

## Los Angeles Regional Water Quality Control Board

April 28, 2015

Ms. Mary Rooney  
City of Walnut  
Community Services Division  
21201 La Puente Road  
Walnut, CA 91789

**APPROVAL, WITH CONDITIONS, OF THE CITY OF WALNUT'S WATERSHED MANAGEMENT PROGRAM (WMP), PURSUANT TO THE LOS ANGELES COUNTY MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT (NPDES PERMIT NO. CAS004001; ORDER NO. R4-2012-0175)**

Dear Ms. Rooney:

On November 8, 2012, the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board or Board) adopted Order No. R4-2012-0175, *Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County, except those Discharges Originating from the City of Long Beach* (hereafter, LA County MS4 Permit). Part VI.C of the LA County MS4 Permit allows Permittees the option to develop either a Watershed Management Program (WMP) or an Enhanced Watershed Management Program (EWMP) to implement permit requirements on a watershed scale through customized strategies, control measures, and best management practices (BMPs). Development of a WMP or EWMP is voluntary and allows a Permittee to address the highest watershed priorities, including complying with the requirements of Part V.A (Receiving Water Limitations), Part VI.E and Attachments L through R (Total Maximum Daily Load Provisions), and by customizing the control measures in Parts III.A (Prohibitions – Non-Storm Water Discharges) and VI.D (Minimum Control Measures), except the Planning and Land Development Program. Pursuant to Part VI.C.4.c of the LA County MS4 Permit, the City of Walnut (City) submitted a draft WMP dated June 30, 2014, to the Los Angeles Water Board for review.

### Public Review and Comment

On July 3, 2014, the Board provided public notice and a 46-day period to allow for public review and comment on the City's draft WMP. A separate notice of availability regarding the draft WMPs, including the City's WMP, was directed to State Senators and Assembly Members

within the Coastal Watersheds of Los Angeles County. The Board received two comment letters that had comments applicable to the City's draft WMP. One joint letter was from the Natural Resources Defense Council (NRDC), Heal the Bay, and Los Angeles Waterkeeper, and the other letter was from the Construction Industry Coalition on Water Quality (CICWQ). On October 9, 2014, the Board held a workshop at its regularly scheduled Board meeting on the draft WMPs. The Board also held a public meeting on April 13, 2015 for permittees and interested persons to discuss the revised draft WMPs with the Executive Officer and staff. During its initial review and its review of the revised draft WMP, the Los Angeles Water Board considered those comments applicable to the City's proposed WMP.

### **Los Angeles Water Board Review**

Concurrently with the public review, the Los Angeles Water Board, along with U.S. EPA Region IX staff, reviewed the draft WMPs. On October 21, 2014, the Los Angeles Water Board sent a letter to the City detailing the Board's comments on the draft WMP and identifying the revisions that needed to be addressed prior to the Board's approval of the City's WMP. The letter directed the City to submit a revised draft WMP addressing the Los Angeles Water Board's comments. The City submitted its revised draft WMP on January 21, 2015 for Los Angeles Water Board review and approval. After the City's submittal of the revised draft WMP, Board staff had two teleconferences on April 14 and 15, 2015, and subsequent e-mail exchanges, with City representatives and consultants to discuss the Board's remaining comments and necessary revisions to the January 2015 WMP, including the supporting reasonable assurance analysis (RAA). On April 22, 2015, the City submitted additional revisions to the revised draft WMP for the Los Angeles Water Board review and approval.

### **Approval of WMP, with Conditions**

The Los Angeles Water Board hereby approves, subject to the following conditions, the City's April 22, 2015, revised draft WMP. The Board may rescind this approval if all of the following conditions are not met to the satisfaction of the Board within the timeframe provided below.

1. Sections 4.11 and 5.1 of the revised draft WMP require more detail on the scope of the program enhancements (beyond the Permit minimum) for the list of non-modeled, non-structural BMPs, including how, when, and to what extent these BMPs will be enhanced during this permit term. Measurable milestones for implementing each one of the non-modeled, non-structural BMPs must be established (e.g., specify a milestone for the installation of Pet Waste Stations listed in Table 5-1 and provide details on the number and location of these Pet Waste Stations).
2. Correct the following typographical errors and omissions in the revised draft WMP :
  - a. Correct table and figure referencing (e.g., Section 6.0 incorrectly references Table 4-8 as the City's proposed BMP Implementation Schedule, whereas the reference should be to Table 4-11)



- b. Correct references to the effective date of the permit (e.g., Sections 1.0 and 3.2.3 indicate a date of December 28, 2013, while the correct date is December 28, 2012)
- c. Correct references to permit limitations (e.g., Section 2.1 and Tables 2-4, 2-5, and 5-6 identify permit limits for Category 2 pollutants as WLAs or WQBELs, however, WQBELs/WLAs are only established for pollutants addressed by a TMDL. All other permit limitations applicable to the City's MS4 discharges are "Receiving Water Limitations.")
- d. Delete erroneous statement on page 9, "Each of these sub-watersheds has a different beneficial use assigned for recreational activities. Subsequently the individual sub-watershed areas have different allowable coliform bacteria loadings."
- e. Revise Table 5-6, Compliance Schedule as follows: (i) for E. coli, include December 2017 deadline for achieving 8% reduction in fecal coliform load, consistent with Table 4-11; (ii) for other Category 2 pollutants, include an interim milestone within the permit term (i.e., prior to December 28, 2017); and (iii) clarify what the percentages mean for each pollutant (e.g., for selenium, 30% of the San Jose Creek drainage area within the City is meeting the dry-weather WLA).

The City shall submit a final WMP to the Los Angeles Water Board that satisfies all of the above conditions no later than June 12, 2015.

#### **Determination of Compliance with WMP**

Pursuant to Part VI.C.6 of the LA County MS4 Permit, the City shall begin implementation of the approved WMP immediately. To continue to be afforded the opportunity to implement permit provisions within the framework of the WMP, the City must fully and timely implement all actions per associated schedules set forth in the approved WMP regardless of any contingencies indicated in the approved WMP (e.g., funding) unless a modification to the approved WMP, including any extension of deadlines where allowed, is approved by the Los Angeles Water Board pursuant to Part VI.C.6.a or Part VI.C.8.a.ii-iii. The Los Angeles Water Board will determine the City's compliance with the WMP on the basis of the compliance actions and milestones included in the WMP including, but not limited to, the following:

- Section 3.0 Minimum Control Measures
- Table 4-4 Allowable Daily Lead Loads (Computed for the Baseline Wet Day with the 90<sup>th</sup> Percentile Lead Load)
- Table 4-5 Allowable Bacteria Loads for 90<sup>th</sup> percentile year
- Table 4-6 Target Load Reductions for the Critical Condition (as a percent of baseline load)
- Section 4.8 Low Impact Development Ordinance
- Section 4.9 Green Streets
- Section 4.10 Regional BMPs

- Section 4.11 Non-Modeled Non-Structural BMPs (Establishes a milestone of an 8% load reduction for fecal coliform, with a range of 5% to 10%).
- Table 4-9 Fecal Coliform Load Reductions as a Percentage of Total Baseline Load for the San Jose Creek Drainage Area for the 90<sup>th</sup> Percentile Year
- Table 4-10 Fecal Coliform Load Reductions as a Percentage of Total Baseline Load for the Walnut Creek Wash Drainage Area for the 90<sup>th</sup> Percentile Year
- Table 4-11 Assumed BMP Implementation Schedule
- Figure 4-14 Fecal Coliform Interim and Final Load Reductions for the San Jose Creek Drainage Area
- Figure 4-15 Fecal Coliform Interim and Final Load Reductions for Walnut Creek Wash Drainage Area
- Table 5-1 MCM Program Enhancements
- Table 5-2 Green Streets BMPs
- Table 5-3 City of Walnut Green Streets Interim Implementation Schedule
- Table 5-4 Dry Weather Flow Elimination Program
- Table 5-5 Dry Weather Flow Elimination Program Implementation Schedule
- Table 5-6 Compliance Schedule (for TMDL and 303(d) listed pollutants)

Pursuant to Parts VI.C.3 and VI.E.2.d.i.(4)(a) of the LA County MS4 Permit, the City's full and timely compliance with all actions and dates for their achievement in its approved WMP shall constitute compliance with permit provisions pertaining to applicable WQBELs/WLAs in Part VI.E and Attachment P of the LA County MS4 Permit. Further, per Part VI.C.2.b of the LA County MS4 Permit, the City's full compliance with all requirements and dates for their achievement in its approved WMP constitutes compliance with the receiving water limitations provisions of Part V.A of the LA County MS4 Permit for the specific waterbody-pollutant combinations addressed by the approved WMP.

If the City fails to meet any requirement or date for its achievement in the approved WMP, which will be demonstrated through the City's Annual Reports and program audits (when conducted), the City shall be subject to the baseline requirements of the LA County MS4 Permit, including but not limited to demonstrating compliance with applicable receiving water limitations and TMDL-based WQBELs/WLAs through outfall and receiving water monitoring. See Parts VI.C.2.c and VI.E.2.d.i.(4)(c).

### **Annual Reporting**

The City shall report on achievement of actions and milestones within the reporting year, as well as progress towards future milestones related to multi-year projects, through its Annual Report per Attachment E, Part XVIII of the LA County MS4 Permit. For multi-year efforts, the City shall include the status of the project, which includes the status with regard to standard project implementation steps. These steps include, but are not limited to, adopted or potential future changes to municipal ordinances to implement the project, site selection, environmental review and permitting, project design, acquisition of grant or loan funding and/or municipal approval of



project funding, contractor selection, construction schedule, start-up, and effectiveness evaluation (once operational), where applicable. For all stormwater retention projects, including LID due to new/redevelopment, green streets, and regional BMPs, the City shall report annually on the volume of stormwater retained in each subwatershed area (i.e., San Jose Creek subwatershed and Walnut Creek Wash subwatershed).

The City shall also include in its Annual Report the source(s) of funds used during the reporting year, and those funds proposed for the coming year, to meet necessary expenditures related to implementation of the actions identified in its WMP per Part VI.A.3 of the LA County MS4 Permit. Further, as part of the annual certification concerning a permittee's legal authority required by Part VI.A.2.b of the LA County MS4 Permit, the City shall also certify in the Annual Report that it has the necessary legal authority to implement each of the actions and milestones in the approved WMP as required by Part VI.C.5.b.iv.(6). If the City does not have legal authority to implement an action or milestone at the time it submits the Annual Report, the City shall propose a schedule to establish and maintain such legal authority.

### **Adaptive Management**

The City shall conduct a comprehensive evaluation of its WMP no later than April 28, 2017, and subsequently, every two years thereafter pursuant to the adaptive management process set forth in Part VI.C.8 of the Los Angeles County MS4 Permit. As part of this process, the City must evaluate progress toward achieving:

- Applicable WQBELs/WLAs in Attachment P of the LA County MS4 Permit according to the milestones set forth in its WMP;
- Improved water quality in MS4 discharges and receiving waters;
- Stormwater retention milestones; and
- Multi-year efforts that were not completed in the current year and will continue into the subsequent year(s), among other requirements.

As part of the adaptive management process, the City shall also re-evaluate its Category 2 and Category 3 water quality priorities based on data collected through its Integrated Monitoring Program. Where new water quality priorities are identified, the City shall conduct a RAA for the pollutants and identify and incorporated into its WMP appropriate watershed control measures to address them.

The City's evaluation of the above shall be based on both progress implementing actions in the WMP and an evaluation of outfall-based monitoring data and receiving water data. Per Attachment E, Part XVIII.6 of the LA County MS4 Permit, the City shall implement adaptive management strategies, including but not limited to:

- Refinement and recalibration of the Reasonable Assurance Analysis (RAA) based on data specific to the City's WMP area that are collected through the City's Integrated Monitoring Program and other data as appropriate;
- Identifying the most effective control measures, why they are the most effective, and how other control measures can be optimized based on this understanding;

- Identify the least effective control measures, why they are ineffective, and how the control measures can be modified or replaced to be more effective;
- Identify significant changes to control measures during the prior year(s) and the rationale for the changes; and
- Describe all significant changes to control measures anticipated to be made in the next year(s) and the rationale for each change.

As part of the adaptive management process, any modifications to the WMP, including any requests for extension of deadlines not associated with TMDL provisions, must be submitted to the Los Angeles Water Board for review and approval. The City must implement any modifications to the WMP upon approval by the Los Angeles Water Board or its Executive Officer, or within 60 days of submittal of modifications if the Los Angeles Water Board or its Executive Officer expresses no objections. Note that the City's Report of Waste Discharge (ROWD) is due no later than July 1, 2017. To align any modifications to the WMP proposed through the adaptive management process with permit reissuance, results of the first adaptive management cycle should be submitted in conjunction with the City's ROWD.

The Los Angeles Water Board appreciates the participation and cooperation of the City in the implementation of the LA County MS4 Permit. If you have any questions, please contact Ivar Ridgeway, Storm Water Permitting, 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: Alicia Jensen, City of Walnut  
Robert Wishner, City of Walnut  
Melissa Barcelo, City of Walnut  
Cody Howing, Assistant Engineer, RKA Consulting Group