

ATTACHMENT 2

Assessment of NRDC/LAWK/HTB March 25, 2015 Letter Commenting on Revised Watershed Management Programs (WMP)

Watershed Management Group	Environmental Groups' Summary of Regional Board Comment on Draft WMP	Environmental Groups' Assessment of Revised WMP Responsiveness to Regional Board Comment <i>(page number of March 2015 letter noted for reference)</i>	Regional Board Staff's Assessment of Revised and Final WMP Responsiveness to Regional Board Comment <i>(page number or section of revised/final WMP noted for reference)</i>
<p>(1) Los Angeles River Upper Reach 2</p>	<p>Identify and address Category 3 Water Body-Pollutant Combinations (WBPCs) in RAA and WMP similar to Category 1 WBPCs; analyze load reductions from proposed watershed control measures.</p> <p>The WMP needs to provide support for the assumption that Category 2 and 3 pollutants will be addressed by focusing on the limiting bacteria and metals pollutants.</p>	<p>The Category 3 pollutants [total phosphorus, pH, total suspended solids, chromium, and nickel] are not represented on the Category 1 or 2 lists. (Page 3)</p> <p>It is false that total nitrogen (TN) and Category 1 inorganic nitrogen compounds are "the same pollutant" because TN consists of, in addition to inorganic compounds, various organic nitrogen compounds. The Environmental Groups further state, "[t]here is no evidence that this comment</p>	<p>Tables 2-6 and 2-7 in the revised WMP (pp. 29, 34) and final WMP (pp. 29, 34) list potential Category 3 pollutants. Both note that the data used to identify these Category 3 pollutants are from outside of the Group's boundaries. Therefore, the WMP commits to obtaining data applicable to the LAR UR2 subwatershed area to update the Category 3 pollutants through the Group's Coordinated Integrated Monitoring Program (CIMP) and the adaptive management process. This is a reasonable approach as receiving water monitoring under the previous LA County MS4 Permit was limited to several mass emissions stations (typically one per watershed), which limits the ability of some groups to identify Category 3 pollutants.</p> <p>While it is true that TN and inorganic nitrogen compounds are not the same pollutant, in the RAA, the use of subset of pollutants that are proxies for other Category 1, 2 and 3 pollutants is a reasonable and necessary approach as the models identified for use in the permit were developed to model a subset of pollutants. (For example, the Countywide Watershed Management Modeling System (WMMS) models TN,</p>

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		<p>[by Board staff] was considered." (Pages 3-4)</p>	<p>which includes both inorganic and organic nitrogen compounds.) This is based on the knowledge that the baseline loading, target reductions and anticipated reductions with best management practices (BMP) implementation of other pollutants with similar sources and fate and transport mechanisms will be represented by the subset of modeled pollutants. It is also based on the fact that some pollutants will drive BMP implementation (i.e., these "limiting" pollutants will require the most aggressive suite of BMPs to meet water quality requirements). The revised and final WMP adequately describe this approach and the rationale in Section 4.0 on page 70 and 73, respectively.</p>
<p>(2) Los Angeles River Upper Reach 2</p>	<p>Use General Industrial Stormwater Permit monitoring results and other data to refine estimates of pollutant loading from non-MS4 areas in the RAA and WMP.</p>	<p>Although some of the data may be inadequate, additional data should be used wherever possible, including regional data, data from the literature of the field, and data from permitted industries elsewhere. Using the best available data for this purpose would not be inconsistent with other modeling and analysis strategies pursued in the WMP; e.g., almost all receiving water data relied upon are from outside the reach in</p>	<p>Section 2 of the revised and final WMP was amended to include details on the Group's analysis of industrial stormwater data. The following discussion was included on page 30 of both the revised WMP and final WMP:</p> <p>Monitoring data, from non-MS4 Permittees in the LAR UR2 WMA [watershed management area], were also reviewed, however of 161 General Industrial Permittees within the WMA, only 35 were found to have submitted data to the State Storm Water Multiple Application and Report Tracking System</p>

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		<p>question. (Page 4)</p>	<p>(SMARTS) website. Initially, this data was briefly reviewed and appeared to have little diagnostic value in predicting pollutant sources or loads. Following receipt of the Board WMP comment letter, the analysis was repeated and again the data was found to be of limited value in guiding either current pollutant sources assessments or developing credible industrial land use pollutant EMCs. In the majority of cases, the monitoring data appeared variable and inconsistent, reported with mistaken concentration units, and the analytical parameters tracked were unrelated to likely facility pollutants or observed watershed impairments. A determination was made that this data did not meet the RAA Guideline criteria for being sustentative and defensible.</p> <p>When presented with this analysis, Board staff agreed that the data were not appropriate to use to refine estimates of pollutant loading from industrial facilities within the LAR UR2 WMA. Consequently, the LAR UR2 Watershed Management Group relied upon the regional event mean concentrations (EMCs) to determine</p>

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			<p>baseline loading from industrial areas within its subwatershed area. The analysis of monitoring data submitted by general industrial stormwater permittees within the subwatershed and discussion of TMDL source assessments in Section 2.3, and the use of regional land use specific EMCs in the RAA, adequately addressed Board staff's comment.</p>
<p>(3) Los Angeles River Upper Reach 2</p>	<p>Specify why the LA River metals TMDL is not included as Category 1a since some compliance deadlines have passed.</p> <p>The WMP does not specify a strategy to comply with interim LA River metals TMDL WQBELs and specifically needs to be revised to document either that past deadlines have been achieved or provide a strategy to do so.</p>	<p>No assessment was provided by the Environmental Groups, but the following statement was in the letter, "[t]here is no evidence that this comment was considered." (Page 4)</p>	<p>A number of Permittees opted to further subcategorize pollutants within Categories 1, 2 and 3, though such subcategorization is not required by the permit. In this case, the revised WMP does not specify why metals are not included in Category '1a,' but the revised and final WMP does accurately identify the past interim compliance milestones for metals in Table 1-6 (p. 18) and appropriately identifies metals as Category 1 pollutants in Tables 2-6 and 2-7 (pp. 29, 34).</p> <p>Both also note the following in Section 2.3 Source Assessment, which informs the Group's prioritization of pollutants, "[a]s summarized in the Los Angeles River Metals TMDL CMP Annual Reports, dry-weather monitoring data from stations adjacent to the LAR UR2 WMA were rarely in exceedance for metals." The revised and final WMP clearly state that the Group will continue to</p>

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			<p>monitor for dry weather metal concentrations, as proposed in the CIMP, and implement the structural and non-structural watershed control measures identified in Section 5 to further identify and control the sources of metals in runoff and LAR UR2 WMA receiving waters. Through the CIMP, data will be obtained to evaluate whether past deadlines have been achieved. This adequately addressed Board staff's comment.</p>
<p>(4) Los Angeles River Upper Reach 2</p>	<p>The WMP needs to include a firm schedule for implementation of trash TMDL BMPs.</p>	<p>The Environmental Groups' state that there is no evidence that this comment was considered. (Page 4)</p>	<p>Both the revised and final WMP include the final implementation date of October 1, 2015 in Table 5-1 on pages 104 and 117, respectively, which is consistent with the trash TMDL schedule. The revised WMP identified challenges with retrofitting remaining catchbasins with full capture devices (p. 40). However, the approval letter included a condition, directing the Group to include a strategy to address the remaining catchbasins as necessary to comply with the trash TMDL. The final WMP includes discussion of the Group's final trash TMDL implementation steps to overcome these retrofitting challenges in Section 3.1.5.3 on page 41.</p>

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<p>(5) Los Angeles River Upper Reach 2</p>	<p>The WMP should provide as much specificity as feasible in describing the locations of LID streets and permittees responsible for them.</p>	<p>The Environmental Groups state that the information in the draft and revised WMP is insufficient. (Page 5)</p>	<p>Table 4-10 of the revised and final WMP lists the extent of LID streets that will be required within the jurisdiction of each LAR UR2 Permittee. Additionally, Section 4.3.3.2 (Revised WMP) and Section 4.5.2 (Final WMP) state, "...they [LID streets] will be located near runoff collection or discharge points where their benefit is most easily accessed and quantifiable. LID Streets were applied to treat 25 percent of commercial and residential land uses in areas that were not tributary to proposed regional BMPs on the Los Angeles River side of LAR UR2 WMA." The revised WMP identifies three near-term LID street BMPs in Section 4.3.3.2. The approval letter included a condition, directing the Group to provide interim milestones for LID Street implementation associated with the areas identified in Table 4-10. The Final WMP provides additional interim milestones for both specific projects and overall green street implementation in Table 5-1. The Final WMP also includes additional detail in Section 3.3.3 on green street projects in progress or recently completed with the LAR UR2 WMA, and greater detail in Section 4.5.2 on the type, location and treatment scale of planned green street projects. The additional detail and commitments adequately addressed Board staff's comment.</p>

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<p>(6) Los Angeles River Upper Reach 2</p>	<p>The WMP should provide more detail on how the adaptive management process will be implemented.</p>	<p>There is no evidence that this comment was considered, and the subject is crucial to success in reaching compliance. (Page 5)</p>	<p>Section 1 of the revised and final WMP state, "[t]his WMP plan is a critical component of the iterative Adaptive Management Process (AMP) strategy and will be updated every two years as described in the MS4 Permit, or amended with minor corrections as warranted by changing regional precedents and the development of new scientific and technical data." The final WMP also states in Section 4.0, "...CIMP implementation, outfall monitoring, and the adaptive management process, should allow directly applicable local LAR UR2 WMA models to be developed, tested, and calibrated based on observed data, allowing revision of this initial RAA and consideration of different pollutants, standards, and implemented watershed control measures" (p. 79). The Executive Officer also provided additional direction on the adaptive management process to all Permittees implementing a WMP in the letters approving the WMPs.</p>
<p>(7) Los Angeles River Upper Reach 2</p>	<p>The WMP needs to include specific commitments to implement the non-structural BMP enhancements, or not rely upon the 5% load</p>	<p>A comparison of page numbers is by no means documentation that load reduction will result. Non-</p>	<p>On the basis of discussions at technical advisory committee (TAC) meetings and, specifically, RAA subcommittee meetings, the RAA guidance document developed by</p>

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	<p>reduction anticipated from their use.</p>	<p>structural BMPs beyond street vacuuming are ignored. (Page 5)</p>	<p>Regional Board staff allows Permittees to assume a 5% reduction in pollutant load from the baseline load in light of the additional minimum control measures (MCMs) in the 2012 permit as compared to the 2001 permit.</p> <p>Section 3.1 of the Revised WMP discusses new minimum control measures (MCM) provisions of the 2012 permit that will support a reduction in pollutant loads, while Table 3-8 on page 68 identifies specific non-structural BMPs that will be implemented by the Permittees of the LAR UR2 WMA consistent with, or in addition to, the baseline provisions of the 2012 permit. Table 3-8 includes a suite of non-structural BMPs; street vacuuming is only one among this suite.</p> <p>The Executive Officer's approval letter included conditions, directing the Group to revise certain sections of the WMP to clarify the Permittees' commitments regarding non-structural BMP implementation. Sections 3.1 and 4.4.4 of the final WMP note some of the differences in MCM requirements from the 2001 permit and the 2012 permit, and Table 3-8 of the final WMP (pp. 69-70) provides greater specificity with regard to the non-structural BMPs that each Permittee within the LAR UR2 WMA will implement, including</p>

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			<p>the timing of implementation. This adequately addressed Board staff's comment.</p>
<p>(8) Los Angeles River Upper Reach 2</p>	<p>The WMP is predicated on the assumption that industries will eliminate their contributions to receiving water exceedances as required by their permits. However, it is important that the jurisdictions ensure that industries implement required BMPs through various actions, such as tracking critical sources, education, and inspection.</p>	<p>The draft WMP is vague and does not even name, let alone commit to, specific measures such as those mentioned in the Board's comment. (Page 6)</p>	<p>In the revised and final WMP, the LAR UR2 Watershed Management Group commits to complying with all Industrial/Commercial Facilities Pollutant Control Program provisions of the 2012 permit. In the Final WMP, Table 3-8 is revised to include specific commitments to non-structural BMPs in addition to implementation of the baseline provisions of the Industrial/Commercial Facilities Pollutant Control Program provisions and indicates each Permittee's specific commitments, including timing of implementation. Additionally, Section 3.1.1.2 of the Final WMP considers additional enhancements to the program in certain jurisdictions with more extensive industrial area (e.g., City of Commerce).</p>
<p>(9) Los Angeles River Upper Reach 2</p>	<p>The differences between baseline concentrations/loads and allowable concentrations/loads should be presented in a time series for each pollutant...</p> <p>In addition, a detailed explanation should be provided of the calculations used to derive the</p>	<p>There is no evidence that this comment was considered. (Page 6)</p>	<p>Section 4.4 (Modeling Output) of the Revised WMP and Section 4.5 (Modeling Output) of the Final WMP states:</p> <p>[t]he following tables present individual and summed BMP load reductions for fecal coliform, copper, and zinc for the Los Angeles River and Rio Hondo</p>

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	<p>target load reductions.</p> <p>Note: The March 25, 2015 Letter referenced RAA Comment B3, but misstated comment to read, "Give model output for interim WQBELs."</p>		<p>drainage areas. The following tables will follow the units presented in Attachment O of the MS4 Permit. Bacteria loads will be presented in MPN/day, and metal loads will be presented in kg/day. Bacteria load reduction results (Table 4-20 and Table 4-21) are shown for the final wet-weather bacteria TMDL compliance date of 2037, modeled using rainfall data from the 90th percentile year based on wet days (2011). Metals load reduction results (Table 4-22 and Table 4-23) are shown for the final wet-weather metals TMDL compliance date of 2028, modeled using rainfall data from the 90th percentile year based on rainfall (1995). Average (mean) load reduction results are shown, as well as the interquartile ranges (25th to 75th percentiles), to reflect model output variability, which is primarily driven by land use EMC variability.</p> <p>Time series data were provided to the Board in model output files. Total BMP load reductions that exceed the target load reductions (TLRs) indicate that reasonable assurance (of meeting the permit limits) has</p>

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			<p>been demonstrated for that pollutant for that drainage area. This explanation along with the model output files adequately addressed Board staff's comment.</p>
<p>(10) Los Angeles River Upper Reach 2</p>	<p>Describe how the model was calibrated.</p>	<p>This [description in section 4.5] does not demonstrate calibration. A calibration adjusts model parameters as needed to bring observed and simulated values into as much agreement as can be accomplished. What the final sentence of the response describes is not calibration but instead a verification step, which is a demonstration of the degree of difference that still exists between an independent observed data set and simulated values after calibration. There is no evidence presented that either operation has been completed. (Page 6)</p>	<p>Section 4.1.3.1 (Hydrology Calibration) of the Final WMP details the approach used for model calibration. It states, in part, "[a]s part of the Los Angeles County WMMS system, the LSPC module, including the Los Angeles River Watershed, was calibrated for hydrology and water quality performance. Input parameters and model settings were not modified during the LAR UR2 WMA RAA, so the original County calibration results should continue to apply; however they are partially repeated and summarized herein, with an emphasis on local or WMA applicability" (p. 75). Section 4.1.3.1 also clarifies the calibration process by stating, "[t]he County calibration documentation allows us to compare and summarize LSPC predicted and observed flows for key locations within watershed. As shown in Figure 4-1, for the Los Angeles River at Sepulveda Dam from October, 2002 to October, 2006, an average difference of 1.25% in annual stream volumes was observed placing these results within RAA Guidelines 'very good' range. For the period between October 1988 and October 1992 as shown in Figure 4-2, the watershed LSPC</p>

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			<p>model similarly compared favorably with downstream USGS gauge 11103000, with an average difference of only 4.37%, which is also within the 'very good' range." (p. 75) Additionally, in the Executive Officer's approval letter, a condition was included to provide the comparison of runoff volumes from Loading Simulation Program in C++ (LSPC) and Structural BMP Prioritization and Analysis Tool (SBPAT) as an appendix or subsection to the model calibration section. The Final WMP provided this comparison in Table 4-2 on page 89. This is a reasonable approach given available data for the LAR UR2 WMA. The approval letter also directed the LAR UR2 Watershed Management Group to refine and recalibrate its RAA based on data obtained through the Group's CIMP, which will be specific to the LAR UR2 WMA, as part of the adaptive management process.</p>
<p>(1) Lower Los Angeles River</p>	<p>Consider other TMDL source investigations (e.g., for metals).</p>	<p>No difference in draft and revised WMPs in how metals TMDL results were reported or used in section 2.2.4, in particular for source investigation. (Page 7)</p>	<p>Section 2.2.4 is part of the Water Quality Characterization section of the WMP rather than the Source Assessment section. Data collected since 2008 per the LA River Metals TMDL are presented in this section.</p> <p>The WMP's source assessment in Section 2.3 (starting on page 2-34) considers TMDL source investigations by citing TMDL findings that were not included in the draft</p>

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			<p>WMP. For example:</p> <ul style="list-style-type: none"> - Pg. 2-36: LA River Nitrogen Compounds and Related Effects TMDL – Wastewater reclamation plants are largest source of nutrient loadings; - Pg. 2-37: LA River Metals TMDL – Stormwater accounts for the majority of annual loading for various metals (40-95%); POTWs are primary source of metal loadings in dry weather; - Pg. 2-34: LA River Bacteria TMDL – Dry weather urban runoff and stormwater are the primary sources of bacterial loading in the watershed; and - Pg. 2-39: LA River Trash TMDL – Urban runoff is the dominant source of trash. -
<p>(2) Lower Los Angeles River</p>	<p>Need: (1) map of major outfalls and structural controls, (2) outfall database, (3) maps of 53 subcatchments or process and schedule to develop.</p>	<p>Maps of major outfalls and structural controls is a permit requirement, which is not met here. (Page 7)</p>	<p>The LLAR Group has provided maps of major outfalls and structural controls (see Revised WMP, Section 3.4.3.3, Figure 3-16 and Chapter 4). Information pertaining to the outfall database was submitted with the CIMP. What the Group cannot provide readily are the drainage areas associated with each major outfall. However, Board staff's original comment states that if maps are not readily available, a process and timeline can be proposed.</p>

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			<p>The LLAR Group has indicated the difficulty of providing the requested catchment area information as part of its WMP submittal and has made a 1-year timeline to provide the catchments for major outfalls with significant discharges and outfalls where stormwater monitoring will occur. The CIMP also notes that refinement of catchment areas for major outfalls is ongoing. This adequately addressed Board staff's comment.</p>
<p>(3) Lower Los Angeles River</p>	<p>Demonstrate schedule ensures compliance as soon as possible.</p>	<p>The program needs to more clearly demonstrate that the compliance schedule (section 5) ensures that compliance can be achieved "as soon as possible." (Page 7)</p>	<p>The revised WMP (pg. 5-1) includes new language that clarifies the Group's strategy: "Meeting the load reductions determined by the RAA results in an aggressive compliance schedule in terms of the technological, operational, and economic factors that affect the design, development, and implementation of the necessary control measures."</p> <p>The revised WMP provides an estimate of the cost of structural BMPs, and based on this estimated cost, reiterates the financial difficulties and uncertainties of implementing the WMP (particularly the lack of funding sources for controls), and concludes that the compliance schedule is as short as possible to allow time to both address technological and operational challenges and to secure the necessary funding to implement the watershed control measures in the WMP.</p>

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			<p>This additional clarification is a sufficient response to the comment. The Group's existing strategy to control pollutants "as soon as possible" is sound.</p>
<p>(4) Lower Los Angeles River</p>	<p>Address if limits for pollutants not addressed by TMDLs could be complied with in a shorter time.</p>	<p>There is no evidence that this comment was considered. (Pages 7-8)</p>	<p>This comment is similar to the above comment that compliance schedules for non-TMDL pollutants are "as soon as possible." The clarification provided by the Group in Section 5 (pg. 5-1) of the revised WMP on how the Group's strategy for meeting load reductions determined in the RAA is an aggressive compliance schedule is sufficient with respect to this comment.</p>
<p>(5) Lower Los Angeles River</p>	<p>More specificity on type, number, location, and timing of watershed controls. "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." Regional Water Board staff recognizes uncertainties may complicate establishment of specific implementation dates, however there should at least be more specificity on actions within the current and next permit terms.</p>	<p>As is the case with the Lower San Gabriel River ("LSGR") WMP, this passage has interpreted the Board's requirement for [as soon as possible] ASAP compliance in strictly financial terms, with additional indeterminate delays added for acquisition and "conversion." This response, and other statements throughout the document, make it clear that no commitments to "specificity or actions" or associated timelines have been provided.</p>	<p>The compliance schedule for nonstructural BMPs contained in Table 5-1 (pg. 5-3) of the Revised WMP contained some indeterminate milestone dates and in the case of TCM-RET-1 "Encourage Downspout Disconnects," no interim milestones or milestone dates. The Executive Officer's approval letter included a condition, directing the Group to modify the milestones for these BMPs. The Final WMP addressed this condition by including additional milestones and dates for their achievement. Section 5.2 (pg. 5-4) lists structural LID BMPs that are to be constructed within this permit term; however, the revised WMP did not contain definitive milestone dates nor did</p>

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		<p>For those actions with starting dates, both the draft WMP and revised WMP (with just 7 months between them) fail to demonstrate that actionable steps have been taken. For example, Table 5-1 in both documents lists the "Nonstructural TCM Compliance Schedule." However, of the items in the 2014 table with associated 2014 start dates, several are now listed in the 2015 table as having 2015 start dates (e.g., "Enhance tracking through use of online GIS MS4 Permit database" and "Exposed soil ordinance")—clearly, no assurances can be assumed from these documents. There is also no pathway between scheduled completion dates and interim compliance deadlines, as requested by the Board's comment and required by the 2012 Permit. (Pages 8-9)</p>	<p>it specify the Permittees responsible for the projects. The Executive Officer's approval letter included a condition, directing the Group to add definitive dates for these structural BMPs. The Final WMP includes two new tables, Tables 5-2 and 5-3, which provide detail on the Permittees responsible for each LID BMP, and the deadlines and status for the project tasks (pgs. 5-4 to 5-5).</p> <p>Regarding other structural BMPs, the Revised WMP includes a pollutant reduction plan in Section 5.4 (pg. 5-7) that indicates the BMP volume that each Permittee needs to install within its jurisdiction at 31%, 50%, and Final milestone dates (these milestones occur in 2017, 2024, and 2028, respectively) and also identifies regional projects that could support achieving the 31% and 50% milestones.</p> <p>These details on structural and non-structural BMPs adequately address Board staff's comment.</p>

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<p>(6) Lower Los Angeles River</p>	<p>The draft WMP proposes a final compliance date of September 2030 for bacteria in the LA River Estuary. However, the Group does not provide sufficient justification for this date. ... Additional milestones and a schedule of dates for achieving milestones should be defined for addressing bacteria discharges to the LA River Estuary.</p>	<p>The response only addresses a schedule for submittals, not for achieving milestones. (Page 9)</p>	<p>The Group did not address this comment in the Revised WMP. The Load Reduction Strategy schedule for LAR Estuary was inadequate.</p> <p>The Executive Officer's approval letter included a condition, directing the Group to change the dates of submittals and implementation, as well as a date for when final water quality based effluent limitations (WQBELs) should be achieved. Section 5.4.10 of the Final WMP includes a revised Table 5-4, which provides milestones and a revised schedule of dates for achieving milestones sooner than initially proposed. The Executive Officer determined these revisions adequately addressed the condition in the approval letter.</p>
<p>(7) Lower Los Angeles River</p>	<p>The WQBELs that are established in the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL shall be achieved through implementation of the watershed control measure proposed in the WMP. However, the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL appears to be completely omitted from the draft</p>	<p>There is a section in the 2014 WMP (3.4.1.6) on these TMDLs, but no change was made in this section of the document and there is no inclusion or analysis of pollutant controls, as requested.</p>	<p>On pgs. 38-39 of Appendix 4, A-4-1 Reasonable Assurance Analysis, the Group demonstrates that their limiting pollutant approach takes into account the Harbor Toxics TMDL by evaluating DDT, PCB, and PAHs in its RAA. The Group states that implementing control measures that control zinc will achieve the load reductions required to achieve the WQBELs of the Harbor Toxics TMDL. This is a reasonable assumption and consistent with the Harbors Toxics TMDL, in which the Board acknowledges that implementation of other TMDLs in the</p>

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	<p>WMP. The draft WMP did not include and analyze a strategy to implement pollutant controls necessary to achieve all applicable interim and final water quality-based effluent limitations...</p> <p>Pursuant to Section VI.C.5.a., the WMP should be revised to include an evaluation of existing water quality conditions, classify them into categories, identify potential sources, and identify strategies, control measures, and BMPs as required in the permit for San Pedro Bay unless MS4 discharges from the LLAR WMA directly to San Pedro Bay are being addressed in a separate WMP.</p> <p>--</p>	<p>There is only one reference in the document to San Pedro Bay, as follows and unchanged from the 2014 version: "In addition, the Cities of Signal Hill and Long Beach, and the LACSD developed a Contaminated Sediment Management Plan to support the long-term recovery of sediment and water quality in the Long Beach Harbor, Eastern San Pedro Bay, and the LAR Estuary." (p. 3-30). This is an insufficient response.</p>	<p>watershed may contribute to the implementation of the Harbors Toxics TMDL.</p> <p>For this reason, no condition was included in the approval letter to address this comment.</p> <p>The Group explained to Board staff that discharges to San Pedro Bay will be addressed by the City of Long Beach's WMP, which is currently under review by Board staff. As a note, the City of Long Beach is the only Group member adjacent to San Pedro Bay; however, the portion of Long Beach included in the Lower LA River WMP Group is primarily adjacent to the LA River Estuary, not San Pedro Bay.</p> <p>As the original comment notes, this approach is appropriate. Therefore, no condition was included in the Executive Officer's approval letter to address this comment</p>

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	<p>The draft WMP provided corresponding implementation schedules for nonstructural BMPs, which are assumed to result a 10% reduction in pollutant load. For structural BMPs, general implementation timeframes are given...to meet 31% and 50% of the compliance target by 2017 and 2024, respectively. However, greater specificity should be provided with regard to these dates, and additional milestones and dates for their achievement between 2017 and 2024 should be included.</p>	<p>--</p> <p>Identical wording as in the LSGR WMP was added here as well; it is no more responsive to the comment on this plan as it is for the LSGR WMP. (Pages 9-10)</p>	<p>--</p> <p>The Group discusses structural controls on pg. 5-4 noting that: "Uncertainties associated with the structural controls complicate establishment of specific implementation dates. Despite this uncertainty the Group has made a diligent effort to provide a clear schedule of specific actions within the current and next permit terms in order to achieve target load reductions."</p> <p>To substantiate this statement, the Group has provided additional detail in its Table 5-1 for nonstructural BMPs and has added information in Section 5.3.2 on its approach to implement structural controls:</p> <p>Right-of-Way (ROW) BMPs:</p> <ul style="list-style-type: none"> - Will be considered when new capital improvement projects are being constructed. - The Strategic Transportation Plan will redevelop major transportation corridors and will require that structural stormwater BMPs are incorporated into these projects where feasible. <p>Adaptive Management will provide an assessment of the effectiveness of these 2 pathways for ROW BMPs in contributing to metals reductions.</p>

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			<p>Regional BMPs:</p> <ul style="list-style-type: none"> - Preliminary site assessments and feasibility studies by March 2016 - Field analysis of selected sites by December 2016 <p>The Group included additional detail on its Prop 84 Grant projects in Section 5.2; however, this section still lacked specific milestone dates. The Executive Officer's approval letter included a condition, directing the Group to provide definitive dates with respect to these projects. The Final WMP includes two new tables, Tables 5-2 and 5-3, which provide detail on the Permittees responsible for each LID BMP, and the deadlines and status for the project tasks (pgs. 5-4 to 5-5).</p> <p>Regardless of the "uncertainty" that the Group cites in the WMP, the Board will treat the volume reduction milestones in 2017 and 2024 as compliance metrics for the Group.</p>
<p>(1) Lower San Gabriel River</p>	<p>Although section 3 includes a compliance strategy, the program needs to more clearly demonstrate that the compliance schedules (section 5) ensure compliance is "as soon as possible."</p>	<p>This passage [in Compliance Schedule, page 5-1] has interpreted the Board's requirement for [as soon as possible] ASAP compliance in strictly financial terms, with additional indeterminate</p>	<p>The Group reasonably justifies that their strategy will achieve compliance with receiving water limitations (RWLs) as soon as possible.</p> <p>The WMP conveys the uncertainty and financial hurdles faced by the Group as well</p>

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	<p>The WMP needs to provide a clear schedule that demonstrates implementation of the BMPs will achieve the required interim metal reductions by the compliance deadlines. The WMP schedule should at the least provide specificity on actions within the current and next permit terms.</p>	<p>delays added for acquisition and "conversion." It also expresses the judgment (drawn from section 5.3.1 of the RAA [Appendix 4-1]) that compliance schedules need only be evaluated for zinc, since other pollutants will be reduced at least as rapidly.</p>	<p>as the fact that the Group must control several different pollutants, including pollutants specified in TMDLs.</p> <p>The Group's strategy of controlling other pollutants as it implements its schedule to control the limiting pollutant zinc through nonstructural control measures and structural control measures is sound and consistent with the Board's integrated water resources approach to TMDL implementation, which is characterized by implementation measures that address multiple pollutants and achieve other benefits. The Group provides a pollutant reduction plan with interim milestones that specifies BMP volume capacity compliance targets that the Group must meet. These targets are specified at the jurisdictional and subwatershed levels (see Attachment B to the RAA – Detailed Jurisdictional Compliance Tables).</p> <p>The Group's comment about conversion of land and acquisition is with regards to regional BMPs. However, it should be noted that the potential initial scenario of control measures presented in the Group's pollutant reduction plan specifies BMP capacity to be installed through right-of-way BMPs and LID BMPs on public parcels, leaving a remaining BMP volume to be handled through</p>

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		<p>This response, and other statements throughout the document, make it clear that no commitments are made to "specificity or actions" or associated timelines. For those actions with starting dates, even the draft and revised WMPs with just 7 months between them, demonstrate a failure to perform. For example, Table 5-1 in both documents lists the "Nonstructural TCM Compliance Schedule." However, of the items in the 2014 table with associated 2014 start dates, several are now listed in the 2015 as having 2015 start dates (e.g., "Enhance tracking through use</p>	<p>"Potentially Regional BMPs," provided in the WMP's RAA (shown in Tables 9-6 and 9-7), constituting only ~2% of the BMP capacity to be installed.</p> <p>Right-of-Way BMP volume = 94.8 acre-feet (af) Estimated LID on Public Parcels = 21.8 af Remaining BMP Volume/Potentially Regional BMP = 2.2 af</p> <p>The Group provides specificity in its control measures by specifying the number of BMPs to be implemented in terms of BMP capacity volume. It then provides milestones for the installation of this BMP capacity volume.</p> <p>The Group commits to achieving milestones on page 5-5 stating: "...over time the Watershed Group will report and demonstrate that the summative effects of projects implemented add up to the required reductions for interim milestones and final targets."</p> <p>Taken altogether, the above information addressed Board staff's comment.</p> <p>Regarding the starting dates for nonstructural BMPs in Table 5-1, the cited start dates were specified as ranges in the draft WMP. For example the start date for</p>

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		<p>of online GIS MS4 Permit database"; "Exposed soil ordinance"—clearly, no assurances can be assumed from these documents. There is also no cross-walk between scheduled completion dates and interim compliance deadlines, as requested by the Board's comment and required by the 2012 Permit. (Pages 10-12)</p>	<p>"Enhanced tracking through use of online GIS MS4 Permit database" was 2014-2017. These dates were modified to be more specific in the revised WMP and to include associated milestones to track progress. To address instances where a milestone date was not specific, the Executive Officer's approval letter included a condition that the Group modify the milestone. The Executive Officer determined that the Final WMP addressed this condition.</p>
<p>(2) Lower San Gabriel River</p>	<p>For waterbody-pollutant combinations not addressed by TMDLs, the MS4 Permit requires that the plan demonstrate...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 achieved in a shorter time frame.</p>	<p>There is no response to this comment; the RAA continues to not address whether compliance with limitations for pollutants not addressed by TMDLs could be achieved in a shorter time frame. (Page 12)</p>	<p>The Group responds to this comment in Section 5 of the WMP through its justification that their strategy is "as soon as possible." This comment is a corollary to the above comment and is sufficiently addressed.</p>
<p>(3) Lower San Gabriel River</p>	<p>"...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."</p>	<p>This response clearly implies no commitment beyond good intentions and a (mandated) willingness to track progress (or its lack thereof) through the permit cycle.</p>	<p>The Group commits to the compliance milestones that are to be achieved through a mixture of structural BMPs, including green street conversion. Compliance with the 2017 first-term</p>

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		<p>(Pages 12-13)</p>	<p>milestone is planned to be achieved through the implementation of non-structural control measures, which the Group provides more specificity (as compared to the draft WMP) in Table 5-1 by providing specific start dates and additional milestones prior to 2017.</p>
<p>(4) Lower San Gabriel River</p>	<p>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.</p> <p>...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: (1) a 10% reduction in metals loads during wet weather and a 30% reduction in dry weather by 2017 and (2) a 35% reduction in metals loads during wet weather and a 70% reduction during dry weather by 2020.</p>	<p>Given the vague nature of nearly all of the "milestones" (see above), there is no direct linkage between actions, meeting interim requirements, and schedule to ensure even the 2017 targets.</p> <p>(Pages 13-14)</p>	<p>The Group's 2017 10% reduction milestone is proposed to be met entirely based on nonstructural controls. They cite:</p> <ul style="list-style-type: none"> - Expanded nonstructural MCMs in the MS4 permit (particularly Development Construction Program) - Expanded non-stormwater discharge control measures in the MS4 permit - Nonstructural targeted control measures (e.g., ordinances, increased street sweeping, promotion of downspout retrofits, etc.) <p>To track this, the nonstructural targeted control measures that the Group has developed have a compliance schedule with associated milestones.</p> <p>However, due to the nature of these measures being contingent upon political will (e.g., ordinances), public involvement (e.g., downspout retrofits), and external forces (e.g., source control regulations on metals and grant-funded based projects),</p>

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			<p>implementation of these measures carries with it a degree of uncertainty. Because of this, the Executive Officer's approval letter included a condition that the Group include, where appropriate, more definitive milestones for the nonstructural control measures listed in Table 5-1 and the structural control measures listed in Section 5.2. In the Final WMP, the Group revised milestones for the BMPs listed in Table 5-1 and included jurisdiction-specific milestones (with milestone dates from 2015 to 2017) for the construction and completion of the structural BMPs listed in Section 5.2. The Executive Officer determined that this adequately addressed the condition in the approval letter.</p>
<p>(5) Lower San Gabriel River</p>	<p>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 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.</p>	<p>As with other issues, there is no linkage between identified control measures and compliance schedule or milestones. Although there is a plausible set of measures to control zinc (and, by association, all other pollutants), there is no indication that they will ever be implemented. (Page 14)</p>	<p>There is a direct linkage between control measures and milestones since the Group commits to pollutant reduction milestones in 2017 (10%) and 2020 (35%); and a final milestone in 2026 (100% of required reduction based on the RAA). Although the specifics of the locations of the control measures are not set-in-stone, the required BMP volume capacity that the Group needs to implement are clearly set by jurisdiction and by subwatershed.</p> <p>This means that the Group is responsible for implementing a suite of control measures</p>

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			<p>that will achieve the volume capture milestones calculated from the RAA. These BMP volume capture milestones and dates for their achievement are compliance metrics for the Group. This adequately addressed Board staff's comment.</p>
<p>(6) Lower San Gabriel River</p>	<p>For dry weather, the WMP assumes a 25% reduction in irrigation (RAA, section 7.1.2). Additional support should be provided for this assumption, particularly since the group appears to be relying almost entirely on this non-structural BMP for near-term pollutant reductions to meet early interim milestones/deadlines.</p>	<p>The justification for 25% reductions may be plausible but is hardly "conservative" (as stated in the text); it also presupposed implementation of actions that would lead to such an outcome. The text also invokes emergency drought regulations as an example of how public education can reduce water use, although its applicability to long-term reductions is nowhere clarified. (Page 14-15)</p>	<p>The Group supports the 25% by citing studies that report water reductions from institution of conservation programs. They also commit to reevaluate this assumption. This adequately addressed Board staff's comment.</p> <p>As a reference, the RAA models existing condition dry-weather loads using 2003 and 2008 dry weather flows for Aug 17-Sep 30.</p>
<p>(7) Lower San Gabriel River</p>	<p>Page 6-1 notes that "[t]he final non-TMDL water quality standard compliance date is projected to be sometime in 2040." However, the pollutant reduction plan milestones in Section 5 only appear to go up to the year 2026. For watershed priorities related to addressing exceedances for receiving water</p>	<p>There are no milestones, based on measureable criteria or indicators, an explicit schedule, or a final compliance date. (Page 15)</p>	<p>The 2026 date provided by the Group is the final compliance date for the San Gabriel River Metals TMDL and, through the Group's limiting pollutant approach, the compliance date used for the Category 1, 2, and 3 pollutants identified in the WMP.</p> <p>The cited 2040 date for bacteria serves as a backup date if, through adaptive</p>

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	<p>limitations, the permit requires milestones based on measureable criteria or indicators, a schedule with dates for achieving the milestones, and a final date for achieving the receiving water limitations as soon as possible. These need to be included in the revised WMP.</p>		<p>management and future model simulations, the 2026 deadline for zinc is inadequate to control bacteria. The 2040 date is based on schedules for other bacteria TMDLs.</p> <p>As an additional note, a SGR bacteria TMDL was recently adopted by the Board and the implementation schedule provides MS4 Permittees up to 20 years from the effective date of the TMDL to achieve the wet weather TMDL wasteload allocations. When the permit is reopened or reissued, and provisions consistent with the assumptions and requirements of the SGR bacteria TMDL are incorporated, the Group will be required to revise its WMP consistent with the implementation schedule of the TMDL.</p> <p>The Executive Officer's approval letter included a condition, directing the Group to clarify the bacteria compliance schedule with the language: "If it is determined through the adaptive management process that required bacteria load reductions may not be met by controlling for zinc, then the WMP will be modified to incorporate bacteria milestones with measureable criteria or indicators consistent with any future bacteria TMDL for the San Gabriel River and with, at the latest, a final deadline of 2040." The Final WMP included this language in Section 5.4.14 on page 5-23.</p>

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<p>(8) Lower San Gabriel River</p>	<p>As proposed in the WMP, the 10% load reduction was assumed to result from the cumulative effect of nonstructural BMPs. There is uncertainty in the ability of these BMPs to meet the required reductions by September 2017.</p> <p>Additional support for the anticipated pollutant load reductions from these non-structural BMPs and source control measures over the next two to three years should be provided to increase the confidence that these measures can achieve the near-term interim WQBELs by September 2017.</p> <p>--</p> <p>Section 5 Compliance Schedule of the draft Watershed Management Plan only provided implementation schedule for non-structural targeted control measures up to 2017. The LSGR Watershed Management Group must provide measurable</p>	<p>No "additional support" was provided.</p> <p>While this issue has been acknowledged through the changes in the WMP, it has not been addressed. (Pages 15-16)</p>	<p>The Group added two additional subsections in section 4 of their WMP to provide additional support for the sufficiency of nonstructural controls to cumulatively meet the 10% load reduction milestone.</p> <p>This comment is related to previous comments regarding nonstructural BMPs.</p> <p>--</p> <p>The Group adds additional specificity to its compliance schedule in Section 5.1.</p> <p>In the sense that "measurable milestones" refer to things that are quantitative and/or definitively scheduled on a particular date, the compliance schedule may appear to be lacking. However, given the types of nonstructural controls that the Group is pursuing, anything of this nature is not likely reasonable.</p> <p>However, the schedule still provides a way to track progress towards interim and final WQBELs. The change is that, instead of preemptively setting a milestone to be met by a particular date, the Group instead will</p>

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	<p>milestones for implementing each one of the proposed control measures that will allow an assessment of progress toward the interim and final WQBELs and receiving water limitations every two years.</p>		<p>provide information on the successes and failures of its planned nonstructural controls. This gives information on whether the Group's proposed nonstructural control measures are actually having any on-the-ground impact.</p> <p>This comment is related to previous comments regarding specificity.</p> <p>The above revisions adequately addressed Board staff's comment.</p>
<p>(9) Lower San Gabriel River</p>	<p>The report needs to present the same information, if available, for non-stormwater runoff. Alternatively, the report should include a commitment to collect the necessary data in each watershed area, through the non-stormwater outfall screening and monitoring program....</p>	<p>There is no evidence in either the 2015 RAA or the revised WMP that this comment was addressed. (Page 17)</p>	<p>The revised WMP does not include the same information for non-stormwater runoff; however, it includes additional information to support the assumptions used in its dry weather analysis:</p> <ul style="list-style-type: none"> - 10% nonstructural BMP assumption in Section 4.3 - 25% irrigation reduction assumption in Section 4.2.1 <p>In Section 4 of the WMP, the Group commits to re-calibrate its modeling as data is collected through its monitoring program (which includes the non-stormwater outfall screening and monitoring program).</p> <p>As explained in Section 7.1.2. of the RAA (Appendix A-4-1, pg. 51), for non-stormwater flows, the Group assumes a 10% load</p>

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			<p>reduction from nonstructural BMPs and a 25% reduction in irrigation, which leads to another modeled load reduction. The remaining load reduction required for dry weather is assumed to be addressed by structural BMPs.</p> <p>Since the Group is committed to recalibrate modeling with new monitoring data and evaluate the above assumptions, the revised WMP adequately addressed Board staff's comment.</p>