
Los Angeles Regional Water Quality Control Board

April 28, 2023

Via Email Only

Permittees of the Rio Hondo/San Gabriel River Watershed Management Group¹

APPROVAL, WITH CONDITIONS, OF THE RIO HONDO/SAN GABRIEL RIVER WATERSHED MANAGEMENT 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 Rio Hondo/San Gabriel River Watershed Management Group:

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), received the Rio Hondo/San Gabriel Group's (Group) WMP dated May 17, 2019. 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

¹ Permittees of the Rio Hondo/San Gabriel River Water Quality Control Group include the Cities of Arcadia, Bradbury, Duarte, Monrovia, and Sierra Madre, the County of Los Angeles, and the Los Angeles County Flood Control District.

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 29, 2022 notifying the Group of updates required when incorporating load reductions from institutional/non-modeled controls per the 2020 State Board Order. The Los Angeles Water Board hereby approves, subject to the following conditions, the Group's WMP, dated May 17, 2019:

1. Identify the Group lead, as required per Part IX.A.4.I of the Order.
2. Update the WMP to reference the 2020-2022 303(d) list of impaired waterbodies and associated pollutants.
3. 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.
4. 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.
5. Provide an update on non-stormwater discharges from the MS4 and any control measures per Part IX.B.6.b.
6. Update minimum control measures (MCMs) per Part VIII of the Order and include any proposed modifications.
7. Clearly identify the responsibilities of each participating Permittee for implementation of watershed control measures per Part IX.B.7.f and Part IX.B.7.h of the Order.
8. To demonstrate how the proposed BMPs in the WMP will meet the RAA-required load or volume reductions, add a new table to Section 4.4 of Att. C of the WMP that summarizes the current BMP capacity achieved, required volume or load reduction, total RAA-required BMP capacity, and interim/final deadlines.
9. Correct typo referring to subcategory "2C WBPCs" to "2B" in Section 2.4.4 (Constituent Relationships) on page 50 of Att. C per Table 2-22 (Summary of RH/SGRWQG WBPC Categories), page 49 of Att. C.
10. Update Table 2-19 on page 46 of Att. C to reflect that a LRS was not submitted for LAR Bacteria (i.e., remove "Dry w/ LRS" column).
11. Describe the adaptive management process that will be undertaken per Part IX.E of the Order.
12. Provide a quantitative demonstration for all milestones based on non-modeled controls (e.g., model the phaseout of copper brake pads) or update the WMP and WMP RAA to remove all load reduction assumptions from non-modeled controls per Section II.B.3.a.i of the 2020 State Board Order.

13. Update the Legal Authority for each Permittee in the Group to reference the Regional MS4 Permit.
14. With both the old and new versions of sections included in the WMP, it is unclear which versions apply. It is also difficult to verify if the changes are reflected in the main body of the WMP and any other applicable Appendices. If a change is made to the WMP, the change must be reflected within the WMP itself rather than continuing to include an old version and an additional section listing changes that need to be made to the old version. Revise the WMP so that it is comprehensive of all requirements of the Regional MS4 Permit as a fresh new document instead of the current format with information scattered under the redline 2016 WMP (Att. A), 2018 and 2019 WMP.
15. Recommend making the “Main Document” an executive summary of the WMP and using headings that make it clear what sections of the Order are being addressed.
16. Att. B, Appendix B.1 – B.5 is referred to in the table of contents but was not included in the document.
17. 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.
18. Update the entire WMP to conform to the requirements in the Regional MS4 Permit and update all references to previous permits.

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 31, 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, and approved Time Schedule Order (TSO) if applicable. To the extent that any statements intended to make implementation of actions contingent on funding or information-gathering remain in the WMP, the Los Angeles Water Board gives them no effect.

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 Group's WMP based on the following compliance metric(s) with the approved compliance schedule:

- Load reduction per Table 4-10 (Zinc Load Reduction (lbs/yr) from Control Measures at Each Milestone) in Att. C.
- Load reduction per Table 4-11 (Zinc Load Reduction (lbs/yr) from Control Measures in WMP Area Draining Downstream from Rio Hondo Compliance Point (via Eaton Wash) at Each Milestone) in Att. C.

If the Group fails to attain the volume reductions in these two tables, 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.

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:

- Category 1A metals (wet-weather) per Table 2-22 (Summary of RH/SGRWQG WBPC Categories) in Att. C.
- Category 1B metals (wet-weather) and bacteria (wet-weather for LAR and SGR Bacteria and dry-weather for SGR Bacteria) per Table 2-19 (Schedule of TMDL Compliance Milestones Applicable to the RH/SGRWQG) and Table 2-22 in Att. C.

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 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,

for Renee Purdy
Executive Officer

cc: Vanessa Hevener, City of Arcadia
Kevin Kearney, City of Bradbury
Craig Hensley, City of Duarte
Alex Tachiki, City of Monrovia
James Carlson, City of Sierra Madre
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Annelisa Ehret Moe, Heal the Bay
Benjamin Harris, LA Waterkeeper
Corinne Bell, Natural Resources Defense Council