Exhibit E: Santa Monica Bay Watershed; the City of Los Angeles Area within Jurisdiction Group 7

I. Draft Watershed Management Program

In reviewing the Santa Monica Bay Watershed, Jurisdiction 7 Draft Watershed Management Program, we identified several issues of concern or noncompliance with permit requirements. We discuss a number of those concerns below, although this discussion is not intended as an exhaustive analysis of the WMP's deficiencies.

A. Watershed Management Program

The City of Los Angeles Area within Jurisdiction Group 7 for the Santa Monica Bay Watershed is pursuing a Watershed Management Program ("WMP") to fulfill its MS4 Permit obligations. Due to its relatively small footprint, geographical constraints, and zero required load allocations, the group did not propose new structural BMPs in its draft WMP submittal. In addition, the group did not conduct a quantitative Reasonable Assurance Analysis ("RAA") within its WMP to ensure receiving water limitation compliance in the future. In essence, the only watershed control measures being proposed in the draft plan are Minimum Control Measures, which are primarily requirements of the previous MS4 Permit ("These MCMs are similar to the programs required under the previous MS4 Permit (Order NO. 01-182)").[1] Since the watershed group did not conduct a RAA and is not proposing to implement new structural watershed control measures or specific customized strategies, it is unclear why they are pursuing a Watershed Management Plan instead of meeting strict receiving water limitations pursuant to Part V.A. and with applicable interim water quality-based effluent limitations in Part VI.E pursuant to subparts VI.E.2.d.i.(1)-(3). Based on the watershed assessment in the draft WMP, the numeric approach is a more appropriate mechanism for compliance with the MS4 Permit.

B. Water Quality Priorities, Water Body Pollutant Characterization

In the WMP, water quality data were compared to water quality based effluent limits and/or water quality standards to determine if exceedances occurred within the last five (5) years for Category 3 pollutants.[2] It is unclear why only five years of data was reviewed for classification of Category 3 pollutants when a more robust dataset (over 5 years) was available, and when 10 years of data should likely be reviewed to determine Category 3 pollutants. Also, clarification is needed as to the source of the data and whether it was all from the 2008 Bight survey.

C. Minimum Control Measures Pollutant Load Reduction

The draft WMP notes that institutional BMPs or Minimum Control Measures are anticipated to cumulatively result in pollutant load reductions between 5 percent and 8 percent. However, the

---

[1] City of Los Angeles, Los Angeles County Flood Control District. (June 27, 2014). Watershed Management Program for Santa Monica Bay Jurisdictional Group 7 with the City of Los Angeles ("Santa Monica Bay J7 WMP"), at 19.

[2] *Id.* at 13.

scientific justification for these expected reduction values is unclear and is not presented in the WMP.

II. Draft Coordinated Integrated Monitoring Program

A. Receiving Water Monitoring for Bacteria TMDL

The draft Coordinated Integrated Monitoring Program ("CIMP") references bacteria monitoring frequency included in the Santa Monica Bay Beaches Bacteria TMDL Coordinated Shoreline Monitoring Plan; however, it does not mention specifics about weekly frequency of sampling. We ask that language from the Bacteria TMDL and/or MRP relating to bacteria shoreline monitoring station sampling frequency be discussed in the final CIMP.

B. Santa Monica Bay Nearshore and Offshore Debris TMDL

The City of Los Angeles conducted a preliminary investigation of industries engaged in manufacturing or using plastic pellets and found no such industries in the watershed management area. We ask this investigation be conducted on a bi-decadal basis or during permit renewal, whichever is sooner, to ensure that a new industry using plastic pellets has not moved into the management area.

The draft WMP discusses implementation of full capture devices in the watershed. In addition, the final CIMP should include a related discussion of operations and maintenance procedures for the devices, as this is a requirement for final TMDL compliance.

C. Wet Weather Receiving Water Monitoring

1) Outfall Monitoring

The Monitoring and Reporting Program (MRP) requires Permittees to monitor Table E-2 pollutants during the first predicted 0.25 inch or greater storm event of the storm year from receiving water monitoring locations. (2012 Permit, at E-16). Also, it requires Table E-2 parameters identified as exceeding the lowest applicable water quality objectives in the nearest downstream receiving water monitoring station per Part VI.C.1.e of the Permit to be monitored during the first storm event. (2012 Permit, at E-23). However, the draft monitoring program does not include these requirements, so they must be specifically discussed in the final program.

2) Dry Weather Receiving Water Monitoring

Dry weather receiving water monitoring is not proposed in the draft CIMP because of the group's small footprint. However, this proposal would not comply with the Santa Monica Bay Bacteria TMDL in Dry Weather. This section must be expanded to address the TMDL waste load.

D. Outfall Monitoring Locations

The group proposes one outfall monitoring site in its Watershed Management Area. It is unclear why the site, SMBJ7-O-6, was chosen instead of another site, known as SMBJ7-O-3. In reviewing drainage maps of both outfalls, it appears that SMBJ7-O-3 is more representative of land uses in the WMA when compared to SMBJ7-O-6; SMBJ7-O-3 includes runoff from commercial land use, while SMBJ7-O-6 does not include commercial runoff.[3] The final CIMP must address all land uses by either including two outfall monitoring locations or by providing the justification for choosing SMBJ7-O-6 over SMBJ7-O-3.

E. Non-Stormwater Outfall Screening and Monitoring, Significant Discharges

According to the draft CIMP, based on review of available information, identification of significant non-stormwater discharges is not available at this time.[4] However, it is unclear how the draft CIMP defines "significant discharges," as several methods could be used to determine significance under the MRP. Furthermore, the watershed group identified *E. coli* and flow as the primary characteristics for screening and determining significant non-stormwater discharges.[5] We are concerned that *E. coli* was selected as the representative pollutant, as it is not representative of all constituents found in runoff (i.e. metals, organics, nutrients, etc.). This decision requires further scientific justification.

F. Non-Stormwater Outfall Screening and Monitoring, Identify Source and Monitoring

The MS4 Permit specifies that non-stormwater outfall monitoring shall occur at least four times per year. (2012 Permit, at E-28). The draft CIMP states that dry weather TMDL receiving water monitoring is only required twice a year, therefore non-stormwater outfall monitoring will only be conducted twice per year. It is unclear which TMDL the draft CIMP is referencing as well as how outfall monitoring and receiving water monitoring frequencies relate to one another. The final CIMP should address this discrepancy.

Furthermore, the draft CIMP states that "if monitoring demonstrates that discharges do not exceed any WQBELs, action levels or water quality standards for pollutants identified on the 303(d) List, monitoring will cease at the outfall(s) after the first year."[6] This proposal is inconsistent with the MS4 Permit MRP, as Permittees are required to submit a request to the Regional Board for constituent elimination following first year monitoring data.

---

[3] City of Los Angeles, Los Angeles County Flood Control District. (June 27, 2014) Monica Bay JG7 Watershed Management Plan Group ("Santa Monica Bay J7 CIMP"), at 17.
[4] Santa Monica Bay J7 CIMP, at 25.
[5] *Id.* at 26.
[6] *Id.* at 29.

G. Toxicity Methodology

The MS4 Permit requires permittees to conduct sensitivity screening for a vertebrate, an invertebrate, and a plant species to identify the most sensitive species for toxicity testing. If there is prior knowledge of potential toxicants and a test species is sensitive to such toxicants, then monitoring shall be conducted using that species. (2012 Permit, at E-32). The CMIP states that *Macrocystis pyrifera* (giant kelp) collection challenges during wet weather and *Atherinops affinis* (topsmelt) survival and growth test duration limitations (7 days) necessitates the removal of these species from initial sensitivity screenings.[7] This reasoning for not conducting toxicity testing for giant kelp and topsmelt is unjustified. The MS4 Permit does not allow for screening challenges or limitations to lead to exclusion from sensitivity screening. These species should be included in the monitoring program's sensitive species screening and selection.

The CIMP does not include wet weather freshwater chronic toxicity testing because "[u]tilization of chronic tests to assess wet weather samples generates results that are not representative of receiving water conditions."[8] This statement is unsubstantiated; receiving water pollutant loading can last up to seven days during and following rain events. In addition, both acute and chronic toxicity testing must be conducted to identify stormwater impacts on aquatic species. Thus, freshwater chronic testing must be included in the CIMP. Furthermore, we suggest considering *Hyalella azteca* for acute freshwater testing.

[7] *Id.* at B-19.
[8] *Id.* at B-20