

July 2, 2013

**US Environmental Protection Agency Region IX
Response to Comment on the Malibu Creek and Lagoon TMDL for Sedimentation and Nutrients to
address Benthic Community Impairments**

On December 12, 2012, the United States Environmental Protection Agency (USEPA) solicited public comments on the draft Total Maximum Daily Loads (TMDLs) for Malibu Creek and Lagoon. USEPA held a public hearing on the draft TMDLs on January 14, 2013, and accepted public comments through January 28, 2013. The following comments were received after the public comment period closed.

Comment from Patricia McPherson, Grassroots Coalition sent via Email on February 15, 2013

*Dear Cindy, Shana and Jenny,
Please accept these TMDL comments and document attachments as part of Grassroot Coalition's continuing comments and documentation regarding TMDL issues .*

*Thank you,
Patricia McPherson, Grassroots Coalition*

ps John Davis is sending several documents that we had said that we would assist in providing you for your review.

The Poland Report and US Public Law 780 and House Doc 389 are a couple of the documents pertaining to Ballona and the region.

TO: USEPA CINDY LIN; LARWQCB- JENNY NEWMAN AND SHANA RAPAPORT

Grassroots Coalition has concerns that TMDLs are being applied to areas that have not been adequately studied to determine point source pollutant as required under USEPA elements of approval (See portions cited below)

GC believes that TMDLs should not be approved based upon deficient studies that have been performed thus far. For instance, Ballona Wetlands ; Malibu Lagoon:

1. Ballona Wetland TMDLs are being assigned without accurate data. Ballona studies utilized for assigning TMDLs and implementation were deficient. The studies came primarily from work derived from the Santa Monica Bay Restoration Commission that were deficient.
2. Grassroots Coalition is herein providing some sources of information that have not been included in LARWQCB analysis or USEPA analysis—as per discussions with lead personnel of each agency. The following information is indicative that further point source studies and actual data needs to be rendered in order to provide fulfillment of the elements of TMDL basis of approval.
 - a. POLAND REPORT—Los Angeles ; including Ballona Wetlands arewide—Marina del Rey
 - b. SOCALGAS- Playa del Rey-see attachment with various contaminant releases into both the atmosphere and groundwater and soils. These contaminants have not been included for any analysis of point source contamination.
 - c. US Public Law 780; House Document 389
3. GC believes that TMDLs are being applied that utilize not comparable sites for ecosystem restoration. Lack of baseline studies and full tidal regime comparison is being used for muted system and primarily freshwater systems.

4. Marina del Rey sources of pollution eg. Point source of boats and effects of electrolysis production of zinc and other harmful pollutants.
5. Diversion of ground freshwaters from Ballona that would otherwise help lower contaminant levels via dilution and/or natural attenuation.

A complete TMDL must contain all of the following elements in order to be approved by the U.S.EPA:

- *Problem Statement:* Describes which water quality standards are not being attained, which beneficial uses are impaired, and the nature of the impairment.
- *Numeric Targets:* The Desired Future Condition: Defines measurements that will ensure recovery of the beneficial uses that are impaired, and attainment of standards. Numeric targets are usually not directly enforceable but are used to assess progress towards the attainment of standards.
- *Source Analysis:* Identifies the amount, timing, and point of origin of pollutants of concern. Source analysis may be based on field measurements and/or models and estimations.
- *Allocations:* Allocates responsibility, and identifies the parties to take the specified actions. The allocations may be specific to agencies or persons (businesses), or generally by source category or sector. Allocations of allowable pollutant burdens define TMDL endpoints (e.g., total sediment load from urban runoff). The sum of individual allocations must equal total allowable pollutant burden.
- *Implementation Plan:* Describes what actions will be undertaken to alleviate the impairments. The Implementation Plan identifies enforceable features (e.g., prohibition) and triggers for Regional Board action (e.g., performance standards).
- *Linkage Analysis:* How the Numeric Targets relate to the Problem: Describes how the actions to be taken will result in achievement of the relevant standards.
- *Monitoring/Re-evaluation:* Describes the monitoring strategy that will be used to develop more refined information for performance evaluation and consideration of TMDL revisions, for phased TMDLs.
- *Margin of Safety:* Describes how the required margin of safety was incorporated into the TMDL. The margin of safety may be implicit (i.e., using conservative assumptions), or explicit (i.e., a discrete allocation assigned to the margin of safety).

A TMDL must account for all sources of the pollutants that caused the water to be listed. Federal regulations require that the TMDL, at a minimum, account for contributions from point sources (federally permitted discharges) and contributions from nonpoint sources. US EPA is required to review and approve the list of impaired waters and each TMDL. If US EPA cannot approve the list or a TMDL they are required to establish them for the state.

A TMDL requires that all sources of pollution and all aspects of a watershed's drainage system be reviewed, not just the pollution coming from discrete conveyances (known as point sources), such as a discharge pipe from a factory or a sewage treatment plant. Point sources are defined in the Clean Water Act, Section 502.

Grassroots Coalition reserves the right for continued conveyance of documentation of point source pollution and further comments.

Thank you for your help in these matters,
Patricia McPherson, Grassroots Coalition

Response to Comment:

USEPA's TMDL met all the required elements in a TMDL. These comments appear to pertain to Ballona Lagoon and Wetlands. The information referenced in the comments was not relevant to the development of the Malibu Creek and Lagoon TMDLs.