
Los Angeles Regional Water Quality Control Board

February 6, 2023

Via Email Only

Permittees of the Marina del Rey Watershed Management Group¹

APPROVAL, WITH CONDITIONS, OF THE MARINA DEL REY WATERSHED MANAGEMENT PROGRAM AGENCIES' 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 Marina del Rey Watershed Management Program Agencies:

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 Los Angeles Regional Water Quality Control Board (Los Angeles Water Board or Board), received the revised Marina del Rey Enhanced Watershed Management Program Plan 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 Marina del Rey (MdR) WMP will be reviewed per Part IX of the Regional MS4 Permit.

This letter (1) conditionally approves the MdR WMP submitted by the Marina del Rey Watershed Management Group (Group) 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 Permittees of the Marina del Rey Watershed Management Group include the County of Los Angeles, and the Los Angeles County Flood Control District, and the cities of Los Angeles, and Culver City.

NORMA CAMACHO, CHAIR | RENEE PURDY, EXECUTIVE OFFICER

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 MdR WMP.

Board's Review

Pursuant to Part IX.G.3.a of the Order, the WMP and Reasonable Assurance Analysis (RAA) are required to be consistent with the requirements of the Regional MS4 Permit. The Los Angeles Water Board hereby approves the MdR WMP dated June 30, 2021, subject to the following conditions:

1. Per Part IX.A.4.l of the Order, identify the lead municipality for the Group.
2. Per Part IX.G.3.a of the Order, update the MdR WMP to be consistent with the requirements of the Regional MS4 Permit and update all references to the previous permit.
3. All non-structural load reductions relied upon for the RAA require a quantitative demonstration. The narrative discussion in *Section 5.5 EWMP Non-Structural BMPs* is not sufficient justification to support the specified pollutant load reduction of 6.5 percent. Therefore, provide a quantitative demonstration for all load reductions based on non-modeled controls or update the WMP to remove all load reduction assumptions from non-modeled controls per Section II.B.3.a.i of the 2020 State Board Order.
4. Modify Table 7-2 or add a new table to show the RAA Volume Capture Schedule by each Permittee of the Marina del Rey Watershed Management Group.
5. In *Section 3.1: 2014-2016 Section 303(d) List*, update Table 3.1 and all 303(d) references in the WMP to the current 2020-2022 303(d) List, which was approved by U.S. EPA on May 11, 2022.
6. In Table 3-1: Summary of Section 303(d) Listings, the current 303(d) List does not include a Fish Consumption Advisory for Marina del Rey Harbor – Back Basins; therefore, remove Fish Consumption Advisory from Table 3-1.
7. Throughout *Section 3.2: Existing TMDLs Summary* and in Table 3-2, update the WMP to reflect the effective date of May 24, 2022, for revisions to the Los Angeles Region Basin Plan, per Los Angeles Water Board Resolution No. R21-001, to extend final compliance dates for the Marina del Rey Mother's Beach and Back Basins Bacteria TMDL and the Marina del Rey Harbor Toxic Pollutants TMDL.
8. In Table 3-2, correct the Final Date for the Marina del Rey Harbor Toxic Pollutants TMDL (Front and Back Basins) to July 15, 2024 to be consistent with the TMDL deadline extension and throughout the WMP, as needed.
9. In Table 3-2, include the Final Date of September 11, 2021 for the Santa Monica Bay TMDLs for DDTs and PCBs since the Regional MS4 Permit requires Permittees to comply with this TMDL as of the effective date of the Order.
10. In Table 4-3, update the Priority column to 1 since the Marina del Rey TMDL compliance deadlines are within the term of the Regional MS4 Permit. In addition,

correct the deadline for the Marina del Rey Harbor Toxic Pollutants TMDL to July 15, 2024.

11. In Section 10, update the adaptive management process to include all the requirements specified in Part IX.E of the Regional MS4 Permit.
12. Update the legal authority in Appendix A for each Permittee to reference the Regional MS4 Permit.

The following typographical errors need to be corrected in the revised WMP:

1. In Section 5.1.1.1, revise the second sentence of the first paragraph to read, "Situated adjacent to MdRH, this 10.7-acre facility seeks to attenuate and retain stormwater flows before discharging to the harbor." The sentence currently states, "... retrain stormwater flows...."
2. In Section 6.2.1 on page 77, revise the last sentence to state, "The resulting calculations are presented in Table ~~6-56-6~~."

Approval of the Group's WMP, subject to the conditions above, reinstates the Group's deemed compliance status, per the Board's Order WQ 2020-0038, letter on the Group's February 25, 2022 status of compliance demonstration, for the WBPCs identified below.

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 Agencies 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 Agencies shall submit a final WMP to the Los Angeles Water Board that satisfies all of the above conditions no later than **May 6, 2023**. The final WMP must be submitted electronically by uploading the files in a Folder with the name of the Agencies 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 Agencies shall implement their approved WMP immediately**. The Agencies is subject to all applicable compliance schedules in Part IV.B and Attachments K through S of the Order.

Compliance Determination for WBPCs other than Trash

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 Marina del Rey

WMP and associated interim WQBELs based on the following compliance metric(s) with the approved compliance schedule:

- Target Load Reduction per *Table 6-8: Basins Drainage Area Summary of Modeled Volumes and Load Reduction – Critical Storm Year*; and
- Achievement of the required 84.3 percent target load reduction by July 15, 2024.
- An alternative schedule is presented in *Table 7-1: RAA Load Reduction Schedule for Mdr Watershed Back Basins and Front Basins BMPs*. This schedule is contingent upon the Marina del Rey Watershed Management Program Agencies obtaining a time schedule order per Part X.E. of the Regional MS4 Permit.

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.

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:

- Marina del Rey Harbor for total coliform, fecal coliform, *Enterococcus*, copper, lead, and zinc.

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.

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.

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 Mr. 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: Bruce Hamamoto, County of Los Angeles
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