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December 5, 2018

ELECTRONIC MAIL

Ms. Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Dear Ms. Townsend:

COMMENT LETTER - PROPOSED AMENDMENT FOR BIOSTIMULATORY SUBSTANCES OBJECTIVES AND PROGRAM TO IMPLEMENT BIOINTEGRITY

The City of Los Angeles Sanitation and Environment (LASAN) appreciates the opportunity to provide comments on the State Water Resources Control Board's (State Water Board) proposal to adopt a statewide water quality objective for Biostimulatory Substances (including nutrients) and a program to implement it as an amendment to the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays and Estuaries of California (ISWEBE Plan). Towards this objective, a Science Team of Experts (Science Team) assembled by the State Water Board released interim technical science products (Products) last month to support the Biostimulatory-Biointegrity Project, which will be used by the State Water Board to develop amendments to the ISWEBE Plan.

LASAN has reviewed the Products and submits the following general comments for State Water Board's consideration:

1. All of the work products are initial scientific work products developed by a Science Team and do not represent any policy decisions. As a result, all implied policy decisions in the reports should be removed and each document should include an upfront disclaimer to this effect, clarifying that any numbers presented in the science reports should not be used for regulatory decisions (e.g., effluent limitations, 303(d) listings, TMDLs, etc.) until the Biostimulatory-Biointegrity Provisions are developed. Additionally, the documents should clearly indicate that all of the analysis are derived from a comparison to reference conditions and should not be stated in terms of protection of beneficial uses or impairments.
2. All of the work products should clearly state the assumptions and limitations of the work to allow full consideration of the limitations in development of the Biostimulatory-Biointegrity Provisions.

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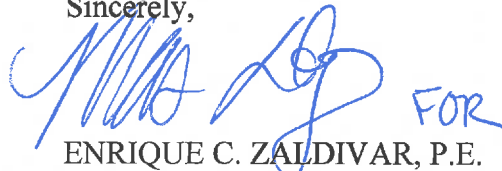
3. The scientific work products completed to date (with the exception of Prioritizing management goals for stream biological integrity within the developed landscape context (Beck et al 2018)¹) have focused on different analyses to compare waterbodies to reference conditions with the presumption that attaining reference conditions will result in the protection of beneficial uses. This presumption does not include an evaluation of the beneficial uses present in non-reference/high quality waters and the necessary thresholds to achieve those beneficial uses in the waterbodies. Scientific tools and analyses should be developed to support this type of evaluation.
4. The results presented in these reports show that different waterbodies respond in different ways to stressors and that a single indicator is often not appropriate for determining whether or not a water body is protecting beneficial uses. In developing the policy, the State Water Board should use an approach that considers multiple lines of evidence rather than relying on any single indicators identified in the scientific work products.
5. The definitions and policy ramifications of the following terms that are used throughout the various science documents should be clearly outlined:
 - a. Index values or scores
 - b. Thresholds
 - c. Targets
 - d. Goals
 - e. Indicators
6. An overview of the Water Code requirements that the State Water Board is obligated to meet in setting water quality objectives (or equivalent enforceable metrics) must be articulated as part of the State Water Board's work plan. Those requirements include consideration of the achievability of proposed objectives and the reasonable protection of beneficial uses. Those requirements also include a program of implementation describing the nature of actions required to achieve proposed objectives. The Science Team should be asked to provide input regarding the type of information needed to address the Water Code requirements; particularly for waters that are deemed to be either likely or possibly constrained (i.e., will not achieve aspirational metrics).
7. The Science Team should be asked to provide input on alternative options for dealing with waters that are likely or possibly constrained as described in Beck et al. The Science Team should be asked for their input regarding scientific or other technical information needed to establish and/or implement various policy options in accordance with EPA and California Water Code constraints.

In addition, LASAN submits technical comments on the science products as listed in Attachment A.

¹ Beck M.W., Mazor. R.D., Johnson S., Wisenbaker K., Westfall J., Ode P.R., Hill R., Loflen C., Sutula M., Stein E.D. 2018. Prioritizing management goals for stream biological integrity within the developed landscape context. *Journal of Freshwater Science* (Submitted)

If you have any questions, please contact Mr. Hassan Rad, Regulatory Affairs Division Manager, at (213) 847-5186 or by email at Hassan.rad@lacity.org.

Sincerely,

 FOR
ENRIQUE C. ZALDIVAR, P.E.
Director and General Manager
LA Sanitation and Environment

ECZ/HR:so

Attachment

- c: Traci Minamide, LASAN
- Mas Dojiri, LASAN
- Tim Dafeta, LASAN
- Shahram Kharaghani, LASAN
- Roshanak Aflaki, LASAN
- Fernando Gonzales, LASAN
- Farhana Mohamed, LASAN
- Michael Simpson, LASAN
- Hassan Rad, LASAN
- Steven Nikaido, LASAN

Attachment A

Specific Technical Comments on the Draft Scientific Work Products

Comment #	Document	Comment
1	A Non-Predictive Algal Index For Complex Environments (Theroux et al), Eutrophication Indicator Thresholds Protective Of Biological Integrity In California Wadeable Streams. (Mazor et al)	Establishing reference thresholds from statewide dataset assumes that all reference streams respond in similar ways to stressors and may not accurately represent regional differences.
2	Scientific Bases For Assessment, Prevention, And Management Of Biostimulatory Impacts In California Wadeable Streams. (Sutula et al)	The document does not make a clear distinction between perennial and non-perennial, intermittent and ephemeral streams and how or whether the analysis can be appropriately applied to these different types of waterbodies.
3	Eutrophication Indicator Thresholds Protective Of Biological Integrity In California Wadeable Streams. (Mazor et al) Scientific Bases For Assessment, Prevention, And Management Of Biostimulatory Impacts In California Wadeable Streams. (Sutula et al)	All of the results should be presented in terms of ranges rather than single values. Although the text discusses ranges, most of the tables present single values, making it unclear that a range of concentrations corresponds to different percentiles and BCG bins.
4	Prioritizing management goals for stream biological integrity within the developed landscape context (Beck et al)	The document should clarify how intermittent and ephemeral streams were addressed in the model.