

## Los Angeles Regional Water Quality Control Board

February 25, 2022

Palos Verdes Peninsula Watershed Management Group<sup>1</sup>

Via Email

### **STATUS OF COMPLIANCE DEMONSTRATION SUBMITTED BY JUNE 30, 2021 PER THE STATE WATER RESOURCES CONTROL BOARD ORDER WQ 2020-0038; NOTICE OF LOSS OF DEEMED COMPLIANCE STATUS**

Dear Palos Verdes Peninsula Watershed Management Group:

State Water Resources Control Board (State Water Board) Order WQ 2020-0038 (2020 SB Order), directed Permittees to submit documentation by June 30, 2021, demonstrating that all work associated with current and prior milestones had been completed to retain deemed compliance with the receiving water limitations, water quality-based effluent limitations, and other TMDL-specific limitations addressed by the Watershed Management Program (WMP) or Enhanced Watershed Management Program (EWMP).<sup>2</sup>

On May 26, 2021, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) issued a letter via email to all Permittees participating in WMPs and EWMPs with direction on how to submit the aforementioned information.<sup>3</sup>

The Los Angeles Water Board reviewed the Palos Verdes Peninsula Group's (PVP Group) document(s) submitted on June 30, 2021, to assess the PVP Group's demonstration of completion of all work associated with current and prior milestones according to the requirements set forth by the 2020 SB Order and to determine the PVP Group's deemed compliance status.<sup>4</sup>

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<sup>1</sup> (Permittees of the Palos Verdes Peninsula Watershed Management Group include the cities of Rancho Palos Verdes, Palos Verdes Estates and Rolling Hills Estates, the County of Los Angeles, and the Los Angeles County Flood Control District.)

<sup>2</sup> (2020 SB Order, at p. 167 available at [https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2020/wqo2020\\_0038.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2020/wqo2020_0038.pdf) [as of August 31, 2021].)

<sup>3</sup> (Letter from Executive Officer Renee Purdy, Los Angeles Water Board, to Los Angeles County MS4 Permittees Participating in WMPs and EWMPs (May 26, 2021), at p. 2.)

<sup>4</sup> (Palos Verdes Peninsula Enhanced Watershed Management Program [June 2021 Revised Draft PVP EWMP] and corresponding document(s), June 30, 2021.)

The Los Angeles Water Board Approval Letter dated April 19, 2016, outlined the actions and milestones that the PVP Group needed to complete to maintain deemed compliance status. The tasks listed in Table 1 below, have been identified as past due obligations and milestones occurring after EWMP approval that should have been completed prior to June 30, 2021.

Table 1: PVP Group Required Actions<sup>5</sup>

Required Actions	Implementation Update
Implementation of Minimum Control Measures (MCMs) as described in Section 3.1. per the April 2019 PVP EWMP. <sup>6</sup>	Insufficient information provided regarding the completion of this task.
Implementation of Enhanced Nonstructural MCMs as described in Table 3-1 per Section 3.1.3.2. in the April 2019 PVP EWMP.	Insufficient information provided regarding the completion of this task.
Implementation Non-stormwater Discharge (NSWD) Measures as described in Table 3-2 per Section 3.1.3.3. (Table 3-2) in the April 2019 PVP EWMP.	Insufficient information provided regarding the completion of this task.
Implementation of Nonstructural Targeted Control Measures as described in Table 3-3 per Section 3.2.2. of the April 2019 PVP EWMP.  Public Agency Activities: <ul style="list-style-type: none"> <li>• Erosion Repair and Slope Stabilization Program (Palos Verdes Estates, Rancho Palos Verdes, and Rolling Hills Estates)</li> </ul> Ordinances:	No information was provided regarding completion of these tasks.

<sup>5</sup> (The PVP Group is also subject to volume capture/pollutant reduction milestones as included in the EWMP. Insufficient information was submitted by the PVP Group regarding currently implemented BMP capacity for evaluation. However, sufficient information was provided regarding the other required actions to determine the PVP Group's deemed compliance status.)

<sup>6</sup> (The original approved PVP EWMP, dated April 12, 2016, was revised on April 5, 2019, as part of the Adaptive Management Process. The actions and milestones outlined in the April 19, 2016, approval still apply.)

<ul style="list-style-type: none"> <li>• Private Road and Parking Lot Sweeping (Rancho Palos Verdes)</li> </ul>	
<p>Implementation of the following interim compliance milestones identified in Table 5-2 and Table 5-3 per the April 2019 PVP EWMP:</p> <ol style="list-style-type: none"> <li>1. Assess monitoring data collected through CIMP to determine water quality measures to address potential contributions of chlordane and develop implementation schedule by Dec. 28, 2017 (SMB DDT and PCB TMDL).</li> <li>2. Assess monitoring data collected through CIMP to determine water quality measures to address potential contributions of chlordane and develop implementation schedule by Dec. 28, 2017 (Machado Lake Pesticides/PCB TMDL).</li> <li>3. Assess monitoring data collected through CIMP to determine water quality measures to address potential contributions of chlordane and mercury by Dec. 28, 2017 (LA Harbor Toxics TMDL, Fish Harbor).</li> <li>4. Assess 1st year of CIMP data to verify existing load assumptions and assess the group's contribution of coliform bacteria by July 1, 2016 (Wilmington Drain).</li> <li>5. Begin implementation of additional control measures (if needed) by Jan. 30, 2017 (Wilmington Drain).</li> <li>6. Assess effectiveness of control measures in annual report by Dec. 28, 2018 (Wilmington Drain).</li> <li>7. Determine allowable exceedance days by Dec. 28, 2019 (Wilmington Drain).</li> </ol>	<p>The following information was gathered based on the document(s) submitted by the PVP Group:</p> <ol style="list-style-type: none"> <li>1. This task was completed and is discussed in the June 2021 demonstration of compliance letter dated.</li> <li>2. This task was completed and is discussed in the June 2021 demonstration of compliance letter.</li> <li>3. This task was completed and is discussed in the June 2021 demonstration of compliance letter.</li> <li>4. It is unclear if the PVP Group completed this task.</li> <li>5. It is unclear if the PVP Group completed this task.</li> <li>6. It is unclear if the PVP Group completed this task.</li> <li>7. Insufficient information provided regarding the determination of allowable exceedance days by Dec. 28, 2019, for the Wilmington Drain.</li> </ol>
<p>Implementation of the following Structural Control Measures identified in Table 5-4 in the April 2019 PVP EWMP for</p>	<p>This milestone was partially met. The following information was gathered based</p>

<p>compliance with the Machado Lake Nutrient TMDL Final Compliance date of September 11, 2018.<sup>7</sup></p> <ul style="list-style-type: none"><li>• Chandler Quarry</li><li>• South Coast Botanic Garden Regional BMP</li><li>• Palos Verdes Landfill Regional BMP</li><li>• Valmonte Regional BMP</li></ul>	<p>on the document(s) submitted by the PVP Group:<sup>8</sup></p> <ul style="list-style-type: none"><li>• Chandler Quarry: This project was completed in January 2019 per Table 5-4 of the April 2019 PVP EWMP.</li><li>• South Coast Botanic Garden Regional BMP: It is unclear if this task was completed. No information was provided for this BMP.</li><li>• Palos Verdes Landfill Regional BMP: This project was not completed because it was found to be technically infeasible per p. 11 of the June 2021 Revised Draft PVP EWMP Reasonable Assurance Analysis.</li><li>• Valmonte Regional BMP: This project was not completed because it was found to be technically infeasible per p. 11 of the June 2021 Revised Draft PVP EWMP Reasonable Assurance Analysis.</li></ul>
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Based on the Los Angeles Water Board's review of the PVP Group's document(s) submitted, all work associated with prior and current milestones dated on or before June 30, 2021, as listed in Table 1, above, was not completed.

Accordingly, this letter serves to inform the PVP Group that it has lost deemed compliance status for the water body-pollutant combinations intended to be addressed via the Group's EWMP. The PVP Group submitted a revised draft EWMP on June 30, 2021. Deemed compliance status may be regained upon approval of a revised WMP.<sup>9</sup>

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<sup>7</sup> (The PVP Group submitted an updated TSO request to the Los Angeles Water Board for the Machado Lake Nutrient TMDL and the Machado Lake Toxics TMDL on December 1, 2021. This TSO request is still under review.)

<sup>8</sup> (The Los Angeles Water Board did not evaluate completion of these task to assess the PVP Group's current deemed compliance status for WQBELs and/or receiving water limitations associated for related to nutrients in Machado Lake because WMPs and EWMPs may not be used to demonstrate compliance with final TMDL deadlines. (LOS ANGELES COUNTY MS4 PERMIT (NPDES PERMIT NO. CAS004001; ORDER NO. R4-2012-0175), Part VI.E.2.e. and 2021 REGIONAL MS4 PERMIT (NPDES PERMIT NO. CAS004004; ORDER NO. R4-2021-0105), Part X.B.2.)

<sup>9</sup> (The 2012 LA MS4 Permit (Order No. R4-2012-0175 as amended) allowed Permittees to develop a WMP or EWMP. The Regional MS4 Permit (Order No. R4-2021-0105) adopted on July 23, 2021 eliminated the distinction between a WMP and EWMP and all these programs are now all called "WMPs".)

If the PVP Group disagrees with the Los Angeles Water Board's findings, the PVP Group must provide supplemental information demonstrating compliance with all missed milestones as well any milestones for which the Los Angeles Water Board lacked sufficient information to determine compliance **within 30 days**.

Submit the documents via the LA Water Board's FTP Site:

- FTP site link: <https://ftp.waterboards.ca.gov>  
Username: RB4MS4-Upload  
Password: RB4-bmBb3Z

Alternatively, please contact Ms. Susana Vargas via email at [Susana.Vargas@waterboards.ca.gov](mailto:Susana.Vargas@waterboards.ca.gov) for alternative accommodations for submittals.

If you have any questions, please contact Ms. Susana Vargas of the Municipal Stormwater Permitting Unit by email. Alternatively, you may also contact Mr. Ivar Ridgeway, Municipal Stormwater Permitting Unit Supervisor by email at [Ivar.Ridgeway@waterboards.ca.gov](mailto:Ivar.Ridgeway@waterboards.ca.gov).

Sincerely,

Renee Purdy  
Executive Officer