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## Los Angeles Regional Water Quality Control Board

December 18, 2013

Christopher Chung, City Manager  
City of West Covina  
1444 West Garvey Avenue  
P.O. Box 1440  
West Covina, CA 91793

### **STATUS OF THE CITY OF WEST COVINA'S NOTIFICATION OF INTENT TO DEVELOP AN INDIVIDUAL WATERSHED MANAGEMENT PROGRAM (WMP) PURSUANT TO THE LOS ANGELES COUNTY MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT AND REQUEST FOR AN 18-MONTH WMP DEVELOPMENT SCHEDULE (NPDES PERMIT NO. CAS004001; ORDER NO. R4-2012-0175)**

Dear Mr. Chung:

The Los Angeles Regional Water Quality Control Board (Regional Board) received the City of West Covina's (City's) letter dated November 5, 2013,<sup>1</sup> which was in response to the Board's letter dated October 18, 2013 reviewing the City's notification of intent (NOI) to develop a WMP. The Regional Board's letter stated that the City had not fulfilled the requirements in Part VI.C.4(c)(ii) of the Los Angeles County MS4 Permit related to "early actions" to develop a low impact development (LID) ordinance and green streets policy that would then afford the City the extended 18-month schedule to submit a draft WMP. The Regional Board's letter stated that the City had not demonstrated in its NOI that it had commenced development of, and had a draft of, a LID ordinance and green streets policy. The Regional Board stated that the City must provide copies of the draft LID ordinance and draft green streets policy that the City had developed as of June 28, 2013 to properly demonstrate that the City met the requirements in Part VI.C.4(c)(ii) of the Permit. Prior to issuing its October 18, 2013 letter, Regional Board staff notified the City's consultant, via an email dated October 3, 2013, that the City had not included the draft LID ordinance and the draft green streets policy necessary to meet the requirements of Part VI.C.4(c)(ii). Despite these notifications by the Regional Board, as of the date of this letter, the City has not submitted the necessary evidence to the Regional Board.

In its November 5, 2013 letter, the City asserts that it had started work on the development of a LID ordinance in February 2013 and that this satisfied the requirements of the Permit. As part of its response, the City again did not endeavor to demonstrate that the City had a draft LID ordinance and a draft green streets policy by June 28, 2013 by submitting actual drafts as the

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<sup>1</sup> The Regional Board also received a letter dated October 31, 2013 from TECS Environmental, submitted on behalf of the City of West Covina and several other Los Angeles County MS4 Permittees, responding to the Board's letters concerning various Permittees' notifications of intent.

Regional Board's October 18, 2013 letter stated was required. In addition, notably, neither the City's NOI nor its November 5, 2013 response make any mention of the City commencing development of a green streets policy prior to February 26, 2013, or having a draft green streets policy by June 28, 2013.<sup>3</sup>

Nonetheless, in its November 5, 2013 letter, the City requested a meeting with the Regional Board if the November 5, 2013 letter did not address the Regional Board's concerns. Regional Board staff made three telephone calls to the City to arrange a meeting with the City to discuss the deficiencies of the City's NOI; however, the City never confirmed a date and time for the meeting. In order for the Regional Board to reconsider the extended 18-month submittal date for the City's draft WMP, the City must immediately submit evidence to the Regional Board demonstrating that the City had:

1. Commenced development of both a LID ordinance and a green streets policy by February 26, 2013; and
2. Had both a draft LID ordinance and a draft green streets policy by June 28, 2013.

Such evidence must include the actual drafts of the LID ordinance and the green streets policy that the City had developed as of June 28, 2013, as well as evidence demonstrating that the City had commenced development of the LID ordinance and the green streets policy (e.g., documentation of City meetings, discussions, and/or emails concerning initiating development of these drafts) prior to February 26, 2013.<sup>4</sup>

In addition, the Regional Board hereby requires that all evidence submitted by the City pursuant to the above must include the following statement signed and dated by a duly authorized signatory for the City with regard to its Los Angeles County MS4 Permit requirements:

*I, NAME, TITLE, certify under penalty of perjury that the City of West Covina: (a) commenced development of a Low Impact Development (LID) ordinance for the City's jurisdiction meeting the requirements of the Los Angeles County MS4 Permit's (Order No. R4-2012-0175) Planning and Land Development Program by February 26, 2013 and had a draft LID ordinance by June 28, 2013, and (b) commenced development of a green streets policy that specifies the use of green street strategies for transportation corridors within the City's jurisdiction by February 26, 2013 and had a draft green streets policy by June 28, 2013.*

For the Regional Board to reconsider granting the City an extended 18-month submittal date for the City's draft WMP, the City must provide the evidence and perjury statement described above to me with copies to Renee Purdy ([Renee.Purdy@waterboards.ca.gov](mailto:Renee.Purdy@waterboards.ca.gov)) and Ivar

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<sup>3</sup> The October 31, 2013 letter from TECS Environmental also makes no mention of a green streets policy.

<sup>4</sup> The February 25, 2013 letter from the City's consultant, TECS Environmental, stating, "...should my clients decide to opt for WMP or the MCM option they shall, in any case, as of February 26, 2013 do the following: 1. Begin evaluating its current stormwater ordinances to determine if they have sufficient authority to compel compliance with an LID ordinance and consider adopting a specific LID ordinance or incorporating by reference the County of Los Angeles LID ordinance by June 28, 2013; 2. Begin work on revising the stormwater quality management plans (SQMPs) to include a section on LID; and 3. Begin work on reviewing and adopting a Green Street policy resources including those developed by but not limited to USEPA, County of Los Angeles, and City of Los Angeles for completion by June 28, 2013" does not adequately demonstrate that the City had commenced development of a LID ordinance and a green streets policy by February 26, 2013 as required by Part VI.C.4.c.ii of the Los Angeles County MS4 Permit.


Ridgeway ([Ivar.Ridgeway@waterboards.ca.gov](mailto:Ivar.Ridgeway@waterboards.ca.gov)) **no later than December 23, 2013 by 5:00 PM**. This letter hereby serves as the Regional Board's final notice regarding this matter.

If the City does not provide the Regional Board with the evidence and perjury statement described above by the deadline, the City must either:

1. Submit its draft WMP, along with its monitoring program, by December 28, 2013; or
2. Be subject to the baseline storm water management program requirements in Part VI.D<sup>5</sup> of the Permit; begin monitoring pursuant to the requirements of Attachment E of the Permit; and demonstrate compliance with receiving water limitations pursuant to Part V.A and with applicable interim water quality-based effluent limitations in Part VI.E pursuant to subparts VI.E.2.d.i.(1)-(3) and VI.E.2.e.i.(1)-(3).

If you have any questions, please contact Ivar Ridgeway via email at [Ivar.Ridgeway@waterboards.ca.gov](mailto:Ivar.Ridgeway@waterboards.ca.gov) or by phone at (213) 620-2150.

Sincerely,

  
Samuel Unger, P.E.  
Executive Officer

cc: Ray Tahir, TECS Environmental  
Shannon Yauchzee, Public Works Director, City of West Covina

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<sup>5</sup> For permittees that do not elect to develop a WMP, the timeline for commencing implementation of the provisions in Part VI.D was June 28, 2013.