Deborah and Wayne-
Here are some quick thoughts I would like to discuss further tomorrow.

One additional comment on the Technical Report: page 35, Section 5.2.3, first paragraph. The sentence citing the State of the Beach report is unnecessary. We have never disputed the fact that stormdrains are a source of bacteria discharges.

N.3 Providing Written Responses to Comments from Stakeholders page N-2, 4th paragraph. This paragraph gives the impression that the SAG had been engaged actively with RB staff for over 3 years. This is far from the case. The work on the BB TMDL was very sporadic with large gaps in between meetings and verbal responses to comments. Between July 2005 and October/November 2007 there was practically no activity on the project and very little communication with the SAG. Reviewing the draft TMDL in the fall of 2007 was almost like starting over. We had two years worth of additional work and progress at Baby Beach, including new maps of the drainage area developed during the harbor redevelopment EIR process and the Headlands development EIR. I believe this gap in TMDL development and subsequent progress and new information from Baby Beach lead to the impression that we were not forthcoming with information at earlier stages of the TMDL process, which is frequently, and unnecessarily, cited throughout the response to comments.

Page N-7 Oral Comment 3. This is not an accurate portrayal of my testimony. I would recommend you look at the transcript from the hearing. My concern was the adoption of a TMDL based on inaccurate information that resulted in inaccurate wasteload reductions, and without recognition of the efforts at Baby Beach, would lead to possible 3rd party lawsuits if we were not able to demonstrate the levels of reduction called for in the TMDL. I have attached the text I spoke from at the hearing, although I know I spoke extemporaneously as well. I have not disputed the fact that a TMDL needs to be developed. This response would lead a reader to believe the County does not understand or support this process.

Page N-13, Response to Written Comment 10, second paragraph. This response is an example of the unnecessary portrayal of the County withholding information pertinent to the TMDL.

Page N-12, Response to Comment 9, second paragraph, last sentence. An assumption is by nature not accurate. If there is no data that supports the assumption that drainage all areas of the watershed have an influence on Baby Beach, it cannot be stated that this belief is accurate.

Page N-16, Response to Written Comment 13. Again, it is unnecessary to imply that the County was not timely in questioning this data. The response states that our impression from the text was that the bathymetry data was from 1976 USGS information was incorrect. Additionally the response states that the source and date of the information was revised in Appendix D to provide a more specific citation. We would not have questioned using data from 1999 if that had
been clearly stated.

Page N-17, Response to Comment 16. The discussion of the regrowth of bacteria in the sediment that may originate from the storm drain misses the key point of the regrowth problem. Bacteria are supposed to be an indicator of human pathogens. Bacteria regrow in the environment. Pathogens (viruses) do not regrow outside of a host. When bacteria regrow in the environment they no longer represent a surrogate for pathogen levels, regardless of the original source of the bacteria.

Page N-18, Response to Comment 18. As we discussed earlier, I do not believe the Haile study to be representative of the situation at Baby Beach. The area draining to Santa Monica Bay is known to have infrastructure issues. The study is silent as to whether the urban runoff is suspected to have sewage inputs. Sanitary surveys at Baby Beach have shown no cross connections to the storm drain system or sewage inputs to the beach and this has been acknowledged in the TMDL. The Mission Bay study has documented a beach area that receives storm drain discharge and where there is no correlation with negative health effects. Either both studies need to be discussed in relation to the issues of illness and urban runoff, or the discussion should be removed from both the response to comments and the Technical Document.

Page N-18, Response to Comment 20. Regardless of whether the plugs were 100% effective or slightly less allowing for some leakage of runoff, the model did not include any BMP control efforts at Baby Beach during the period used for calibration. These assumptions were not an accurate portrayal of the system. Incidentally, once the leak in the plug was discovered, the plug was replaced.

Page N-20, Response to Comment 25 and N-22, Response to Comment 29. The assumed correlation between the diversion and improved water quality cannot confirm the numeric values of the TMDL. At best the response could state that the reduction appears to confirm that the stormdrain may be a significant source of bacteria. Without flow and concentration data, a load reduction can not be calculated or confirmed.

While I have no desire to continue an argument in front of the Board on these issues, I am concerned about the accuracy and balance of the information in the administrative record. I hope we can come to some middle ground to obviate the need to provide clarifying comments at the June 11 hearing.

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