

Lower San Gabriel River WMP Group Comments to Petitioners' Analysis

Permit Citation	Staff Comments from October 30, 2014	NRDC Analysis of Revised WMP Response to Staff Comments	NRDC Summary of Conditional Approval Requirements	Group's Response to Petitioners' Analysis
Part VI.C.5.b.iv.(4)(b)-(d)	"...the WMP should at least commit to the construction of the necessary number of projects to ensure compliance with permit requirements per applicable compliance schedules."	The response implies no commitment beyond good intentions and a willingness to track progress (or its lack thereof) through the permit cycle.	No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.	The commitment language was included in the Revised (and Final) WMP in Section 5.3. Also included were modifications to increase the degree of clarity and specificity regarding schedules and actions for the current and next permit terms. Of particular note, WMP Section 5.3 was revised to include a 2015-2016 schedule of feasibility studies and site assessments to determine specific projects to address the milestones in the compliance tables of the RAA, Attachment B.
Part VI.C.5.b.v.(4)(d)	"The MS4 Permit requires that the WMP provide specificity with regard to structural and non-structural BMPs, including the number, type, and location(s), etc. adequate to assess compliance. In a number of cases, additional specificity....is needed....there should at least be more specificity on actions within the current and next permit terms to ensure that the following interim requirements are met..."	The response, and other statements throughout the document, make it clear that no commitments to "specificity or actions" or associated timelines are made. There is also no cross-walk between scheduled completion dates and interim compliance deadlines. Given the vague nature of nearly all of the "milestones," it's not surprising that there is no direct linkage between actions, meeting interim requirements, and the schedule.	Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.	Section 5 of the Revised (and Final) WMP was modified to increase the degree of clarity and specificity regarding schedules and actions for the current and next permit terms. The corrections to the Final WMP further refined these commitments. The Group has also addressed the inherent uncertainty as to which specific BMPs will be implemented to address the milestones in the RAA compliance tables (RAA Attachment B): Section 5.3 was revised to include a 2015-2016 schedule of feasibility studies and site assessments to determine specific projects.
Part VI.C.5.b.iv.(5)	"The RAA identifies zinc as the limiting pollutant and notes that this pollutant will drive reductions of other pollutants. If the Group believes that that [sic] this approach demonstrates that activities and control measures will achieve applicable receiving water limitations, it should explicitly state and justify this for each category 1, 2, and 3 pollutant."	The draft WMP does not appear to have been modified in response to this comment.	No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.	Section 5.3.1 of the RAA justifies how Category 1, 2, and 3 pollutants are controlled through the limiting pollutant approach. This statement, along with a reference to the RAA for justification, is included in Section 4.1. The revised introduction to Section 5 provides explicit statements regarding the implementation of this approach in order to achieve applicable receiving water limitations.

Lower San Gabriel River WMP Group Comments to Petitioners' Analysis

Part VI.C.5.b.iv.(5)	"We note that modeling was not conducted for organics (DDT, PCBs, and PAHs). It is not clear why these pollutants were not modeled or why previous modeling of these pollutants could not be used....An explanation for the lack of modeling is needed."	No change was made in the document in response to the comment.	No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.	It should be noted that the original watershed modeling (based on LSPC) supporting the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL did not include simulation of DDT, PCBs, and PAHs. Rather, modeled sediment was used as a surrogate to estimate watershed loadings. Therefore, the 90 th percentile of observed concentrations were assigned, meeting requirements set forth by RAA guidance provided by the Regional Water Quality Control Board.
Part VI.C.5.b.iv.(4)(c)	"The draft WMP appears to rely mostly on the phase-out of copper in automotive brake pads...to achieve the necessary copper load reductions....[O]ther structural and non-structural BMPs may still be needed to reduce Cu loads sufficiently to achieve compliance deadlines for interim and/or final WQBELs."	No change was made in the document in response to the comment.	No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.	A change to the document was not necessary as explained in a response table to the RB. The RAA approach of controlling zinc, in concert with the modeled effect of copper load reductions anticipated through SB 346, anticipates that the application of the Watershed Control Measures and Compliance Schedule of Chapter 3 and 5, respectively, will reduce copper loads sufficiently to achieve compliance deadlines from interim and/or final WQBELs.
Part VI.C.5.b.iv.(5)(c)	"For waterbody-pollutant combinations not addressed by TMDLs, the MS4 Permit requires that the plan demonstrate using the reasonable assurance analysis (RAA) that the activities and control measures to be implemented will achieve applicable receiving water limitations as soon as possible....[The RAA] does not address the question of whether compliance with limitations for pollutants not addressed by TMDLs could be	There is no response to this comment.	No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.	The introduction to Section 5 was modified to more clearly demonstrate that the compliance schedule is as soon as possible for pollutants not addressed by TMDLs.
Part VI.C.5.b.iv.(5)	"The draft assumes a 10% pollutant reduction from new nonstructural controls....additional support for this assumption should be provided, particularly since the group appears to be relying almost entirely on these controls for near-term pollutant reductions to achieve early interim milestones/deadlines."	There was no substantial advance over what was previously included, though the issue is acknowledged explicitly.	No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.	Section 4.3 was added to the Revised WMP to address the Regional Board comment. The Regional Board also states that, "as part of the adaptive management process, the Permittees should commit to evaluate this assumption during Program implementation and develop alternate controls if it becomes apparent that the assumption is not supported." This commitment was also included in the in Section 4.3.

Lower San Gabriel River WMP Group Comments to Petitioners' Analysis

Part VI.C.5.b.iv.(5)	"Based on the results of the hydrology calibration shown in Table 4- 3, the error difference between modeled flow volumes and observed data is 19%....The higher error percentage could be due to the exclusion of contributions of flow volume from upstream. For calibration purposes, upstream volume should be included....Once model calibration has been completed, the upstream flow volume can then be excluded...."	Between the 2014 and 2015 RAA's, the % error improves from -19.0% to -3.31%.There is no text change to explain this difference, nor any difference in the graphed monthly hydrographs for observed and modeled flows.	No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.	<p>It should be noted that the entire watershed was included in the model for calibration purposes, including areas upstream and outside of the area addressed by the RAA. As such, there was no absence of upstream flow contributing to the error difference. As stated in the Regional Board comment, once calibration was completed, upstream areas were subtracted from the model for presenting load reduction targets.</p> <p>The plots in Attachment E were updated to show the daily calibration results. The Tables in Section 4.1.1 and 4.1.2 were updated to show the modeled versus observed volume error for the daily calibration results (versus the monthly that were shown previously).</p>
Part VI.C.5.b.iv.(5)	"...the predicted baseline concentrations and loads for all modeled pollutants of concern, including TSS, should be presented in summary tables for wet weather conditions."	No change in the RAA to address this comment.	No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.	An additional table was added to the RAA to reflect the baseline loads. Found on page 39 as Table 5-6.

Lower San Gabriel River WMP Group Comments to Petitioners' Analysis

<p>Part VI.C.5.b.iv.(5)</p>	<p>"The report presents the existing runoff volumes, required volume reductions and proposed volume reductions from BMP scenarios to achieve the 85th percentile, 24-hour volume retention standard for each major watershed area....The same information...also needs to be presented for each modeled subbasin...Additionally, more explanation is needed as to what constitutes the 'incremental' and 'cumulative' critical year storm volumes in table 9-6 and 9-7 and how these values were derived from previous tables.</p> <p>"The report needs to present the same information, if available, for non-stormwater runoff."</p>	<p>The request for a series of tables by subbasin has not been met; an added sentence defines the terms used but not how the values were derived from previous tables. No new information addressing comment about non-stormwater runoff.</p>	<p>No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.</p>	<p>Regarding the required information for the modeled subbasins, Attachment B of the RAA was updated to include the requested tables, along with a sentence to provide some clarification in RAA Section 9.2.1 (third paragraph).</p> <p>Regarding non-stormwater runoff, the complete comment from the Regional Board is as follows: "The report needs to present the same information, if available, for non-stormwater runoff. <u>Alternatively</u>, the report should include a commitment to collect the necessary data in each watershed area, through the non-stormwater outfall screening and monitoring program, so that the model can be re-calibrated during the adaptive management process to better characterize non-stormwater flow volumes and to demonstrate that proposed volume retention BMPs will capture 100 percent of non-stormwater that would otherwise be discharged through the MS4 in each watershed area."</p> <p>A commitment to the recalibration alternative was included in WMP Section 4.2.</p>
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