

Los Angeles Water Board Response to Written Comments by the Construction Industry Coalition on Water Quality (CICWQ), dated August 31, 2015, on the Twelve Draft EWMPs

Comment No.	CICWQ Comment	Los Angeles Water Board Response
I.	<p>Aggregation of Watershed Management Plan Data is Necessary to Understand the Entirety of the Compliance Obligation</p> <p>After a review of the 12 EWMPs, it is our recommendation that Regional Board staff aggregate important physical, hydrological, demographic, best practices implementation, and cost data, and place the data collected in context with the entirety of the MS4 permit compliance obligation that is theoretically being addressed through the preparation of Watershed (WMPs) and Enhanced Watershed Management Plans. At the current time, there is no clear comprehensive picture of what is being proposed, and what the proposal will cost. There are 12 different plans prepared, with no understanding of their interconnections, or their interconnections to any other WMPs or individual Plans. We requested such an aggregation approximately one year ago when the DRAFT WMPs were released for public review and note that no aggregation has been provided to date.</p>	<p>Comment and recommendation noted.</p> <p>There may be value in a comprehensive aggregation of information as proposed in the comment. However, this aggregation is not necessary for the review of, or final determinations regarding, the EWMPs since:</p> <ol style="list-style-type: none"> 1. Each draft EWMP was proposed individually and was reviewed by the Board on an individual basis. Final determinations were also made on an individual basis for each EWMP. 2. Some EWMPs may include specific information/data that may not be readily compatible with information from other EWMPs. Such information would need to be converted, potentially introducing additional assumptions and/or errors. 3. Permittees have had time since the issuance of the Los Angeles County MS4 Permit in November 2012 to collaborate with one another through the permit-established Technical Advisory Committee (TAC), as well as the Permittee-established Watershed Management Program coordinators' meetings. This time allowed Permittees to find interconnections and propose cost-effective strategies that take advantage of such interconnections among other EWMPs, WMPs, and individual Permittee efforts. 4. Such an aggregation will take considerable Board time and resources. To date, this time and these resources have been committed to the thorough review of each EWMP within the timeframe prescribed in the Los Angeles County MS4 Permit. <p>Based on the data and information submitted in the Annual Reports</p>

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		required by the permit, a targeted aggregation of actions/projects undertaken to comply with the permit, on a yearly basis, may be possible.
II.	<p>The Timing of Monitoring and Capital Expenditures for Monitoring Should Be Commensurate with Installation of Appropriate Best Practices</p> <p>Reviewed collectively, the Plans all appear to place a heavy emphasis and requirement to monitor stormwater discharges during wet weather events at hundreds and perhaps even thousands of locations throughout Los Angeles County. Requiring extensive and costly stormwater discharge monitoring at the outset of watershed plan implementation is counter intuitive and, in our opinion, a waste of financial resources and should be performed in opposite order. Only after the planned networks of regional and distributed best practices are implemented over the years should additional monitoring be required, as this would then inform the Regional Board and stakeholders of effectiveness at an appropriate time.</p> <p>Requiring more and expensive monitoring at this time is both unnecessary and unhelpful to achieving compliance. Current monitoring programs have demonstrated where impairments or problem areas exist very clearly, and the RAA done for all the Plans acknowledges this fact and lays out a modeled approach for meeting water quality</p>	<p>Monitoring during both dry and wet weather is an integral and required part of the Los Angeles County MS4 Permit. While the comment implies that stormwater discharge monitoring during wet weather is premature “at the outset of watershed plan implementation,” it is important to recognize that MS4 discharges in Los Angeles County have been regulated for over 25 years - since 1990 - with very limited monitoring requirements given the scope and complexity of the MS4. The limited monitoring data generated under previous iterations of the Los Angeles County MS4 Permit has hindered Permittees’ efforts to adaptively manage their programs to increase their effectiveness in achieving improvements in water quality and has hindered the Board’s efforts to assess compliance with permit requirements.</p> <p>The State Water Resources Control Board recognized in Order WQ 2015-0075 that “Wet weather receiving water monitoring is fundamental to assessing the effects of storm water discharges in water quality and determining the trends in water quality as Permittees implement control measures.” (pp. 65-66.) More robust monitoring, including outfall monitoring, supports assessing compliance with and progress towards achievement of interim and final water quality-based effluent limitations and receiving water limitations. In addition, the WMP/EWMP Adaptive Management Process provisions of the permit rely on monitoring data so that Permittees can make their programs more effective and Reasonable Assurance Analyses more accurate.</p> <p>The Los Angeles Water Board has allowed for delayed monitoring implementation in certain situations. Several Coordinated Integrated Monitoring Programs (CIMPs) and Integrated Monitoring Programs (IMPs) include the “phased” implementation of monitoring requirements in which the commencement of monitoring is spread out over the course of several years or increased monitoring frequency is only</p>

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	<p>objectives through implementation of existing structural and operational controls and planned structural best practices for installation at a future date. Monitoring is needed when additional best practices are in place, not vice versa. We urge the Regional Board to re-think and change its approach to monitoring.</p>	<p>triggered after a final deadline is reached.</p>
<p>III.</p>	<p>The Capital Expenditures Required for Plan Implementation are Staggering</p> <p>Using data contained in the twelve EWMPs, the combined cost of implementation is approximately \$17.3 Billion, and in most instances this amount appears to also include annual operations and maintenance for time periods running generally through the years 2025 to 2030, although this is not always clear in the Plan documents. In addition, in reviewing the EWMPs and their companion CIMPs, we could not determine each of the 12 CIMP implementation costs, and whether or not these costs were included as part of the annual O&M costs presented in the 12 EWMPs. We ask and urge the Regional Board to make it clear to stakeholders the total cost of program implementation, and the relative proportions that constitute to the total cost.</p> <p>Regardless of the completeness of the cost obligation presented in the EWMPs, the combined costs of EWMP implementation are</p>	<p>Comment considered.</p> <p>The Los Angeles Water Board recognizes the sizable investment that Permittees will need to comply with the EWMPs and has committed to supporting, as it is able, Permittees' efforts to secure funding. As noted, the costs of implementation will be spread across the region and over many years. In several watersheds, final deadlines are in 2037 to 2040 – 21 to 24 years from now. Additionally, there are several regulatory avenues, such as schedule modifications where allowed by the permit and time schedule orders, that can provide additional time for implementation, if and where schedule extensions are justified.</p> <p>Since submittal of the draft EWMPs, and in response to concerns raised regarding the cost of EWMP implementation such as expressed in this comment, the Board has held and invited Permittees and other stakeholders to attend two additional workshops on the proposed EWMPs on November 5, 2015 and March 3, 2016. The costs of EWMP implementation were a central topic of both workshops.</p> <p>In particular, the November 2015 workshop included a staff presentation on cost considerations and a focused “funding strategies panel” that included presentations from the authors of the <i>Stormwater Funding Options</i> report prepared for the California Contract Cities Association and the League of California Cities (Los Angeles County Division); the City of Los Angeles; Heal the Bay; and the State Water</p>

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	<p>staggering, and we do not believe given the current state of stormwater management funding that there is any possibility that LA County or its municipal co-permittees will have the resources to fund EWMP implementation, nor implementation of any group or individual WMPs. Dividing the total proposed EWMP cost of implementation of \$17.3 billion by 15 years (assuming across the board compliance in year 2030), yields an annual expenditure of more than \$1 billion per year to achieve compliance. This level of annual expenditure appears infeasible, and we can imagine the participating municipalities will have their own challenges in obtaining funding when other pressing needs exist for community health and well-being, and public safety and protection. We urge the Regional Board to recognize and address our request to aggregate all the Watershed Plan information, and allow those projects and practices that will yield immediate water quality improvement results, and at the same time augment regional ground water supplies. In our opinion, these projects are generally identified in the EWMPs as regional watershed control measures.</p>	<p>Board Office of Chief Counsel. Public comments were also heard during this workshop.</p> <p>The Los Angeles Water Board also coordinated with USEPA Region IX to host an “East Coast/West Coast Knowledge Exchange” on local stormwater financing strategies in February 2015, which was attended by many Permittees participating in an EWMP.</p> <p>Regarding the request by the commenter to allow projects and practices that will yield immediate water quality improvement results, and at the same time augment regional water supplies, this is what the EWMP permit provisions are directly designed to do. The EWMP provisions allow for an alternative compliance pathway that has provided Permittees with 40 months for planning and identification of projects and partnerships, and will provide another 4 to 24 years for implementation. These timeframes are intended to give EWMP groups the time to develop a program that maximizes the effectiveness of funds through analysis of alternatives and the selection and sequencing of actions needed to address water quality priorities and that comprehensively evaluates and identifies opportunities to maximize stormwater retention. The EWMP provisions also provide Permittees with the opportunity to incorporate effective innovative technologies, approaches, and practices, including green infrastructure, which will yield immediate water quality improvement results.</p>