

CREST
**Cleaner Rivers through Effective Stakeholder
TMDLs**

**Joint Steering Committee (No. 13) and Technical
Committee (No. 14) Meeting**

January 24, 2006

Minutes

DRAFT

Attendees: Bob Wu (Caltrans)
Cathy Chang (Culver city)
Dave Parkinson (Consulting Team)
Don Schroeder (Consulting Team)
Donna Toy-Chen (City of Los Angeles)
Frank Wu (Los Angeles County)
Gerrald Sallus (Ballona Creek Renaissance)
Gerry Greene (City of Downey)
Ginachi Amah (Regional Board)
Hampik Dekermenjian (Consulting team)
Hung Pham (City of Los Angeles)
Jim Lamm (Ballona Creek Renaissance)
Cathrine Tyrell (Consulting Team)
Kirsten James (Heal the Bay)
Lisa Carlson (City of Los Angeles)
Melinda Becker (Regional Board)
Michael Lyons (Regional Board)
Michele Pla (Consulting Team)
Mim Shapiro (Ballona Creek Renaissance)
Penny Weiland (City of Los Angeles)
Salvador Ramirez (Tecs Env)
Sheila Brice (City of Los Angeles)
Terry Fleming (EPA)
Zora Bahariance (City of Los Angeles)

Copies: CREST Technical Committee members and Steering Committee members

On Tuesday, January 24, 2006 the CREST Technical Committee meeting was combined with the Steering Committee meeting and was held from 1:00 pm to 3:40 pm in the Culver City Hall Dan Pattachia Room at 9770 Culver Boulevard.

Purpose of the Meeting:

- Update on the Los Angeles River Bacteria TMDL Development
- Review comments and response to comments on the 2nd draft of the Technical Memorandum for the Ballona Creek Bacteria TMDL
- Adopt the Technical Memo as a CREST product

I. Introductions/Meeting Objectives

Michele Pla welcomed attendees to the joint CREST Steering and Technical Committee meeting. Following self-introductions, the minutes from the November 29 meeting were approved without any comments.

II. Update on Los Angeles River Bacteria TMDL Efforts

Hampik Dekermenjian presented a status report on CREST's LA River Bacteria TMDL efforts. The following are highlights from the update:

- Additional data to previously listed data was requested. The data may be sent to CREST through Jagjit.Kaur@ch2m.com.
- Draft straw man concepts will be distributed at the next CREST Steering Committee meeting in March.

III. Review of Technical Memorandum on the BC Bacteria TMDL

Ginachi Amah indicated that the Draft BC Bacteria TMDL Staff Report will be issued in the first week of March for an expected action on the May 11 Board meeting. There will be a 45-day comment period provided for the BC Bacteria TMDL.

Michele Pla reiterated the tight schedule with regards to finalizing the Tech Memo and emphasized the need to finalize the BC Bacteria Tech Memo by the end of today's meeting. As discussed in previous meetings, the Tech Memo is intended to:

- Support the Regional Board in developing Implementation Strategies for the Ballona Creek Bacteria TMDL
- Provide the Regional Board with information on implementation approaches including the range of costs, compliance, and monitoring strategies.
- Provide the TMDL implementation options to CREST participants and stakeholders.

Various comments were received in response to the 2nd draft of BC Tech Memo, which was distributed via email on 12/23/2005. Comments that include typos and formatting changes will be incorporated in the final version of the Tech Memo. Some of the comments, however, require discussion at the meeting, and in general, relate to the implementation strategies, the TMDL schedule, and monitoring. Michele also noted that

some of these issues may be better discussed post-adoption of the TMDL, or when the TMDL Implementation Plan is developed by the responsible jurisdictions.

Don Schroeder distributed 3 handouts and mentioned that he received comments from the EPA, Regional Board, Caltrans, Heal the Bay, LA County DPW, and the Los Angeles San Gabriel Watershed Council. In addition, Kathryn Tyrell from the consulting team noted that the City of West Hollywood had reviewed and expressed their support for the Tech Memo.

A. Implementation Strategies

The Tech Memo has laid out a range of implementation options and strategies for reducing bacteria in Ballona Creek and Estuary, with “bookends” that include a Preferred Strategy and an Alternative Strategy. The Preferred Strategy includes iterative, integrated watershed based BMP approaches, while the Alternative Strategy is focused more on diversion, treatment, and return. However, it is likely that a combination of the two strategies may be needed in order to meet water quality goals.

One of the major comments regarding the implementation strategy is the issue of reasonable assurance. The comments relate to the uncertainty as to how the various implementation options identified in the Tech memo will actually result in meeting the water quality standards for Ballona Creek. Moreover, considering that implementation would most likely require a vast amount of time and resources, there should also be reasonable assurance regarding compliance, and final outcome of the efforts. The Tech Memo should provide certainty to some extent that implementing the options will assure that water quality criteria will be met within the specified time period.

It was noted that there are inherent uncertainties with the Preferred Strategies. In particular, it is hard to predict and directly measure linkage between the BMPs implemented across the watershed to reduction of bacteria in the creek. With SCCWRP’s modeling tools, which will be refined later, we may be able to make better predictions and linkage measurements. Meanwhile, the bookends will provide a useful range of BMP strategies that can help in the decision making process for the responsible jurisdictions.

To make a final decision on the implementation schedule, the Regional Board will consider and compare other TMDLs in the region such as those of Malibu Creek and SMB bacteria. The Preferred Strategy, which incorporates the IRP approach, may require and warrant a longer time for implementation. Disparities between the BC and other TMDLs to consider include the later date of issue of the BC TMDL, the larger size of the BC watershed, unaccounted sources of bacteria, and current technology uncertainties.

The issue of “reasonable assurance” can be viewed and categorized into two levels (1) one is the reasonable assurance that the allocations are met. On this level, the Regional Board will make that determination. However, there should also be a “reasonable

assurance that the implementation will be performed” to ensure that responsible jurisdictions will perform what was intended and outlined in the implementation plan. A framework needs to be built to ensure that implementation strategies and plans will translate into actual action.

An issue that should be discussed is the availability of land to implement BMPs and the participation and support from the landowners such as the public agencies and school districts. The lack of participation from the public agencies and landowners can make it difficult to fully implement the TMDLs.

B. Implementation Schedule

Don Schroeder referred to the handouts of the previous November Tech Memo TMDL schedule draft table and the current December Tech Memo schedule table. He stated that the latest draft had the intermediate dates removed in order to focus more on the first few years after the adoption of the TMDL, and that the compliance end date has not changed. He noted that compliance at the wave wash point for Ballona Creek and Santa Monica Bay is already set. The proposed end date in the Tech memo would be more applicable to inland waters in Reaches 1 and 2. The Regional Board indicated that they prefer the November version, while Heal the Bay would like the compliance period shortened.

Also, it was mentioned that even though the Tech Memo hinted to an IRP approach, some CREST members commented that the Tech Memo did not adequately clarify the specific options/ BMPs that actually qualify as an IRP approach. Moreover, the Tech memo did not indicate the 10-year compliance component without an IRP. With the IRP approach, compliance may be extended to 18 years, similar to schedules for previously adopted TMDLs. It was agreed that an opening paragraph clarifying the intent of an IRP approach for this watershed and the intent of developing a final Implementation Plan that will incorporate the IRP approach. The Tech Memo should also clarify and expand as to how the IRP approach criteria would be met and also explain the components and relevance of recharge in terms of meeting IRP principles.

In order to clarify the difference in the compliance end dates between the bacterial TMDLs in the region, the front and end dates were estimated. Assuming the BC Bacteria TMDL is adopted by the May of 2006, the below schedule would follow:

RB adoption in	May	2006		
SB adoption in	August	2006		
OAL recording in	October	2006		
EPA approval by	March	2007	+	18 years = 2025
SMBBB TMDL			+	18 years = 2021
MdR TMDL			+	18 years = 2022

If the BC bacteria were to be aligned with the SMB Bacteria TMDL, compliance would be shortened to 14 years. The 18-year compliance schedule would require that an IRP approach be taken. It was acknowledged that the dry-weather schedule would be met before the SMB Bacteria Compliance end date. The Tech Memo should mention that the wave wash will meet SMB TMDL limits, and inland reaches would follow an 18-year or 14 year time schedule, with a re-opener in year 10 to assess if indeed an IRP approach is being used.

The EPA noted that a lot of impressive work was performed by CREST to reach this stage and the argument for another 4 years less or more was insignificant compared to the level of understanding that has been reached. The uncertainties and challenge may actually concern the bacteria loadings during a storm period. Especially in the first 6 years after TMDL adoption, there will be more understanding of the watershed and the implementation issues. It was also noted that the iterative process can also ensure that the first 6 years is used to resolve the uncertainties and achieve implementation milestones.

To refine the compliance date recommendations in the Tech Memo, it was suggested that the schedule be modified to clarify that a focus on winter dry weather would be made, and although there is the 18 year compliance schedule (and a re-opener at year 10), the Tech Memo should include language that would require agencies to as much as possible, line up the end date with the SMB Bacteria TMDL. Such discussions may take place post adoption of TMDLs. Others expressed that there should be a reasonable margin to allow scheduling of BMPs.

Some members also expressed their view regarding when consensus is reached. Consensus may not mean that all members agree on an issue, but rather consensus is reached when members have come to a decision that everybody can live with. It might still be adequate if the end points were left a little vague as long as the interim dates such as those for summer-dry are inserted. There should be some options or approach presented, in order to assist the Regional Board.

It was agreed that the 18 year timeframe would be kept in the document but an alignment of schedule with other TMDLs should also be a goal for the responsible jurisdictions when developing the implementation plan. The IRP approach and preferred strategy would require the longer timeframe of 18 years. A recommendation for a re-opener would also be written-in the schedule. The Tech memo should also include the discussion regarding the 14 and 18-year compliance dates.

C. Monitoring Plan

Don explained the monitoring portion of the Tech Memo. He mentioned that the ambient monitoring would be an interim between now and the compliance dates, and the purpose of compliance monitoring was to determine the trend in bacterial levels. He also indicated that monitoring would either be performed daily or weekly. The issue of “pre-compliance” monitoring was also discussed and it was agreed that the current monitoring for impaired water bodies in the BC will continue.

The issue of locations and indicators for monitoring were discussed. It was suggested that the Tech Memo recommend one or two locations per reach of the BC and not specifically mention how many locations should be monitored to allow regulated agencies certain flexibility in performing special studies for BMPs. It was also agreed that the current language in the Tech Memo for choice of indicators is agreeable/ livable.

Regarding wet-weather monitoring, it was agreed that “storm chasing” would not be done. However, monitoring on a rainy day that falls on a regularly scheduled day would be performed unless it was unsafe at the specific time.

C. Additional Comments

The issue of cost estimates was discussed. The Tech Memo shows a range between approximately \$400M to \$1B. The relative “bang for the buck” should be considered when making decisions. For example, infiltration will consume half of the funds, but may not reduce bacteria by half. Therefore, stakeholders will need to look at a combination of both “bookend” strategies. Also, it would be beneficial to include the costs of other TMDLs and also make the language less definitive and acknowledge that the costs are only estimated ranges, and may depend on a variety of factors.

IV. Adoption of the Technical Memorandum on the BC Bacteria TMDL as a CREST Product

Michele Pla explained that the next and final version of the Tech Memo would incorporate the comments received prior to and during the meeting. The Tech Memo with the revisions was approved and finalized as a CREST deliverable and work product.

Next Meetings:

Steering Committee:	March 28, 2006	10:00 – 12:00
Technical Committee:	February 28, 2006	1:00-3:00