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Dr. Ginachi Amah
CRWQCB – Los Angeles Region
320 W. 4th Street – Suite 200
Los Angeles, CA 90013
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Subject: Response to Draft Triennial Review Staff Report

Dear Dr. Amah:

TECS Environmental is pleased to offer comments in connection with the *2017-2019 Triennial Review: Consideration and Selection of Basin Plan Planning Priority Projects Staff Report*. Two of my recommendations for priority planning projects were responded to in the report. My comments to Staff's responses are provided below.

5.3. General and Specific Beneficial Uses 5.3.1. Revise the Basin Plan's Beneficial Uses Stakeholders (TECS) contend that the beneficial uses in the Basin Plan are too general and should be revised.

Regional Board staff rejected this recommendation, based on an inadequate response. Staff cites authority for authorizing the Regional Board to establish beneficial uses aimed at "the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water..." Merely referring to the distinctions of COLD, WARM, EST, SAL, and MAR aquatic uses are unhelpful. What would be very helpful to know is what specific aquatic life and wildlife are associated with cold, warm, estuarine, inland saline water, and marine uses staff is referring to.

It is undisputed that these protections must be assured to comport with this Clean Water Act directive. However, staff's response does nothing to provide specific information needed to identify what species of fish, shell fish and wildlife require protection, and where, specifically, they are located within each water quality segment (reach). Also needed is the estimated population of each aquatic and non-aquatic species. All of this is important information. It is needed to determine whether a metals or toxics TMDL, which is intended to prevent or undo impairment to these beneficial uses, is needed. Permittees, (industrial, municipal, and other dischargers), that are subject to the metals TMDL are currently required to spend millions on infiltration controls to protect aquatic and non-aquatic life. It seems only reasonable to identify what species are being impacted.

Staff's response to our request to identify what uses are applicable to non-perennial (engineered) stream is also disappointing. Staff concluded that such information is not needed because the

Basin Plan *categorizes certain beneficial uses as intermittent for several stream reaches throughout the region in recognition of varying flow conditions in these waterbodies.* This is too over-generalized. Staff should provide specific information regarding what aquatic life and wildlife are impacted during periods of no or low flow, as well as during wet weather flows. To do otherwise would result in the continuation of water quality standards or TMDLs that may not be required during “intermittent periods.”

5.1.7. Identify Water Quality Standards that do not comply with CTR and/or the 303(d) Listing Policy Stakeholders (TECS) stated that the Los Angeles Water Board should identify those water quality standards that do not comply with the CTR and the Water Quality Control Policy for Developing California’s CWA Section 303(d) List (Listing Policy).

Staff appears to have rejected this recommendation. It argues that the Basin Plan includes federally required water quality criteria applied to California waters. Because of this, Basin Plan objectives (presumably water quality objectives and standards) are in compliance with CTR. The problem is that CTR has not been complied with in setting water quality standards for toxics, including metals, for all reaches within the Los Angeles Basin. This is a fact that was brought-up during the Regional Board last April at the 2016 303(d) list update workshop. It is encouraging that staff intends to consider adopting revised or new water quality standards based on new or updated water quality criteria. Nevertheless, these standards should comply with CTR criteria which includes setting such standards based on ambient water quality data and monitoring (sampling and analysis) using the hardness (calcium carbonate) adjustment in real-time rather than a default factor. It is recommended that the Regional Board’s Surface Water Ambient Monitoring Program (SWAMP) unit handle this task.

- **High-Flow Suspension**

Finally, although the issue of high flow-suspension applicable to water bodies in the Los Angeles Basin was not raised in our initial comment letter on the 2017-2018 triennial review, it is worth mentioning now. High-flow suspension only applies to engineered (hardened channels). As mentioned, high-flow suspension currently exempts compliance with bacteria-related water quality standards and TMDLs for rain events that produce one-half or more of rain. It should be applied to other pollutants as well, such as metals, nutrients, and toxics. Staff should also evaluate the practicality for applying the high-flow suspension provision to all pollutants – not just bacteria -- for each applicable beneficial uses (not just REC 1 and REC 2) for all reaches within the Los Angeles Basin. High flow suspension should be applied to any beneficial use affecting aquatic life and wildlife associated with the WARM, COLD, WARM, EST, SAL, and MAR uses. To remain inert on this matter would require NPDES permittees to continue to spend millions on what could very well be phantom water quality problems.

It should also be noted that the Basin Plan applies high-flow suspension to many but not all reaches of the Los Angeles Basin watersheds that are subject to REC 1 and REC2 and are hardened. For example, Arroyo Seco Reaches 1, 2, and 3 possibly appear to be hardened but are not subject to high flow suspension of the bacteria TMDL. Further, it would be helpful if the

Regional Board were to identify all water bodies in the Los Angeles Basin that are engineered non-perennial streams. San Bernardino County lists its water bodies in these terms (see attached).

Thank you for the opportunity to comment on this important matter. Should you have any questions please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray Tahir". The signature is fluid and cursive, with a prominent initial "R" and a long, sweeping underline.

Ray Tahir