

**Comment Summary and Responses
2017-2019 Triennial Review
Comment deadline: April 5, 2018**

Commenters:

1	TECS Environmental
2	Heal the Bay
3	City of Los Angeles Department of Water and Power (DWP)

Comment Summary and Responses:

Comment No.	Commenter	Comment	Response
1.1	TECS Environmental	<p>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.</p> <p>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</p>	<p>Comment noted.</p> <p>The Los Angeles Water Board disagrees that the response to this issue in the 2017-2019 Triennial Review Draft Staff Report is inadequate. As stated in the draft Staff Report for the 2017-19 Triennial Review, the Basin Plan's list of beneficial uses and associated definitions were developed by the</p>

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		<p>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.</p> <p>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.</p> <p>Staff’s response to our request to identify what uses are applicable to non-perennial (engineered) stream is also disappointing. Staff concluded that</p>	<p>State and Regional Water Boards for use in their water quality control plans. These uses stem from the Clean Water Act’s goal of attaining water quality that provides for <i>“the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water...”</i> (Clean Water Act (CWA) section 101(a)(2)) as well as CWA sections 102(a) and 303(c), which require that comprehensive programs for water pollution control and water quality standards consider uses of waterbodies for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, navigation and other purposes. Further, California Water Code (CWC) section 13050(f) identifies categories of beneficial uses that may be protected, listing domestic, municipal, agricultural and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves. The level of detail in the Basin Plan is consistent with that of the CWA and CWC. It is also consistent with the use categories provided in EPA’s Water</p>

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		<p>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.”</p>	<p>Quality Standards Handbook, which is “a compilation of the EPA’s water quality standards (WQS) program guidance including recommendations for states, authorized tribes, and territories in reviewing, revising, and implementing WQS.”¹ The guidance in the handbook supports the EPA’s WQS regulations at 40 CFR Part 131.</p> <p>Referring to the distinctions of COLD, WARM, EST, SAL, and MAR aquatic uses provides a reasonable level of detail and is useful since these different habitats support different species and/or life stages of fish. In addition, EPA provides a similar level of categorization in the development of their aquatic life criteria, which generally distinguish between freshwater and saltwater aquatic life and, in some cases, warm- and cold-water species. Finally, the level of detail provided for beneficial uses is consistent with the legally required level of detail in Water Code section 13050(f). The commenter provides no legal support for the assertion that the Los Angeles Water Board must provide granular details in its Basin Plan – such</p>

¹ <https://www.epa.gov/wqs-tech/water-quality-standards-handbook>

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			<p>as identifying the estimated population of each aquatic and non-aquatic species.</p> <p>Regarding the beneficial uses of non-perennial streams in the Region, these uses are identified in Tables 2-1 and 2-2 in Chapter 2 of the Basin Plan using the “I” notation. In the case of REC-1 and REC-2, the notation “Yav” is used in the column titled “High Flow Suspension” on Table 2-2 to indicate where recreational uses are suspended during defined wet-weather flow conditions.</p>
1.2	TECS Environmental	<p>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).</p> <p>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</p>	<p>As stated in the draft Staff Report, the Basin Plan incorporates, by reference, federally promulgated water quality criteria applicable to California waters for the 126 priority pollutants included in the California Toxics Rule (CTR) at 40 CFR section 131.38 for the protection of aquatic life and human health. With respect to the contention that the 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 inaccurate. The CTR criteria were established to protect water quality in support of beneficial uses. The aquatic</p>

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		<p>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.</p>	<p>life designation applies under all conditions, which include both dry and wet-weather conditions.</p> <p>Regarding the comment on the site-specific conditions, the Los Angeles Water Board does apply site-specific hardness values in its TMDLs and permits.</p> <p>In addition, as part of the 2017-19 triennial review, staff will consider, for adoption as water quality standards, new or updated CWA section 304(a) water quality criteria recommendations published by the USEPA since May 30, 2000. The list contains a number of water quality criteria for pollutants that are part of the CTR. Accordingly, further action by the State Water Board and/or the USEPA to de-promulgate the existing CTR criteria may be necessary prior to the Regional Water Board's application of these updated priority pollutant objectives in its regulatory actions.</p>
1.3	TECS Environmental	<p>High-Flow Suspension</p> <p>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</p>	<p>The application of a high flow suspension is based on public safety considerations during defined storm conditions. The recreational beneficial uses of REC-1 and REC-2 are not</p>

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		<p>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.</p> <p>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</p>	<p>attainable during these periods, as conditions are unsafe for recreationers and access is generally restricted/prohibited in the affected waterbodies.</p> <p>This public safety consideration does not apply to aquatic life, which is generally present in waterbodies during the same storm conditions that would preclude the recreational beneficial uses.</p> <p>Waterbodies subject to the high flow suspension of recreational uses are inland flowing waterbodies with engineered channels. In addition, where the high flow suspension has been applied, public access is generally restricted and/or prohibited. (See, Basin Plan, at p. 2-2 and Table 2-1a.) Therefore, where engineered channels were determined to be accessible to</p>

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		County lists its water bodies in these terms (see attached).	<p>the public, based on field surveys, these waterbodies were not considered suitable to have the suspension applied.</p> <p>In the case of the Arroyo Seco, staff assessed this waterbody during the development of the high flow suspension and determined that none of its reaches fully met the criteria for inclusion – as the waterbody was not fully engineered throughout.</p> <p>Finally, in response to the request to identify all engineered waterbodies in the Los Angeles Basin, such channels are generally identified in the Basin Plan’s beneficial use tables by two footnotes</p> <ul style="list-style-type: none"> (i) m: <i>“Access prohibited by Los Angeles County Department in channelized areas,”</i> and (ii) s: <i>“Access prohibited by Los Angeles County DPW”</i>. <p>A more specific mode of identifying such channels may be considered in the future as part of an administrative update to the Basin Plan.</p>

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2.1	Heal the Bay	<p>We agree that priority should be given to several projects outlined in the Staff Recommendations; however, we have additional recommendations concerning these projects to be considered for incorporation into the 2017-2019 Triennial Review. The projects that we support, with some additional recommendations, are described in detail below.</p> <p>Prioritize Recommendation 4.5. - Continue the Development of a Regional Strategy to Address the Effects of Climate Change on Water Quality.</p> <p>We support the recommendation to continue development of a regional strategy to address the effects of climate change on water quality. It is imperative that this become and remain a high priority for the Regional Board as impacts from climate change are already being felt in our water scarce region.</p>	<p>Comment noted.</p> <p>Continued development of a Regional Strategy to Address the Effects of Climate Change on Water Quality is recommended as one of the 2017-2019 triennial review priority projects.</p>
2.2	Heal the Bay	<p>Prioritize Recommendation 4.4. - Continue the Development of SNMPs.</p> <p>We support the recommendation to continue the development of SNMPs, including the incorporation of management measures from the SNMPs into the Basin Plan, per the State Water Board's Recycled Water Policy. Development of SNMPs must remain a priority through these final development and</p>	<p>Comment noted.</p> <p>Continued support for development of Salt and Nutrient Management Plans and incorporation of management measures from SNMPs into the Basin Plan is recommended as one of the 2017-2019 triennial review priority projects.</p>

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		implementation stages in order to properly protect local water quality.	
2.3	Heal the Bay	<p>Prioritize Recommendation 4.2. - Potential Actions Related to the State Water Board’s Bacteria Provisions.</p> <p>Upon adoption of State Water Board Bacteria Provisions, priority should be given to potential responsive action that must be taken at the regional level. However, we do not fully support the latest draft of the State Water Board’s bacteria provisions. We are particularly concerned with 1) the removal of fecal coliform as an indicator for estuarine and ocean waters, and 2) the high “risk protection level” of 32 illnesses per 1,000 recreators. If State Bacteria Provisions are adopted with weakened objectives, we urge the Regional Board to maintain strong regional bacteria objectives in the consideration of any amendments to the Basin Plan. Our priority is to maintain strict regulation of bacterial objectives in order to most effectively protect the beneficial uses of our local waterways.</p>	<p>Upon adoption, the water quality objectives in the State Water Board’s Bacteria Provisions will supersede the bacteria objectives contained in the Los Angeles Region’s Basin Plan; however, as proposed, the Bacteria Provisions would not change established bacteria TMDLs that were based on the previous bacteria objectives.</p> <p>Any concerns or comments related to the proposed statewide Bacteria Provisions should be directed to the State Water Board during the comment period for the proposed provisions.</p>
2.4	Heal the Bay	Prioritize Recommendation 4.1. - Evaluate New or Revised Section 304(a) Recommended Criteria for Incorporation into the Basin Plan as Water Quality Objectives.	<p>Comment noted.</p> <p>As stated in the draft Staff Report, the main focus of the 2017-2019 triennial review will be the evaluation of new</p>

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		<p>We support the recommendation to prioritize the evaluation of Section 304(a), as it is required following revisions to the federal Water Quality Standards (WQS) regulations at 40 C.F.R. Part 131. However, we are concerned that a project of this size will divert time and resources away from other priority projects, and we urge the Regional Board to consider all priority items in the allocation of resources during Phase III of the Triennial Review.</p>	<p>and updated Section 304(a) recommended water quality criteria for incorporation into the Basin Plan as water quality objectives. While this is a substantial project, the Regional Water Board will evaluate and prioritize the new and updated criteria in order to develop a schedule for preparing amendments to the Basin Plan. Program resources and workload will be considered in establishing priorities and a schedule. Other priority projects to be addressed by the Basin Planning Program are included in the Staff Report.</p>
2.5	Heal the Bay	<p>We also support the staff recommendation to not pursue several of the projects suggested by stakeholders, such as considering costs associated with achieving water quality objectives, developing a regional variance policy into the Basin Plan, or incorporating a groundwater mixing zone policy into the Basin Plan. As discussed in the Staff Report, these projects are not appropriate and may weaken protection of public and environmental health.</p>	<p>As discussed in the draft Staff Report regarding cost considerations, this initial phase of the triennial review is concerned with priority setting rather than proposed adoptions of new or revised standards. However, if and when water quality objectives are actually under consideration for adoption or revision, consideration of the factors identified in Water Code section 13241 will be part of those actions. Such consideration will take into account economic considerations, among other factors, as required by law.</p>

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			<p>Also, as discussed in detail in the draft Staff Report, development of a regional variance policy was deemed redundant given the statewide applicability of the State Water Board’s WQS Variance Policy in development, and the availability of guidance documents and tools from EPA.</p> <p>Finally, incorporation of a mixing zone policy into the Basin Plan was considered contrary to current efforts to foster long-term sustainability of local water supplies.</p>
2.6	Heal the Bay	<p>In addition to the areas supported by Heal the Bay listed above, we have objections concerning some of the recommendations made in the Staff Report that may lead to weakened water quality protections. Our recommendation with regard to our concerns are described in further detail below.</p> <p>Do Not Prioritize Recommendation 4.3. - Continue the Development of Technical Guidance for Making Natural Source Determinations.</p> <p>The Staff Report includes a recommendation to “resume work on developing implementation tools to address natural sources of pollutants” as the third highest priority project. We strongly caution</p>	<p>The intent of a policy or implementation provisions addressing natural sources is to distinguish between anthropogenic sources and natural sources of a pollutant in order to focus efforts and resources on curtailing/minimizing anthropogenic contributions to waterbody impairments.</p> <p>In the crafting of such a policy, care would be taken to minimize any potential for false determinations related to pollutant sources.</p>

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		<p>the Regional Board against the continued development of technical guidance for making natural source determinations. We recognize that natural sources can significantly contribute to surface water contamination, but it is essential that these determinations be made carefully because they may lead to the relaxation of requirements for pollutant control.</p> <p>Natural sources of contamination are often comingled with anthropogenic sources, making them difficult to distinguish. If there is a high concentration of contamination found in a waterway that is a result of both anthropogenic and natural sources, "Natural Source Determination" may falsely determine that the full weight of that contaminant concentration originates from to the natural sources, therefore allowing discharge with higher contaminant concentrations. The presence of contaminants from a natural source should not be used as the basis for the Regional Board to allow entities to discharge additional contaminants that may contribute to a water quality issue. As such, we recommend the Regional Board give higher priority on preventing and controlling pollution over determinations that may lead to exclusions or weakened water quality protections.</p>	<p>Any such policy or implementation provisions are not intended to allow anthropogenic discharges of pollutants where impairment has been determined to be the result of natural sources.</p>

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2.7	Heal the Bay	<p>Prioritize Recommendation 5.1.5. - Develop Water Quality Objectives to Implement Beneficial Uses with respect to Hydromodification as a Pollutant.</p> <p>Regional Board Staff does not recommend that priority be given to development of water quality objectives with respect to hydromodification because, on its own, hydromodification is not considered a source of pollution. However, hydromodification of waterways in the Los Angeles Region amplifies impacts of contamination from both anthropogenic sources and natural sources such as birds, other animals, and geological formations.</p> <p>One approach to addressing hydromodification issues in the regulatory context would be to include it as a potential impairment. Similar condition-based impairments have been used for 303(d) listings and the development of TMDLs, such as invasive species, sedimentation, and benthic communities in the Malibu Creek Watershed. Environmental stressors degrading beneficial uses in these cases included both water quality and physical habitat quality. We strongly recommend that the Regional Board reconsider for priority the development of water quality objectives with respect to hydromodification as a Class IV impairment.</p>	<p>Staff did not recommend that priority be given to development of water quality objectives with respect to hydromodification since the Regional Water Board already addresses the issue through a three-pronged regulatory approach: (1) WDRs (issued pursuant to Water Code section 13263) and waivers (issued pursuant to Water Code section 13269) to protect waters of the State, (2) certifications issued in accordance with CWA section 401 to protect waters of the U.S., and (3) municipal stormwater permits issued pursuant to section 402 (p) of the CWA to address stormwater related impacts to waterbodies.</p> <p>Furthermore, impairments that result from hydromodification, such as loss of ecosystem function and sedimentation can be, and have been, addressed through impairment listings and development of TMDLs (e.g., the Ballona Creek Wetlands Sediment and Invasive Exotic Vegetation TMDL, and the Malibu Creek and Lagoon TMDLs for Sedimentation and Nutrients).</p>

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2.8	Heal the Bay	<p>Prioritize Recommendation 5.1.4. - Develop Water Quality Objectives for Flow.</p> <p>Priority is not specifically given in the Staff Recommendations to the development of water quality objectives for flow because “flow objectives or policy for the protection of beneficial uses would likely be initiated and led by the State Water Board.” We are pleased that the Regional Board will work with the State Board to develop state-wide flow objectives; however, considering the unique hydrology in the Los Angeles area (as a result of hydromodification), site-specific objectives will be necessary to maintain biological integrity in our local waterways. We strongly urge the Regional Board to take a leadership role in determining flow objectives in order to protect beneficial uses and biological integrity in Los Angeles waterways.</p>	<p>As stated in the draft Staff Report, flow considerations are generally the purview of the State Water Board, and specifically the Division of Water Rights. The State Water Board has initiated work on the potential development of flow objectives/ or an in-stream flow policy. This effort is being conducted in two tiers.</p> <p>“Tier 1” will consider information available statewide on hydrology, elevation, precipitation, and flow to derive ecological flows statewide, based on stream categories.</p> <p>Tier 2 will include tools to do more site-specific work such as has started for the Los Angeles River. This would involve utilizing models that accommodate unique hydrology and/or morphology or possibly unique endpoints to protect beneficial uses (such as water depth for birds) and predict what might happen with changes in volumes of water diverted to reduced volumes of discharges.</p>

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			<p>Following this, the State Water Board will incorporate human uses of water, establish flow criteria (environmental flows), and finally determine what changes might be needed to either diversions or wastewater discharges to maximize benefits to all uses through decisions made in Water Rights.</p> <p>The Los Angeles Water Board is an active partner in the development of potential and in the Los Angeles River study statewide flow objectives.</p>
2.9	Heal the Bay	<p>Prioritize Development of Biological Objectives</p> <p>The current statewide effort to develop biological objectives for California’s streams is long overdue. We urge the Regional Board to take the initiative and prioritize this critical issue regionally. The importance of developing objectives for stream biology cannot be understated. The biological condition of a stream tells a meaningful and comprehensive story of the condition of the stream’s water quality, habitat, and biota. The reliance for many years on assessing a waterbody’s condition on a chemical-by-chemical basis is inadequate to protect ecological beneficial uses. The scientific knowledge of stream ecology is far ahead of California’s outdated policies and</p>	<p>The Regional Water Board recognizes the importance of biological objectives in the protection of beneficial use of waterbodies in the region. The State Water Board initiated work on statewide biological objectives in 2010. This effort has since been merged with the development of a biostimulatory substance objective, and is now referred to as the <i>Program to Implement Biological Integrity</i>. Background technical work is being conducted by the Southern California Coastal Research Project, and Basin Planning staff continues to keep abreast of the development process.</p>

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		<p>monitoring requirements. It is incredibly important that we utilize and rely on the most comprehensive, ecologically relevant metrics to determine the state of California's streams. In fact, we can look to the San Diego Regional Water Quality Control Board for guidance as they have just released draft biological objectives for the San Diego region. Following in San Diego's footsteps, Los Angeles has the opportunity to make a legacy decision that will put southern California at the forefront of protection of stream biological condition. The need to develop biological objectives is clear. We urge you to make biological objectives a policy priority and to adopt regional objectives, relying on the technical work done at the statewide level and as proposed by San Diego.</p>	<p>However, given the Basin Planning Program's limited resources, development of region-specific biological objectives cannot be addressed at this time. However, this is an issue that maybe addressed in the future as resources and/or the availability of contract funding allows.</p>
3.1	LADWP	<p>LADWP understands that the Basin Plan for the Los Angeles Region is a fundamental component of water quality protection in the region, as the Basin Plan contains the water quality standards, including both beneficial uses and water quality objectives. As noted in the November 6, 2017 notice, Basin Plans "are designed to preserve and enhance water quality and protect the beneficial uses of regional surface and ground waters." LADWP is committed to minimizing its environmental footprint through the reduction of greenhouse gas emissions and increased water efficiency. LADWP is also committed to the development of reliable and sustainable</p>	<p>Comment noted.</p>

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		local water supplies. To accomplish these objectives, it is imperative to use sound science in the environmental regulatory process.	
3.2	LADWP	The last triennial review priority list was adopted for 2014-16 and included the continued development of Salt and Nutrient Management Plans (SNMPs) and the development of a regional strategy to address the effects of climate change on water quality. These items are also included in the 2017-2019 triennial review priority list. In addition, the 2017-19 triennial review priority list also includes work to evaluate and incorporate Clean Water Act 304(a) criteria for aquatic life and human health, potential Basin Plan amendments related to the State Board's adoption of Statewide Bacteria Provisions, and resumption of work to develop implementation tools to address natural sources of pollutants. LADWP supports the Regional Board in these decisions, as well as with the continued support of statewide standards-related initiatives.	Comment noted.
3.3	LADWP	As the foundational document for the region's water quality programs, the Basin Plan is a vitally important document. It is important that the Basin Plan, and the water quality standards and implementation provisions it	Comment noted.

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		<p>contains, reflect the best available science and include consideration of all available data. Failure to routinely and comprehensively update the Basin Plan has the potential to result in inefficient use of public resources and to hamper the region's ability to attain ambitious and critical goals, including local water supply development and greenhouse gas reductions.</p> <p>LADWP understands that that the State and Regional Boards do not have sufficient resources and funding to complete a full spectrum of basin planning activities.</p>	
		<p>As noted above, some basin planning activities continue in multiple triennial review cycles, and it is not clear from the documents submitted as part of the current triennial review cycle how much work has been completed and just how much work remains to be done to complete these items. (Other projects from the 2014-2016 triennial review cycle, such as the development of freshwater ammonia objectives, are not included in the 2017- 2019 triennial review list but remain underway.) Comprehensive reviews of the basin plans are critical to stakeholders, and LADWP remains committed to provide support to the Board whenever possible to assist with those issues that specifically impact our operations.</p>	<p>The draft Staff Report presents detailed information on the work completed during the last (2014-2016) triennial review, as well as the work still to be completed.</p> <p>Chapter 3 of the draft Staff Report lists and summarizes all Basin Plan amendments adopted during the 2017-2019 triennial review period.</p> <p>In addition, the chapter provides the status of other 2014-2016 priority projects still under development (see Section 3.3: <i>“Prioritized Projects Still in Progress”</i>). Work on the ammonia objective is specifically addressed in Section 3.3.3 <i>“Evaluate Basin Plan</i></p>

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			<i>Water Quality Objectives Including Freshwater Ammonia Objectives Based on New Recommended Water Quality Criteria Published by EPA”.</i>
3.4	LADWP	<p>LADWP has the following specific requests for the current triennial review priority list:</p> <p>1. Groundwater objectives. LADWP requested that the Regional Board revisit groundwater objectives in the Pacoima Basin (Staff Report Section 5.1.8) in light of all available data. Although a sufficient quantity of data were available decades ago to establish water quality objectives for groundwater basins in the region, newer data indicate that the existing objectives do not reflect current conditions. Unless water quality objectives are adjusted, public agencies such as LADWP may be precluded from fully utilizing those basins as an integrated part of the region's water supplies, and may be forced to expend public resources on expensive treatment for dewatering operations. Given the anticipated impacts of climate change on water availability within the state as well as locally, it is vitally important that water quality objectives reflect the best available data and science so that we can fully utilize the potential of the basins for regional supply.</p>	<p>Regarding the change in groundwater basin quality since the existing objectives were established, current conditions may likely be the result of additional pollutant loading to the basins over time. The commenter acknowledges that sufficient data were available to establish the existing water quality objectives. These objectives should not be a moving target to accommodate increasing levels of pollutants. Rather, they are set to maintain and protect water quality in support of present and future beneficial uses.</p> <p>That notwithstanding, and as stated in the draft Staff Report, the main focus of the 2017-19 triennial review will be to evaluate EPA’s new and revised CWA section 304(a) recommended water quality criteria. Where time allows, Basin Planning staff recommend prioritizing projects of region-wide significance, such as the statewide bacteria provisions and</p>

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			<p>natural source considerations, for the final list of triennial review priorities. Therefore, the re-evaluation of waterbody specific water quality objectives is not recommended as a priority during this triennial review.</p>
3.5	LADWP	<p>2. Groundwater recharge (GWR) and MCLs. The Staff Report, Staff Report Section 5.2.7, asserts that it is appropriate to apply maximum contaminant levels (MCLs) derived from the Safe Drinking Water Act (SDWA) to water that will be used to recharge groundwater basins, asserting that MCLs are necessary to protect waters designated as MUN even though those waters are highly treated in drinking water plants prior to delivery, and asserting that meeting MCLs in water to be recharged is part of a multiple-barrier approach to drinking water treatment. LADWP believes this is a misinterpretation of the requirements of the SDWA. Similarly, LADWP supports inclusion of Staff Report Section 5.2.8 (secondary MCLs to be used for information only) on the current triennial review list. Using primary and secondary MCLs to develop effluent limits for NPDES permits and requirements applicable to storm water and recycled water used for groundwater recharge will force public agencies to spend resources to treat water that will be treated again prior to delivery. LADWP and other public agencies are committed to the development of</p>	<p>As stated in the draft Staff Report, the GWR beneficial use is defined as: <i>“Uses of water for natural or artificial recharge of groundwater for the purpose of future extraction, maintenance of water quality, or halting of saltwater into freshwater aquifers”</i>. Since all the Los Angeles Region’s groundwater basins are designated for existing or potential municipal and domestic supply (MUN), any waters used for recharge should be of such quality that would support future extraction for such use.</p> <p>Also, regarding not applying MCLs to waters that may be treated prior to use as drinking water, the Safe Drinking Water Act (SDWA) [42 USC § 300f et seq.], amended in 1996, promotes a multiple-barrier approach to safeguarding the nation's water supply. This multiple-barrier approach goes beyond the traditional emphasis</p>

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		<p>sustainable regional water supplies, and applying primary and secondary MCLs is at cross purposes with these commitments. LADWP requests that the Regional Board prioritize these items for the current triennial review cycle, as they are a critical component of regional efforts to develop reliable and sustainable local sources of water supply.</p>	<p>on treatment to address new challenges and reflects a better understanding of the need for a coordinated source water protection effort. Preventing contamination of drinking water sources is one of the key elements of the approach.</p> <p>Per EPA, “[r]eliance solely on drinking water treatment, beyond that which is needed to address naturally occurring pollutant concentrations, imposes an unfair burden on communities to address preventable problems caused by man-made sources of pollution” (EPA Memorandum to Regional Water Management Division Directors titled “Effective use of Water Quality Standards to Protect Sources of Drinking Water”).</p> <p>Regarding the use of secondary MCLs, they are useful for translating narrative water quality objectives (such as color and turbidity) into numeric effluent limitations. The Basin Plan also identifies secondary MCLs as appropriate water quality objectives for TDS and chloride in instances where waterbody specific objectives are not provided (see footnote f of</p>

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			<p>Table 3-10 of the Basin Plan). Although U.S. EPA recommends these levels as guidelines, it recognizes that states may adopt them as enforceable standards</p> <p>The Los Angeles Water Board's position is not at cross purposes with the development of reliable and sustainable water supplies as this goal hinges, in part, on the availability of water of sufficient water quality to support beneficial uses.</p> <p>That said, as stated in the draft staff report, the main focus of the 2017-19 triennial review will be to evaluate new and revised CWA section 304(a) recommended water quality criteria for incorporation into the Basin Plan.</p>
3.6	LADWP	<p>3. Climate change. Several of the triennial review requests that were not prioritized involve water quality parameters that are likely to be affected by climate change. For example, water quality objectives for temperature in the region's streams (Staff Report 5.1.6) may need to be adjusted in light of warming regional temperatures that are expected to occur as a result of climate change, potentially requiring a redefinition of "natural temperature." Although this was acknowledged by</p>	<p>Staff acknowledges that climate change may have some impact on some water quality objectives. As noted by the commenter, the application of the temperature objective requires the determination of the "natural temperature" of waterbodies, which will be complicated by the expected increase in temperatures as a result of climate</p>

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		<p>the Regional Board to be an important issue, available resources were insufficient to include it on the priority list. Other water quality objectives, such as those for dissolved oxygen, may require adjustment as a result of climate change. LADWP respectfully suggests that the Regional Board identify water quality objectives that may need to be adjusted as a result of climate change and address these objectives as part of the climate change project that has already been prioritized. LADWP also requests that the Regional Board identify a process by which water quality standards can be adjusted as needed in the future as a result of changing climate and shifting baselines.</p>	<p>change. Other examples of water quality objectives that may be impacted include dissolved oxygen (concentrations of which may decrease as a result of increasing temperatures and eutrophication), pH (which will be impacted by ocean acidification), salts (concentrations of which could increase both as a result of a decrease in flows and conservation efforts), and nutrients (as they could exacerbate harmful algal blooms).</p> <p>Potential actions to address those impacts will be outlined in Part 2 of the Los Angeles Region Framework for Climate Change Adaptation and Mitigation - <i>Potential Regulatory Adaptation and Mitigation Measures</i>, which is currently in development and prioritized as part of the draft <i>Resolution to Prioritize Actions to Adapt to and Mitigate the Impacts of Climate Change on the Los Angeles Region's Water Resources and Associated Beneficial Uses</i>. Those actions may include a review of the vulnerability of all water quality objectives in the Basin Plan, and the development of a strategy to address those vulnerabilities. Once completed,</p>

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			<p>the Framework will be used as a guide to assess specific measures to be implemented on a short-term and long-term basis by the Los Angeles Water Board's programs to address the effects of climate change on water quality standards.</p>
3.7	LADWP	<p>4. Promote recycled water use and other beneficial use changes. LADWP requested that the Regional Board modify the beneficial uses of Silverlake Reservoir to reflect the fact that recycled water may be received in the future. The Regional Board responded that LADWP could provide relevant data and information to the Regional Board to support a comprehensive re-evaluation of the designated MUN use through a use attainability analysis (UAAs). As the Regional Board is aware, the UAA process is lengthy and onerous. LADWP believes that UAAs have the greatest chance of success when they are led by the Regional Board with stakeholder support. LADWP also believes such UAAs are an important component of allowing full and comprehensive use of the region's water bodies in an integrated, multi-pronged water supply strategy. Thus, LADWP requests that the Regional Board prioritize this issue (Staff Report Section 5.3.2) during the current triennial review process, and LADWP commits to working with the</p>	<p>The Regional Water Board is a strong proponent of promoting recycled water use as evidenced by the efforts of the NPDES Permitting Program and the Basin Planning Program's facilitation of Salt and Nutrient Management Plan development.</p> <p>However, as stated in the draft staff report, the main focus of the 2017-2019 triennial review is to comply with EPA's directive to evaluate new and revised CWA section 304(a) recommended water quality criteria for adoption into the Basin Plan as water quality objectives. In consideration of the limited resources available to the Basin Planning program, the re-evaluation of a beneficial use of the Silverlake Reservoir cannot be accommodated and is therefore not recommended for</p>

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		<p>Board to develop the data and information necessary to support such requests.</p> <p>Similarly, LADWP believes that our other reservoirs within the region may also require similar adjustments to their beneficial use designations as they are drinking water reservoirs and do not have public access. In addition, the Los Angeles River beneficial uses may need changes due to future hydromodification.</p>	<p>Los Angeles Water Board consideration during this triennial review.</p> <p>That notwithstanding, staff have made clear that stakeholders have the option of compiling and presenting to the Board relevant data and information to support a comprehensive re-evaluation of the designated MUN beneficial use through a use attainability analysis (per 40 CFR 131.10(g)) for future consideration by the Los Angeles Water Board.</p>
3.8	LADWP	<p>Elderberry Forebay. As with item 4, LADWP requested that the Regional Board include the assessment of beneficial uses assigned to Elderberry Forebay in the current triennial review list. As indicated in Section 6.1 of the draft report and in paragraph 13 of the resolution, it appears that the Regional Board does not have sufficient resources to prioritize this item. However, adjustments to beneficial uses are necessary to avoid the expenditure of public resources that may be required to attain water quality sufficient to support the currently designated uses. LADWP requests that the Regional Board prioritize this item, and commits to working with the Board to develop the data and information necessary to</p>	See response to comment No. 3.7

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		evaluate the beneficial uses of Elderberry Forebay (Staff Report Section 5.3.3).	
3.9	LADWP	<p>Bacteria provisions. The State Water Board's draft Bacteria Provisions contain language specifying that bacteria TMDLs will be adjusted to account for new water quality objectives at the discretion of the Regional Board. LADWP requests that the Regional Board modify the triennial review priority resolution at "Resolved" item 1.b. to require the Regional Board to revisit existing bacteria TMDLs to identify the changes that may be necessary to adjust the TMDLs to conform with the State Bacteria Provisions (once adopted).</p>	<p>Regarding the imminent statewide bacteria provisions, the purview of the Basin Planning Program will be limited to revisions, as deemed necessary, to the bacteria objectives contained in the Basin Plan, and/or incorporation of statewide bacteria provisions into the Basin Plan.</p> <p>Any revisions to bacteria TMDLs will be the purview of the TMDL program and as such will not be included as a Basin Planning priority.</p>
3.10	LADWP	<p>LADWP appreciates the opportunity to provide comments on the triennial review process. As detailed throughout these comments, LADWP believes that inclusion of these issues on the current triennial review list is essential to safeguarding the region against the impacts of climate change and to developing reliable and sustainable local water supplies. LADWP is ready to partner with the Regional Board to provide data and information in support of these important priorities. LADWP looks forward to working with Regional Board staff in this process.</p>	<p>Comment noted.</p>