

Comment Summary and Responses
Total Maximum Daily Load for Indicator Bacteria in the Santa Clara River Estuary and
Reaches 3, 5, 6 and 7
Comment Deadline: 12pm July 28, 2011

No.	Commenter
1.	Heal the Bay
2.	County of Los Angeles, Department of Public Works
3.	U.S. Environmental Protection Agency (U.S. EPA)
4.	County of Ventura
5.	Ventura County Stormwater Quality Management Program (VCSQMP)
6.	City of Ventura
7.	California Department of Transportation (Caltrans)
8.	City of Santa Clarita

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0.1	Multiple	Many of the comments submitted in opposition to the State Water Resources Control Board's (State Water Board) approval of this amendment were submitted verbatim to the State Water Board, without further explanation.	<p>Many of the comments submitted to the State Water Board on this matter are identical to a comment submitted to the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) at the time the draft version of this regulation was under Los Angeles Water Board consideration. During its consideration, the Los Angeles Water Board received and provided written responses to all of the many significant comments. The Los Angeles Water Board's responses either indicated that changes would be made to the regulatory provisions or related documentation in view of the comment (in which case corresponding changes were made), or the Los Angeles Water Board's written responses indicated that that changes would not be made, and the response indicated why not.</p> <p>The Notice of Opportunity to Comment (dated June 28, 2011) provides, "If similar or identical comments were submitted to the Los Angeles Water Board, the commenter must explain why and in what manner each of the responses provided by the Los Angeles Water Board to each comment was inadequate or incorrect. If the comment does not include such an explanation, the State Water Board will presume that the Los</p>

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			<p>Angeles Water Board’s response adequately addressed the commenter’s concern.” The State Water Board may refuse to accept any comments that do not include such an explanation. (See Cal. Code Regs., tit. 23, § 3779, subd. (f).</p> <p>Where a commenter merely repeats the comment tendered below on a prior version of this regulation, but fails to disclose what remaining concern, if any, the commenter has with the response provided or the action taken by the Los Angeles Water Board in response to the comment, the State Water Board cannot divine what the commenter believes has been adequately satisfied and what has not, nor can it determine the reason for any remaining dissatisfaction.. Specifically, in those cases where the Los Angeles Water Board made changes in response to a comment, the commenter has failed to explain how the changes were allegedly inadequate. Likewise, where the Los Angeles Water Board did not make changes, the commenter has failed to explain how the response or explanation that the Los Angeles Water Board provided was allegedly inadequate, or even if the commenter even believes that the response was inadequate.</p>

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1.0	Heal the Bay	<p>“We are supportive of various aspects of the Draft TMDL, including the proposed numeric targets and the exceedance day approach. However, we do have several concerns with the TMDL as adopted by the Regional Board. Our primary concerns are the potential contribution of bacteria pollution from the reaches not covered by the Draft TMDL and the length of dry weather compliance deadlines. These and other concerns are addressed briefly below and in additional detail from comments submitted to the Los Angeles Regional Water Board on June 7, 2010 (see attached letter).”</p>	<p>Comment noted. See response to comment 0.1.</p>
1.1	Heal the Bay	<p>“WLAs should include Reaches 1, 2 and 4 The Draft TMDL is limited to the Santa Clara River Estuary and Reaches 3, 5, 6, and 7. We are concerned that other reaches and tributaries, including but not limited to Reaches 1, 2 and 4 may cause or contribute to exceedances in these impaired reaches. If the other reaches in the Santa Clara River are meeting water quality standards, then there is no reason not to assign WLAs to Reaches 1, 2, and 4. All reaches should be required to maintain equivalent water quality</p>	<p>See response to comment 0.1.</p> <p>The Basin Plan amendment language (Attachment A to the Los Angeles Water Board Resolution No. R10-006 (TMDL)) clearly states that the waste load allocation and load allocations will apply to reaches 1, 2 and 4 as follows: “Permittees that discharge to Reaches 1 and 2 have WLAs based on allowable exceedance days for the Estuary. Permittees that discharge to Reach 3 or above have WLAs based on allowable</p>

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		standards, not only for consistency but also to maximize public health protection. Additionally, there will be greater confidence that final WLAs in impaired reaches will be attained.”	exceedance days for Reaches 3, 5, 6, and 7,” and “Sources that discharge to Reaches 1 and 2 have LAs based on allowable exceedance days for the Estuary. Sources that discharge to Reach 3 or above have LAs based on allowable exceedance days for Reaches 3, 5, 6, and 7.” (TMDL, pp. 3 and 4, respectively.)
1.2	Heal the Bay	“Dry Weather Compliance Deadlines should be less than 11 years The Draft TMDL requires dry weather compliance within 11 years after the effective date of the TMDL. We believe the dry weather compliance deadline for the Santa Clara Estuary and Reaches should not exceed 6 years for dry weather. The bacteria TMDL for Ballona Creek, a far more urbanized and polluted watershed, has a dry weather compliance deadline of 6 years, which should be attainable for the Santa Clara River final bacteria compliance. As you know, the dry weather period is when we see the greatest numbers of recreational users in the River, and thus, the greatest public health risk from contacting polluted water.”	See response to comment 0.1. Los Angeles Water Board’s response to comment 5.3 addresses this comment. Staff believes that 11 years is the shortest practicable schedule, given the distribution of urban areas in the watershed and the other various nonpoint sources in the watershed that must be controlled.
1.3	Heal the Bay	“Compliance Monitoring Locations should be increased within each Reach According to page 6 of the TMDL , “ <i>at a minimum, at least one sampling station shall be</i>	See response to comment 0.1. Los Angeles Water Board’s response to comment 5.4 addresses this comment. Outfall monitoring requirements have been added to the in-stream monitoring

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		<i>located in each impaired reach.</i> ” One sampling station per reach is too low, and should be increased to at least 3 sampling sites within each reach (upstream, middle, and downstream). Additionally, storm drain outlets should be monitored for compliance purposes.”	requirements cited by the commenter. In addition, the monitoring requirements specified in the TMDL are minimum requirements. Responsible jurisdictions and agencies for the MS4 Wasteload allocations must submit a comprehensive in-stream bacteria water quality monitoring plan for approval by the Los Angeles Water Board Executive Officer. The Los Angeles Water Board Executive Officer can increase the monitoring requirements, if needed, when he or she approves the plan, or at any time.
1.4	Heal the Bay	“In summary, we urge the State Board to modify the Draft TMDL in accordance with the comments above. In particular, it is critical to provide WLAs for all Santa Clara River reaches, as well as require dry weather compliance deadlines are met no longer than 6 years after TMDL approval.”	Comment noted.
2.0	County of Los Angeles	“Stormwater agencies are responsible only for their own discharges The proposed TMDL provides that the responsible parties that have co-mingled storm water are jointly and severally responsible for meeting the waste-load allocations (WLAs) assigned to the Municipal Separate Storm Sewer System (MS4) discharges. This provision is unlawful, ill-conceived and unnecessary. First, there is no authority for joint liability under	See response to comment 0.1. Los Angeles Water Board’s response to comment 11.2 addressed this comment in part. The State Water Board is authorized to review and approve the Basin Plan amendment adopted by the Los Angeles Water Board and, without first returning to the Basin Plan amendment to the Los Angeles Water Board for further consideration and resubmission to the State Water Board, can only make non-substantive changes to the Basin Plan amendment

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		<p>the federal Clean Water Act or the California Water Code. The former directs its prohibitions against a "discharger," and no others. 33 U.S.C. §§ 1319 and 1342. The courts have provided that a party is responsible only for its own discharges or those over which it has control. <i>Jones v. E.R. Snell Contractor, Inc.</i>, 333 F.Supp.2d 1344, 1348 (N.D. Ga. 2004); <i>United States v. Sargent County Water Dist.</i>, 876 F.Supp. 1081, 1088 (D.N.D. 1992). See also <i>United States v. Michigan</i>, 781 F. Supp. 1230, 1234 (E.D. Mich. 1991) ("There is nothing in federal law that requires the Counties to accept responsibility for discharges that ... are appropriately within the province, jurisdiction and responsibility of local municipalities."). Indeed, the Clean Water Act regulations applicable to MS4 permits specifically provide that co-permittees under an MS4 permit are required to "comply with permit conditions relating to discharges from the municipal separate storm sewers <i>for which they are operators.</i>" 40 C.F.R. § 122.26(a)(3)(vi) (emphasis supplied). Consistent with this requirement, the current MS4 permit issued to the County and other MS4 permittees provides, in Finding G.4, that "[e]ach Permittee is responsible only for a discharge for which it is the operator." Similarly, under the Porter-Cologne Act, Water</p>	<p>for consistency and clarity. The commenter proposes substantive changes and the State Water Board staff is of the belief that remand is unwarranted.</p> <p>On September 14, 2011, the Executive Officer of the Los Angeles Water Board submitted a memorandum to the State Water Board concerning minor, nonsubstantive changes to the TMDL. Consistent with the administrative record in this matter, the proposed changes include a clarification that the TMDL would not require individual co-permittees to be responsible for the operations of other co-permittees. Accordingly, MS4 permit holders would be responsible for implementing programs in their respective jurisdictions to meet the waste load allocations in the co-mingled system, unless the discharger demonstrates that its discharge did not cause or contribute to the exceedance. The TMDL currently proposed to be approved by the State Water Board incorporates the clarifying language by the Los Angeles Water Board.</p> <p>The co-permittees to the MS4 NPDES permit discharge to a common conveyance system where their discharges commingle. This commingled waste discharge is the source of bacteria to the</p>

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		<p>Code § 13000 et seq., waste discharge requirements are issued to the person or entity that is "discharging." Water Code § 13260(a)(1) provides that "any person discharging waste, or proposing to discharge waste" shall file a report of waste discharge. After hearing, the Regional Board issues waste discharge requirements to "the person making or proposing the discharge." Water Code § 13263(f). Enforcement is directed towards "any person who violates any cease and desist order, cleanup and abatement order . . . or . . . waste discharge requirement." Water Code § 13350(a). See also Water Code § 13300 (the regional board may require the discharger to submit for approval a detailed time schedule of specific actions); Water Code § 13301 (cease and desist order directed at "those persons not complying with the requirements or discharge prohibitions"). Under the Porter-Cologne Act, a discharger is not responsible for discharges of pollutants over which it has no authority or control. Moreover, courts have held that joint responsibility means that liability for all exceedances of bacteria standards can be imposed on one discharger even if that discharger is not solely responsible and even if that discharger has no control over the source of the bacteria. It is unlikely that the Regional Board intended such an</p>	<p>Santa Clara River. It is the comingled discharge that is subject to the TMDL. The implementation of the TMDL occurs through the MS4 permit and the parties to that permit are required to establish an Implementation Plan to address the discharge of pollutants that is impairing the river. In that Implementation Plan, the co-permittees can address differences in their contribution to the bacteria impairment.</p> <p>Under the Clean Water Act, the term "discharge" relates to an actual discharge to a navigable waters—that term does not refer to the contribution of waste by a point source which becomes comingled in a shared system. Where a permittee is able to demonstrate its discharge did not contribute to the exceedances coming from the outfall it would not be responsible for noncompliance. A permittee's responsibility appropriately attaches where noncompliance is at least partly attributable to its effluent stream. When entering into the "system wide" permit, the County of Los Angeles accepted all legal requirements associated with that permit including those detailed in the Clean Water Act, most notably, being responsible for co-mingled discharges that cannot be distinguished.</p>

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		<p>inequitable result and, in fact, the Board members indicated at the hearing that such a result was not their intent.</p> <p>Therefore, to better reflect what appears to have been the Regional Board's intent, the County of Los Angeles and the County of Ventura have drafted the following clarifying language that they have submitted to the Regional Board's executive officer for consideration:</p> <p><i>"Jointly and severally responsible" means the cities and counties that have co-mingled stormwater, except for those that demonstrate that their discharges did not cause or contribute to exceedances, are responsible for implementing programs in their respective jurisdictions to meet the MS4 wasteload allocations in such co-mingled stormwater. No city or county shall be individually required to ensure that comingled stormwater meets the applicable MS4 wasteload allocations unless such city or county is shown to be solely responsible for the exceedances.</i></p> <p>This suggested language does not resolve all of the County's objections to the imposition of joint and several responsibility on responsible parties with co-mingled storm water, and the County requests the deletion of joint and several responsibility in its entirety. If the State Board does not order the Regional Board to remove the</p>	<p>The cases cited do not support the proposition that responsibility for the WLAs as set forth in the TMDL is unwarranted or unlawful under the facts present here. None of the cited cases construe California law for co-permittees to an MS4 permit discharging to a common conveyance system.</p> <p><i>In Jones v. E.R. Snell Contractor, Inc.</i>, the court held that a county was not liable under the Clean Water Act where it was not required to obtain a discharge permit because the county neither owned, maintained, or operated the state highway from which the pollutant was discharged. That case did not involve joint permittees. <i>United States v. Sargent County Water Dist.</i> involved failure to obtain a permit for dredge and fill activities, not responsibility for addressing an impaired water body. The court in <i>United States v. Michigan</i> applied Michigan constitutional and statutory law to determine whether the counties that operated sewage disposal facilities alone were the proper NPDES permittees, without the municipalities responsible for the sewage dischargers. The Michigan court held that “under Michigan law, for each permit at issue the Counties and the communities contributing discharges to the respective outfalls, jointly, are the proper NPDES permittees.”</p>

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		<p>joint and several responsibility provision of the TMDL, however, then the State Board should add this language to the TMDL to ensure that the counties and local governments are responsible for implementing programs within their own jurisdictions and are not responsible for the actions of others over whom they have no control. The Regional Board will still retain the ability to proceed against any party that is a source of the bacteria.</p> <p>In its response to comments, the Regional Board stated that "the Clean Water Act, recognizing that permittees may seek permits based on system-wide, not jurisdiction-by-jurisdiction, discharges, imposes additional roles and responsibilities upon those permittees. By accepting this type of permit, the permittees implicitly agree to accept the responsibilities necessary to control and reduce the discharge of pollutants in commingled discharges." Accepting a system-wide permit, however, is far different from agreeing that one will be jointly and severally responsible for bacteria sources over which one has no control. The County did not seek a system-wide permit, which benefits the Regional Board as much as if not more than the co-permittees. In accepting a system-wide permit, the County hoped that efficiencies would be achieved by having one</p>	<p>The TMDL does not amend or revise the MS4 permit. The MS4 permit was adopted in compliance with federal NPDES regulations that authorize the Los Angeles Water Board to issue one system-wide permit covering all discharges or issue distinct permits for appropriate categories of discharges within the MS4 system. The applicable MS4 permit is one system-wide permit, not distinct permits. The federal regulations do state that co-permittees need only comply with permit conditions relating to discharges from the MS4 sewers for which they are operators. However, the TMDL addresses the commingled discharge. Individual co-permittees are responsible for the commingled discharge and for compliance with permit conditions. The TMDL and the MS4 permit would allow the co-permittees to clarify and distinguish the individual contributions of the co-permittees.</p> <p>The comment states that the TMDL is illegal and contrary to federal regulations. The MS4 permit and this TMDL are supported by U.S. EPA, see comment letter 3.0</p> <p>For these reasons, State Water Board staff does</p>

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		<p>rather than more than one permit. The County did not agree to be responsible for the conduct of other parties and there was no way for the County to know that it was assuming such responsibility under the Permit. Nothing in the Permit stated that the permittees were agreeing to joint and several liability. Instead the permit provided just the opposite, namely, that "[e]ach Permittee is responsible only for a discharge for which it is the operator." Permit, Finding G4.</p> <p>The State Board should remand the TMDL to the Regional Board and direct it to remove the imposition of joint and several responsibility in the TM DL. At a minimum, the State Board should add the clarifying language proposed by the County and the County of Ventura as set forth above."</p>	<p>not agree that the TMDL should be remanded to the Los Angeles Water Board.</p>
2.1	County of Los Angeles	<p>“The geometric mean should not be calculated daily</p> <p>The U.S. Environmental Protection Agency (EPA) originally intended the use of the geometric mean as a tool to determine the condition of a water body over a longer period of time and to detect chronic problems. Section 40 of the Code of Federal Regulations Part 131, Vol. 69, No. 220, states that "because a geometric mean provides information pertaining to water quality that looks backwards in time, it is not necessarily useful in</p>	<p>See response to comment 0.1. Los Angeles Water Board’s response to comment 11.4 addresses this issue in part. The application of the geometric mean is consistent with previous bacteria TMDLs that have been approved by the U.S. EPA. In fact, the U.S. EPA submitted a comment letter stating their full support of this TMDL and that it complies with all applicable environmental laws. State Water Board staff disagrees that the TMDL should be remanded.</p>

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		<p>determining whether a [water body] is safe for swimming on a particular day." Further, EPA states that "it would be technically appropriate to apply the averaging period on a set basis such as monthly or recreational season." In other words, the geometric mean is intended as an assessment tool for condition over time and not from day to day. Therefore, the proposed TMDL's use of the rolling 30-day period is inconsistent with EPA's original intent.</p> <p>In its response, the Regional Board did not address the issue that the geometric mean should be used as an assessment tool, not to determine compliance on a daily basis, or the fact that it was using the geometric mean for a purpose other than what it was designed for.</p> <p>The State Board should remand the TMDL and order the Regional Board to revise the proposed TMDL so that the geometric mean is calculated once per month or once per season."</p>	
2.2	County of Los Angeles	<p>“Establishment of the WLAs should consistently follow the reference system approach</p> <p>The proposed TMDL sets the geometric mean WLA at zero days without providing adequate justification. According to a Los Angeles River Watershed study conducted by Cleaner Rivers through Effective Stakeholder-led TMDLs,</p>	<p>See response to comment 0.1.</p> <p>Los Angeles Water Board’s response to comment 11.5 addresses this comment.</p> <p>The San Diego Region Indicator Bacteria TMDL for Twenty Beaches and Creeks does not allow exceedances of the geometric mean. There are</p>

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		<p>significant exceedances of the geometric mean were detected at the reference sites. The same reference sites were also used for this proposed TMDL. When the results from the so-called minimally impacted sites are included, the reference system exceeded the geometric mean numeric target 16 percent of the time; the number of exceedances is reduced to 1.5 percent when results from the minimally impacted sites are excluded. Additionally, arbitrarily setting the geometric mean WLA at zero (0) exceedances for the proposed TMDL would require the treatment or diversion of nonanthropogenic sources of bacteria.</p> <p>A reference system-based geometric mean standard has been used by other California Regional Water Quality Control Boards, such as the San Diego Regional Board. Therefore, the Regional Board's assertion that EPA would not support allowable exceedance days for geometric mean targets is unsubstantiated.</p> <p>The State Board should remand the TMDL and direct the Regional Board to revise the proposed TMDL so that the geometric mean WLAs are established in accordance with the reference system approach, including results from minimally impacted sites in the calculation of allowable exceedance days for both single sample</p>	<p>zero allowable exceedances of the dry weather numeric objectives, which are based on the 30-day geometric mean.</p>

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		and geometric mean targets.”	
2.3	County of Los Angeles	<p>“The TMDL should recognize the ongoing scientific progress for bacteria</p> <p>There are ongoing scientific studies of the bacteria indicators currently being used in the TMDLs. Recent studies conducted in Southern California have indicated the absence of a correlation between traditional bacteria indicators and human health risks. EPA recognizes the lack of sound science on bacteria and is currently conducting necessary scientific studies to establish new bacteria indicators and associated criteria for recreational waters by 2012. Further, the Southern California Coastal Water Research Project is also currently conducting an epidemiological study in Southern California and is expected to address some of the existing scientific limitations. Thus, developing the Santa Clara River Bacteria TMDL based on traditional indicators, which do not accurately predict the risk of illness, lacks scientific justification and needs reconsideration as new findings are made available.</p> <p>In its response to this comment, the Regional Board stated that it would reconsider this TMDL within four years if monitoring or any local reference system studies justifies a revision, EPA publishes revised recommended bacteria criteria, or the Regional Board adopts a separate Basin</p>	<p>See response to comment 0.1.</p> <p>The Los Angeles Water Board can reopen a TMDL at any time, the fact that they included a milestone in their implementation plan to reconsider the TMDL after 4 years illustrates that the Los Angeles Water Board recognizes the fact that new information could be presented that would warrant revisions to the TMDL and that they are willing to work with stakeholders during that process. The commenter’s assertion that the Los Angeles Water Board has never reopened a TMDL out of twenty TMDLs adopted is false. Just recently the State Water Board approved a revision to the Los Angeles Metals TMDL to include a copper water effects ratio. This is just one example of many amendments to TMDLs over the years as new peer reviewed science is introduced. The State Water Board disagrees that a firm date is necessary, the Los Angeles Water Board and its staff have demonstrated their willingness to accept new data and create the most scientifically accurate processes to address the impaired water bodies within their region.</p>

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		<p>Plan Amendment suspending recreational uses during high flows. It must be recognized, however, that the Regional Board has failed to reopen a single TMDL even though over twenty TMDLs adopted for the Los Angeles Basin currently have reopeners. The date to reopen eight of these TMDLs, as required by their implementation schedules, has already passed, in one case by as much as six years.</p> <p>Accordingly, the TMDL should provide a firm, concrete date by which the Regional Board must reopen the TMDL. The TMDL should also provide that the TMDL will be reopened within one year after EPA issues new water quality criteria; EPA is currently scheduled to issue those new water quality criteria by October 15, 2012.”</p>	
3.0	U.S. EPA	<p>“The U.S. Environmental Protection Agency (EPA) appreciates the opportunity to comment on the proposed approval of an amendment to incorporate Total Maximum Daily Loads (TMDL) for the Indicator Bacteria in the Santa Clara River Estuary and Reaches 3, 5, 6, and 7. The TMDLs meet all federal regulatory requirements under Clean Water Act 303(d). We support the State Water Resources Control Board (SWRCB) to adopt the TMDLs to meet California’s TMDL commitments.</p> <p>EPA reviewed the proposed basin plan</p>	Comment noted.

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		<p>amendment (BPA) and Staff Report during the consideration of the TMDL by the Los Angeles Regional Water Quality Control Board (Resolution No. R10-006), and supported the adoption of the TMDL with recommended modifications (Letter dated June 7, 2010). EPA also reviewed this proposed amendment and finds that it includes all the required elements of a TMDL. EPA strongly supports the SWRCB's proposed adoption of this TMDL. We also appreciate the inclusion of specific actions and milestones in the associated implementation plan to provide greater clarity of implementation expectations for all stakeholders."</p>	
4.0	County of Ventura	<p>"Our comments are limited to the proposed amendment's joint and several liability language with respect to MS4 permittees. As proposed, the TMDL would provide that "[c]ities and counties that have comingled storm water are jointly and severally responsible for meeting the wasteload allocations assigned to MS4 discharges, unless the dischargers demonstrate that their discharges did not cause or contribute to the exceedances." This language would potentially make Ventura County and other local governments each independently responsible for compliance with wasteload allocations even though their authority is limited to their</p>	<p>See responses to comments 0.1 and 2.0.</p> <p>The inter-connected nature of the storm drain system makes it difficult to determine exactly where pollutants originated within the MS4. In such an integrated system, one or more permittees may have caused or contributed to violations. Thus, permittees are 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. In both cases, the MS4 owner and operator is responsible for pollutants discharged from its system.</p>

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		jurisdictional area. For example, if one City or County fails to implement appropriate programs for meeting wasteload allocations, another City or County will be held liable for meeting wasteload allocation in their entirety. It is inappropriate to allocate responsibility in this manner.”	The Clean Water Act, recognizing that permittees may seek permits based on system-wide, not jurisdiction-by-jurisdiction, discharges, imposes additional roles and responsibilities upon those permittees. By accepting this type of permit, the permittees implicitly agree to accept the responsibilities necessary to control and reduce the discharge of pollutants in commingled discharges. (See Code Fed. Regs., tit. 40, § 122.26, subs. (d)(2)(iv), (d)(2)(vii), (d)(2)(i)(D), and (d)(2)(iv)(B)(3).) The basin plan amendment is intended to address the commingled discharge of bacteria that is impairing the river. The TMDL does not make each individual co-permittee responsible for the operation of another permittee’s individual portions of the stormwater system.
4.1	County of Ventura	“Although we understand the "inter-connected nature" of storm drains, interconnectivity does not justify a joint and several responsibility measure that requires dischargers to develop control programs outside of their jurisdiction. To avoid imposing inappropriate liability on local governments for the actions of others, Ventura County and the County of Los Angeles have worked cooperatively to develop clarifying language. Ventura County supports the proposed	See responses to comments 0.1, 2.0 and 4.0.

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		<p>clarification, which is as follows: <i>'Jointly and severally responsible' means the cities and counties that have co-mingled storm water, except for those that demonstrate that their discharges did not cause or contribute to exceedances, are responsible for implementing programs in their respective jurisdictions to meet the MS4 wasteload allocations in such co-mingled storm water. No city or county shall be individually required to ensure that comingled storm water meets the applicable MS4 wasteload allocations unless such city or county is shown to be solely responsible for the exceedances.</i></p> <p>The proposed addition ensures that local governments are responsible for implementing bacterial control programs within their own jurisdiction, and are not liable for the inaction of others.</p> <p>For these reasons, Ventura County requests that the State Water Resources Control Board revise the TMDL accordingly.”</p>	
5.0	VCSQMP	<p>“Section 303(d)(1)(A) of the Clean Water Act (CWA) requires each state to conduct a biennial assessment of its waters to identify those waters that are not achieving water quality standards. The resulting list known as the 303(d) list. The CWA also requires states to establish a priority ranking</p>	<p>See response to comment 0.1. Los Angeles Water Board response to comment 4.8 addresses this comment.</p> <p>Reach 3 was included in this TMDL from the beginning of TMDL development and</p>

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		for waters on the 303(d) list for the development and implementation of TMDLs. This was done for the Santa Clara River with the exception of Reach 3. Including Reach 3 in the TMDL without this process prevented the proper stakeholder outreach and involvement necessary for a TMDL.”	consequently subject to stakeholder outreach and involvement.
5.1	VCSQMP	“The data for Reach 3 depends heavily on wet-weather sampling. This is driven by the fact that the monitoring is performed under a MS4 NPDES Permit. This introduces a bias in the data because wet weather is much more likely to have high bacteria results than would dry weather when the public is likely to be using the beneficial use of recreational water contact. More dry weather data should be introduced before Reach 3 is listed as impaired.”	See response to comment 0.1. State Board staff disagrees with the conclusions asserted in this comment. Receiving water data showed exceedances of both fecal coliform and <i>E. coli</i> in Reach 3 in wet and dry weather. Regardless, the wet-weather data alone are adequate enough to list Reach 3 as impaired. The State Board Listing Policy does not distinguish between wet and dry weather when determining exceedance frequencies. New information can be presented to the Los Angeles Water Board at anytime and the TMDL will be reopened after 4 years to include new information and peer reviewed science.
5.2	VCSQMP	“In the 2008-2010 Triennial Review process the Regional Board staff report recognized the challenges associated with compliance with water quality objectives during wet weather. During the process they identified high priority issues including reconsidering the application of REC-1 and REC-2 beneficial uses in specific instances,	Comment noted.

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		and completing work on the Design Storm project.”	
5.3	VCSQMP	“For the reasons stated above the Program requests that Reach 3 of the Santa Clara River is not included in the Bacteria TMDL at this time, and that water quality objectives for wet weather also be postponed until the Regional Board completes the relevant high priority issues identified in the Triennial Review.”	See responses to comments 0.1, 5.0, and 5.1.
6.0	City of Ventura	<p>“Revise TMDL SPA to include Clear Compliance Language for MS4s</p> <p>The City feels that the TMDL is unclear as to how the TMDL will be incorporated into the MS4 permit and how compliance with the wasteload allocations (WLAs) will be determined. The Santa Clara River Bacteria TMDL Basin Plan Amendment (BPA) contains a number of general provisions about how compliance will be determined. However, the language is unclear and potentially conflicting in some instances and does not provide sufficient clarity to allow the City to understand how the wasteload allocations (WLA) will be incorporated in to the Ventura County MS4 NPDES permit.</p> <ul style="list-style-type: none"> • TMDL is not clear how the outfall monitoring will be used for assessing compliance. If one outfall exceeds but the other outfalls do not and/or other sources are discharging higher 	State Board staff disagrees that the TMDL provides unclear compliance language. The TMDL provides detailed language as to how in-stream monitoring shall be used in conjunction with outfall monitoring to determine compliance with waste load allocations. The TMDL also requires MS4 responsible parties to submit an implementation plan outlining how they will comply with the TMDL. Thus, responsible parties will have input as to how the WLAs are incorporated into the MS4 permit. Furthermore, the TMDL allows responsible jurisdictions the option of proposing their own load-based compliance plan. To the extent that the City feels uncertain about how the waste load allocations will be incorporated into the MS4 permit, the City will have the opportunity to comment on and participate in development of permit conditions at the time of the MS4 reopener or reissuance. The

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		<p>bacteria loads, the City is unclear how we will determine whether or not we are in compliance with the TMDL. A small amount of discharge from one outfall that exceeds the targets may not cause or contribute to an exceedance in the receiving water depending on the concentrations and flow from other discharges to the waterbody and the City should not be out of compliance in that situation. The current TMDL language does not provide a mechanism to address this concern.</p> <ul style="list-style-type: none"> • The BPA states that during wet weather, compliance can be based on an allowable load, but the language is not clear on how loads proposed in the implementation plans by responsible parties would be used to determine compliance. • The BPA includes language that makes the City jointly responsible for outfalls that contain discharges from other MS4s (such as Ventura County) and does not provide a clear mechanism for differentiating between the discharges. Outfall monitoring for outfalls that include discharges from more than one jurisdiction will not provide a mechanism for demonstrating that the City of Ventura is in compliance with the TMDL if discharges from another jurisdiction are also present in the outfall and the monitoring 	<p>Commenter did not present any of its concerns to the Los Angeles Water Board. As a result, the Commenter presented no opportunity for the Los Angeles Water Board to consider its proposed TMDL language, schedule, monitoring requirements, or reconsideration provisions. The State Water Board is authorized to review and approve the Basin Plan amendment adopted by the Los Angeles Water Board and, without first returning the Basin Plan amendment to the Los Angeles Water Board for further consideration and resubmission to the State Water Board, the State Water Board is not authorized to revise and adopt a different Basin Plan amendment. State Water Board staff encourages the Commenter to work collaboratively with the Los Angeles Water Board regarding incorporation of the TMDL into the MS4 permit.</p> <p>The Basin Plan amendment language (Attachment A to the Los Angeles Water Board Resolution No. R10-006 (TMDL)) clearly states: “Responsible parties must provide an Implementation Plan to the Regional Board outlining how each intends to individually or cooperatively achieve compliance with the WLAs. The report shall include implementation methods, an implementation schedule, proposed milestones,</p>

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		<p>shows an exceedance of the WLA.</p> <ul style="list-style-type: none"> • The BPA requires the development of a detailed implementation plan that describes how the proposed implementation actions will result in compliance with the WLAs, but does not describe how this implementation plan will be used to assess compliance with the TMDLs. <p>Given the lack of compliance information included in the BPA, the City has concerns about how the TMDL will be incorporated into the Ventura County NPDES MS4 permit. During renewal of the Ventura County MS4 permit in 2009, incorporation of the MS4 WLAs into the permit was challenging in cases where compliance was not clearly defined in the allocations section of the TMDL. The BPA states that the WLA will be incorporated into the NPDES permits consistent with the assumptions and requirements of the applicable WLAs. However, the BPA does not clearly outline the assumptions and mechanisms for incorporating the WLAs into the MS4 permit and does not allow the City to have certainty as to the permit conditions that will be required to implement the TMDL. To address these inconsistencies and provide clear compliance language for the TMDL, the City would like to request additional</p>	<p>and proposed outfall monitoring to determine compliance. Proposed milestones will be considered by the Regional Board as potential permit conditions when the MS4 is reopened or reissued. For responsible jurisdictions and agencies who will be proposing 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 in-stream. The plan shall include a technically defensible quantitative linkage to the WLAs. The plan shall include quantitative estimates of the water quality benefits provided by the proposed implementation approach.” (TMDL, pg 5).</p> <p>“Responsible jurisdictions and agencies for the MS4 WLAs shall submit an outfall monitoring plan as part of their implementation plan. The outfall monitoring plan shall propose an adequate number of representative outfalls to be sampled, a sampling frequency, and protocol for enhanced outfall monitoring as a result of an in-stream exceedance. Responsible jurisdictions and agencies can use existing outfall monitoring station in the Ventura MS4 permit, where appropriate for both the permit and TMDL objectives.” (TMDL, pg 6).</p>

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		compliance language be included in the BPA wasteload allocations section.”	<p>“Responsible jurisdictions and agencies shall assess compliance at the outfall monitoring sites identified in the implementation plan. Compliance shall be based on the allowable number of exceedance days, except in wet-weather, compliance can alternatively be based on an allowable load. Responsible jurisdictions and agencies must also assess compliance at in-stream monitoring sites. If the number of exceedance days is greater than the allowable number of exceedance days, then the responsible jurisdictions and agencies shall conduct additional outfall monitoring, beyond the routine outfall monitoring proposed in the implementation plan. If the collective outfall monitoring shows attainment of WLAs, then MS4 discharges shall not be held responsible for in-stream exceedances for this time period.” (TMDL, pg 7).</p> <p>State Water Board staff believes that this language is sufficiently clear guidance to allow waste load allocation compliance from dischargers.</p>
6.1	City of Ventura	<p>“Revise TMDL Schedule to be Consistent with Los Angeles River Bacteria TMDL Schedule Secondly, the City requests that the time schedule for the Santa Clara River Bacteria TMDL be extended to be more consistent with schedules</p>	<p>See response to comment 2.3. The TMDL will be reconsidered four years from the effective date of the TMDL if monitoring and any voluntary local reference system studies justify a revision, or if US EPA publishes revised recommended bacteria</p>

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		<p>used in other similar adopted TMDL's. The Los Angeles River Bacteria TMDL that was adopted on the same day as the Santa Clara River Bacteria TMDL includes a longer time frame for compliance with the TMDL than the Santa Clara River TMDL (10 to 18.5 years for dry weather depending the waterbody segment and 25 years for wet weather). Extending the time schedule for this TMDL is also recommended give that the Santa Clara River TMDL addresses more sources than the primarily urban Los Angeles River watershed TMDL, including many non-point sources that are not currently regulated, such as horses and cows. Additionally, the amount of data on sources and trends in bacteria concentrations that are needed to support implementation actions is limited as compared to the information on the Los Angeles River. As a result, the time necessary to gather information, prepare an appropriate implementation plan that meets the TMDL requirements, have that implementation plan approved by the RWQCB, and implement the required actions could be significant. Finally, a number of activities are ongoing at the state and national level that may change the TMDL targets and/or allocations and responsible parties should not be required to implement actions that may not be necessary as a result of the changes to the</p>	<p>criteria.</p> <p>Los Angeles Water Board staff has already extended the implementation schedule to accommodate time for dischargers to comply with TMDL targets. The time to submit the monitoring plan has been extended from six months to one year, the final compliance date for dry weather has been extended from eight years to eleven years after the effective date, and the final compliance date for wet weather has been extended from fourteen years to seventeen years after the effective date. This schedule takes into account the implementation planning requirements for an urban watershed area of this size. The commenter's assertion that the Santa Clara River watershed has more sources than the Los Angeles River watershed is not supported by any evidence and, in fact, the Los Angeles River TMDL recognizes and assigns load allocations to nonpoint sources.</p> <p>While the Santa Clara River TMDL implementation schedule is shorter than the implementation schedule for the Los Angeles River, it is significantly longer than implementation schedules for other bacteria TMDLs in the Los Angeles region. The record for</p>

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		<p>TMDL. The BPA and the Staff Report provide no discussion of the basis for the selected time schedule or justification for why a longer time frame could not be included in the TMDL. The Los Angeles River Bacteria TMDL includes a more reasonable time frame for implementation, given the reductions required, the challenges of addressing bacteria discharges, and the lack of data on sources of bacteria to the Santa Clara River. As a result, the City requests that the schedule for compliance with the TMDL be extended.”</p>	<p>the TMDL, including the response to comments, the discussion at the Los Angeles Water Board hearing, and findings in the resolution adopting the TMDL, support the length of the implementation schedule.</p> <p>State Water Board staff believes the extended compliance dates and the commitment from the Los Angeles Water Board to reopen the TMDL as new scientifically peer reviewed information is presented, is sufficient to allow dischargers to comply with the requirements of the TMDL.</p>
6.2	City of Ventura	<p>“Revise TMDL Monitoring Requirements Thirdly, the City feels that the monitoring provisions are not clear and do not allow responsible parties to define the monitoring program that will provide them with the information necessary to define compliance with the TMDL. The TMDL BPA requires that jurisdictions prepare an outfall monitoring plan, but then also requires that compliance be determined at both outfalls and in the receiving water. The intent of the two types of monitoring are not clear and it is not explained why the MS4s need to conduct both types of monitoring. For some jurisdictions, outfall monitoring may be appropriate to assist with determining compliance,</p>	<p>The TMDL clearly explains the monitoring program and how in-stream monitoring shall be used in conjunction with outfall monitoring to determine compliance with waste load allocations. Responsible jurisdictions will be able to propose their own approach for in-stream and outfall monitoring when they develop and submit their monitoring plan. Outfall monitoring will allow responsible parties to better identify problem areas and determine compliance with waste load and load allocations.</p> <p>The Los Angeles Water Board’s Executive Officer can adjust the monitoring requirements, if needed, when he or she approves the plan, or at</p>

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		but for others receiving water monitoring may be sufficient. Jurisdictions should be able to propose their own approach as part of the required monitoring and implementation plan. The TMDL should allow for jurisdictions and agencies to propose the monitoring plan that is best suited to their needs for implementing the TMDL and determining compliance with the TMDL requirements.”	any time.
6.3	City of Ventura	“Clarify TMDL Reconsideration Provisions Finally the City requests clarification on the TMDL reconsideration provision. The provision as currently written appears to limit the type of information that may be used to determine reconsideration is necessary.”	See responses to comments 2.3.
7.0	Caltrans	“Consistent Stormwater Program The requirements in this TMDL for Caltrans are not consistent with those of TMDLs for the same pollutant in other regions of the state. For example, a TMDL established by the San Francisco Bay Regional Water Quality Control Board for Pathogens in Richardson Bay acknowledges that "the source of bacteria in highway runoff is wildlife" and that "the Water Board will not hold discharging entities responsible for uncontrollable coliform discharges originating from wildlife/natural background sources." Other TMDLs for bacterial indicators	See responses to comments 0.1 and 6.0. This TMDL is consistent with other Bacteria TMDLs in the Los Angeles Region including the Ballona Creek Bacteria TMDL, Marina del Rey Bacteria TMDL, Santa Monica Bay Beaches Bacteria TMDL, Malibu Creek Bacteria TMDL, and Harbor Beaches of Ventura County Bacteria TMDL. The US EPA does not distinguish between human and nonhuman sources of bacteria in its recommended water quality criteria for bacteria in ambient waters, recognizing that both may pose

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		<p>where the requirements for Caltrans are different include TMDLs for Bacterial Indicators in San Lorenzo River Watershed (Central Coast Region), Coachella Valley Storm Water Channel (Colorado Region), and the San Diego Beaches and Creeks Project I TMDL.</p> <p>Caltrans is required to maintain a consistent statewide stormwater program. Varying requirements for bacteria TMDLs with our one land use type (roadways) restricts Caltrans' ability to use a uniform statewide approach.</p> <p>Caltrans requests that the TMDL have consistent requirements as other bacterial indicator TMDLs. The approach taken by the San Francisco Bay Regional Water Quality Control Board is most appropriate to bacterial indicator TMDLs, as it recognizes that sources of these constituents from Caltrans roadways originate from wildlife/natural background sources.”</p>	<p>health risks as indicated by epidemiological studies conducted in recreational waters. The Los Angeles Water Board-adopted TMDL holds Caltrans responsible for its discharge, regardless of the source.</p> <p>Comparing this TMDL to those adopted and approved in by other Regional Water Boards is not appropriate. The creation of a statewide bacteria policy is not currently under review and comments directed toward that end cannot be responded to at this time.</p>
7.1	Caltrans	<p>“Caltrans' Waste Load Allocation</p> <p>The Basin Plan Amendment (BPA) assigns Caltrans a waste load allocation (WLA) of zero allowable exceedance days of the single sample targets for both dry and wet weather. This establishes a WLA that is more stringent than the current level of exceedance days at the reference site. The Final Staff Report, dated July 8, 2010, states that Caltrans and other similar entities were</p>	<p>See response comment 0.1. As the commenter demonstrates, Caltrans is a very minor contributor of indicator bacteria into the Santa Clara River system.</p> <p>The Executive Officer of the Los Angeles Water Board has submitted a Memorandum (dated September 14, 2011) to the State Water Board with a proposed nonsubstantive change to clarify</p>

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		<p>assigned these WLAs because "they are not expected to be significant source of indicator bacteria" (p. 53). Caltrans agrees with this. Caltrans facilities typically do not have dry weather discharges. Caltrans conducted field investigations of facilities within the Los Angeles River, Ballona Creek, Santa Monica Bay, Malibu Creek, and Marina Del Rey watersheds to determine if any dry weather runoff occurred from Caltrans facilities and activities, such as landscape irrigation. Over 59 miles of roadway and one maintenance station were inspected over a two-year period from April through October. Areas with landscaping were mapped, and only eight occurrences of dry weather runoff from Caltrans irrigation systems at four locations were identified. Steps were taken to eliminate these discharges, and as is standard practice, maintenance staff continues to inspect and repair broken irrigation lines which will minimize and/or eliminate future discharges. Other observations of dry weather runoff were identified, primarily originating from run-on from commercial and residential facilities. Subsequently, the local MS4 Permittees were informed of the discharges. In addition, we agree that Caltrans is a very minor contributor and estimate that Caltrans facilities compromise only about 0.2% of the Santa Clara</p>	<p>that under this TMDL Caltrans is addressed differently than other MS4 dischargers. According to the staff report, Caltrans' facilities are not expected to be a significant source of bacteria. This is because Caltrans occupies less than 1% of the watershed and has little to no dry weather runoff from its facilities and activities. In addition, the transportation-related land uses under the jurisdiction of Caltrans are expected to generate a smaller amount of bacteria than the types of land uses drained by the municipal separate storm sewer systems. As such, Caltrans has been appropriately assigned a waste load allocation of zero allowable exceedance days for single sample targets. Other stormwater permits, including the statewide general industrial and construction permits also receive zero allowable exceedances days. Regional Board staff concluded based on the reasoning above that it was more appropriate to assign Caltrans waste load allocations similar to the industrial and construction stormwater permits rather than the municipal separate storm sewer system permits.</p> <p>As stated above, the transportation-related land uses under Caltrans' jurisdiction differ from the land uses drained by the municipal separate storm sewer system. The Los Angeles County and</p>

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		<p>Watershed. Caltrans completed a study in May 2002 on the presence of human pathogens in urban storm drains. The study found that highway facilities, including park-and-rides and maintenance stations, do not appear to be a significant source of pathogens in urban drainage. However, natural background sources, such as wildlife and birds, do exist on Caltrans roadways in the Santa Clara River watershed. These sources may create bacterial indicators at levels comparable to those of the reference watershed. We request that, as was done in the Richardson Bay pathogen TMDL, the TMDL recognize that the sources of discharge in Caltrans right-of-way are wildlife and assign WLAs to Caltrans that are equal to existing loads.</p> <p>We request that the BPA be remanded to the LARWQCB to resolve our concerns.”</p>	<p>Ventura County MS4s drain extensive residential and commercial areas as well as recreational and open space areas, which have the potential to contribute significant bacteria loading given their spatial extent and the types of activities in these areas. Caltrans does not drain these types of areas and is expected to be a less significant source. Therefore, it is appropriate to treat Caltrans’ storm drain system differently than the municipal separate storm sewer systems.</p> <p>The reference system / antidegradation approach is not automatically used to set waste load allocations for all sources, but rather the appropriateness of this approach is evaluated during TMDL development. According to the implementation language for the Los Angeles Region’s bacteria objectives (adopted through Resolution R02-022), “The appropriateness of these approaches and the specific exceedance frequencies to be permitted under each will be evaluated within the context of TMDL development for a specific water body, at which time the Regional Board may select one of these approaches, if appropriate.” Regional Board staff followed the procedure outlined in R02-022 when developing the Santa Clara Bacteria TMDL and determined that the reference system/</p>

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			<p>antidegradation approach should apply to the Los Angeles and Ventura County MS4 permits, but not the Caltrans permit. The TMDL currently proposed to be approved by the State Water Board contains the Los Angeles Water Board’s proposed clarification.</p> <p>The technical report referred to by the commenter examined 12 known pathogens. No recreational water quality criteria have been established by the US EPA for these pathogens; US EPA continues to recommend the use of E. coli in states’ water quality standards and TMDL programs.</p> <p>State Water Board staff disagrees that this TMDL should be remanded to the Los Angeles Water Board.</p>
8.0	City of Santa Clarita	<p>“Reopener Clauses Although the Regional Board has made considerable efforts to address the issue, the City continues to have concerns about the accuracy of the data used to make the linkage analysis. A single reopener clause has been applied four years after the effective date of this TMDL. It should be noted that four years is very little time for the submission of data and adequate studies for fires,</p>	See responses to comments 0.1 and 2.3.

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		high-flow exemptions, a background study, a land-use study, and high natural Total Suspended Solids to Fecal indicator bacteria correlation. Please include multiple periods of reopeners, perhaps at 4, 8, and 12 years, for the Regional Board to review and reconsider additional data and reports for applying this TMDL.”	
8.1	City of Santa Clarita	<p>“Bacteria Regrowth in the Storm Drain and Sediment</p> <p>The California Coastal Commission funded a 2007 study on sediment and geomorphology of the Santa Clara River. (<i>Stillwater Sciences. 2007. Assessment of geomorphic processes for the Santa Clara River watershed</i>) It demonstrates the Santa Clara River has high natural sediment load. Changes in the geomorphic process started occurring prior to California becoming a state (c. 1820). The study states "Sediment supply rates to the lower Santa Clara River are high as a consequence of geological and climatic factors, but are also conditioned by significant episodic events such as landslides, earthquakes and fires." There is a significant impact to fecal indicator bacteria (FIB) growth that is central to the discussion and unique to Santa Clara River. FIB occur in high numbers in storm drains and sediments impacted by urban runoff, possibly due to regrowth, selective survival, or accumulation of</p>	<p>State Board staff disagrees that there is sufficient evidence that sediment causes a significant impact to fecal indicator bacteria growth in the Santa Clara River. In their response to comments, Los Angeles Water Board staff noted no correlation between Total Suspended Solids and bacteria loading in a recent study in the Santa Clara River watershed.</p> <p>The TMDL linkage analysis justifies the assignment of waste load allocations to discharges from the MS4. Land use-specific stormwater monitoring data collected in Reaches 1 and 2 as well as other technical studies in the greater Los Angeles region support the conclusion that discharges from the MS4 to the river are contributing to bacteria exceedances at mass emission stations. Additionally, local natural landscape monitoring shows no exceedances of bacteria objectives in natural areas (see response to comment 4.6). This cumulative evidence leads</p>

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		<p>bacteria in sediment. (<i>Ferguson, et al, 2005</i>) Studies by U.S. Department of Agriculture (USDA) scientists have confirmed that the presence of <i>Escherichia coli</i> pathogens in surface waters could result from the pathogen's ability to survive for months in underwater sediments (<i>Pachepsky, et al, 2010</i>). In addition, a 2006 Orange County Study found most bacteria in the environment grow in extracellular polymeric substances (a.k.a. EPS, or biofilm). This biofilm is found on virtually any solid surface that has contact with water and nutrients, such as storm drain pipes or sediment particles. The study concludes that if FIB grow and multiply in biofilm and are dispersed in the water column, it may account for increased bacteria levels without human or animal fecal input. Further research is needed to understand bacterial regrowth within storm drain biofilm found within the storm drain and in sediment.”</p>	<p>to the conclusion that MS4 discharges are a source of bacteria to the river. Therefore, the TMDL assigns waste load allocations to MS4 dischargers, as required.</p> <p>The TMDL includes MS4 outfall monitoring to determine compliance with waste load allocations assigned to MS4 Permittees so that MS4 permittees are not held responsible for sources outside their control. To the extent that bacterial regrowth in storm drain pipes contributes to high numbers of bacteria, the MS4 permittees are responsible for discharges from the storm drain system.</p>
8.2	City of Santa Clarita	<p>“Jointly and Severally Liable The TMDL states "The cities of Santa Clarita, Fillmore, Santa Paula, and Ventura, the Counties of Los Angeles and Ventura, and the Los Angeles County Flood Control District and Ventura County Watershed Protection District are jointly responsible for meeting the WLAs assigned to MS4 discharges." The City has no jurisdictional</p>	See responses to comments 0.1, 2.0 and 4.0.

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		<p>powers over areas outside city limits. As such, the City can not regulate actions of areas upstream or downstream. Separate TMDLs for each reach is a more prudent approach that the city respectfully requests be considered.</p> <p>The City also requests clarification and perhaps rewriting of the definition of "contributing" to a violation and 'jointly and severally liable." If this is not feasible, then separate TMDLs for each reach of the river for this TMDL may be a prudent approach."</p>	