
Los Angeles Regional Water Quality Control Board

April 17, 2023

Via Email Only

Permittees of the Los Cerritos Channel Watershed Group¹

APPROVAL, WITH CONDITIONS, OF THE LOS CERRITOS CHANNEL WATERSHED'S GROUP'S 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 Permittees of the Los Cerritos Channel Watershed Group:

This letter (1) conditionally approves the Watershed Management Program (WMP) submitted by the Los Cerritos Channel Watershed Group (Group) subject to additional revisions of the WMP, (2) reviews compliance metrics for waterbody 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/or the Los Angeles County MS4 Permit Order No. R4-2012-0175, the Group submitted a revised draft WMP dated June 2021 to the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board or Board). 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 has been reviewed per Part IX of the Regional MS4 Permit.

¹ Permittees of the Los Cerritos Channel Watershed Group include Los Angeles County Flood Control District and the Cities of Bellflower, Cerritos, Downey, Lakewood, Long Beach, Paramount, and Signal Hill.

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 WMP.

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. An email was sent to the Group on March 30, 2022, requesting clarification on the revised WMP. Subsequently the Los Angeles Water Board met with the Group's consultant, Richard Watson, on April 1, 2022, to discuss the clarifying questions. The Group provided clarification on May 6, 2022. An email was sent to the Group on May 11, 2022, providing comments and questions on the revised draft WMP. The Los Angeles Water Board received the Group's second revised draft WMP on June 9, 2022. The Los Angeles Water Board hereby approves, subject to the following conditions, the Group's WMP, dated June 2022:

1. Per Section 5.4 "Addressing Limiting Pollutants Drives Other Pollutant Reduction" of the WMP, and Section 3.2.4, Table 3-6 "Limiting pollutant analysis for LCC," of Attachment A, zinc is the limiting pollutant for wet weather. For wet weather, other WBPCs, including E. coli, were compared to zinc for the limiting pollutant approach. This indicates that by managing zinc for wet weather, implementation of the specified BMPs should have reasonable assurance to control the other pollutants, as required, including E. coli, during wet weather. Therefore, update the E. coli wet-weather proposed implementation approach and E. coli compliance deadlines in WMP Section 5 "Compliance with Receiving water Limitations," WMP Section 6 "Implementation Schedules," and Section 4 "WMP Implementation Strategies" of Attachment A to be consistent with the proposed BMPs for zinc and the zinc compliance deadline of September 30, 2026.
2. Table 6-3b "Optimistic Water Capture Project Design and Construction Schedule between July 1, 2022 and January 30, 2035" of the WMP, proposes projects beyond the LCC Metals TMDL wet-weather final compliance deadline of September 30, 2026. Per Part IX.B.9 of the Order, the WMP must include BMP implementation sufficient to comply with the LCC Metals TMDL wet-weather final compliance deadline of September 30, 2026. Accordingly, per Part IX.B.9 of the Order, update Table 6-3b so that the proposed project completion dates are before September 30, 2026. Also, update the table title for Table 6-3b of the WMP to reflect the correct completion date and remove the word "optimistic."
3. Attachment A, Figure 4-6 "Scheduling of LCC WMP Implementation Strategy to achieve WMP/TMDL milestones," indicates that to achieve the 65% wet-weather LCC Metals TMDL interim milestone, 84.29 acre-ft of structural BMP capacity is

needed, and to achieve the final wet-weather LCC Metals TMDL and the Dominguez Channel Estuary and Greater Los Angeles and Long Beach Harbor Toxics TMDL (Harbor Toxics TMDL) deadline, 148.06 acre-ft of structural BMP capacity is needed. Section 6 “Implementation Schedule” indicates that a mixture of LID projects, green streets and water capture projects are needed to ensure WQBELs are met by their compliance schedules. Therefore, update Table 6-3b “Optimistic Water Capture Project Design and Construction Schedule between July 1, 2022 and January 30, 2035” of the WMP, to include capacities (in acre-ft) for the proposed water capture projects. In addition, update Table 6-3b to list all existing and future structural control measures, including LID projects and green streets, with their capacities and corresponding implementation dates (at a minimum month and year) to align with the capacities and compliance dates indicated in Attachment A, Figure 4-6 “Scheduling of LCC WMP Implementation Strategy to achieve WMP/TMDL milestones.”

4. Section 2.0 of the WMP contains the water quality data characterization and source assessment based on the E. coli standard of 235 cfu/100ml as a single sample maximum. Section 2.1.2 of the WMP summarizes water quality data analysis results from 2014-2020 compared to the water quality standards in Table 2-7. The E. coli standard in Table 2-7 reflects the statewide bacteria objectives, and footnote 8 states that the monitoring program did not obtain enough data to calculate a geometric mean or a statistical threshold value (STV), and that the use of these targets will begin once the revised CIMP is approved and the TMDL for indicator bacteria in the Los Cerritos Channel and Estuary, Alamitos Bay, and Colorado Lagoon becomes effective. Although enough data may not be available to calculate a geometric mean, an STV is able to be calculated using available data. Therefore, update Section 2.0 of the WMP to reflect an E.coli analysis compared to the STV and the conclusions of that analysis. In addition, revise footnote 8 of Table 2-7 to only state “The current monitoring program does not obtain enough data points to calculate the six-week geomean.”
5. Update Section 2.2 to reflect the WBPC categories in Part IX.B.3. of the Order as follows:
 - a) Los Cerritos Chanel is assigned to the Nearshore Area as defined in the Harbor Toxics TMDL, which drains to San Pedro Bay. Update Table 2-13 “LCC Watershed Priority Pollutants - Category 1” of the WMP to include the WBPCs for the Harbor Toxics Pollutants TMDL. In addition, please note the media in which the WBPCs apply.
 - b) Remove 4-4’ DDE, PAHs, and Total PCBs from Table 2-17 “LCC Water Body-Pollution Classification 2B (High Priority Pollutants not on 303(d) List).”
 - c) Per Part IV and Attachments K through S of the Order, there is no TMDL for E. coli and Enterococcus in the LCC watershed incorporated into the Order. Therefore, remove E. coli and Enterococcus from Table 2-13 “LCC Watershed Priority Pollutants - Category 1” of the WMP and place “Indicator Bacteria” in Table 2-16 “LCC Los Cerritos Channel and Estuary Watershed Priority Pollutants-Category 2A (High Priority Pollutants on the 303(d) List).”

- d) The Los Cerritos Channel Estuary is not within the Group's management area. Therefore, remove the word "Estuary" from the title of Table 2-16 "Los Cerritos Channel and Estuary Watershed Priority Pollutants-Category 2A (High Priority Pollutants on the 303(d) List)." In addition, remove Dissolved Oxygen from Table 2-16, as it applies to the LCC Estuary.
- e) The LCC is not listed for Aluminum per the 2018 303(d) Integrated Report. Therefore, remove Aluminum from Table 2-16 "Los Cerritos Channel and Estuary Watershed Priority Pollutants-Category 2A (High Priority Pollutants on the 303(d) List)" and the discussion regarding Aluminum in Section 2.2.2 "Identification of Category 2 (High Priority Pollutants)."
6. In section 4.5 of the WMP, remove the following statement: "As recognized by a footnote to Table K-7 and other tables in Attachment K of the 2012 Permit, the Participating Agencies have entered into an Amended Consent Decree with the United States and the State of California, including the Regional Board. The Los Angeles Water Board notes that per the Amended Consent Decree entered in United States v. Montrose Chemical Corp., Case No. 90-3122 AAH (JRx), the Los Angeles Water Board released some local agencies from liability for natural resource damages and for specific response costs related to releases of DDT and other hazardous substances from the Montrose DDT Plant. This Amended Consent Decree does not apply to all toxic pollutants covered by the Dominguez Channel Toxics TMDL. Further, nothing in the Amended Consent Decree bars the State from requiring compliance with the Clean Water Act, including compliance with NPDES permits issued thereunder. According to Attachment J of the Regional MS4 Permit, the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL, including the water quality-based effluent limits in Attachment P, Part II of the Order, apply to the Group.
7. Section 1 "Introduction and Background" of the WMP states the Cities of Bellflower, Cerritos, Downey, Lakewood, Long Beach, Paramount, and Signal Hill are in the LCC Watershed Group, and the Los Angeles County of Flood Control District (LACFCD) has joined the Watershed Group for specific purposes, and the California Department of Transportation (Caltrans) participates with the Group on an informal basis. Update Section 1 to clarify the LACFCD is part of the LCC WMP Group. In addition, the Executive Summary states that the County of Los Angeles is part of the LCC Watershed Group. Clarify the County of Los Angeles is only part of the LCC Watershed Group for CIMP purposes. Per Part IX.A.4.I of the Order, identify the lead agency for the LCC WMP Group.
8. Section 2.2.2 "Identification of Category 2 (High Priority) Pollutants" states "...sources of bis(2-ethylhexyl) phthalate contamination will be handled through the implementation of upstream trash controls (see Section 2.3.3). Section 2.3.3 does not discuss trash controls, nor bis(2-ethylhexyl) phthalate. Update this section reference to the correct section.
9. Section 4.5.2 "Structural Control Measures" of the WMP states "first and second order major BMP sites are proposed to handle 168 acre-feet of the 204.5 acre- feet of potential regional BMP volume shown in Table 9-5 of the RAA." Update the WMP to clarify what BMPs projects are first and second order. In addition, verify

the capacities referenced in this sentence are correct and update the referenced table, because Table 9-5 of the RAA (Attachment A) does not exist.

10. Section 2.3.1 "Sources of Metals and Pesticides" of the WMP states "Figure 2- illustrates that metals loadings are highly correlated with suspended sediment concentrations." Revise the reference to correctly state Figure 2-10.
11. Section 2.1.4 "TMDLs" of the WMP references "Figure 2-," multiple times but does not provide a specific figure number. Update Section 2.1.4 to include the complete figure number.

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 Group 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 Group shall submit a final WMP to the Los Angeles Water Board that satisfies all of the above conditions no later than **July 21, 2023**. The final WMP must be submitted electronically by uploading the files in a Folder with the name of the Group 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 Group shall implement their approved WMP immediately**. The Group 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 deemed compliance with the Group's WMP based on the following compliance metric(s) with the approved compliance schedule:

- Interim Milestones by the LCC Metals Interim Wet Weather Compliance Deadline of September 30, 2023:
 - Projects listed per Table 6-3b
 - If the above projects per Table 6-3b are not completed, the equivalency metric of the “Structural BMP Capacity” per the Metals 65% column in Figure 4-6 “Scheduling of LCC WMP Implementation Strategy to achieve WMP/TMDL milestones” of Attachment A applies.
- Final Milestones by the LCC Metals Wet Weather Compliance Deadline of September 30, 2026:
 - Projects listed per Table 6-3b from September 30, 2023 to September 30, 2026.
 - If the above compliance metrics for projects per Table 6-3b are not completed, the equivalency metric of the “Structural BMP Capacity” per the Final Metals column in Figure 4-6 “Scheduling of LCC WMP Implementation Strategy to achieve WMP/TMDL milestones” of Attachment A applies.
- Flow based compliance metric at LCC1 monitoring station for dry weather E. coli per Table 6-3a “Tentative Pathogen Reduction Targets between July 1, 2021 and December 30, 2027” of the WMP.

If the Group fails to attain the interim milestones, then the Group shall lose deemed compliance status for their interim WQBELs. The Group 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:

- Los Cerritos Channel
 - Wet Weather WBPC listed in Table 2-13 “Water Priority Pollutants Category 1” except for E. coli and Enterococcus
 - Wet Weather E. coli listed in Table 2-16 “Water Priority Pollutants Category 2A”, and All Wet Weather WBPC listed in Table 2-17 “Water Priority Pollutants Category 2B”
 - Dry Weather E. coli per Table 6-3a “Tentative Pathogen Reduction Targets between July 1, 2021 and December 30, 2027” of the WMP

Any WBPCs that are not listed above are not eligible for deemed compliance for 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 Jessica Pearson with the Municipal Stormwater Permitting Unit by email Jessica.Pearson@waterboards.ca.gov or phone (213) 576-6786. 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,

for Renee Purdy
Executive Officer

cc: Bernardo Iniguez, City of Bellflower
Michael O' Grady, City of Cerritos
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Konya Vivanti, City of Lakewood
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