

Response to Comments
Section D: Monitoring and Reporting

Sub-section #	Comments Category
D.1	General
D.2	Attachment D - Standard Provisions
D.3	Order Part VII and Attachment E - Monitoring and Reporting
D.4	Attachment G - Aquatic Toxicity
D.5	Attachment H - Annual Report Forms
D.6	Attachment I - Trash Reporting Forms

The below table includes all significant comments on the tentative permit sections described above and the corresponding Fact Sheet sections.

#	Commenter(s)	Comment	Response
D.1.1	SGVCOG 2 nd Letter and ULAR Group	Monitoring: ...the [Permittees] recommendations aim to streamline the monitoring efforts so the data gathered still provides meaningful feedback and available funding can be better spent on implementation efforts. The monitoring requirements could be better correlated with implementation status (e.g., monitor less frequently in the early stages of the program and then more frequently after watershed control measures have been more widely implemented). Costs to Permittees to complete this monitoring in preliminary years where much of the program is still in the planning and design phases, could be better spent on implementation. Monitoring could also be	No change. The permit provides flexibility via development of the integrated monitoring programs (IMPs)/coordinated integrated monitoring programs (CIMPs). Each IMP/CIMP is designed for each watershed area specific to the water quality issues, including TMDLs, which may apply to that watershed area. Permittees can propose alternative monitoring frequencies and locations through phased approaches in IMP/CIMPs, which may be cost effective and better correlated with implementation status, as long as the monitoring is sufficient to address water quality issues and assess compliance with the WQBELs and receiving water limitations in the Regional MS4 Permit.

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		<p>more strategically employed through a tiered approach that focuses first on downstream conditions, and only moves upstream if needed. Overall, given the extensive costs to comply and the disproportionate value in the data at this time, we are requesting a more critical look at these requirements.</p>	
D.1.2	SGVCOG 2 nd Letter and ULAR Group	<p>In addition, we recommend that the Permit provides flexibility to streamline monitoring efforts where appropriate. The current monitoring requirements select a limited number of events to sample over the year for all identified pollutants, which is expensive for each sampling event. However, these are only a handful of events and only tell us so much about the overall conditions in the watershed. A more streamlined and informative approach would be to sample more events but measure inexpensive proxies (supported by statistically significant data), such as sediment, in place of more expensive pollutant sampling and analysis. This could be set up to be equivalent or less expensive than the current monitoring efforts and provide much more information to the Permittees and stakeholders on the state of the watershed. Permittees should be able to justify reducing monitoring requirements for select constituents if they can demonstrate associated trends</p>	<p>No change. See response to comment D.1.1. In addition, as explained in the Fact Sheet, and as set forth in Attachments H and I, the monitoring and reporting requirements have in fact been streamlined and made consistent among all Permittees. (E.g., F-268.)</p> <p>While proxies for monitoring required in the Tentative Order are generally disallowed, Permittees have the ability to propose a reduced monitoring frequency and, in some cases, propose no monitoring for certain constituents, such as 303(d) listed pollutants and Table E-6 constituents, provided that the Permittees give adequate justification for the changes. (See Attachment E to Tentative Order.)</p>

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		<p>and progress in reducing pollutants. The Permittee would measure these surrogate parameters, as appropriate, on a consistent basis, then include validation at selected times that would explicitly sample the specific pollutants of concern to further support the approach.</p>	
D.1.3	City of Santa Clarita	<p><u>Moving Water Quality Thresholds</u> It does not help cities reach compliance when the water quality thresholds are moved further away each permit cycle. This practice dilutes the storm water story of how much work has been accomplished in this region by not acknowledging areas where water quality has been met before ratcheting down limits. This is true of the new requirements for toxicity testing and for the many pollutants where the thresholds are being tightened. Water quality data already submitted should be readily available prior to imposing additional reporting requirements. Please consider removing the new toxicity monitoring and ratcheted down water quality standards.</p>	<p>Change made. See response to comments D.3.51 (test species sensitivity screening), D.3.59 (aquatic toxicity monitoring), and D.3.38 (reporting levels).</p> <p>To summarize, changes were made to refine aquatic toxicity monitoring. Furthermore, the ocean water aquatic toxicity monitoring requirement was removed. (<i>See In the Matter of the Petitions of the City of Oceanside, Fallbrook Public Utilities Dist. and the Southern California Alliance of Publicly Owned Treatment Works, State Water Board Order WQ-2021-0005 at pp. 12, 13.</i>) Additionally, Reporting Levels in Table E-6 of the MRP are now recommended, not required.</p> <p>All water quality objectives are established to protect beneficial uses. If there are new objectives or new requirements in State Water Board or Los Angeles Water Board Policies or Plans, or TMDLs have been enacted since the current 2012 Los Angeles County, 2014 City of Long Beach,</p>

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			<p>or 2010 Ventura County MS4 Permits were issued, then these permits must incorporate the new water quality objectives or new requirements when they are updated.</p>
D.1.4	City of Santa Clarita	<p><u>Simplify Monitoring and Reporting</u> The City requests that monitoring and reporting be substantially 'simplified, revised and the data management infrastructure vastly improved before any new requirements are added to the effort. The massive data collected and submitted in the annual reports seems to have become infeasible for Regional Board staff to analyze in a timely manner. The permittees collect this information at a great effort and expense. Stakeholders continually complain about lack of transparency even though there is massive amounts of data and information submitted. There is a disconnect. Reporting should be more simplified and address meaningful measures with a few metrics directly connected to outcomes rather than trying to encapsulate every detail of stormwater management programming.</p> <ul style="list-style-type: none"> • There should be individual metrics and easier to understand dashboards. • Metrics should encapsulate representative, meaningful efforts and long-term trends, not just end of pipe water quality in a single sample. 	<p>No change. See response to D.3.74. The Tentative Order's MRP requirements are streamlined and simplified in comparison to the current MS4 permits. Reporting and monitoring requirements in the Tentative Order were reviewed for usefulness in assessing compliance with Permit requirements, tracking of water quality changes, and time required to review and interpret data by Water Board staff and other stakeholders.</p> <p>An annual executive summary of data, alone, would not be sufficient. All data need to be submitted and available for transparency and use by Water Board staff and stakeholders.</p> <p>That said, in comparison to the current MS4 permits, changes were in fact made to the monitoring and reporting forms to reflect similar changes requested by other stakeholders, including Heal the Bay, the Natural Resources Defense Council, and Los Angeles Waterkeeper (see response to comment D.3.74 for discussion on Attachment H of the Order). These</p>

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		<ul style="list-style-type: none"> Perhaps reporting could change to a two-tiered reporting system where an executive summary is provided annually, and if there are concerns, additional data related to the specific concern is submitted. Water quality data could still be submitted. Ventura County has a very good executive summary reporting system that could be a starting point. <p>Any additional reporting and monitoring requirements should be reviewed for both, how they will serve to meaningfully improve water quality, and what Regional Board staff resources are reasonably capable of providing meaningful and timely oversight and review of.</p>	<p>changes make it very easy to track Permittees' progress, for example, in attaining WMP control measure milestones and to interpret data presented in annual reports. Put differently, the substance of the changes requested herein by the commenter were made in response to other comments to enable Permittees, stakeholders, and the public to easily read and understand the metrics of success. These changes will also help the Los Angeles Water Board assess compliance.</p>
D.1.5	SGVCOG 2 nd Letter and ULAR Group	<p>Define Performance Metrics for Non-Structural Strategies and Concise, Useful Tracking:</p> <p>The appropriate metrics for non-structural/non-modeled strategies still require further development to assess the effectiveness of these strategies and how to link to monitoring data. The assessments should be done in a clear and concise manner that provide meaningful feedback on progress and effectiveness to best support management decisions. We recommend general guidelines be developed by a technical team, which</p>	<p>No change. Each permittee has unique land uses and water quality issues and therefore should come up with the best metrics for effectiveness of non-structural strategies for its jurisdiction. Moreover, questions in the annual report form were framed to provide information about the effectiveness of the non-structural strategies. As a result of the unique water quality issues for each permittee, metrics for effectiveness would vary. Therefore, each permittee is required to propose its own metrics for effectiveness and report on them in its Annual Report.</p>

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		will require time, to ensure consistency across Permittees.	
D.1.6	SGVCOG 2 nd Letter and ULAR Group	The current tracking requirements across Permittees programs for non-structural strategies are often time consuming and the data is not in a useful format to assess progress. We recommend one consolidated tracking system that houses the information relevant to the Permit and helps succinctly assess effectiveness and streamlines Annual Reporting, providing more valuable information to the LARWQCB, as well as the Permittee to better manage its programs.	No change. Attachment H, Annual Report forms, provides a consolidated and streamlined tracking system to report on non-structural strategies to comply with the permit.
D.1.7	SGVCOG 2 nd Letter and ULAR Group	Overall, the SGVCOG and its member cities have significant concerns with the current and increased reporting responsibilities and the financial burden associated with the more stringent requirements that could be better prioritized.	No change. See response to comments D.5.25 and D.5.27. Many of the reporting requirements for this group of Permittees have not been changed substantively from the 2012 Los Angeles County MS4 Permit. The same information is required for the most part, but it is required to be organized and reported differently on forms provided for Permittees' use. However, there are some additional reporting requirements pursuant to the State Water Board's Trash Policy, the Trash TMDLs, the State Auditor's March 2018 Report 2017-18, and the State Board's August 2020 "Guidance for Obtaining Phase I Municipal Separate Storm Sewer System (MS4) Permit Compliance Costs".

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D.1.8	Ty Kushi & Shai Grossamn	Making our MS4 permit measurable helps us track our progress. It will let us make goals and meet them, knowing that real change is being made. However, we can't just be visionaries.	No change. See response to D.3.74. The monitoring and reporting forms have been revised and streamlined in response to comments from other stakeholders. The forms will make it easier to track progress. See Attachment H of the Order.
D.1.9	Ellenor Brandt	Lastly the permit should be transparent, this requires standardized reporting that is available for the public to track back.	No change. See response to D.3.74. For standardized reporting, Attachment E of the Order specifies standardized reporting requirements. Furthermore, reporting forms are included as part of the permit in Attachment H and I of the Order. Annual reports and Monitoring Reports are available to the public upon request. These forms require all Permittees to report the same information in the same fashion and therefore will increase transparency and standardization of information. This information will be available to the public to review.
D.1.10	Ann Dorsey	Finally, there needs to be reporting that is standardized and easily available to the public.	No change. See response to comment D.1.9.
D.1.11	Caty Wagner, Don Weiden, Sierra Club Angeles Chapter 2 nd Letter, and Mithsy Hernandez on behalf of various NGOs	Requires standardized reporting that is readily available (online, simple) so the public can track progress and engage in the process	No change. See response to comment D.1.9.

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D.1.12	Alexander Santiago	It requires standardized reporting that is readily available so the public can track progress and engage in the process.	No change. See response to comment D.1.9.
D.1.13	Tom Williams	Standardized comparative/cumulative and with quarterly and annual reporting that is readily available (online, simple) so the public can track progress and engage in the process	No change. See response to comment D.1.9. Based on the Board's experience in implementing the current MS4 permits, semi-annual and annual reporting, rather than quarterly, balances Permittee and Water Board workloads with the need for transparency and is therefore the most appropriate reporting frequency.
D.1.14	Mithsy Hernandez on behalf of various NGOs	Requires transparent and standardized reporting that is available online and accessible to the public (i.e., well organized and presented in a way that is easily understandable) to ensure that all stakeholders know how quickly progress is being made towards achieving water quality objectives and whether short-term or final goals are completed on time as required under the federal Clean Water Act.	No change. See response to comment D.1.9.
D.1.15	Isabella Langa	The new MS4 Permit should require cities to increase the transparency of their reporting on pollution and toxicity levels; currently, it is a struggle to accumulate data on the quantities of pollutants in the water. This is information that the public needs to know. We need to raise awareness about the quality of our water in order to improve said quality.	No change. See response to comment D.1.9.
D.1.16	City of Port Hueneme, City of	Modify elements of the monitoring and reporting program to better align with the	No change. Monitoring and reporting requirements in Attachments E, H and I of

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	Simi Valley, City of Ventura, City of Thousand Oaks, and County of Ventura	reporting and compliance requirements of the Tentative Order.	the Order were developed in consideration of permit requirements as an effective means to assess compliance.
D.1.17	TECS Environmental 2 nd Letter	<p>MS4 Permittee Monitoring is Not Required in Receiving Waters</p> <p>As mentioned previously, 40 CFR §122.26(d)(2)(iii)(A)(1), which applies to MS4 Permits require monitoring from outfalls, not receiving waters. There is nothing in federal regulations that require this additional monitoring task for MS4s. The end-of the-line for monitoring is the discharge from outfalls before reaching the receiving water. To put it another way, the MS4 does not include receiving waters. As also mentioned, in the past, the regional board's Surface Water Ambient Monitoring Program (SWAMP) has been responsible for receiving water monitoring. SWAMP, which was created by state legislature, is paid for by a surcharge on the annual MS4 permit fee levied by the State Water Resources Control Board.</p> <p>Recommendation: Remove the receiving water monitoring requirement from the tentative MS4 Permit.</p>	<p>No change. Compliance with receiving water limits (RWLs) is required where necessary to achieve water quality standards. (See, e.g., CWA § 402(p)(3)(B)(iii); CWA § 303(d); 40 CFR § 122.44(d) (requiring additional controls in permits, if necessary, to achieve water quality standards); State Board Order WQ 99-05.) Here, as explained in part in response to comment H.1.2.a, and as explained in Part VII of Attachment F of the Tentative Order, receiving water limitations are necessary and appropriate to control MS4 discharges in the Los Angeles Region because the discharges have the reasonable potential to cause or contribute to excursion above water quality standards. Therefore, and as explained further in Part XII.E of Attachment F, receiving water monitoring is required to measure effects of stormwater and non-stormwater discharges from the MS4s into the receiving water, to identify water quality exceedances, to evaluate compliance with TMDL WLAs and receiving water limitations, and to evaluate whether water quality is improving, staying the same or declining. Put differently,</p>

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			<p>receiving water monitoring is necessary to determine compliance with various provisions of the Tentative Order. (See, also, Part XI.B and C of Attachment F.)</p> <p>Furthermore, the Los Angeles Water Board disagrees that monitoring requirements relative to MS4 permits must be limited to effluent monitoring. Receiving water monitoring is also required. Indeed, monitoring by the owners and/operators of MS4s is required pursuant to Clean Water Act section 308(a) and 40 CFR sections 122.41(h), (j)-(l), 122.44(i), 122.48, 122.26(d)(2)(i)(F), 122.26(d)(2)(iii)(D) and 122.42(c). 40 CFR section 122.26(d)(2)(iii)(D) identifies monitoring at outfalls, field screening points, and in-stream stations, and requires representative data collection. Wet-weather receiving water monitoring (i.e. wet-weather in-stream monitoring) is necessary to assist in the evaluation of the effects of storm water discharges on in-stream water quality. Wet-weather receiving water monitoring is also necessary to assess trends in the effect of storm water discharges on instream water quality over time as Permittees implement additional and/or enhanced storm water control measures. Ambient monitoring conducted under SWAMP does not support these</p>

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			<p>types of evaluations and would not be representative of the impacts of storm water discharges on the receiving waters. In-stream monitoring, referred to in the Tentative Order as receiving water monitoring, is also well established and supported by EPA's Part 2 MS4 permit application guide (EPA 833-B-92-002) and has been a part of the Los Angeles County MS4 program for many years.</p>
D.1.18	<p>Heal the Bay, the Natural Resources Defense Council, and Los Angeles Waterkeeper</p>	<p><i>The Tentative Permit must have a trash monitoring program that yields more actionable data.</i></p> <p>The MS4 Permit is very vague in terms of determining trash monitoring locations. The MRP provides a list of approved monitoring programs by water management groups in Los Angeles County along with the type of monitoring program (which includes TDML compliance monitoring) the group will implement, and their initial approval date; however, it does not include any mention of trash TDMLs or how they're monitored. The MRP also provides a list of TMDL monitoring plans by watershed management area for Ventura County permittees, which includes some Trash TDMLs and Trash MRPs but still no specific GPS locations for the sites being monitored. Looking more closely at the Trash TDML for the LA River, we found a similarly vague level of monitoring requirements.</p>	<p>No change. Per Parts II.G.4, II.H.4 and XIII.C of Attachment E, Permittees shall conduct trash monitoring and reporting per the applicable requirements specified in Parts III.B and IV.B.3 of the Order. Furthermore, the MS4 permit continues to require trash monitoring programs to be incorporated into IMPs/CIMPs. Stand-alone TMDL trash monitoring plans, such as Trash Monitoring and Reporting Plan (TMRP) and Plastic Pellet Monitoring and Reporting Plan (PMRP), can be incorporated in IMP/CIMPs by reference. As each watershed area is different, each IMP/CIMP is developed individually per the determinations of the Watershed Group, with the approval of the Los Angeles Water Board. As such, locations of trash monitoring sites will be in IMPs/CIMPs.</p>

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D.1.19	Los Angeles County and LACFCD 2 nd letter	<p>Attachment E/ Overarching Comment. Pursuant to the 2012 MS4 Permit, the MS4 agencies submitted Coordinated Integrated Monitoring Program (CIMP) plans and have been monitoring per their CIMPs since 2015. There were approximately 100 more monitoring sites that were added as part of the CIMP compared to the monitoring requirements from the 2001 MS4 Permit. In addition, implementing the CIMP costs MS4 agencies approximately \$15 M annually (See Enclosure E).</p> <p>Notwithstanding the following detailed comments related to the monitoring and reporting requirements identified within Attachment E, the County and LACFCD are generally concerned regarding the significant increase in cost that would be incurred meeting the requirements of Attachment E when compared to the monitoring and reporting requirements of the 2012 MS4 Permit.</p> <p>As discussed in more detail below, these requirements include the requirement to conduct toxicity sensitivity species screenings, a decrease in reporting levels (RLs), and requiring the use of high-resolution method for polychlorinated biphenyls (PCBs). Insufficient justification is provided to explain the need and benefits of</p>	<p>No change. See responses to comments D.3.50 (aquatic toxicity monitoring costs), D.3.38 (Reporting Levels) and H.1.2.d (all monitoring costs).</p>

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		<p>the proposed changes and how those compare to the increase in cost. In addition, the requirements related to providing financial information, including costs to comply with the order and costs for the upcoming year, have been increased. Funds, including SCWP municipal funds, that can be dedicated to developing and implementing water quality improvement projects will be diverted. The County and LACFCD request that the Regional Board reconsider the totality of the increased requirements and their impact on where Permittees can spend their limited funds.</p>	
D.2.1	<p>City of San Fernando, City of Agoura Hills, City of La Puente, City of La Cañada Flintridge, City of Hidden Hills, and Aleshire & Wynder, LLP</p>	<p>Page 5. Attachment D. Part V.B.2.(i). "... (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency"</p> <p>Suggest adding "e.g. Mayor" as an example of a chief executive officer of the agency.</p>	<p>No change. Language in this provision comes directly from 40 C.F.R. § 122.22(a)(3), which requires signatories to be "a principal executive officer or ranking elected official". In the text of Attachment D, Part V.B.2, the text "...a principal executive officer or ranking elected official" precedes parts (i) and (ii) of Attachment D, Part V.B.2, which explains "principal executive officer". A Mayor is an elected official and therefore is an acceptable signatory.</p>
D.2.2	<p>City of San Fernando, City of Agoura Hills, City of La Puente, City of La Cañada Flintridge, City of Hidden Hills, and</p>	<p>Page 5. Attachment D. Part V.B.2. " ... (e.g., Regional Administrators of U.S. EPA). (40 C.F.R. § 122.2</p> <p>This example was changed from relevant municipal authorities to this. Suggest</p>	<p>No change. Language in this provision comes directly from 40 C.F.R. § 122.22(a)(3). A City Manager or Director of Public Works are examples of chief or senior executive officers and therefore are acceptable signatories. Per Attachment D</p>

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	Aleshire & Wynder, LLP	examples be "e.g. City Manager, Director of Public Works, City Engineer, etc.)	Part VI.B.3, a City Engineer could be a duly authorized representative.
D.2.3	City of San Fernando, City of Agoura Hills, City of La Puente, City of La Cañada Flintridge, City of Hidden Hills, and Aleshire & Wynder, LLP	<p>Page 7. Attachment D. Part V.E. Twenty-four Hour Reporting</p> <p>What kind of discharges does this include?</p>	No change. This is standard NPDES permit language per 40 C.F.R. § 122.41(l)(6)(i). In the context of an MS4 Permit, it includes any discharges regulated under the Regional MS4 Permit.
D.2.4	City of San Fernando, City of Agoura Hills, City of La Puente, City of La Cañada Flintridge, City of Hidden Hills, and Aleshire & Wynder, LLP	<p>Page 7. Attachment D. Part V.E.1. " ... Any information shall be provided orally within 24 hours from the time the Discharger becomes aware of the circumstances ..."</p> <p>Information should be provided orally to whom?</p>	No change. This is standard NPDES permit language per 40 C.F.R. § 122.41(l)(6)(i). Oral information can be provided to any one of the Board staff overseeing the permit including members of the Executive Office.
D.3.1	Heal the Bay, the Natural Resources Defense Council, and Los Angeles Waterkeeper	<p><i>The overall health of our waters and the general objectives of the Monitoring Program must be better defined to ensure that permittees conduct monitoring sufficient to evaluate compliance.</i></p> <p>Data collected through the monitoring programs must be regularly analyzed to assess the overall health and evaluate long-term trends in receiving water quality. First, the term "overall health" must be defined in Attachment E of the Tentative Permit. We</p>	No change. Attachment E, Part I.A-B includes six "General Objectives" and a "Purpose" which together well define the purpose of the Monitoring Program. Attachment E, Part I.A.1 includes "Assess the chemical, physical, and biological impacts of discharges from the municipal separate storm sewer system (MS4) on receiving waters," so including " <u>...and effluent discharge through the MS4 system</u> " in Attachment E, Part I.A.5 is unnecessary.

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		<p>recommend that this definition include compliance with all water quality objectives and supporting designated and potential beneficial uses. Receiving water monitoring is done for the purpose of determining whether receiving water limitations are achieved and beneficial uses are supported and for assessing trends over time. Stormwater and non-stormwater outfall monitoring is done for the purpose of determining compliance with WQBELs and whether a discharge is causing or contributing to an exceedance. Long-term trends in water quality must be assessed annually, and extend as far back as data is available. We recommend the following changes to the general objectives listed in section I.A. of the Monitoring and Reporting Program (MRP):</p> <p>5. Assess the overall health and evaluate long-term trends in receiving water <u>receiving waters and effluent discharge through the MS4 system, using all available water quality data, to be conducted, at a minimum, on an annual basis.</u></p> <p>6. And measure and improve the effectiveness of pollutant controls implemented under the Order.”</p>	<p>In addition, Attachment E, Part XIV.B.2.e requires Permittees to annually report on trend analysis. Therefore, including the proposed language does not add clarity and would be redundant. Finally, Attachment E details monitoring sufficient to evaluate compliance with receiving water limits and WQBELs.</p>
D.3.2	VCSQMP	Attachment E Part I.C. Page E-3. The discussion of receiving water monitoring locations requirements for the Ventura	No change. Part I.C of the MRP specifies general monitoring elements to be included in the monitoring program. Part III.C of the

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		<p>County Permittees is presented in different ways in sections I.C., III.C, and III.D.2. The discussion is unclear and generates some confusion regarding the applicability of monitoring requirements at TMDL and MS4 monitoring locations. The Ventura County Permittees request that modifications to Part I.C.1 be incorporated to clarify that the CIMP will specify the monitoring locations and the purpose of the monitoring locations for meeting the MRP requirements.</p> <p>Modify I.C.1 as follows: Receiving water monitoring <u>for applicable constituents</u> shall be performed. . .</p>	<p>MRP, further discusses the requirements of an IMP/CIMP. Parts I.C and III.C of the MRP apply to all Permittees including Ventura and Los Angeles County Permittees. Part III.D.2 of the MRP however, specifies the schedule for Ventura County Permittees to submit an IMP/CIMP. The CIMP is required to specify the monitoring locations and how the monitoring will fulfill the requirements consistent with the commenter's suggestion. Each Permittee shall comply with the requirements applicable to them. No additional clarifying language is necessary.</p>
D.3.3	VCSQMP	<p>Attachment E Part I.C.2. Page E-4. The discussion of stormwater outfall monitoring locations requirements for the Ventura County Permittees is presented in different ways in sections I.C., III.C, and III.D.2. The discussion is unclear and generates some confusion regarding the applicability of monitoring requirements at TMDL and MS4 monitoring locations. The Ventura County Permittees request that modifications to Part I.C.2 be incorporated to clarify that the CIMP will specify the monitoring locations and the purpose of the monitoring locations for meeting the MRP requirements.</p> <p>Update language to "Storm water outfall-based monitoring shall be performed at</p>	<p>No change. See response to comment D.3.2.</p>

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		<p>outfall monitoring locations that are representative of the land uses within the Permittee's jurisdiction, <u>as described below in Section VI</u>, and at TMDL outfall monitoring locations (as designated in the most recently approved Monitoring Plans as identified in Table E-1 and Table E-2 of this MRP), <u>or as modified by an approved Monitoring Program (Section III)</u>".</p>	
D.3.4	City of Los Angeles	<p>Attachment E, Part I.C.4, Page E-4. The SCWP scientific studies program promotes regional studies and provides an unprecedented amount of funding for studies and projects that improve water quality and environmental health. The goals of the SCWP are aligned with the Permit. Permittees would be able to use SCWP funds for studies and projects that will improve environmental and community health. LASAN requests that the SCWP scientific studies program be mentioned within this provision.</p>	<p>No change. The Safe, Clean Water Program (SCWP) only applies to the Los Angeles County Permittees and therefore is inappropriate to include in Part I.C.4 of the MRP, which applies to all Permittees including Ventura County Permittees. Not including the proposed language does not prevent Permittees from using the SCWP funds for Regional Studies.</p>
D.3.5	Los Angeles County and LACFCD 2 nd letter	<p>Attachment E/ Part II.F/ Pg. E-4. Within some of the approved CIMPs, minor modifications are allowed without requesting approval from the Regional Board Executive Officer (EO). The CIMP defines the extent of the modifications that can be made without the approval by the EO. The County and LACFCD request that the flexibility to make modifications in</p>	<p>Change made. Part II.F of Attachment E is revised to add the following clarifying language: "This provision may be waived if the Los Angeles Water Board determines that the modification is (a) minor and (b) does not otherwise violate any applicable provision of law".</p>

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		<p>approved CIMPs be maintained and that the language in Part II.F be altered to include the allowance of minor modifications if detailed in the CIMP and approved by the EO.</p>	<p>The current language in Part II.F of the MRP does not preclude Permittees from making minor modifications to the IMP/CIMP. However, what may be a minor modification for one IMP/CIMP, may not be minor for another IMP/CIMP, and therefore, it is difficult to universally define what a minor modification is to the MRP. We encourage Permittees to consult with the Board prior to submitting an IMP/CIMP modification request.</p>
D.3.6	City of Los Angeles	<p>Attachment E Part II.F, Page E-4. Currently, some of the approved CIMPs allow for minor modifications without requesting approval from the Regional Board Executive Officer (EO). The extent to which modifications can be made without EO approval are defined in the CIMP, which is approved by the EO. LASAN would like to maintain the flexibility provided in already approved CIMPs. If the Regional Board feels the current language does not preclude the flexibility requested, LASAN does not request a change. However, if it would preclude the flexibility, LASAN requests that the language in Part II.F be revised as follows or in a similar manner to include an allowance for minor modifications if outlined in the CIMP approved by the EO: "Unless otherwise indicated in this MRP, if the Permittee(s) wishes to modify any monitoring</p>	<p>Change made. No change was made as proposed, but a change was made to address this issue. See response to comment D.3.5.</p>

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		<p>requirements specified in this MRP including an approved Monitoring Program (e.g., reduce or eliminate monitoring of specified pollutants, reduce monitoring frequencies, change monitoring locations), then the Permittee(s) shall submit a written request to the Executive Officer of the Los Angeles Water Board for approval prior to making any modifications <u>unless such modifications are pre-approved within the adaptive management provisions of an approved CIMP.</u></p>	
D.3.7	<p>Heal the Bay, the Natural Resources Defense Council, and Los Angeles Waterkeeper</p>	<p><i>Flow must be observed or monitored directly, and not estimated.</i> Section II.G.6 of the MRP states “[f]low may be estimated for storm water outfall monitoring based on drainage area, impervious cover, and precipitation data.” As projects are built, stormwater that would otherwise flow through the MS4 may be diverted into stormwater capture projects. Therefore, flow estimates based on drainage area, impervious cover, and precipitation data may not accurately capture actual flow levels. Flow must be observed or measured directly. Direct measurement or observation of flow would also help to identify efficiency issues in upstream projects. We recommend that section II.G.6. of the MRP be removed.</p>	<p>No change. Stormwater outfalls by nature may not have constant flow. Therefore, an estimation of the flow may be necessary and is appropriate.</p>

#	Commenter(s)	Comment	Response
D.3.8	VCSQMP	<p>Attachment E Part II.H.3. Page E-5. The Ventura County Permittees apply a tailored approach to monitoring in each watershed. In the case of PCBs, multiple approaches are used to assess concentrations and loadings in the Calleguas Creek watershed (CCW), which has a TMDL for PCBs in sediment and tissue in Mugu Lagoon. Aqueous and sediment PCBs are analyzed at different locations within the CCW to meet different monitoring goals. Incorporating a blanket requirement to use a high resolution method has significant cost implications. Using the CCW Coordinated Monitoring Program as an example, PCB monitoring in water is conducted at 22 sites between four and six times per year resulting in 128 aqueous samples per year (not included quality assurance/quality control samples). Because PCBs are co-analyzed with the Organochlorine Pesticides there is no additional cost for PCBs analysis. If the high resolution method is required, the CCW monitoring costs for PCBs would be increased by \$1,050 per sample for an annual increase of approximately \$134,400 per year (or \$672,000 within the term of the Permit). Additionally, the Fact Sheet on page F-252 (Table F- 25) provides no lab method for conducting the high resolution method, conflicting with other requirements</p>	<p>Change made. Part II.H.3 of the MRP was revised to clarify that Permittees are required to use EPA-approved methods to achieve the recommended Reporting Levels (RLs) for PCBs. Furthermore, RLs in Table E-6 of the MRP include recommended, not required RLs for PCBs.</p> <p>The MRP recommends Permittees that discharge to ocean waters to use the 20 pg/L (0.00002 µg/L) reporting level (RL) for PCBs. Note that this RL is equal to the Ocean Plan Water Quality Objective. Other Permittees discharging to non-ocean marine waters and freshwater, as defined in Attachment A of the Order, could use the 170 pg/L (0.00017 µg/L) RL for PCBs. Note that this RL is equal to the CTR Human Health Criteria.</p> <p>The Board encourages using the RLs in Part II.H.3 and Table E.6 for PCBs because continuing to use the standard PCBs test methods, would likely result in inconclusive results, and therefore could be considered an inefficient use of the Permittees resources. One of the main challenges the Board had in analyzing PCBs data is that Los Angeles and Ventura County MS4 Permittees have been monitoring for PCBs in water but have not been using sufficiently sensitive lab methods to detect</p>

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		<p>in Attachment E that analytical methods should be 40 CFR approved.</p> <p>Rather than establishing a blanket requirement that all aqueous samples analyzed for PCBs must use a non-CFR approved high resolution method, the Ventura County Permittees request Table E-6 be revised to use the standard PCB method and note in the receiving water monitoring requirements that a high-resolution analytical method for PCBs should be considered in situations where characterization of loadings of PCBs would be supported through more a more sensitive analytical method.</p>	<p>them. The lowest concentration at which a constituent can be detected by a lab analytical method is called the Method Detection Limit (MDL). As an example, for the Calleguas Creek Watershed, Permittees reported monitoring data with MDLs that ranged from 0.001 to 3 micrograms per liter. This is much higher than the human health CTR criteria of 0.00017 micrograms per liter. Ventura County MS4 Permittees, for 9 years of monitoring between 2009 to 2017, have reported to us 142 water samples in the Calleguas Creek Watershed. However, compliance results for PCBs are inconclusive due to high MDLs. Therefore, it's unknown whether PCBs are a water quality concern. To better assess if PCBs present a water quality concern, the MRP recommends Permittees to use more sensitive lab methods.</p>
D.3.9	Los Angeles County and LACFCD 2 nd letter	Attachment E/ Part II.H.3 and Table E-6/ Pg. E-5 and E-23. The analysis of PCBs in aqueous samples using a high-resolution method is not needed in all instances. The County and LACFCD recognize that the use of a high-resolution method to analyze PCBs samples is valuable in instances where TMDLs for bed sediments with allocations for suspended have	Change made. See response to comment D.3.8 for further discussion. In addition, the Los Angeles Water Board has added footnote 9 to Table E-6 to allow Permittees to reduce PCBs monitoring frequency for PCBs to once a year for monitoring locations that are not subject to Toxics TMDLs.

#	Commenter(s)	Comment	Response
		<p>necessitated its utilization. Current CIMPs already use the high-resolution method to analyze PCBs in many watersheds for this purpose. Each CIMP that monitors for PCBs takes an approach that was developed to address issues specific to the individual watershed. Further, monitoring stations within a CIMP may use varying analytical methods depending on the purpose of the monitoring site. Often the high-resolution method is used at one or more stations to assess sediment loadings of PCBs related to a toxics TMDL and the standard method is used at the remaining stations to evaluate for attainment of the CTR criteria. Using the high-resolution method at all stations is not necessary to meet the goals of the CIMPs and would result in a significant increase in costs. For example, the standard method is typically less than \$300 per sample as opposed to the high-resolution method at \$1,050.</p> <p>Additionally, the high-resolution method, 1668C, has not been approved for use at 40CFR Part 136.</p> <p>As such, the County and LACFCD request that RLs for PCB congeners be modified so that the standard method (i.e. Method 8270C) can be utilized. If the Regional Board feels that it is necessary to require</p>	

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		<p>the use of high resolution methods in the MRP, the County and LACFCD request that the high resolution method or alternative (e.g., conducting a bulk sediment analysis on suspended sediments) should be used only when assessing loadings for TMDLs with suspended sediment based WQBELs. If the RB insists that high resolution method should be used at all stations, the County and LACFCD request that the frequency of PCB monitoring be reduced to once a year for stations that are not directly related to Toxics TMDLs.</p>	
D.3.10	City of Los Angeles	<p>Attachment E, Part II.H.3 and Table E-6, Page E-5 and E-23. Analyzing polychlorinated biphenyls (PCBs) in aqueous samples using a high-resolution method with Reporting Limits (RLs) of at least 20 pg/L and analyzing for at least 55 congeners is not necessary in all instances. Regarding use of a high-resolution method, LASAN recognizes that analyzing PCBs samples using a high resolution method is valuable where TMDLs in sediment have necessitated its utilization. As such, LASAN already analyzes PCBs using a high-resolution method in many of its watersheds for this purpose. Lab capacity to conduct the analysis is limited and the analysis is extremely expensive. The limited lab capacity is reflected in the fact that Table F-25 of the Fact Sheet does not identify a lab</p>	<p>Change made. See response to comments D.3.8 (PCB Reporting Levels) and D.3.9 (PCB monitoring frequency). With regards to PCB congeners, Permittees may propose a set of alternative watershed specific congeners in their IMP/CIMP for EO approval but shall provide supporting watershed specific documentation including whether the watershed is upstream of watersheds with toxics TMDLs, PCB exceedances, or inclusion of PCBs on the 303(d) list.</p>

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		<p>that can conduct the analysis at the required RL. LASAN estimates that the incremental annual costs to implement the high-resolution requirement for PCBs analysis across the monitoring programs approach \$100,000. Further, the high resolution method, 1668C, has not been approved for use at 40 CFR Part 136.</p> <p>Regarding analysis for at least 55 congeners, the CIMPs implemented by LASAN and approved by the Regional Board EO use a list of congeners specific to the issues within the individual watershed. The lists of congeners were developed based on the watershed specific issues and guidance from reputable technical sources (e.g., Bight '13 QA Manual issued by SCCWRP, State Water Resources Control Board's sediment quality objectives).</p> <p>The process to identify the list of appropriate congeners should remain a component of CIMP development rather than being required in a one size fits all approach in the MRP.</p> <p>As such, LASAN requests that either 1) this provision be removed or 2) the MRP be revised to reflect that (a) in instances where sediment bound pollutants are the focus of the monitoring, the high resolution methods</p>	

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		be used along with appropriate RLs, and (b) where the focus is on water column concentrations, the standard methods may be used, and (c) that the CIMPs will identify and justify the method(s) used.	
D.3.11	Los Angeles County and LACFCD 2 nd letter	<p>Attachment E/ Part II.H.7/ Pg. E-5. This provision establishes a conflict in stating that (emphasis added) “Permittees shall use sufficiently sensitive analytical test methods that are consistent with 40 CFR Parts 122 and 136, and 40 CFR chapter I, subchapters N AND capable of measuring constituents at, or below applicable receiving water limitations and/or WQBELs....” Not all analytical test methods consistent with 40 CFR are capable of detecting and measuring constituents at, or below the applicable receiving water limitations and/or WQBELs.</p> <p>40 CFR Part 122.21(e)(3)(i) states “For the purposes of this requirement, a method approved under 40 CFR part 136 or required under 40 CFR chapter I, subchapter N or O is ‘sufficiently sensitive’ when:</p> <p>(A) The method minimum level (ML) is at or below the level of the applicable water quality criterion for the measured pollutant or pollutant parameter; or</p>	<p>Change made. Part II.H.7 of the MRP was revised as proposed for consistency with 40 CFR 122.21(e)(3).</p> <p>EPA’s August 2014 Fact Sheet titled “National Pollutant Discharge Elimination System (NPDES): Use of Sufficiently Sensitive Test Methods for Permit Applications and Reporting” states the following: “EPA and State permitting authorities use data from the permit application to determine whether pollutants are present in an applicant’s discharge and to quantify the levels of all detected pollutants. These pollutant data are then used to determine whether technology- or water quality-based effluent limits are needed in the facility’s NPDES permit. It is critical, therefore, that applicants provide data that have been measured at levels that will be meaningful to the decision-making process. The same holds true for monitoring and reporting relative to permit limits established for regulated parameters”. The intent of using sufficiently sensitive test methods is to gather useful data that 1) would not result in non-detects</p>

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		<p>(B) The method ML is above the applicable water quality criterion, but the amount of the pollutant or pollutant parameter in a facility's discharge is high enough that the method detects and quantifies the level of the pollutant or pollutant parameter in the discharge; or</p> <p>(C) The method has the lowest ML of the analytical methods approved under 40 CFR part 136 or required under 40 CFR chapter I, subchapter N or O for the measured pollutant or pollutant parameter.”</p> <p>As such, methods not capable of detecting and measuring constituents at, or below the applicable receiving water limitations and/or WQBELs are allowed if the requirements of 40 CFR Part 122.21(e)(3)(i)(B) or 40 CFR Part 122.21(e)(3)(i)(C) are met. The County and LACFCD request that this provision in bold be revised as follows for clarity and full consistency with federal regulations:</p> <p><i><u>“Consistent with 40 CFR Parts 122 and 136, and 40 CFR chapter I, subchapters N, Permittees shall use sufficiently sensitive analytical test methods that are consistent with 40 CFR Parts 122 and 136, and 40 CFR chapter I, subchapters N capable of detecting and measuring constituents at, or below the applicable receiving water</u></i></p>	<p>and thus inconclusive results, 2) would not result in detection limits greater than the water quality objectives, 3) would not be an inefficient use of Permittees’ resources by producing unusable data, and 4) be able to assess water quality trends. Therefore, the Regional Permit MRP recommends Permittees to use sufficiently sensitive test methods that are capable of detecting and measuring constituents at, or below the applicable receiving water limitations and/or WQBELs.</p> <p>Moreover, EPA has recognized that the approved test methods currently included in 40 CFR are not sensitive enough to provide useful information and therefore sees the need to include test methods that yield better data. Therefore, in its October 22, 2019 “Clean Water Act Methods Update Rule for the Analysis of Effluent”, EPA has proposed changes to its test procedures for NPDES Permittees. This proposed update to the test methods would incorporate technological advances in analytical technology. EPA will be finalizing this Methods Update Rule in the near future.</p>

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		<i>limitations and/or WQBELs (e.g., Mercury (Hg) and PCBs)."</i>	
D.3.12	SGVCOG 2 nd Letter and ULAR Group	Att.E. Part II.H.8; Page E-5. Requiring to incorporate new MDLs in the monitoring program should also consider the financial burden of implementing (in addition to analytical methods improving and becoming more environmentally relevant).	Change made. Part II.H.8 of the MRP was removed.
D.3.13	Los Angeles County and LACFCD 2 nd letter	Attachment E/ Part II.H.8/ Pg. E-5. Within the provision, it is unclear how the requirement to incorporate new (i.e., lower and more environmentally relevant) method detection limits (MDLs) will be implemented. Without clarity, Permittees may be out of compliance. Additionally, Permittees need adequate time to identify laboratories that can demonstrate the ability to attain lower MDLs and then integrate those MDLs into their CIMPs. Finally, lower MDLs are often much more costly and economic factors should be considered prior to requiring new MDLs, especially since the benefit of the lower MDLs has not been established. Due to the issues that arise with this provision, the County and LACFCD request the removal of this provision.	Change made. See response to comment D.3.12.
D.3.14	City of Los Angeles	Attachment E, Part II.H.8, Page E-5. It is unclear how the requirement of this provision to incorporate new (i.e., lower, and more environmentally relevant) method detection limits (MDLs) would be implemented. Permittees need clarity	Change made. See response to comment D.3.12.

#	Commenter(s)	Comment	Response
		<p>regarding when a new MDL is required to be incorporated into their monitoring plans. Without clarity, Permittees risk being out of compliance even though they are fully trying to comply with the intent of this provision. Furthermore, Permittees need time to incorporate lower MDLs into their monitoring plans and a schedule for when new MDLs are required to be incorporated must be specified. Lastly, more sensitive methods are, at times, significantly more costly and economic factors should be considered prior to requiring a new MDL to be incorporated into monitoring plans. Given the significant issues surrounding implementing the requirements of this provision, LASAN requests that this provision be removed.</p>	
D.3.15	VCSQMP	<p>Attachment E Part III.C.1.g. Page E-7. The requirements to conduct the test species sensitivity during the first year of the Permit term and submit the results in the CIMP will necessitate that all screening activities occur prior to submitting an IMP or CIMP. This will require Permittees to conduct the screening without approval of the screening approach or monitoring locations by the Regional Board. Ventura County Permittees are concerned that if the Regional Board has issues with the screening approach that was taken additional screening will need to be conducted and IMP or CIMP. Rather</p>	<p>No change. Ventura County Permittees are already required to monitor at their Mass Emission stations in Table E-3 of the MRP and their TMDL monitoring locations per Table E-2 of the MRP. Therefore, the expectation for Ventura County Permittees is to conduct the test species sensitivity screening at the receiving water mass emission stations identified in Table E-3 of the MRP and the approved TMDL monitoring locations. For the new Mass Emission station that Ventura County Permittees will propose in their IMP/CIMPs for the Malibu Creek subwatershed within</p>

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		<p>than running this risk, all monitoring, including sensitive species testing, should be conducted under an approved IMP or CIMP.</p> <p>The Ventura County Permittees request the following revisions: III.C.1.g: Test species sensitivity screening <u>approach</u> results for aquatic toxicity per Part IX.H.3 of this MRP.</p> <p>IX.H.3: During the first year of the <u>implementation of the IMP or CIMP permit term</u>, Permittees shall conduct a sensitivity screening to determine the most sensitive test species. The Permittees' IMP or CIMP <u>shall submit a letter to the Regional Board that includes the results of the test species sensitivity screening and identifies the most sensitive test species that will be used for aquatic toxicity monitoring in subsequent monitoring events.</u></p>	<p>Ventura County, Permittees may choose a sensitive species representative of that watershed/sub-watershed. The Board expects Permittees to choose a the most sensitive test species for the watershed/sub-watershed rather than a specific monitoring location. This expectation is further affirmed per Part IX.H.3 of the MRP which assumes that Permittees will conduct proximal receiving water monitoring.</p> <p>For Los Angeles County Permittees, the majority of whom are currently implementing an IMP/CIMP, the expectation is for them to conduct the test species screening at the currently approved receiving water monitoring locations. If there are anticipated new receiving water monitoring locations, Los Angeles County Permittees can still conduct the test species sensitivity screening at those monitoring locations assuming they are representative of that watershed/sub-watershed.</p> <p>Put differently, the screening is to assist Permittees in putting their IMP/CIMPs together, and the screening will inform which species are appropriate to use for testing in each watershed/sub-watershed.</p>

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			<p>With regards to the screening approach, Permittees shall follow the standard approach specified in Part IX of the MRP (e.g. EPA manuals, specified test species for freshwater, non-ocean marine waters, quality assurance, etc.). The Board does not need to approve the test species sensitivity screening procedures prior to the Permittee conducting the test species sensitivity screening unless the Permittee is proposing an alternative species for screening. If a Permittee is requesting an alternative species for screening, the new proposed alternative test species for screening is subject to Executive Officer approval per Part IX.H.1-2 of the MRP.</p>
D.3.16	VCSQMP	<p>Attachment E Part III.C.2.a. Page E-8. The language in this Part that states "unless otherwise directed by the Los Angeles Water Board." creates confusion and is not necessary as the CIMP will be approved by the Board.</p> <p>Delete "unless otherwise directed by the Los Angeles Water Board" from Part III.C.2.a.</p>	<p>Change made. Revised Part III.C.2.a of the MRP as proposed.</p>
D.3.17	Heal the Bay, the Natural Resources Defense Council, and Los Angeles Waterkeeper	<p><i>The Tentative Permit must require consistent monitoring at Mass Emission Stations for long-term data analysis.</i> Section III.C.3.b. of the MRP requires a "description of how the Permittee(s) is contributing to the monitoring of mass</p>	<p>No change. See response to comment I.5.17 regarding the requested change to Section III.C.3 of the MRP. The proposed language is unnecessary, considering the requirements for the Permittees' monitoring report in Part XIV.B.2 of the MRP. To</p>

#	Commenter(s)	Comment	Response
		<p>emission stations or a discussion of why monitoring at mass emission stations is not being supported.” In order to assess receiving water health and long-term trends in water quality, samples must be taken regularly, on schedule. We recommend the following changes to Section III.C.3 on page E-8 of the MRP:</p> <p>“b. A description of how the Permittee(s) is contributing to the monitoring of mass emission station or a discussion of why monitoring at mass emission stations is not being supported, <u>including a reasonable justification and supporting time-stamped photograph (demonstrating, for example, unsafe sampling conditions, no discharge, etc.) for any missing monitoring data, and a description of the duration of these conditions.</u></p> <p><u>c. If monitoring at mass emission stations is needed but not being supported, a Permittee(s) must demonstrate how the Permittee(s) will begin to support monitoring activities as quickly as possible.”</u></p>	<p>explain, the MRP has many of these requirements already, or the information will be discernable from what Permittees report. The Board will request additional information from Permittees when necessary.</p>
D.3.18	City of San Fernando, City of Agoura Hills, City of La Puente, City of La Cañada Flintridge, City of	Page E-9. Attachment E. Part III.D.1.a. "Within 18 months of the effective date of the Order, Los Angeles County Permittee(s) with an existing Monitoring Program(s), as listed in Table E-1 of this MRP below, shall submit an updated monitoring program(s)	No change. Per Part III.D.1.e of the MRP, Los Angeles County Permittees shall continue implementing their existing IMP/CIMP until the Executive Officer of the Los Angeles Water Board approves the updated Monitoring Program.

#	Commenter(s)	Comment	Response
	Hidden Hills, and Aleshire & Wynder, LLP	<p>for approval by the Executive Officer of the Los Angeles Water Board. Updates shall be consistent with applicable requirements in this MRP, monitoring provisions in applicable TMDLs, and specifically, with Attachments K through S of the Order."</p> <p>Will permittees be able to continue implementing their existing CIMP during the development of the revised CIMP?</p>	
D.3.19	City of San Fernando, City of Agoura Hills, City of Hidden Hills, and Aleshire & Wynder, LLP	<p>Page E-11. Attachment E. Part III.D.2. "Ventura County Permittee(s) shall develop an IMP or CIMP designed to satisfy the monitoring requirements in this MRP. Upon the effective date of the Order, Ventura County Permittee(s) shall submit a NOI to the Executive Officer of the Los Angeles Water Board describing whether it intends to develop in an IMP or CIMP. "</p> <p>Suggest 6 months from Permit effective date to submit an NOI</p>	Change made. See response to comment D.3.20.
D.3.20	VCSQMP	Attachment E Part III.D.2.a. Page E-11. The Ventura County Permittees conduct monitoring in coordination with multiple stakeholders. In the CCW, stormwater, wastewater, and agriculture organizations work together to implement a coordinated monitoring program. Time is needed to work with our partners to determine how to continue our coordinated monitoring approach under the new MS4 Permit. This	Change made. Revised Part III.D.2.a of the MRP, to give Ventura County Permittees 3 months after the effective date of the Order to submit a NOI, for consistency with the WMP schedule. The NOI shall reflect which Permittees intend to individually develop an IMP or collaborate with multiple Permittee to submit a CIMP. The NOI does not require the listing of non-Permittee partners. Therefore, agreements

#	Commenter(s)	Comment	Response
		<p>will take some time and will impact our ability to meet the deadline to submit an NOI on the effective date of the Permit indicating our intention to develop an IMP or CIMP. The challenges of coordination amongst multiple parties was recognized in the 2012 MS4 Permit, which allowed six months for LA County MS4 Permittees to submit an NOI.</p> <p>Given the need to coordinate with our wastewater and agricultural partners, the Ventura County Permittees request that the NOI submittal deadline be set at six months after the effective date of the new Permit consistent with the 2012 MS4 Permit.</p>	<p>with partner non-Permittees do not have to be in place before the submittal an NOI.</p>
D.3.21	VCSQMP	<p>Attachment E Part III.D.2 Table E-2. Page E-11. The TMDL Monitoring Plans summarized in Table E-2 include some inaccuracies that should be corrected. The Comprehensive Water Quality Monitoring Plan for the Santa Clara River Watershed was developed for a different purpose and should not be included in the TMDL monitoring plan table. The TMDL noted that the Mass Emission monitoring could be used as the first phase of the monitoring plan for the Santa Clara River Nutrient TMDL. Because the mass emission monitoring plan showed that the TMDL was being attained, additional monitoring was not necessary.</p>	<p>No change. By one year after the effective date of the TMDL (March 23, 2005), Permittees were required to submit a Work plan for monitoring. Section 10.5.3 (MS4 Monitoring) of the TMDL Staff Report states the following: “The Work Plans can include a phased approach in which initial monitoring will be provided by existing mass emission monitoring stations and selected storm drains, if necessary, as proposed by the MS4 permittees and approved by the Regional Board Executive Officer. If, as a result of first phase monitoring, nitrogen loads from the storm sewer system are found to be a significant source or cause exceedances of applicable</p>

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		<p>Remove the Comprehensive Water Quality Monitoring Plan for the Santa Clara River Watershed from Table E-2 and note that Mass Emission monitoring was used to address the TMDL requirements.</p>	<p>numeric targets for ammonia and/or nitrate + nitrite, the Work Plan will establish steps for further monitoring”.</p> <p>The Board did not receive a Work Plan (or any other information by which to determine that TMDLs were being attained) by March 23, 2005. Therefore, the Comprehensive Water Quality Monitoring Plan for the Santa Clara River Watershed was considered to be the Permittees’ Work Plan.</p>
D.3.22	VCSQMP	<p>Attachment E Part III.D.2 Table E-2. Page E-11. For the Calleguas Creek TMDLs in Table E-2, other than trash, a revised QAPP was submitted to the Regional Water Board in 2014 and a revised draft addressing comments from the Regional Water Board staff was submitted in September 2020. The submittal date of the revised QAPP should be referenced in the table to acknowledge that it was submitted and the RWQCB is reviewing the submittal. Additionally, revised monitoring plans for the Malibu Creek and Revolon Slough Trash TMDLs were submitted in August 2020. Similar to the Calleguas Creek TMDLs, the submittal of revised plans should be noted as footnotes to the Table.</p> <p>Add footnotes to Table E-2 to acknowledge the submittal of the revised Calleguas</p>	<p>Change made. Revised Table E-2 of the MRP to add the revised September 2020 CCW QAPP submittal, the August 2020 updated Malibu Creek TMRP, and the August 2020 updated Revolon Slough/Beardsley Wash TMRP.</p>

#	Commenter(s)	Comment	Response
		Creek QAPP in September 2020 and the Revised Malibu Creek and Revolon Slough Trash Monitoring Plans in August 2020.	
D.3.23	VCSQMP	<p>Attachment E Part III.D.2 Table E-2. Page E-11. The Ventura County Permittees were not subject the Santa Monica Beaches Bacteria TMDL when the Coordinated Shoreline Monitoring Plan was submitted and are not responsible parties to that monitoring plan. The monitoring plan for the Malibu Creek and Lagoon Bacteria TMDL should be identified as meeting the requirements for the Santa Monica Beaches Bacteria TMDL monitoring plan for Ventura County Permittees.</p> <p>Remove the Santa Monica Bay Beaches Bacteria TMDL Coordinated Shoreline Monitoring Plan from Table E-2 and include a note that Submission for the Malibu Creek and Lagoon Bacteria TMDL satisfies the requirement for the monitoring plan.</p>	<p>No change. See response to comment C.4.2.</p> <p>The TMDL assigns WLAs based on monitoring locations in the SMBBB TMDL coordinated Shoreline Monitoring Plan dated April 2004. Therefore, this Monitoring Plan is appropriate to cite in Table E-2 of the MRP. Furthermore, the SMBB Bacteria TMDL does not include compliance with the SMBB Bacteria TMDL through compliance with the Malibu Creek Bacteria TMDL.</p>
D.3.24	Heal the Bay, the Natural Resources Defense Council, and Los Angeles Waterkeeper	<p><i>The Tentative Permit must include sufficient receiving water monitoring locations.</i></p> <p>A priority objective of the MRP is to assess the overall health of and evaluate the long-term trends in receiving water quality. This is not possible without representative sampling locations and sufficient monitoring requirements. The Tentative Permit includes only three receiving water monitoring sites for Ventura County, listed</p>	<p>No change. As discussed in Part XII.D.1 of the Fact Sheet, Ventura County Mass Emission stations have been monitored since the early 2000s. As such, the Board has determined that these Mass Emission stations are representative of receiving water quality and appropriate to evaluate long-term trends. Furthermore, Part IV.A.1.c of the MRP requires Permittees to propose, in their IMP/CIMP, an additional</p>

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		<p>in Table E-3 under Section IV.A.1.a. of the MRP, and it is unclear if these sampling sites are representative of their receiving waters. According to Ventura County's 2010 MS4 Permit, Ventura County includes 488 miles of rivers and streams, 30 miles of coastal shorelines and beaches, 148,000 acres of bays, harbors, estuaries, lakes and reservoirs, 12,000 acres of sensitive ocean habitat (also known as Areas of Special Biological Significance), and 527,000 acres overlaying critical groundwater basins.</p> <p>[footnote] 1 Three receiving water monitoring locations are not representative or sufficient to monitor the quality of these Ventura County waterways. Considering this immense list of water resources within Ventura County, and that most of Ventura County falls under the jurisdiction of the Los Angeles Regional Water Quality Control Board, the Regional Board must reevaluate the number and location of the receiving water monitoring sites for Ventura County to ensure that activities conducted under the MRP provide the information necessary to assess overall health and evaluate the long-term trends.</p> <p>[footnote 1]: Los Angeles Regional Water Quality Control Board. 2010. <i>Fact Sheet / Staff Report</i>. Available at: STORM WATER AND NON-STORM WATER DISCHARGES FROM THE MUNICIPAL SEPARATE</p>	<p>receiving water monitoring location in the portion of the Malibu Creek subwatershed within Ventura County.</p> <p>Also note that as part of TMDL requirements, Ventura County Permittees are monitoring additional TMDL receiving water monitoring locations.</p>

#	Commenter(s)	Comment	Response
		STORM SEWER SYSTEM WITHIN VENTURA COUNTY WATERSHED PROTECTION DISTRICT, COUNTY OF VENTURA AND THE INCORPORATED CITIES WITHIN VENTURA COUNTY NPDES PERMIT (CAS004002)	
D.3.25	VCSQMP	<p>Attachment E Parts IV.A.1.c and IV.B.2. Pages E-14/16. Ventura County Permittees recognize the Regional Water Board's desire for monitoring in the Ventura County portion of the Malibu Creek Watershed. However, monitoring in Malibu Creek is challenging due to nature of the receiving waters and the limited and distributed MS4 area. The Ventura County Permittees approach to stormwater outfall monitoring is to conduct representative outfall monitoring at one location for each Permittee. This approach was approved by the Regional Water Board and meets the MRP goals. The outfall monitoring that is already being conducted is representative of the discharges to the Malibu Creek Watershed and a new outfall monitoring location is not needed. For the receiving water site, the Ventura County Permittees would like to propose limiting the required monitoring to TMDL monitoring and a two-year special study to characterize the receiving waters in the Malibu Creek Watershed for other constituents.</p>	<p>No change. With regard to the stormwater outfall approach of one location per Permittee, this approach is no longer appropriate for the Regional MS4 Permit. The nearest outfall monitoring location to the Malibu Creek subwatershed is MO-THO that is located within the City of Thousand Oaks. This outfall is located within the Calleguas Creek watershed, and therefore is not representative of the MS4 discharges in the Malibu Creek subwatershed. Therefore, a new outfall monitoring location representative of discharges to the Malibu Creek subwatershed is required.</p> <p>With regard to receiving water monitoring, the proposed approach of only conducting TMDL monitoring and special studies is insufficient. Similar to the discussion, above, of the outfalls, there are no nearby representative Mass Emission stations within the portion of the Malibu Creek subwatershed in Ventura County. Therefore, a new receiving water monitoring location representative of</p>

#	Commenter(s)	Comment	Response
		Request that the requirement to propose a receiving water and major outfall monitoring station in Malibu Creek Watershed in the IMP/CIMP be removed and replaced by a two year special study to characterize the receiving waters.	receiving water in the Malibu Creek subwatershed is required. However, Permittees can choose to use an appropriate existing TMDL monitoring location for their receiving water and outfall monitoring location.
D.3.26	VCSQMP	Attachment E Parts V.A.1 and V.A.5. Page E-16. Request that the underlined word be added, "...three times per water year during wet weather for all <u>applicable</u> parameters..." as the parameters may be reduced per section V.A.5. Add the underlined text, "...three times per water year during wet weather for all <u>applicable</u> parameters..." as the parameters may be reduced per section V.A.5.	No change. All parameters listed in Parts V.A.1 and V.A.5 of the MRP are required.
D.3.27	Los Angeles County and LACFCD 2 nd letter	Attachment E/ Part V.A 5 and V.B 5/ Pg. E-18-19. The Tentative Order states that Table E-6 screening must be started during the first water year of monitoring. The County and LACFCD will need adequate time to ensure that field and laboratory staff are prepared. This includes addressing any differences that arise between the 2012 permit and the Tentative Order RLs. The County and LACFCD request that Table E-6 screening be initiated the year following approval of the revised CIMPs.	No change. As described in Parts III.D.1.c and III.D.1.e of the MRP, Permittees are required to continue implementing the monitoring requirements under the previous 2012 Los Angeles County and the 2014 City of Long Beach MS4 Permits until their revised IMP/CIMPs are approved. Only then shall Permittees begin monitoring per the requirements specified in the Regional Permit. Therefore, Table E-6 screening shall be initiated the water year following the approval of the revised IMP/CIMPs.

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D.3.28	Los Angeles County and LACFCD	<p>Any new monitoring requirement should be commenced after the revised CIMP approval.</p> <p>Regarding the timing of the implementation of new monitoring requirements, the Tentative Order states that Table E-6 constituent screening and toxicity sensitivity screening is to be conducted during the first water year of monitoring. The County recommends that the new monitoring requirements be initiated a year following approval of the revised CIMPs due to the need for adequate time to revise the CIMPs to address any changes that arise in the Tentative Order, including potential changes in laboratory methods.</p>	<p>No change. See response to comment D.3.27 with regard to the schedule for Table E-6 and comment D.3.15 with regard to the schedule for the aquatic toxicity sensitivity screening.</p>
D.3.29	Heal the Bay, the Natural Resources Defense Council, and Los Angeles Waterkeeper	<p><i>The Tentative Permit must include sufficient water quality monitoring frequencies.</i></p> <p>Between the Working Draft released in December 2019, and the Tentative Permit released in August 2020, there were two significant reductions in monitoring frequencies. The first was a reduction in the required monitoring frequency for Aquatic Toxicity from 2 wet weather samples to 1 wet weather sample. The initial 2 wet weather samples proposed in the Working Draft were insufficient, and the reduction to 1 wet weather sample is unacceptable. The second monitoring frequency reduction was for Table E-6: Core Monitoring Constituents, reducing Year 1 monitoring frequency</p>	<p>No change. The MRP requires three wet- and two dry-weather receiving water sampling events. Parts V.A.5 and V.B.5 of the MRP specify the <i>screening</i> frequency (not monitoring frequency) of one wet- and one dry-weather sample for Table E-6 constituents. After the screening events in the first year of monitoring, Permittees are then required to monitor the Table E-6 constituent. If a Table E-6 parameter is at or below the RL, or the result is below the lowest applicable water quality objective for the weather condition where the exceedance was found, then the monitoring frequency shall be three wet- or two-dry weather events. Also, the one wet- and one</p>

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		<p>requirements from 3 wet weather and 2 dry weather monitoring events to only 1 wet weather and 1 dry weather monitoring events. As explained above, this type of reduction in monitoring frequency can make regional scale assessment and/or long-term assessment of water quality incredibly difficult and potentially unreliable. Considering that monitoring sufficient to evaluate compliance is required by Section 308(a) of the CWA, the Regional Board should require routine monitoring to be conducted quarterly, at a minimum, with reduced monitoring frequency eligibility limited only to discharges without an exceedance in the past five consecutive years. The Tentative Permit's Fact Sheet demonstrates that wet weather water quality exceedances are currently a frequent occurrence. Therefore, wet weather monitoring should be increased until compliance is demonstrated, and not decreased as they have been in the Tentative Permit.</p>	<p>dry-weather screening frequency is consistent with the screening frequencies in the current 2012 Los Angeles County and the 2014 City of Long Beach MS4 Permits.</p> <p>For consistency with the current MS4 Permits, the Regional MS4 Permit will continue to include aquatic toxicity provisions, in order to assess long term aquatic toxicity trends in the region.</p>
D.3.30	City of Los Angeles	<p>Attachment E, Part V.A.2.a.i and Part VI.A.2.a.i, Page E-17 and E-24. These provisions require the following: "Permittees shall target the first storm event of the water year with a predicted rainfall of at least 0.25 inch at a seventy percent probability of rainfall at least 24 hours prior to the event start time."</p>	<p>No change. Within the Los Angeles region, climate and geography vary between watersheds.</p> <p>As seen in below comments D.3.31 through D.3.34, various stakeholders have proposed different rainfall thresholds that are unique to their geographic locations. To</p>

#	Commenter(s)	Comment	Response
		<p>In order to avoid “false starts” (which can amount to \$125,000 in sampling costs alone in City-led watersheds), LASAN requests a change to the target criteria for the first storm event of the water year to a predicted rainfall of at least 0.5 inch. In four out of the five years of CIMP implementation, LASAN has experienced “false starts” in which the forecast criteria were met, but the storm did not deliver the sufficient rainfall for collecting runoff samples.</p>	<p>account for these differences, the IMP/CIMP provides Permittees the flexibility to propose sampling criteria per their watershed characteristics. Therefore, per Parts V.A.2.b, V.B.2 and VI.A.2.b of the MRP, Permittees can propose an alternative rainfall threshold in their IMP/CIMP.</p>
D.3.31	SGVCOG 2 nd Letter and ULAR Group	<p>Att.E. Part V.A.2.a.ii; Page E-17. The new provision for subsequent wet weather events could be interpreted to modify the current provision to target wet weather events greater than 0.25 inches of rain to greater than 0.1 inches of rain. If this is the case, the new minimum wet weather target would increase the risk of a false start, decrease the amount of runoff represented in the sample, and cause other event pacing issues. Recommend that the minimum wet weather target remain the same.</p>	<p>No change. See response to comment D.3.30. Also, to clarify, while wet weather is defined as greater than or equal to 0.1 inch of precipitation, for the purpose of mobilizing to sample, the first significant storm event requires a predicted rainfall of at least 0.25 inch at a seventy percent probability of rainfall at least 24 hours prior to the event start time.</p>
D.3.32	LLAR Group and LSGR Group	<p><u>Rainfall Sampling Trigger</u> Experience has shown that much of the rainfall from the first storm soaks into very dry ground. In addition, Southern California often has prolonged periods of winter dry weather. Raising the sampling trigger to "a prediction of greater than 0.33 inches in a</p>	<p>No change. See response to comment D.3.30.</p>

#	Commenter(s)	Comment	Response
		six-hour period" would reduce the number of false starts.	
D.3.33	PVP Group	Experience has shown that relying on a predicted rainfall amount of 0.25 inches results in numerous false starts. Raising the sampling trigger to a prediction of greater than 0.33 inches (within a set period such as 6 to 8 hours) would reduce the number of false starts and reduce unnecessary mobilization expenses.	No change. See response to comment D.3.30.
D.3.34	LCC Group	A third monitoring concern we have is the need to focus on representative storms to help focus water quality compliance efforts, as discussed in my presentation to the Regional Board on July 9, 2020. Some - perhaps many - of the exceedances of water quality standards are likely due to occasional very large storms that are not what EPA described as "representative storms" in its <i>NPDES Storm Water Sampling Guidance Document</i> (EPA Office of Water, July 1992, EPA 833-B-92-001). Section 2.7.1 of this document provides storm event criteria for sampling. The key element of the criteria is that the amount of rain should not vary by more than 50 percent of the average. We included in our June 28, 2017 Report of Waste Discharges an analysis of one extreme storm event and have recently been conducting analysis of 20 years of rainfall data at the Long Beach Airport to examine the skewing impact of	No change. See response to comment D.3.30. The water quality standards currently in place were not set considering a compliance mechanism for representative storms. Therefore, including monitoring requirements in the MRP based on representative storms is inappropriate. The compliance methods in the Regional MS4 Permit focus on monitoring and / or WMP participation. See Part X of the Order (Compliance Determination).

#	Commenter(s)	Comment	Response
		<p>non-representative storms in long term trend analyses of exceedances. We will provide our analysis to Regional Water Board staff when they are ready to review it. In addition, we make the following recommendations that we also made on July 9, 2020:</p> <p>The Regional Water Board should adopt monitoring requirements in the new Regional MS4 Permit that focus on representative storms as defined by USEPA.</p> <p>The new Regional MS4 Permit should specify that representative storms be defined as those storms between 50% and 150% of the average storm at the reference rain gauge over the past 10 years.</p>	
D.3.35	Los Angeles County and LACFCD 2 nd letter and City of Malibu	Attachment E/ Part V.A.2/ Pg. E-18. Key constituents like bacteria can only be held for less than 8 hours and need to be analyzed immediately by the lab. In addition, toxicity specimens must be shipped from specific labs which are often located outside of California and would require advanced notice to ship the specimens. A number of contract and municipal laboratories are not open on all holidays meaning that samples cannot be received and processed within holding times. As such, the City recommends that	No change. If a sample cannot be collected or analyzed due to exceedance of holding times (e.g. holidays, closed labs), the Permittee shall include this justification in their Monitoring Report per Part XIV.B.2.c.vii of the MRP. The Permittee would have limited flexibility to schedule storm sampling, but as long as the Permittee explains the missed sampling events in their Monitoring Report, the Board would not consider this a violation of permit requirements.

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		no storm sampling be required on U.S. Holidays and the day before and after that Holiday.	
D.3.36	SGVCOG 2 nd Letter and ULAR Group	Att.E. Part V.A.3; Page E-18. The new requirement to conduct receiving water wet weather monitoring within 6 hours of stormwater outfall-based monitoring may be infeasible for marine receiving water sites. Please provide guidance language for wet-weather monitoring at marine receiving water sites.	Change made. Footnote 5 (formerly footnote 3) of the MRP has been revised to include “marine”.
D.3.37	City of Long Beach	<p><u>Regarding Minimum Wet Weather Receiving Water Monitoring Requirements (Attachment E)</u></p> <p>Please provide clarification/guidance on the monitoring data and the relevant information for the 303 (d) exception. Additional clarification is needed as to what a permittee is required to provide in order to demonstrate that there is no MS4 source causing or contributing to the impairment in the receiving water.</p>	No change. Parts V.A.4.c and V.B.4.c of the MRP allow Permittees to request an exemption for monitoring specific 303(d) listed pollutant(s) in their IMP/CIMP under certain circumstances. Monitoring data and relevant information could include, but are not limited to, trend analysis demonstration of no exceedances, demonstration of a lack of cause and effect between outfall and receiving water data using sampling times, or that any of the exceptions set forth specifically in Parts V.A.4.c and V.B.4.c of the MRP apply. Permittees have the flexibility to provide whatever information they decide is helpful to provide to the Board. For further guidance, Permittees are encouraged to consult with the Board prior to proposing this modification in their IMP/CIMP.

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D.3.38	Los Angeles County and LACFCD	<p>Core Monitoring Constituents (Table E-6) Reporting Levels should stay consistent with those of the 2012 MS4 permit.</p> <p>Approximately 30% of Reporting Levels in Table E-6 Core Monitoring Constituents were reduced compared to the 2012 MS4 Permit. The County appreciates the Regional Board staff's efforts to obtain local laboratory RLs in this process. However, those RLs are based on tests on clean lab water, not stormwater. The County is aware of instances where a laboratory has provided an RL prior to project initiation only to report a higher RL on environmental samples due to potential matrix interference issues. In addition, in the Tentative Order, RLs for PCBs were drastically reduced to a pg/L (picogram per liter) level, requiring the Permittees to use the high-resolution method for PCBs. Because the high-resolution method is substantially expensive (standard method costs \$300; high-resolution method costs over \$1000 per sample), the County requests flexibility in determining where this method is used in the monitoring programs. For example, the current CIMPs already use the high-resolution method in many watersheds where TMDLs for bed sediments with allocations for PCBs associated with suspended sediment are in place. Each CIMP that monitors for PCBs takes an</p>	<p>Change made. Part II.H.7 of the MRP was revised to make Reporting Levels recommended instead of required. The table title for Table E-6 of the MRP was also revised to add "recommended". Furthermore, Parts XIII.D and F of the MRP were also removed because they no longer apply. For additional clarity, a reference to Part II.H.7 of the MRP was added to Parts V.A.5 and V.B.5 of the MRP. Part XII.E.3 of the Fact Sheet was also revised accordingly to explain that the RLs in the MRP are provided for guidance and are not required.</p> <p>Per updated Part II.H.1 of the MRP and Part XII.B of the Fact Sheet, all monitoring and sampling analysis shall be conducted in accordance with Part III of Attachment D, "Standard Provisions – Monitoring." It is Permittees' responsibility to ensure that whatever lab conducts the monitoring does so according to sufficiently sensitive test methods as defined in Part III of Attachment D. (See, 40 CFR § 122.21(e)(3); 79 Fed. Reg. 49001 (Aug. 19, 2014).) If a Permittee fails to use a lab that can (and does) conduct the most sensitive test method set forth in 40 CFR Part 136 for a particular pollutant, then the Permittee will be in violation of the monitoring and reporting requirements.</p>

#	Commenter(s)	Comment	Response
		<p>approach that was developed to address issues specific to the individual watershed. For these reasons, we request that the RLs in Table E-6 be consistent with the 2012 Permit.</p> <p>With these changes in the RLs in the Tentative Order, the monitoring cost will likely increase and divert the limited funds that can be otherwise used to implement water quality improvement projects.</p>	<p>Further, Permittees are strongly encouraged to seek out labs that employ methods sensitive enough to determine whether a particular effluent limit or water quality objective has been met. See discussion of Reporting Levels, Fact Sheet, Part XII.E.3.</p> <p>The Board recognizes that the use of more sensitive lab test methods could result in higher costs for Permittees. However, the use of test methods that produce unusable data due to high detection limits can be considered a wasted cost that could be avoided by using more sensitive test methods. For cost-effectiveness and attainment of conclusive results over time, the Regional Permit MRP encourages the use of most sensitive test methods. If Permittees choose to use more sensitive test methods, such as those that would attain the RLs in Table E-6 of the MRP, they can propose them in their IMP/CIMP.</p> <p>With regard to the survey to determine the recommended RLs, On April 2020, the Board requested information on lab analytical method capability from fourteen ELAP certified labs that Permittees most commonly use based on a stormwater matrix. Six ELAP certified labs responded</p>

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			<p>with the information requested. Accordingly, the RLs were set assuming a stormwater matrix and other factors discussed in Part XII.E.3 and Table F-25 of the Fact Sheet.</p> <p>With respect to costs, see response to comment H.1.2.d. It should be noted that Water Code section 13383 governs monitoring in NPDES permits, and that it does not contain an explicit legal requirement to consider costs and the need for monitoring and reporting. That said, the Los Angeles Water Board is concerned about the reasonableness of costs of monitoring and reporting requirements. Any changes to monitoring and reporting costs associated with the use of sufficiently sensitive test methods as defined in Part III of Attachment D are required as a matter of federal law to ensure compliance with effluent limitations and to protect water quality. (See, 40 CFR § 122.21(e)(3); 79 Fed. Reg. 49001 (Aug. 19, 2014).) Therefore, costs incurred to comply with monitoring and reporting requirements are necessary and will result in appropriate data needed to evaluate water quality impacts of the discharges and ensure that beneficial uses are protected. (See <i>In the Matter of the Petitions of the City of Oceanside, Fallbrook Public Utilities Dist.</i></p>

#	Commenter(s)	Comment	Response
			<i>and the Southern California Alliance of Publicly Owned Treatment Works, State Water Board Order WQ-2021-0005 at pp. 12, 13.)</i>
D.3.39	Los Angeles County and LACFCD 2 nd letter	<p>Attachment E/ Table E-6/ Pg. E-20-23 and Attachment F/ Table F-25/Pg. F-232. Reporting limits (RLs) for approximately 30% of the constituents listed in Table E-6 have decreased. For certain constituents, the decrease is greater than two orders of magnitude. The County and LACFCD appreciate the efforts Regional Board staff went through to obtain local laboratory RLs. However, those RLs are based on tests on clean lab water, not stormwater. The County and LACFCD are aware of instances where a laboratory has provided an RL prior to project initiation only to report a higher RL on environmental samples due to issues outside of our control. In basing the RLs on a single survey of labs without consideration of the potential matrix interference issues posed by environmental samples, the Regional Board has essentially made Permittees responsible for the ability of third-party vendors to meet their permit requirements. This is infeasible and inappropriate.</p> <p>Additionally, the RL for some constituents are set below the lowest lab MDL in LA County: Dibenzo(a,h)anthracene,</p>	Change made. See response to comment D.3.38. For additional discussion of RLs for PCBs, see response to comment D.3.8 and D.3.9.

#	Commenter(s)	Comment	Response
		<p>Phenanthrene, Pyrene, beta-BHC (very close to MDL), delta-BHC (very close to MDL), These RLs should be set at least above the lowest lab MDL. Additionally, the RLs will require the use of methods that are not 40CFR approved. For example, the MRP requires the use of high resolution methods for PCBs. However, the high resolution method, 1668C, has not been approved for use at 40CFR Part 136.</p> <p>The County and LACFCD recognize that Part XIII.F of Attachment E states “For priority toxic pollutants, if the Permittee can demonstrate that a particular RL is not attainable...the lowest quantifiable concentration of the lowest calibration standard analyzed by a specific analytical procedure...may be used instead of the RL listed in Table E-6...The Permittee must submit documentation from the laboratory to the Los Angeles Water Board Executive Officer for approval prior to raising the RL for any constituent.” However, as explicitly stated, Part XIII.F only applies to priority toxic pollutants. Furthermore, the requirement for each Permittees (or even watershed management groups for that matter) to obtain documentation demonstrating the unattainability of particular RLs from laboratories seems inefficient and potentially troublesome as</p>	

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		<p data-bbox="621 235 1125 300">laboratories may provide conflicting information.</p> <p data-bbox="621 344 1251 1360">Lastly, Table E-6 within the Tentative Order requires significantly lower RLs for constituents that are consistently detected in samples when compared to RLs presented in Table E-2 of the 2012 Permit. Analyzing consistently detected constituents with increased precision does not provide a tangible benefit as these common constituents are already known to be present, and the RLs for these common constituents should remain the same as the 2012 permit. For instance, in examining all 1,102 nitrate samples collected in the Los Angeles River Watershed between 2001-2019, nitrate was detected at or above the 2012 RL of 0.1 mg/L 1,094 times (99%). If the proposed nitrate RL of 0.05 mg/L listed in Table E-6 were to be implemented, only 4 additional nitrate samples would be reported based on estimated values. In this specific example, the proposed RL would result in an additional 0.36% of nitrate samples reported in the dataset, while the Permittee could shoulder greatly increased laboratory costs. These funds could instead be spent on meaningful control measures to address constituents which are already known to cause impairments.</p>	

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		<p>As such, the County and LACFCD request that RLs remain at the same levels as listed in the 2012 MS4 Permit. If the Regional Board continues to feel the need to lower RLs, the County and LACFCD encourages the Regional Board to form a working group that can evaluate the appropriateness and the consistent attainability of each RL in greater detail prior to requiring the RL within the MS4 Permit.</p>	
D.3.40	VCSQMP	<p>Attachment E Part V.A.5 Table E-6. Page E-19-23. In establishing Reporting Levels (RLs) for monitoring programs a number of factors need to be considered. Key considerations in stormwater monitoring in addition to attaining the lowest RL include ensuring methods are approved under 40 CFR, the potential need for dilution to address matrix interference from high levels of suspended solids and organic material, and regulatory guidance such as the State implementation Policy (SIP). The RLs identified in Table E-6 do not appear to consider factors other than attaining the lowest RL. Not all of the methods identified Table E-6 are approved under 40 CFR 136. This approach raises concerns about the appropriateness of using such methods in the context of NPDES monitoring and appears to create a conflict in the requirements in Attachment E to use approved methods. The suggested RLs are</p>	<p>Change made. See response to comment D.3.38.</p> <p>To the extent that Ventura County Permittees are asking for the reasonable potential analysis (RPA) used in POTW NPDES permits or industrial discharge NPDES permits to be used to set the RLs, this is not appropriate. Stormwater is not subject to the same SIP RPA analysis to which other surface water discharges are subject. (See, SIP, fn. 1.) That said, the SIP is relevant to reporting levels, as explained in the definition of “Reporting Levels” in Attachment A of the Order.</p>

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		<p>based on a single survey of local laboratories. It does not appear that the survey considered the implications of conducting the laboratory analysis on the complex water matrices that are monitored under a stormwater program. Nor did the survey engage stormwater permittees that have significant experience dealing with laboratories. Ventura County Permittees often receive results from laboratories where the RLs have been adjusted due to dilution necessary to deal with matrix interference. As examples,...[sic] Because of these issues the Ventura County Permittees consider it inappropriate to establish RLs based on a single limited survey. It is the MS4 Permittees who have enforceable permit provisions not the laboratories. The MS4 Permittees face noncompliance if RLs are not met due to matrix interference, a clearly known issue, if the surveyed labs (or any other lab) does not meet the RLs. Lastly, numerous RLs are set below the minimum levels (MLs) identified in the SIP Appendix 4. Neither Attachment E, nor Attachment F (Fact Sheet), provide information on how the RLs correspond to the analytical methods for reporting a sample in accordance with the SIP. Lastly, no other NPDES Permittees in the Region appear to have RLs established</p>	

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		<p>using the approach taken in the Tentative Order.</p> <p>Rather than taking an inconsistent approach to NPDES monitoring, the Ventura County Permittees request the approach utilized to establish RLs in wastewater NPDES permits in the region be utilized. This approach is primarily based on utilizing the SIP approved MLs with consideration given to utilizing more sensitive MLs that are demonstrated to be attainable and are consistent with 40 CFR requirements. Using a similar approach, MS4 Permittees will outline the RLs and provide sufficient justification for the selection of the RLs in the IMPs or CIMPs and the Regional Board will have the opportunity to approve the RLs. Additionally, the Regional Board could convene a working group of MS4 Permittees, laboratories, and other interested parties to develop RLs that are used in IMPs and CIMPs that consider the factors outlined above.</p>	
D.3.41	City of Los Angeles	Attachment E Part V.A.5 and V.B.5, Page E-18 and E-19. Screening all parameters listed in Table E-6 is an extremely resource intensive endeavor. With the additional analytes that were not included in the 2012 Permit and accounting for the additional volume necessary for quality assurance/quality control (QA/QC) samples	No change. See response to comment D.3.27.

#	Commenter(s)	Comment	Response
		<p>(e.g., field duplicate) and lower RLs, a robust, full-sized autosampler may not be able to store enough volume for all parameters to be monitored. Given the City's bottle inventory and available monitoring staff (including consultant support), it is infeasible to swap bottles mid-storm at the current number of sites at which Table E-6 screening parameters are anticipated to be collected. Additionally, the CIMP will not be updated until within 18 months of the effective date of the Order (see page E-9). LASAN will need time to ensure field and laboratory staff have sufficient time to prepare for the monitoring (including addressing any potential differences in the 2012 Permit and Tentative Order Reporting Levels). Flexibility needs to be provided to program managers to screen for Table E-6 parameters during the first significant rain event of the water year after CIMP approval over a two-year period so that more field staff can be dedicated to monitoring and switching sample bottles at a manageable number of high-volume monitoring locations. As such, LASAN requests the following revisions to this provision:</p> <p>“Additionally, the screening parameters in Table E-6 of this MRP shall be monitored during wet weather in <u>one of the first two</u></p>	

#	Commenter(s)	Comment	Response
		water years of <u>monitoring following the approval of the revised CIMP under this MRP</u> during the first significant rain event of the water year.”	
D.3.42	City of Los Angeles	Attachment E Table E-6, Pages E-20 to E-23 and Fact Sheet Table F-26, Page F-232. Table E-6 of the MRP requires lower reporting levels (RLs) for 40 constituents ranging from a 12% reduction to a 98.7% reduction (with an average reduction of 63%) when compared to Table E-2 of the 2012 Permit. Thirty of the RLs that were lowered are set below the minimum levels (MLs) corresponding to the approved analytical methods for reporting a sample result from Appendix 4 of the State implementation Policy (SIP). The Fact Sheet does not establish how the proposed RLs correspond to the approved analytical methods for reporting a sample result either from Appendix 4 of the SIP in accordance with section 2.4.2 of the SIP or established in accordance with section 2.4.3 of the SIP. Rather, as outlined in the Fact Sheet, the majority of the RLs were reduced based on a survey of commercial labs in Los Angeles County. Labs provide RLs developed using lab water (consistent with standard procedures) rather than providing information demonstrating RL attainment in varying environmental samples, unless specifically requested. A single survey of	Change made. See response to comment D.3.38.

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		<p>labs without incorporating the experience of the Permittees gained over 20 plus years of monitoring in the region, including five years of CIMP implementation, does not provide sufficient information or justification to establish the proposed RLs. Further, by incorporating the results of the survey into the MRP, the Regional Board is essentially making the Permittees responsible for the third-party labs' ability to attain RLs. If those same labs are unable to meet the RLs provided in the survey due to changes in their techniques, equipment, or matrix interference that is common in stormwater samples, the Permittees would be responsible and could be found in non-compliance with the Permit.</p> <p>Based on the available information, it does not appear that the Regional Board considered the issues with using different RLs from different labs for pollutants. Using six different labs represents logistical challenges and increases the potential for quality control issues. This is of particular concern when considering using multiple labs for constituents within the same classification. For example, total nitrogen is the sum of three different constituents: Total Kjeldahl Nitrogen (TKN), Nitrate as Nitrogen and Nitrite as Nitrogen. Table F-26 provides RLs from two different laboratories. This</p>	

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		<p>could necessitate sending samples to two different laboratories, receiving the results, addressing any separate quality assurance/quality control issues, and then summing the results.</p> <p>Additionally, it does not appear that the necessity for maintaining low RLs or reducing RLs was fully evaluated. For example, the 2 mg/L total suspended solids (TSS) RL retained from the 2012 Permit does not consider that the standard RLs used by most labs range from 4 – 20 mg/L (note that the lowest RL reported in the Regional Board’s survey was 4 mg/L). There are no water quality goals presented for TSS and TSS is typically above the 4 – 20 mg/L range in environmental samples. As such, it is unclear why there is a need to maintain such a low RL.</p> <p>LASAN requests that the Regional Board incorporate language into the MRP that allows modifications to the RLs as part of the CIMP development and adaptive management process. Further, given the Regional Board has based the decision to establish RLs on a survey of labs, the Regional Board should include language allowing the Permittees to demonstrate that non-attainment of an RL contained within an approved CIMP due to a laboratory’s</p>	

#	Commenter(s)	Comment	Response
		<p>inability to attain the RL does not constitute a violation of the MRP.</p> <p>LASAN is open to working with the Regional Board and other stakeholders through a public workshop or other process to develop the technical information necessary to support revisions to the RLs.</p>	
D.3.43	SGVCOG 2 nd Letter and ULAR Group	<p>Att.E. Part VI.A.5.b.i.(a); Page E-25. The new requirement for flow-weighted composite samples to have a minimum of 3 samples per hour that are separate by at least 15 minutes is infeasible due to rainfall variability. Generally, as flow increases, the sampling frequency increases. The beginning and ending of an event can sample at a rate less than three times per hour, and middle of an event can sample at a rate less than once every 15 minutes. Recommend that the minimum samples and rate serve more as guidelines and targets rates rather than requirements.</p>	<p>No change. Part VI.A.5.b.i.(b) (Part VI.A.5.b.iii of the revised Tentative) of the MRP allows Permittees to propose an alternative in their IMP/CIMP.</p>
D.3.44	City of Santa Paula, City of Port Hueneme, City of Simi Valley, City of Ventura, City of Thousand Oaks, and County of Ventura	<p>Provide alternative options for implementing the non-stormwater discharge requirements to allow a better focus on addressing the sources of the discharges.</p>	<p>No change. Permittees are required to address the sources of discharges through the Illicit Discharge Detection and Elimination (IDDE) program, and additionally, screen their outfalls for significant non-stormwater discharges. Per Part VII.D.1.(b) of the MRP, Ventura County Permittees may propose in their IMP or CIMP an alternative source investigation schedule if they can</p>

#	Commenter(s)	Comment	Response
			demonstrate an equivalent level of source investigation and abatement.
D.3.45	VCSQMP	<p>Attachment E, Part VII.C.6. Page E-26. "If the Permittee determines that the sources of the illicit discharge originates within an upstream jurisdiction, the Permittee shall notify the upstream jurisdiction and the Los Angeles Water Board within 30 days of such determination and provide all information collected regarding efforts to identify its source."</p> <p>Ventura County MS4 Permittees and other NPDES Permittees have been working closely on addressing and responding to illicit discharge reports. Our MS4 Systems are mostly separated from each other by open space or agricultural fields; however, if it is determined that discharge originates from jurisdiction other than the one who received report, it is being referred within less than 24 hrs. for further investigation and reports. MS4 Permittees do not conduct discharge investigations within each other jurisdictions, but focus on its own jurisdiction per Permittee's Progressive Enforcement procedures. All reports and investigations are reported to Los Angeles Regional Water Board annually in Ventura Annual Stormwater Report. Please remove this requirement for Ventura County MS4s,</p>	<p>No change. All Permittees shall implement this provision when applicable. Permittees are not required to conduct discharge investigations within another jurisdiction. They are only required to "provide all information collected regarding efforts to identify its source." This provision does not cause any duplicative effort on the part of Ventura County MS4 Permittees.</p>

#	Commenter(s)	Comment	Response
		<p>because it is duplicative and unnecessary effort.</p> <p>Please remove the following requirement for Ventura County Permittees:</p> <p>“If the Permittee determines that the sources of the illicit discharge originates within an upstream jurisdiction, the Permittee shall notify the upstream jurisdiction and the Los Angeles Water Board within 30 days of such determination and provide all information collected regarding efforts to identify its source.”</p>	
D.3.46	VCSQMP	<p>Attachment E Part VII.D.1.a. Page E-27. Proposed Tentative Draft Order requires completion of 50% of outfall screening within 3 years and remaining 50% and total 100% within 4 years. Ventura MS4 Permittees request additional 1 year, for a total of 5 years to complete.</p> <p>Revise requirement to allow for 5 years to complete this screening requirement.</p>	<p>Change made. Part VII.D.1.a of the MRP and Part XII.G.3.c of Attachment F have been revised.</p>
D.3.47	VCSQMP	<p>Attachment E Part VII.E.5. Page E-28. Section states: "If outfall monitoring results during the first water year of this MRP do not exceed a water quality standard, the Permittee may conduct field observations (as described below) for that outfall instead of monitoring per Part VII.E.2 of this MRP." Permittees are requesting 5 years to</p>	<p>Change made. Parts VII.E.4 through 6 of the MRP have been revised to add the underlined “the first year <u>of monitoring</u>” to clarify that the provisions apply to the first water year that Permittees are required to monitor under their approved new or revised IMP/CIMP under the Regional MS4 Permit.</p>

#	Commenter(s)	Comment	Response
		<p>complete the screening. As such, no monitoring will occur during the first water year of this MRP.</p> <p>Change wording to "If outfall monitoring results during the first year of monitoring water year of this MRP do not exceed a water quality standard, the Permittee may conduct field observations (as described below) for that outfall instead of monitoring per Part VII.E.2 of this MRP"</p>	<p>A universal change was also made to the MRP to remove the phrase "under/of this MRP" where "water year" is referenced. Permittees are required to implement the monitoring and reporting requirements upon approval of their new or revised IMP/CIMP under the Regional MS4 Permit. Until the new or revised IMP/CIMP is approved, Permittees shall continue implementing their existing monitoring program per Part III.D of the MRP.</p>
D.3.48	VCSQMP	<p>Attachment E Part VII.E.6. Page E-28. Request clarification to the following "If outfall monitoring results during the first water year of this MRP exceed a water quality standard, the Permittee shall continue to monitor those outfalls two times a year."</p> <p>Request to add the underlined text "If outfall monitoring results during the first water year of this MRP exceed a water quality standard, the Permittee shall continue to monitor those outfalls <u>for the exceeded parameters</u> two times a year."</p>	<p>Change made. Part VII.E.6 of the MRP has been revised to add "for the exceeded parameters".</p>
D.3.49	LCC Group	<p>A second concern we have with the monitoring component of the Monitoring and Reporting Program is with the Aquatic Toxicity Monitoring Methods (Section IX of Attachment E). The specification of four freshwater aquatic toxicity species and the</p>	<p>No change. <i>Pimephales Promelas</i> was carried over from the current permits. Furthermore, <i>Pimephales Promelas</i> tended to be most sensitive to ammonia in the past and while detections at toxic concentrations</p>

#	Commenter(s)	Comment	Response
		<p>test species sensitivity screening requirements should both be modified. Our recommendations are partially based on the experience of our monitoring consultants, Kinnetic Laboratories; partially based on discussions with representatives from Enthalpy Analytical, an ELAP, NELAP, DOD, and SCAQMD accredited laboratory; and partially based on SWAMP Technical Memorandum TM-2015-0001, which states that, "Because pesticides are usually detected in mixtures (USGS, 2006), the use of more than one toxicity test organism is recommended if multiple pesticides are present or suspended, and if the monitoring budget allows for it."</p> <p>First, we recommend that <i>Pimephales promelas</i> (Fathead Minnow) be removed from the list of test species in Table E-7 because it is no longer considered a sensitive species, especially with respect to pesticides. Previous testing and experience by others has demonstrated that this species is less sensitive than <i>Ceriodaphnia dubia</i> to toxicity in stormwater and urban runoff, especially for metals. The State Water Board has recently confirmed that <i>Ceriodaphnia dubia</i> is sufficiently sensitive to predict the toxicity of effluents. In addition, SWAMP Technical Memorandum 2015-0001 indicates that fathead minnows</p>	<p>of ammonia are reduced, ammonia toxicity may still at times occur.</p> <p>However, if the use of <i>Pimephales Promelas</i> for aquatic toxicity sensitivity screening poses a hardship to the Permittee, Parts IX.H.1 (for freshwater) and IX.H.2 (for non-ocean marine waters) of the MRP allow Permittees to submit a written request for an alternative test species for the sensitivity screening, subject to Executive Officer approval.</p>

#	Commenter(s)	Comment	Response
		<p>are less sensitive to current use pesticides than <i>Hyallela azteca</i>, <i>Chironomus dilutus</i>, and <i>Ceriodaphnia dubia</i>. Furthermore, consultation with Enthalpy Analytical indicated that to be prepared for a possible TIE related to <i>Pimephales promelas</i>, it would require the collection of 70-80 liters of water to conduct the toxicity tests as well as the possible TIEs since 80% of the water must be renewed daily during the toxicity test and follow-up treatments. To be prepared for a TIE related to the other three species would probably require collecting a combined total of only 25-35 liters of water.</p>	
D.3.50	SGVCOG 2 nd Letter and ULAR Group	<p>The additional aquatic toxicity monitoring requirements will require time to fully review. While the costs of monitoring these four freshwater species will be extremely high, without additional analysis, permittees will not be able to estimate the actual compliance costs. Since Permittees cannot evaluate the cost of compliance, the LARWQCB cannot evaluate the financial impacts of this new requirement. We recommend that the Permit acknowledge this gap and provide a pathway for potential adaptations to the aquatic toxicity monitoring requirements once sufficient cost analyses are complete.</p>	<p>No change. To balance the anticipated increased costs from the test species sensitivity screening, aquatic toxicity monitoring requirements are refined in the MRP to decrease costs. See response to comment D.3.59. Additionally, changes were made to remove ocean water aquatic toxicity monitoring. (See <i>In the Matter of the Petitions of the City of Oceanside, Fallbrook Public Utilities Dist. and the Southern California Alliance of Publicly Owned Treatment Works</i>, State Water Board Order WQ-2021-0005 at pp. 12, 13.)</p>
D.3.51	LCC Group	<p>We further recommend that the species sensitivity screening requirement be deleted from the Tentative Order. The world of</p>	<p>No change. See response to comment D.3.49.</p>

#	Commenter(s)	Comment	Response
		<p>pesticides is complex and changing. Since the use of diazinon and chlorpyrifos was restricted in the 1990s, there has been a major transition to pyrethroids. Fipronil and imidacloprid, a neonicotinoid, now have greater use, especially in agriculture. Significant research concerning the sensitivity of various test species continues with an emphasis on 96-hour tests, but with some lasting 10 or even 28 days. However, the use of <i>Ceriodaphnia dubia</i> as a test species continues to be widespread and well supported, as demonstrated during the December 1, 2020 State Water Board hearing on the Toxicity Provisions. The environmental community strongly supported its use, as did Mark Gold, Deputy Secretary for Ocean and Coastal Policy for the California Natural Policy Agency.</p> <p>Based on a review of current practices and research, we recommend that the following process be included in the Regional MS4 Permit:</p> <ol style="list-style-type: none"> 1. Permittees should be allowed to continue using <i>Ceriodaphnia dubia</i>, currently used in most monitoring programs, as the principal test species. 2. During the first three years of monitoring pursuant to the revised CIMPs and IMPs, Permittees should also use <i>Hyalella azteca</i> 	<p>The aquatic toxicity screening protocols, including the screening requirements in the Regional MS4 Permit are consistent with the current 2012 Los Angeles County, 2014 City of Long Beach, and the 2010 Ventura County MS4 permits. The current 2012 Los Angeles County and the 2014 City of Long Beach MS4 Permits allow the Permittees to use a sensitive test species that had already been determined, or if there was prior knowledge of potential toxicant(s) and a test species was sensitive to such toxicant(s). Based on the current permits' implementation, toxicity data results were not informative about water quality. The Board determined that the use of current literature to choose the most sensitive test species is not sufficient. Therefore, the Regional MS4 Permit MRP requires screening for the most sensitive species instead of allowing Permittees to choose species from existing studies.</p> <p>Species have varying degrees of responses to toxic pollutants based on the toxicological properties of the pollutant. Selection of the most sensitive species is an important component in detecting toxicants in effluent or a receiving water body. Determining the most sensitive species will protect other species present in the waterbodies that are more resistant to</p>

#	Commenter(s)	Comment	Response
		<p>or <i>Chironimus dilutus</i> as test species, depending on whether pyrethroids or a combination of fipronil and its degradedates and imidacloprid are the most common pesticides detected in the receiving waters.</p> <p>3. After the third year of monitoring, Permittees should reassess the mixture of pesticides and recertify the two appropriate test species to use during the next three years.</p> <p>These recommendations, if incorporated in the MS4 Permit, will make the pesticides monitoring program more effective and possibly more affordable to Permittees.</p>	<p>the same toxic effluent. The Los Angeles Water Board concurs with State Board's findings that <i>Ceriodaphnia dubia</i> is one of the sufficiently sensitive species. However, as discussed above, it is unknown at this time if this is the case for all watersheds within the Los Angeles Region. Therefore, the MRP requires Permittees to use <i>Ceriodaphnia dubia</i> as one of the test species for the aquatic toxicity sensitivity screening in freshwater.</p> <p>The MRP requires a limited-time test species sensitivity screening. Based on the results, Permittees are required to select the most sensitive test species and conduct monitoring using the most sensitive test species thereafter.</p> <p>As the commenter points out, pesticide (and other pollutant) use, and presence in stormwater, changes over time. Which species is most sensitive and therefore most able to reveal the toxicity of the stormwater will also change over time, and, therefore, should periodically be reassessed. The aquatic toxicity screening protocols are adequate and necessary for ensuring compliance with the Tentative Order.</p>

#	Commenter(s)	Comment	Response
D.3.52	SGVCOG 2 nd Letter and ULAR Group	<p>Att.E. Part IX.H.1-3; Page E-30 – E-31. The requirement to test four freshwater species will add substantial labor, cost and volume requirements for the first year of monitoring. Increased volume requirements will make it more difficult to collect sufficient volume of water through flow compositing. This will also likely result in adjacent watersheds evaluating different sensitive species and result in a lack of consistency with aquatic toxicity monitoring. Unclear how results of the test would be assessed if not consistent across test species.</p> <p>Please provide reasoning for the requirement to test four freshwater species.</p> <p>Please also consider the proposed Urban Pesticide Amendments' Statewide Coordinated Monitoring Program. Recommend including some language in the Permit to advise Permittees on the Board's stance on joining the Urban Pesticide Amendment and what the process would be for opting into this program.</p>	<p>No change. See response to comment D.3.51.</p> <p>The Urban Pesticides Amendments (UPA) and the UPA's coordinated monitoring program are anticipated to be completed in 2023. Due to the incomplete nature of the UPA and the monitoring program therein, the Board does not currently have enough information to acknowledge it in the Tentative Permit. However, once the UPA are completed, the monitoring program or pieces thereof may be incorporated into future Permits if the Los Angeles Water Board finds it appropriate to do so.</p>
D.3.53	VCSQMP	<p>Attachment E Part IX.H.3. Page E-31. Section states: "Test Species Sensitivity Screening. During the first year of the permit term, Permittees shall conduct a sensitivity screening to determine the most sensitive test species." This requirement involves monitoring before the approval of</p>	<p>No change. See response to comment D.3.15.</p>

#	Commenter(s)	Comment	Response
		<p>the IMP/CIMP. Request monitoring be conducted after the IMP/CIMP is approved to ensure correct stations are monitored.</p> <p>Modify this section per the following: "Test Species Sensitivity Screening. <u>During the first year after approval of IMP/CIMP</u> During the first year of the permit term, Permittees shall conduct a sensitivity screening to determine the most sensitive test species."</p>	
E.3.54	Los Angeles County and LACFCD 2 nd letter	Attachment E/Part IX.H.3/ Pg.E-31. The Tentative Order states that a test species sensitivity screening must be conducted during the first year of the Permit term. Before such toxicity screening is initiated, the field and lab methods and associated quality assurance/quality check protocol need to be incorporated in to the CIMPs. The County and LACFCD request that toxicity screening be initiated the year following approval of the revised CIMPs.	No change. See response to comment D.3.15. The Board does not expect Permittees to include the field and lab methods and associated quality assurance/quality control protocols in their IMP/CIMPs prior to conducting their toxicity screening.
D.3.55	VCSQMP	Attachment E Part IX.H.3. Page E-31. The language in this section: "After this screening period, subsequent monitoring shall be conducted using the most sensitive test species (i.e., 1 chronic freshwater species, 1 acute freshwater species, and/or 1 marine and ocean waters species)" is confusing as to what species will need to be monitored at each site. Per the discussion at the November 19, 2020 monitoring workshop, the Permittees request that the	Change made. Part IX.H.3 of the MRP was clarified to state that after the most sensitive test species screening per Parts V.A.4.g and V.B.4.g of this MRP are determined, Permittees are required to conduct subsequent monitoring for the most sensitive test species, which may require an acute test or a chronic test, depending on which species was found to be most sensitive. Permittees may determine that different species are most

#	Commenter(s)	Comment	Response
		<p>language be modified to make it clear that only one test species is required to be monitored at each location after the species sensitivity testing is completed.</p> <p>Modify this language to clarify that only 1 species per site is required for toxicity testing.</p>	<p>sensitive in dry weather and in wet weather and, for subsequent toxicity testing, shall use the species found to be the most sensitive per the weather condition.</p>
D.3.56	LLAR Group and LSGR Group	<p><u>Regarding Monitoring Requirements</u> A considerable increase in Test Species Sensitivity Screening is proposed in the tentative Permit. This will introduce an increase in cost, the need to collect considerably larger volumes of water, and an element of inconsistency to the monitoring. For example, one series of toxicity tests may identify one species as most sensitive, while the next series of tests could reveal a different sensitive species. WMGs should be able to select one species based on current knowledge of local receiving waters and stick with that species though a minimum five-year monitoring cycle. <i>C. dubia</i> was selected previously by the LLAR WMG as the most sensitive species. This species has the advantage of being easily maintained in in-house mass cultures. The simplicity of the test, the ease of interpreting results, and the smaller volume necessary to run the test make the test a valuable screening tool. The ease of sample collection and high sensitivity of <i>C.</i></p>	<p>No change. See response to comment D.3.51.</p>

#	Commenter(s)	Comment	Response
		<p>dubia supports assessing the presence of ambient receiving water toxicity or long-term effects of toxic stormwater over time. If the Regional Board is concerned that one species may not be sensitive enough at one time or another, perhaps that species is not appropriate and should be removed altogether from the list of potential sensitive species. The LLAR WMG would rather the Regional Board specify one or two test species to use based on current knowledge instead of performing a limited study that could very well provide no meaningful results.</p>	
D.3.57	PVP Group	<p>The proposed increase in frequency of Test Species Sensitivity Screening has the potential to change the most sensitive species on a more regular basis, introducing an element of inconsistency that would hinder long-term evaluations. Watershed groups should be able to select one sensitive species through the five-year monitoring cycle. For example, there is an effort underway to restore abalone and their reef and kelp bed ecosystems off the PVP coast. The PVP Group should be allowed to choose abalone larvae as the sensitive species through the five-year monitoring cycle of the next Permit.</p>	<p>No change. See response to comment D.3.51.</p> <p>Parts IX.H.1 (for freshwater) and IX.H.2 (for non-ocean marine waters) of the MRP allow Permittees to submit a written request for an alternative test species for the sensitivity screening, subject to Executive Officer approval. If Permittees request substitution of the non-ocean marine waters test species for the sensitivity screening, then the <i>Haliotis rufescens</i> (red abalone) for larval development is an acceptable alternative.</p>
D.3.58	ULAR Group	<p>The sensitive species testing also presents potential challenges and inefficiencies if any tests fails the QA/QC metrics and</p>	<p>No change. See response to comment D.3.51.</p>

#	Commenter(s)	Comment	Response
		<p>inconsistencies of selected test species across adjacent watersheds. We recommend the Permit identify one species across the Los Angeles region for consistency and cost effectiveness.</p>	
D.3.59	ULAR Group	<p>The Group recommends revising the toxicity requirements to the 5-day acute toxicity testing, rather than chronic toxicity criteria, which would better align with conditions observed in the region. The region rarely has storm events longer than a few days. Previous studies conducted by the SMC identified multiple complications with the toxicity testing and differences between laboratory analyses which bring in subjectivity. The SMC toxicity laboratory intercalibration exercise looks to address some of these challenges; however, the subjectivity of toxicity testing remains and could be of particular concern given the new requirement of test species sensitivity screening for four species being required in the Tentative Permit.</p>	<p>Change made. The effects of storms on conditions in receiving waters can last multiple days and the potential chronic effects on aquatic life from a storm can occur over multiple days. The Regional MS4 permit requires both acute and chronic toxicity tests to be included in sensitivity testing because the acute test measures lethality and the chronic test measures sublethal effects, such as less reproduction and effects on feeding or prey avoidance. Either effect may be most sensitive and useful. Both are necessary to understand toxicity in effluent or a receiving water as well as determine whether designated beneficial uses are fully supported. Part IX.H.3 of the MRP has been revised to clarify that the most sensitive toxicity test may not necessarily be a chronic test in wet weather.</p> <p>A footnote was added to Part XII.J of the Fact Sheet referencing the SCCWRP Technical Report 956 (December 2016).</p>

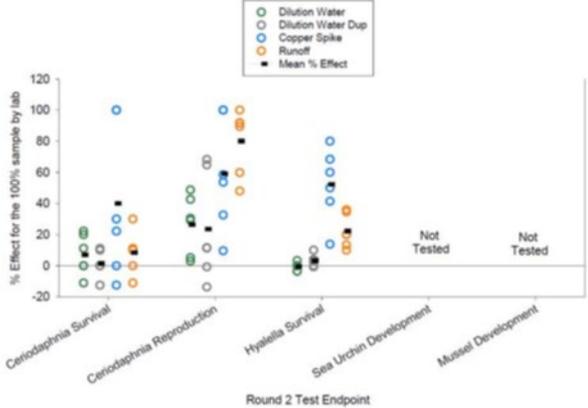
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D.3.60	Los Angeles County and LACFCD 2 nd letter	Attachment E/ Part IX.J.1/ Pg. E-32. Within the Tentative Order, there is a requirement for the use of the acute or chronic endpoint when evaluating whether a toxicity test sample is directly subject to TIE procedures during dry and wet weather. However, application of a chronic test (7-day) to stormwater conditions is not an accurate representation of the conditions since storms do not typically persist longer than 24 hours. For example, during the 2019-20 reporting year, four storms were monitored as part of the Upper San Gabriel CIMP. The storms ranged from 16 to 30 hours in duration with an average duration of 24 hours. All well below the 7-day exposure period of the chronic test. The application of a chronic test exposure to short duration storms result in a mischaracterization of the conditions of toxicity within the receiving water. As such, the County and LACFCD request that the TIE trigger for wet weather be based solely on the acute endpoint.	Change made. See response to comment D.3.59.
D.3.61	VCSQMP	Attachment E Part IX.J. Page E-32. The requirement to conduct a TIE for sublethal effects is less likely than the acute endpoint to result in identification of toxicants. As a result, the requirement has the potential to increase program costs without a corresponding increase in the benefit for improving water quality. As noted in the USEPA (permit-specified) TIE Phase 1	Change made. See response to comment D.3.59. With regard to aquatic toxicity monitoring costs, see response to comment D.3.50. Toxicity Identification Evaluations (TIE) are needed to identify constituents that are causing or contributing to acute or chronic effects in aquatic life and discount others in

#	Commenter(s)	Comment	Response
		<p>guidance document, EPA/600/6-91/005F: "Chronic toxicity must be present frequently enough so that an adequate number of toxic samples can be obtained. Enough routine toxicity testing should be done on each effluent before a TIE is initiated (EPA, 1991B), to ensure that toxicity is consistently present. It is not important that the same amount of toxicity is present in each sample; in fact, variable levels of toxicity can assist in determining the cause of toxicity. If toxicity is not consistently present, when it occurs the toxicity can be pursued and if a toxicant is suspected, the nontoxic samples may be used to eliminate suspects." Without sufficient toxicity, TIEs may not be effective.</p> <p>Remove the requirement to conduct a TIE for sublethal effects.</p>	<p>order to prioritize management actions. Attachment G, Aquatic Toxicity, provides guidance including guidance for reducing the number of inconclusive TIEs.</p>
D.3.62	City of Los Angeles	<p>Attachment E, Part IX.J.1, Page E-32. The Tentative Order requires the use of the survival or sublethal endpoint when evaluating whether a toxicity test sample is immediately subject to TIE procedures during dry and wet weather. However, application of a chronic test (7-day) to stormwater conditions that do not typically persist longer than 24 hours will result in a mischaracterization of the toxicity conditions within the receiving water. During development of its CIMPs, the City</p>	<p>Change made. See response to comment D.3.59.</p> <p>The SCCWRP intercalibration study (SCCWRP Technical Report 956 December 2016), concluded that most laboratories tended to produce internally consistent results when given blind duplicate samples and that most laboratories produced data consistent with non-toxic samples when exposed to laboratory dilution water. However, for the</p>

#	Commenter(s)	Comment	Response
		<p>identified the potential issues with using the chronic methods for assessing acute exposure conditions and proposed that acute toxicity methods be used as an alternative. However, the Regional Board commented that:</p> <p><i>“This is not acceptable; the appropriate chronic toxicity test method listed in the MRP must be used and both survival and sublethal endpoints must be reported. We suggest the group consult the State Water Resources Control Board 2011 publication “Implementation Guidance: Toxicity Testing for Stormwater” to gain insight on how to run chronic toxicity tests on wet weather samples”.</i></p> <p>It is important to note the publication referenced by the Regional Board was neither peer reviewed, nor subject to adoption by the State Water Resources Control Board (State Board) and is still in draft form.</p> <p>In 2015, the City met with Regional Board staff to discuss their comments on the draft CIMPs submitted by the watershed management groups led by the City. During the meeting, the City provided an example using average Los Angeles River flow data for 19 years (water years 1994/1995</p>	<p><i>Ceriodaphnia</i> reproduction test (<i>C. dubia</i>), the intercalibration study found that while inter-laboratory variability was consistently low when testing simulated runoff samples, inter-laboratory variability increased with tests of lab dilution water and copper spiked lab dilution water resulting in a wide range of comparability scoring.</p> <p>While the <i>Ceriodaphnia</i> reproduction test may have more interlaboratory variability than the others, it still should be included in screening because it may be the most sensitive species.</p> <p>In addition, the State Water Board has initiated a study to identify and confirm laboratory practices that can reduce within-test variability in the chronic <i>C. dubia</i> toxicity test. The State Water Board is convening an expert panel and is collaborating with stakeholders and laboratories to develop a set of quality assurance recommendations intended to minimize within-test variability and improve interlaboratory agreement. The three-year study kicked off in October 2020 and will be complete in December 2022.</p> <p>Finally, with respect to the implication that TREs are only appropriate for POTWs and not MS4s, or that somehow this is a “cookie</p>

#	Commenter(s)	Comment	Response
		<p>through 2012/2013) using the wet weather flow definition of 500 cubic feet per second in the Los Angeles River Metals TMDL. The average flow data showed that 21% of the storms in the Los Angeles River watershed last longer than 48 hours (the length of the acute test) and only 5% of the storms last longer than 6 days (approximately the length of the chronic test).</p> <p>Additionally, low levels of toxicity may be associated with the test procedure and/or utilizing a chronic test (seven days) to evaluate a storm condition that is monitored over a shorter time period. As discussed in the Stormwater Monitoring Coalition: Toxicity Testing Laboratory Guidance Document (SCCWRP Technical Report 956 December 2016), an intercalibration study was completed and multiple laboratories observed <i>C. dubia</i> toxicity in laboratory dilution water (which should be non-toxic). The figure on the following page summarizes the results of the study, which found high variability in the toxicity results (particularly for chronic <i>C. dubia</i> toxicity results) between different laboratories despite the fact that toxicity tests were performed on identical samples. For example, the results for <i>C. dubia</i> reproduction in laboratory dilution water samples vary between a less than zero and</p>	<p>cutter” approach, this is not true. Both TIEs and TREs are appropriate in any NPDES permit in order to identify the toxicant(s) that are causing effects to organisms in receiving waters.</p>

#	Commenter(s)	Comment	Response
		<p>approximately 65 percent effect (depending on the laboratory used). The sublethal effects often observed in stormwater samples are within that range of the effects of laboratory dilution water making it unclear if toxicity was caused by pollution or simply an effect of the test.</p> <p>It is important to note the differences in the targeted monitoring conditions of MS4 monitoring programs compared to POTW monitoring programs. Whereas POTW programs focus only on dry weather (chronic) conditions, MS4 monitoring programs focus on both dry and wet weather conditions. Because MS4 monitoring serves to evaluate different conditions, the monitoring approach should not [sic] be tailored appropriately and not use a cookie cutter approach that is applied to POTW programs. Because of this dual focus, LASAN requests that ACUTE endpoints serve as TIE thresholds in wet weather monitoring, and CHRONIC endpoints apply in dry weather.</p>	

#	Commenter(s)	Comment	Response
		 <p data-bbox="625 651 1249 1008">Stormwater Monitoring Coalition: Toxicity Testing Laboratory Guidance Document Figure 2 (SCCWRP Technical Report 956, December 2016) Toxicity test response (% effect) of the various endpoints to full strength (no dilution or 100%) samples during round 2 of the SMC intercalibration study. Each symbol represents the result from a single laboratory.</p>	
D.3.63	VCSQMP	<p data-bbox="625 1019 1249 1409">Attachment E Part IX.K.1. Page E-32. The language in this section: "When a toxicant or class of toxicants is identified through a TIE conducted at a receiving water monitoring location, Permittees shall analyze for the toxicant(s) during the next scheduled sampling event in the discharge from the outfall(s) upstream of the receiving water location." should be clarified to reflect that the outfalls to be sampled are those that are designated monitoring locations.</p>	<p data-bbox="1276 1019 1890 1234">No change. The intent is to have the Permittees monitor the corresponding outfall(s), indicated in their IMP/CIMP, upstream of the receiving water where toxicity was observed. Therefore, additional clarification is unnecessary.</p>

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		<p>Add language to clarify that it is not all upstream outfalls, "Permittees shall analyze for the toxicant(s) during the next scheduled sampling event in the discharge from the <u>monitoring</u> outfall(s) upstream of the receiving water location."</p>	
D.3.64	LCC Group	<p>We appreciate that Section XI of Attachment E includes optional special studies for Biotic Ligand Models (BLMs) to establish site specific objectives for copper. Specifically, Permittees may opt to conduct monitoring of specific water bodies using the BLM. This option recognizes current best science that has demonstrated that the Biotic Ligand Model is a more accurate assessment of the bioavailability of potentially toxic metals than the hardness-based California Toxics Rule (CTR) aquatic life criteria that merely modifies CWA Section 304(a) criteria from the 1980s and does not take into account the binding of copper to organic carbon. However, we strongly recommend that Section XI.C be amended to include establishing site specific objectives for zinc since the 10 required constituents applied to the copper BLM are the same for zinc and waiting to adopt zinc later is unnecessary and would be more costly for the Board.</p>	<p>No change. Part XI of the MRP includes optional Special Studies that Permittees can pursue independent of the permit. Currently, the Los Angeles Water Board is not considering a zinc BLM, and there is no EPA guidance for a zinc BLM. However, we note that the State Water Board has initiated technical work for both a copper and a zinc BLM.</p> <p>Conducting BLM special studies and the Board's adoption of a site-specific objective is outside the scope of the MS4 Permit. In the future, when the Board adopts site-specific objectives through the Basin Plan amendment process, the new site-specific objectives would become applicable, and then Permittees could utilize those site-specific objectives for Permit compliance.</p>

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		<p>As we demonstrated in my November 12, 2020 presentation to the Water Board concerning the 2020- 2022 Triennial Review, there is no reason that the Basin Plan Amendment to switch from the outdated CTR standard for copper could not be expanded to also include switching from the outdated CTR standard for zinc to the BLM standard. The Regional Board is not required to wait for EPA recommendation on the use of the BLM or a simplified version of the BLM, or the multiple linear regression procedure. Section D. 4 of the Preamble to the California Toxics Rule gives the Regional Water Board the discretion to adopt site specific criteria when appropriate. Once approved by EPA, these criteria would not have to be changed after EPA completes the current Cooperative Research and Development Agreement (CRADA) and recommends a specific new zinc criterion. This has been confirmed by representatives of EPA Region 9 and the EPA Office of Science and Technology. In addition to expanding the BLM Basin Plan Amendment, Attachment E should be amended to authorize special studies to establish Biotic Ligand Model site specific objectives for both copper and zinc.</p>	
D.3.65	City of Santa Clarita	<p><u>Special Studies</u> Special studies should be added to the Monitoring and Reporting Program. The</p>	<p>No change. Per Part XI of the MRP, Permittees may choose to conduct special studies recommended in a TMDL and use</p>

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		<p>primary driver for an estimated \$31 billion in compliance costs are the bacteria TMDLs. The City of San Diego, working with its regulators and stakeholder groups, was able to determine sources of viruses and bacteria that are more reliably sources and causes of human illness with contact recreation in waters. This did result in better public health outcomes for lower cost. The public deserves careful shepherding of local dollars to prevent illnesses in waters that support true contact recreation waters.</p> <p>Given the magnitude of wet weather bacteria issues, adding special studies to more accurately identify and mitigate human caused sources of water borne illnesses would be a better investment of funds for water quality. The economic analysis in the Fact Sheet repeatedly refers to future innovations that could reduce future costs. The City views the San Diego process as one of these innovations and requests that a Regional Pathogen Reduction Study be supported by the draft Permit and the Regional Board and included in the Special Studies section of the draft Permit. The City also requests that studies in natural river systems, like high flow suspension and natural habitat sources of bacteria and LREC1, be included</p>	<p>their findings to inform their decisions about implementing stormwater BMPs. Note that the permit does not preclude Permittees from conducting additional special studies if desired. See, also, response to comment G.16.</p>

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		consistent with the recent Triennial Review recommendations.	
D.3.66	Los Angeles County and LACFCD 2 nd letter	<p>Attachment E/ Part XIII.D/ Pg. E-34. Requiring RLs for all other constituents for which RLs and/or MLs are not identified to be lower than or equal to the lowest applicable water quality standard is inappropriate. 40 CFR Part 122.21(e)(3)(i) states:</p> <p>For the purposes of this requirement, a method approved under 40 CFR part 136 or required under 40 CFR chapter I, subchapter N or O is 'sufficiently sensitive' when:</p> <p>(A) The method minimum level (ML) is at or below the level of the applicable water quality criterion for the measured pollutant or pollutant parameter; or</p> <p>(B) The method ML is above the applicable water quality criterion, but the amount of the pollutant or pollutant parameter in a facility's discharge is high enough that the method detects and quantifies the level of the pollutant or pollutant parameter in the discharge; or</p> <p>(C) The method has the lowest ML of the analytical methods approved under 40 CFR part 136 or required under 40 CFR chapter I, subchapter N or O for the measured pollutant or pollutant parameter."</p>	Change made. Part XIII.D of the MRP was removed. See response to comments D.3.11 and D.3.38.

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		<p>For any constituent that has not had an RL previously identified, the Permittees (through the CIMP adaptive management process) should evaluate what RL is sufficiently sensitive as defined above to avoid situations where constituents do not have certified or commercially available methods with RLs below the lowest applicable water quality standard.</p> <p>As such, the County and LASAN requests that the sentence be revised as follows:</p> <p><i>“For all other constituents for which RLs and/or MLs are not identified as aforementioned, the RL shall be <u>sufficiently sensitive</u>. Lower than or equal to the lowest applicable water quality standard”</i></p>	
D.3.67	City of Los Angeles	<p>Attachment E, Part XIII.D, Page E-34. The following requirement may not be feasible: “For all other constituents for which RLs and/or MLs are not identified as aforementioned, the RL shall be lower than or equal to the lowest applicable water quality standard.” There may be constituents that may not have certified and/or commercially available methods with RLs lower or equal to the lowest applicable standard. There are a number of California Toxics Rule (CTR) constituents where this is the case. LASAN requests that the</p>	<p>Change made. Part XIII.D of the MRP was removed. See response to comment D.3.11 and D.3.38.</p>

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		sentence be removed or language be added that states the RL shall be lower than or equal to the lowest applicable water quality standard or the lowest certified method available through a commercial laboratory.	
D.3.68	City of Los Angeles	Attachment E, Part XIII.F, Page E-35. Due to constraints within the reporting schedule and monitoring report due date, Permittees should have the flexibility to adjust the lowest quantifiable RL as long as proper documentation has been submitted to the Regional Board for approval as to why it is necessary within a specific analytical procedure. Waiting for an approval to adjust the RL (whether it is higher or lower) will severely hinder monitoring operations and delay the timing for receiving data. LASAN requests that Permittees have the capability to raise the RL for a constituent upon submittal of the proper documentation and not be required to wait for Regional Board approval.	Change made. Part XIII.F of the MRP was removed. See response to comments D.3.11 and D.3.38.
D.3.69	SGVCOG 2 nd Letter and ULAR Group	Reporting: The Tentative Permit reporting requirements are expanded from the existing 2012 MS4 Permit (which the SGVCOG is concerned ignores the Court's findings with regards to the Cities of Duarte's and Gardena's lawsuits) and will take significant time and resources to complete. The following recommendations	No change. See response to comments D.5.25 and D.5.27 with regard to cost reporting. In general, reporting requirements are largely the same as in the 2012 Los Angeles County MS4 Permit. With regard to the semi-annual monitoring report submittal, it is not a new requirement. The current 2012 Los Angeles

#	Commenter(s)	Comment	Response
		<p>aim to streamline these efforts so the information gathered provides meaningful feedback and available funding can be better spent on implementation efforts.</p> <p>Additional reporting requirements include the annual report forms that require significant additional financial reporting, but do not provide adequate guidance. Additional clarity is needed regarding the LARWQCB's expectations.</p> <p>The additional requirement for Permittees participating in a Coordinated Integrated Monitoring Program (CIMP) to submit a Monitoring Report twice a year doubles the annual reporting effort. This additional reporting would result in additional reporting costs for Permittees, which could more effectively be used to support implementation.</p>	<p>County and the 2014 City of Long Beach MS4 Permits also require semi-annual monitoring data submittals.</p> <p>Furthermore, the overall reporting requirements are necessary to provide meaningful data to provide information and assess compliance with Regional MS4 Permit requirements.</p> <p>Finally, the reference to the “Cities of Duarte’s and Gardena’s lawsuits” is unclear, but certainly unhelpful to the commenter. Those lawsuits were recently resolved in the Los Angeles Water Board’s favor. Specifically, in considering whether numeric effluent limitations (NELs), the Court assumed, without deciding that even if inclusion of NELs in 2012 LA MS4 Permit went beyond what was required by federal law, the resulting analysis under California Water Code was sufficient and the Permit was valid. See, <i>City of Duarte v. State Water Resources Control Board</i> (2021) 60 Cal.App.5th 258 [274 Cal.Rptr.3d 471, 60 Cal.App.5th 258], as modified on denial of reh’g (City of Duarte v. State Water Resources Control Board (2021), 60 Cal.App.5th 258, 274 Cal.Rptr.3d 471, as modified on denial of rehearing (Feb. 19, 2021)_review denied (Apr 28, 2021)</p>

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D.3.70	SGVCOG 2 nd Letter and ULAR Group	<p>We recommend updating the reporting periods to better align with the schedules in program plans, to increase the utility of the data collected to help guide implementation. The Permit should provide flexibility for the LARWQCB to coordinate with the Permittees on a more appropriate reporting schedule. In addition, individual Permittee reporting requirements should be limited to avoid redundant efforts where the watershed reports provide the overall progress of the program. Overall, the extensive cost to comply with the reporting requirements is not proportionate with the usefulness of these reports. Prior to much of the program's implementation (during planning and design phases), the reporting could be further spaced apart, then once implementation occurs an annual frequency may be more reasonable and useful.</p>	<p>No change. 40 CFR section 122.42(c) requires annual reports regardless of implementation phase. A consistent schedule, which is the same for all permittees, makes the assessment of region-wide data feasible, allows for greater accessibility of the data to stakeholders, and makes oversight of the program more efficient.</p>
D.3.71	VCSQMP	<p>Attachment E Part XIV.A.1/2. Page E-36. The Ventura County Permittees invested significant effort into developing a reporting format that aligns with the programs efforts to implement MS4 permit and TMDL requirements. Some elements of the proposed reporting forms could require significant effort to prepare without providing a corresponding benefit towards improving water quality. In particular, the</p>	<p>No change. See response to comments D.5.25 (cost guidance documents), D.5.27 (federal cost reporting requirements), and D.1.9 (standardized annual reporting).</p>

#	Commenter(s)	Comment	Response
		<p>Permittees are concerned about the Program Expenditures reporting requirements which appear to go well beyond the Federal requirements for cost reporting.</p> <p>Modify the Program Expenditures Annual Reporting Form to be consistent with 40 CFR 122.26(d)(2)(vi) and allow the Ventura County Permittees to propose alternative reporting forms if desired.</p>	
D.3.72	SGVCOG 2 nd Letter and ULAR Group	Att.E. Part XIV.B; Page E-37. The new requirement for semi-annual monitoring reports doubles the annual reporting effort, which could potentially be better spent on implementation efforts.	No change. See response to comment D.3.69.
D.3.73	Heal the Bay, the Natural Resources Defense Council, and Los Angeles Waterkeeper	In addition, we recommend that the Regional Board, through the MS4 Permit, ensures that cities submit their data in a uniform fashion. It was challenging and time consuming to extract the information we needed from the raw data provided to us by the Regional Board. The data was in different formats, used different units for the same metals, and did not always record the weather (wet/dry). For the weather, we had to individually look up every sampling date that did not have weather recorded. Some metals were recorded in µg/L and some in mg/L. By ensuring that units and sampling methods are uniform, and by filling out data similarly, it will make future analyses easier	Change made. The contracts for the Regional Data Centers (RDCs) that perform CEDEN data checking expired in March 2020 and will not be renewed. However, the RDCs are still available for data submittals, but now data providers will have to pay to use the service. The CEDEN submission page states the following: “Establishing vocabulary, using the template checker, and submitting data can be done through the ceden@waterboards.ca.gov [email] and this website [http://www.ceden.org/data_centers.shtml] without fees. However, additional CEDEN support can be obtained from a Regional

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		<p>and less prone to error. Using the California Environmental Data Exchange Network (CEDEN) may help, as data inputted to the site must be formatted a certain way. Therefore, The Regional Board should require that semi-annual IMP and CIMP data be entered directly into CEDEN by permittees, so that the data can be extracted in a timely manner and in a usable format by Regional Board staff and other stakeholders.</p>	<p>Data Center (RDC). RDCs are the Water Boards partners in furthering the goals of CEDEN. Although their assistance costs money, they can provide a variety of data preparation and management services. They can load data into their local databases, which then transfers to CEDEN on a weekly basis.” There will be a transition period in the CEDEN submittal review process that could be difficult and/or costly to Permittees not already submitting to CEDEN. Furthermore, the CEDEN version 2.0 is currently under development. Therefore, there may be significant changes to the data templates.</p> <p>However, Part XIV.B.2 of the MRP gives flexibility to the Board to specify the change in reporting submittal methods in the future when SMARTS is available. Additionally, Part XIV.B.2.a of the MRP requires Permittees to submit their monitoring data in CEDEN format to ensure uniform data submittal. Additional clarifying language has been added stating that data files shall use CEDEN controlled vocabulary terms and the SWAMP standard list of analyte, matrix, and unit combinations.</p>
D.3.74	Heal the Bay, the Natural Resources Defense Council,	<i>Annual Report Forms must have clear and transparent reporting requirements that allow for the measurement of progress against TMDL deadlines.</i>	Change made. Language was added to clarify that the water quality trend description in Part XIV.B.2.e of Attachment E must be quantitative and based on a

#	Commenter(s)	Comment	Response
	and Los Angeles Waterkeeper	<p>Effective public participation in the MS4 Permit process and implementation of stormwater projects requires clear and transparent reporting. Public participation is required for many stormwater project funding sources and is essential for the creation of multi-benefit projects with genuine community benefits. The Annual Report Forms are a key communication tool, not only between permittees and regulators, but also for stakeholders, and must therefore be clear and require transparent reporting.</p> <p>The annual assessment of overall receiving water health and evaluation of long-term water quality trends completed under the MRP must be presented in a clear and transparent way within the Annual Report Forms. Transparency regarding water quality includes the identification of waterbody impairments and applicable TMDL requirements, and a summary of water quality exceedances and violations for the reporting year and since December 28, 2012.</p> <p>In order to facilitate region-wide assessment of water quality data, the data itself must be accessible. Reporting requirements should include a graphical representation of long-term trends for all constituents, particularly</p>	<p>statistical analysis and/or graphical presentation of data. Box plots are not specified to allow permittees flexibility in data presentation. Footnote 19 was also added to clarify a timeframe for trend analysis.</p> <p>The Regional Permit annual report forms have been redesigned and updated to remove redundancy, improve transparency, and streamline reporting requirements. For better organization and accessibility, requirements such as trend analysis, summary of rainfall events, QA/QC, summary of exceedances, and aquatic toxicity data, are required as part of the monitoring report submittal per Part XIV.B of Attachment E.</p> <p>The Regional Permit WMP Progress Report Form includes reporting requirements for watershed control measures (such as project type, project status, drainage area addressed, storage capacity, and volume addressed) and a comparison of their progress with TMDL deadlines for WBPCs in WMPs.</p>

#	Commenter(s)	Comment	Response
		<p>those exceeding water quality objectives. Permittees must be required to report cumulative water quality results at mass emission stations using annual data since December 28, 2012 as a box plot, with a new data points added each year to demonstrate long-term trends in water quality within their jurisdiction or applicable watershed management area.</p>	
D.3.75	City of Los Angeles	<p>Attachment E, Part XIV.B.2, Pages E-37 to E-39. The mid-year reporting requirements were increased to include components that Permittees are currently only completing as part of the annual reporting process, such as providing summary statistics for each storm monitored. Adding these requirements increases the time, effort, and costs associated with mid-year reporting without a clear benefit. LASAN requests that requirements for mid-year reporting remain consistent with the 2012 Permit and that elements other than data submittal and identification of exceedances (i.e., Attachment E, Part XIV.B.2.v-xii) should only be required to be reported annually.</p>	<p>Change made. Part XIV.B.1, Table E-9 of the MRP was revised to change the Summary of Sampling Events reporting frequency from semi-annually to annually. Additionally, clarifying changes were also made to Fact Sheet Part XII.O.3.</p>
D.3.76	City of Los Angeles	<p>Attachment E, Part XIV.B.2.d, Page E-38. Please note there is a typographical error in the referenced section: “Summarize QA/QC results and actions and address any QA/QC issues...”</p>	<p>Change made. The typographical error was corrected.</p>
D.3.77	PVP Group	<p>The requirement in Attachment E, Section XV.F.1. TMDL Reporting for Permittees</p>	<p>No change. Permittees may choose to include the report on the Phase II</p>

#	Commenter(s)	Comment	Response
		<p>subject to the Dominguez Channel and Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDLs to submit a Phase II Implementation Report on the status of implementation and scope, and the schedule of remaining Phase II implementation actions by March 23, 2022, is redundant with the WMP and EWMP updates that are due June 30, 2021. The Peninsula WMG suggests the Board include language to clarify that participation in the update of an approved WMP or EWMP would satisfy this requirement and that a separate standalone report is not necessary.</p>	<p>implementation actions in their WMP for the actions applicable to the MS4. However, Permittees must submit the Phase II Implementation Report, which addresses both point and non-point sources, separately to the Board by March 23, 2022.</p>
D.4.1	VCSQMP	<p>Attachment G. Part G.1.b. Page E-32/G-1/G-5. The requirement to conduct a Toxicity Reduction Evaluation (TRE) within the context outlined in Attachments E and G will require a diversion of resources from other monitoring and implementation efforts and will not have the intended outcomes. A significant level of resources are assigned to the overall monitoring program, which is intended to support our understanding of toxicity. If through toxicity testing, toxicity identification evaluations, and chemistry analysis the cause of toxicity (particularly low level toxicity) cannot be identified a separate TRE effort will not be able to address the issue. Rather, the holistic approach taken through the development</p>	<p>Change made. Added Part IX.K.4 of the MRP to include the following provision: "Participation in a Watershed Management Program that addresses the aquatic toxicity waterbody pollutant combination shall satisfy the requirement in subpart 3 above to submit a TRE Corrective Action Plan".</p>

#	Commenter(s)	Comment	Response
		<p>and implementation of the Watershed Management Program (WMP) should be used to address toxicity, along with all other water quality priorities. Requiring a separate implementation process disconnected from the comprehensive WMP approach does not make sense. Requiring the completion of TRES outside of the WMP's comprehensive approach to addressing priorities is counter to the intent of the WMP.</p> <p>The Ventura County Permittees request that the requirements to conduct TRES be removed, or at a minimum, only be required for Permittees that do not chose to implement a comprehensive implementation program such as a WMP.</p>	
D.4.2	TECS Environmental 2 nd Letter	<p>Aquatic Toxicity Testing is Not An MS4 Permit Requirement</p> <p>The tentative permit, under attachment G, requires aquatic toxicity testing, which calls for monitoring (sampling and lab analysis) in receiving waters to be performed by Permittees. Aquatic testing is not an MS4 Permit requirement for the following reasons: (1) as mentioned, monitoring is only required at outfalls, not receiving waters; (2) federal regulations only specify the regional board as a permitting agency responsible for aquatic testing (see 40 CFR §122.44(d)(ii); (3) toxicity is only 303(d)</p>	<p>No change. Toxicity monitoring is required in all NPDES permits, including MS4 Permits. The CWA Section 101(a)(3) states that “it is the national policy that the discharge of toxic pollutants in toxic amounts be prohibited”. Furthermore, the Los Angeles Water Board Basin Plan includes a toxicity objective, and all NPDES permits must implement requirements in the Los Angeles Water Board’s basin plan. (Water Code §§ 13263, 13377.) Therefore per 40 CFR Sections 122.44(i)(1), 122.48, and 122.26(d)(2)(i)(F), the MRP includes monitoring requirements for toxicity.</p>

#	Commenter(s)	Comment	Response
		<p>listed for certain, but not all reaches within the regional board’s jurisdiction; and (4) as mentioned during monitoring workshop, the regional board’s SWAMP had once assumed the responsibility for conducting toxicity testing.</p>	
D.4.3	Los Angeles County and LACFCD 2 nd letter	<p>Attachment G. During the process of developing Statewide Toxicity Provisions, the State Water Board staff acknowledged that toxicity tests using the <i>c.dubia</i> species are unreliable. As a result, during its adoption of the Toxicity Provisions on December 1, 2020, the State Water Board postponed the enforcement of toxicity effluent limits until 2024 (where <i>c.dubia</i> was identified as the sensitive species). The State Water Board also initiated study that will be conducted to evaluate this situation within the next two years and hired SCCWRP for the study. A recent lab intercalibration study conducted by the Southern California Stormwater Monitoring Coalition revealed similar findings with regards to the unreliability of toxicity tests. In light of the current uncertainty of toxicity test results, it’s not appropriate to trigger TIE or upstream toxicity tests just based on a single toxicity observation at a downstream station. Therefore, the County and the LACFCD requests that, until the State Water Board completes its study and publishes a guidance for more reliable</p>	<p>No change. See response to comment D.3.62 for the discussion on <i>C.dubia</i>. Part IX.H.3 of the MRP requires aquatic toxicity screening to identify the most sensitive test species. This process will not necessarily result in <i>C.dubia</i> as the most sensitive species for a particular waterbody. To ensure that State-accredited testing laboratories are producing the highest-quality data possible for the <i>C. Dubia</i> toxicity test, the State Water Board is collaborating with stakeholders and laboratories on a statewide project to develop a set of quality assurance recommendations intended to minimize within-test variability and improve interlaboratory agreement. This three-year study kicked off in October 2020. Considering the possibility that a different species could result from the sensitivity test, it is not appropriate to wait for the State Water Board’s study result, particularly since the Toxicity Provisions are not yet finalized. The Los Angeles Water Board may consider revising the trigger for a TIE in a future permit iteration.</p>

#	Commenter(s)	Comment	Response
		toxicity test results, the trigger for TIE and/or upstream receiving water/outfall monitoring stations should be based on two or more toxic observations over a two year period at a downstream station.	
D.4.4	Los Angeles County and LACFCD 2 nd letter	Attachment G. When a toxicity identification evaluation (TIE) identifies the constituent or class of constituents causing toxicity, there are clear requirements regarding monitoring for the constituent at the site and the outfalls; however, it is unclear whether Permittees are required to continue to conduct TIEs if triggered at the same site during subsequent events. It may be necessary to conduct one additional TIE during a subsequent event, if triggered, to confirm the results of the first TIE; however, additional TIEs at the same site are unnecessary given the confidence that can be gained from two conclusive TIEs with the same results. As such, the County and LACFCD request that in all locations where follow-up actions related to conclusive TIEs are discussed, clarification be added that no more than two TIEs are required at one site during the permit term if the TIEs identify the same constituent or class of constituents as the cause of toxicity.	Change made. Added section 2.c under Triggers for Adding Toxicity Monitoring to Upstream Receiving Water Monitoring/Outfall Monitoring in Attachment G of the Order.
D.4.5	Los Angeles County and LACFCD 2 nd letter	Attachment G/ Section 1.b/ Pg. G-2. It is inappropriate to continue to include the Toxicity Reduction Evaluation (TRE) in an MS4 permit as it is a wastewater program	Change made. See response to comment D.4.1.

#	Commenter(s)	Comment	Response
		<p>element that is predicated on addressing a continuous and relatively stable waste stream. The MRP is focused on identifying individual constituents that are causing or contributing to receiving water impairments such that information is available to develop and implement control measures. Requiring Permittees to implement a TRE subverts the process by which they will identify and address water quality issues. Furthermore, the WMPs are designed to address water quality priorities. Requiring the completion of TREs outside of the WMP's comprehensive approach to addressing priorities is counter to the intent of the WMP. The County and LACFCD request remove the references to TREs. Alternatively, the County and LACFCD request the addition of language that TREs are not required if a WMP is addressing discharges within the subwatershed from which the samples were collected.</p>	
D.4.6	City of Los Angeles	<p>Attachment G. The following two changes are recommended in regard to the follow up actions when moderate levels of toxicity are detected:</p> <p>D) During wet weather, upstream monitoring should only be required if the acute endpoint is exceeded. We have encountered multiple situations where low levels of chronic toxicity</p>	<p>No change. See response to comment D.3.59 with regard to acute testing during wet weather.</p> <p>No change was made with regard to the second proposal. Monitoring at upstream outfall sites is necessary to determine if those outfall sites are causing or contributing to receiving water toxicity downstream. If desired, Permittees have</p>

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		<p>during wet weather results in the addition of upstream site(s) that do not provide added information, yet incurs significant costs. It has been demonstrated that the chronic endpoint is prone to “false positives”—this results in an inefficient use of resources (see discussion in previous comment regarding the findings of the Stormwater Monitoring Coalition’s Toxicity Testing Laboratory Guidance Document [SCCWRP Technical Report 956 December 2016]). Furthermore, the chronic endpoints tend to be affected by factors (e.g., water hardness) that are not considered toxicants, but may contribute to “false positives”. Moving to the acute endpoint as the trigger for upstream monitoring would provide assurances that additional toxicity monitoring is only done when there are real toxic effects.</p> <p>2) Instead of moving to upstream sites, it would be more effective to move to an increased toxicity monitoring frequency at the site of concern. In other words, if moderate toxicity was detected, then the frequency at that site would jump from 1 Wet and/or 1 Dry event to the 2 Wet and/or</p>	<p>the discretion to increase the monitoring frequency at a receiving water site when toxicity is detected. However, increased receiving water monitoring at sites of concern in lieu of upstream outfall monitoring would not help determine the source of toxicity.</p>

#	Commenter(s)	Comment	Response
		2 Dry events per year, or until deactivation criteria have been met. It would be more effective to confirm that toxicity at a given site is a consistent occurrence before chasing it elsewhere.	
D.4.7	City of Los Angeles	Attachment G. LASAN requests the addition of language regarding the upcoming State-supported Urban Pesticides Amendment. This would support future efforts to coordinate with the statewide monitoring efforts.	No change. See response to comment D.3.52.
D.5.1	SGVCOG 2 nd Letter and ULAR Group	Att.H. Recommend that the Annual Report form not be included as an attachment. We anticipate continued improvements in the Annual Reporting process in the coming years, with a focus on reporting on key performance indicators and providing meaningful information. With an Annual Report form written into the Permit, this would prevent reporting improvements for a minimum of 5 years. (It seems unlikely that the Permit would be reopened for moderate improvements to the Annual Report forms.)	No change. See response to comments D.1.4, D.1.9, and D.3.74. The Annual Report Form, Attachment H of the Order, includes reporting on key performance indicators and other meaningful information. An important goal of the Regional MS4 permit is consistent and uniform reporting by all Permittees to streamline regional assessments and allow for greater transparency and efficiency of oversight. The Los Angeles Water Board does not expect the forms to change during the permit term unless the permit requirements are amended through permit modification or reissuance.
D.5.2	SGVCOG 2 nd Letter and ULAR Group	Moreover, including the reporting forms in the Permit does not allow flexibility to modify the forms as may be necessary or desired in the future. To allow for the opportunity to adjust reporting to better meet the needs of all stakeholders, the	No change. See response to comment D.5.1.

#	Commenter(s)	Comment	Response
		<p>SGVCOG recommends that the reporting forms be removed from the Permit. Instead, the Permit should allow for the LARWQCB to amend and adopt the annual report forms on a regular basis to make improvements to these forms and the annual reporting process.</p>	
D.5.3	Heal the Bay, the Natural Resources Defense Council, and Los Angeles Waterkeeper	<p>Some Permittees have suggested that they should be able to create their own reporting forms, and that the reporting requirements should be created at a later date, outside of the current permit process. We strongly oppose this suggestion, as it will greatly exacerbate existing reporting issues; including lack of consistency and accountability concerns that we have repeatedly raised and are discussed in detail in Heal the Bay's recent Stormwater Report. [footnote] 2 [footnote 2]: Annelisa Moe, Heal the Bay. 2019. <i>Stormwater Report</i>. Available at: https://healthebay.org/stormwaterreport/.</p>	No change. See response to comment D.5.1.
D.5.4	Los Angeles County and LACFCD 2 nd letter	<p>Attachment H/ General Comment. As the developer of the Watershed Reporting and Adaptive Management Planning System (WRAMPS) which allows permittees to work collaboratively and efficiently on the Annual Report, we look forward to incorporating these changes in Annual Report. As the changes are significant, we recommend that the Regional Board include language in the MS4 Permit that allows for minor</p>	No change. See response to comment D.5.1. The Los Angeles Water Board may consider forming a technical advisory group to inform the Annual Report Form for the next iteration of the Regional MS4 permit.

#	Commenter(s)	Comment	Response
		<p>improvements to the Annual Report forms. The previous Annual Report was subject to a technical advisory group which suggested multiple improvements based on prior experience. We recommend a similar group be established for this Annual Report. This flexibility and approach will ensure the success of the MS4 Permit and the Annual Reports.</p>	
D.5.5	SGVCOG 2 nd Letter and ULAR Group	<p>Att.H. Recommend considering any and all methods of avoiding redundancies. For example, consider maintaining WMP level reporting, enhanced by individual City-specific details.</p>	<p>No change. The WMP Progress Report Form in Attachment H specifically requires reporting on the WMP, while the Annual Report Form in Attachment H requires individual Permittees to report on the required programmatic elements of the Permit. The WMP Progress Report Form is only required for Permittees participating in a WMP. In contrast, the Annual Report Form is required for all Permittees, regardless of WMP participation. Additionally, see response to comment D.3.74. Requirements have been generally streamlined and made simpler for all purposes, including reporting by Permittees and review by the public.</p>
D.5.6	LCC Group	<p><u>Attachment H – Annual Report Forms</u> We also have major concerns with portions of Attachment H. First, we agree with the statement in the Fact Sheets that WMP Progress Report requirement fundamentally serves as an “Annual Report” for WMP implementation. We disagree, however,</p>	<p>No change. See response to comments D.5.5 and D.3.74.</p> <p>The Non-Stormwater Outfall-Based Screening and Monitoring Program is a required element of the MRP and therefore, each Permittees is responsible for reporting</p>

#	Commenter(s)	Comment	Response
		<p>with the assertion that overlaps have been reduced and reporting simplified by including more reporting on local projects in the WMP Progress Report. The WMP Progress Report form should focus solely on watershed conditions, water quality assessment, and effectiveness of watershed control measures. Permittee projects and programs and their effectiveness should be addressed in Permittee Annual Report Forms. The requirements for this reporting in the WMP Progress Report increases overlap and complicates watershed program reporting.</p> <p>There are additional changes in the reporting requirements that would improve the emphasis on watershed management, which is diminished when watershed-scale programs are reported on separately in Permittees' Annual Reports. For example, Non-Stormwater Outfall-Based Screening and Monitoring Program should be included in the WMP Progress Reports, rather than in Permittee Annual Report Forms. TMDL Compliance Reporting also should be included in the WMP Progress Reports. Program objectives will be better accomplished if the WMP Progress Report is structured to focus on watershed-scale issues, projects, and programs, and</p>	<p>on this requirement regardless of participation in a WMP. As such, this is required to be reported in the Annual Report Form.</p> <p>TMDL Compliance Reporting is divided into three types of reports: 1) Semi-annual Monitoring Report, 2) Trash TMDL reporting in the Annual Report Form of Attachment H and the Trash Reporting Forms of Attachment I, and 3) WMP Progress Report Form of Attachment H (Table 1c).</p>

#	Commenter(s)	Comment	Response
		<p>municipal-scale issues are restricted to the Permittees' Annual Report Forms.</p> <p>... Furthermore, like the Watershed Progress Report, the Municipal Annual Report Form has been made more complicated by including watershed activities within the Annual Report. Municipal and watershed activities should be reported separately. In fact, there should probably be municipal versions of Tables 1a and 1b of the Watershed Program Form in the Municipal Annual Report Forms so that the Tables in the Watershed Progress Report can just focus on watershed scale projects, monitoring results, and waterbody-pollutant combination (WBPC) compliance while Permittees focus on municipal scale projects.</p>	
D.5.7	City of San Fernando, City of Agoura Hills, City of La Puente, City of La Cañada Flintridge, City of Hidden Hills, and Aleshire & Wynder, LLP	Attachment H Page H-1. At what point after the Permit effective date will this reporting form need to be used by agencies? It may be difficult, as new information will need to be tracked/required from the Permit, for it to be completed immediately after the effective date. For example, if the Permit effective date is July 1, 2020, then agencies will be using the new annual reporting forms for a reporting year that was under the former MS4 permit.	Change made. Language was added to Part XIV.A of the MRP to specify the start date (i.e., December 15, 2022) for using the forms in Attachments H and I of the Order. Footnote 14 in Part XIV.A.1 of Attachment E was also updated accordingly. Based on the Regional Permit adoption date, Permittees will be required to use the new reporting forms for the reporting period subsequent to the Permit adoption year (i.e., fiscal year 2021-2022). For the 2020-21 fiscal year reporting, Permittees shall

#	Commenter(s)	Comment	Response
			continue their annual reporting per the previous permits.
D.5.8	City of San Fernando, City of Agoura Hills, City of La Puente, City of La Cañada Flintridge, City of Hidden Hills, and Aleshire & Wynder, LLP	Attachment H Page H-3. Section 1.1. Is this section to be completed by the Watershed Group or the Permittee?	No change. Section 1 in Attachment H of the Order shall be completed by the Watershed Management Groups.
D.5.9	City of San Fernando, City of Agoura Hills, City of La Puente, City of La Cañada Flintridge, City of Hidden Hills, and Aleshire & Wynder, LLP	Attachment H Page H-3. Section 1.1. Will there be a watershed form? Or is section 1 the only section/ report to be completed by the WMP Group?	No change. Section 1 (questions 1.1 through 1.5) is referred to as “Watershed Management Program Progress Report Form” and shall be completed by the Watershed Management Groups.
D.5.10	City of Santa Clarita	Page 3 Section 1.2. This table including all projects completed since 2012 requires details from non-structural control measures (e.g., enhanced MCMs such as incentive programs, outreach and conservation programs, etc.) is too broad in scope. Rather, this table should only require information for structural BMPs.	No change. All completed structural control measures as well as non-structural control measures part of a WMP, aside from MCMs, shall be included in Table 1a in order to present a complete picture of all the control measures.
D.5.11	City of Santa Clarita	Page 3 Section 1.2. It is unclear how Permittees are to calculate “Volume Addressed for the Reporting Year.” Please clarify.	No change. Footnote 8 in Section 1.2 of the WMP Progress Report Form – Attachment H clarifies that volume addressed for the Reporting Year refers to

#	Commenter(s)	Comment	Response
			the volume of water captured, infiltrated, retained, treated, diverted, or otherwise addressed by a watershed control measure for the Reporting Year.
D.5.12	City of Santa Clarita	Page 3 Section 1.2. Annual O&M costs should have been addressed in Attachment H, Annual Report, Program Expenditures. To have the same information in two different places is redundant and unnecessary. Delete this column.	No change. The Table in Section 3.2 of the Annual Report Form requires cumulative expenditure reporting. In contrast, Table 1.a of the WMP Progress Report Form requires individual project O&M costs.
D.5.13	City of San Fernando, City of Agoura Hills, City of La Puente, City of La Cañada Flintridge, City of Hidden Hills, and Aleshire & Wynder, LLP	Attachment H Page H-4. Section 1.2. Table 1a. Should only WMP projects be included in this table? Should LID and other non-WMP specific projects be included?	No change. Table 1a in Section 1.2 of the WMP Progress Report Form only requires Permittees to include the watershed control measures in a WMP. Therefore, non-WMP control measures do not need to be included in this Table.
D.5.14	Heal the Bay, the Natural Resources Defense Council, and Los Angeles Waterkeeper	Table 8a must be cumulative and include all watershed control measures that have been completed between the Reasonable Assurance Analysis (RAA) baseline date and the annual reporting deadline. This includes new/redevelopment projects and green streets, and Table 8a must be completed such that it is clear when a project name, location, or other vital detail has changed. However, in order to make sure that the reported information is comparable to the final required reduction under this alternative compliance pathway,	No change. Sections 1.1 through 1.3 of the WMP Progress Report Form include the proposed elements. Regarding the proposal to include five-year interim milestones for control measures identified in WMPs, Table 1a and 1b already include the metrics and required completion dates necessary to evaluate compliance. Furthermore, the five-year interim milestones may not match the compliance milestones proposed in each

#	Commenter(s)	Comment	Response
		<p>the permittee must first report what that final reduction requirement is, and what year it was calculated for. For example, if the RAA model is run to calculate how much stormwater must be captured as of December 28, 2012, then the permittees must first report what that reduction requirement is, and then report all projects completed since December 28, 2012. Additionally, there must be at least one interim goal every five years.</p> <p>These interim and final reduction requirements must also be provided in comparable terms to the reporting units. If project capacity is based on capacity for a 24-hour storm (as storage capacity + infiltration space), then the total reduction requirement must also be provided as the total capacity required for a 24-hour storm (as storage capacity + infiltration space for all projects), rather than as a year-long total or some other amount. This will allow the Regional Board and the public to easily cross reference work completed with work required by the WMP.</p> <p>[see Attachment 1]</p>	<p>WMP, and therefore hinder the ability to appropriately assess compliance.</p>
D.5.15	Los Angeles County and LACFCD 2 nd letter	Attachment H/ Table 1a/ Pg. H-4. Table 1a and 1b seem very specific to regional infiltration projects that have been identified in the WMP plans. For example, most of	Change made. Clarification added to the WMP Progress Report Form in Attachment H of the Order to specify that columns

#	Commenter(s)	Comment	Response
		<p>these columns would not apply to a non-structural project even though non-structural projects are identified in footnote 2. Also, listing the hundreds or possibly thousands of individual low-impact-development projects would make this report extremely difficult to navigate.</p> <p>We recommend deletion of:</p> <ul style="list-style-type: none"> • Previous Name – not applicable to many projects • Required Completion Date in WMP – these are project specific dates and not interim milestones that permittees are subject to. Identified project completion dates are not required unless they are tied to an interim milestone, where then they should be reported in Table 1c. • Project Footprint – unnecessary as project capacity is the key metric that is being measure for WMP compliance 	<p>should indicate N/A if information is not available for a particular field.</p>
D.5.16	Los Angeles County and LACFCD 2 nd letter	<p>Attachment H/ Table 1a/ Pg. H-4. In Table 1a there is a request for information on “Projected Storage Capacity in WMP” and for “Actual Storage Capacity”. However, the BMPs in the WMPs and those implemented are ultimately designed for a treatment capacity. This treatment capacity could include storage, infiltration, diversion, etc. Additionally, some projects rely solely on treatment and do not include a storage component. Rather than limiting the</p>	<p>No change. See response to comment D.5.15. If a project does not include a storage component, then the two columns for “Projected Storage Capacity in WMP” and “Actual Storage Capacity” are not applicable. For control measures that rely solely on treatment, the last column, “Volume Addressed for the Reporting Year”, would be applicable.</p>

#	Commenter(s)	Comment	Response
		information requested to storage, the County and LACFCD request that “Projected Storage Capacity in WMP” and “Actual Storage Capacity” be changed to “BMP Capacity in WMP” and “Actual BMP Capacity”, respectively and footnote 7 be revised accordingly.	
D.5.17	Los Angeles County and LACFCD 2 nd letter	Attachment H/ Tables 1a & 1b/ Pg. H-4 and H-5. In footnotes 2 and 9 for Tables 1a and 1b, respectively, the County and LACFCD request the addition of Low Impact Development (LID) to the list of Project Types to choose from as LID is part of the implementation strategies in the WMPs. In addition, we recommend grouping all LID projects as one entry per permittee to avoid a difficult document to navigate.	No change. Footnotes 2 and 9 of the WMP Progress Report Form in Attachment H of the Order allow Permittees to fill out the field with “Other” and specify the project type. Note that Green Street is a type of LID, and therefore inclusion of a separate LID category may be confusing. Furthermore, there is no clear definition for LID.
D.5.18	Los Angeles County and LACFCD 2 nd letter	Attachment H/ Tables 1a & 1b/ Pg. H-4 and H-5. In Tables 1a and 1b there are requests for capital and O&M costs. For the projects the County and LACFCD complete this information is readily available. However, for LID projects completed by private entities this information is not available. The County and LACFCD request the addition of footnotes to Table 1a and 1b indicating that readily available cost information should be provided.	No change. If information is unavailable, then Permittees should indicate so in the reporting form.
D.5.19	City of Santa Clarita	Page 4 Section 1.3. Requiring detailed information from “planned projects” is unrealistic. Projects need to be tested,	No change. See response to comment D.5.15. Planned projects refer to the projects proposed in a WMP.

#	Commenter(s)	Comment	Response
		evaluated, and engineered before information such as cost, O&M, funding source, footprint, and capacity can be provided in a report. Revise the table.	
D.5.20	City of San Fernando, City of Agoura Hills, City of La Puente, City of La Cañada Flintridge, City of Hidden Hills, and Aleshire & Wynder, LLP	Attachment H Page H-5. Section 1.3. Table 1b. Define “planned” and “in progress”	No change. As noted in footnote 15 of Table 1b of the WMP Progress Report Form, any structural and non-structural project that has not been completed would be categorized as planned and in progress. This includes projects that are in funding, design, or construction implementation phases.
D.5.21	Heal the Bay, the Natural Resources Defense Council, and Los Angeles Waterkeeper	<p>Table 8b must similarly provide comparable, useful information. Table 8b must list all projects proposed in the WMP, and the total capacity of this list of projects must be sufficient to reach the final RAA goal. Each annual report must update this list, including projects that were cancelled (indicated as such, but left on the list for tracking purposes), projects that were changed, and new projects that were added. An example of what this completed table should look like is provided in Attachment 1. Additionally, we recommend the following changes to page 4 of the WMP Progress Form:</p> <p>“1.3 Watershed Control Measures Planned and In Progress. Complete Table 1b, on an Excel spreadsheet. Include all watershed control measures (aside from minimum</p>	<p>Change made. Section 1.3 of the WMP Progress Report Form has been revised in Attachment H for consistency with Section 1.2.</p> <p>No change was made with regard to the commenters’ proposal to require Permittees to report on canceled projects. Inclusion of canceled projects in this table won’t provide useful information for tracking compliance with WMP milestones.</p>

#	Commenter(s)	Comment	Response
		<p>control measures specified in Part VIII of the Order) in the Watershed Management Program that are planned and in progress <u>as proposed in the WMP to reach the final reduction requirements by the final deadline. All structural control measures (e.g., new/redevelopment projects, green streets, etc.) as well as non-structural control measures (e.g., enhanced MCMs such as incentive programs, outreach and conservation programs, etc.) should be included in this table. If information is not available for a particular field, the field should be left blank [Order – VI.C].”</u></p> <p>[see Attachment 1]</p>	
D.5.22	Los Angeles County and LACFCD 2 nd letter	<p>Attachment H/ Table 1b/ Pg. H-5. In Table 1b there is a request for information on “Projected Storage Capacity in WMP”. However, the BMPs in the WMPs and those implemented are ultimately designed for a treatment capacity. This treatment capacity could include storage, infiltration, diversion, etc. Additionally, some projects rely solely on treatment and do not include a storage component. Rather than limiting the information requested to storage, the County and LACFCD request that “Projected Storage Capacity in WMP” be changed to “BMP Capacity in WMP” and footnote 14 be revised accordingly.</p>	No change. See response to comment D.5.16.

#	Commenter(s)	Comment	Response
D.5.23	City of San Fernando, City of Agoura Hills, City of La Puente, City of La Cañada Flintridge, City of Hidden Hills, and Aleshire & Wynder, LLP	<p>Attachment H Page H-6. Section 1.4. Table 1c. "Complete Table 1c on an Excel spreadsheet for all WBPCs identified in the Watershed Management Program"</p> <p>Will an Excel Spreadsheet template be provided?</p>	<p>No change. An Excel spreadsheet will not be provided. Permittees will need to transfer the questions and/or tables into an Excel spreadsheet.</p>
D.5.24	Heal the Bay, the Natural Resources Defense Council, and Los Angeles Waterkeeper	<p><i>Watershed Management Program Annual Report Forms must have clear and transparent reporting requirements that allow for the measurement of progress against project implementation interim and final deadlines.</i></p> <p>If an alternative compliance method is offered, accountability is still a necessity. Progress made under the WMPs must also be presented in a clear and transparent way within the Annual Report Forms. Table 8c includes all of the necessary annual reporting information, which is a huge step in the right direction. We thank[] staff for including all of the parameters in Table 8c. However, this reporting information is only useful if it is put in the right context to be able to compare what has been completed to what needs to be completed. Therefore, it is critical that all applicable TMDLs are listed in the table, including interim and final requirements and deadlines. TMDL goals are generally expressed as a percent load</p>	<p>No change. Table 1c and Footnote 16 of Table 1c of the WMP Progress Report Form in Attachment H already addresses the commenters' proposal.</p>

#	Commenter(s)	Comment	Response
		<p>reduction for a specific contaminant, but this is not comparable to the units of measurement reported in Tables 8a and 8b. Therefore, interim and final TMDL deadlines must include a corresponding design capacity (i.e. the amount of stormwater or dry-weather runoff captured, treated, infiltrated, or otherwise diverted during the 85th percentile 24-hour design storm) to be achieved by the given interim or final deadline.</p>	
D.5.25	Los Angeles County and LACFCD 2 nd letter	<p>Attachment F/ Part VIII.C/ Pg. F-173 and Attachment H/ Part 3/ Pgs. 9-12. The County and LACFCD understand the desire to have a standard reporting approach for costs associated with implementation of the Order. However, the proposed approach will not lead to standardized reporting given the different approaches municipalities use to fund their individual programs. The burden placed upon municipalities to report based on the proposed approach will be significant. Rather than basing requirements on a document that has not gone through a stakeholder process (i.e., Guidance for Obtaining Phase I Municipal Separate Storm Sewer System Permit (MS4) Compliance Costs), the County and LACFCD recommend maintaining the current reporting approach until such time</p>	<p>No change. See response to comment D.5.27. Some of the cost reporting requirements are ones that Permittees already comply with for the current MS4 Permits. As discussed in Part VIII.C of the Fact Sheet, the annual reporting requirements for costs are included pursuant to 40 CFR section 122.42(c)(5) and based on the State Auditor's March 2018 Report 2017-18, and the State Board's August 2020 "Guidance for Obtaining Phase I Municipal Separate Storm Sewer System (MS4) Permit Compliance Costs". Also, as seen in other comments received on the Tentative Regional MS4 Permit, standardized reporting is essential for consistency and transparency. Furthermore, this information will help the Board evaluate costs of permit</p>

#	Commenter(s)	Comment	Response
		that a statewide approach has been fully vetted.	<p>requirements as part of a future permit issuance.</p> <p>The State Water Board cost guidance is an evolving document and therefore, Permittees are encouraged to contact the State Water Board to inquire about the possibility of implementing a stakeholder process. Permittees may direct questions to the Strategy to Optimize Resource Management of Stormwater (STORMS) by emailing staff at STORMS@waterboards.ca.gov.</p>
D.5.26	City of San Fernando, City of Agoura Hills, City of La Puente, City of La Cañada Flintridge, City of Hidden Hills, and Aleshire & Wynder, LLP	Attachment H Page H-10. Section 3.2. This budget table is very specific and it could be intensive for most agencies to break down their costs In this manner. Recommend allowing agencies to report a breakdown of expenditures that is tailored to the permittee's individual method of tracking expenses.	No change. See response to comments D.5.25 and D.5.27.
D.5.27	Aleshire & Wynder, LLP	<p>Fiscal Reporting Requirements Go Beyond Federal Requirements and Impose An Additional Financial Burden</p> <p>The Tentative Order includes new prescriptive reporting requirements for Program Expenditures in the Annual Reporting Forms (Attachment H). The Fact Sheet describes the rationale for including the reporting requirements at Page F-173. The required Program Expenditures</p>	No change. See response to comment D.5.25. Additionally, the reporting requirements do not exceed federal requirements, and are expressly authorized under the Clean Water Act and its implementing regulations, which require monitoring and reporting as a major component of all NPDES permits, not just MS4 permits. As a condition of receiving an NPDES permit, a permittee agrees to

#	Commenter(s)	Comment	Response
		<p>reporting requirements are significant and will require an enormous expense to track, gather, and report. Permittees must provide a fiscal analysis of the expenditures necessary to accomplish the activities of the stormwater management program and monitoring. This goes beyond the requirements of 40 CFR 122.26(d)(2)(vi) and would impose an additional financial burden on the Cities.</p> <p>Additionally, the Cities have concerns about developing a reporting format based on the Guidance for Obtaining Phase I Municipal Separate Storm Sewer System Permit (MS4) Compliance Costs (Compliance Cost Reporting Guidance). It is our understanding that the Compliance Cost Reporting Guidance was developed without input from MS4 Permittees and significant concerns have been raised by the California Stormwater Quality Association (CASQA) about the use of this guidance in developing permit requirements.</p> <p>While gathering information to better understand the cost of compliance with MS4 permits is important, the cost of that effort should not be shifted to Cities. The method of gathering data needs to be developed through a process that involves input from MS4 permittees during the</p>	<p>monitor its discharges to ensure compliance with the permit's terms. Section 308(a) of the Clean Water Act and sections 122.41 (h), (j)-(l), 122.44(i), and 122.48 of Title 40 of the Code of Federal Regulations establish substantive monitoring and reporting requirements for all NPDES permits. Federal regulations applicable to large and medium MS4s also specify additional monitoring and reporting requirements. See, e.g., 40 C.F.R. §§ 122.26, subds. (d)(2)(i)(F) & (d)(2)(iii)(D), 122.42(c). Notably, too, California Water Code also requires monitoring in NPDES permits. (Cal. Water Code, § 13383.)</p> <p>To the extent that this commenter is alleging that the monitoring and reporting requirements are unfunded mandates, the commenter is wrong. As the Ninth Circuit Court of Appeal stated in a case concerning the 2001 Los Angeles County MS4 Permit: "First and foremost, the Clean Water Act requires every NPDES permittee to monitor its discharges into the navigable waters of the United States in a manner sufficient to determine whether it is in compliance with the relevant NPDES permit... That is, an NPDES permit is unlawful if a permittee is not required to effectively monitor its permit compliance." <i>Natural Resources Defense Council v.</i></p>

#	Commenter(s)	Comment	Response
		<p>permitting process rather than being imposed through permit requirements that will require significant effort to implement.</p>	<p><i>County of Los Angeles</i> (9th Cir. 2013) 725 F.3d 1194, 1207, cert. den. <i>Los Angeles County Flood Control Dist. v. Natural Resources Defense Council</i> (2014) 134 S.Ct. 2135 (citations omitted; emphasis in original) (citing CWA § 402(a)(2) and 40 C.F.R. §§ 122.44(i)(1) and 122.26(d)(2)(i)(F) (emphasis in original).) The Court also stated: “But while otherwise more flexible than the traditional NPDES permitting system, nothing in the [MS4] permitting scheme relieves permittees of the obligation to monitor their compliance with their NPDES permit in some fashion...Rather, EPA regulations make clear that while [MS4] NPDES permits need not require monitoring of each stormwater source at the precise point of discharge, they may instead establish a monitoring scheme “sufficient to yield data which are representative of the monitored activity...”” (<i>Id</i> at p. 1209 (citations omitted).)</p> <p>As the California Supreme Court has made clear, and as the Ninth Circuit implied in the <i>NRDC</i> case, <i>supra</i>, it is the factual circumstances surrounding each permit that determine what legal requirements must be imposed. (See <i>Department of Finance, supra</i>, 1 Cal.5th at p. 768, fn. 15 [“Of course, this finding would be case specific, based among other things on local</p>

#	Commenter(s)	Comment	Response
			<p>factual circumstances.”]; see also <i>City of Burbank, supra</i>, 35 Cal.4th at p. 627.) The need for the monitoring and reporting program in the Regional MS4 Permit as well as the evidence that supports it is discussed in Parts III.E-F, VIII.C, and XII of the Fact Sheet. As explained therein, the monitoring and reporting requirements will yield data that will be representative of the monitored activity, and they allow the Los Angeles Water Board to determine compliance with the terms of the Tentative Order.</p> <p>Finally, with respect to costs, the Court of Appeal recently held that local governments have the authority sufficient to pay for inspection requirements for commercial and industrial facilities and construction sites to ensure compliance with various environmental regulations under their police powers for the prevention of water pollution. (<i>Department of Finance v. Commission on State Mandates</i> (2021) 59 Cal.App.5th 546, 561-62.) The same rationale could apply here, too: local governments have the authority pursuant to their police powers to impose fees for monitoring and reporting costs required pursuant to federal (and state) law.</p>

#	Commenter(s)	Comment	Response
			For further discussion of monitoring costs, see response to comment H.1.2.d.
D.5.28	LLAR Group and LSGR Group	<p><u>Regarding the Annual Reporting Process (Attachment H)</u></p> <p>The fiscal section of the Annual Report Form is far too detailed. For any Permittee, MS4 NPDES Program implementation involves multiple staff and contractors across multiple independent divisions and departments. Collecting 9 fields of data for 21 subprograms (a total of 189 information requests) across these disparate sources presents a significant administrative burden that should only be pursued if it is believed that the information gleaned will provide a value worthy of the time investment. For MS4 NPDES subprograms of modest to intermediate budgets, this seems unlikely. The WMG[s] thus suggests that this level of detail relate only to infrastructure projects, or to projects of a certain cost, or some other constraint that will eliminate such meticulous reporting requirements for smaller subprograms.</p>	No change. See response to comments D.5.25 and D.5.27.
D.5.29	Los Angeles County and LACFCD 2 nd letter and City of Malibu	Attachment H/ Table 3.2/ Pg. H-10. The addition of several columns to the expenditure report table is not warranted as it creates undue burden to permittees to collect such information given that the current City system is not set up in that way. The existing expenditure report table is already very detailed. Further, the addition	No change. See response to comments D.5.25 and D.5.27.

#	Commenter(s)	Comment	Response
		of details adds no value to water quality or permit compliance.	
D.5.30	Santa Ana Region MS4 Permittees	<p>Reduce the Fiscal Reporting Requirements to Match the Federal Requirements</p> <p>The Tentative Order includes new prescriptive reporting requirements for Program Expenditures in the Annual Reporting Forms (Attachment H). The Fact Sheet describes the rationale for including the reporting requirements as follows:</p> <p>“Attachment H of the Order identifies a consistent reporting format for this fiscal analysis as recommended by the State Auditor in its Report 2017-118 on the State and Regional Water Boards MS4 programs. This reporting format is based on the statewide guidance, “Guidance for Obtaining Phase I Municipal Separate Storm Sewer System Permit (MS4) Compliance Costs,” prepared by the State Water Board in response to the State Auditor’s recommendation.” (Page F-173)</p> <p>The Santa Ana Region MS4 Permittees are concerned that the required Program Expenditures reporting requirements are significant and will require a large level of effort to track, gather and report, but it is unclear whether the information will provide a corresponding value towards improving</p>	<p>No change. See response to comments D.5.25 and D.5.27.</p>

#	Commenter(s)	Comment	Response
		<p>water quality. Per 40 CFR 122.26(d)(2)(vi), Permittees must provide a fiscal analysis of the expenditures necessary to accomplish the activities of the stormwater management program and monitoring. The Santa Ana Region MS4 Permittees view that the level of detail required on program expenditures in the Tentative Order goes beyond these Federal Requirements.</p> <p>Additionally, the Santa Ana Region MS4 Permittees have significant concerns about developing a reporting format based on the Guidance for Obtaining Phase I Municipal Separate Storm Sewer System Permit (MS4) Compliance Costs (Compliance Cost Reporting Guidance). It is our understanding that the Compliance Cost Reporting Guidance was developed without input from MS4 Permittees and significant concerns have been raised by the California Stormwater Quality Association (CASQA) about the use of this guidance in developing permit requirements.</p> <p>While the Santa Ana Region MS4 Permittees understand and support the importance of gathering information to better understand the cost of compliance with MS4 permits, the method of gathering that information needs to be developed through a comprehensive process that</p>	

#	Commenter(s)	Comment	Response
		<p>involves input from MS4 permittees rather than being imposed through permit requirements that will require significant effort to implement.</p> <p><i>Consideration for revising the Tentative Order:</i> Modify the Attachment H Program Expenditures to be consistent with 40 CFR 122.26(d)(2)(vi).</p>	
D.5.31	LCC Group	<p>Second, we are concerned that the municipal form was made much more cumbersome by the additional micro-level details on compliance costs and should not be in the Annual Report.</p> <p>Table 3.2 is much more detailed than necessary to comply with Section VII.A.5 of Attachment D. That requirement appears to require a summary of actual expenses for the reporting year and a budget for the following year. We understand that the Regional Water Board staff is trying to document municipal expenditures to help the Board better understand the costs to municipalities to comply with the MS4 Permit. However, this should be able to be accomplished without requiring such detailed information. Table 3.2 requires components of costs plus total expenditures for the reporting year and the program budget for the next reporting year for 23</p>	<p>No change. See response to comments D.5.25 and D.5.27.</p> <p>Note that Ventura County Permittees do not have the Safe Clean Water (SCW) Program. Furthermore, the SCW Program is administered by LACFCD. Therefore, it is inappropriate to base annual reporting on the SCW Program.</p>

#	Commenter(s)	Comment	Response
		<p>program categories, including several, such as monitoring, that in most cases are handled by Watershed Groups. Municipalities contributed a formula-based share of overall watershed costs. Although they approve watershed budgets and invoices, they do not keep detailed accounts of their share of the seven costs components required in Table 3.2.</p> <p>We recommend that staff reconsider the financial information being requested of Permittees in Table 3.2. This reconsideration should include a review of the financial information required to be submitted to the Los Angeles County Flood Control District in the Annual Plans required pursuant to the Transfer Agreements between the District and municipalities, as well as the required Annual Progress/Expenditure Reports as part of the Safe, Clean Water Program. Perhaps a small working group of municipal representatives and watershed consultants could be convened to help staff develop a more workable cost information table.</p>	
D.5.32	PVP Group	The Annual Report Form (Attachment H) fiscal section information request is exhaustive for any Permittee, considering MS4 NPDES program implementation involves multiple staff and contractors across multiple independent divisions and	No change. See response to comments D.5.25 and D.5.27.

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		<p>departments. Collecting nine fields of data across 21 subprograms-- 189 information requests--across these disparate sources is a significant administrative burden that should only be pursued if it is believed that the information gleaned will provide a value worthy of the time investment. For MS4 NPDES subprograms of modest to intermediate budgets, this seems unlikely. It is suggested that this level of detail relate only to infrastructure projects, projects of a certain cost, or some other constraint that will eliminate smaller subprograms.</p>	
D.5.33	City of Santa Clarita	<p>Page 46 Section 3.2. Staff must work within the confines of the citywide financial system to extrapolate financial data to fit the annual report categories. The proposed method using a matrix with nine columns for each category is confusing and open to individual interpretation.</p> <p>It is not clear if the proposed method will provide useful and consistent data that would measure Permittees compliance with the Permit. Rather, it would only serve to prolong the time it takes to bean-count and categorize each expenditure.</p>	No change. See response to comments D.5.25 and D.5.27.
D.5.34	SGVCOG 2 nd Letter and ULAR Group	<p>Furthermore, the Permittees will be required to provide financial reporting to Los Angeles County regarding their use of SCW Program funds. We encourage LARWQCB staff to closely coordinate with Los</p>	No change. See response to comments D.5.25, D.5.27, and D.5.31.

#	Commenter(s)	Comment	Response
		Angeles County in the development of financial forms to avoid redundant reporting.	
D.5.35	City of San Fernando, City of Agoura Hills, City of La Puente, City of La Cañada Flintridge, City of Hidden Hills, and Aleshire & Wynder, LLP	Attachment H Page H-10. Section 3.2. Is the intent of the budget to include expenses for the reporting year or projected costs for the following Fiscal Year?	Change made. Section 3.2 of the Annual Report Form in Attachment H has been revised to clarify that Permittees are required to report on current costs in this reporting year. Additionally, the last column requires Permittees to report on projected costs for the following reporting year.
D.5.36	SGVCOG 2 nd Letter and ULAR Group	Att.H. Please clarify what is requested for cost for the Public Agency activities. This is where everyone reports differently with no clear format.	No change. Cost related to Public Agency Activities include all the expenses incurred by Permittees for implementing the provisions listed in Part VIII.H of the Order, which include Public Facility and Activity Inventory; Public Facility and Activity Management; Vehicle and Equipment Wash Areas; Landscape, Park, and Recreational Facilities Management; Storm Drain Operation and Maintenance; Road Reconstruction; Streets and Road Pollutant Management; Parking Facilities Maintenance; and Emergency Procedures.
D.5.37	City of San Fernando, City of Agoura Hills, City of La Puente, City of La Cañada Flintridge, City of Hidden Hills, and	Attachment H Page H-14. Section 4.6. " Describe sources of non-storm water discharges determined to be a NPOES permitted discharge, a discharge subject to CERCLA, a conditionally exempt non-storm water discharge, or entirely comprised of natural flows [Order - III.B.2]."	Change made. Revised Part III.A.2.c of the Order to include the full name of CERCLA.

#	Commenter(s)	Comment	Response
	Aleshire & Wynder, LLP	CERCLA is not defined where it first appears in the Order on page 12. CERCLA should be defined in Attachment A - Definitions.	
D.5.38	City of San Fernando, City of Agoura Hills, City of La Puente, City of La Cañada Flintridge, City of Hidden Hills, and Aleshire & Wynder, LLP	<p>Attachment H Page H-18. Section 6.2f. "What metrics did you use to measure the effectiveness in achieving the objectives of the Public Information and Participation Program? Considering those metrics, is your Public Information and Participation program effective? Explain [VIII.D.4.a]."</p> <p>It may take some time for an agency to implement a program to determine a method of effectiveness. Suggest adding language, "If applicable, define progress implementing a measurement of effectiveness."</p>	No change. If a Permittee does not have the metrics to measure effectiveness, they should provide the rationale and a timeline of when they will be able to include the information.
D.5.39	City of Santa Clarita	Page 12 Section 6.2f. Measuring the "effectiveness in achieving objectives" of Public Information is subjective and open to interpretation.	No change. Part VIII.D.4.a of the Order allows Permittees flexibility in choosing applicable metrics to demonstrate effectiveness with the objectives listed in Part VIII.D.2.
D.5.40	City of San Fernando, City of Agoura Hills, City of La Puente, City of La Cañada Flintridge, City of Hidden Hills, and	<p>Attachment H Page H-19. Section 6.3b. "If you answered yes to question 6.3a above, what is the total number of facilities in your inventory list?"</p> <p>Recommend this question be included as part of the 6.3a table.</p>	No change. The proposed formatting change is unnecessary.

#	Commenter(s)	Comment	Response
	Aleshire & Wynder, LLP		
D.5.41	City of Santa Clarita	Page 13 Section 6.3d. An Outreach Program at commercial facilities, where the audience of the outreach is the general public, should not be paired (or reported) with an inspection/compliance program where the goal is to measure a commercial sites compliance with Stormwater requirements. This is better reported under Section 6.2	No change. The intended audience in Part VIII.E.3.a of the Order is the operators of the commercial facilities within Permittees' jurisdiction, and not the general public.
D.5.42	City of San Fernando, City of Agoura Hills, City of La Puente, City of La Cañada Flintridge, City of Hidden Hills, and Aleshire & Wynder, LLP	Attachment H Pages H-19, H-20. Sections 6.3d, 6.3e. "How many of the inspections in the <i>previous question</i> were second inspections?" Which "previous question" does this refer to?	Change made. Sections 6.3d and 6.3e of Attachment H have been revised to clarify which section is referenced.
D.5.43	City of San Fernando, City of Agoura Hills, City of La Puente, City of La Cañada Flintridge, City of Hidden Hills, and Aleshire & Wynder, LLP	Attachment H Pages H-19, H-20. Sections 6.3d, 6.3e. "How many of the inspections in the <i>previous question</i> were <i>second inspections</i> ?" Are second inspections defined as follow-up inspections or a second round of inspections?	Change made. The questions in Sections 6.3d and 6.3e of Attachment H have been revised to specifically ask the Permittees to identify the number of inspections per round of inspections. The questions have also been revised to clarify that each round of inspections corresponds to the requirement to conduct an inspection every two years.
D.5.44	City of Santa Clarita	Page 14 Section 6.3e. Reporting of non-filers as a tabulated requirement should not	No change. The number of non-filers is valuable information because it confirms

#	Commenter(s)	Comment	Response
		be a numerical statistic. Rather, this should be a Yes/No question.	whether a Permittee indeed reported non-filers to the Board.
D.5.45	City of Santa Clarita	Page 16 Section 6.5b. Inspecting and tracking (tabulating) of construction sites less than one acre, many with no real potential impact to water quality, is of very limited value of the City's time and personnel resources.	No change. The questions in Section 6.5b (Section 6.5a of the revised Tentative) of the Annual Report Form in Attachment H are necessary to verify whether Permittees have completed the requirements of Part VIII.G.5.b (Part VIII.G.4.b of the revised Tentative) of the Order, which requires inspection of construction sites less than one acre. Additionally, Permittees are only required to inspect construction sites less than an acre as needed based on their evaluation of the threat to water quality.
D.5.46	City of Santa Clarita	Page 16 Section 6.5c. Sites 1 acre or greater are not allowed to obtain a grading permit without a SWPPP and a WDID number from the State. Tabulating and tracking the number is unnecessary. Delete this question	No change. The questions in Section 6.5c (Section 6.5b of the revised Tentative) of the Annual Report Form in Attachment H are necessary to verify whether Permittees completed the requirements of Part VIII.G.6 (Part VIII.G.5 of the revised Tentative) of the Order.
D.5.47	City of Santa Clarita	Page 17 Section 6.5c. It is unclear what constitutes a violation of post-construction plan is. If a development failed to properly install post-construction BMPs, then the development is not complete. Delete this question.	No change. The questions in Section 6.5c (Section 6.5b of the revised Tentative) of the Annual Report Form in Attachment H are necessary to verify whether Permittees completed the requirements of Part VIII.G.6.b.ii.(d) (Part VIII.G.5.c.ii.(d) of the revised Tentative) of the Order regardless of project completion.
D.5.48	City of San Fernando, City of Agoura Hills, City	Attachment H Page H-23. Section 6.6a. How many treatment control BMPs	No change. The question in Section 6.6a of the Annual Report Form in Attachment H pertains to Part VIII.H.2.b.vi of the Order,

#	Commenter(s)	Comment	Response
	of La Puente, City of La Cañada Flintridge, City of Hidden Hills, and Aleshire & Wynder, LLP	including post-construction control BMPs do you own? Recommend all post-construction BMP questions be in one section of the annual report for ease of reporting and uniformity.	which is the Public Agency Activities Program MCM. Therefore, it is inappropriate if a Public Agency Activities Program MCM question appears in the Construction Program MCM section.
D.5.49	City of San Fernando, City of Agoura Hills, City of La Puente, City of La Cañada Flintridge, City of Hidden Hills, and Aleshire & Wynder, LLP	Attachment H Page H-24. Section 6.6b... Priority A, Priority B, Priority C" Priorities A, B, and C should be defined in a footnote.	No change. A reference to the Order defining Priorities A, B, and C is provided in section 6.6b of the Annual Report Form in Attachment H.
D.5.50	City of Santa Clarita	Page 18 Section 6.6b. A Percentage of streets in each Priority category is extraneous information that serves no real purpose other than a number for this report. A straight number of miles or curb miles is more appropriate.	Change made. Section 6.6b of Attachment H has been revised to change the title of the first column in the table to read "Total Miles of Street" and to add footnote 15.
D.5.51	City of Santa Clarita	Page 21 Section 7.2b. The majority of catch basins within the city have been transferred over to LACFCD. However, once a catch basin has been retrofitted with a full capture device, the City becomes legally liable to maintain that catch basin. Table 7.2b, as currently structured, will have fluctuating numbers every year based on this transfer of ownership and maintenance responsibility. Rewrite the table.	Change made. Fields have been added to sections 7.1c, 7.2b, and 7.2f in Attachment H allowing Permittees to add additional information, if necessary.
D.6.1	---	No comments received.	---

Miscellaneous Modifications

1. Attachment E, Footnote 1 and Attachment F, Part XII.A.1, footnote 319 were added clarifying applicable law.
2. Attachment E, Parts III.D.2.a-b and Attachment F, Part XII.C. Clarified that Ventura County Permittees can join an existing CIMP.
3. Attachment E, Part IX.H.2-3, footnote 12 in Part IX.H.2, and Attachment F, Part XII.J. Added the term “non-ocean marine waters” to omit the ocean water aquatic toxicity requirement. (See *In the Matter of the Petitions of the City of Oceanside, Fallbrook Public Utilities Dist. and the Southern California Alliance of Publicly Owned Treatment Works*, State Water Board Order WQ-2021-0005 at pp. 12, 13.)
4. Attachment E, Part XIV.B.2.f. Omitted the term “chronic” to clarify that aquatic toxicity requirements applies to both chronic and acute. Also substituted the term “station” with “location” for consistency with the MRP.
5. Attachment E, Part XV.C. Updated the March 27, 2021 date to March 27, 2023.
6. Attachment E, Part XV.E. Updated the schedule and revised language for consistency with the TMDL.
7. Attachment E, Part XV.G. Updated the “Approval Date” column of Table E-10 to include “has not been approved yet” for the LRS’s that don’t have approval dates.
8. Attachment E, Part II.H.3, and Table E-6. Corrected “marine waters” to “non-ocean marine waters”. Also added new footnotes 2 (in Part II.H.3) and 11 (Table E-6), to clarify non-ocean marine waters. Also added new footnote 8 to add a reference to Attachment A for definitions of freshwater, marine waters, and ocean waters.
9. Attachment F, Part VIII.C. Updated the State Board guidance document date in the footnote.
10. Attachment F, Parts XII.E.3, and Table F-27. Deleted “ocean” and corrected “marine waters” to “non-ocean marine waters” for consistency with the MRP. Also, under the rows for Bacteria indicators (i.e., Fecal coliform and E coli), Table F-27 was revised to reflect the changes in the MRP to clarify the applicable plans in the Lowest Water Quality Goal column.
11. Attachment F, Part XII.J, and Attachment E, Part IX.H.4. Added “and acute” for consistency with the toxicity requirements in the MRP.
12. Attachment F, Part XII.O.2. Deleted “or a revised form approved by the Los Angeles Water Board” for consistency with the MRP.
13. Attachment H- WMP Progress Report Form. Added language to clarify how to submit WMP modification requests.
14. Attachment H, Section 1.1, footnote 1. Deleted “designed to capture the 85th percentile 24-hour storm event” to be inclusive of all watershed control measures.
15. Attachment H, Section 1.2, Table 1a. Revised footnote 2 to add clarifier for green streets linear miles reporting, per the updated State Board’s August 12, 2020 “Guidance for Obtaining Phase I Municipal Separate Storm Sewer

System (MS4) Permit Compliance Costs”.

16. Attachment H, Section 3.2. Added footnote 1 to clarify the exclusion of land cost from the “Capital Expenditures” category column, per the updated State Board’s August 12, 2020 “Guidance for Obtaining Phase I Municipal Separate Storm Sewer System (MS4) Permit Compliance Costs”.
17. Attachment H, Section 3.2. Added “Permit(s)” to the “Operation, and Maintenance (O&M) Costs” category column, per the updated State Board’s August 12, 2020 “Guidance for Obtaining Phase I Municipal Separate Storm Sewer System (MS4) Permit Compliance Costs”.
18. Attachment H, Section 3.2. Added footnote 5 in the “(5) Projects” category row for clarification, per the updated State Board’s August 12, 2020 “Guidance for Obtaining Phase I Municipal Separate Storm Sewer System (MS4) Permit Compliance Costs”.
19. Attachment H, Section 6.6a. Added a question to ensure that the number of parking lot inspections were distributed as required (i.e., at a minimum twice a month).

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