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California Regional Water Quality Control Board Los Angeles Region
Attn: Dr. Celine Gallon
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

Celine.Gallon@waterboards.ca.gov.

Subject: 2017-2019 Triennial Review Period

Dear Dr. Gallon:

TECS Environmental is pleased to share with you preliminary comments on the 2017-2019 Triennial Review, whose purpose is to evaluate and perhaps revise water quality standards (WQS) for receiving waters in the Los Angeles Basin.

I. Current WQS Are In Need of Revision

WQS currently listed on the proposed 2016 303(d) list and in the Los Angeles Basin Plan that are not in conformance with federal regulations and USEPA guidance should be voided and revised. With the exception of bacteria, and possibly nutrients, many of the WQS were improperly established for the following reasons:

1. They were based on water quality monitoring in receiving waters during storm events. Federal regulations require in-stream ambient (dry weather) monitoring (40 §122.44). The California Toxics Rule (CTR), a federal regulation (40 CFR Part 131) affirms that WQS are ambient standards. Toxics covered under this rule generally include metals, pesticides, polycyclic hydrocarbons, and polychlorinated biphenyls.

2. They were not adjusted for "real time" hardness using calcium carbonate ($CaCO_3$) at the time water quality samples were collected but instead were based on average or default values resulting in a higher bar for meeting WQS.

3. They did not comply with the *Water Quality Control Policy for Developing California's Clean Water Act, Section 303(d) List*. Specifically, they did not meet the statistical frequency test based on ambient sampling.

Recommendation:

1. The Los Angeles Regional Board should identify WQS that: (1) do not comply with CTR; and (2) *Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List;* and

2. In revising WQS the Regional Board should rely on USEPA guidance, including but not limited to, *Water Quality Standards Handbook, Chapter 7: Water Quality Standards and the Water Quality-based Approach to Pollution Control.*

I. Beneficial Use Identification

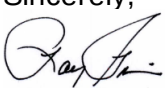
The purpose of WQS and the TMDLs on which they are based is to protect beneficial uses in accordance with the Los Angeles Basin Plan. Beneficial uses contained in the plan are also in need of revision. They are too general. For example, toxicity and metals in receiving waters are believed to impair aquatic and terrestrial life. According to the TMDLs for Dominguez Channel, Los Angeles River, and the San Gabriel River all reaches are beneficial use-listed as either WARM, WILD, WET, or RARE. Metals and toxics impair each of these uses. However, neither the basin plan nor the TMDLs provide specificity in terms of which species of fish, other aquatic life, and terrestrial life are impaired for each reach. Instead, a single standard WQS is assigned to all reaches within a receiving water, which is used to justify a metals or toxics TMDL. The basin plan and these TMDLs do not indicate how many fish or other wildlife are being threatened, nor do they identify their specific reach location. This results in WQS and TMDL "overkill," which also increases compliance costs for subject NPDES Permittees.

Furthermore, most of the receiving waters in the Los Angeles Basin are engineered (concrete-hardened) non-perennial streams. That is they only become flowing rivers and channels during storm events whose primary beneficial use is flood control. Unfortunately, there is no beneficial use designation for flood control. Further, fish in freshwater caught in flood control channels during storms are likely to perish while navigating their way through underwater debris fields or making their way to salt water environments. Nevertheless, some species of fish, other aquatic wildlife, and terrestrial wildlife exist in some reaches of engineered non-perennial streams. WQS, therefore, should be tailored to specifically address each of them instead of relying on a cost-ineffective broad-brush approach. They should also be ambient-based and take into consideration that during dry weather there is little flow in these water bodies, which makes water quality sampling a challenge.

In reviewing beneficial uses, it would be helpful to elicit participation from stakeholders (community organizations and impacted NPDES Permittees) and from such groups including, but not limited to, the Southern California Coastal Watershed Research Project (SCCWRP) and the Council for Watershed Health. SCCWRP, in particular, along with the Regional Board's Surface Water Ambient Monitoring Program (SWAMP) can be helpful in developing WQS based on bioassessments instead of traditional chemical analysis measured against standards developed for sewage effluent management.

In closing, **TECS Environmental** looks forward to the opportunity to offer input during future robust Triennial Review-related discussions. In the meantime, should you have any questions please feel free to contact me.

Sincerely,



Ray Tahir