
Los Angeles Regional Water Quality Control Board

April 28, 2023

Via Email Only

City of La Habra Heights

APPROVAL, WITH CONDITIONS, OF THE CITY OF LA HABRA HEIGHTS WATERSHED MANAGEMENT PROGRAM (WMP) PURSUANT TO THE REGIONAL MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) WASTE DISCHARGE REQUIREMENTS AND NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT FOR THE LOS ANGELES REGION (NPDES PERMIT NO. CAS004004; ORDER NO. R4-2021-0105)

Dear City of La Habra Heights:

This letter (1) conditionally approves the Watershed Management Program (WMP) submitted by the City of La Habra Heights (City) subject to additional revisions of the WMP, (2) reviews compliance metrics for Water Body-Pollutant Combinations (WBPCs) and (3) specifies additional requirements including requirements for an updated adaptive management process.

1) Review of the Watershed Management Program

The Regional MS4 Permit (Order No. R4-2021-0105) authorizes discharges from the MS4 operated by 99 municipal Permittees within the coastal watersheds of Los Angeles and Ventura Counties (hereafter, Regional MS4 Permit or Order). The Regional MS4 Permit became effective on September 11, 2021. The Regional MS4 Permit allows the Permittee(s) the option to use a Watershed Management Program (WMP) to implement many of the permit's requirements through customized strategies, control measures, and best management practices (BMPs).

Pursuant to the State Water Resources Control Board (State Water Board) WQ Order No. 2020-0038 and the Los Angeles County MS4 Permit Order No. R4-2012-0175, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board or Board), reviewed the City of La Habra (City) WMP dated September 20, 2017, including an updated RAA dated June 30, 2021. Because the Regional MS4 Permit carries over many of the provisions from Order No. R4-2012-0175 and incorporates the required elements of Order No. 2020-0038, and because it is the currently effective permit, the WMP will be reviewed per Part IX of the Regional MS4 Permit.

Public Review and Comment

On December 21, 2021, the Los Angeles Water Board provided public notice and a 76-day period to allow for public review and comment on the WMPs submitted by June 30, 2021. The Board received one joint comment letter from Heal the Bay, the Los Angeles Waterkeeper, and the Natural Resources Defense Council, which generally applied to all WMPs. These comments were considered during staff's review of the WMPs.

Conditions of Approval

Pursuant to Part IX.G.3.a of the Order, the Watershed Management Program and Reasonable Assurance Analysis (RAA) are required to be consistent with the requirements of the Regional MS4 Permit. The WMP does not propose watershed control measures and no compliance schedule was proposed. However, for the purpose of allowing the Group to address future water quality priorities based on new information and/or water quality issues and propose watershed control measures, the Group is allowed to keep their WMP. Note that since the Group did not propose watershed control measures in its WMP, the Los Angeles Water Board will not provide deemed compliance for the WBPCs in the WMP area. Therefore, the Group shall comply with the receiving water limitations and WQBELs specified in Attachment R of the Order, and demonstrate compliance per Parts X.B.1.a (Interim WQBELs and Receiving Water Limitations – Direct Demonstration of Compliance with TMDL-Specific Requirements), X.B.2.a (Final WQBELs and Receiving Water Limitations – Direct Demonstration of Compliance), and X.C (WQBELs and Receiving Water Limitations for Trash) of the Order. The Los Angeles Water Board hereby approves the City's WMP, under the condition that the WMP is revised to address the following requirements:

1. Update the WMP to reference the 2020-2022 303(d) list of impaired waterbodies and associated pollutants.
2. Update evaluation of existing water quality conditions, including characterization of stormwater and non-stormwater discharges and receiving water quality using at minimum, the routine water quality data collected over the last five years per Part IX.B.1 of the Order.
3. Update Source Assessment and provide an explanation of how any information considered as part of the Source Assessment was ultimately used to inform the development of the WMP and an explanation of why any relevant available data was disregarded per Part IX.B.2 of the Order.
4. Update WMP to include the San Gabriel River, Estuary and Tributaries Indicator Bacteria TMDL and compliance dates, including updating Table 3-1 (City Specific Applicable Waterbodies, Associated Pollutants and Categories), Table 3-2 (TMDLs in San Gabriel River Watershed Management Area), Table 3-3 (Category 2 – 303(d) Listings), and Section 3.3.1 (Bacteria Receiving Water Limitation Compliance).
5. Update Minimum Control Measures/Institutional BMPs per the Regional MS4 Permit and include any proposed modifications and elimination per Part VIII of the Order.

6. Update Section 4 (Pollutant Loading) based on the findings of the updated 2021 RAA.
7. Update Section 5.7 (Goals & Solutions) and Section 6 (Measuring Progress) and include dates for achievement per Part IX.B.7.e and Part IX.B.7.h of the Order.
8. Include an estimate of the capital and operation and maintenance costs of implementing the WMP and a financial strategy to fund those costs per Part IX.A.4.i.
9. Describe the adaptive management process that will be undertaken per Part IX.E of the Order.
10. Provide legal authority documentation per Part IX.B.7.a of the Order.
11. Update outdated information and findings since the 2017 WMP.
12. The WMP contains references to provisions in the previous Los Angeles County MS4 Permit. Please update the references to be consistent with the numbering and formatting of the Regional MS4 Permit.

The Board may rescind this approval if any of the conditions in this letter are not met to the satisfaction of the Board within the timeframe provided below. Pursuant to Part IX.G.4 of the Order, if the necessary revisions are not appropriately made, the City shall be subject to all requirements in the Order except those requirements pertaining to Watershed Management Programs upon disapproval by the Los Angeles Water Board.

The City shall submit a final WMP to the Los Angeles Water Board that satisfies all of the above conditions no later than **July 31, 2023**. The final and revised WMP must be submitted electronically by uploading the files in a Folder with the name of the City to the FTP site using the following credentials:

FTP site: <https://ftp.waterboards.ca.gov>

Username: RB4MS4-Upload

Password: RB4-bmBb3Z

Pursuant to Parts IX.C.1 and IX.G.3.c of the Order, **the City shall implement their approved WMP immediately**. The City is subject to all applicable compliance schedules in Part IV.B and Attachments K through S of the Order.

2) Compliance Determinations

2.1 Compliance Determination for WBPCs other than Trash

2.1.1 Compliance Metric: Pursuant to Part IX.B.7.h of the Order, the WMP is required to specify the expected volume capture, load reductions, or other compliance metric(s) at regular milestones, and the methods by which these reductions will be measured and demonstrated for each WBPC and supported via the RAA. Based on the information provided in the WMP, and pending revision of the WMP to address the conditions of this approval letter, the Board will determine compliance with the City's WMP and associated interim WQBELs based on the following compliance metric(s) with the approved compliance schedule:

- Not applicable

If the City fails to complete the tasks, then the City shall lose deemed compliance status for their interim WQBELs. The City must demonstrate compliance with final WQBELs through the direct demonstration of compliance options outlined in Part X.B.2.a of the Order or revise the WMP to include structural BMPs that retain all non-stormwater runoff and the volume of stormwater runoff from the 85th percentile 24-hour storm event.

2.1.2 WBPCs Eligible for Deemed Compliance Through Alternative Demonstration of Compliance: The following WBPCs will receive deemed compliance through the WMP if the actions and schedules specified in the WMP are attained as outlined in Parts X.B.1.b and X.B.2.b of the Order and pending revision of the WMP to address the conditions of this approval letter:

- Not eligible for deemed compliance

Any WBPCs that are not listed above are not eligible for deemed compliance for one or more of the following reasons: (a) for Category 1 WBPCs with interim deadlines, the WMP proposes watershed control measures for which there are no quantitative analyses that satisfy the RAA requirements, (b) the final TMDL deadline(s) have passed and there is no approved Time Schedule Order (TSO) or retention of all non-stormwater runoff and the volume of stormwater runoff from the 85th percentile 24-hour storm event, (c) the WMP proposes implementing baseline Permit requirements only, and/or (d) the WMP does not propose implementing additional BMPs and proposes to demonstrate compliance through monitoring.

2.2 Compliance Determination for Trash WBPCs

Trash WBPCs are not eligible for deemed compliance under the WMP. For Trash WBPCs, compliance shall be determined as outlined in Part X.C of the Order.

3) Other Requirements

Adaptive Management

Pursuant to Part IX.E.1 of the Order, the Permittee(s) shall implement an adaptive management process for each approved WMP. An adaptive management process is a periodic, comprehensive program evaluation, including re-analysis of data and/or modeling, and modification process to determine progress toward achieving WQBELs and receiving water limitations and to adapt the Watershed Management Program to become more effective at achieving WQBELs and receiving water limitations. Pursuant to Part IX.E.4 of the Order, Permittee(s) shall submit the results of the adaptive management process with the Permittees' Report of Waste Discharge (ROWD) to the Los Angeles Water Board no later than **March 15, 2026**.

Per Part IX.E.3 of the Order, the adaptive management process fulfills the requirements in Part V.D of the Order to address continuing exceedances of receiving water limitations.

WMP Modifications

As indicated in Part IX.E.2 of the Order, based on the results of the adaptive management process, the Permittee(s) may propose WMP modifications necessary to improve the effectiveness of the WMP. The Permittee(s) shall clearly identify any WMP modification proposals in their submittal of the adaptive management results.

Additionally, per Part IX.C.2 of the Order, notwithstanding Part IX.E (Adaptive Management) of the Order, the Permittee(s) may propose WMP modifications at any time during the term of the Order, as necessary as a standalone request. As explained in Attachment H of the Order, the Permittee(s) cannot submit WMP modification requests as part of the Annual Report. The Permittee(s) shall provide separate written requests explaining the nature of the proposed modification and justification for consideration by the Los Angeles Water Board.

Receiving Water Limitations Compliance Report

Per Part IX.B.9.c.iv of the Order and Part XIV.C.4 in Attachment E of the Order, implementation of actions to address water quality priorities in a Watershed Management Program related to addressing exceedances of receiving water limitations in Part V (Receiving Water Limitations) of the Order which is not otherwise addressed by TMDLs in Part IV of the Order and Attachments K through S, fulfills the requirements in Part V.C of the Order to prepare a Receiving Water Limitations Compliance Report.

If you have any questions, please contact Susana Vargas with the Municipal Stormwater Permitting Unit by email Susana.Vargas@waterboards.ca.gov or phone (213) 576-6688. Alternatively, you may also contact Ivar Ridgeway, Municipal Stormwater Permitting Unit Supervisor by email at Ivar.Ridgeway@waterboards.ca.gov or by phone at (213) 620-2150.

Sincerely,

Renee Purdy
Executive Officer

cc: Fabiola Huerta, City of La Habra Heights
Rafferty Wooldridge, City of La Habra Heights
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