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## Los Angeles Regional Water Quality Control Board

October 27, 2015

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Agoura Hills, CA 91301

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### **REVIEW OF THE MALIBU CREEK WATERSHED DRAFT ENHANCED WATERSHED MANAGEMENT PROGRAM, PURSUANT TO PART VI.C OF THE LOS ANGELES COUNTY MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT (NPDES PERMIT NO. CAS004001; ORDER NO. R4-2012-0175)**

Dear Permittees of the Malibu Creek Watershed Management Group:

The Los Angeles Regional Water Quality Control Board (Los Angeles Water Board or Board) has reviewed the draft Enhanced Watershed Management Program (EWMP) submitted on June 29, 2015 by the Malibu Creek Watershed Management Group (Group). This program was submitted pursuant to the provisions of NPDES Permit No. CAS004001 (Order No. R4-2012-0175), which authorizes discharges from the municipal separate storm sewer system (MS4) operated by 86 municipal Permittees within Los Angeles County (hereafter, LA County MS4 Permit). The LA County MS4 Permit allows Permittees the option to develop an EWMP to implement the requirements of the Los Angeles County MS4 Permit on a watershed scale through customized strategies, control measures, and Best Management Practices (BMPs). Participation in an EWMP is voluntary.

The purpose of an EWMP is for Permittees to develop and implement a comprehensive and customized program to control pollutants in MS4 discharges of stormwater and non-stormwater to address the highest water quality priorities. These include complying with the required water quality outcomes of Part V.A (Receiving Water Limitations) and Part VI.E and Attachments L through R (Total Maximum Daily Load (TMDL) Provisions) of the LA County MS4 Permit.

CHARLES STRINGER, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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Additionally, an EWMP comprehensively evaluates opportunities, within the participating Permittees' collective jurisdictional area (within the Watershed Management Area), for collaboration among Permittees and other partners on multi-benefit regional projects that, wherever feasible, retain all non-storm water runoff and all storm water runoff from the 85th percentile, 24-hour storm event for the drainage areas tributary to the projects, while also achieving other benefits including flood control and water supply.

If Permittees opt to develop an EWMP, the EWMP must meet all requirements of Part VI.C (Watershed Management Programs) of the LA County MS4 Permit. This in part, requires Permittees to include multi-benefit regional projects to ensure that MS4 discharges achieve compliance with all final WQBELs set forth in Part VI.E and do not cause or contribute to exceedances of receiving water limitations. An EWMP must be approved by the Los Angeles Water Board or by its Executive Officer on behalf of the Board.

As stated above, on June 29, 2015, the Group submitted a draft Enhanced Watershed Management Program (EWMP) for their entire jurisdiction to the Los Angeles Water Board pursuant to Part VI.C.4.c.iv of the LA County MS4 Permit.

#### **Public Review and Comment**

On July 1, 2015, the Board provided public notice and a 61-day period to allow for public review and comment on the draft EWMPs. A separate notice of availability regarding the draft EWMPs was directed to State Senators and Assembly Members within the Coastal Watersheds of Los Angeles County. The Board received two letters that contained comments specific to the Group's draft EWMP. These letters were from Natural Resources Defense Council, Los Angeles Waterkeeper, and Heal the Bay; and the Construction Industry Coalition on Water Quality. On July 9, 2015, the Board held a workshop at its regularly scheduled Board Meeting on the draft EWMPs. During the review of the draft EWMPs, the Los Angeles Water Board considered those comments applicable to the Group's draft EWMP.

The Los Angeles Water Board has reviewed the draft EWMP and has determined that, for the most part, the draft EWMP includes the elements and analysis required in Part VI.C of the LA County MS4 Permit. However, some revisions to the Group's draft EWMP are necessary. The Los Angeles Water Board's comments on the draft EWMP, including detailed information concerning revisions to the RAA, are found in Enclosure 1 and Enclosure 2, respectively. The LA County MS4 Permit includes a process through which necessary revisions to the draft EWMP can be made (Part VI.C.4 in the LA County MS4 Permit). The process requires that a final EWMP, revised to address Los Angeles Water Board comments identified in the enclosures, must be submitted to the Los Angeles Water Board not later than three months after comments are received by the Permittees on the draft program. Please make the necessary revision to the draft EWMP as identified in the enclosures to this letter and submit the revised EWMP as soon as possible and no later than **January 27, 2016**.

The revised EWMP must be submitted to [losangeles@waterboards.ca.gov](mailto:losangeles@waterboards.ca.gov) with the subject line "LA County MS4 Permit – Revised Malibu Creek Watershed EWMP" with a copy to [Ivar.Ridgeway@waterboards.ca.gov](mailto:Ivar.Ridgeway@waterboards.ca.gov) and [Rebecca.Christmann@waterboards.ca.gov](mailto:Rebecca.Christmann@waterboards.ca.gov).

If the necessary revisions are not made and the Group does not ultimately receive approval of its EWMP within 40 months of the effective date of the LA County MS4 Permit, the Group will be subject to the baseline requirements in Part VI.D and shall demonstrate compliance with receiving water limitations pursuant to Part V.A and with applicable interim and final water quality-based effluent limitations (WQBELs) in Part VI.E and Attachment M pursuant to subparts VI.E.2.d.i.(1)-(3) and VI.E.2.e.i.(1)-(3), respectively.

Until the draft EWMP is approved, the Group is required to:

- (a) Continue to implement all watershed control measures in its existing storm water management programs, including actions within each of the six categories of minimum control measures consistent with Title 40, Code of Federal Regulations, section 122.26(d)(2)(iv).
- (b) Continue to implement watershed control measures to eliminate non-storm water discharges through the MS4 that are a source of pollutants to receiving waters consistent with Clean Water Act section 402(p)(3)(B)(ii);
- (c) Target implementation of watershed control measures in (a) and (b) above to address known contributions of pollutants from MS4 discharges to receiving waters; and
- (d) Where possible, implement watershed control measures, from existing TMDL implementation plans, to ensure that MS4 discharges achieve compliance with interim and final trash WQBELs and all other final WQBELs and receiving water limitations pursuant to Part VI.E and set forth in Attachments L through R by the applicable compliance deadlines occurring prior to approval of an EWMP.

If you have any questions, please contact Ms. Rebecca Christmann of the Storm Water Permitting Unit by electronic mail at [Rebecca.Christmann@waterboards.ca.gov](mailto:Rebecca.Christmann@waterboards.ca.gov) or by phone at (213) 576-5734. Alternatively, you may also contact Mr. Ivar Ridgeway, Chief of the Storm Water Permitting Unit, at [Ivar.Ridgeway@waterboards.ca.gov](mailto:Ivar.Ridgeway@waterboards.ca.gov) or by phone at (213) 620-2150.

Sincerely,



Samuel Unger, P.E.  
Executive Officer

cc: Kelly Fisher, City of Agoura Hills  
Alex Farassati, City of Calabasas  
Joe Bellomo, City of Hidden Hills  
Kelsey Erisman, City of Westlake Village  
Giles Coon, County of Los Angeles, Department of Public Works

Enclosures: Enclosure 1 – Comments and Necessary Revisions to Draft EWMP  
Enclosure 2 – Comments on the Reasonable Assurance Analysis

Los Angeles Regional Water Quality Control Board

Enclosure 1 – Summary of Comments and Necessary Revisions to Draft EWMP

Malibu Creek Watershed Group

EWMP Reference	MS4 Permit Provision	Comment and Necessary Revision
<b>General</b>		
		<p>There are inconsistencies between the EWMP and CIMP. The EWMP and the CIMP must align. The following, but not limited to, are inconsistencies between the EWMP and the CIMP:</p> <ul style="list-style-type: none"> <li>• Table 10 (EWMP) and Table 3 (CIMP) - Malibou Lake and Lindero Lake responsibility</li> <li>• Tables 11 and 12 (EWMP) and Table 5 (CIMP) - Category 3 Pollutants</li> </ul>
		<p>Although, Malibu Beach and Malibu Lagoon Beach lay outside of the EWMP Watershed boundaries, the MCW Group members are subject to the requirements of the SMB Beaches Bacteria TMDL in Attachment M, subpart A. See Regional Water Board letter dated October 28, 2003 and CIMP comment. Section 3.1 (TMDL) and all other applicable portions of the EWMP must be revised to include SMB Beaches Bacteria TMDL requirements.</p>
Table 10 (page 16-18)		<p>In Table 10, which summarizes the 2010 303(d) listings for the Malibu Creek Watershed, state the name of the TMDL that addresses the pollutant listed.</p>
Section 6.2.3.1 (page 67)		<p>Correct water year between “200 and 2010” to “2000 and 2010.”</p>
Section 2.1.2		<p>Provide an explanation of why proposals to divert flows to the LVMWD system and stormwater harvest and use projects in cooperation with LVMWD were determined to be infeasible.</p>
<b>Water Quality Characterization</b>		
	Part VI.C.5.a.i (page 60)	<p>The revised EWMP shall include characterization of stormwater and non-stormwater discharges from the MS4 as well as receiving water quality to support identification and prioritization/sequencing of management actions, to the extent possible based on available data.</p> <p>In addition, the revised EWMP shall include a description of what data was used to characterize water quality, particularly in regard to Section 3.3 and Table 11. This could be addressed by reproducing Table 5 of the EWMP Work Plan, and indicating which of the monitoring programs/year(s) data collected were used to</p>

EWMP Reference	MS4 Permit Provision	Comment and Necessary Revision
		<p>identify Category 3 pollutants. The EWMP must also provide justification for using median concentrations and only considering pollutants with a minimum of five samples collected over the data period to identify Category 3 pollutants.</p> <p>Furthermore, the revised EWMP shall show the monitoring stations used to characterize water quality and derive the list of Category 3 pollutants, and shall discuss whether the locations are adequately representative of the waterbodies within the MCW (for receiving water data) and of Permittees' MS4 discharges (for stormwater/non-stormwater discharge data). This could be addressed using Figure 2 from the EWMP Work Plan, or a modification of that figure, as appropriate (i.e., to show only the monitoring stations used to identify Category 3 pollutants).</p> <p>The revised EWMP must indicate if the current compliance requirement of 60% trash reduction as of July 7, 2015 is currently being met; if not, the EWMP must indicate the current status of compliance with the required trash reductions per the Trash TMDL and actions to achieve compliance.</p>
<b>Water Body Pollutant Classification</b>		
<p>Table 10 (page 16-18), Section 6.2.3                      Table 33 (page 69)</p>	<p>Part VI.C.5.a.ii.(2) (page 60)</p>	<p>Table 10, which summarizes the 2010 303(d) listings for the Malibu Creek Watershed incorrectly identifies the following Category 2 Pollutants as "TMDL Developed." Correct the EWMP to reflect that the following water body pollutant combinations do not have a TMDL:</p> <ul style="list-style-type: none"> <li>• Malibu Creek-Fish Barriers (Fish Passage)</li> <li>• Malibu Creek-Invasive Species</li> </ul> <p>Further, Table 10 does not include Lake Sherwood, which is on the 303(d) list as impaired due to mercury, and is addressed by the LA Lakes TMDLs established by USEPA. Add Lake Sherwood to Table 10. The Group may note, as USEPA found in its TMDL, that there are no MS4 discharges to Lake Sherwood.</p> <p>Receiving water limitations for category 2 pollutants do not appear to be clearly listed in the EWMP. The revised EWMP must clearly list the applicable receiving water limitations for the Category 2 pollutants.</p> <p>Section 6.2.3, Table 33 (page 69) identifies the targets for priority water quality pollutants in the MCW for lead, mercury, selenium, and sulfate. The target calculated for lead based on a hardness of 730 mg/L exceeds the maximum hardness of 400 mg/L as defined by the California Toxics Rule. The revised EWMP shall recalculate</p>

EWMP Reference	MS4 Permit Provision	Comment and Necessary Revision
		the target for lead based on a maximum hardness of 400 mg/L. Also, in Table 33, it appears that note 4 may be incorrectly associated with the lead dry weather target for RAA.
Table 12 (page 23) Table 11 (page 19)	Part VI.C.5.a.ii.(3) (page 60)	In Table 12, Cheseboro Creek is missing phosphate as P. In the MCW CIMP, chloride is listed as a Category 3 pollutant in Cheseboro Creek. However, chloride is not identified as a pollutant in Table 11 or in Table 12 within the EWIMP and no justification is provided for not including chloride as a Category 3 pollutant. Provide a justification for not including chloride as a Category 3 pollutant or list chloride within Table 11 and 12 in the revised EWMP.
<b>Source Assessment</b>		
	Part VI.C.5.a.iii.(1)(a)(i)-(iv) (pages 59-60)	The EWMP must make findings from the Permittee(s)' IC/IDE programs, Industrial/Commercial Facilities Pollutant Control programs, Development Construction programs, Public Agency Activities programs regarding known and suspected stormwater and non-stormwater pollutant sources in discharges to the MS4 and from the MS4 to receiving waters and any other stressors related to MS4 discharges causing or contributing to the water quality priorities. If no relevant information was collected from a review of these programs, the EWMP should clearly state so.
	Part VI.C.5.a.iii.(1)(a)(v) (page 61)	The EWMP must clearly include data and conclusions from TMDL source investigations regarding known and suspected stormwater and non-stormwater pollutant sources in discharges to the MS4 and from the MS4 to receiving waters.
	Part VI.C.5.a.iii.(1)(a)(vi) (page 61)	The EWMP must include data and conclusions from watershed model results regarding known and suspected stormwater and non-stormwater pollutant sources in discharges to the MS4 and from the MS4 to receiving waters.
	Part VI.C.5.a.iii.(1)(a)(vii) (page 61)	The EWMP must include data and conclusions from Permittee(s)' monitoring programs regarding known and suspected stormwater and non-stormwater pollutant sources in discharges to the MS4 and from the MS4 to receiving waters.
	Part VI.C.5.a.iii.(1)(b) (page 61)	The EWMP must include a map(s) of the Permittee(s)' MS4, including all major outfalls and major structural controls for stormwater and non-stormwater. Some of the maps included in the CIMP may fulfill this purpose in part (i.e., Figures 8-11 include storm drains and open channels, but do not appear to include major MS4 outfalls and major structural controls).
<b>Selection of Watershed Control Measures</b>		
	Part VI.C.5.a.iv.(1) (page 61)	The Malibu Creek Bacteria TMDL compliance deadline for dry-weather has passed. The MCW EWMP Group requested a TSO, but a TSO has not yet been issued by the Regional Board. The revised EWMP must specify a strategy to implement pollutant controls necessary to achieve water quality-based effluent limitations and

EWMP Reference	MS4 Permit Provision	Comment and Necessary Revision
Table 17 (page 26)	Part VI.C.5.b.iv.(1)(a)(iii) (page 63)	receiving water limitations for E. coli during dry weather. No modifications to the Development Construction Program are proposed; however, the EWMP does not explicitly state that the provisions in the Los Angeles County MS4 Order No. R4-2012-0175 as amended by State Water Board Order WQ 2015-0075 shall be implemented. The EWMP must be revised to explicitly state whether the Program will be revised or implemented as written in the LA County MS4 Permit.
Table 15 (page 25)	Part VI.C.5.b.iv.(1)(a)(ii) (page 63)	No modifications to the Industrial/Commercial Facilities Program are proposed; however, the EWMP does not explicitly state that the provisions in the Los Angeles County MS4 Order No. R4-2012-0175 as amended by State Water Board Order WQ 2015-0075 shall be implemented. In addition, there is a blank cell in Table 15: Industrial/Commercial Facilities Program. The EWMP must be revised to explicitly state whether the Program will be revised or implemented as written in the LA County MS4 Permit.
Table 19 (page 27)	Part VI.C.5.b.iv.(1)(a)(iii) (page 63)	No modifications to the Illicit Connections and Illicit Discharge Elimination Program are proposed; however, the EWMP does not explicitly state that the provisions in the Los Angeles County MS4 Order No. R4-2012-0175 as amended by State Water Board Order WQ 2015-0075 shall be implemented. The EWMP must be revised to explicitly state whether the Program will be revised or implemented as written in the LA County MS4 Permit.
Table 18 (Page 27)	Part VI.C.5.b.iv.(1)(a)(iv) (page 63)	No modifications to the Public Agency Activities Program are proposed; however, the EWMP does not explicitly state that the provisions in the Los Angeles County MS4 Order No. R4-2012-0175 as amended by State Water Board Order WQ 2015-0075 shall be implemented. The EWMP must be revised to explicitly state whether the Program will be revised or implemented as written in the LA County MS4 Permit.
Table 13 (Page 24-25)	Part VI.C.5.b.iv.(1)(a)(v) (page 63)	No modifications to the Public Information and Participation Program are proposed; however, the EWMP does not explicitly state that the provisions in the Los Angeles County MS4 Order No. R4-2012-0175 as amended by State Water Board Order WQ 2015-0075 shall be implemented. The EWMP must be revised to explicitly state whether the Program will be revised or implemented as written in the LA County MS4 Permit.
Section 5.1 (page 24)	Part VI.C.5.b.iv.(1)(c) (page 63)	Through the EWMP, the MCW Permittees must implement the MCMs as set forth in the Los Angeles County MS4 Order No. R4-2012-0175 as amended by State Water Board Order WQ 2015-0075, not those of the 2001 LA MS4 permit, which is referenced in Section 5.1.1.  Section 5.1.1 and Tables 13-19 must be revised as necessary to reflect the MCMs that each Permittee will implement per the 2012



EWMP Reference	MS4 Permit Provision	Comment and Necessary Revision
<p>Section 5.3.2 (page 32-36), Table 23, Table 28</p>	<p>Part VI.C.5.b.iv.(4)(b)-(c) (page 64)</p>	<p>permit, as amended.</p> <p>Page 36, Section 5.3.2.3 states, "...the current street sweeping program will be enhanced with advanced sweeping technologies in residential areas that require additional pollutant reduction when the contract is re-bid." The revised EWMP must state when each Permittee will complete its evaluation of the potential for enhanced street sweeping and also when the street sweeping contract is up for re-bid for each Permittee. The EWMP must also specify what advanced sweeping technologies or methods (e.g., conversion to regenerative air sweepers, reduced speed of street sweepers) will be applied to reduce pollutants.</p> <p>A more detailed description of the BMPs listed in Table 23: Matrix of Associated Pollutants for Enhanced Institutional and Source Controls is provided in Section 5.3.2 Institutional and Source Control BMPs (pages 32-36); however, a description of the Increased Frequency of Catch Basin Cleaning and the Landscape/Gardner License Program must be included within the EWMP.</p> <p>A more detailed description of the proposed streamflow treatment/retention facility to be located at site MEC-12 must be included in the revised EWMP, particularly for the alternative in which streamflow would be removed from the creek, treated and returned to the creek.</p> <p>The volume of stormwater to be retained by the combination of regional BMPs and green streets, at various stages of implementation within each subwatershed, must be included within the EWMP.</p> <p>Although in Section 5.3.3 the eight regional projects listed in Table 28 seem to be defined to capture the 85th percentile, 24-hour storm event, the revised EWMP must specifically state if each of the planned regional projects will retain the volume associated with the 85th percentile, 24-hour storm event, and all non-stormwater runoff and indicate what that volume is for each project's tributary area. (Also include this information in Appendix A.) If the planned regional projects will not retain the 85th percentile, 24-hour storm event, the EWMP must ensure that the reasonable assurance analysis addresses the tributary area.</p>
<p>Table 40 (page 96)</p>	<p>Part VI.C.5.b.iv.(4)(d) (page 64)</p>	<p>Table 40: Proposed MCW EWMP Compliance Schedule lists compliance dates for TMDLs and proposes non-specific interim milestones to assess progress every two years. However, the revised EWMP must include more specific interim milestones and dates for completion, particularly for non-structural (institutional</p>

EWMP Reference	MS4 Permit Provision	Comment and Necessary Revision
		<p>and source) control measures to ensure progress toward TMDL compliance deadlines. Further, there is inconsistency in the EWMP regarding final implementation of all institutional and source controls. Table 40 establishes a final compliance date of December 2017, while Section 7.2.1 indicates an implementation date of 2020. Rather than a single compliance date for all non-structural controls, provide dates specific to each action in Table 39, as indicated above.</p> <p>Finally, provide the interim milestones relative to structural BMP capacity in Figures 35-39 in a single table organized by assessment area, Permittee and compliance deadline.</p>
Table 23 Section 5.3.2 (pages 32-36)	Part VI.C.5.b.iv.(e) (page 65)	The responsible Permittees for each BMP proposed within Table 23: Matrix of Associated Pollutants for Enhanced Institutional and Source Controls must be specified.
<b>Enhanced Watershed Management Program Provisions</b>		
Section 5.3.3 (page 38), Section 5.3.3.1.5 (page 44)	Part VI.C.1.g (page 49)	Regional BMPs are defined as multi-benefit regional projects. However, the Group does not specifically identify which selected Regional BMPs will retain the 85th percentile, 24-hour storm event once the initial prioritization is completed. In section 5.3.3.1.5 the EWMP addresses that “this initial prioritization provided the baseline for identifying the sites with the greatest potential to retain the volume equivalent to the 85th percentile, 24-hour storm event.” As commented above, the revised EWMP must identify which of the eight regional projects will retain the 85th percentile, 24-hour storm event and all non-storm water runoff.
Section 5.3.3.1.4 (page 44)		The EWMP states “...preliminary sizing was to maximize, site-by-site, the water quality benefits associated with implementing each BMP.” (Pg. 44) The revised EWMP must state for each regional BMP if the sizing of the regional BMP will meet the applicable water quality based effluent limitations and/or the water quality design volume (as commented above).
Section 5.3.3.1.4	Part VI.C.1.g (page 49)	<p>Section 5.3.3.1.4 of the EWMP, states “If site constraints prohibited retention, other BMPs were used, and the RAA was completed for the areas where retention is not feasible for the 90th percentile storm.” (page 44) However, the EWMP does not clearly identify the drainage areas where retention of the 85th percentile, 24-hour storm event is not feasible.</p> <p>The revised EWMP needs to clearly identify the drainage areas within the watershed where retention of the 85th percentile 24-hour storm event is feasible and is not feasible. For the drainage areas where it is not feasible, then the RAA must demonstrate that the proposed watershed control measures will achieve the water quality based effluent limitations and receiving water limitations</p>

EWMP Reference	MS4 Permit Provision	Comment and Necessary Revision
		(as indicated in the quote above).
Section 5.3.3.2	Part VI.C.1.g.iv. (page 49)	For each of the eight regional BMPs, the revised EWMP must elaborate on the other anticipated benefits the regional projects will achieve (e.g., flood control, water supply, flow reduction, open space, habitat, recreation, etc.).
Section 5.3.3.1.3	Part VI.C. 1.g.v (page 49)	<p>A desktop survey using GIS and aerial imagery was used to identify public and private vacant parcels with nearby storm drains on fairly moderate to flat slopes and limited physical obstructions. Provide a map showing locations of the public/private, parcels considered.</p> <p>The revised EWMP must provide further explanation of the public/private BMPs opportunities/incentives that will be offered to the public/private owners.</p>
Section 7.4 (page 95)	Part VI.C.1.g.viii (page 50)	The EWMP must state that existing requirements to comply with technology based effluent limitations and core requirements (e.g., prohibiting non-stormwater discharges of pollutants through the MS4 and controls to reduce the discharge of pollutants in stormwater to the MEP) will not be delayed.
Table 45, Section 8 (page 98), Table 46,	Part VI.C.1.g.ix (page 50)	<p>For each Permittee, the revised EWMP should state the amount of current monetary funds available for permit implementation.</p> <p>The EWMP should, where possible, identify potential sources of funds.</p> <p>The revised EWMP must specifically describe the financial strategy to secure funding in order to implement the BMPs proposed for the 2017 milestone, which is within the current permit cycle.</p>
	Part VI.C.5.b.iv.(5)(c) (page 65)	The limiting pollutant selection in Section 6.2.4 and Table 35 does not address all Category 3 pollutants (e.g., TDS, specific conductivity, chloride). The EWMP must demonstrate that the BMPs proposed to address the limiting pollutants will also be sufficient to address all other Category 2 and Category 3 pollutants, or include additional BMPs and supporting analysis for the Categories 2 and 3 pollutants not addressed by the limiting pollutant analysis.
Section 7.6 (pages 96-97)	Part VI.C.5.c (page 66)	<p>Section 7.6, Implementation Schedule shall incorporate the Trash compliance deadlines of:</p> <ul style="list-style-type: none"> <li>• 80% Reduction - July 7, 2016</li> <li>• 100% Reduction - July 7, 2017</li> </ul> <p>and the Bacteria TMDL Geometric Mean Deadline of</p> <ul style="list-style-type: none"> <li>• July 15, 2021</li> </ul> <p>While the Regional Water Board has encouraged Permittees to look at previous TMDLs for milestone comparison, when assessing the timeline proposed in a TMDL the differences in waterbodies</p>

EWMP Reference	MS4 Permit Provision	Comment and Necessary Revision
		and impairments must be kept in mind. The sediment toxicity and associated benthic community impairments in the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL are not comparable to the sedimentation and benthic community impairments in MCW. Therefore, it is not appropriate to use such a comparison to justify the proposed final compliance date of 2032 in the MCW. Provide alternative justification and modify the proposed final compliance date accordingly.
Section 9	Part VI.C.8 (pages 68-70)	Section 9 of the EWMP is unclear as to whether the adaptive management process will be completed every two years as required by the Permit or at the end of each Permit term. The revised EWMP must clarify the frequency of the adaptive management process.
<b>Reasonable Assurance Analysis (RAA)</b>		
Section 6 (page 58)	Part VI.C.5.b.iv.(5) (page 65)	<p>The RAA needs to provide a discussion that non-stormwater discharges from the Permittees' MS4 are not causing or contributing to exceedances of water quality based effluent limitations or receiving water limitations. Alternatively, if non-stormwater discharges are causing or contributing to exceedances, the RAA must discuss the reasonable assurance that the BMPs proposed will adequately address the non-stormwater discharges.</p> <p>In addition, the revised EWMP needs to address the other comments provided in Enclosure 2.</p>

## Los Angeles Regional Water Quality Control Board

### Enclosure 2 – Summary of Comments and Necessary Revisions for the Reasonable Assurance Analysis (RAA)

#### Malibu Creek Watershed Enhanced Watershed Management Program (EWMP)

Prepared by: C.P. Lai, Ph.D., P.E. and Thanhloan Nguyen

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This memorandum contains comments on Section 6, Reasonable Assurance Analysis (RAA) of the draft Enhanced Watershed Management Plan (EWMP) report for Malibu Creek Watershed dated June 25, 2015.

General comments on the RAA of the draft EWMP:

1. Section 3 Existing Water Quality Conditions
  - Include the effluent limits for total coliform, fecal coliform, and enterococcus for dry and wet weather listed on pages M-16 - 19 of the MS4 permit.
  - Include required interim and final water quality-based effluent limitations for trash as scheduled in the required annual trash reduction table on page M-20 of the permit.
  - Include in Section 3.1.5 on page 15 specific required reductions associated with the due dates as specified on page M-15 of the MS4 permit.
  
2. Section 6.2.4 Limiting Pollutant Selection
  - Table 35 on page 72 summarizes the Group's limiting pollutant selection and justification for its RAA. For selenium, the EWMP states that selenium is naturally occurring in the MCW due to local geology (USEPA 2011). The Group needs to commit to reevaluate this conclusion through its CIMP and the adaptive management process.

RAA Modeling comments:

1. The model results of water quality calibration for total sediment as shown in Table 32 indicate that the difference between modeled and observed values of total sediment is - 35.8%. Note 2 to Table 32 states that bank erosion was not modeled in LSPC, and that shear stress will be used as a surrogate indicator for the sedimentation target. Provide additional explanation for the underestimation of modeled values for total sediment, identification of the data needed to improve model calibration for total sediment, and a commitment to collect the necessary data. Additionally, provide additional discussion of, and support for, shear stress as a surrogate indicator for the sedimentation target.

2. The EWMP separately defines critical conditions for the two categories of limiting pollutants, bacteria and nutrients. For nutrients, the critical condition is defined as the 90<sup>th</sup> percentile Exceedance Volume (EV) as explained in Section 6.2.3.1. Board staff understands that this “EV” approach provides assurance that the receiving water limitations (RWLs) will be met instream. Please also provide a comparison of the EV by assessment area with the 90<sup>th</sup> percentile of pollutant (total nitrogen and total phosphorus) load to account for conditions in which flow may be high but concentration may not exceed the RWL.
3. Please provide the model results for the baseline condition in terms of runoff volume, pollutant concentration and pollutant loading, as well as the estimated allowable loads and required load reductions, based on the 90<sup>th</sup> percentile critical condition of runoff volume and pollutant concentration, for each modeled subbasin for each pollutant modeled.
4. Finally, please provide an example validation for a representative waterbody within the MCW or in another EWMP area that demonstrates that with all proposed BMPs in place, as determined from the initial analysis of the necessary volume and/or pollutant load reduction, will result in achieving the RWLs.