



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

September 13, 2010

Renee Purdy
California Regional Water Quality Control Board
Lost Angeles Region
320 West Fourth Street, Suite 200
Los Angeles, CA 90013

Dear Ms. Purdy,

The U.S. Environmental Protection Agency (EPA) appreciates the opportunity to comment on the proposed Nearshore Debris TMDL for Santa Monica Bay. We strongly urge the Regional Board to adopt the TMDL to meet California's TMDL commitments and to enable EPA to meet its requirements under the consent decree (*Heal the Bay V. Browner, C. 98-48 25 SB4, March 22, 1999*). This TMDL provides all the necessary elements of a TMDL, including applicable numeric targets, allocations, consideration of seasonal variations and a margin of safety.

EPA reviewed the proposed draft basin plan amendment (BPA) and technical report and finds two issues warranting clarification. First, the load allocation discussion includes benchmarks for various jurisdictions. Are the benchmarks the same as the baseline load allocations and will these benchmarks be set as triggers for further actions beyond those described in the implementation plan (p. 38-39 of the TMDL Staff Report)? The proposed implementation plan describes the completion of a Trash Monitoring and Reporting Plan by responsible jurisdictions and a regulatory structure that will ensure continued monitoring and iterative implementation of BMPs to attain zero trash. Please clarify if the benchmarks are used as triggers for more rigorous requirements to provide greater removal of trash at the beaches.

In addressing nearshore debris along Santa Monica Bay, this proposed draft TMDL identified trash and plastic pellets as primary causes of impairment. The TMDL assigned a zero discharge wasteload allocation for plastic pellets to the industrial facilities engaged in the manufacture, transport, or handling of the plastic pellets. Regional Board's proposed strategy to achieve the water quality standards for point sources of plastic pellets is to direct the enforcement efforts towards the industrial permittees. And thus, the MS4 permittees are not assigned a WLA for plastic pellets, and instead, required to provide a Plastic Pellet Monitoring and Reporting Plan to monitor the amount of plastic pellets being discharged from the municipal separate storm sewer permittees (MS4). Because the proposed strategy is to eliminate the loading of plastic pellets at the source (i.e., Industrial Facilities) by ensuring pellets are not released from the premises, we believe this is a reasonable approach to directly tackle the

impairment. However, since MS4 discharges can lead to the transport of plastic pellets from upstream areas to Santa Monica Bay via storm drains, it is critically important to show that storm drains are not leading to a consistent loading of plastic pellets into the Bay. As such, we recommend additional language expressing clear, specific triggers, where consistent and significant levels of plastic pellets monitored in storm drains, would result in the Regional Board to include a WLA for plastic pellets to the MS4 permittees.

To further address plastic pellets, we recommend the Implementation Plan to include a task for the Regional Board to coordinate with the State Board Industrial General Permit Program to target, prioritize, and conduct their inspections at those standard industrial classification facilities in the Santa Monica Bay watershed that import, manufacture, process, transport, store, recycle or otherwise handle plastic pellets.

Overall, EPA finds the proposed TMDLs provide a reasonable technical analysis of addressing trash impairments included on California's Section 303(d) List. We believe setting zero discharge for trash and plastic pellets as WLAs and LAs is an appropriate approach to critically reduce the trash impairment. These TMDLs also clearly assigned allocations to all sources and appropriately defined TMDLs for existing permits, where applicable.

This proposed draft includes reasonable compliance monitoring, however we would appreciate more clarity on the timeframe for when monitoring must begin. Currently, the proposed Implementation Plan shows monitoring beginning approximately two years after the TMDL establishment; to ensure that appropriate actions and compliance are implemented, it would be critical to have monitoring start within a year after the TMDL is established. Finally, we appreciate an implementation plan and schedule with clear interim targets and milestones established to show progress and meet compliance. We believe the specificity of BMP triggers and actions will better ensure the success of the implementation plan.

We commend your hard work on these TMDLs and strongly recommend adoption by the Regional Board. If you have any questions, please contact me at (213) 244-1803.

Sincerely yours,



Cindy Lin
TMDL Liaison, Water Division