

**Los Angeles Water Board Response to Specific Written Comments by Joyce Dillard, dated August 30, 2015, on the Draft Marina del Rey (MdR) EWMP**

Comment No.	Joyce Dillard Comment	Los Angeles Water Board Response
1	<p style="text-align: center;">FINANCIAL STRATEGY</p> <p><b>ES.6 Financial Strategy</b> states:</p> <p><i>Estimated costs for compliance with the 2012 MS4 Permit through the implementation of the Marina del Rey Watershed EWMP are approximated at \$392 million (Table ES-4), including costs associated with Subwatershed 2 (a non-TMDL area). If costs associated with Subwatershed 2 are not included in the calculation, the total costs for BMP implementation based on the RAA are estimated at \$363 million. <b>All costs are presented in 2015 dollars using the net present worth analysis and an average inflation rate of 3 percent.</b> The costs associated with compliance may be much different than those projected in the table below and could be significantly lower based on the results of ongoing and future studies that will be incorporated into the adaptive management process.</i></p> <p><i>The EWMP Agencies will follow a multi-pronged financial strategy to maximize potential funding opportunities in support of EWMP implementation. This approach includes, but is not limited to the pursuit of grants (including Prop 1 funding), the investigation of potential fees and other charges, as well as legislative strategies.</i></p> <p style="text-align: center;">COMMENTS</p> <p>There is no Financial Strategy yet there is a concern with inflation.</p>	<p>Comment considered. Comments were included in the Los Angeles Water Board’s Marina del Rey EWMP Review Letter, dated October 27, 2015 (hereafter, MdR Review Letter) directing the MdR Watershed Management Group to provide additional information regarding their financial strategy. In response, the revised EWMP included additional information and specificity in Section 9.4 Financial Strategy. Overall, Section 9 of the MdR EWMP adequately discusses the Group’s financial strategy and meets the permit requirement.</p> <p>Furthermore, Permittee efforts to fund EWMP implementation that involve increases in fees or taxes will, as appropriate, require voter approval or separate public notification process (e.g., Proposition 218 (1996)).</p>

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	<p>As a sample, the City of Los Angeles CONSOLIDATED ANNUAL FINANCIAL REPORT (FY June 30, 2015) requires disclosure under NOTES TO BASIC FINANCIAL STATEMENT:</p> <p><b>Total Maximum Daily Loads (TMDLs)</b></p> <p><i>The USEPA and the LARWQCB are required to develop TMDLs for impaired water bodies. Various watersheds in the Los Angeles area have water body segments that are listed as impaired due to a variety of pollutants. Although some TMDLs have already been released, additional TMDLs will be under development and compliance with both existing and new TMDLs will continue into the next decade. At this time, it is difficult to predict the full impact of TMDLs on the National Pollutant Discharge Elimination System (NPDES) effluent limits at the City's four water reclamation and wastewater treatment plants. <b>In addition, the proposed Greater Los Angeles County Municipal Separate Stormwater Sewer Systems (MS4) permit, adopted by the LARWQCB in November 2012, contains provisions that require compliance with all the adopted TMDLs. It is expected that significant capital improvements funded by Sewer may be required to comply with the TMDLs and their resulting impact on the City's NPDES permits.</b></i></p> <p>This statement discloses Sewer funds as the source for "significant capital improvements." This permit goes beyond the sewer system into streets and land and the taxpayer has not been notified of the tremendous expected costs.</p>	

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2	<p style="text-align: center;">ADAPTIVE MANAGEMENT</p> <p><b>ES.7 Adaptive Management</b></p> <p><i>Adaptive management is the process by which data are continually assessed in the context of improving and adapting programs to ensure the most effective strategies are implemented. In accordance with the MS4 Permit, every two years as data become available through Coordinated Integrated Monitoring Program (CIMP) monitoring, BMP effectiveness studies, special studies such as the Toxics TMDL required Stressor ID Study, Oxford Basin monitoring, and other scientific studies, it will be integrated and assessed to determine if programs in the EWMP should be altered to enable compliance in the most efficient manner. <b>Additionally, public participation and LARWQCB recommendations will also be included in the adaptive management process.</b> The adaptive management framework will allow the EWMP Agencies to develop an overall program consisting of efficient solutions based on evolving watershed priorities.</i></p> <p style="text-align: center;">COMMENTS</p> <p>We do not understand how this process coordinates with monitoring and pollutant reduction load identification other than outfall monitoring. Proposition O projects from the City of Los Angeles have no data that can verify load reductions. This is an NPDES permit based on Source Point discharges. Scientific studies should be applied now and a clearinghouse established.</p> <p>So far, the public has been omitted for most processes of</p>	<p>Comment considered.</p> <p>The Adaptive Management process will use newly available monitoring data collected as required by the permit, as well as information and data from sources other than the Permittees' monitoring program(s), which inform the effectiveness of the actions implemented by the Permittees. The monitoring data and other relevant information will be used to refine the hydrologic and pollutant fate and transport modeling of the EWMP area. Such refinements will allow the MdR Watershed Management Group to better identify pollutant sources, estimate pollutant loads, and predict pollutant load reductions resulting from implementation of effective watershed control measures.</p> <p>Currently available data and studies were used to develop the MdR watershed model.</p> <p>Regarding the public process, a comment was included in the MdR Review Letter directing the Group to provide details regarding stakeholder input during EWMP development. In response, the revised EWMP added Section 8.0 Public &amp; Agency Participation, which provides information regarding the three public workshops that the Group held during EWMP development.</p> <p>Further, as part of the EWMP review process, the Board provided public notice and a 61-day period to allow for public review and written comment on the draft EWMPs. In addition, the Board held three public workshops where Permittees and interested persons were invited to orally comment on the draft or revised EWMPs. During the</p>

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	<p>this permit other than writing comments and a few workshops or meetings. Most public do not identify a permit with Green Streets. This is confusing.</p>	<p>Board’s initial review of the draft EWMP and review of the revised EWMP, the Los Angeles Water Board considered written comments and comments made at these workshops that were applicable to the MdR EWMP.</p> <p>In addition to these workshops, various elected officials have also sponsored several public forums on the permit and the Watershed Management Programs/Enhanced Watershed Management Programs, including Congresswoman Napolitano and State Senators Hernandez and Huff.</p> <p>Lastly, Green Streets are a category of control measures that may be implemented to treat and/or retain runoff that would otherwise flow freely into storm drains and subsequently into receiving waters. Green Street control measures, which manage runoff before it enters storm drains, are sound and established practices used to protect and improve water quality.</p>
3	<p style="text-align: center;"><b>SELECTION CRITERIA</b></p> <p>5.2.1 Regional BMPs Selection Criteria states:</p> <p><i>7. Health and Safety—Stormwater quality facilities must be designed and maintained in a manner that does not pose health or safety hazards to the public. The potential for nuisances, odors, and prolonged soggy conditions should be evaluated for BMPs, especially in areas with high pedestrian traffic or visibility. Urban areas are heavily populated, which adds to safety concerns when considering potential BMPs such as ponds, wetlands, and surface sand filters. Open surface systems may require</i></p>	<p>Public health and safety has been considered. Section 5.2.1 of the EWMP identifies the factors that were considered during the structural best management practice (BMP) selection process, which includes considering the health and safety issues discussed. Additionally, a key purpose of the Mdr EWMP is to implement projects to improve public health related to water recreation. The County Department of Public Health has been a long-standing partner in notifying the public of the health risks of recreating in waters contaminated by elevated levels of bacteria. Potential vector control issues were discussed with local vector control district representatives and addressed in certain</p>

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	<p><i>additional measures such as fencing to ensure public safety and reduce vandalism. Often the only feasible location for BMPs in developed areas is underground, which presents more complex maintenance issues that trigger worker safety requirements. The installation of subsurface BMPs may require maintenance activities to be performed in confined spaces. Confined spaces have specific entry requirements to ensure safety that would need to be followed each time BMPs are inspected or maintained.</i></p> <p style="text-align: center;">COMMENTS</p> <p>We do not believe Public Health and Safety has been embraced. Public Health Departments, not part of the permitting process, need to take a role. Vector Control issues need to be addressed. Liability issues have not been reviewed.</p>	<p>sections of the permit.</p> <p>Also, stormwater structural BMPs that may be implemented as a result of the Mdr EWMP may require discretionary approval subject to review under the California Environmental Quality Act (CEQA). Public agencies responsible for carrying out or approving stormwater structural BMPs are identified as the lead agency. The environmental review required imposes both procedural and substantive requirements. At a minimum, the lead agency must adhere to the consultation and public notice requirements set forth in the CEQA Guidelines, make determinations whether the proposed stormwater structural BMP is a “project”, and if so, conduct an initial review of the project and its environmental effects. The lead agency must identify and document the potential environmental impacts of the proposed project in accordance with CEQA, (Public Resources Code Section 21000 et seq.), and the CEQA Guidelines (Title 14 of the California Code of Regulations, Section 15000, et seq.).</p>