

Exhibit E: Marina del Rey Watershed Coordinated Integrated Monitoring Program

The Natural Resources Defense Council (“NRDC”), Heal the Bay, and Los Angeles Waterkeeper (“LAWK”) (collectively, “Environmental Groups”) have identified several concerns with the Draft Coordinated Integrated Monitoring Program (“Draft CIMP”) for the Marina del Rey Watershed submitted by the County of Los Angeles, Los Angeles County Flood Control District, and the Cities of Los Angeles and Culver City, collectively the Marina del Rey Enhanced Watershed Management Program Group,¹ which we discuss below.

This discussion, however, is not intended to provide an exhaustive list of deficiencies of the Draft CIMP. Nor does it, in general, address concerns with the Enhanced Watershed Management Program Work Plan for the Marina del Rey Watershed.² For Environmental Groups’ comments in response to the Marina del Rey Watershed EWMP Work Plan, please see Environmental Groups’ September 16th letter to the Los Angeles Regional Water Quality Control Board (“Regional Board”),³ submitted under separate cover.

I. Specific Comments to Draft CIMP for the Marina del Rey Watershed

A. The Proposed Receiving Water Monitoring Program Appears to Lack Adequate Monitoring Locations and Frequency

The Draft CIMP proposes 18 receiving water monitoring locations to satisfy both the 2012 MS4 Permit Requirements and 3 TMDL requirements.⁴ However, only one of the 18 receiving water locations, MDRH-MC, will be used for 2012 MS4 Permit compliance (17 locations will be used for TMDL compliance). This single monitoring station is located in the Harbor’s Back Basin. Marina del Rey is spatially delineated into Front and Back Basins, and water quality constituent concentrations vary depending on from which basin samples are taken. Although we understand that the majority of stormwater flows enter Marina del Rey Harbor through the Back Basin, this fact does not justify entirely failing to monitor receiving water in the Front Basin. Further, Venice Canals and Ballona Lagoon have several beneficial use designations in the Los Angeles Region Basin Plan, and receiving water monitoring locations should be located in these water bodies.

¹ County of Los Angeles, Los Angeles Flood Control District, City of Los Angeles, City of Culver City (June 28, 2014) Marina del Rey Coordinated Integrated Monitoring Program (“Draft CIMP”).

² County of Los Angeles, Los Angeles Flood Control District, City of Los Angeles, City of Culver City (June 28, 2014) Marina del Rey Enhanced Watershed Management Program Work Plan (“EWMP Work Plan”).

³Natural Resources Defense Council, Los Angeles Waterkeeper, and Heal the Bay. "Comments on Enhanced Watershed Management Program Work Plans and Monitoring Plans Pursuant to Requirements under the Los Angeles County Municipal Separate Storm Sewer System Permit, NPDES Permit No. CAS004001, Order No. R4-2012-0175." Letter to California Regional Water Quality Control Board, Los Angeles Region. 16 Sept. 2014.

⁴ Draft CIMP, at 9-13.

The Marina del Rey Toxics TMDL requires receiving water monitoring at 9 locations in Marina del Rey Harbor, in both the Front and Back Basins. The Draft CIMP proposes to alter the Marina del Rey Toxics TMDL monitoring program such that copper and PCB monitoring frequency and locations will be significantly reduced in the proposed CIMP.⁵ It is premature to alter the TMDL monitoring plan when management action has not identified significant water quality improvements. Additionally, we are concerned that decreased TMDL monitoring will not allow for proper comparison of past and future water quality data needed to assess water quality trends. This decreased monitoring frequency also reduces one's ability to compare individual basins during rain events and wet periods. This information is needed to assess pollutant sources and TMDL compliance; TMDL monitoring should therefore not be altered in the Draft CIMP.

The Draft CIMP also proposes not to conduct dry weather receiving water monitoring because of "minimal dry weather flows from the Marina del Rey Watershed MS4 system to receiving water due to [low-flow diversions ("LFDs")]."⁶ This failure to conduct dry weather monitoring is in violation of the 2012 Permit and should not be approved. (2012 Permit, Attachment E, at VI.D.).

B. The Proposed Outfall Monitoring is Inadequate

One outfall monitoring location is proposed in the Draft CIMP for 2012 MS4 Permit compliance. The Draft CIMP states that this single monitoring location is "the most representative of [w]atershed impacts to the Harbor."⁷ Although this "representative" outfall location characterizes watershed management area land use in general, it nevertheless fails to identify the land use most responsible for pollutant loading in the event of a water quality standard exceedance; this is problematic for future pollutant control management decisions. Furthermore, this single location is not representative of commercial/industrial land-use loading to Basin G and highly urbanized residential properties loading to Venice Canals and Ballona Lagoon. Additional outfall monitoring should be conducted at major outfalls or upreach manholes in Basin G and Venice Canals/Ballona Lagoon drainage areas.

C. Non-stormwater (Dry Weather) Outfall-Based Monitoring Does Not Comply with Permit Requirements

The Draft CIMP does not include a non-storm water outfall program as it is reasoned that "non-storm water outfall monitoring is considered to be neither feasible nor necessary in the MS4 of the MdR Watershed...[t]here are LFDs installed upstream of three major outfalls that divert non-storm water flows to the sanitary sewer...strongly tidally influenced throughout the system and tidal flow is not discernable from non-storm water discharges."⁸ The above reasoning is unjustified and incorrect. Only two of the five major outfalls in Marina del Rey have LFDs diverting non-storm water flows during dry periods. Therefore, three major outfalls and

⁵ *Id.*, at 15.

⁶ Marina del Rey CIMP, at 14.

⁷ *Id.* at 26.

⁸ *Id.* at 33.

numerous ≥ 18 " outfalls are still capable of contributing non-storm water flows to receiving water. Additionally, LFDs may not be operating 100 percent of the time during dry weather periods, thus allowing non-stormwater flows to reach receiving water. Further, outfalls that are tidally influenced can be monitored up-reach of outfall locations, such as in manholes, to monitor non-storm water flows. Lastly, failing to include non-stormwater outfall monitoring in the submitted CIMP does not comply with the 2012 MS4 Permit.

D. The Proposed Toxicity Methodology is Inadequate and does Comply with Permit Requirements

The 2012 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. Under the Permit, 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 CIMP states that due to *Macrocystis pyrifera* (giant kelp) collection challenges during wet weather and *Atherinops affinis* (topsmelt) survival and growth test duration limitations (7 days), these species must be removed from initial sensitivity screenings.⁹ 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. Therefore, these species should be included in the monitoring program's sensitive species screening and selection.

When aquatic toxicity testing indicates survival or sublethal "Percent Effects Values" equal to or greater than 50 percent for the instream waste concentration, TIE and subsequent TRE, if triggered, analyses are required to identify management options for toxic pollutants. No later than 30 days after the source of toxicity and appropriate BMPs are identified, permittees are required to submit a TRE Corrective Action Plan to the Regional Water Board Executive Officer for approval. (2012 Permit, Attachment E, at XII.). Marina del Rey proposes to meet TRE requirements through the bi-annual adaptive management process, rather than through the submittal of a TRE Corrective Action with CIMPs.¹⁰ Management actions addressing aquatic toxicity may take upwards of 2 years for implementation. This aquatic toxicity methodology modification does not comply with the 2012 Permit and should be modified.

⁹ *Id.* at D-24

¹⁰ *Id.* at D-29.