

Comment Letter-Statewide Bacteria Objectives–Scoping Comments due 2.20.2015

RECOMMENDATION

Element 1: Bacteria Indicators

FRESH WATERS:

Proposed Amendment

Use only *E. coli* as an indicator organism



MARINE WATERS

Proposed Amendment

Use enterococci as a sole indicator. The existing use of total coliform and fecal coliform for beach recreation is not supported by the U.S. EPA studies. Harmonizing this option and CDPH bacteriological standards will be considered in the future but is outside the scope of this project.

COMMENTS

LA Regional Water Quality Control Board MS4 NPDES PERMIT NO. CAS004001 ORDER R4-2012-0175 lists Fecal Coliform and Total Coliform in the Watersheds of its region. These two indicators should be removed from all language for Marine and Fresh Waters and the new amendments should be referenced.

RECOMMENDATION

Element 2: Level of Public Health Protection for Illness Rate

MARINE and FRESH WATERS:

Proposed Amendment

Use the U.S. EPA's estimated illness rate of 32 per 1,000.

You state:

Site specific criteria could be developed for specific waters, but it would require potentially costly studies.

COMMENTS

If there a problem should arise, funding should be considered for research.

RECOMMENDATION

Element 3: Address Natural Sources of Bacteria Levels

Proposed Amendment

Allow reference system/antidegradation or natural sources exclusion approaches. Staff will develop guidance to aid Regional Water Boards implementing this option. A guidance document will be developed to provide help

in measuring natural sources of bacteria and how to utilize this approach. This option will allow resources for “clean-up” to be directed to areas with anthropogenic sources instead of areas with natural sources of bacteria.

COMMENTS

Natural sources of bacteria needs to include geological sources as well as wildlife. Geological contributions may vary greatly among regions, but the conditions of shale formations and oil may be contributors, not yet identified properly.

RECOMMENDATION

Element 4: High Flow Suspension of Objectives for Fresh Waters

Proposed Amendment

Allow high flow suspension of objectives for engineered and non-engineered channels. Develop guidance for high flow suspensions. The necessity of treatment of discharges during high flows to meet the REC 1 objective would be avoided with this option.

COMMENTS

Please consider that the LA River will be filled eventually to develop the hotel and tourism industry that the City of Los Angeles has chosen as an economic goal. Public Health of issue of humans in the river, like the ocean, should be taken into consideration.

Agricultural development for food production is also in play for those areas surrounding the LA River.

All waterbodies in the City of Los Angeles jurisdiction are considered as riverfront development areas.

RECOMMENDATION

Element 5: Compliance Schedules and Interim Requirements

Proposed Amendment

No action – This option would result in compliance schedules and interim requirements being established by Regional Water Board permit writers in accordance with the Compliance Schedule Policy (Resolution No. 2008-0025).

COMMENTS

We prefer Proposal No. 2

Provide that dischargers would be allowed up to a ten-year compliance schedule to meet the new objectives. All dischargers may not comply immediately with new or revised effluent limits based on the proposed bacteria objective. Up to a

ten-year timeframe could be granted to implement the necessary controls to comply with new effluent limitations.

LA Regional Water Quality Control Board has created requirements in the billions of dollars for compliance, which is economically infeasible.

RECOMMENDATION

Element 6: Calculation of Effluent Limits for POTWs

Presently there is no statewide policy for establishing effluent limits for indicator bacteria.

Proposed Amendment

No action – Allow Regional Water Boards to specify the permit limits based on CDPH guidelines for total coliform.

COMMENTS

Either Proposals 2 and 3, statewide guidance, is preferable:

- *Develop statewide guidance for calculating effluent limits based on effluent variability.*
- *Develop a statewide guidance for applying the objective at the end of the pipe.*

There is not enough information, in this document, to determine the preference of the two proposals.

RECOMMENDATION

Element 7: Mixing Zones for Point Sources

There is currently no statewide policy on the application of mixing zones for bacteria discharges.

Proposed Amendment

No action – With no statewide policy, existing Regional Water Board policies and procedures will apply. Four of the nine Regional Water Boards have mixing zone provisions in their basin plans. None of the Regional Water Boards specifically prohibit mixing zones.

COMMENTS

Since the Southern California Bight covers several regional areas, there needs to be a statewide policy. One Regional Board will have no effect.

RECOMMENDATION

Element 8: Averaging Periods to Determine Compliance

Proposed Amendment

Specify the appropriate averaging period. Potentially using a minimum number of samples over a maximum period of time. This option would lead to consistency.

COMMENTS

We encourage consistency and understandability. This issue is difficult for the public to understand.

RECOMMENDATION

Element 9: Effluent Monitoring and Reporting Frequency

There is currently no statewide policy for monitoring frequency for bacteria in facility discharges to fresh waters.

Proposed Amendment

No action – Currently none of the Regional Water Boards have specific requirements for bacteria monitoring in their basin plans. Monitoring frequency could continue to be specified by their permit requirements.

COMMENTS

We disagree. Consistency is needed.

RECOMMENDATION

Element 10: Analytical Methods to Measure Bacteria Indicators

Proposed Amendment

No action – With this option, there would be no specified analytical measures for bacteria indicators. Therefore, any method of determining bacteria densities can be used, as approved by the Regional Water Boards for their waters. This option eliminates the need to update the statewide plans to accommodate new methods or U.S. EPA recommendations regarding best sampling procedures.

COMMENTS

We disagree. Proposal 2 or another proposal, based on science applicable, to each region should be explored.

RECOMMENDATION

Element 11: Allow for a Variance, Seasonal Suspension or Limited REC 1

Proposed Amendment

Allow the use of a variance, seasonal suspension or Limited REC 1.

COMMENTS

We agree.

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