determine the subdrainages contributing the highest bacteria loads. The results of the study found many of the storm drains in the Upper Lindero Creek Drainage Area had high levels of bacteria. Sources of bacteria included birds, dog waste, and potential human sources as indicated by the presence of human biomarkers; however, human biomarkers were also found in widely used reclamation water for irrigation. Due to insufficient scientific tools, the nonviable biomarkers were not distinguished from viable ones of high concern to public health and so the studies were inconclusive. The results of the study were used to prioritize sites for the Proposition 84 funded “Oak Park Green Streets Retrofit Project”.</p> <p>The main technical challenge in upper Malibu Creek Watershed is naturally absent infiltration for effective stormwater treatment. The County and the District completed two site investigation studies in Oak Park to find that infiltration rates are nonexistent or too low for infiltration-based treatment. Three structural BMP projects were identified in the Ventura Countywide Stormwater Quality Management plan to help address bacteria exceedances in the watershed: distributed BMPs (County), low flow diversions to the sewer (County), and installation of a subsurface storage tank (City). Each of these implementation activities has taken more time than anticipated when the implementation plan was developed, and some</p>	
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		<p>were determined to be infeasible until recently.</p> <p>The distributed BMPs have been the only projects that have been able to be implemented to date, and they were significantly delayed by a number of factors. For example, the Oak Park Green Street Retrofit Project was delayed about 5.5 years and required four grant agreement schedule extensions from the State Water Resources Control Board due to required additional public outreach and discussion with dissatisfied residents about stormwater treatment needed in their community. There were also numerous issues with underground utilities resulting in the redesign of portions of the project and significant construction delays. Implementation was also challenging due to the lengthy and time consuming grant administration processes. However, even with these delays, the County completed phase I of the Oak Park Green Street Retrofit Project in 2017, which installed ten modular wetlands to treat stormwater. Phase II of the project includes installation of an additional 10 modular wetlands and is scheduled to be completed in January 2021.</p> <p>The completed project will be able to treat 1,600,000 cubic feet of stormwater runoff from 110 acres of residential area.</p> <p>For the low flow diversions to the sewer, conversations were initiated with the sanitation district</p>	
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		<p>by the County. At the time, the sanitation district was not able to accept water from the MS4 per letter from Triunfo Sanitation District to the District dated June 30, 2016. However, recent changes in the operations of the sanitation district have made it more likely that some flow may be able to be diverted. However, it is unlikely that much if any wet weather flow could be sent to the wastewater treatment facility during a storm due to reduced capacity and the potential for the flow to upset the treatment processes. The Responsible Agencies are reinitiating evaluation of this implementation project, but it will likely not be sufficient to address the wet weather TMDL requirements. Additionally, planning, design and construction of this type of project would take additional time.</p> <p>The challenges outlined above have resulted in a need for the Responsible Agencies to evaluate alternative approaches to compliance and have found their options to be limited. Additional time is needed to both reflect the realities of TMDL implementation that have been identified by the Responsible Agencies when attempting to implement projects in this watershed and to develop strategies that can meet the TMDL requirements given these challenges.</p>	
5.3	Ventura County & Thsnd. Oaks	Rationale for Additional Time to Implement the Malibu Creek Bacteria TMDL	As discussed in the Staff Report, the existing TMDL schedule of 15 ½ years was intended to allow time for

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	<p>& VCWPD</p>	<p>While the Responsible Agencies appreciate the extension of the wet weather compliance deadline for the MCW Bacteria TMDL in the BPA, additional time is needed to implement the TMDL to address the challenges outlined above. Additionally, the Responsible Agencies are concerned about rationale presented in the BPA Staff Report to justify the five year schedule extension and contend that the discussion actually supports a longer time extension, for the reasons outlined below:</p> <p>1. The Responsible Agencies understand additional funding sources will have to be obtained to implement the projects needed for compliance. The County has actively pursued additional funding, such as grants, for project implementation in the watershed. The County has prepared and submitted 3 grant applications before successfully securing Proposition 84 Round 2 for “Oak Park Green Streets Retrofit” project. However, a sustainable funding source will be necessary for full implementation of the TMDLs in Ventura County. It will take time to develop the funding measure, gain voter approval, and generate revenue. The ability to gain voter approval during the economic climate associated COVID-19 will be difficult. The County also does not receive Measure W funding or any Benefit Assessment Program funding for the Malibu Creek Watershed and relies solely on general funds. The BPA Staff Report notes that the COVID-19 pandemic will have the largest</p>	<p>permittees to obtain funding. The five-year extension of this schedule should allow the County, the City, and the District enough time to pursue funding and construct the remaining projects needed to implement the TMDL. See also response to comment 4.5.</p>
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		<p>effect on general funds and states that Permittees are compelled to locate alternative sources such as fees and assessments. The time necessary to secure additional funding needs to be accounted for in the schedule extension for the wet weather MCW Bacteria TMDL.</p> <p>2. The implementation timeframe of 5-7 years from design to completion that was included in the BPA Staff Report is not realistic for this watershed. The BPA Staff Report states, “Staff considered testimony from Los Angeles County Public Works staff and other permittees at Board meetings and workshops over the past year that TMDL implementation projects can take from five to seven years per project from design to completion (LARWQCB, 2020). Assuming that design takes 1-2 years, 3-5 years is needed for construction.”⁵ However, the implementation schedule fails to consider the time it will take for Permittees to secure funding for the MCW projects as they do not yet have a dedicated funding source and the complexity of implementing projects in the MCW, as outlined above. Projects in the MCW will likely involve collaboration with other agencies that are not subject to the TMDL and challenges with residents that are not receptive to stormwater projects. As noted above, the Oak Park Green Street Retrofit Project was delayed about 5.5 years due to public concerns and construction delays that could not be</p>	
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		avoided or ignored by the Responsible Agencies.	
5.4	Ventura County & Thsnd. Oaks & VCWPD	<p>3. As noted above, the Responsible Agencies need to reevaluate our approach to implementation of this TMDL in Ventura County due to all of the challenges that have been encountered with implementing the previous implementation plan. To avoid duplication of effort, this would be best accomplished through the development of the Watershed Management Plans as outlined in the proposed Tentative MS4 permit. As a result, the time needed to develop and then implement the plan needs to be considered in the implementation schedule. Given the challenges identified above and the lack of a dedicated funding source, the actions that will be identified in the plan will likely take more than five years to implement.</p> <p>During December 10, 2020 workshop discussing TMDL deadline extensions, we heard from Los Angeles MS4s that based on their WMP estimates, compliance with wet weather Bacteria TMDL may take up to 30 years. These Los Angeles MS4s estimates are supported by Measure W that Ventura County MS4 do not have. Establishing unachievable TMDL compliance deadlines in the BPA drive the development of implementation programs which are not realistically implementable to meet permit requirements and ultimately set us up for failure. The establishment of longer TMDL extensions with interim milestones will help create realistic implementation</p>	As described in the Staff Report, while the Ventura County MS4 Permit does not include watershed management programs, the TMDL required permittees to submit a TMDL Implementation Plan, which they did on February 27, 2007. On May 13, 2013, the County of Ventura and the Ventura County Watershed Protection District submitted an addendum to the 2007 Implementation Plan, which clarified and prioritized the projects that would be implemented. In addition, Ventura County created a Ventura Countywide Municipal Stormwater Resource Plan on September 20, 2016 for the Ventura Countywide Stormwater Management Program. The plan contained a summary of projects in various planning level stages for the Malibu Creek Watershed, including a newly identified project in Lindero Creek in the modeling stage, distributed BMPs in the pre-concept planning stage, and the Oak Park Project in the

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		schedules that will support more effective implementation planning.	funding stage. The County, the City, and the District have been updating and refining implementation plans since 2007, and additional time for planning is not supported. An extension of five years, plus additional time through a TSO if warranted, allows permittees to pursue funding and construct the projects that have already been planned for.
5.5	Ventura County & Thsnd. Oaks & VCWPD	<p>4. Within the BPA Staff Report, the Regional Board’s reference to a Time Schedule Order (TSO) appears to be the next step forward to reach compliance if TMDL deadlines cannot be met for the MCW Bacteria TMDL. This is evident by the following language in the BPA Staff Report, “permittees have the option to request a TSO for up to five years and an additional TSO for an additional five years if they need additional time to complete projects to achieve TMDL compliance.”</p> <p>However, TSOs are usually considered after all other options have been exhausted and there are no other avenues to reach compliance. This is not currently the case, as the current BPA can serve to extend the wet weather MCW Bacteria TMDL compliance schedule to allow sufficient time for the Responsible</p>	See response to comments 2.3 and 4.6. TSOs are largely issued to shield Permittees against potential mandatory minimum penalties required by the Water Code and may not be appropriate or necessary in all circumstances. TSOs do not provide citizen suit protection. However, the Office of Enforcement has previously found that “citizen enforcement does not conflict with the enforcement priorities of the regional water boards but instead acts as an independent complement to the enforcement activities of the Water Boards.” (Office of Enforcement Citizen Suit Enforcement Under the Federal

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		<p>Agencies to address the known constraints on implementation in the MCW.</p> <p>Additionally, a TSO is yet another regulatory action that would have to be implemented in the future, inevitably creating more burden on Permittees and Regional Board staff resources that could be better spent on implementation. The TSO also does not protect from third-party lawsuits. It would be more appropriate to establish TMDL schedule extensions now that can realistically allow Permittees to reach compliance than to create additional regulatory hurdles in the future. Once included in the MS4 Permit, the extended schedules would be supported by implementation plans that lay out our approach to compliance, with appropriate milestones, similar to the way TSO requirements would be structured. It seems to make more sense to proceed with realistic schedules and associated plans that are achievable from this point forward and eliminate the need to come back to the Regional Board seeking a TSO at a later date.</p>	<p>Clean Water Act: a Snapshot of the California Experience Based on Notices of Intent to Sue March 2009 through June 2010, May 2011.)</p> <p>Additionally, the characterization that TSOs are usually considered after all other options have been exhausted or that TSOs are an additional regulatory burden on Permittees and Los Angeles Water Board staff is incorrect. A TSO is one of many tools for motivating compliance provided by the Water Code and are subject to a relatively short 30-day notice and comment period.</p>
5.6	Ventura County & Thsnd. Oaks & VCWPD	<p>Requested Actions</p> <p>The Responsible Agencies appreciate the five-year extension of the wet weather compliance deadline to July 15, 2026 under the BPA. However, for the reasons listed above, we are respectfully requesting at least a ten-year extension of the wet weather</p>	See response to comment 4.7.

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		<p>compliance deadline to July 15, 2031 for the MCW Bacteria TMDL to allow sufficient time to complete pending assessments, secure funding, develop project concepts, complete planning, construction, and implementation. In the event that only currently proposed 5- year extension is approved, till July 15, 2026, we respectfully request TMDL reopener in 2026 to consider an extension for additional 5 years.</p>	
6.1	VCSQMP	<p>The Ventura Countywide Stormwater Quality Management Program (Program) is submitting this letter to comment on the Consideration of Final TMDL Implementation Deadlines for Certain TMDLs in the Los Angeles Region (TMDL Extension). The Program appreciates the opportunity to comment on the TMDL Extension.</p> <p>During various workshops and Los Angeles Regional Water Quality Control Board (Regional Board) meetings over the past few years, the Program has provided comments on the challenges of attaining the anticipated TMDL requirements in the upcoming Regional MS4 permit. The Program has identified these challenges based on experiences implementing TMDLs over the past thirteen years in Ventura County. The Program is providing comments on the TMDL Extension because the TMDL schedules have a significant impact on implementation and compliance with the MS4 permit.</p>	Comment noted

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6.2	VCSQMP	<p>The Program supports the comments provided by various Ventura County MS4 Permittees on the Channel Islands Harbor (CIH) and Malibu Creek Watershed (MCW) Bacteria TMDLs and requests the following:</p> <ul style="list-style-type: none"> • Develop a Basin Plan Amendment that provides a schedule extension until December 18, 2028 for the wet weather bacteria compliance deadline for the CIH Bacteria TMDL. 	<p>The request is beyond the scope of the currently proposed Basin Plan amendments. See also response to comments 3.1 and 10.1.</p> <p>However, the Los Angeles Water Board will work with any stakeholders who request an extension for TMDLs other than those addressed in the proposed Basin Plan amendments.</p>
6.3	VCSQMP	<ul style="list-style-type: none"> • Extend the MCW Bacteria TMDL wet weather compliance deadline to July 15, 2031. 	See response to comment to 4.7
6.4	VCSQMP	<p>In August 2020, the Program sent a TMDL modification Request letter to the Regional Board to ensure that TMDLs with challenging compliance deadlines in Ventura County be considered for TMDL schedule extensions. The Program requested evaluation of ten TMDL deadline extensions, of which only one is included in the TMDL Extension. As the majority of the TMDLs for which the Program has requested TMDL extensions were not included in this Basin Planning action, the Program requests that the Regional Board staff work with the Program to evaluate the remaining TMDLs presented in our August 2020 TMDL Modification Request letter and bring Basin Plan Amendments with TMDL extensions, where warranted, to the Regional Board for consideration as soon as possible. The Program</p>	<p>The group's request is beyond the scope of the currently proposed Basin Plan amendments.</p> <p>As explained in the Staff Report, the currently proposed Basin Plan amendments address near-term (in the next one to three years), wet-weather TMDL deadlines. Dry weather-related extensions were not considered due to the prohibition on non-stormwater discharges, which has been in place since the 1990s.</p> <p>Of the ten TMDLs in the August 2020 letter, the letter identified two as high</p>

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		<p>requests that the process for developing the TMDL extensions for the remaining Ventura County TMDLs incorporate the comments outlined below.</p>	<p>priority, the Malibu Creek Bacteria TMDL, which is proposed for an extension in this action, and the Channel Islands Harbor Bacteria TMDL, for which the wet-weather deadline has passed (i.e., it is not a near-term deadline).</p> <p>For three TMDLs in the August 2020 letter, the group discusses the potential need to adjust WLAs in addition to schedule extensions. Reexamination of those TMDLs, if warranted, should be undertaken individually.</p> <p>For the remaining five TMDLs, the letter requested discussion of the TMDLs “after completion of watershed management planning efforts and ongoing special studies...” We note that the Malibu Creek Nutrients TMDL, included in this group of five TMDLs, was considered in this action and an extension of the TMDL schedule is proposed.</p>
6.5	VCSQMP	<p>The Program has concerns with the approach that has been taken to develop the TMDL Extension Basin Plan Amendments as outlined in this section. As</p>	<p>The Staff Report concluded that “...no more than 5 years, inclusive of a 3-year extension due to the</p>

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		<p>noted above, comments on specific TMDLs in the TMDL Extension have been provided by the Ventura County MS4 Permittees with responsibilities to implement those TMDLs. This comment letter is focused on identifying concerns with the approach taken to develop the TMDL Extensions to develop a more comprehensive analysis for the remaining TMDLs in the Program's August 2020 TMDL Modification Request Letter.</p> <p>The TMDL Extension Staff Report lays out several considerations used to evaluate each of the TMDLs. These include:</p> <ul style="list-style-type: none"> • Is the compliance deadline occurring within the next one to three years? (dry weather deadlines were not considered) • Has meaningful progress been made in implementing actions to meet the TMDL? • What projects have been planned to achieve compliance and what projects have been completed? • What is the current status of water quality? Is water quality improvement still needed? <ul style="list-style-type: none"> • If meeting standards, no extension is needed • If not meeting standards, it is more warranted to get an extension • How much more time is needed 	<p>unanticipated economic impacts of the COVID-19 pandemic, is warranted....” for several reasons including federal guidance, which states TMDL implementation plans, including schedules, should be sufficient to achieve WLAs in a reasonable period of time, and the length of the original TMDL schedules, which ranged from 10 to 19 years. In each case, the Staff Report found that the three- to five-year extensions were sufficient considering the potential for additional time via TSOs, when appropriate. The three- to five-year extensions also considered the status of water quality in each of the affected watersheds. In every watershed, for every pollutant, water quality during wet-weather conditions remains impaired since the TMDLs became effective.</p> <p>As stated in the comment, “Ventura County MS4 permittees began implementation of TMDLs as soon as they became effective, even when they were not included in the MS4 permit.” The Malibu Creek Bacteria</p>
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		<p>to complete remaining actions?</p> <ul style="list-style-type: none"> • Impacts of the COVID-19 Pandemic <p>However, the Program has concerns about how the analysis was conducted for some of these questions and the limitations that were placed on the TMDL extension considerations. The concerns are described in more detail in the following sections.</p> <p>The TMDL Extension Staff Report determined that a TMDL extension of no more than 5 years would be granted. The reasoning provided in the TMDL Extension Staff Report states, "an extension of no more than 5 years, inclusive of a 3-year extension due to the unanticipated economic impacts of the COVID-19 pandemic is warranted. The proposed extensions also reflect an understanding that MS4 permittees cannot rely solely on funds from the Safe Clean Water Program in Los Angeles County or the Benefit Assessment Program in Ventura County." Limiting the timeframe for the TMDL schedule extension to a maximum of 5 years prior to consideration of TMDL-specific factors is inappropriate and limits the ability to truly evaluate the time needed to implement large scale capital improvement projects.</p> <p>The majority of TMDLs in Ventura County were developed between 2005 and 2008 with timelines</p>	<p>TMDL became effective in 2006 and therefore Ventura County MS4 permittees had 14 years to coordinate with other stakeholders, pursue funding, develop coordinated monitoring programs, conduct special studies, develop implementation plans, and identify and install structural control measures where needed. Ventura County's 2007 implementation plan identified three regional structural projects. Of these, one project was implemented, the Phase 1 Oak Park project, with an expected completion in 2021. In addition, Ventura County implemented several minimum control measures, LIDs, and nonstructural BMPs, such as public outreach programs and water conservation ordinances. Based on the original Bacteria TMDL implementation schedule of 15½ years, the status of water quality, and the implementation of one of the three regional structural projects listed in the 2007 implementation plan, 5 years is realistic and sufficient to complete the two regional structural projects or the alternative</p>
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	<p>that were between 2 and 20 years in length depending on the constituents. At the time of TMDL development, no MS4 Permittee in Ventura County had undertaken programs to comply with TMDL requirements and no permit requirements had been established to incorporate TMDL requirements. There was no understanding of the scale of the capital improvement program that would be needed to address wet weather discharges. As a result, establishing an accurate schedule for TMDL implementation was not possible and many of the TMDLs acknowledged this by including reevaluations of the schedules at various points once data gaps had been addressed and permittees had a better understanding of the implementation actions needed to meet the TMDL requirements. Additionally, during the development and reconsideration of the many Ventura County TMDLs, Ventura County Permittees provided comments that the implementation schedules were insufficient and requested longer timelines to address the pollutants of concern. These requests were generally denied.</p> <p>Ventura County MS4 permittees began implementation of TMDLs as soon as they became effective, even when they were not included in the MS4 permit. Activities included joining with agricultural and wastewater dischargers to develop coordinated monitoring programs, conduct special studies and develop implementation plans.</p>	<p>approaches identified in the 2013 update to the 2007 Implementation Plan and the 2016 Ventura Countywide Municipal Stormwater Resource Plan. Additional time can be obtained through a TSO, if appropriate.</p> <p>The assertion that Ventura County permittees requested longer timelines during TMDL development and reconsideration is not entirely accurate. The TMDLs subject to the currently proposed action that affect Ventura County permittees are the Malibu Creek Bacteria TMDL, the Malibu Creek Watershed Nutrients TMDL, and the Malibu Creek Nutrients and Sedimentation TMDL. When the Los Angeles Water Board reconsidered the Malibu Creek Bacteria TMDL in 2012, Ventura County supported the wet-weather deadline of July 15, 2021. The City of Thousand Oaks asked for a three-year extension of the proposed 2021 wet-weather deadline, which was not approved. In 2016, when the Los Angeles Water Board adopted an implementation plan and schedules</p>
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	<p>Additionally, Permittees began a structured implementation of the TMDLs which focused on implementing targeted source control activities (including installation of new and redevelopment structural control measures) to reduce pollutant discharges as much as possible, followed by the identification and installation of structural control measures where needed. For some TMDLs, the targeted source control measures have been sufficient or are anticipated to likely be sufficient by the TMDL compliance date. For other TMDLs, structural control measures have been needed. Where structural control measures have been needed, the Permittees have learned a lot about the time, resources and challenges associated with stormwater capital improvement projects. For TMDLs where structural control programs are needed, in almost all cases, the TMDL schedule is too short to be realistically implemented. Additional time is also needed for TMDLs where identification of implementation actions has not resulted in the expected water quality improvement and additional studies or planning is needed to implement additional controls.</p> <p>Within the TMDL Extension Staff Report, Regional Board staff's preference appears to be to develop and approve Time Schedule Orders (TSO) to provide additional time if necessary, for TMDLs that will not be able to reach compliance. This is not an</p>	<p>for the 2003 Malibu Creek Watershed Nutrients TMDL and the 2013 Malibu Creek Nutrients and Sedimentation TMDL, no Ventura County Permittees commented on the 2003 Nutrients TMDL deadline. For the 2013 Nutrients and Sedimentation TMDL, only the Ventura County Watershed Protection District requested that the deadline be extended to 2032. The request was not approved because it was based on a plan that projected that 98% of all needed structural control measures would be installed by July 2021. The deadline was thus set at December 28, 2023.</p> <p>The Los Angeles Water Board recognizes that the development and administration of TSOs requires resources on the part of permittees and Board Staff. However, TSOs are not regulatory hurdles. A TSO is one of many tools for motivating compliance provided by the Water Code. As such, they are appropriate in these situations where significant time has already been provided through TMDLs and the permit but compliance has not been achieved.</p>
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		<p>acceptable solution when we have the opportunity to provide schedule extensions with Basin Plan Amendments that reflect the new information on the time it takes to implement stormwater control measures. A TSO is yet another regulatory action that would have to be implemented in the future, inevitably putting more burden on MS4 Permittees and Regional Board staff resources, which could be spent on implementation. The TSO also does not protect from third-party lawsuits. It would be more appropriate to establish TMDL schedule extensions that can realistically allow Permittees to reach compliance than to create additional regulatory hurdles in the future.</p> <p>From a big picture perspective, the BPA will set forth TMDL compliance schedules that will be included in the new MS4 Permit. Knowing that these compliance schedules are unachievable, the compliance dates will still drive the development of longer-term implementation plans in our watersheds. Unfortunately, these programs will not be realistic to implement in the given timeframes and will set us up for certain failure. The establishment of achievable TMDL schedules through a Basin Planning action will lead to implementation plans that include interim milestones to check progress and will be more realistic and implementable, leading to improvements in water quality and ultimate compliance with the TMDLs. Rather than putting forward unrealistic</p>	<p>Furthermore, the benefits of a TSO as a regulatory tool, including the flexibility afforded to the Board, are sufficiently valuable to support this approach.</p>
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		<p>schedules now and developing and implementing a TSO later, more realistic implementation plans will serve the same purpose as the TSO - laying out the projects needed to achieve compliance - without adding another regulatory action into the process.</p>	
6.6	VCSQMP	<p>Limiting the Scope of the TMDL Extension to TMDLs with Deadlines Coming up in the Next One to Three Years is Problematic Limiting the scope of the TMDL Extension to TMDLs with upcoming deadlines is problematic for the Ventura County MS4s and has the possibility to negate the usefulness of developing Watershed Management Programs (WMP). If the current TMDL requirements in the MS4 permit are maintained, the WMPs do not provide any compliance coverage for past due TMDLs and will create compliance risk for any upcoming TMDLs for which the Program knows that the needed controls cannot be implemented within the TMDL schedule. In other words, developing a WMP for a TMDL would commit the Program to meeting WMP milestones that they know cannot be attained based on their experience implementing TMDLs to date. Instead, the Program could just implement what they can during the TMDL implementation period and then obtain a TSO to finish the TMDL implementation. Not addressing TMDL schedule extensions inadvertently disincentivizes the development of WMPs.</p>	<p>The purpose of the TMDL deadline extensions is to address requests for extensions of imminent final deadlines from permittees, as well as the immediate economic impacts of the COVID-19 pandemic, which began in Spring 2020, while considering the need to restore water quality and protect public health in a reasonable timeframe.</p> <p>WMPs provide an opportunity to customize strategies, control measures, and BMPs to address the highest watershed priorities, including achieving TMDLs and receiving water limitation provisions for pollutants not addressed by TMDLs. The alternative compliance pathway provided by Watershed Management Programs is not intended to address permit requirements related to past-due TMDLs. In these situations, a TSO is</p>

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		<p>As a result, the need to evaluate TMDL schedule extensions should not be limited to TMDLs with deadlines in the next one to three years. Past due TMDLs need to be evaluated to understand what has been learned during implementation, what has been accomplished, and what still needs to be done. In particular, TMDL schedule extensions are needed for TMDLs that included reconsiderations as Permittees had anticipated those reconsiderations would inform the implementation actions. While not all past due TMDLs may require a schedule extension, eliminating them from consideration without evaluation is not appropriate.</p> <p>Additionally, TMDLs with due dates that are further in the future should be considered for TMDL extension. As noted above, the TMDL schedules influence the WMP planning process and the opportunity to consider TMDL schedule extensions for TMDLs with due dates more than three years in the future is needed for effective consideration of TMDL requirements in WMP development. Implementation of these TMDLs has also been delayed, and will continue to be delayed, due to the financial impacts of COVID-19, resulting in challenges with meeting future deadlines.</p>	<p>a viable option.</p> <p>For this action, in order to address the most urgent TMDL deadlines, only TMDLs with final implementation deadlines in the next one to three years were evaluated. However, Board staff have committed to meeting with Permittees to discuss extension requests for TMDLs with final deadlines beyond the one- to three-year timeframe addressed in these proposed Basin Plan amendments. Regarding specific requests for consideration of other TMDLs in Ventura County in the August 2020 letter, see response to comment 6.4.</p>
6.7	VCSQMP	<p>Evaluation of Meaningful Progress Does not Consider the Full Picture of Actions Taken to Date The evaluation of progress in the TMDL Extension</p>	<p>While the Staff Report focused on structural control measures when discussing expenditures and funding</p>

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		<p>Staff Report is primarily focused on the number of structural control measures that have been implemented in accordance with a WMP or a TMDL Implementation Plan. An evaluation focused solely on the number of structural controls implemented is an incomplete assessment of all the work that has been done to implement TMDLs.</p> <p>As noted above, TMDL implementation does not just consist of structural control measures. Implementation includes monitoring, developing plans to identify the needed control measures, conducting studies to determine the best places to implement control measures, and implementing source control measures, some of which have been highly effective. In Ventura County, implementation of these activities took several years to complete and only after completion of these activities could structural controls be appropriately sited and constructed. The time necessary to conduct monitoring, evaluate control measures, and conduct targeted source control activities to address TMDL constituents should be considered as meaningful progress for the purposes of this evaluation factor.</p> <p>It is important to remember that until 2010, the Program did not have any TMDL requirements in the permit and permit requirements were focused on progressive implementation of programmatic activities. The 2010 permit added new development</p>	<p>available, the Staff Report also includes discussion of non-structural activities, e.g. Section E.6.e states, “Since the approval of the MC EWMP, Los Angeles County, Ventura County, and cities have implemented several minimum control measures, LIDs, and nonstructural BMPs, such as public outreach programs, water conservation ordinances, city car wash ordinances, garden workshops, street sweeping, etc.”</p> <p>Additionally, the Board acknowledges the other activities such as developing plans and conducting studies to implement TMDLs. These other activities were also built into the original implementation schedules recognizing that they would provide some groundwork for implementation. The TMDL schedules were established such that the studies and planning would be completed in a sufficient amount of time to allow for implementation to be completed by the final TMDL deadline. These schedules were not unrealistic at the time they were developed, nor when they were reconsidered. As recently</p>
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		<p>requirements and significant time was invested in developing and implementing a program to implement these new requirements. These requirements will minimize further degradation due to urban development and will likely improve conditions as redevelopment occurs. While the Ventura County MS4 Permittees have been making steady progress in TMDL implementation, it is unrealistic to assume that the Permittees could have gone from a fully programmatic program to a program requiring significant capital expenditures upon the effective date of the TMDLs. Consideration of meaningful progress should reflect the realities of the history of the MS4 program in Ventura County and the breadth of activities that have been conducted to implement the TMDLs.</p>	<p>as 2012, when the Malibu Creek Bacteria TMDL was reconsidered, Ventura County supported the deadline of July 15, 2021 and the City of Thousand Oaks requested an extension to July 15, 2024. The currently proposed deadline for the Malibu Creek Bacteria TMDL is July 15, 2026.</p> <p>See also response to comment 6.5.</p>
6.8	VCSQMP	<p>Consideration of the Amount of Time Needed to Complete Implementation Actions is Inadequate In evaluating the amount of time needed to complete implementation actions to comply with TMDL requirements, the TMDL Extension Staff Report provides an analysis of the amount of time necessary to implement a project from design to completion and a comparison of the available funding to the estimated cost of the proposed implementation actions. While both of these analyses are appropriate, they do not represent a full analysis of the time that will be needed to implement projects nor an accurate consideration of all the factors that should be</p>	<p>In this comment, VCSQMP has not made any specific comments on the Basin Plan amendments proposed by this action. However, as requested, the Los Angeles Water Board will work with the Ventura MS4 permittees and other stakeholders to determine if other Ventura TMDLs should be extended or be otherwise revised, and identify considerations to inform any proposed TMDL changes.</p> <p>The comment states that all</p>

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	<p>considered when developing a schedule, especially for Ventura County MS4 Permittees. In particular, the Program has the following general concerns with the analysis:</p> <ul style="list-style-type: none"> • Regional Board staff determined that implementation of a project from design to completion would take 5-7 years, based on testimony from Los Angeles Public Works staff and permittees. 9 TMDL extensions of 5 years or less would therefore require all remaining projects to be implemented on the same schedule and as efficiently as possible to meet the minimum timeframe for implementation. • The assumption that all projects have a schedule of 5-7 years from the design to completion phase is not realistic. The assumption does not consider multiple factors that could influence the development of a specific project, including but not limited to permitting delays, land acquisition timeframes, unanticipated site constraints, community challenges, and multi-agency coordination requirements. For example, the Oak Park Green Street Retrofit Project was delayed about 5.5 years due to required additional public outreach and discussion with dissatisfied residents about stormwater treatment needed in their community. There were also numerous issues with underground utilities resulting in the redesign of portions of the project and significant construction delays. The project was funded by a statewide 	<p>remaining projects for nine TMDLs will have to be completed in five years or less. To clarify, the nine TMDLs being considered for deadline extensions cover only four watersheds. Each watershed can have multiple TMDLs. For example, there are three TMDLs in the Malibu Creek Watershed being considered for deadline extensions. Permittees have been planning for projects that will implement all three TMDLs through their EWMP in Los Angeles County and their TMDL Implementation Plan and Stormwater Resource Plan in Ventura County. Five years is sufficient to complete the two regional structural projects or the alternative approaches that have been identified in those plans. Additional time can be obtained through a TSO, if appropriate.</p> <p>The estimated timeframe to implement projects in 5-7 years was intended to capture the inherent variability in project completion. As noted in the Staff Report, this estimate was based on testimony from Los Angeles County Public</p>
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	<p>Proposition 84 grant due to limited funding sources in Ventura County and significant staff resources were needed to manage the project due to lengthy and time-consuming grant administration processes.</p> <ul style="list-style-type: none"> • Only considering the timeframe for implementation of a single project does not account for the complexity of implementing numerous projects on the similar timelines. Staff resources are limited, resulting in limitations on the number of projects that can be managed at a given time. Additionally, constraints on the number of qualified firms to design and construct the projects will likely occur given the magnitude of projects to be constructed over the next few years in the Los Angeles Region. • Finally, the Program recognizes that additional funding beyond the benefit assessment program is needed to meet TMDL wasteload allocations in Ventura County. However, in developing the TMDL Extension, Regional Board staff must also recognize that obtaining the sustainable funding source necessary to implement remaining projects will be necessary in Ventura County. It will take significant amounts of time to develop the funding measure, gain approval, and generate revenue. The availability of sustained revenues in addition to our current, limited sources of funding is also extremely uncertain at this time due to the economic climate associated with COVID-19. TMDL compliance schedules extensions 	<p>Works staff and other permittees at Board meetings and workshops over the past year. For example, at the May 14, 2020 Board meeting, Los Angeles County Public Works staff stated, “These projects increase from the original projection of two to four years to about seven years. This increase in time was not for the lack of trying. It was because these projects are complex, innovative, and state-of-the-art. It also takes time to engage the community and establish collaborative partners, and sometimes the geologic conditions turn out to be different once we develop the project further.” The Los Angeles Water Board recognizes that some projects may proceed more slowly than average and, as such, have proposed handling these types of delays through the issuance of a TSO rather than a Basin Plan amendment.</p> <p>The comment states that constraints on the number of qualified firms to design and construct the projects will likely occur. However, up to 19 years have passed since adoption of the</p>
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		<p>should consider the time needed to secure funding, otherwise, we are setting ourselves up for failure. The Benefit Assessment Program currently in place only generates \$3 million per year for all MS4 permit and TMDL implementation efforts in Ventura County and lacks the necessary funds required to implement the projects needed to comply with the various TMDLs in the region.</p> <ul style="list-style-type: none"> • Regardless of whether or not a sustainable funding source is developed, no project can be constructed without funding. As a result, the time necessary to secure project funding needs to be considered in developing the TMDL extensions. Due to limited funding sources in Ventura County, collaboration between multiple jurisdictions is frequently used to distribute the cost of projects. Projects that involve multiple permittees usually take significantly longer due to logistics and collaboration with multiple water sectors that are present in Ventura County (agriculture & groundwater). Additionally, competition for other funding sources, such as grants, will increase due to the proximity of TMDL compliance deadlines leading to additional challenges in obtaining funding. The Ventura MS4s are committed to exploring all available options for funding projects including long-term operations and maintenance, but the time needed to secure the funding has to be considered when developing an estimate of the time needed to complete the required implementation 	<p>nine TMDLs being considered for deadline extensions and sufficient time for planning and sequencing project implementation has occurred.</p> <p>The Board does not agree that obtaining a sustainable funding source will be necessary to implement the remaining projects in Ventura County. First, as discussed previously, accordingly to Ventura County's implementation plans, permittees need only to complete two regional structural projects or their alternatives to comply with the TMDLs subject to the currently proposed action. Second, permittees have been successful at seeking sources of funding in the past (including from Prop 1, Prop 12, Prop 84, and the Santa Monica Bay Restoration Foundation) as documented in their MS4 Permit Annual Reports. A dedicated funding source may be helpful for implementation of other TMDLs in Ventura County, but it is not necessary for implementation of the Malibu Creek Bacteria TMDL, Malibu Creek Nutrients TMDL, and Malibu</p>
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		<p>actions.</p> <p>Given these concerns, the Program requests that the Regional Board work with the Ventura MS4s to evaluate the time needed to complete implementation actions to support a better determination of appropriate TMDL extensions for the remaining Ventura County TMDLs. The analysis should consider the following:</p> <ul style="list-style-type: none"> • The number of implementation actions required across all watersheds for a given agency. • The economic situation of the specific agency required to implement the TMDL. • The time needed to collaborate with other, non-MS4 agencies, to develop multi-benefit projects. • Project specific factors that can significantly impact the schedule, such as CEQA, permitting requirements, land acquisition, and unanticipated site conditions/constraints. <p>In conclusion, the Program requests that that the Regional Board develop TMDL extensions that reflect everything that MS4 Permittees have learned about implementing TMDLs and the method that has been selected to incorporate TMDLs into the Regional MS4 permit. The linkage between the MS4 permit</p>	<p>Creek Nutrients and Sedimentation TMDL.</p> <p>Comments regarding the method of incorporating TMDL requirements in the MS4 permit are outside the scope of this proposed action.</p> <p>Also, see response to comment 6.5.</p>
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		<p>requirements and TMDL schedules cannot be ignored when determining the applicable TMDL schedules.</p> <p>For example, utilizing a WMP compliance approach within the permit, rather than a WQBEL approach would address some of the concerns with the TMDL Extensions and provide for clear milestones to demonstrate progress. On the other hand, maintaining the current MS4 permit approach results in the need for more consideration of TMDL schedule extensions. Considering the MS4 Permit language and the TMDL schedule extensions in conjunction could result in a combined approach that can effectively address MS4 Permittee concerns, and drive water quality improvement in a timely manner.</p>	
6.9	VCSQ4.7MP	<p>Requested Actions</p> <p>The Program supports the comments provided by Ventura County MS4 Permittees on the CIH and MCW Bacteria TMDLs and requests the following:</p> <ul style="list-style-type: none"> • Develop a Basin Plan Amendment that provides a schedule extension until December 18, 2028 for the wet weather bacteria compliance deadline for the CIH Bacteria TMDL. 	See response to comments 6.4 and 10.1.
6.10	VCSQMP	<ul style="list-style-type: none"> • Extend the MCW Bacteria TMDL wet weather compliance deadline to July 15, 2031 	See response to comment 4.7.

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6.11	VCSQMP	<p>In addition, the Program requests that the Regional Board staff work with the Ventura MS4s to develop realistic implementation schedules for the remaining TMDLs presented in our August 2020 TMDL Modification Request letter and bring Basin Plan Amendments to modify the schedules to the Regional Board as soon as possible.</p>	<p>See response to comment 6.4.</p>
6.12	VCSQMP	<p>As part of the process, consideration of alternative approaches to addressing wet weather bacteria TMDLs is requested. Wet weather bacteria is an acknowledged challenge that needs to be addressed more effectively throughout the region. This is evident by the extension of four wet weather bacteria compliance deadlines in the BPA. The consideration should include a process to:</p> <ul style="list-style-type: none"> • Develop and incorporate new science that better targets human health risk, and • Identify a schedule that allows for both stormwater and wastewater infrastructure improvements. <p>The Program recognizes the resource constraints of the Regional Board and understands why Basin Planning actions, including TMDL reconsiderations, are slow to occur. However, when these actions are not taken MS4 Permittees are held to compliance with outdated objectives, limited in their ability to use processes established in the Basin Plans and Clean</p>	<p>The request for considering an alternative approach to address wet weather bacteria TMDLs, including developing and incorporating new science that better targets human health risk, reconsidering TMDLs, and identifying a schedule that allows for both stormwater and wastewater infrastructure improvements is outside the scope of the action before the Los Angeles Water Board. However, the Los Angeles Water Board acknowledges the significant challenges to implementing wet-weather bacteria TMDLs and will continue to support new science and revise TMDLs based on new science or standards as necessary.</p> <p>There are 55 TMDLs in the Los Angeles region, including US EPA-established TMDLs, and the Los</p>

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		<p>Water Act for modifying standards and still protecting beneficial uses, and unable to modify compliance requirements based on filling data gaps and lessons learned since TMDLs were developed. The TMDL Extension should consider not only the impacts of delayed implementation on the environment, but also the potential additional costs to ratepayers of implementing actions to meet TMDLs that have not been reconsidered to reflect new information.</p> <p>To address this, Regional Board staff should consider ways to make future TMDL Basin Planning actions more dynamic. The Program would have less concern about an individual Basin Plan Amendment if it was clear that the action would be reconsidered on a regular basis.</p> <p>The Regional Board should consider ways to make TMDL reviews and updates more consistent to ensure that legacy analysis and water quality objectives do not impose requirements on Permittees that are not aligned with the best mechanisms for protecting beneficial uses. For example, adding reconsiderations to the TMDL Extension and then actively scheduling them into the appropriate annual work plan with a process for engaging with affected stakeholders ahead of releasing the tentative order would improve the effectiveness of both the Basin Planning process and TMDL implementation.</p>	<p>Angeles Water Board has reconsidered 25 of those. Since adoption of the first TMDL in 1999, the Board's work effort has shifted to more reconsiderations and fewer new TMDLs. This shift is reflected in the annual priority setting and allocation of resources in the Board's TMDL program. Additionally, the Board's TMDL adoption and reconsideration process includes engaging with affected stakeholders before publicly noticing proposed Basin Plan amendments, whether through Board agenda items, staff workshops, or individual meetings, or some combination of these.</p> <p>Regarding concerns about outdated objectives, the Board notes that the recent statewide bacteria objectives, incorporated in the Basin Plan last year, are significantly similar to the previous standards and the same implementation effort would be required with TMDLs based on the recent objectives.</p>
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7.1	LA County & LACFC	<p>The County of Los Angeles (County) and the Los Angeles County Flood Control District (District) support the proposed Basin Plan Amendment (BPA) to extend the final deadlines for near term Total Maximum Daily Loads (TMDLs) issued by the Los Angeles Regional Water Quality Control Board (Regional Board). The County and the District understand, fully appreciate, and acknowledge the Regional Board's mission to protect water quality and the achievement of water quality standards in as short a period of time as possible. Over the past many years, Municipal Separate Storm Sewer System (MS4) Permittees have accomplished a lot and more remains to be done. Permittees are often constrained by various factors beyond their control, in particular financial limitations and project schedules. These constraints are further exacerbated by the current extraordinary economic and societal impacts of COVID-19.</p> <p>While we are very thankful for the proposed BPA to extend the TMDL final deadlines and request that the Board consider and approve the BPA as soon as possible, we request that the Regional Board consider providing a reasonable timeframe for the Malibu and Marina del Rey Watersheds that can practically allow the implementation of projects. As currently proposed, the extensions vary from 0 years for Malibu Creek Nutrients TMDL to 3 years for Marina del Rey TMDLs to 5 years for Ballona Creek</p>	<p>Comment noted. See below for responses to detailed and specific comments. Regarding the comment that 5 years are needed to account for impacts to public funds by the COVID-19 pandemic, the Staff Report finds that 3 years is sufficient to account for these impacts, which is roughly two years after economists' projections for a full economic recovery beginning in 2022. Additionally, at the December 2020 Board meeting, the LACFC presentation to the Board on the Safe Clean Water Program (item 9) indicated that the COVID-19 pandemic does not appear to be significantly affecting tax revenue, with the County collecting \$278M in the 19/20 tax year and expecting to collect \$281M in the 20/21 tax year for the Safe Clean Water Program.</p>
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		<p>TMDLs. We request that the Regional Board consider an extension of at least 5 years for all TMDLs. Public funds that are traditionally allocated toward stormwater programs are severely constrained due to COVID-19, and shorter timelines and enforcement risks would not change these realities. Finally, the County requests that the Regional Board incorporate mandatory re-openers that allow for the timely analysis and consideration of new scientific data, information, and external circumstances that may be impacting schedules.</p> <p>Detailed and specific comments are provided below for your consideration.</p>	
7.2	LA County & LACFC	<p>1. Malibu Creek Nutrients TMDL Should Be Given Schedule Extension Similar to Other TMDLs</p> <p>The proposed BPA does not grant any extension to the schedule for the Malibu Creek Nutrients TMDL. The Staff Report notes that "the exceedances in of water quality standards for nutrients in summer are dry-weather related exceedances. An extension of the TMDL is not warranted for summer waste load allocation (WLAs) and is not needed for winter WLAs." The County and the District disagree with the oversimplification that summer season WLAs are the same as dry-weather WLAs and winter season WLAs are the same as wet-weather WLAs. Attachment M of the current MS4 Permit identifies the summer period for the TMDL as April 15th to November 15th and the</p>	See response to comment 4.2

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		<p>winter period for the TMDL as November 16th to April 14th. The TMDL neither makes a differentiation between dry and wet weather nor assigns WLAs as such. In addition, there is an overlap between the MS4 Permit defined wet-weather period, which begins on October 1st, and the end of the TMDL's summer period, which is November 15th. The summer period, as stated in the TMDL and MS4 Permit, includes all weather conditions that occur during the designated time period.</p> <p>The data period utilized in the Regional Board staff's analysis for this TMDL contained a number of summer exceedances that actually took place during wet-weather events, highlighting the overlap of the summer season with the wet-weather periods. For example, for Nitrate-N + Nitrite-N results, 3 of the 5 summer season receiving water limitation exceedances occurred during wet-weather events. For total phosphorus, 4 of the 12 summer season receiving water limitation exceedances occurred during wet-weather events. For WLA exceedances, both Nitrate-N + Nitrite-N summer season exceedances and both total phosphorus summer season exceedances were measured during wet-weather events. All these exceedances were measured in samples taken prior to the December 2017 compliance deadline.</p> <p>Further, the Regional Board staff's decision to not</p>	
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		<p>grant an extension for the Malibu Creek Nutrients TMDL based on a review of only 8 months of data is inconsistent with the results from the thorough analyses conducted in the Regional Board-approved Enhanced Watershed Management Program (EWMP) for the Malibu Creek Watershed. The robust Reasonable Assurance Analysis (RAA) conducted for the EWMP concluded that one of the limiting pollutants for the Watershed is nutrients and that the implementation of a number of control measures are required for compliance with the TMDL schedule.</p> <p>Additionally, nutrients in Malibu Creek Watershed are influenced by various sources, including natural sources and septic systems. To clearly understand the sources and associated MS4 contribution, the Malibu Creek EWMP Group recently funded a special study with a total cost of \$1.8 million. This study involves considerable field and lab work and is expected to be completed in 2023 with findings expected to guide necessary implementation actions by the MS4 Permittees to address the nutrients TMDL. It has taken several years to collaborate with other local agencies and aggregate funding for this effort. Therefore, the County and the District request that a schedule extension be provided for the Malibu Creek Nutrients TMDL for reasons discussed above. We request a minimum 5-year extension to allow time for implementation of additional projects and activities</p>	
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		to meet the TMDL.	
7.3	LA County & LACFC	<p>2. Marina del Rey TMDLs Need Longer Time Schedule Extensions Than Currently Proposed</p> <p>The Staff Report proposes a 3-year extension for the Marina del Rey (MdR) TMDLs based only on the fiscal impacts of COVID-19 and noted that no schedule extension should be recommended when considering all factors excluding COVID-19. The County and the District strongly disagree with the justification that a 3-year extension is sufficient to achieve compliance with the TMDL and with the Regional Board's determination that no extension should be provided other than for COVID-19 reasons. Regional Board staff's recommendation seems to be heavily influenced by MdR's relatively small watershed size (1490 acres), while ignoring the watershed specific complexities, the lower funding availability as a result of the watershed's relatively smaller area, and the significant amount of money already spent (over \$50 million thus far) to address MdR TMDLs. As part of the MdR Watershed EWMP development, a robust RAA was conducted that outlined the implementation actions required for compliance with TMDL schedules and their associated costs. That analysis demonstrated the need for a significant reduction in pollutants to attain the MdR TMDLs, requiring a large investment in structural control measures. The EWMP, including the analysis of load reductions, Best Management</p>	<p>While smaller watersheds may have their own limitations in project siting, the approved EWMP for the Marina del Rey Harbor Bacteria TMDL and Toxics TMDL includes RAA modeling for the necessary load reduction and an implementation completion deadline of 2021. The two TMDLs have been in effect since 2004 and 2006, respectively. When the Marina del Rey Harbor Toxics TMDL was reconsidered in 2014, the Los Angeles Water Board provided a 2-year extension in recognition of comments from the County that it would complete the necessary parking lot retrofits by 2017 and the Oxford Basin project by 2015. Therefore, the extension in the proposed Basin Plan amendment is reasonable given the long implementation period, the two-year extension already provided for the Toxics TMDL, and the smaller number and scope of the projects to be implemented compared to other watersheds. Based on the EWMP modeling and implementation</p>

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		<p>Practice (BMP) capacities, and associated costs, was approved by the Regional Board.</p> <p>The Staff Report makes the assertion that since the RAA did not include reductions from Oxford Basin, that it is possible the TMDL may be achieved with a smaller BMP storage capacity than originally modeled. It is true that the Oxford Basin Project offers water quality benefits, especially during dry weather. These benefits are yet to be quantified, particularly for wet-weather. It is important to note that Oxford Basin is primarily a flood control facility and needs to be operated as such during wet-weather events. As a flood control facility, the basin is designed to protect the marina and properties therein (private and public) from floods during storm events. During dry weather, for which extensions are not considered under the current BPA, operation of Oxford Basin can be altered to provide more of an emphasis on water quality. The potential water quality benefits of Oxford Basin will be considered during the upcoming EWMP/RAA update, at which time it is possible to have a clearer picture of how much more upstream projects in the watershed will be needed. Until a precise, quantified analysis of water quality benefits has been established, the Oxford Basin should not be used as a basis for justifying shorter wet-weather schedule extension for MdR TMDLs.</p> <p>In addition, the Staff Report notes that only 2.7</p>	<p>schedule, all the BMP design and planning should have been completed in order to meet the modeled load reduction. As such, an additional three years is an appropriate amount of time for the group to complete their designed and planned BMPs.</p> <p>Regarding the Oxford Basin, the Marina del Rey EWMP states that, "...this project is anticipated to provide multiple benefits to the [Marine del Rey] watershed through enhanced water circulation, contaminated soil removal, bioswale construction as well as, native and drought resistant landscaping. An expected outcome of the project is a reduction of pollutants discharged to Marina del Rey Harbor Basin E from Oxford Basin which will be confirmed with compliance monitoring" (MdR EWMP, p. ES-10). The EWMP further states that, "[t]he RAA analysis does not include any benefits from the Oxford Basin project, as the project is still under construction. Therefore, the BMPs as proposed may not all be necessary to</p>
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		<p>percent of the required BMP capacity has been implemented or nearly implemented in the watershed. While Regional Board staff appears to use this implementation figure to suggest inaction on the part of the MS4 Permittees, it should highlight the difficulties of obtaining funding and the feasibility of project implementation in the watershed. Even with the historic passing of Measure W in securing a significant funding source, the watershed's small size means that the amount of funding that is generated for implementation actions is proportionally smaller. The Regional Board staff's analysis (as presented in Appendix, Table A-2 of the Staff Report) shows the large funding gap that exists between the expected capital costs of implementation and the funding that would be generated from the Safe, Clean Water Program (Measure W). Even with the overestimated assumption of Matched Funds (as noted below), the results indicate that it would take approximately 600 years to reach the funding necessary to complete the remaining water quality improvement projects needed to comply with the MdR TMDLs. It is unreasonable to expect that this funding gap will be overcome with only a 3-year extension.</p> <p>For reasons discussed above, the County and the District request that the MdR Bacteria and Toxics TMDLs be provided at least 5 years extension to allow meaningful planning and project implementation</p>	<p>achieve TMDL compliance” (MdR EWMP, p. 82). While staff agrees that the load abatement ability for Oxford Basin has yet to be quantified, the comment here is inconsistent with information presented in the EWMP.</p> <p>While the Oxford Basin is used by the District for flood control, it can also act as a sedimentation basin for pollutants before they enter the Marina del Rey Harbor. In addition, the Oxford Basin project received \$2M from the Clean Beaches Grant Program and \$1.5M from the Integrated Regional Water Management Program to in part remove contaminated sediment and install bioswales, so its water quality benefits should not be discounted.</p> <p>The Safe Clean Water Program is one source of revenue and does not preclude permittees from seeking other sources of funding as they have in the past (including from Prop 1, Prop 12, Prop 84 and the Santa Monica Bay Restoration Foundation) as documented in its MS4 Permit Annual Reports. In addition, a</p>
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		to take place in the watershed.	financial strategy for implementing for the EWMP is discussed in Section 9.4 of the EWMP. The EWMP identifies specific grant programs, fees and charges, and legislative strategies as potential funding sources for EWMP implementation. The funding strategy priorities include integration with existing infrastructure improvement plans.
7.4	LA County & LACFC	<p>3. Regional Board Staff Should Consider the Results of Its Own Time Estimate Analysis in Proposing Reasonable Schedule Extensions</p> <p>One of five components presented in the Staff Report is the calculated time estimate to complete remaining projects to comply with each TMDL. It is noted several times in the Staff Report that there are significant uncertainties in the variables used in the calculations that make the time estimates imprecise. Due to this imprecision, Regional Board staff stated that these time estimates were not relied on when developing recommendations for TMDL deadline extensions. However, the value in the calculation of the time estimates is not in their precision, but in highlighting that there remains a significant uncertainty as to the time needed to construct projects and the existence of a significant gap between current funding levels and the level of funding needed to implement a sufficient number of</p>	The Staff Report states that the estimates of time to complete projects based on EWMP costs and anticipated revenues are not just imprecise, but uncertain. It is due to their uncertainty that these time estimates are not relied upon in determining TMDL deadline extensions. See also response to comment 4.3.

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		<p>projects to comply with the current TMDL schedules. As noted in the Staff Report, and discussed more fully below, TMDL implementation projects can take 5 to 7 years per project from design to completion. The cost estimates for TMDL compliance used in the Staff Report calculations represent the best figures currently available and are the result of detailed and robust analyses approved by the Regional Board as part of E/WMP development. Even if the time estimates to complete projects are optimistically inaccurate by a significant margin of 50 percent, there are still several cases where the estimated time to comply would be 15 to 30 years shown in the table below. In the most optimistic of scenarios the proposed TMDL schedule extensions are three to five times too short of an achievable schedule. Thus, it is inappropriate for the Regional Board staff to completely reject the time estimate for the various watersheds.</p>	
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		TMDL	Regional Board Estimate of Time Needed to Achieve Compliance		Regional Board Proposed Schedule Extension in the BPA	
			LA County	Watershed Group		
		Ballona Creek Bacteria	53 Years	57 Years	5 Years	
		Ballona Creek Estuary Toxics				
		Ballona Creek Metals				
		Marina del Rey Bacteria	845 Years	597 Years	3 Years	
		Marina del Rey Toxics				
		Malibu Creek Bacteria	11 Years	31 Years	5 Years	
		Malibu Creek Nutrients			0 Years	
		Malibu Creek Nutrients and Sedimentation			0 Years	
		Santa Monica Bay (SMB) Bacteria	J2/3	75 Years	35 Years	5 Years
			North SMB	8 Years	6 Years	3 Years
			Beach Cities	N/A	12 Years	
		<p>The County and the District request that the results of the time estimates needed to comply with the TMDLs be taken into consideration as one of the primary factors in the determination of the schedule extensions along with economic considerations.</p>				
7.5	LA County & LACFC	<p>4. TMDL Schedule Extensions Should Be Aligned with Safe, Clean Water Program Funding</p> <p>While the results of the time estimate analysis were not factored into the recommendations for TMDL schedule extensions (as noted above), many variables included in the calculations cannot be ignored. For example, the Staff Report notes that 4 percent of the necessary volume captured has been implemented to meet the Ballona Creek, Ballona</p>			<p>The number of projects that remain to be completed has not been ignored; the large number illustrates the lack of progress in implementing projects to achieve TMDLs during wet weather – TMDLs that have been in place for 10 to 19 years. During this time, water quality has remained impaired. Finding 7 of the Tentative Resolution</p>	

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		<p>Estuary, and Sepulveda Channel Bacteria TMDL requirements. Even if all 11 "nearly completed" projects were implemented in the next 5 years, only 6.6 percent of the projects identified in the Ballona Creek Watershed EWMP would be completed. Further, the estimated cost of additional projects to capture the remaining 93.4 percent of stormwater volume is around \$2,700 million compared to the total available funding for the watershed (Safe, Clean Water Program revenue + project matching funds) of \$238 million over the duration of the proposed 5-year schedule extension, which illustrates the significant funding gap. The following table provides the Regional Board-proposed schedule extensions, the estimated available funding during the extension period, and the estimated funding gap during the proposed schedule extension.</p>	<p>states, "staff has analyzed whether meaningful progress has been made in meeting these TMDLs, which projects and programs have been completed and initiated, which projects are planned and included in Watershed Management Programs and Enhanced Watershed Management Programs, and TMDL Implementation Plans and Stormwater Resource Plans. Additionally, Water Board staff considered Stormwater Investment Plans for the Safe Clean Water Program, the availability of Safe Clean Water funds and other dedicated funding sources." The availability of Safe Clean Water Program funding is just one of the factors considered in determining the deadline extensions.</p> <p>As explained in the Staff Report, setting deadline extensions solely based on the availability of Safe Clean Water Program funds would be imprecise and, in some cases, illogical. Some of the resulting time estimates are so long (31, 57, and 597 years) that they would result in</p>
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		TMDL	Proposed Schedule Extension	Available Funding (\$ millions) ¹	Remaining EWMP Cost (\$ millions) ²	Funding Gap (\$ millions)	
		Ballona Creek Bacteria	5 Years	\$238	\$2,701	\$2,463 (91%)	<p>illusory TMDLs with no actual commitment to implementation. As previously discussed in response to comment 4.7, open-ended TMDLs that are not designed to achieve water quality conflict with federal guidance that TMDLs be attained in a reasonable period of time, and are counter to the intent of the Clean Water Act (33 U.S.C §1251(a); 40 CFR § 130.7.c.1.) Furthermore, aligning TMDL implementation schedules with the availability of Safe Clean Water Program funding would result in schedules that would conflict with and undermine Goal 1 of the Water Boards Strategic Plan, “Implement strategies to fully support the beneficial uses for all 2006-listed water bodies by 2030.”</p> <p>By contrast, the proposed three- to five-year extensions, with an additional five to ten years through TSOs if appropriate, addresses the immediate threats of noncompliance and the economic impacts of COVID-19, while maintaining accountability for permittees and ensuring that TMDLs and water quality standards</p>
		Ballona Creek Estuary Toxics					
		Ballona Creek Metals					
		Marina del Rey Bacteria	3 Years	\$2	\$358	\$356 (99.5%)	
		Marina del Rey Toxics					
		Malibu Creek Bacteria	5 Years	\$32	\$196	\$164 (84%)	
		Malibu Creek Nutrients	0 Years	\$0		100%	
		Malibu Creek Nutrients and Sedimentation					
		Santa Monica Bay (SMB) Bacteria	J2/3	5 Years	\$82	\$582	
		Beach Cities	North SMB	3 Years	\$8	\$18	\$10 (55%)
					\$11	\$43	\$32 (75%)
		<p>¹Available funds were determined by multiplying the Regional Board estimated Annual Funds (as presented in Appendix of the Staff Report) by the number of years proposed for extension. The Regional Board estimated the annual funds by assuming 85% of the SCWP Regional Funds and 70% of Municipal Funds will be used for EWMP projects along with a 103% match from Permittees.</p> <p>²Remaining E/WMP cost estimates are taken from the Appendix of the Staff Report.</p>					

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	<p>Finding 7 of the Tentative Resolution indicates that Water Board staff considered the availability of Safe, Clean Water Program (SCWP) funds. However, given the major discrepancies between the funding needed to implement E/WMPs and the amount of SCWP funding available during the proposed schedule extensions (as presented in the table above), it does not appear that available funding was considered in a meaningful way. Nor was it considered in the manner requested by Permittees as identified in Finding 2 of the Tentative Resolution.</p> <p>Furthermore, while the passing of Measure W in 2018 marks a major success for Permittees in securing a dedicated funding source, the schedule extensions do not account for the gap in timing for disbursement of funds to Permittees. For example, most MS4 Permittees received the first disbursement of funds through the SCWP Municipal Program in December 2020 or January 2021. SCWP Regional Funds are starting to be distributed in early 2021 under the first Stormwater Investment Plan (SIPs). Additionally, the impact of the COVID-19 pandemic on the economy will create significant strain on Permittees' budgets toward stormwater projects; particularly, matching funds will less likely be available for the next few years. For example, the County predicted a budget shortfall of about a billion dollars for Fiscal Year 2020-21 and similar budget shortfalls are expected for the next two fiscal years. These budget shortfalls will</p>	<p>will be ultimately be attained.</p> <p>The Staff Report Section D discusses in depth the impacts of the COVID-19 pandemic. The three-year extension to address these impacts accounts for budget shortfalls, including any potential impacts to matching funds, due to the pandemic. However, the economic outlook has improved with recent developments. For example, Governor Newsom has proposed a \$4.5 billion stimulus program, and President Biden has proposed a \$1.9 trillion COVID-19 rescue package that would include \$350 billion to state and local governments, individual stimulus checks, and increased unemployment benefits in addition to \$20 billion to speed up vaccinations. While the specific magnitude of the effect on municipality revenues is unclear at this moment, the Los Angeles Water Board expects that there will be continued or increased funding of state and federal grants that can be used towards implementing stormwater projects, and there will be increased spending by the general public after increased</p>
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		<p>continue to impact every County program, and the stormwater program is not immune to these shortfalls. Since the start of the pandemic last year, we have experienced a 10 percent cut in our annual budget for stormwater program and expecting additional budget cuts in the coming years.</p>	<p>vaccinations and receipt of state and federal aid, which would increase local tax revenues. Furthermore, spending on stormwater projects will create local jobs that would help support local economies. The economic challenges brought about by the pandemic have also created opportunities for municipalities to participate in building back local economies in a more sustainable and equitable manner than before.</p>
7.6	LA County & LACFC	<p>5. The Regional Board Should Seriously Consider the Multi-Step Process Needed for Implementing Projects When Determining TMDL Schedule Extensions</p> <p>As noted above, funding levels are inadequate to finance all projects necessary for compliance within the proposed TMDL schedule extensions. Even if the funding levels are adequate, the number of years provided under the extensions is not sufficient to carry out the planning and construction of the number of projects needed to comply with the TMDL schedule. Each project generally takes 5 to 7 years from concept development to construction and project optimization. Concept development and project design can take between 2 to 3 years given the need to engage stakeholders in the identification of projects, while the bid process can take 6 months to a</p>	<p>The Los Angeles Water Board has considered the multiple steps of implementing projects when determining proposed TMDL extensions. The Staff Report assumes that the 5- to 7- year estimate would be broken down into 1-2 years for project design and 3-5 years for construction, which is similar to the breakdown provided in the comment. The Board also considered the length of the TMDL implementation periods already established, including extensions to original TMDL schedules that have been already provided, the significant planning that has already been</p>

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		<p>year. Project construction and optimization can take 2 to 3 years.</p> <p>Further, Permittees, including the County, have a finite number of resources and staff available to carry each project through each step of the implementation process in all watersheds. Even if all the necessary funding were available, it is not feasible to start all the required projects at the same time. Currently, the County is completing two to three major stormwater improvement projects per year (based on the projects completed in the last 5 years). Given that the County is a party to 12 E/WMPs, the County's staff/resources are limited to manage all projects in all these watersheds (despite the County's recent effort to boost its capacity). The County is developing internal resources to support project implementation and relying, in part, on consultants to augment staffing capacity. However, the County has to balance resources for additional staffing with resources for project identification, concept development and project design, construction, and ultimately operation and maintenance. While funding is one of the key variables in the speed of constructing projects, the process for developing projects and the finite limit on internal resources also play a significant role.</p> <p>The County and the District request that the Regional Board consider these existing practical challenges in</p>	<p>completed, and the compelling need to improve water quality. As illustrated in Table 1 of the Staff Report, all the TMDLs being considered have implementation periods ranging from 10 to 19 years. In this time, the County and LACFC have gained experience in working with different watershed management groups and understand the need to properly sequence their efforts to mitigate overstraining their resources.</p> <p>An additional option for reducing time and resource constraints is to explore for public/private partnerships with commercial and residential landowners. In general, projects on private land would be smaller than traditional projects, but they would also be less complex than large public projects and take less time to implement. Furthermore, getting private landowners to work with municipalities would unlock options for where projects could be located, meaning that projects could be more geographically distributed. Agreements with private landowners would also reduce compliance costs</p>
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		setting the TMDL timelines.	significantly, as private land would not need to be acquired. See response to comment to 4.4 regarding the amount of time necessary to implement projects that are already designed and planned.
7.7	LA County & LACFC	<p>6. The Expected Level of Annual Matching Funds Assumed for Future Projects is Unreasonable and Disregards the Impact of COVID-19</p> <p>One of the assumptions made in the calculation of the estimated number of years to implement remaining projects identified in the E/WMPs is the concept of "Expected Annual Funding Match." The Staff Report notes that "expected funding match was calculated by first finding the average ratio of matched funding to SCWP funding for projects included in the 2020 Stormwater Investment Plans (SIPs)." The Regional Board staff's calculated average ratio was 1.03, effectively more than doubling the estimated amount of funds available for projects. It is uncertain where this funding is coming from and what funding source figures Regional Board staff used in the calculation of this ratio. If Regional Board staff assumes that the funding match comes from MS4 Permittees' General Funds, then the staff's analysis gives the false impression that these additional funds are already earmarked for future projects. It is unlikely, given the fiscal impact of COVID-19, that Permittees will be</p>	The expected funding match was calculated from the 2020 Stormwater Investment Plans. While the plans have limited specific data regarding funding sources for individual permittees, other publicly available data sources provide examples of funding sources. For example, for the Central Santa Monica Bay Watershed, leveraged funding for the Ladera Park Stormwater Improvements Project came from Proposition 84. For the Culver City Mesmer Low Flow Diversion project, leveraged funding came from Culver City's Measure CW, the City of Los Angeles, the City of Inglewood, and the County of Los Angeles. For the Washington Boulevard Stormwater Diversion and Retention Project, leveraged funding came from a Los Angeles County Open Space and

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		<p>able to continue to meet this level of funding in the near future. It should also be noted that the matches used in the 2020 SIP projects, which the Regional Board staff used as a basis, were accumulated over several years and would not be available all the time even under normal economic conditions. Further, the matching funds could not come from the Permittee's SCWP Municipal Program, as those funds are already accounted for in the Regional Board's calculation.</p> <p>The County and the District request that additional clarification and supporting documents be provided to explain the source of Matching Funds and the availability of such funds in the future. Additionally, the administrative record should note that the matching funds used in the 2020 SIPs were accumulated over many years and will likely be unavailable during the COVID-19 economic recovery period, which has not yet begun.</p>	<p>Park Grant and Costco. For the City of Santa Monica Sustainable Water Infrastructure Project, leveraged funding came from the State Revolving Fund.</p> <p>Based on the available information, the current levels of match are obtained from a variety of sources, including grants, loans, public/private partnerships, and municipal funds. Many of these sources of funding will continue to be available in the future and will not be significantly impacted by the COVID-19 pandemic. See Tables 8, 17, and 27 in the Staff Report for a summary of funding sources for projects that are nearly completed.</p>
7.8	LA County & LACFC	<p>7. The Regional Board Should Not Rely on Future Time Schedule Orders (TSOs) as a Backstop to Limit Schedule Extensions</p> <p>The TMDL schedule extension recommendations are relying on a Time Schedule Order (TSO) as a policy backstop to further augment the proposed Basin Plan Amendment if compliance is not attained in the additional 0 to 5 years provided by the extension. The inclusion of this TSO language acknowledges that the</p>	<p>The inclusion of TSOs as a potential option to allow more time for compliance acknowledges that there may be justification, in some circumstances, for more time. When determining whether to adopt Basin Plan amendments, issue TSOs, or implement some combination of both, the Staff Report examined the</p>

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		<p>proposed schedule extensions are inadequate to implement the number of projects needed in such a short timeframe. The Regional Board should not rely on using other regulatory tools in the future to resolve schedule-based issues that are well understood and can be addressed now during this extension process. Rather than adopting schedule extensions that ensure MS4 Permittees and the Regional Board will have to develop and adopt TSOs over the next 2 to 5 years, the Basin Plan Amendment should establish schedule extensions that align with SCWP funding. The application for and approval process for TSOs can take up to 2 years, which takes time and resources away from project planning and implementation. Even then, obtaining a TSO comes with significant uncertainty. The Regional Board should adequately address TMDL schedules and not leave the issue to future regulatory solutions with high levels of uncertainty.</p>	<p>progress in attaining the TMDLs to date. The resulting proposed combination of Basin Plan amendments and TSOs, where appropriate, allows for more time to implement TMDLs, while providing accountability for permittees to ensure they will complete projects on time. For further discussion of TSOs, see response to comments 2.3 and 4.6.</p>
7.9	LA County & LACFC	<p>8. The Following Regional Board Staff Assumptions Warrant Corrections a. Regional Board staff note that, "there are several examples under the 2012 Los Angeles County MS4 Permit of projects for which the cost estimate decreased substantially once additional field reconnaissance was done." While this may be true, the opposite is also true. Project costs can run higher than anticipated for a number of reasons, including but not limited to high bid amounts due to increase in</p>	<p>This comment letter from LA County & LACFC is part of the administrative record, and the information provided by LA County & LACFC on increased costs for some projects has been considered. The comment is correct that capital costs are not incurred uniformly over the years, and Safe Clean Water Program funding is similarly not disbursed to Permittees</p>

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	<p>material and labor cost, design changes due to unforeseen construction and site condition challenges, consideration of new technologies, and a need for additional project features. The following table illustrates example projects where actual costs were higher than the original estimates.</p> <table border="1" data-bbox="600 532 1318 764"> <thead> <tr> <th>Project</th> <th>EWMP Estimate</th> <th>Actual Cost</th> <th>Percent Increase</th> </tr> </thead> <tbody> <tr> <td>Gates Canyon Stormwater Capture Project</td> <td>\$4.1 M</td> <td>\$8.5 M</td> <td>107%</td> </tr> <tr> <td>East LA Sustainable Median Project</td> <td>\$31 M</td> <td>\$36.8 M</td> <td>19%</td> </tr> <tr> <td>Magic Johnson Park Stormwater Capture Project</td> <td>\$50 M</td> <td>\$70.1 M</td> <td>40%</td> </tr> </tbody> </table> <p>The County and the District request that the Regional Board provide a complete administrative record related to examples of how cost can change by including examples where actual costs were higher than estimates.</p> <p>b. Calculation of cost estimates of remaining projects assumes capital costs are uniform throughout the TMDL implementation schedule. In reality, projects with the lowest cost to benefit ratio are often undertaken first (low-hanging fruit), leaving projects with higher costs to be implemented later in the TMDL implementation schedule. This is especially true of watersheds where there is insufficient, publicly available land for projects and may require purchasing private lands or other complicated</p>	Project	EWMP Estimate	Actual Cost	Percent Increase	Gates Canyon Stormwater Capture Project	\$4.1 M	\$8.5 M	107%	East LA Sustainable Median Project	\$31 M	\$36.8 M	19%	Magic Johnson Park Stormwater Capture Project	\$50 M	\$70.1 M	40%	<p>in uniform annual installments. However, in order to simplify estimating the implementation timeframes if relying solely on Safe Clean Water Program and matched funding, we made the assumptions that costs and funding would occur in uniform annual installments. In addition, Permittees may be able to decrease overall implementation cost and timeframes through such means as public/private partnerships, where Permittees would not need to purchase land and private landowners could agree to the installation of stormwater BMPs on their properties. EWMP/WMP cost estimates currently assume land costs of about \$5.6-\$6.0 million per acre.</p> <p>As noted in the footnotes beneath the tables in the Appendix, the implementation timeframe analyses assumed that the Safe Clean Water Program would raise \$285 million per year. Page 13 of the Staff Report has been revised to be consistent with the \$285 million value presented in the</p>
Project	EWMP Estimate	Actual Cost	Percent Increase															
Gates Canyon Stormwater Capture Project	\$4.1 M	\$8.5 M	107%															
East LA Sustainable Median Project	\$31 M	\$36.8 M	19%															
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		<p>actions.</p> <p>c. The Staff Report listed some projects as "nearly completed" while the project status is either in the permitting phase, the bid and award phase, the planning and design phase, or unknown. For example, in the Ballona Creek Watershed, the County's Monteith Park and View Park Green Alley Stormwater Improvement Project is shown as a "nearly completed" project while the status is in planning and design phase (Staff Report, Table 8). In the Marina del Rey watershed, the County's Water Quality Catch Basin Project is shown as "nearly completed" while the project is in the draft concept report phase (Staff Report, Table 17). Regional Board staff's assumption that these projects will be completed during the schedule extension of 3 to 5 years contradicts the Staff Report's assertion that projects often take between 5 to 7 years to complete.</p> <p>d. Updated estimates for LA County's Safe, Clean Water Program (Measure W) are \$285 million, not \$300 million (please note this could be reduced further due to COVID-19). Further, the time estimate calculations do not consider operation and maintenance (O&M) costs of projects.</p> <p>e. Appendix, Table A.1 identifies an additional funding source for the County (beyond Measure W) in the amount of \$0.24 million in the Ballona Creek</p>	<p>Appendix.</p> <p>The Staff Report did not consider O&M costs because not all EWMPs/WMPs reported O&M costs in a consistent manner, if they reported O&M costs at all.</p> <p>The \$0.24 million in additional funding provided in Table A.1 was from an analysis conducted by the Los Angeles County Department of Public Works, which identified \$12 million in additional County funding specific to stormwater. Because about 2% of the County's jurisdiction is located within the Ballona Creek Watershed, it was assumed that the County would have additional stormwater funding in the amount of 2% of \$12 million, or \$0.24 million.</p>
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		Watershed. The County believes this is an error, as the County does not have additional dedicated funding in the Ballona Creek Watershed. This is the only table in the Appendix where this error occurs.	
7.10	LA County & LACFC	<p>9. The Ballona Creek Toxics TMDL Implementation Schedule Should Align with the Schedule Presented in the Staff Report</p> <p>For the Ballona Creek Estuary Toxics TMDL, the County believes the TMDL Implementation Schedule found on page 15 of Attachment D inadvertently retains the 2021 deadline in error. We request that this be corrected to align with a revised implementation deadline consistent with the Staff Report.</p>	<p>The implementation deadline for chlordane and DDT in the Basin Plan Amendment for the Ballona Creek Toxics TMDL (Attachment D) has been revised to be consistent with Table 38 of the Staff Report.</p> <p>In addition, the Ballona Creek Metals TMDL, and Marina del Rey Harbor Toxics TMDL Basin Plan Amendments have been revised to be consistent with Table 38 of the Staff Report.</p>
7.11	LA County & LACFC	<p>10. The Regional Board Should Incorporate A Reopener to Allow Further Evaluation of These TMDLs At Least 2 Years Before the New Final Deadlines</p> <p>The science on stormwater quality continues to evolve over time as studies are being conducted at the national, state, and local levels, and it very important that the water quality standards and associated TMDLs are timely updated to reflect new findings so that limited public resources are properly directed to where it is needed the most to protect the</p>	<p>The tentative resolution has been revised to include direction to re-examine TMDL schedules in response to revised Watershed Management Programs or other significant planning changes, or when otherwise necessary such that extensions could be considered by the Board before revised TMDL deadlines pass. With regard to a., please note that the recent bacteria</p>

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		<p>water resources of the region. For example, the Basin Plan Triennial Review Projects, which were recently approved by the Regional Board, will help gather new information that could result in revisions to some of the standards. The United States Environmental Protection Agency and the State Water Resources Control Board continue to revise standards and implementation provisions. The recently adopted state-wide bacteria provisions are yet to be reflected in the TMDLs. In addition, many regional studies are being conducted by watershed groups, the Southern California Stormwater Monitoring Coalition, and the Southern California Coastal Water Research Project.</p> <p>Further, the results of the Regional Board staff's analysis demonstrates that completion of all projects necessary to fully implement the EWMPs is unlikely to be reached during the TMDL schedule extension period. Though Permittees will continue to make progress toward compliance, there are factors and constraints beyond reasonable control, including the availability of funding and the schedules for project planning, design, and construction.</p> <p>Therefore, the County and the District request that TMDL re-openers be included as part of this Basin Plan Amendment to allow re-evaluation of the TMDLs before the final deadlines. The TMDL re-openers should focus on the following, among others:</p>	<p>provisions do not significantly change the bacteria objectives and will not significantly change the frequency or magnitude of bacteria impairments observed in the region or the types of projects that permittees will need to implement to comply with TMDLs.</p> <p>In response to b., Los Angeles Water Board Basin Planning staff are developing methods to incorporate a biotic ligand model for copper and working closely with State Water Board staff who are working on potential statewide actions to adopt biotic ligand models for copper and zinc. Copper and zinc TMDLs may be reconsidered after new objectives/methods are approved. However, permittees should not delay progress implementing the existing TMDLs while waiting for potential changes to water quality objectives in the future, particularly given the fact that the watersheds are subject to TMDLs for multiple pollutants.</p> <p>For further discussion of TMDL reconsiderations, see response to</p>
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		<p>a. Incorporating new bacteria provisions into the Bacteria TMDLs;</p> <p>b. Incorporating the latest scientific information from new studies, such as the results of copper and zinc objectives considered by the biotic ligand models currently under consideration as part of the triennial review, the MdR copper site specific objective study, and the Malibu Creek Watershed nutrients study; and</p> <p>c. Evaluating and considering additional time extensions as necessary and justified.</p>	comment 4.7
8.1	NGO	On behalf of Los Angeles Waterkeeper, Heal the Bay, and the Natural Resources Defense Council, environmental nonprofit organizations that represent a over 16,000 Angelenos that support safe and healthy waterways, we write to express our opposition to proposed extensions of deadlines for TMDLs in the Los Angeles Region, many involving bacteria.	Comment noted.
8.2	NGO	Following up on oral testimony presented at the December 16 Workshop held on this matter, we remind the Regional Water Board that these deadlines were the product of often lengthy and contentious negotiations, on which many stakeholders including dischargers and our organizations have spent considerable time and resources. Additionally, these deadlines typically	The TMDLs under reconsideration were developed to restore impaired waters, attain water quality standards, and protect human health, aquatic life, and the environment. Extending deadlines does not deprioritize these goals. The purpose of the deadline extensions is to address requests for

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		<p>included very generous amounts of time before final TMDL requirements were to be met. Indeed, the staff report finds that the TMDL deadlines “were not short schedules.” (Staff Report p.9.) It is also important to remember what these deadlines are for. They exist “to attain water quality standards, and protect human health, aquatic life, and the environment.” (Staff Report p.9.). Extending the deadlines deprioritizes these goals.¹</p> <p>¹ 1 out of every 31 beachgoers in California currently contracts an illness from exposure to harmful bacteria while at the beach. Extensions of the deadlines will thus lead to continued human illnesses caused by bacteria during a time when bacteria objectives should be met, therefore significantly increasing the risk to human health</p>	<p>extensions of imminent final deadlines from permittees while considering the need to restore water quality and protect public health and the environment in a reasonable timeframe. The recommended extensions seek to balance these two aims, while also recognizing the unprecedented impact of the COVID-19 pandemic on cities and counties.</p>
8.3	NGO	<p>The dischargers have known about these deadlines for over a decade, in some cases close to 20 years. (Staff Report p.6 [deadlines for bacteria have been pending for 14-18 years].) And yet, at the workshop, several admitted to making only 2-3% of the investments needed to meet final TMDL limits. Some even offered testimony in support of the next deadline extensions, having asked for deadline extensions after very little progress in meeting deadlines that have been in existence for almost 2 decades. Many of the dischargers also implicitly assumed that Measure W was the sole source of funding for</p>	<p>The Staff Report considered the level of progress in determining proposed deadline extensions and, as noted in the comment, made clear that the Safe Clean Water Program is not the only source of funding that should be considered for project implementation.</p> <p>While the Board considered the significant positive impact of the Safe Clean Water Program in Los Angeles</p>

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		<p>projects designed to meet TMDL deadlines, which is not true and was not the intent of Measure W.²</p> <p>² At the workshop, we commented that the Staff Report should make it clear that Measure W funds are not intended to be the universe of funding available. Having read the report in its entirety, we see that it does so repeatedly. We encourage the Regional Board to continue to express opposition to this claim if and when it is made at future public meetings, hearings, and workshops. Dischargers should be more industrious in pursuing funding outside of the Measure W context.</p>	<p>County, and the fact that it is a dedicated funding source, the Board agrees that MS4 permittees will also need to continue to seek other sources of funding.</p>
8.4	NGO	<p>While sympathetic to the impacts that COVID-19 has had on these cities and indeed on all Angelenos, the lack of urgency in complying with water quality standards (which was happening long before our current pandemic) should not be rewarded with extensions of time immediately before final TMDL deadlines become operative. We are very concerned that these proposed extensions will serve as a disincentive for dischargers to get serious about meeting the deadlines. We also are very concerned that the precedent set will lead to extensions of other TMDL deadlines that will become due soon.</p>	<p>See response to comments 8.2 and 8.3. The proposed three- to five-year deadline extensions through Basin Plan amendments, in combination with TSOs, where appropriate, provide accountability for permittees to ensure they will complete projects on time.</p> <p>The Los Angeles Water Board has received multiple requests for additional TMDL extensions and may receive more in the future. The Los Angeles Water Board intends to consider each individually on its merits and does not intend to apply</p>

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			any general rule. TMDLs are developed to be watershed/pollutant specific.
8.5	NGO	Moreover, there are other alternatives to blanket deadline extensions that would provide municipalities with extra time to come into compliance while maintaining greater Regional Board oversight to ensure progress is made. One potential alternative would be through the use of Time Schedule Orders (TSOs). While we are not supportive of TSOs in general, they may offer a potentially superior approach to blanket deadline extensions because they at least require a justification and typically require annual updates from dischargers. Such alternatives should be fully explored before blanket deadline extensions are provided.	The TMDL extensions included in these Basin Plan amendments are not blanket deadline extensions. While the fiscal impact of the COVID-19 pandemic is happening to all of the MS4 permittees subject to these TMDLs and was considered in a similar way for all the TMDLs, all other considerations were specific to the watershed, the TMDL, and progress made in implementing the TMDL. In the Staff Report, the Los Angeles Water Board fully explored the merits of providing extensions through Basin Plan amendments, TSO, and/or a combination of the two. As discussed in comment responses 2.3 and 4.6, the Board agrees that TSOs are an appropriate and effective tool for providing targeted and individualized schedules.
8.6	NGO	We appreciate that Regional Board staff have tried their best to balance preserving and enhancing water quality in the Los Angeles Region with the	Comment noted. A finding has been added to the Resolution that these TMDL deadline extensions are based

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		<p>uncertainties presented by the current crisis, and thus have proposed extensions shorter than those requested by the dischargers. While we cannot support any blanket exemptions for the reasons outlined above and given our belief that superior alternatives exist, we would urge the Board to, at a minimum, not adopt any proposal that is more lenient or less protective of our waterways and communities than what is being proposed by staff. We also urge the Regional Board to explicitly find that the reason for the extensions is the COVID-19 emergency, and that the extensions should not be taken to set a precedent or an expectation that other TMDL deadlines will be similarly extended.</p>	<p>on the immediate impact of the COVID-19 pandemic on the economy and the specific circumstances surrounding implementation of these TMDLs, and they are not intended to set a precedent for additional future TMDL deadline extensions.</p> <p>Also see response to comments 8.2, 8.3 and 8.5.</p>
8.7	NGO	<p>Additionally, for Marina del Rey harbor (MDR), we recommend further explanation of how any TMDL deadline extension will interact with possible TMDL adjustments from site specific objectives in the form of Water Effect Ratios (WER). A WER study is currently underway for copper in MDR and could lead to changes in TMDL limits by application of a WER. Additional monitoring may be required, coupled with a trigger to reconsider the WER, for the duration of the extension.</p>	<p>The proposed Basin Plan amendment for the Marina Del Rey Harbor Toxics TMDL only extends the implementation schedules for the MS4 permittees. It does not extend the implementation schedules for in-harbor dissolved copper sources, which are the subject of the WER study. The waste load allocations for MS4 permittees are based on the amount of copper in sediment discharged from the watershed and will not be affected by the WER study.</p>

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8.8	NGO	<p>Lastly, we would note that while we appreciate the Regional Board agreeing to a one-week extension for comments, we are disappointed that these proposed extensions have been fast-tracked during a once-in-a-century pandemic and economic downturn, and that a longer extension was not granted (during a comment period that largely overlapped with holidays and other comment periods like the MS4 permit). The relatively short, holiday-timed comment period hindered the ability of impacted communities that don't regularly track the Regional Board to meaningfully participate in this process. This should be compared with the lengthy extensions requested by Permittees and granted by the Board for the upcoming MS4 permit. Affected communities and public interest organizations should be afforded the same engagement efforts and opportunities as dischargers.</p>	<p>The Board encourages engagement by all stakeholders. The Board maintains extensive lists of stakeholders in each watershed and used these lists to publicize the proposed TMDL deadline extensions and the opportunity to comment on the proposal. Additionally, Board staff noted during several board meetings in the summer and fall 2020 that they were planning to bring proposed TMDL extensions to the Board for consideration in several months.</p> <p>The Board also affords opportunities for input through a variety of means. For these proposed TMDL extensions, these avenues included providing written comments, participation in the virtual workshop held on December 16, 2020, one-on-one conversations with staff, and the upcoming Board hearing on February 11th.</p> <p>Additionally, the proposed extensions have not been fast tracked. The standard public comment period for Basin Plan amendments, including TMDLs, is 45 days. However, the Los</p>
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			<p>Angeles Water Board recognized that the comment period spanned major holidays and overlapped with other public comment periods, including the Tentative Regional Phase I Municipal Separate Storm Sewer System (MS4) Permit. Considering these circumstances and the ongoing challenges posed by the COVID-19 pandemic, the Los Angeles Water Board extended the original 45-day comment period with a deadline of January 4, 2021 to a 52-day comment period with a deadline of January 11, 2021.</p> <p>This schedule allows the Board to consider the extension recommendations and comments in February, so timely adjustments can be made to the Regional MS4 permit, based on the Board's decision, prior to upcoming July 2021 final TMDL deadlines.</p> <p>Finally, while this comment period is shorter than for some other Board actions such as the tentative Regional MS4 permit, this Staff Report and the accompanying Basin</p>
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			Plan amendments are neither as long nor as complex as the MS4 permit. Most TMDLs are also more complex than these revisions, typically including myriad analyses of land use, water quality, pollutant sources, and linkages as well as implementation schedules, and they usually have 45-day comment periods.
8.9	NGO	Thank you for this opportunity to comment, and for the informative presentations by staff at the December 16 workshop. For the reasons discussed above, LA Waterkeeper, Heal the Bay, and the Natural Resources Defense Council do not support the proposed TMDL deadline extensions.	Comment noted.
9.1	City of Los Angeles Sanitation and Environment (LASAN)	The City of Los Angeles Sanitation & Environment (LASAN) appreciates the opportunity to provide input on the Los Angeles Regional Water Quality Control Board's (Regional Board) proposed Basin Plan Amendments (BPAs) for the Extension of Final Total Daily Maximum Loads (TMDLs) Implementation Deadlines for Certain TMDLs in the Los Angeles Region. LASAN supports the Regional Board's efforts to consider TMDL schedule extensions as permittees are severely impacted by the economic ramifications of the current COVID pandemic crisis. LASAN acknowledges that the task before the Regional	Comment noted. Please note that the purpose is of the proposed deadline extensions is to address permittees' requests for extensions while considering the need to restore water quality and protect public health in a reasonable timeframe. It is not solely to assist permittees in maintaining compliance absent other considerations. The recommended extensions seek to balance these two aims of restoring water quality in a

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		<p>Board of addressing TMDL schedule extensions is a difficult decision that involves many factors. We appreciate the chance to engage the Regional Board in the recommendations for proposed solutions to the task at hand. LASAN believes that, given the economic situation permittees are currently facing, this discussion provides a valuable opportunity on how to use available funds in the most effective manner for the benefit of the community.</p> <p>We would like TMDL schedules that allow the City and our stakeholders to focus on making meaningful progress on implementation. This is particularly important given that the proposed BPAs are intended to provide a solution to LASAN's goal of focusing on projects while maintaining compliance. While the proposed schedule extensions are a step in the right direction, longer schedules are needed to address the MS4 Permit-related compliance issues that LASAN has been expressing over the past year and for which alternative approaches were provided.</p>	<p>reasonable timeframe and addressing permittees' requests, while also factoring in the unprecedented impact of the COVID-19 pandemic on cities and counties.</p>
9.2	LASAN	<p>The proposed BPA examines nine TMDLs for potential schedule extensions, of which LASAN is a responsible entity in five. As we go through the process of considering extensions to the schedules, it is important to keep in mind the improvements that have been made in water quality across the region. The City is a party to a total of 22 TMDLs. The nature of being involved in 22 TMDLs means that difficult</p>	<p>Comment noted. The Staff Report notes permittees' success in dry-weather compliance and their good faith efforts in the planning and design of control measures to comply in wet weather.</p>

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	<p>decisions must be made regarding how to allocate resources to address the water quality impairments among the major watersheds within the City's jurisdiction. Despite challenges, the City has made considerable progress in attaining many of the TMDLs. Since the late 1990s, the City, County, and Santa Monica, installed 23 low flow diversions (LFDs) along Santa Monica Bay. By the first TMDL deadline, limitations during summer dry weather were consistently being met. The City and our partners have since upgraded the LFDs to accept a portion of the first flush to help address wet weather limitations, where warranted, with interim wet weather limitations being met. The City also achieved attainment of trash TMDLs well ahead of the compliance schedule through the tremendous undertaking of installing thousands of trash-excluding devices, including installation in areas not subject to trash TMDLs. In Ballona Creek, water quality has improved where there has not been an exceedance of the Ballona Creek Metals TMDL for dry weather targets in over five years. These water quality achievements, including many other TMDLs currently achieving targets, are not insignificant and highlight the success of implementation actions which require dedicated time and resources by the City and other permittees. A factor in this success has been that the level of costs for dry weather water quality improvement projects has largely been at an achievable scale in relation to funding sources. Although LASAN is</p>	
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		<p>continuing to work on dry weather implementation for TMDLs with longer schedules, LASAN is primarily focused on the more difficult challenge of addressing wet weather TMDL schedules where the cost of implementation actions is several orders of magnitude larger.</p>	
9.3	LASAN	<p>The COVID-19 pandemic is still a very fluid situation with many unknowns that impact the length of time it will take for municipalities to recover. Important lessons from the impacts of the Great Recession highlight that economic impacts can last much longer than anticipated. The Great Recession occurred between late 2007 and mid-2009. The impacts of the Great Recession unfortunately led to City staff being furloughed and a hiring freeze, which was not lifted until several years after the recession ended. The current pandemic situation has similarly necessitated that departments make budget cuts. Recently, the City Administrative Officer's Second Financial Status Report 1 (CAO Report) for the 2020-21 Fiscal Year noted that "without knowing the trajectory or end point of the pandemic itself, it is still too difficult to determine the full extent of our revenue shortfall." However, even with the revenue impacts of the current pandemic, LASAN believes that meaningful work can still be accomplished. While this is a truly unprecedented time, there are also unprecedented opportunities. The historic passage of Measure W provides a dedicated funding source that can aid in</p>	<p>Comment noted. As stated in the Staff Report, "Economists in general predict that full recovery to pre-COVID-19 levels will occur in 2022 or afterwards." The Staff Report recognizes that other factors contribute to uncertainties in this estimated recovery timeframe, including renewed outbreaks, the timeline of development and distribution of vaccines and/or antiviral therapies, federal funding, and state and local actions. Due to these uncertainties, the Los Angeles Water Board is allowing a three-year extension to TMDL deadlines, or roughly two years after economists' projections for a full economic recovery beginning in 2022.</p>

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		<p>the implementation of water quality improvement projects, even in the midst of difficult economic times. The City would like to focus on what implementation actions can be achieved during this time of economic instability.</p>	
9.4	LASAN	<p>The BPA proposes schedule extensions for TMDLs applicable to the City that range from three to five years. LASAN believes that longer extensions are needed to provide sufficient time to implement the large multi-benefit and distributed projects required to make improvements in water quality. LASAN is experienced in implementing large capital improvement programs funded from voter-approved measures. In 2004, the citizens of Los Angeles passed Proposition O (Prop O), which authorized \$500 million in general obligation bonds for projects designed to prevent and remove pollutants from our waterways and ocean. Utilizing these funds for thoughtful projects that provide meaningful water quality benefits takes time. While Prop O passed in 2004, funds are still being utilized to design and construct projects such as the Hansen Dam Wetland Restoration project. Numerous aspects of project planning can affect project development times, such as land acquisition and stakeholder engagement, which is an important process central to LASAN's tenets to provide social benefits to the community. As the Staff Report notes, it takes four to seven years to take a project from concept to construction to full</p>	<p>The Board acknowledges the time needed for planning, land acquisition, stakeholder engagement, funding procurement, and other activities needed to implement TMDLs. These activities were built into the original implementation schedules recognizing that they would provide some groundwork for implementation. The TMDL schedules were established such that these activities would be completed in a sufficient amount of time to allow for implementation to be completed by the final TMDL deadlines. For the Bacteria TMDLs in particular, additional time was included to allow for an integrated water resources approach to implement the types of multi-benefit projects noted in the comment.</p> <p>See also responses to comment 4.4</p>

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		operation and optimization. LASAN recently received the first disbursement of the Safe, Clean Water Program Municipal Funds in January 2021 and are awaiting receipt of the first disbursement of Regional Funds. As such, time is needed to construct projects with these funds. If the Regional Board wishes for permittees to develop the type of large, multi-benefit projects with input from community members who have limited time to engage, extensions beyond three-to-five-years are needed.	and 7.6.
9.5	LASAN	Time Schedule Orders (TSOs) have been proposed as the approach to bridge the gap between the TMDL schedule extensions and completion of the projects necessary to attain the TMDLs. However, LASAN has concerns with using TSOs for this purpose for several reasons. One of which is the time needed to obtain a TSO. LASAN requested a TSO extension for the Ballona Creek Bacteria TMDL two years ago to complete three large-scale projects that will result in TMDL attainment. This TSO request has not yet been considered by the Regional Board for approval, which is indicative of the length of the TSO approval process.	<p>The Los Angeles Water Board recognizes that TSOs require time and that, while the Regional MS4 permit is actively being developed, Los Angeles Water Board staff have not responded to all TSO requests in a timely manner. However, the significant advantages of TSOs, including enabling the Board to develop unique schedules and milestones for each Permittee, limiting time to planned projects as necessary, keeping schedules as short as reasonable, and retaining flexibility for future Board adjustment to schedules, make TSOs a viable option.</p> <p>For additional discussions of TSOs,</p>

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			see response to comments 2.3 and 4.6.
9.6	LASAN	<p>LASAN requests that the TMDL schedule extensions be set at 10 years, with the BPAs explicitly incorporating reopeners at eight years to assess the progress that has been made. A schedule extension of 10 years will provide sufficient time for LASAN to make meaningful progress in completing projects that bring us closer to attaining the TMDLs. We believe that the most productive path towards attaining the TMDLs is to focus on constructing projects as outlined in our WMPs. To accomplish this, we need a schedule that allows us time to maximize the use of our funds on projects.</p> <p>LASAN appreciates the opportunity to provide our input and welcomes future opportunities to participate in the Regional Board's process related to this topic.</p>	<p>The proposed 3- to 5-year TMDL extensions consider the original implementation schedules, the status of water quality, and the pace of implementation to date, along with the economic impacts of the COVID-19 pandemic.</p> <p>The original TMDL schedules were 10 to 19 years long. Water quality remains impaired during wet-weather conditions in every watershed, for every pollutant, since the TMDLs became effective. Permittees have made little progress on implementation to address these impairments during wet weather to date, with project completion ranging from 2.6% to 49%.</p> <p>Permittees have completed extensive planning through their TMDL Implementation Plans submitted between 2005 and 2007 and their EWMPs submitted in 2015. Permittees should now be in the position to move forward with</p>

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			<p>construction of TMDL projects.</p> <p>Therefore, 3 to 5 years should be sufficient to finish construction of the planned projects if the projects are spread out strategically throughout the watershed and over time. If 3 to 5 years are not sufficient, an additional 5-10 years could be augmented in the future through a TSO, if appropriate.</p> <p>The requested 10-year extension for all TMDLs does not consider the differences in watershed characteristics, pace of TMDL implementation, and status of water quality among the TMDLs; for example, the South Santa Monica Bay watershed vs. the Ballona Creek watershed.</p> <p>Furthermore, a 10-year extension with a scheduled reconsideration in 8 years, plus the potential for another 5- to 10-year extension through TSOs, could stretch the total length of the extension to 20 years or more. Given the 10- to 19-year implementation schedules already provided in the existing TMDLs, this</p>
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			<p>could result in nearly 40 years to comply with TMDLs since they were adopted, and over 40 years since the waterbodies were listed as impaired on the Clean Water Act section 303(d) List.</p>
10.1	Ventura County & Oxnard & VCWPD	<p>The County of Ventura (County), City of Oxnard (City), and Ventura County Watershed Protection District (District) (Responsible Agencies) are submitting this letter to comment on the Consideration of Final TMDL Implementation Deadlines for Certain TMDLs in the Los Angeles Region (TMDL Extension). The County, City, and District appreciate the opportunity to comment on the TMDL Extension and are providing comments applicable to the Channel Islands Harbor Bacteria TMDL (CIH Bacteria TMDL).</p> <p>The Responsible Agencies to the CIH Bacteria TMDL appreciate the Los Angeles Regional Water Quality Control Board's (Regional Board) consideration of TMDL extensions. Development of TMDL schedules that reflect the necessary balance between progress on water quality improvement and beneficial use protection with the realities of implementation are critical to successfully eliminating water quality impairments. The proposed TMDL schedule extensions are a welcome recognition that the schedules included in TMDLs developed over a</p>	<p>The group's request is beyond the scope of the currently proposed Basin Plan amendments. As stated in the Staff Report, the scope of the proposed Basin Plan amendments includes those TMDLs with approaching final deadlines within the next one to three years. The CIH Bacteria TMDL does not meet this criterion because the compliance deadlines have passed (i.e., a dry-weather compliance deadline of December 18, 2013 and a wet-weather compliance deadline of December 18, 2018) and, therefore, the extension of the final deadline for this TMDL is not considered this time. Revising the scope at this time would require re-noticing the proposed amendments for additional public review and comment and would thus delay the Board's consideration of the currently proposed amendments. Any</p>

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	<p>decade ago require updating to reflect the realities of stormwater control measure implementation and the additional technical understanding that has been obtained since TMDLs were originally developed. The TMDL Extension supports the reality that TMDL modifications are needed at times to address uncertainties that existed when TMDLs were developed and to reflect the reality of the time necessary to implement TMDL control measures that was not well understood when many of the TMDLs covered by the TMDL Extension were developed.</p> <p>Significant lessons have been learned during implementation of the CIH Bacteria TMDL which has led to major successes and removal of impairments during dry weather and significant water quality improvement during wet weather. However, significant challenges exist for addressing the remaining water quality objective exceedances during wet weather. As discussed previously and as experienced during implementation of other Bacteria TMDLs in Region 4 and Southern California, the County, the City, and the District have concerns about requirements to meet stringent wet weather water quality objectives due to well recognized permitting and technical challenges, lack of dedicated funding, and insufficient time to gather needed data, develop effective solutions, and collaborate with other stakeholders on the TMDL implementation and compliance. Despite diligent efforts by the</p>	<p>comments related to TMDLs that are outside the scope of the action before the Board are not responded to here.</p> <p>However, Staff will review the specific points in the comment letter and will meet with the County, the City, and the District to discuss the potential need for additional TMDL extensions through a Basin Plan amendment or a TSO, or a combination of the two approaches.</p>
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		<p>Responsible Agencies to comply with the TMDL requirements, including implementation of dry and wet weather implementation plans, additional time and efforts are needed to understand and address exceedances that remain. The intent of this comment letter is to request additional time to comply with wet weather requirements. However, Responsible Agencies would like to emphasize that our other concerns such as permitting and technical challenges to comply, scientific uncertainty of the TMDL implementation requirements, and funding needs, are equally important and challenging. Regarding the proposed TMDL Extension, the Responsible Agencies are requesting that the CIH Bacteria TMDL be included in the TMDL Extension and an additional 10 years be provided by extending the wet weather compliance date to December 18, 2028. This will allow time to complete on-going studies, conduct the overdue TMDL reconsideration, which should address all compliance challenges and permitting issues discussed in the recent meetings with Regional Board staff and in this comment letter, and develop feasible implementation actions and compliance strategies to protect recreational water quality of the beaches through a manageable and community-supported process.</p> <p>[The remainder of this comment letter is included in the Board Agenda Package.]</p>	
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11.1	California Yacht Club	<p>Thank you for the Los Angeles Regional Water Quality Control Board's (the "Board") recent public workshop that discussed implementation deadlines for certain TMDLs in the Los Angeles region. I thought it was informative on a big picture level, but I learned little about what I am most concerned about, the TMDL for Toxic Pollutants affecting the harbor in Marina del Rey, and how it is going to affect our business, members and boaters. The harbor, as you know, is the largest water shed in Southern California, with a significant amount of discharge into the harbor from MS-4 permittees.</p> <p>During the workshop, I heard that the Board was concerned about the near term regional TMDL deadlines, planned projects, progress made, and not made by MS-4 permittees, the impact of Covid-19, its impact on tax revenues, the timeline for the Covid-19 vaccine and its efficacy and the length of time for economic recovery.</p> <p>To its credit, the Board recognized and is prepared to grant extensions affecting government MS-4 permittees, which you complimented for their planning efforts. However, I heard that the Board was not prepared to grant an extension to anchorages and boaters in Marina del Rey (on copper levels) because it is a "separate issue." From a process and fairness standpoint, I beg to differ, as noted below.</p>	<p>The scope of the deadline extension for the Marina del Rey Harbor Toxic Pollutants TMDL is focused on discharges from the MS4 in the watershed to the harbor. Revising the scope at this time to address copper loading within the harbor is outside the scope of this action and, therefore, would require re-noticing the proposed amendments for additional public review and comment. This would delay the Board's consideration of the currently proposed amendment.</p> <p>Any comments that are outside the scope of the action before the Board are not responded to here. However, the Los Angeles Water Board will work with the California Yacht Club in the future to discuss implementation of the TMDL to address in-harbor copper loading and any possible requests for extensions based on that implementation.</p>
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		[The remainder of this comment letter is included in the Board Agenda Package.]	
12.1	Los Cerritos Channel Watershed Group (LCCWG)	<p>I am writing today as a consultant to the Los Cerritos Channel (LCC) Watershed Group, which is comprised of the Cities of Bellflower, Cerritos, Downey, Lakewood, Long Beach, Paramount, and Signal Hill, and the Los Angeles County Flood Control District (FCD). I appreciate the opportunity to reiterate comments that I made on reconsideration of final TMDL deadlines during the December 10, 2020 Regional Water Board meeting.</p> <p>The Los Cerritos Channel Watershed Group supports the current Basin Plan Amendment. On November 20, 2020, the Regional Water Board published a Notice of Public Hearing for Proposed Resolution for Consideration of Extension of Final TMDL Deadlines for Certain TMDLs in the Los Angeles Region. The extensions being considered are for nine TMDLs with final deadlines in 2021, 2022, and 2023, which had effective dates between March 21, 2003 and July 2, 2013 and implementation periods ranging from 10 years, 6 months to 19 years. Reconsideration of final deadlines for these TMDLs, as recommended by staff, is appropriate. However, it would also be appropriate to extend the final deadlines for other TMDLs with final deadlines later in the decade. Many of the TMDLs have unattainably optimistic implementation schedules, as has been mentioned in</p>	<p>Comment noted. As recognized in the comment letter, the scope of the currently proposed amendments includes those TMDLs with approaching final deadlines in the next one to three years. Revising the scope at this time would require re-noticing the proposed amendments for additional public review and comment and would thus delay the Board's consideration of the currently proposed amendments. Any comments related to additional TMDLs are outside the scope of the action before the Board and are not responded to here.</p> <p>However, Staff will review the specific points in the comment letter and will meet with the LCC Watershed Group in the future to discuss the potential need for additional TMDL extensions through a Basin Plan amendment or a TSO, or a combination of the two approaches.</p>

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		<p>recent Water Board meetings, and implementation has proved more challenging than was envisioned.</p> <p>Specifically, I recommend that the Regional Board initiate a second basin plan amendment to extend TMDL final deadlines immediately after the currently proposed BPA is adopted. This amendment should focus on TMDLs with final deadlines in 2024, 2025, and 2026, especially metals TMDLs. A third BPA should focus on TMDLs with final deadlines in 2027, 2028, and 2029. The 87-page report developed by staff on the potential deadline extensions includes criteria that would accelerate consideration of additional optimistic TMDL implementation schedules.</p> <p>The final deadline should generally be extended for five years, as explained below.</p> <p>[The remainder of this comment letter is included in the Board Agenda Package.]</p>	
13.1	Lower Los Angeles River Watershed Management Group (LLAR WMG)	The Lower Los Angeles River Watershed Management Group (LLAR WMG) appreciates the opportunity to comment on the proposed Basin Plan Amendments for the Extension of Final TMDL Implementation Deadlines for Certain TMDLs. While this item does not include any TMDLs with specific application to the LLAR, we are encouraged by this action and look forward to the same consideration in the near future by the Regional Board for the final	Comment noted. As recognized in the comment letter, the scope of the currently proposed amendments does not include the Lower Los Angeles River. Any comments related to the TMDLs for the Lower Los Angeles River are outside the scope of the action before the Board and are not

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		<p>deadlines of the Metals and other TMDLs that will soon directly impact the LLAR. In anticipation of these additional TMDL extensions being considered, the LLAR WMG is submitting these comments:</p> <p>[The remainder of this comment letter is included in the Board Agenda Package.]</p>	<p>responded to here.</p> <p>However, Staff will review the specific points in the comment letter and will meet with the LLAR WMG in the future to discuss the potential need for additional TMDL extensions through a Basin Plan amendment or a TSO, or a combination of the two approaches.</p>
14.1	Lower San Gabriel River Watershed Management Group (LSGR WMG)	<p>The Lower San Gabriel River Watershed Management Group (LSGR WMG) appreciates the opportunity to comment on the proposed Basin Plan Amendments for the Extension of Final TMDL Implementation Deadlines for Certain TMDLs in the Los Angeles Region. While this item does not include any TMDLs with specific application to the LSGR, we are encouraged by this action and look forward to the same consideration by the Regional Board in the near future for the final deadlines for the Metals and other TMDLs that will directly impact the LSGR. In anticipation of these additional TMDL extensions being considered, the LSGR WMG is submitting these comments:</p> <p>[The remainder of this comment letter is included in the Board Agenda Package.]</p>	<p>Comment noted. As recognized in the comment letter, the scope of the currently proposed amendments does not include the Lower San Gabriel River. Any comments related to the TMDLs for the Lower San Gabriel River are outside the scope of the action before the Board and are not responded to here.</p> <p>However, Staff will review the specific points in the comment letter and will meet with the LSGR WMG in the future to discuss the potential need for additional TMDL extensions through a Basin Plan amendment or a TSO, or a combination of the two approaches.</p>

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15.1	MdR Lessees	<p>The Marina del Rey Lessees Association (Association) represents the business interests of individuals and companies that own and operate a diverse collection of enterprises in the Marina including marinas, shopping centers, apartment buildings, office buildings, and marine commercial operations under long-term leases with the County of Los Angeles. We are hopeful that this letter shall serve to briefly communicate our thoughts, positions and accomplishments which may be helpful in your deliberations. We look forward to future opportunities to discuss these very important public policy matters with your Board and staff, and we are hopeful that the extension of time necessary to carry out the proper evaluation and analysis will be provided at the appropriate time and hearing.</p> <p>[The remainder of this comment letter is included in the Board Agenda Package.]</p>	<p>The Los Angeles Water Board appreciates the participation of the Association in the implementation of the Marina del Rey Harbor Toxic Pollutants TMDL. As recognized in the comment letter, the scope of the deadline extension for the TMDL is focused on discharges from the MS4 in the watershed to the harbor. Revising the scope at this time to address copper loading within the harbor would require re-noticing the proposed amendments for additional public review and comment and would thus delay the Board's consideration of the currently proposed amendments.</p> <p>Any comments that are outside the scope of the action before the Board are not responded to here. However, the Los Angeles Water Board will work with the Association in the future to discuss implementation of the TMDL to address in-harbor copper loading and any possible requests for extensions based on that implementation.</p>
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