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October 27, 2011



Jeanie Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-2000

Dear Ms. Townsend:

**COMMENT LETTER—TMDL FOR DEBRIS IN THE NEARSHORE AND OFFSHORE
OF SANTA MONICA BAY**

The City of Los Angeles Bureau of Sanitation (Bureau) appreciates the opportunity to comment on an Amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) that would establish a TMDL for Debris in the Nearshore and Offshore of Santa Monica Bay.

The City supported the passage of AB 258 (Krekorian), approved by the Governor on October 14, 2007, requiring the State Coastal Commission to implement a statewide marine debris reduction effort in to control the discharges of plastic. AB 258 also required the State Board and Regional Boards to implement a program for the control of discharges of preproduction plastics from point and nonpoint sources, including waste discharge monitoring, and reporting requirements that target plastic manufacturing, handling, and transportation facilities.

While the Bureau appreciates and thanks Regional Board staff for the efforts in developing the BPA and addressing specific Bureau concerns, the Bureau continues to have concerns with a certain technical issue that was included in the Bureau's September 9, 2010 comment letter to the Regional Board. As described herein, the responses provided by the Regional Board did not adequately address this concern and the Bureau is therefore submitting this comment to the State Board for consideration.

The Bureau has the following specific technical comment:



Industrial Permit Requirements

The Bureau supports the TMDL in identifying the industrial plastic pellets facilities as a point source and consequently having the industries to comply with waste load allocations for pellets. If industries are not held accountable in their permit for monitoring, that would shift the responsibility unrightfully to the municipalities, resulting in additional cost to the MS4 permittees and ultimately will not solve the pellet debris problem.

The Bureau request that the industries be held responsible for all actions including monitoring and spill response, and that these actions be clearly specified in their relevant permit.

TMRP Requirements

The City has been actively implementing both the Los Angeles River and Ballona Creek Trash TMDLs, and is currently well ahead of the required implementation goals outlined in the respective TMDL Basin Plan Amendments. While acknowledging the Ballona Creek efforts in the Debris TMDL, the Bureau believes that the language must be revised or (clarified) to ensure that responsible MS4 parties that are on schedule and meeting regulatory milestones for existing trash TMDLs are in compliance with the Debris TMDL. Therefore, the Bureau requests that the following language be included on page 14 of the Debris TMDL BPA under the first paragraph in the Monitoring and Reporting Plan for clarity:

Responsible agencies and jurisdictions that have developed a Regional Board Approved TMRP for the Ballona Creek Trash TMDL shall not be required to submit a TMRP for areas already being addressed by BC Trash TMDL in the Santa Monica Bay WMA if currently meeting all compliance requirements.

MFAC Requirements

The beaches of southern California (boardwalk to the water level) are owned by the State of California and operated by the Los Angeles County Department of Beaches and Harbors. The Bureau only has jurisdiction over the boardwalk and the facilities (not the beach) to the west of the boardwalk, which can result in nonpoint sources of trash. To address these nonpoint sources, the City currently cleans the boardwalk and associated facilities daily. As such, the City is meeting the conditional frequency of the MFAC and requiring cleanup and/or evaluation at dusk, which would not be consistent with our current maintenance procedures, will result in the City incurring additional costs without commiserate benefits.

The Bureau request that the Los Angeles County Department of Beaches and Harbors be identified as the entity responsible for MFAC requirements at the beaches adjacent to the Venice Beach area, and clarify the language that pertains to the requirement to do daily cleaning at dusk to simply doing daily cleaning.

Jeanie Townsend, Clerk to the Board

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Page 3

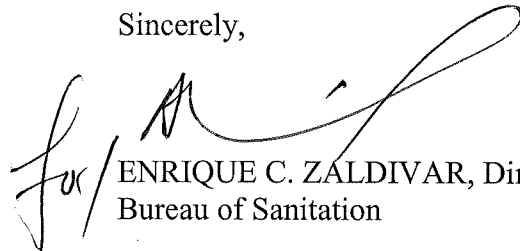
Footnote Clarifications

In reviewing the Final BPA, the Bureau noted several changes in footnotes between the Draft BPA and Final BPA that appear to be transcription issues. The following documents the potential transcription errors between the Draft and Final BPAs and suggested revisions:

- Final BPA Page 18: Footnote 6 from the Draft BPA, which begins “The monitoring and reporting requirements under the Ballona Creek Trash TMDL and Malibu Creek Trash TMDL...” was removed. It is recommended that the removed footnote 6 be reintroduced as Footnote 6 as it is still referenced by Task 3.
- Final BPA Page 19: Under Task 3, it appears that Footnote 6 intends to reference the Footnote 6 that was removed as discussed in the previous bullet. Task 3 was not broken into two parts regarding TMRP and PMRP reporting and appears to be the source of the confusion. It is recommended that the removed Footnote 6 be reintroduced as Footnote 6, existing Footnotes 6 and 7 be reassigned as 7 and 8, respectively, and the references to Footnotes 6 and 7 under Task 4 be updated to 7 and 8, respectively, to reflect this new numbering.
- Final BPA Page 20-21: The numbering assigned to the Footnotes in tasks 5, 8, 9, and 10 does not appear to have been updated. It is recommended that the removed Footnote 6 be reintroduced as Footnote 6, existing Footnotes 6 and 7 be reassigned as 7 and 8, respectively, which will resolve the numbering issue for these four tasks.

Thank you for your consideration of these comments. If there are any questions, please feel free to contact Ms. Donna Chen, TMDL Section Manager at (213) 485-3928, or Dr. Shokoufe Marashi, Staff lead on this TMDL at (213) 485-3937.

Sincerely,



ENRIQUE C. ZALDIVAR, Director
Bureau of Sanitation

EZ:SK:SM
WPDCR 8888

cc: Deborah J. Smith, Regional Water Quality Control Board
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