

California Regional Water Quality Control Board, Los Angeles Region
Los Angeles County MS4 Permit
Response to Comments on the Tentative Order
TOTAL MAXIMUM DAILY LOADS (SPECIFIC) MATRIX

Section/Topic	Comment Summary	Commenter(s)	Response	Change Made
General				
TMDL Reopeners	Several TMDLs, such as the Machado lake Nutrients TMDL, provide for reconsideration prior to final compliance deadlines. The tentative order proposal does not reflect this.	County of Los Angeles (Comment 128 & 220)	The permit includes a provision that allows the Board to reopen and modify the permit to incorporate provisions as a result of future amendments to the Basin Plan, such as the reconsideration of a TMDL. See Part VI.A.7.a.iv. It is not necessary to include the dates for scheduled TMDL reconsiderations in the permit, as these reconsiderations occur through the basin plan amendment process as opposed to the permitting process.	None.
Multiple TMDLs				
Bacteria TMDLs	The Bacteria TMDL reconsiderations adopted for Santa Monica Bay Beaches, Ballona Creek and Marina del Rey Harbor on June 7, 2012 does not differentiate between dry or wet weather geometric means. The geometric mean is calculated using all data regardless of weather conditions with a compliance deadline of July 15, 2021. This change should be reflected in the Permit.	City of Los Angeles (Comments 134, 137, 139, 141, 142, 144)	<p>The Board acknowledges the changes to the calculation of the geometric mean, which were adopted by the Board on June 7, 2012 as part of the Bacterial TMDL reconsiderations. However, the revised Bacterial TMDLs are not in effect until approved by the State Board, OAL and USEPA. The tentative order will be revised however to state that upon the effective date of the revisions to the TMDL, the water quality based effluent limitations and receiving water limitations shall be as adopted by this Regional Board in its reconsideration of the TMDL. Attachment M, Parts A, D.1, E.3, and F.1 will be revised to include the updated water quality based effluent limitations and receiving water limitations to which Permittees will be subject once the revisions to the TMDLs are in effect.</p> <p>Additionally, note that the permit includes a provision that allows the Board to reopen and modify the permit to incorporate provisions as a result of future amendments to the Basin Plan, such as a new or revised water quality objective or the adoption or reconsideration of a TMDL.</p>	Yes, Attachment M, Parts A, D.1, E.3 and F.1

			See Part VI.A.7.a.iv. This provision can be utilized to reopen the permit to make necessary changes.	
Bacteria TMDLs	The Bacteria TMDL reconsiderations adopted for Santa Monica Bay Beaches, Ballona Creek and Marina del Rey Harbor on June 7, 2012, increased the allowable exceedance days during the winter dry period (November 1 to March 31) from 3 to 9 and from 1 to 2 for shoreline monitoring stations under daily and weekly sampling, respectively. The tables should be updated to reflect this change.	City of Los Angeles (Comments 135, 140, 143); County of Los Angeles (Comment 225)	<p>The Board acknowledges the changes it adopted on June 7, 2012, with regard to the winter dry weather allowable exceedance days in the Bacterial TMDLs. However, the revised Bacterial TMDLs are not in effect until approved by the State Board, OAL and USEPA. The tentative order will be revised however to state that upon the effective date of the revisions to the TMDL, the water quality based effluent limitations and receiving water limitations shall be as adopted by this Regional Board in its reconsideration of the TMDL. Attachment M, Parts A, D.1, E.3, and F.1 will be revised to include the updated water quality based effluent limitations and receiving water limitations to which Permittees will be subject once the revisions to the TMDLs are in effect.</p> <p>Additionally, note that the permit includes a provision that allows the Board to reopen and modify the permit to incorporate provisions as a result of future amendments to the Basin Plan, such as a new or revised water quality objective or the adoption or reconsideration of a TMDL. See Part VI.A.7.a.iv. This provision can be utilized to reopen the permit to make necessary changes.</p>	Yes, Attachment M, Parts A, D.1, E.3 and F.1
Ballona Creek Estuary Toxic Pollutants TMDL and Dominguez Channel and Harbors Toxics TMDL	Both the Ballona Creek Estuary Toxics and Dominguez Channel and Harbors Toxics TMDLs assign mass-based sediment waste load allocations (WLAs) to storm water. The WLAs were developed to address elevated levels of pollutants in bed sediment. The loading capacities and corresponding WLAs in the TMDLs represent the mass of pollutants associated with the sediments that settle on the bottom of the water bodies, which is a subset of what is discharged. The Tentative Order assign MS4	City of Los Angeles Memo	<p>In its memo, the City proposed WLAs based on Total Discharged Sediment for both Ballona Creek Estuary and Los Angeles and Long Beach Harbors.</p> <p>With respect to the Ballona Creek Estuary TMDL, the WLAs proposed by the City would increase the allowable loading to the Ballona Creek Estuary. In the Ballona Creek Estuary TMDL, the loading capacity was calculated based on the assumption that the metals and the organic pollutants are associated with the fine grain particles entrained in storm runoff. Based on this assumption, the loading capacity was calculated by multiplying the average annual deposition of fine sediment, defined as a grain size of 0.0625 millimeters</p>	None

	<p>effluent limitations set equal to the TMDL WLAs and includes language indicating the WLAs apply to sediment-bound pollutants that settle in the estuary. However, additional clarity based on the allowable discharged loads would be helpful to develop implementation plans and evaluate compliance utilizing suspended sediment data.</p>		<p>or smaller, by the numeric sediment targets. The City proposed a loading capacity based on the total amount of sediment discharged multiplied by the numeric sediment targets, which results in an increase of the contaminant loading. Therefore, no change was made to the tentative Order.</p> <p>With respect to the Los Angeles and Long Beach Harbors TMDL, the total settleable sediment loading discharged into the listed water bodies was estimated through modeling. These loading rates may be refined through the collection of additional data or special studies to determine the site specific sediment deposition rates. The City of Los Angeles has the opportunity to conduct special studies before the TMDL is reconsidered in six years and before compliance with the final sediment water quality-based effluent limitations is required.</p>	
Trash TMDLs	<p>With respect to the Los Angeles River Trash TMDL, the Los Angeles Flood Control District is not listed as a responsible agency since the scope of its participation is limited solely to issuing permits and not reducing waste load allocations.</p> <p>Similar to the reasoning used with respect to the Los Angeles River Trash TMDL, the Los Angeles Flood Control District should not be listed as a responsible agency for all trash TMDLs. Therefore, remove the LACFCD as a Permittee under all trash TMDLs.</p>	LACFCD (Comment 77)	<p>As the owner and operator of much of the MS4 that ultimately discharges storm water and non-stormwater containing pollutants such as trash, the LACFCD is appropriately named as a responsible agency for the trash TMDLs. LACFCD is responsible for the pollutants that enter and exit the portions of the MS4 for which it is an owner and/operator. The LACFCD has the authority and responsibility to implement structural controls in the MS4 (i.e. full capture and partial capture devices) to prevent trash from entering the MS4, and/or being discharged from the MS4. Additionally, the LACFCD has the authority and responsibility to implement institutional controls in the MS4 (e.g. visual inspections and maintenance/clean-out of catch basins and channels). This notwithstanding, the Board recognizes that trash, and the way in which it is regulated through TMDLs in the LA Region, is unique, and unlike other pollutants such as bacteria and metals. The Regional Board has established a framework for trash TMDLs that uses a land-based approach to compliance determination. This is possible, given the</p>	None

			<p>Regional Board’s working definition of “trash” for purposes of trash TMDLs, and given that there are mechanisms to capture and quantify 100% of accumulated trash within a jurisdiction prior to its discharge from the MS4. This allows compliance determination to focus on jurisdictional areas.</p> <p>However, the LACFCD owns and controls significant portions of the MS4 to which storm water and non-stormwater from jurisdictions in the region is discharged and, which ultimately discharge to receiving waters. As such, the LACFCD shares responsibility for ensuring that the MS4 is operated and maintained in such a way as to meet federal water quality requirements, including TMDL WLAs. Many of the compliance strategies identified in the region’s trash TMDLs rely upon installing and maintaining structural BMPs within the physical infrastructure of the MS4. Therefore, the LACFCD should support wherever possible, municipalities efforts to implement such BMPs to achieve TMDL requirements.</p>	
<i>Santa Clara River WMA</i>				
Santa Clara River Nitrogen Compounds TMDL	Since the impairment for the Santa Clara River for Nitrogen Compounds was removed from the 303(d) list, the TMDL should not be included in the MS4 Permit. Therefore, remove all references to the Santa Clara River Nitrogen Compounds TMDL from the MS4 Permit.	County of Los Angeles (Comments 176, 221)	The Santa Clara River Nitrogen Compounds TMDL is still part of the Los Angeles Region Basin Plan. Therefore, water quality-based effluent limitations for the LA MS4 Permit, must be consistent with the assumptions and requirements of all available TMDL WLAs.	None
Santa Clara River Nitrogen Compounds TMDL	Both USEPA and Los Angeles Region’s Basin Plan are used for reach designations. To be consistent, continue to use the reach designations as shown in the TMDL documents that have been issued.	County of Los Angeles (Comment 224)	The Santa Clara River Nitrogen Compounds TMDL is the only TMDL that uses USEPA’s reach designations. Therefore, to be consistent with the other TMDLs, the Board used the Los Angeles Basin Plan Santa Clara River reach designations and referenced the USEPA Santa Clara River reach designations.	None
Santa Clara River Indicator	The number of compliance days on the two Allowable Exceedance Days tables	City of Santa Clarita	The number of allowable exceedance days in section D.3.a through D.3.c matches the allowable number of	None

Bacteria TMDL	on page L-2 does not match the compliance days in the approved Santa Clara River Bacteria TMDL and adds weekly compliance days. Remove all interpretation of number of exceedance days other than what has been expressed in the original TMDL number of days of exceedances without interpretation or recalculation.	(Comment 5, & 54); LA Permit Group (Comment 36)	<p>exceedance days in the Santa Clara River Bacteria TMDL for reaches 5, 6, and 7. In addition, zero allowable exceedances of the geometric mean objectives is equivalent to complying with the geometric mean objectives.</p> <p>Footnote 3 of Tables 7-36.2 and 7-36.3 of the Santa Clara River Indicator Bacteria TMDL states, “The calculated number of exceedance days assumes that daily sampling is conducted. To determine the number of allowable exceedances for less frequent sampling, a ratio is used.” The ratio used to calculate the number of exceedance days for weekly sampling is: Allowable Exceedance Days for daily sampling / 365 days = Allowable Exceedance Days for weekly sampling / 52 weeks</p>	
Santa Clara River Indicator Bacteria TMDL	There is no discussion that the TMDL allows for load based options, page 7 of the Santa Clara River (SCR) Bacteria TMDL Basin Plan Amendment states that “compliance can alternatively be based on an allowable load.” However, this language is missing from page L-2 of the Draft Permit’s TMDL provisions. The Permit should be consistent with the TMDL Basin Plan Amendment. We request that the statement “compliance can alternatively be based on an allowable load,” be inserted as an alternative for the final effluent limits for the SCR Bacteria TMDL; this would be an alternative for both the single sample and geometric mean objective based WQBELs.	City of Santa Clarita (Comment 5, & 54); BIA/LAV-BILD-CICWQ	<p>The Board agrees that, for wet-weather, Permittees have the option of proposing load-based compliance at MS4 outfalls. Therefore, a new part was added to Attachment L, Part D.4. on page L-2, as follows:</p> <p>4. <u>Permittees may propose wet-weather load-based compliance at MS4 outfalls. The plan shall include an estimate of existing load and the allowable load from MS4 outfalls to attain the allowable number of exceedance days instream. The plan shall include a technically defensible quantitative linkage to the allowable number of exceedance days. The plan shall include quantitative estimates of the water quality benefits provided by the proposed implementation approach.</u></p> <p>Permittees may propose this approach in their Watershed Management Program plans along with appropriate monitoring to determine compliance with the limitations.</p>	Language has been added to Attachment L for the Santa Clara River Bacteria TMDL as indicated.
Lake Elizabeth, Munz Lake,	The Los Angeles County Flood Control District (LACFCD) should not be listed	LACFCD (Comment 76)	The LACFCD is identified in the TMDL Table 7-23.2a as an agency responsible for complying with the trash	None

and Lake Hughes Trash TMDL	as a responsible agency for the Lake Elizabeth, Munz Lake, and Lake Hughes Trash TMDL because these water bodies are located outside of the LACFCD's service area and the TMDLs themselves do not identify the LACFCD as a responsible agency. Therefore, remove the LACFCD as a Permittee under the Lake Elizabeth, Munz Lake, and Lake Hughes Trash TMDL in Table K-1.		reductions under Task No. 4. In the report titled, <i>The County of Los Angeles Trash Total Maximum Daily Load Monitoring and Reporting Plan for Lake Elizabeth, Munz Lake, and Lake Hughes</i> , dated September 4, 2008, its states that “The County is responsible for operating and maintaining the sole storm drain and five catch basins draining to Lake Elizabeth. The storm drain collects runoff from the five catch basins, which are all within the jurisdictional boundaries of the County.” Since there is a storm drain, which is part of the municipal separate storm sewer system, the LACFCD is a responsible agency for Lake Elizabeth. With respect to Munz Lake and Lake Hughes, there are no effluent limitations in the Permit for these water bodies because there are no known discharges from MS4s owned or operated by Permittees covered by this Order.	
<i>Santa Monica Bay WMA</i>				
Table K-2	City of Hermosa Beach is only within one watershed, the Santa Monica Bay Watershed and so should not be shown in italics as a multi-watershed Permittee.	Los Angeles Permit Group (Comment 16)	Regional Water Board staff agrees and will make the correction.	In table K-2 changed Hermosa Beach to non-italicized.
Santa Monica Bay Beaches Bacteria TMDL	The Santa Monica Bay Bacteria TMDL water quality standards do not apply at the effluent discharge (storm drains, creeks, or channels) as stated on Part A.2. Instead, the water quality limitations apply at the point zero mixing zone (runoff discharge and wave wash). The Bureau recommends that the language be changed to “ <i>Permittees shall comply with the following final water quality-based limitations at the shoreline monitoring stations designated in the Santa Monica Bay Beaches Bacteria TMDL during ...</i> ”	City of Los Angeles (Comment 133)	The WLAs established in the Santa Monica Bay Beaches Bacteria TMDL apply at the wave wash. The Regional Water Board established receiving water limitations, which are consistent with the WLAs in the Santa Monica Bay Beaches Bacteria TMDL. In addition, the Regional Water Board established water quality based effluent limitation based on the bacteria water quality objectives for outfalls that discharge to Santa Monica Bay beaches or directly into Santa Monica Bay. In the bacteria TMDLs, the numeric targets are based on the multi-part bacteriological water quality objectives; therefore, the Permit is consistent with the assumptions of the SMBB Bacteria TMDL. The order allows Permittees to demonstrate compliance with <i>both</i> the receiving water limitations or the water quality based	Language has been revised in Parts VI.E.2.d. and VI.E.2.e.

			effluent limitations in several ways.	
Santa Monica Bay Beaches Bacteria TMDL	Monitoring stations SMB 2-13 and SMB 3-8 provide storm water runoff treatment and diversion and thus the reason for water quality improvement. Also due to unique climate patterns during which this data was collected, it does not ensure that this water quality will remain at these levels. For these reasons these locations should not be subject to antidegradation.	City of Los Angeles (Comment 136)	The annual allowable exceedance days in the permit are based on the waste load allocations as listed in the Santa Monica Bay Beaches Bacteria TMDL. For monitoring stations SMB 2-13 and SMB 3-8, as well as all other permit requirements, the antidegradation provision apply consistent with federal and state antidegradation requirements.	None
Santa Monica Bay Beaches Bacteria TMDL reopener	As part of the Santa Monica Bay Beaches Bacteria TMDL (SMBBB TMDL) reconsideration, the summer dry weather targets must be revised to be consistent with the reference beach/anti-degradation approach established for the SMBBB TMDL and with the extensive data collected over the past seven years since original adoption of the SMBBB TMDL. This data clearly shows that natural and non-point sources result in 10% exceedances during dry weather. Data collected at the reference beach since adoption of the TMDL, as tabulated in Table 3 of the staff report of the proposed revisions to the Basin Plan Amendment, demonstrate that natural conditions associated with freshwater outlets from undeveloped watersheds result in exceedances of the single sample bacteria objectives during both summer and winter dry weather on approximately 10% of the days sampled. Thus the previous Source Analysis in	LA Permit Group (Comment 3)	The comment is outside the scope of the LA MS4 Permit renewal. As noted in the Notice of Opportunity for Public Comment and Notice of Public Hearing dated June 6, 2012, the validity of the TMDLs being incorporated into the permit are not an issue before the Board in this proceeding.	None

	<p>the Basin Plan Amendment adopted by Resolution No. 02-004 which stated that “historical monitoring data from the reference beach indicate no exceedances of the single sample targets during summer dry weather and on average only three percent exceedance during winter dry weather” was incorrect and based on a data set not located at the point zero compliance location. Continued allocation of zero summer dry weather exceedances in the proposed Basin Plan Amendment is in direct conflict with the stated intent to utilize the reference beach/anti-degradation approach and ignores the scientifically demonstrated reality of natural causes and non-point sources of indicator bacteria exceedances.</p> <p>This is a critical issue that was not addressed in the recent reopener. The reference reach approach and the overriding policy that Permittees are not responsible for pollutants outside their control, including natural sources, needs to be included.</p>			
<p>Santa Monica Bay Beaches Bacteria TMDL reopener</p>	<p>Continued use of the zero summer dry weather exceedance level will make compliance with the SMBBB TMDL impossible for the Jurisdictional agencies. This is also in conflict with the intent of the Regional board as expressed in finding 21 of Resolution 2002-022 “that it is not the intent of the Regional Board to require treatment or diversion of natural coastal creeks or to require treatment of natural sources of</p>	<p>LA Permit Group (Comment 4)</p>	<p>The comment is outside the scope of the LA MS4 Permit renewal. As noted in the Notice of Opportunity for Public Comment and Notice of Public Hearing dated June 6, 2012, the validity of the TMDLs being incorporated into the permit are not an issue before the Board in this proceeding.</p>	<p>None</p>

	<p>bacteria from undeveloped areas”.</p> <p>This is a critical issue that was not addressed in the recent reopener. The reference reach approach and the overriding policy that Permittees are not responsible for pollutants outside their control, including natural sources, needs to be included</p>			
<p>Santa Monica Bay Beaches Bacteria Monitoring Plan</p>	<p>The SMBBB TMDL Coordinated Shoreline Monitoring Plan (CSMP) was approved by the Regional Board staff and that CSMP should be incorporated into the TMDL monitoring requirements of the next MS4 Permit. The CSMP established that compliance monitoring would be conducted on a weekly basis, and although some monitoring sites are being monitored on additional days of the week, none of the sites are monitored seven days per week, thus it is highly confusing and misleading to refer to “daily monitoring”. The CSMP established that compliance monitoring would be conducted on a weekly basis, and although some monitoring sites are being monitored on additional days of the week, none of the sites are monitored seven days per week.</p> <p>The problem with sites monitored two days a week has not been corrected. Please provide clarification that this issue could be addressed and would supersede the TMDL if submitted in an integrated monitoring plan. This is critical for summer dry weather and 5-day per week sites.</p>	<p>LA Permit Group (Comment 5)</p>	<p>The Santa Monica Bay Beaches Bacterial TMDLs Coordinated Shoreline Monitoring Plan is incorporated in the Order by reference on page E-9 of the Monitoring and Reporting Program. Permittees may propose modifications to existing shoreline monitoring requirements through an IMP or CIMP consistent with TMDL monitoring requirements, as outlined in Attachment E-MRP.</p>	<p>None</p>

<p>Santa Monica Bay Beaches Bacteria TMDL</p>	<p>In effect the effluent limitations are stricter than the receiving water standards. This is inconsistent with law and creates a situation in which Permittees are out of compliance at the effective date of this permit. Please adjust so that limits are consistent with standards and not exceeding standards.</p>	<p>LA Permit Group (Comment 6); Peninsula Cities (Comment 38); South Bay Cities; City of Torrance (Comment 79)</p>	<p>The Regional Water Board established receiving water limitations, which are consistent with the WLA in the Santa Monica Bay Beaches Bacteria TMDL. The WLAs are defined as an allowable number of exceedance days at the beach monitoring sites. This is the reason the WLAs are included in the permit as receiving water limitations.</p> <p>In addition, the Regional Water Board established water quality based effluent limitation based on the bacteria water quality objectives for outfalls that discharge to Santa Monica Bay. In the bacteria TMDLs, the numeric targets are based on the multi-part bacteriological water quality objectives; therefore, the Permit is consistent with the assumptions and requirements of the SMBB Bacteria TMDL WLAs. The order allows Permittees to demonstrate compliance with <i>both</i> the receiving water limitations or the water quality based effluent limitations in several ways, pursuant to Part VI.E.2.d and VI.E.2.e.</p>	<p>Yes for clarification.</p>
<p>Santa Monica Bay Beaches Bacteria TMDL</p>	<p>The language in Part M.A.2. is incorrect as is the title of the table. As defined in Attachment A, page A-8, Receiving Water Limitations are the applicable numeric or narrative water quality objective criterion or limitation for the receiving water... Thus water quality objectives or water quality standards are those that apply in the receiving water. Consistent with the TMDL, this table identifies the bacteriological objectives as set forth in Chapter 3 of the Basin Plan and serves as the numeric targets for the Santa Monica Bay Beaches Bacteria TMDL.</p>	<p>Peninsula Cities (Comment 39); South Bay Cities; City of Torrance (Comment 80)</p>	<p>The Board disagrees. As defined in the Order, a “Receiving Water Limitation” is any applicable numeric or narrative water quality objective or criterion, or limitation to implement the applicable water quality objective or criterion, for the receiving water as contained in Chapter 3 or 7 of the Basin Plan... Receiving Water Limitations apply and are measured in the receiving waters. In Part M.A.2, the water quality-based effluent limitations apply at outfalls that discharge to Santa Monica Bay.</p>	<p>None</p>
<p>Santa Monica Bay Beaches Bacteria TMDL</p>	<p>Part M.A.3 mistakenly uses the term “receiving water limitations” to refer to “waste load allocations”. In the Santa Monica Bay Bacteria TMDL the term</p>	<p>Peninsula Cities (Comment 40); South Bay</p>	<p>TMDLs, in part, establish waste load allocations (WLAs). The WLAs are then translated into effluent limitations and, where appropriate, receiving water limitations. As is required by 40 CFR section</p>	<p>None</p>

	<p>“allowable exceedance days” is synonymous with “waste load allocations”. The Santa Monica Bay Beaches Bacteria TMDL Basin Plan Amendment Attachment A states that “Waste Load Allocations are expressed as allowable exceedance days”. Throughout A.3 the term “receiving water limitations” should be replaced by the term “waste load allocations.”</p>	<p>Cities; City of Torrance (Comment 81)</p>	<p>122.44(d)(1)(vii)(B), when developing water quality-based effluent limits the permitting authority shall ensure that effluent limits developed to protect a narrative water quality criterion, a numeric water quality criterion, or both, are consistent with the assumptions and requirements of any available TMDL waste load allocation.</p>	
<p>Santa Monica Bay Beaches Bacteria TMDL</p>	<p>While it makes sense for the Jurisdictional Groups previously identified in the TMDLs to work jointly to carry out implementation plans to meet the interim reductions, only the responsible agencies with land use or MS4 tributary to a specific shoreline monitoring location can be held responsible for the final implementation targets to be achieved at each individual compliance location. An additional table is needed showing the responsible agencies for each individual shoreline monitoring location.</p>	<p>LA Permit Group (Comment 7); Peninsula Cities (Comment 15); South Bay Cities; City of Torrance (Comment 82)</p>	<p>The Board agrees that a table or map, which identifies the responsible Permittees for each shoreline monitoring location, would provide clarity. However, this information needs to be developed by the Permittees based on drainage areas and their storm drain networks for each shoreline location. The Permittees are encouraged to provide this information in their Watershed Management Programs.</p>	<p>None</p>
<p>Santa Monica Bay Nearshore and Offshore Debris TMDL</p>	<p>The Permit requires starting the implementation of the Trash Monitoring and Reporting Plan (TMRP) 30 days from receipt of the letter of approval from the Regional Water Board Executive Officer, or the date a plan is established by the Executive Officer. The TMDL itself provides for 6 months, not 30 days, to start implementation, and this requirement is part of the Basin Plan.</p>	<p>County of Los Angeles (Comments 177)</p>	<p>If the TMRP is submitted by September 20, 2012, as required in the TMDL, then implementation of the TMRP will be changed to 6 months from receipt of the letter of approval, as specific in the TMDL. If a Permittee submits the TMRP as part of an IMP or CIMP as outlined in the Order, then implementation of the TMRP implementation will be 30-90 days from receipt of the letter of approval from the Regional Water Board Executive Officer, as specified in the Order.</p>	<p>Changes will be made as specified to the table on page E-50.</p>
<p>Santa Monica Bay Nearshore</p>	<p>The Permit requires TMRP and PMRP results to be submitted by December</p>	<p>County of Los Angeles</p>	<p>The annual reporting deadline in the Permit is December 15th, with the first report due on December 15, 2013.</p>	<p>None</p>

and Offshore Debris TMDL	15, 2013, and annually thereafter. The timeline is unreasonable; the December 2013 report will not have any monitoring results.	(Comment 178)	The reporting schedules for the TMDLs differ from this deadline. However, the Regional Water Board has consolidated, to the extent possible, the reports, in order to reduce the number of reports that Permittees must submit to the Regional Water Boards. If no data is available, then the permittees should indicate that in the report.	
Santa Monica Bay Nearshore and Offshore Debris TMDL	<p>The WLAs in the adopted Santa Monica Bay Nearshore and Offshore Debris TMDL were expressed in terms of percent reduction of trash from Baseline WLA. Board staff have not transferred the Waste Load Allocations as expressed in the TMDL into the MS4 Permit, but have instead calculated annual trash discharge rates for each Permittee based on a calculation using an assumed tributary area. There are very likely to be errors in the tributary areas used in calculating these Waste Load Allocations and correcting them will necessitate reopening the Permit. It makes far more sense for MS4 Permittees to verify and if necessary correct the tributary areas for their individual jurisdictions as part of the development of the Trash Monitoring and Reporting Plans and to simply include in the permit the schedule for percentage reduction from baseline applicable to all Permittees.</p> <p>Eliminate the detailed Permittee-by-Permittee table with annual trash discharge rates in the table and instead create a simple table listing the interim and final waste load allocations on a percentage basis, only.</p>	<p>Peninsula Cities (Comment 65); South Bay Cities; City of Torrance (Comment 83)</p>	<p>The effluent limitations were calculated by multiplying the baseline waste load allocations as listed in Table 9 of the TMDL Staff Report dated, October 25, 2010, by the required percent reductions as listed in Table 7-34.2 of the Basin Plan Amendment.</p> <p>Permittees may implement their TMRPs to obtain site specific trash generation rates during the first two years of the implementation period and, if approved by the Regional Board's Executive Officer, ultimately use these data to define the trash Baseline Waste Load Allocations.</p>	None

<p>Santa Monica Bay DDT and PCB TMDL</p>	<p>The Santa Monica Bay DDT and PCB TMDL issued by USEPA assigns the waste load allocation as a mass-based waste load allocation to the entire area of the Los Angeles County MS4 based on estimates from limited data on existing stormwater discharges which resulted in a waste load allocation for stormwater that is lower than necessary to meet the TMDL targets, in the case of DDT far lower than necessary. EPA stated that "If additional data indicates that existing stormwater loadings differ from the stormwater waste load allocations defined in the TMDL, the Los Angeles Regional Water Quality Control Board should consider reopening the TMDL to better reflect actual loadings." [USEPA Region IX, SMB TMDL for DDTs and PCBs, 3/26/2012]</p> <p>In order to avoid a situation where the MS4 Permittees would be out of compliance with the MS4 Permit if monitoring data indicate that the actual loading is higher than estimated and to allow time to re-open the TMDL if necessary, recommend as an interim compliance objective WQBELs based on the TMDL numeric targets for the sediment fraction in stormwater of 2.3 ug DDT/g of sediment on an organic carbon basis, and 0.7 ug PCB/g sediment on an organic carbon basis.</p>	<p>LA Permit Group (Comment 8, 9)</p>	<p>The waste load allocations as listed in the Order are consistent with the WLAs assigned by USEPA in the TMDL. If and when the TMDL is revised, either by USEPA or the Regional Water Board, there is a reopener in Part VI.7.a.iv of the Order to address revisions to TMDLs. That reopener provision states that the Order may be modified to incorporate provisions as a result of future amendments to the Basin Plan, such as a new or revised water quality objective or the adoption or reconsideration of a TMDL.</p>	<p>None</p>
<p>Santa Monica Bay DDT and PCB TMDL</p>	<p>The Santa Monica Bay DDT and PCB TMDL issued by USEPA assigns the waste load allocation as a mass-based waste load allocation to the entire area</p>	<p>Peninsula Cities (Comment 16); South Bay</p>	<p>The waste load allocations as listed in the Order are consistent with the WLAs assigned by USEPA in the TMDL. The TMDL states that the waste load allocations should be placed in the MS4 permits as</p>	<p>None</p>

	<p>of the Los Angeles County MS4 based on estimates from limited data from mass emissions stations to which none of the Peninsula cities are tributary. Because the TMDL has been translated into the Permit using only the mass-based waste load allocation applied to the entire area of Los Angeles County, the individual cities will be obligated to wait until the entire LA Basin is in compliance to establish attainment of the TMDL waste load allocations.</p> <p>Include the concentration-based sediment targets from Table 3-1 of the TMDL as concentration-based Waste Load Allocations in the MS4 Permit normalized for organic carbon (OC):</p> <p>DDT: 23 ug/g OC PCBs: 7 ug/g OC</p>	Cities; City of Torrance (Comment 84)	mass-based numeric WQBELs. The TMDL does not provided a mechanism for concentration – based waste load allocations. As part of the Watershed Management Program, the WLAs may be distributed among the Permittees based on their proportional drainage area, upon approval of the Executive Officer.	
Santa Monica Bay DDT and PCB TMDL	Although the Santa Monica Bay DDT and PCB TMDL issued by USEPA assigns the waste load allocation as a mass-based waste load allocation to the entire area of the Los Angeles County MS4, they should be translated as WQBELs in a manner such that watershed management areas, subwatersheds and individual Permittees have a means to demonstrate attainment of the WQBEL. Recommend that the final WLAs be expressed as an annual mass loading per unit area, e.g., per square mile.	LA Permit Group (Comment 10); Peninsula Cities (Comment 16)	As part of the Watershed Management Program, the WLAs may be distributed among the Permittees based on their proportional drainage area, upon approval of the Executive Officer.	None
<i>Malibu Creek Subwatershed</i>				
Malibu Creek Watershed	The Permit requires TMRP and PMRP results to be submitted by December	County of Los Angeles	The annual reporting deadline in the Permit is December 15 th , with the first report due on December 15, 2013.	None

Trash TMDL	15, 2013, and annually thereafter. The timeline is unreasonable; the December 2013 report will have limited results.	(Comment 179)	The reporting schedules for the TMDLs differ from this deadline. The Regional Water Board has consolidated, to the extent possible, the reports, in order to reduce the number of reports that Permittees must submit to the Regional Water Boards. If limited data is available, then Permittees should indicate that in the report.	
<i>Ballona Creek Subwatershed</i>				
Ballona Creek Estuary Toxic Pollutants TMDL	Per last column of Table F-7, final compliance date is Jan. 11, 2021. The TMDL BPA allows 15 years after effective date of TMDL for final compliance. Attachment F, page F-82, gives an effective date of 1/11/2008 for this TMDL. It appears that adding 15 years to the effective date of 2008, will make 2023 (not 2021) the final compliance date.	City of Los Angeles (Comment 126)	The effective date for this TMDL is January 11, 2006 as listed on page F-82 in Attachment F. Therefore, the date for final compliance is fifteen years from the effective date, or January 11, 2021.	None
Ballona Creek Trash TMDL	Requirements E.1.d and e on page M-12, are not part of the Ballona Creek Trash TMDL and are not included in any other of the Trash TMDLs incorporated into the permit. Also part E.1.f ignores these requirements for compliance. Please consider removing these two requirements.	City of Los Angeles (Comment 138)	Requirements E.1.d and E.1.e, which require clean out and measurement of trash retained 72 hours after each rain event and every three (3) months during dry weather, are listed in Table 7-3.3. Ballona Creek Trash TMDL: Significant Dates in the Basin Plan. However, per the Ballona Creek TMDL Staff Report, these requirements were intended for the Baseline Monitoring that was conducted for the purpose of deriving more representative waste load allocations for the Ballona Creek Watershed. This Baseline monitoring has since been completed; therefore, these requirements are no longer applicable. Accordingly, Requirements E.1.d and e on page M-12 have been removed.	Requirements E.1.d and E.1.e on page M-12 have been removed.
<i>Dominguez Channel and Greater Harbors Waters WMA</i>				
Machado Lake Trash TMDL	As previously commented, the tentative order assigns a numerical value for trash generation rate of 5334 gallons of uncompressed trash per square mile per year. The Basin Plan Amendment does not use this method.	County of Los Angeles (Comment 226)	The Board disagrees. Page 16 of the Final Staff Report for the Machado Lake Trash TMDL states that "...the Baseline Waste Load Allocation for the responsible jurisdictions is equal to 5334 gallons of uncompressed trash per square mile per year." However, responsible jurisdictions can either choose to use the calculated baseline waste load allocation, or calculate their own	None

			baseline and submit it to the Regional Water Board as part of the TMRP approval process.	
Machado Lake Trash TMDL	The Machado Lake Trash WQBELs listed in the table at B.3 of Attachment N in the Tentative Order appear to have been calculated from preliminary baseline waste load allocations discussed in the July 11, 2007 staff report for the Machado Lake Trash TMDL, rather than from the basin plan amendment. In some cases the point source land area for responsible jurisdictions used in the calculation are incorrect because they were preliminary estimates and subsequent GIS work on the part of responsible agencies has corrected those tributary areas. In other cases some of the jurisdictions may have conducted studies to develop a jurisdiction-specific baseline generation rate. The WQBELs should be expressed as they were in the adopted TMDL WLAs, that is as a percent reduction from baseline and not assign individual baselines to each city but leave that to the individual city's trash reporting and monitoring plan to clarify.	Los Angeles Permit Group (Comment 11)	Attachment N section B.4 clearly states "If a Permittee opts to derive a site specific trash generation rate through its Trash Monitoring and Reporting Plan (TMRP), the baseline limitation will be calculated by multiplying the point source area(s) by the derived trash generation rate(s)." This section addresses the concerns raised by the commenter.	None
Machado Lake Trash TMDL	The WLAs in the adopted Machado Lake Trash TMDL were expressed in terms of percent reduction of trash from Baseline WLA with the note that percent reductions from the Baseline WLA will be assumed whenever full capture systems are installed in corresponding percentages of the conveyance discharging to Machado Lake. As discussed in subsequent city-	Los Angeles Permit Group (Comment 12)	The permit does not utilize any decimal values while expressing the baseline trash generation rates. Per federal regulations (40 CFR §122.44(d)(1)(vii)(B)), effluent limitations must be consistent with the assumptions and requirements of available TMDL WLAs and accordingly has incorporated the baseline generation rates for the Permittees based on the information found in the Final Staff Report page 18. If the Permittees wish to derive site specific trash generation rates based on new information they may do	None

	<p>specific comments, there are errors in the tributary areas originally used in the staff report, but in general, tributary areas are available only to about three significant figures when expressed in square miles. Thus the working draft should not be carrying seven significant figures in expressing the WQBELs as annual discharge rates in uncompressed gallons per year. The convention when multiplying two measured values is that the number of significant figures expressed in the product can be no greater than the minimum number of significant figures in the two underlying values. Thus if the tributary area is known to only three or four significant figures, and the estimated trash generation rate is known to four significant figures, the product can only be expressed to three or four significant figures.</p> <p>Thus there should be no values to the right of the decimal place and the whole numbers should be rounded to the correct number of significant figures.</p>		<p>though the Trash Monitoring and Reporting Plan. See response to Los Angeles Permit Group comment 11.</p>	
Machado Lake Trash TMDL	<p>As previously commented, the tentative order assigns a numerical value for trash generation rate of 5,334 gallons of uncompressed trash per square mile per year. Therefore the LACFCD is to reduce 16.41 gallons of uncompressed trash to zero by 3/6/2016. This is inconsistent with the method used in the Basin Plan Amendment. The LACFCD should not be assigned a trash generation rate since the</p>	<p>Los Angeles County Flood Control District (Comment 78)</p>	<p>The Board disagrees. Page 16 of the Final Staff Report for the Machado Lake Trash TMDL states that "...the Baseline Waste Load Allocation for the responsible jurisdictions is equal to 5334 gallons of uncompressed trash per square mile per year." However, responsible jurisdictions can either choose to use the calculated baseline waste load allocation, or calculate their own and submit it to the Regional Water Board as part of the TMRP approval process. Furthermore, the final TMDL staff report (page 18) identifies the LACFCD as a responsible jurisdiction with a point source area of 0.03</p>	<p>None</p>

	LACFCD property does not generate trash.		mi ² (page 18). Per federal regulations (40 CFR §122.44(d)(1)(vii)(B)), effluent limitations must be consistent with the assumptions and requirements of available TMDL WLAs. Accordingly, the Board has issued LACFCD a baseline trash generation rate of 16.41 gal/year.	
Machado Lake Nutrient TMDL	The Machado Lake Nutrient TMDL provides for a reconsideration of the TMDL 7.5 years from the effective date prior to the final compliance deadline. Please include an additional statement as item C.3.c of Attachment N: "By September 11, 2016 Regional Board will reconsider the TMDL to include results of optional special studies and water quality monitoring data completed by the responsible jurisdictions and revise numeric targets, WLAs, LAs and the implementation schedule as needed."	Los Angeles Permit Group (Comment 13); Peninsula Cities (Comment 41)	It is not necessary to include the dates for scheduled TMDL reconsiderations in the permit, as these reconsiderations occur through the basin plan amendment process as opposed to the permitting process. The order includes a provision that allows the Board to reopen and modify the permit to incorporate provisions as a result of future amendments to the Basin Plan, such as the reconsideration of a TMDL. See Part VI.A.7.a.iv. Further, the tentative order has been revised to include greater specificity regarding this reopener provision.	Yes, Part VI.A.7.a.iv
Machado Lake Pesticides and PCBs TMDL	The TMDL Table 7-38.2, Task 4 on page 13 states that: 1.5 years after effective date of TMDL, submit a LWQMP, MRP Plan and QAPP for approval by the Ex. Officer to comply with a MOA. If there is already a LWQMP and QAPP in place to implement the Machado Lake Nutrient TMDL, these documents may be amended to address the requirements of this TMDL. This TMDL was effective on March 2012. 1.5 year after this date which is September 2013, is when this plan is due. Therefore we request to correct the date of submission of the plan in permit from Sep. 20, 2012 to September 20, 2013 to be consistent with BPA for this TMDL.	City of Los Angeles (Comment 89, 121)	Task 4 in the Machado Lake Pesticides and PCBs TMDL relates to the Load Allocation requirements not the Waste Load Allocation requirements; therefore, the date is correct. Footnote 6 from the TMDL will be included in the MRP on pages E-11 and E-54. The footnote will state: <u>The deadline for Permittees assigned both WLAs and LAs to submit one document to address both WLA and LA monitoring requirements and implementation activities shall be September 20, 2013.</u>	Add footnote to the September 20, 2012, date on pages E-11 and E-54 as specified.

Machado Lake Pesticides and PCBs TMDL	This activity needs to be performed 30 days from date of Executive Officer approval of MRP and QAPP or October 20, 2013. However during that time Machado Lake will be under construction of a massive Proposition O-funded project, the Machado Lake Ecosystem Rehabilitation Project. This project is estimated to be completed on March 2016. As such monitoring can only start after completion of construction. Please consider revising the dates to reflect the schedule of this project or acknowledge that no monitoring is expected to commence.	City of Los Angeles (Comment 122)	The information detailed by the commenter should be included in the MRP and QAPP submitted for approval by the Executive Officer. The Permittees should still report on the activities concerning the water body over the course of the reporting year.	None
Machado Lake Pesticides and PCBs TMDL	As described in the comment above, monitoring cannot be performed during this period (October 20, 2013 to October 20, 2015) due to the construction of the lake. Please revise the proposed schedule to reflect the construction phase of the Machado Lake Ecosystem Rehabilitation Project.	City of Los Angeles (Comment 123)	See response to City of Los Angeles Comment 122.	None
Dominguez Channel Toxics TMDL	Attachment K, Tables K-4, K-5, and K-6, identify the County of Los Angeles and the Los Angeles County Flood Control District (LACFCD) as Permittees subject to the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL. This designation violates the Amended Consent Decree entered on August 24, 1999, by the United States District Court in <i>United States v. Montrose Chemical Corporation, et al.</i> , Case No. CV90-3122-AAH (JRx) (“Amended Consent Decree”).	County of Los Angeles (Comment 222, & 223); LACFCD (Comment 79)	There is no conflict between the Consent Decree (CD) and the inclusion of the TMDL in this permit. The CD and the TMDL do address partially overlapping geographic areas of contaminated sediments, but they rely on different authorities, address different concerns, and are not mutually exclusive. The TMDL was deemed necessary as part of a comprehensive approach to water quality in the Dominguez Channel and the Ports of Los Angeles and Long Beach. The CD does not interfere with the Regional Board’s authority to adopt and implement TMDLs pursuant to Clean Water Act section 303(d), or to revise and enforce the Basin Plan. Further, the CD does not affect the authority of the Regional Board to incorporate those TMDLs as necessary into applicable NPDES permits, which it is required to do	None

	<p>The Amended Consent Decree resolved all liability of the settling local governmental entities for all natural resource damages with respect to the “Montrose NRD Area” and all response costs incurred in connection with the “Montrose NPL Site” (Amended Consent Decree, p. 19). The Montrose NRD Area was defined to include the Los Angeles and Long Beach Harbors (Amended Consent Decree, ¶ 6.J). The Montrose NPL Site was defined to include the Torrance Lateral, the Dominguez Channel from Laguna Dominguez to the Consolidated Slip, and that portion of the Los Angeles Harbor known as the Consolidated Slip (Amended Consent Decree, ¶ 6.I.).</p> <p>The Permit’s imposition of obligations on the County to comply with the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Water Toxic Pollutants TMDL, including the requirement to comply with the concentration-based effluent limitations for pollutant concentrations in the sediment, violates the Amended Consent Decree. Under the Amended Consent Decree, the Regional Water Board has explicitly agreed that it will not require the County and LACFCD to take these and other actions (Amended Consent Decree, ¶¶ 11 and 17).</p>		<p>pursuant to federal regulations. Compliance with TMDLs and related implementation plans and permits does not constitute response action – either removal or remedial – and does not involve “Response Costs,” as the term is defined in the CD.</p> <p>In addition, this MS4 permit is one of the regulatory mechanisms identified in the TMDL to implement the TMDL waste load allocations, to which the County of Los Angeles and the LACFCD are permittees. Furthermore, the County of Los Angeles and LACFCD are responsible for ensuring that storm water and non-storm water discharged from the MS4s for which it is an owner or operator do not cause or contribute to exceedances of water quality standards. Unless dischargers can demonstrate that their discharges did not contribute to the exceedances coming from the outfall, MS4 dischargers are jointly and severally liable for discharges from the common storm drain system. The inter-connected nature of the Los Angeles County MS4 makes it difficult to determine exactly where pollutants originate within the MS4. In such an integrated system, one or more Permittees may have caused or contributed to violations. Thus, Permittees are jointly and severally liable either because a Permittee is one of several sources that discharge pollutants or a Permittee conveys and ultimately discharges pollutants that may have originated further up the MS4.</p> <p>In the CD, the State explicitly reserves rights to bring claims under the Clean Water Act and the Porter-Cologne Water Quality Control Act for, among other matters, violations of NPDES permits.</p>	
Dominguez Channel Toxics TMDL	Attachment K does not adequately clarify responsibility among Permittees for compliance with the very complex TMDL. The State Board requested a	LA Permit Group (Comment 14); Peninsula	The tentative Order was revised to include a new Table K-13 similar to the table referenced in Attachment D of the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL	A new Table K-13 was added to Attachment K.

	<p>clarification of this issue from the Regional Board staff in its review of the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL. Regional Board staff developed and submitted an Attachment D Responsible Parties Table RB4 Jan. 27, 2012, which was provided to the State Board and responsible agencies during the SWRCB review of this TMDL, and is posted on the Regional Board website in the technical documents for this TMDL. This table should be included either in Attachment K or in Attachment N to clarify Permittees responsibilities.</p>	<p>Cities (Comment 42); South Bay Cities; City of Torrance (Comment 85)</p>	<p>memo to State Board, to clarify for which water bodies each Permittee is a responsible agency.</p>	
<p>Dominguez Channel Toxics TMDL</p>	<p>The Dominguez Channel and Greater LA and Long Beach Harbor Waters Toxic Pollutants TMDL provides for a reconsideration of the TMDL targets and WLAs. Please include an additional statement from the TMDL in Attachment N, Part E: "By March 23, 2018, Regional Board will reconsider targets, WLAs and LAs based on new policies, data or special studies. Regional Board will consider requirements for additional implementation or TMDLs for Los Angeles and San Gabriel Rivers and interim targets and allocations for the end of Phase II."</p>	<p>LA Permit Group (Comment 15); Peninsula Cities (Comment 43); South Bay Cities; City of Torrance (Comment 86)</p>	<p>It is not necessary to include the dates for scheduled TMDL reconsiderations in the permit, as these reconsiderations occur through the basin plan amendment process as opposed to the permitting process. The order includes a provision that allows the Board to reopen and modify the permit to incorporate provisions as a result of future amendments to the Basin Plan, such as the reconsideration of a TMDL. See Part VI.A.7.a.iv. Further, the tentative order has been revised to include greater specificity regarding this reopener provision.</p>	<p>Yes, Part VI.A.7.a.iv</p>
<p>Dominguez Channel Toxics TMDL</p>	<p>For the Freshwater portion of the Dominguez Channel in section E.2.a, there are no provisions for BMP implementation to comply with the interim goals. The wording appears to</p>	<p>LA Permit Group (Comment 37 and 38)</p>	<p>The interim water quality-based effluent limitations for the freshwater portion of the Dominguez Channel, which includes the Torrance Lateral, are based on existing conditions. Therefore, Permittees shall comply with the interim effluent limitations as of the effective date of the</p>	<p>None</p>

	<p>contradict Section E.2.d.i.4, which allows Permittees to submit a Watershed Management Plan or otherwise demonstrate that BMPs being implemented will have a reasonable expectation of achieving the interim goals.</p> <p>Similarly, for Greater LA Harbor water bodies the Table establishing Interim Effluent Limitations, Daily Maximum (mg/kg sediment), does not provide for natural variations that will occur from time to time in samples collected from the field. Given the current wording in the proposed Receiving Waters Limitations, even one exceedance could potentially place Permittees in violation regardless of the Permittees level of effort. Reference should be made in this section to Section E.2.d.i.4 which will provide the opportunity for the Permittee to develop BMP-base compliance efforts to meet interim goals.</p>		<p>Order.</p> <p>Likewise, the interim effluent limitation for sediment discharged to the Dominguez Channel Estuary and Harbor waters are based on existing conditions. Therefore, Permittees shall comply with the interim effluent limitations as of the effective date of the Order. Part E.4.a. outlines how Permittees may demonstrate compliance with the interim water quality-based effluent limitations for pollutant concentrations in the sediment.</p>	
<p>Dominguez Channel Toxics TMDL</p>	<p>For the freshwater portion of the Dominguez Channel: the wording should be clarified. Section E.1 states that "Permittees subject to the provisions below are identified in Attachment K, Table K-4." Then the Table in Section E.2.b Table "Interim Effluent Limitations --- Sediment" lists all Permittees except the Fresh water portion of the Dominguez Channel. For clarification purposes, we request adding the phase to the first row: "Dominguez Channel Estuary (below Vermont)"</p>	<p>LA Permit Group (Comment 39)</p>	<p>For clarification, Attachment N, part E.2 was revised as indicated below. The underlined text was added and the strikethrough text was deleted.</p> <p>2. Permittees shall comply with the <u>following</u> interim water quality-based effluent limitations for discharges to Dominguez Channel and Torrance Lateral listed below, as of the effective date of this Order.</p> <p>a. <u>Permittees shall comply with the following interim water quality-based effluent limitations for discharges to Dominguez Channel</u> freshwater <u>during Wwet Wweather</u>;</p> <p>i. The freshwater toxicity interim water quality-based effluent limitation is 2 TUC. The</p>	<p>The language was changed to part E.2 on pages N-4 and N-5 as specified.</p>

			<p>freshwater interim effluent limitation shall be implemented as a trigger requiring initiation and implementation of the TRE/TIE process as outlined in US EPA's "Understanding and Accounting for Method Variability in Whole Effluent Toxicity Applications Under the National Pollutant Discharge Elimination System Program" (2000).</p> <p>ii. Permittees shall comply with the following interim metals water quality-based effluent limitations for discharges to the Dominguez Channel <u>freshwater</u> and Torrance Lateral <u>during wet weather</u>:</p>	
Los Angeles River WMA				
Los Angeles River Trash TMDL	The Trash Effluent Limitations listed were not previously identified. Also they appear to be inconsistent value from the Los Angeles River Trash TMDL's final resolutions and the source of the data is not specified. Please provide effluent limitations to be consistent with the TMDL standards or specify source of data.	City of Los Angeles (Comment 145)	The effluent limitations were calculated by multiplying the baseline waste load allocations as listed in Table 7-2.2 of the Basin Plan by the required percent reductions as listed in Table 7-2.3 of the Basin Plan.	For clarity, the baseline WLAs were added to section A.3.
Los Angeles River and Tributaries Metals TMDL	Wet weather definition is inconsistent with TMDL documents.	City of Los Angeles (Comment 146)	The Board disagrees. The commenter is confusing the TMDLs. Footnote 47 of Attachment O C.2.d. refers to the wet weather definition as described in the Los Angeles River and Tributaries Metals TMDL. The commenter states that the definition should be changed to reflect the definition described in the Los Angeles River Bacteria TMDL, which would be incorrect.	None
Los Angeles River and Tributaries Metals TMDL	Permittees have participated in the Brake Pad Partnership legislation and were successful. Legislation will be in effect 15-20 years from now, which is after the final compliance WLA deadline of January 2028 in the Los Angeles River Metals TMDL. Implementation of this legislation will	City of Vernon (Comment 25)	Compliance schedules based on a TMDL implementation plan cannot exceed the maximum time that the TMDL implementation plan allows. Thus, the permit must be consistent with the deadlines as established in the Los Angeles River and Tributaries Metals TMDL.	None

	<p>provide significant metals removal effectiveness. Because the WLA deadline occurs prior to the Brake Pad regulations taking effect, hundreds of millions of dollars will be required to be spent on treatment controls in order to achieve compliance. Instead, the deadline for compliance should be extended to correspond with the source control initiative ultimately saving taxpayer dollars on programs that may not be necessary.</p>			
<p>Los Angeles River and Tributaries Metals TMDL</p>	<p>Deadlines placed on segments are contradictory with the flow of the river. Segment B/Reach 2 is near the middle to lower end of the River. It is difficult to grapple how it makes any sense to clean the middle of the River when the upper Segments may still be contributing bacteria into the River. Hence, contribution will flow down the River to Segment B and A. The Bacteria TMDL Staff Report dated July 15, 2010 states on page 64, Section 9.4.6, Prioritization of segments; MS4 dry weather implementation,</p> <p>The criteria used to select the order of segments for implementation purposes was flawed. Reaches north of Segment B are much more likely to be used for recreational purposes. The fact that one or two individuals were observed entering the river in Segment B does not compare with the number of individuals entering the river north of Segment B.</p> <p>A reopener of the Los Angeles River</p>	<p>City of Vernon (Comment 32)</p>	<p>The comment is outside the scope of this permit issuance. As noted in the Notice of Opportunity for Public Comment and Notice of Public Hearing dated June 6, 2012, the validity of the TMDLs being incorporated into the permit are not an issue before the Board in this proceeding.</p>	<p>None</p>

	Bacteria TMDL is imperative. We recognize that Permittees should assist in the reduction of bacteria in this concrete-lined channel; however, it makes most sense to treat segments starting from the top and continuing downstream. It does not make sense to expend public resources in cleaning the middle to lower ends of the River when contributions of bacteria are likely from the upper segments.			
Los Angeles River and Tributaries Metals TMDL	Some Permittees have opted out of the grouped effort. This section needs to detail how these mass-based daily limitations will be reapportioned.	Los Angeles Permit Group (Comment 40)	Attachment O section C.2.a., states “The watershed is divided into five jurisdictional groups based on the subwatersheds of the tributaries that drain to each reach of the river. Each jurisdictional group shall achieve compliance in prescribed percentages of its subwatershed(s). Jurisdictional groups can be reorganized or subdivided upon approval by the Regional Water Board Executive Officer.” This section addresses the concerns raised by the commenter.	None
Los Angeles River Watershed Bacteria TMDL	Why are "Receiving Water Limitations" being inserted here? None of the other TMDLs seem to follow that format.	Los Angeles Permit Group (Comment 41)	The permit provisions implementing the bacteria WLAs generally follow this format since the WLAs are expressed in the TMDLs as a receiving water limitation (i.e., number of allowable exceedance days).	None
Los Angeles River Bacteria TMDL	The WLAs in the LA River Bacteria TMDL assigned to the MS4 are expressed as allowable exceedance days. The WLAs are not expressed as concentration based effluent limitations. Discharges from the MS4 could be greater than the proposed effluent limits but concentrations in the wave wash could be lower than the numeric target. Furthermore, the TMDL allows for a certain number of exceedances of the single sample maximum, which may also allow for	City of Los Angeles (Comment 147)	The Regional Water Board established receiving water limitations, which are consistent with the WLA expressed as allowable exceedance days in the Los Angeles River. In addition, the Regional Water Board established concentration-based water quality based effluent limitations based on the bacteria water quality objectives. In the bacteria TMDLs, the numeric targets are based on the multi-part bacteriological water quality objectives; therefore, the Permit is consistent with the assumptions and requirements of the Los Angeles River Bacteria TMDL. The order allows Permittees to demonstrate compliance with <i>both</i> the receiving water limitations and the water quality based effluent	Yes, in Parts VI.E.2.d and VI.E.2.e for clarification.

	<p>exceedances of the proposed effluent limitations without violating the assumptions of the WLAs. As such, the assignment of effluent limitations as concentration based limitations is not consistent with the requirements or assumptions of the WLAs and should be removed. Only receiving water limitations are appropriate given that both the TMDL target and the WLAs are expressed in the receiving waters. Additionally, this approach unnecessarily places MS4 Permittees in a position to receive mandatory minimum penalties for the exceedance of effluent limits that are not consistent with assumptions of the WLAs.</p>		<p>limitations in several ways, pursuant to Parts VI.E.2.d and VI.E.2.e.</p>	
Los Angeles River Bacteria TMDL	<p>The load-based allocations are grouped, but can be separated by jurisdiction based on drainage area, per the BPA. Footnote 48 should be revised to state that the load-based interim WQBELs can be separated into individual jurisdictions based on proportional drainage area</p>	City of Los Angeles (Comment 148)	<p>The language in Footnote 48 is consistent with the Los Angeles River Bacteria TMDL. The TMDL states, “However, WLA may be distributed based on proportional drainage area, upon approval of the Executive Officer.” Footnote 48 states, “However, the interim dry weather water quality-based effluent limitations may be distributed based on proportional drainage area, upon approval of the Regional Water Board Executive Officer.”</p>	None
Los Angeles River Bacteria TMDL	<p>The TMDL BPA states that MS4 dischargers can demonstrate compliance with the final dry weather WLAs by demonstrating that the final WLA are met instream or by demonstrating one of the following conditions at outfalls to the receiving waters:</p> <p>Demonstration of compliance as specified in the MS4 NPDES permit which may include the use of BMPs where the permit’s administrative</p>	City of Los Angeles (Comment 149)	<p>The third option is a reference to the determination of compliance as specified in the MS4 NPDES Permit. At this time, the Board does not have sufficient information and data needed to perform the quantitative analysis that would support the expectation that BMPs would meet the water quality-based effluent limitations. The Board has indicated in the Fact Sheet that it will evaluate the effectiveness of an action based compliance determination approach in achieving interim effluent limitations for storm water during this permit term. If an action based compliance approach is effective in achieving compliance with interim effluent limitations</p>	Yes, Part VI.A.7.a, new subpart ix.

	<p>record supports that the BMPs are expected to be sufficient to implement the WLA in the TMDL, the use of calculated loading rates such that loading of <i>E. coli</i> to the segment is less than or equal to a calculated loading rates that would not cause or contribute to exceedances based on a loading capacity representative of conditions in the River at the time of compliance or other appropriate method.</p> <p>This method, which provides both BMP based and load based methods for demonstrating compliance is not provided in the permit. The permit must be consistent with the WLAs as outlined in the BPA.</p>		<p>for storm water during this permit term, the tentative order has been revised to include an additional cause for modification in Part VI.A.7.a. that would allow modifications to Part VI.E. and Attachments L-R to allow an action-based, BMP compliance demonstration approach with regard to final WQBELs for storm water discharges based on the Regional Board’s review of relevant research on storm water quality and the efficacy of storm water control technologies. With regard to non-storm water discharges, the order allows a Permittee to demonstrate, for compliance determination purposes, that there are no non-storm water discharges to the receiving water. To the extent that low flow diversions are employed by Permittees, these actions could be documented to support a Permittee’s demonstration of no discharge to the receiving water.</p>	
Echo Park Lake Nutrient TMDL and Echo Park Lake PCBs and Pesticide TMDL	<p>Table C requires that the annual reporting start on December 15, 2012, and annually thereafter and that compliance monitoring start on December 15, 2013, and annually thereafter. Please note that no monitoring results will be submitted by December 2012 nor by December 2013, because Echo Park Lake is under construction for the Proposition O-funded Echo Park Lake Rehabilitation Project through the end of 2013. The first year of water quality data will be submitted by December 15, 2014.</p>	<p>City of Los Angeles (Comment 124 and 125)</p>	<p>See response to City of Los Angeles comment 122.</p>	<p>None</p>
Echo Park Lake Nutrient TMDL	<p>Mass based allocations Table for nutrients is inconsistent with the TMDL document.</p>	<p>City of Los Angeles (Comment 150)</p>	<p>The Board disagrees that the requested additions need to be made. The TMDL provisions illustrate the correct requirements associated with the mass-based allocations. The provisions state that the allocations are “Measured at the point of discharge using a three-year average. The</p>	<p>None</p>

			mass-based allocations are equivalent to existing concentrations of 0.12 mg/L total phosphorus as a summer average (May-September) and annual average, and 1.2 mg/L total nitrogen as a summer average (May-September) and annual average based on approved flow conditions.” The fact that the allocations are equivalent to the summer average and annual average implies that they include discharges year round during both wet and dry weather. Furthermore, it specifically states that allocations are measured as a three-year average, and section F.2.e, reflects the other information requested by the commenter.	
Echo Park Lake PCBs TMDL	Waste load allocation table for PCBs is inconsistent with the TMDL document.	City of Los Angeles (Comment 151)	The Board disagrees the requested additions need to be made. The TMDL provisions below the table state that the allocations are “Measured at the point of discharge. Applied as an annual average.” This statement addresses both additions requested to be made by the commenter. The annual average implies that the allocations are an average over the course of the year which would incorporate both wet and dry weather.	None
Echo Park Lake PCBs TMDL	Alternative waste load allocation table for PCBs is inconsistent with the TMDL document.	City of Los Angeles (Comment 152)	See response to City of Los Angeles comment 151 above. Similarly, the alternative allocations expressed as a three year average also imply an annual average over a three year period during both wet and dry weather.	None
Echo Park Lake Chlordane TMDL	Waste load allocation table for Chlordane is inconsistent with the TMDL document.	City of Los Angeles (Comment 153)	See response to City of Los Angeles comment 151 above.	None
Echo Park Lake Chlordane TMDL	Alternative waste load allocation table for Chlordane is inconsistent with the TMDL document.	City of Los Angeles (Comment 154)	See response to City of Los Angeles comment 152. The three-year average is incorporated into the permit to coordinate with the fish tissue targets required to be met to utilize the alternative allocations.	None
Echo Park Lake Dieldrin TMDL	Waste load allocation table for Dieldrin is inconsistent with the TMDL document.	City of Los Angeles (Comment 155)	See response to City of Los Angeles comment 151.	None
Echo Park	Alternative waste load allocation table	City of Los	See response to City of Los Angeles comments 152 and	None

Lake Dieldrin TMDL	for Dieldrin is inconsistent with the TMDL document.	Angeles (Comment 156)	154.	
TMDL Monitoring Plans Los Angeles River – Table E-1	Table E-1 indicates that the monitoring plan was not submitted for the LA River Nutrients TMDL. The County of Los Angeles, in cooperation with the City of Los Angeles, submitted the monitoring work plan on March 23, 2005, which to the best of our knowledge was not approved by the Regional Water Board.	County of Los Angeles (Comment 142); City of Los Angeles (Comment 90); City of Vernon (Comment 31)	A monitoring plan was submitted by the POTWs identified by the LA River Nutrients TMDL on March 23, 2005. However, a workplan was never submitted by the MS4 Permittees.	None
<i>San Gabriel River WMA</i>				
San Gabriel River Metals TMDL	Permittees under the new MS4 permit (those in LA County) need to be able to separate themselves from Orange County cities. Since the 0.941 kg/day is a total mass limit, it needs to be apportioned between the two counties. Also, the MS4 permit needs to contain language allowing Permittees to convert group-based limitations to individual Permittee based limitations.	LA Permit Group (Comment 22)	Pursuant to the provisions in Part VI.E.3 of the order, Permittees may include as part of their Watershed Management Program, a proposal to distribute the WLAs among the Permittees based on their proportional drainage area.	None
San Gabriel River Metals TMDL	It is the Permittees understanding that the lead impairment of Reach 2 of the San Gabriel River has been removed. It should be removed from the MS4 permit.	Los Angeles Permit Group (Comment 42)	That is incorrect. The U.S. EPA established San Gabriel River Metals TMDL clearly indicates that Reach 2 of the San Gabriel River is impaired due to exceeded levels of lead and consequently developed wet weather and dry weather Waste Load Allocations to address the impairment. The 2010 USEPA approved California Section 303(d) List includes this listing in Category 5 as being addressed by a TMDL.	None.
Reporting Deadlines for San Gabriel River Metals, Puddingstone Reservoir Nutrient,	The RWQCB is requesting annual reporting of monitoring results to begin on Dec. 15, 2012. This would only be 4 months after the adoption of the Permit and before the monitoring plan is even required to be submitted to the RWQCB.	County of Los Angeles (Comment 180)	The first annual report of monitoring results under the new order will be revised to December 2013.	The changes will be made to pages E-64 thru E-68 of Attachment E.

<p>Puddingstone Reservoir Mercury, and Puddingstone Reservoir PCBs and OC Pesticides TMDLs</p>				
<p>Submission Deadlines for San Gabriel River Metals and Los Cerritos Channel Metals Implementation Plans</p>	<p>If an IMP or CIMP is due to the RWQCB 9 to 12 months after adoption of the Permit and the Watershed Management Program is due to the RWQCB 1 year after adoption of the Permit, it is infeasible to assume an implementation plan can be developed and delivered to the RWQCB prior to the submittal of the IMP or CIMP and implementing the monitoring program.</p>	<p>County of Los Angeles (Comment 181)</p>	<p>The San Gabriel River Metals TMDL was established by the USEPA in 2007. Permittees have had ample time to identify implementation strategies that could be included in a Watershed Management Program plan for the San Gabriel River WMA; therefore, six months is a reasonable amount of time to develop a WMP plan for the San Gabriel River Metals and Selenium TMDL. The Los Cerritos Channel Metals TMDL was established by the U.S. EPA more recently -- in 2010; therefore, the tentative order allows one year to develop a WMP plan. Additionally, in both cases, these TMDLs are the only watershed-wide TMDLs established for each of these watershed management areas; therefore, there is no significant conflict between these schedules and the development of WMPs for Regional Water Board adopted TMDLs. Where possible, the Regional Board encourages Permittees to submit their IMP or CIMP simultaneously with their Watershed Management Program; however, this in no way extends the deadline of one to align with the other unless so stated in the Order.</p>	<p>None</p>
<p>Legg Lake Trash TMRP Reports & TMRP Reports MFAC</p>	<p>As written, the Permit requires reporting of Permittees compliance with the installation of full capture systems. Per the RWQCB approved TMRP full capture devices or a MFAC program were not required for the responsible parties to be in compliance with the TMDL.</p>	<p>County of Los Angeles (Comment 182)</p>	<p>The approved Legg Lake Trash TMDL TMRP utilizes the MFAC compliance strategy and requires annual reporting. Consequently, the reporting requirements for full capture systems for Legg Lake will be deleted.</p>	<p>Deleted reporting requirements associated with Full Capture Systems in Legg Lake. Attachment E page E-65.</p>

San Gabriel River Metals and Impaired Tributaries Metals and Selenium TMDL	As previously commented, it is unclear where the values in the table under Section E.1.b for wet weather water quality based effluent limitations come from. They do not match the approved TMDL in units or values.	County of Los Angeles (Comment 227)	The values expressed in Attachment P Section A.2, are consistent with the U.S. EPA established TMDL. Page 38 of the Total Maximum Daily Loads for Metals and Selenium in San Gabriel River and Impaired Tributaries details that the overall wet weather allocations are broken down by percent land area. The Board multiplied the overall wet weather loading capacity by the percent area calculated by USEPA. This gave the values expressed in the permit. The µg/l units will be inserted for clarity.	Insert the unit µg/l to the table in Attachment P Section A.2.
Los Cerritos Channel and Alamitos Bay WMA				
Colorado Lagoon Annual Monitoring Reports	Providing a date for when the monitoring plan is due is infeasible since there is no way to tell when CLTMP will be approved by the RWQCB.	County of Los Angeles (Comment 183)	The CLTMP was conditionally approved on August 23, 2012, and specified that monitoring shall begin as soon as possible but no later than February 1, 2013.	The due date will be changed to February 1, 2013.
Middle Santa Ana River WMA				
Middle Santa Ana River Watershed Bacteria Indicator TMDL	<p>To focus TMDL implementation efforts the Middle Santa Ana River (MSAR) Watershed TMDL Task Force was established, and it is administered by Santa Ana Watershed Project Authority (SAWPA). The City of Pomona joined the MSAR Task Force and meets regularly to coordinate water quality management activities, and discuss in a forum the most cost effective and efficient strategy to address the Bacterial Indicator TMDL Mandate. City staff also attends the Comprehensive Bacteria Reduction Plan (CBRP) working group on identifying if urban runoff is the source of pollutant.</p> <p>The City of Pomona would request from the Regional Water Board to acknowledge the City's efforts and</p>	City of Pomona	<p>The CBRP and reporting requirements developed by San Bernardino County are specific to and apply only to the Cities within San Bernardino County. Therefore, the City of Pomona cannot be covered by the San Bernardino County CBRP.</p> <p>The Board, however, acknowledges that Pomona and Claremont have been working with the Middle Santa Ana River Watershed TMDL Task Force. A new provision has been added to the Tentative Order at Part VI.C. Watershed Management Programs section VI.C.4.f. to allow the Cities of Pomona and Claremont to develop a CBRP, as follows:</p> <p><u>f. Permittees subject to the Middle Santa Ana River Watershed Bacteria Indicator TMDL shall submit a Comprehensive Bacteria Reduction Plan (CBRP) for dry weather to the Regional Water Board Executive Officer no later than six months after the effective date of this Order. The CBRP shall describe, in detail, the specific actions that have</u></p>	New language was added as indicated.

	<p>support the continuation of working collaboratively with the MSAR Task Force and the San Bernardino County Stormwater Program’s CBRP Working Group to achieve compliance with the MSAR Watershed Bacteria Indicator TMDL. The San Bernardino County Stormwater Program has developed a CBRP, and the City requests to use their CBRP and reporting requirements to be in compliance with the MSAR TMDL.</p>		<p><u>been taken or will be taken to achieve compliance with the dry weather water quality-based effluent limitations and the receiving water limitations for the Middle Santa Ana River Watershed Bacteria Indicator TMDL by December 31, 2015. The CBRP shall also establish a schedule for developing a CBRP to comply with the water quality-based effluent limitations and the receiving water limitations for the Middle Santa Ana River Bacteria TMDL during wet weather by December 31, 2025. The CBRP may be developed in lieu of the Watershed Management Program for the Middle Santa Ana River Watershed.</u></p>	
<p>Middle Santa Ana River Watershed Bacteria Indicator TMDL</p>	<p>Claremont is not subject to nor located within the jurisdiction of the Santa Ana Regional Board; therefore, TMDL has no application to Claremont. The Los Angeles Regional Board cannot include a TMDL adopted by another jurisdiction for implementation through the MS4 permit unless the Board includes into its Basin Plan as an amendment. Therefore, the Regional Board should eliminate the requirement.</p>	<p>LA Permit Group (Comment 21); Cities of: Baldwin Park, Carson, Covina, Duarte, Glendora, Irwindale, Lawndale, Pico Rivera, San Gabriel West Covina, and Claremont</p>	<p>The Board disagrees. Although the Cities of Claremont and Pomona are not located within the jurisdictional boundaries of the Santa Ana Regional Board, the Santa Ana Regional Board may regulate any discharges that could affect the quality of the waters within its region. (Cal. Wat. Code, § 13260(a)(1).) The Middle Santa Ana River Watershed Management Area (MSAR WMA) covers approximately 488 square miles and lies mostly in San Bernardino and Riverside Counties; however, a small part of Los Angeles County is also included. The area of Los Angeles County that is located in the MSAR WMA includes portions of the Cities of Pomona and Claremont. Surface drainage from these portions of Pomona and Claremont is generally southward toward Chino Creek and San Antonio Creek, which is tributary to Chino Creek. Thus, the Cities discharges could affect the quality of the waters within the boundaries of both the Los Angeles Regional Board and the Santa Ana Regional Board.</p> <p>Chino Creek is listed on the 2010 CWA Section 303(d) List for bacteria. The Santa Ana Regional Board adopted TMDLs for bacteria for the Middle Santa Ana River Watershed, which includes Chino Creek. Pomona and Claremont are appropriately named as responsible parties in the TMDL. The Middle Santa Ana River</p>	<p>New language added to Attachment R</p>

		<p>Bacteria Indicator TMDL was approved by the State Water Board, OAL and USEPA. Prior to becoming effective, the Cities had ample opportunities to make comments and/or otherwise challenge their inclusion in the TMDL. The Cities could have also challenged their inclusion in court, but the Cities chose not to do so. The Santa Ana Regional Board concluded, based upon data and information collected in 1993, 1996-1998 and in 2002-2004, that MS4 discharges is a significant source of bacterial indicators year round to the Middle Santa Ana River, including Chino Creek. Therefore, storm water and non-storm water discharges from Pomona's and Claremont's MS4 may cause or contribute to an exceedance of water quality standards. The Middle Santa Ana River Watershed Bacteria Indicator TMDL is thus applicable to Claremont and Pomona, insofar as these Cities discharge storm water and non-storm water to receiving waters in the Middle Santa Ana River Watershed that are located within the jurisdiction of the Santa Ana Regional Board.</p> <p>Contrary to the assertion of the commenters, the Los Angeles Regional Board is required to incorporate the requirements of the Middle Santa Ana River bacteria TMDL into the permit. Pursuant to 40 CFR section 122.44(d)(1)(vii)(B), the permitting authority shall ensure that effluent limits developed to protect a narrative water quality criterion, a numeric water quality criterion, or both, are consistent with the assumptions and requirements of <i>any available</i> waste load allocation for the discharge <i>prepared by the State and approved by USEPA</i> pursuant to 40 CFR section 130.7 (emphasis added). The regulation does not limit those effluent limitations that must be included in NPDES permits to limitations implemented by the Regional Board issuing the NPDES permit. Therefore, the permit must incorporate all applicable TMDLs, including the Middle Santa Ana River bacteria TMDL. Because the Middle Santa Ana River Watershed Bacteria Indicator TMDL</p>	
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			<p>sets waste load allocations for discharges to the Middle Santa Ana River Watershed, and Claremont and Pomona discharge to receiving waters located in that watershed, the TMDL appropriately names the cities as responsible parties and this permit includes the wasteload allocations consistent with that TMDL.</p> <p>Notwithstanding the above, for matters that are subject to regulation by more than one regional board, Water Code section 13228 provides a process whereby one regional board may designate another regional board to regulate certain discharges. Such a designation is conditioned on the affected person or entity submitting a written request to all affected regional boards, and all affected regional boards agreeing in writing to the designation. Since the draft tentative order was released in June 2012, Los Angeles Board staff has had discussions with representatives of Claremont, Pomona and the Santa Ana Regional Board. Based on those discussions, the Cities of Claremont and Pomona have each submitted written requests to the Los Angeles and Santa Ana Regional Boards requesting that the Santa Ana Regional Board be designated to regulate Claremont and Pomona's MS4 discharges for compliance with the Middle Santa Ana River bacteria TMDL. The Los Angeles Regional Board and the Santa Ana Regional Board are still in the process of evaluating these requests. The Los Angeles Regional Board, however, added new language to Attachment R of the permit that would take effect if such a designation is made and if the Santa Ana Regional Board issues an NPDES permit applicable to the Cities' MS4 discharges to the Middle Santa Ana River Watershed.</p>	
Middle Santa Ana River Watershed Bacteria Indicator TMDL	The Regional Board should delete the final fecal coliform effluent limitations and receiving water limitations for both dry and wet weather. The Board's Basin Plan no longer uses fecal coliform as a fresh water Rec-1	City of Claremont	The Santa Ana Regional Board is in the process of replacing the REC-1 fecal coliform objective with an REC-1 <i>E. coli</i> objective; however, until the new REC-1 <i>E. coli</i> objective is in effect, the Middle Santa Ana River Bacteria TMDL has WLAs based on both fecal coliform and <i>E. coli</i> . The Los Angeles Regional Board has	None

	objective. Therefore, the Board cannot include such an objective in the MS4 Permit. The Santa Ana Board is in the process of replacing the Rec-1 fecal coliform objective with an <i>E. coli</i> objective.		addressed this issue the same way the Santa Ana Regional Board addressed this issue with footnotes. Footnotes 65 and 66 in Attachment R state that the fecal coliform limitations become ineffective upon their replacement with <i>E. coli</i> based REC-1 objectives.	
Middle Santa Ana River Watershed Bacteria Indicator TMDL	Claremont would like the TMDL provisions to better reflect how Claremont's compliance will be measured. Claremont does not discharge stormwater or dry weather flows directly to the Chino Basin, including the San Antonio Channel. Claremont's contribution to flow occurs, if at all, only at the limited points where Claremont's MS4 connects with the City of Pomona's MS4. In Claremont's view, it would be in compliance with the effluent limitation if either: (1) compliance existed at the outfall of any MS4 to which Claremont contributes; or (2) compliance existed at the point at which Claremont's MS4 connects to the City of Pomona's MS4. If either of these conditions existed, compliance would be obtained.	City of Claremont	The Board agrees with the compliance determination as stated by the commenter. The provisions that specify compliance determination are listed in the Order at part VI.E.2.e.	None
Middle Santa Ana River Watershed Bacteria Indicator TMDL	The TMDL provisions are inconsistent with the assumptions and requirements of the TMDL. The provisions selectively apply only the numeric portion of the TMDL and ignore the Santa Ana Board's express intent to allow dischargers to comply with the TMDL's WLA through the submission and implementation of Comprehensive Bacterial Reduction Plans (CBRP). Claremont should be allowed to use	City of Claremont	The Board disagrees. The provisions are consistent with the assumptions and requirements of the TMDL. There is insufficient data and information available at this time on the prospective implementation of BMPs throughout the watersheds in Los Angeles County to provide the Regional Water Board reasonable assurance that the BMPs would be sufficient to achieve the numeric WQBELs. In addition, the CBRP and reporting requirements developed by San Bernardino County are specific to and	New language was added as indicated in response to Pomona's comment above; a new provision was added to the list of causes for modification of

	<p>CBRPs. This is the approach outlined by the Santa Ana Board in the TMDL and it is the only approach that is consistent with the assumptions and requirements of the TMDL. Attachment R of the draft permit must therefore be rewritten as proposed in the comment letter.</p>		<p>apply only to the Cities within San Bernardino County. Therefore, the City of Claremont cannot be covered by the San Bernardino County CBRP. However, as indicated in response to the City of Pomona’s comment above, the Board acknowledges that Pomona and Claremont have been working with the Middle Santa Ana River Watershed TMDL Task Force. Accordingly, a new provision has been added to the Tentative Order at Part VI.C. Watershed Management Programs section VI.C.4.f. to allow the Cities of Pomona and Claremont to develop a CBRP for approval by the Executive Officer.</p> <p>If an action based compliance approach through implementation of a CBRP is effective in achieving compliance with interim effluent limitations for storm water, the tentative order has been revised to include an additional cause for modification in Part VI.A.7.a. that would allow modifications to Part VI.E. and Attachments L-R to allow an action-based, BMP compliance demonstration approach with regard to final WQBELs for storm water discharges based on the Regional Board’s review of relevant research on storm water quality and the efficacy of storm water control technologies.</p>	<p>the permit in Part VI.7.a (i.e., subpart ix).</p>
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