



# CITY OF LONG BEACH

## DEPARTMENT OF PUBLIC WORKS



333 W. Ocean Blvd., 9th Floor | Long Beach, CA 90802 | (562) 570-6023 FAX: (562) 570-6501

STORM WATER/ENVIRONMENTAL COMPLIANCE DIVISION

January 15, 2014

Sam Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West 4<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90013

Subject: Comments as prepared by the City of Long Beach on the Draft Tentative Order for the Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges from the City of Long Beach (MS4 Permit); NPDES Permit No. CAS 004003; Order No. R4-2014-xxxx

Dear Mr. Unger:

Please find attached comments compiled by the City of Long Beach regarding the Draft Tentative Order of the subject permit. Staff would like to meet with you and your Staff to discuss any questions or concerns regarding the comments submitted as well as the changes to the City's Low Impact Development Ordinance and how it continues to be more stringent than the permit requirements. It is also requested that the City of Long Beach given time to address the Regional Board Members at the February 6, 2014 meeting in regards the adoption Long Beach MS4 NPDES Permit.

I appreciate very much the help and support that you and your staff have given me with the Long Beach MS4 NPDES Permit and all Storm Water matters. I will be contacting your Staff to see about setting up the meeting mentioned above. Should you have questions regarding the submission of the comments, please contact me at 562-570-6023 at your convenience.

Respectfully submitted,

Anthony Arevalo  
Storm Water/Environmental Compliance Officer

Cc: Pat West, City Manager  
Suzanne Frick, Assistant City Manager  
Tom Modica, Deputy City Manager  
Ara Maloyan, Director of Public Works

Att.: Comments to DTO

CITY OF LONG BEACH COMMENTS ON THE  
ORDER NO. R4-2014-XXXX. NPDES PERMIT NO. CAS004003 - TENTATIVE  
WASTE DISCHARGE REQUIREMENTS FOR THE MUNICIPAL SEPARATE STORM SEWER SYSTEM DISCHARGES  
FROM THE CITY OF LONG BEACH

	Location in DTO	Comments	Recommendation
1.	Sec VII.J.5, page 70 of 122	<p>Long Beach is the only other City besides the City and County Los Angeles that has a Low Impact Development (LID) Ordinance since November 2010. The Long Beach City Council in November 2013 made some adjustments to the ordinance that must be recognized in the permit. We are requesting to be held to the same standard as every other City in Los Angeles County. Our revised LID continues to be more stringent than the permit in many areas. The City of Long Beach was a leader in implementing LID, and as such, through our experience we noticed some areas of the ordinance that needed to be modified to make the program both effective and workable for our residents and business to comply with. Long Beach should not be penalized for being at the cutting edge of LID policy, especially given that our revised ordinance continues to be more stringent than the permit is in several areas.</p>	<p>Replace the first sentence, and add the following changes as follows:</p> <p>“ON NOVEMBER 16, 2010, THE CITY OF LONG BEACH ADOPTED LID REGULATIONS UNDER ORDINANCE NO. ORD-10-0035 AND MADE AMENDMENTS ON NOVEMBER 12, 2013 UNDER ORDINANCE NO. ORD-13-0024. THE ORDINANCE...BMPs TO INCLUDE ALL DEVELOPMENT AND REDEVELOPMENT PROJECTS THAT CREATE, ADD, OR REPLACE 500 SQUARE FEET OR MORE OF ANY NEW DEVELOPMENT OR REDEVELOPMENT THAT RESULTS IN THE REPLACEMENT OF MORE THAN FIFTY PERCENT (50%) OF AN EXISTING BUILDING STRUCTURE, OR IMPERVIOUS COVER. THE...”</p>
2.	Atth E – Monitoring and Reporting Program	<p>The Long Beach Department of Health and Human Services is questioning the 5 times per week shoreline monitoring required for the bacteria TMDL. This amount of testing is costly in terms of staff time and materials. Testing five day/week using a "cultured" bacterial test would periodically necessitate laboratory to process samples on the weekend when it is normally closed. The issue should be vetted further in terms of the number and location of impacted sampling sites and a funding source for the additional testing. In addition, consideration of other testing methodologies should be included in the permit. We request that the LARWCB reconsider the 5 times per week sampling frequency.</p>	<p>Can we consider language saying that we start with testing 3 time a week. If results show an exceedance then we go to 5 days of testing. Or if it is shown that there is not an exceedance can we reduce the testing from 5 times a week to 3 times a week?</p>

Item No.	Location in DTO	Comments	Recommendation
3.	Atth. E – Monitoring and Reporting Program, page E-3	Bullet point number 5 lists the geomean for enterococcus as 104/100ml. The state standard for enterococcus geomean is 35/100ml.	Request response from the Regional Board
4.	Atth. E – Monitoring and Reporting Program, page E-12	Considering recent recommendations from the US EPA on water quality standards, would the state consider an enterococcus only test for determining compliance with the bacterial TMDL? Is the state considering allowing for molecular methods to comply with the bacterial TMDL?	Request response from the Regional Board
5.	Section 1,VI,K,9,iii.(8)	Item (8) discusses covering “cold-mix” asphalt with protective sheeting during a rainstorm. Is this referring to stockpiled “cold-mix” only? Will temporary trench backfill work need to be covered?	Request response from the Regional Board
6.	Page 10 of 122	Table 5 Designated Beneficial Uses indicates that municipal and domestic water supply (MUN) beneficial uses apply only to Coyote Creek. Addressing the MUN beneficial use requires testing of analytes such as aluminum that often exceed drinking water standards during storm events due solely to sediment loads. Each receiving water body is designated as having potential as a municipal and domestic water supply (P*). The asterisk refers to policies established in 1988 and 1989 under SB 88-63 and RB 89-03. These designations are expected to be considered for exemption at some later date.	

Item No.	Location in DTO	Comments	Recommendation
7.	Page 69 of 122	Table 10 Benchmarks Applicable to New Development Treatment BMPs refers to treatment control BMP performance benchmarks for median effluent water quality from the six highest performing BMPs based upon accessing the storm water BMP database on September 25, 2012. The specific information used to develop benchmarks for each analyte should be provided in order to assess appropriateness of the BMPs for local use and allow for verification of the calculated benchmarks.	Request response from the Regional Board
8.	PAGE 88 OF 122	7.I Landscape, Park and Recreational Facilities management (page 88 of 122). This refers to Table 11 but it appears to intend reference to Table 17?	Request response from the Regional Board
9.	PAGE 92 OF 122	X(3)d on page 92 refers to Table 19. It appears that it should be Table 18?	Request response from the Regional Board
10.	PAGE 104 OF 122	Water quality-based effluent limitations for Colorado Lagoon. (page 104 of 122). It should be noted that the Termino Ave. and Line M discharges to Colorado Lagoon were eliminated with construction of the Termino Drain Project.	Request response from the Regional Board
11.	Atth. E – Monitoring and Reporting Program,	<ul style="list-style-type: none"> <li>• Monitoring and Reporting Program</li> <li>• Section V TMDL Monitoring Plans list the Los Angeles River Nitrogen Compounds and Related Effects TMDL Plan as being due on March 23, 2005.</li> <li>• Section V TMDL Monitoring Plans lists the Los Angeles River Watershed Bacteria TMDL as having been due by March 23, 2013. The City of Long Beach is within Segment A of the Los Angeles</li> </ul>	Request response from the Regional Board

		<p>River. The Load Reduction Strategy Work Plan for Segment A is due 4.5 years after the effective date of the TMDL (March 23, 2012).</p> <ul style="list-style-type: none"><li>• B. Coordinated and Integrated Monitoring Program Receiving Water Monitoring Requirements. Section B.2.c (pages E-11 and E-12). This section indicates that shoreline monitoring stations monitored pursuant to a bacteria TMDL shall be conducted at a frequency of 5 times per week. The City's current AB411 monitoring program measures bacteria at shoreline stations at a frequency of once per week. These weekly data were used in the development of the TMDL and should provide sufficient data for compliance monitoring. This situation should be considered analogous to the approach used in the Los Angeles River since the River has been implicated as the major source of bacteria to the City beaches. Load reduction strategies in the River are starting in the upper portion of the urban watershed (Segment B). Load reduction strategies in the lower portion of the Los Angeles River (Segment A) start two years after activities are initiated in upstream waters. This approach recognizes that improvements in receiving waters of the lower watershed are dependent upon contributions from the upper portion of the urban watershed. Given the impacts that the Los Angeles River has on water quality along the City of Long Beach shoreline, weekly sampling should be continued until Load Reduction Strategies are implemented in both Segments A and B of the Los</li></ul>	
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		<p>Angeles River.</p> <ul style="list-style-type: none"><li>• G. Chronic Toxicity Monitoring Programs 3. Test Species Sensitivity Testing (page E-31). Testing to determine the most sensitive test species indicates that screening should be conducted based upon two wet weather and two dry weather toxicity tests with a vertebrate, invertebrate and a plant. Screening is supposed to be conducted during the first year with rescreening during the fourth year of the permit term. This conflicts with the requirements of the monitoring program that requires toxicity testing during at least two wet weather events and one dry weather event. We expect that the intent is to perform screening during the first and fourth years using data from the two wet weather events and one dry weather event.</li><li>• Data submittal guidelines (E-35) seem to present some conflicts. The draft M&amp;R indicates that data are to be submitted to the Board in the latest Southern California Municipal Storm Water Monitoring Coalitions (SMC) Standardized Data Transfer Formats (SDTFs) while on the same page indicating that data should be submitted in SWAMP format compatible with Microsoft Excel 2010 or newer version. Similar programs conducted for the State Water Resource Control Board (SWRCB) are requiring submittal of data in CEDEN formats through the SCCWRP. Although data formats are similar, there are conflicts in standards that are available and some lack protocol suitable for all stormwater data.</li></ul>	
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Item No.	Location in DTO	Comments	Recommendation
12.	Atth. E – Monitoring and Reporting Program, page E-47	Page E-47. Reporting Requirements for the TMDL Monitoring – This table indicates that daily or systematic weekly sampling should be conducted for beach compliance monitoring. This language should be used to replace sampling frequencies requirements at the bottom of page E-11.	Request response from the Regional Board
13.	Section #: one, 6iii, Page#: 88	Current this section states that new construction (including fire stations) must provide self-contained, apparatus wash water areas or sewers. This should read (excluding fire stations) similar to the verbiage in section 6iii on page 86.	Request response from the Regional Board
14.	Section #:one, iv 2. Page #: 19	<p>This section appears to allow for discharges for firefighting, emergency response training, routine maintenance and hydrant and sprinkler testing activities. These activities are absolutely necessary to fire service training and preparedness and must be exempt from restrictions.</p> <p>This section is in conflict with section iv b 1. C (4) on page 18, which allows for discharges for emergency firefighting activities, but not for training, or hydrant and sprinkler testing and maintenance.</p> <p>To be clear, the fire department must have the ability to discharge water for emergency response and for training, hydrant testing and maintenance and sprinkler testing and maintenance.</p>	Request response from the Regional Board

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15.	Section #: one, 6i, Page#: 87	<p>This section, i, refers to a table 11. I believe this is in error and should be reflected as table 17. Table 11 refers to: applicable set of BMPs for all construction sites. Table 17 refers to: BMPs for public agency facilities and activities.</p> <p>The section 6i, refers to BMPs for public agency facilities and activities.</p>	Request response from the Regional Board
16.	Section #: VII.J.3.i.(1) Page#: 62	<p>Shouldn't the reference to Part VII.J4 be to Part VII.J2 instead?</p> <ul style="list-style-type: none"> <li>• J.2 refers to the list of development projects that redevelopment of should trigger compliance.</li> <li>• J.4 is the performance criteria</li> </ul> <p>Please provide clarification, definitions, and/or examples as to what constitutes "land disturbing activity."</p>	Request response from the Regional Board
17.	Section #: VII.J.R.i(2)(A & B), Page#: 63	<p>Based on the type of project and or location within the City, it may be difficult to comply with retaining onsite stormwater as outlined. Recommend further evaluation be done to determine how developers will be able to achieve compliance for several different types of projects.</p>	Request response from the Regional Board
18.	Section #: VII.J.6.v, Page#: 73	<p>The section sets out provisions that apply based upon the size of the construction site being less than or greater than 1 acre in size. Development and redevelopment both depend on land disturbing activities to determine whether a project should be held to the requirements. Shouldn't the size of the land disturbance be the key (not the overall construction site size) determining factor in which BMPs should be employed?</p>	Request response from the Regional Board

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19.	Section F. Public Information and Participation Program	The general public does not access the Harbor District regularly, and the Industrial facilities which comprise the vast majority of the Harbor District are covered under the Port's Industrial Stormwater Permit, so they already receive an abundance of outreach from the Port due to this program	Exempt the Port of Long Beach Harbor District from the inapplicable PIPP requirements due to the non-public nature of the Port.
20.	Section J. Planning and Development Program	<p>Due to site conditions typically found in the Port of Long Beach Harbor District (HD), infiltration and other LID strategies are not only challenging to implement, but are often times an undesirable or inappropriate tool for handling stormwater runoff. The following briefly summarizes some of the challenges associated with implementing LID techniques in the Harbor District:</p> <ul style="list-style-type: none"> <li>• <u>Depth to Groundwater</u>: The water table is tidally influenced in the HD, and in many areas groundwater is at less than 5 feet BGS at high tide, making infiltration infeasible.</li> <li>• <u>Construction on Fill Areas</u>: Much of the HD is constructed on fill rendering infiltration BMPs infeasible.</li> <li>• <u>Liquefaction</u>: Soils in many areas the HD are subject to liquefaction, making infiltration infeasible.</li> <li>• <u>Contamination</u>: Many areas of the Port are impacted by legacy soil and groundwater contamination from the historical heavy industrial use of the area, making infiltration infeasible.</li> <li>• <u>Groundwater recharge</u>: Groundwater recharge is not necessary in the HD because groundwater in the HD has been dedesignated as a source of drinking water.</li> </ul>	POLB developed the Post-Construction Stormwater Quality Guidance Document for the design of new and re-developed facilities incorporating post-construction control measures that embrace LID strategies appropriate for the Port setting. Allow the Port to use this Design Guidance Manual as an alternative way to satisfy the hydromodification and LID requirements in the Permit. (Due to size of the Design Guidance Manual, it will be sent in a separate emailed).

Item No.	Location in DTO	Comments	Recommendation
21.	Attachment C	POLB should be excluded from this map (see comment above).	Revise boundary to exclude POLB Harbor District
22.	Attachment E	Receiving water monitoring requirements in the MS4 should correspond with the requirements for the TMDL monitoring to provide consistency and efficiency.	<ul style="list-style-type: none"> <li>• To characterize the extent of stormwater and dry weather effluent impacts on receiving waters, a sampling approach should be applied that examines patterns on a large spatial and time scale throughout the entire San Pedro Bay area. Therefore, MS4 monitoring stations and frequency of sampling should be the same as the TMDL monitoring stations.</li> <li>• Two wet weather monitoring events should be conducted per year instead of three per year. The need for a third wet weather monitoring event would be evaluated after the first 2 years of MS4 monitoring has been conducted. The recommended wet weather monitoring targets two large storms per year (greater than 0.25 inch of precipitation) in order for stormwater impacts that might occur within the waterbody to be discernible. The TMDL wet weather monitoring includes water column monitoring (physical parameters) at multiple depths, which combined with the spatial distribution of monitoring stations across the waterbody will provide a more complete understanding of stormwater impacts than surface sampling at a subset of locations after a smaller storm. Receiving water monitoring after two large storms per year instead of one large and two smaller storms will also decrease the probability of failed deployments of the sampling team (i.e., the team deploys because of 0.1 inch recorded from 50% of Los Angeles County controlled</li> </ul>

			<p>rain gages, and yet runoff does not reach the receiving water).</p> <ul style="list-style-type: none"><li>• Two wet weather sampling events should be defined as:- Minimum 0.25 inches with 70% probability 24 hours prior to storm - Sampling occurs 24 hours after main flow of rain event to maximize stormwater impact in receiving waters</li><li>• Aquatic toxicity testing should not be included in the initial monitoring. The State's 303(d) List and recent Harbor Toxics TMDL do not list water column toxicity as an impairment in the Dominguez Channel Estuary, Consolidated Slip, Inner Harbor, Outer Harbor, Fish Harbor, Cabrillo Marina, or Inner Cabrillo Beach. In October 2003, the Regional Water Quality Control Board implemented a Surface Water Ambient Monitoring Program and performed toxicity testing at 30 stations within the Los Angeles/Long Beach Harbor waters. At 10</li></ul> <p>of these stations, near-bottom and bottom</p> <p>water samples were also analyzed for conventional water chemistry, metals, organics, and toxicity testing. No toxicity was observed in any water samples. MS4 sampling for Greater Harbor Waters will not include water column toxicity testing in the first wet weather event. However, if a California Toxics Rule exceedance is observed during either of these events, then water column toxicity testing at the station where the exceedance was observed would be conducted at the subsequent wet weather monitoring event.</p>
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			<ul style="list-style-type: none"> <li>One dry weather event instead of two is recommended to correspond to the TMDL monitoring, which includes water column testing (physical parameters) at various depths. Given the multiple depths and monitoring at 22 stations across Greater Harbor Waters, a single dry event will provide a comprehensive evaluation of water quality.</li> </ul>
23.	Attachment E Page 17	The Monitoring and Reporting Program requires PCB Aroclors.	<p>It is recommended that Total PCBs be calculated by summing individual PCB congeners rather than Aroclors. The recommended analytical method for PCB congeners is USEPA 8270C SIM and is a more accurate, quantitative approach to calculating Total PCBs compared to USEPA 8082, the method used for the assessment of Aroclors, which is qualitative and subject to interpretation. USEPA 8270C SIM quantifies approximately 50 of the 209 total congeners, including measurement of key toxic risk drivers. USEPA 8270C SIM provides method reporting limits (MRLs) that are two orders of magnitude below USEPA 8082. Individual PCB congeners may be found in one or more Aroclor mixtures; as such, a Total PCB value derived from Aroclors is not representative of the existing concentration.</p>
24.	Section II.D.1	The LB MS4 Permit requires receiving water monitoring at TMDL receiving water compliance points.	<p>If the City of Long Beach is not able to participate in a coordinated monitoring program (due to only named Discharger in the Permit), it is not appropriate for the City of Long Beach to conduct receiving water monitoring at TMDL receiving water compliance points outside the City's jurisdiction. Only 11 of the 22 TMDL receiving water compliance points are within the City's jurisdiction. See comment on development of coordinated plans and programs.</p>

Item No.	Location in DTO	Comments	Recommendation
25.	Section II.D.3.d, and II.D.4.e	In Section II.D.3.d, the LB MS4 Permit requires a determination of annual load of pollutants from the MS4, and in II.D.4.e, the LB MS4 Permit requires a characterization of discharger's quantity and quality of annual pollutant load.	The TMDL Compliance Monitoring Program is focused on the receiving waters that are within the Greater Harbor Waters. As such, flow will not be measured due to multiple constraining factors (primarily tidal currents), and subsequently loadings cannot be calculated. If the receiving water monitoring locations that are downstream of the Discharger's MS4 discharges within the City of Long Beach allow for the measurement of flow, loadings may be calculated; however results may be confounded by other upstream sources. Calculation of loadings is more appropriate at end of pipe.
26.	Section II.D.3.e	The LB MS4 Permit requires a determination of relationships between the range of concentrations of pollutants from storm size and intensity, elevation, watershed, and any other variables that may provide an insight on improving the stormwater program.	Although this sounds straight forward, "environmental variability" will likely preclude any meaningful relationships between these data. For example, the very localized and patchy nature of storm duration, intensity, and location will mobilize and transport contaminants differently. There will be too many variables that cannot be quantified during monitoring events to develop these relationships.
27.	Page1 to4 of 122	<p>Below is a list of sites that are recommended for removal from the list of major outfalls found in the DTO.</p> <ul style="list-style-type: none"> <li>• Three sites are located in the small open channel area of the Los Cerritos Channel next to the airport. The receiving waters need to be defined as starting at Clark and Spring Street, which is also listed as one of the outfall sites.</li> <li>• There are two other points that should be add. Add outfall definitions for the point where the Clark Channel enters the Los</li> </ul>	Please see attached Table.

		<p>Cerritos Channel and where the Palo Verde Channel enters the Los Cerritos Channel. This will show that both these lines are part of the storm drain system, not receiving waters.</p> <ul style="list-style-type: none"><li>• Similarly, the first three “outfalls” on the attached list do not go into receiving water bodies by definition. The outfalls appear to have been added because they contain industrial land use but these still need to be sites that discharge to receiving waters.</li><li>• There are two outfalls on the listed as Coyote Creek, which is wrong. One outfall appears to be a Sanitation District Outfall and the other from a discharge site in Orange County?</li><li>• The list included in the draft permit includes the Park Ave./4<sup>th</sup> Street outfall that is no longer active. It was removed as part of the Termino Drain Project.</li><li>• The Clark Ave./Spring St. outfall is listed twice. There was a slightly different longitude, which could indicate a double box culvert. One of the outfalls should be deleted.</li></ul>	
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Discharge Point	Effluent Description	Discharge Point Latitude	Discharge Point Longitude	Receiving Water	Device ID	SIZE	
ST PANCRATIUS PL / DOWNEY AVE	156" DISCHARGE	33.85847800	-118.15062400	WEST LAKEWOOD DRAIN	(413)	156	All of these storm drains do not discharge to receiving waters and should be removed
2901 ORANGE AVE	108" DISCHARGE	33.80881600	-118.17786000	CALIFORNIA BOWL RESER	(417)	108	
49TH ST / S/O DEL AMO BLVD	126" DISCHARGE	33.84477546	-118.18738508	NORTH LONG BEACH DITCI	60-H30	126	
4600 SPRING ST	30" DISCHARGE	33.81316311	-118.14024546	LOS CERRITOS CHANNEL	(188)	30	These sites are all located up stream of the Clark Ave/ Spring discharge point where we should consic
LAKWOOD BLVD / SPRING ST	108" DISCHARGE	33.81316600	-118.14174400	LOS CERRITOS CHANNEL	(418)	108	
LAKWOOD BLVD / SPRING ST	120" DISCHARGE	33.81285900	-118.14243000	LOS CERRITOS CHANNEL	(419)	120	
LAKWOOD BLVD / SPRING ST	39" DISCHARGE	33.81302092	-118.13950237	LOS CERRITOS CHANNEL	(71)	39	
COYOTE CREEK / N/O JUNCTION SAN G. UNK (COUNTY SANIT		33.79835415	-118.08796453	COYOTE CREEK	14-V17	0	This appears to be the outfall for the Sanitation District?
COYOTE CREEK / N/O JUNCTION SAN G. UNK (OC ROSSMOOF		33.79555470	-118.08874349	COYOTE CREEK	(272)	0	This site might be in Long Beach but the drainage area appears to be in Orange County
PARK AVE/4th Street	48" DISCHARGE	33.77200000	-118.13700000	COLORADO LAGOON			This outfall into Colorado Lagoon was removed as part of the Termino Drain Project.
CLARK AVE / SPRING ST	480" DISCHARGE	33.81031014	-118.13380025	LOS CERRITOS CHANNEL	(393)	480	listed twice

We should add outfalls at the mouth of the Clark Channel (Line E or Heather) where it enters the Los Cerritos Channel and where the Palo Verde Channel enters the Los Cerritos Channel.

ler to be the start of receiving water