

## Los Angeles Regional Water Quality Control Board

April 28, 2015

Permittees of the Lower San Gabriel River Watershed Management Group<sup>1</sup>

**APPROVAL, WITH CONDITIONS, OF THE LOWER SAN GABRIEL RIVER GROUP'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) AND THE CITY OF LONG BEACH MS4 PERMIT (NPDES PERMIT NO. CAS004003; ORDER NO. R4-2014-0024)**

Dear Permittees of the Lower San Gabriel River Watershed Management Group:

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). On February 6, 2014, the Board adopted Order No. R4-2014-0024, *Waste Discharge Requirements for Municipal Separate Storm Sewer System Discharges from the City of Long Beach* (hereafter, Long Beach MS4 Permit). Part VI.C of the LA County MS4 Permit and Part VII.C of the Long Beach MS4 Permit allow 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

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<sup>1</sup> Permittees of the Lower San Gabriel River Management Group include the Los Angeles County Flood Control District and the cities of Artesia, Bellflower, Cerritos, Diamond Bar, Downey, Hawaiian Gardens, La Mirada, Lakewood, Long Beach, Norwalk, Pico Rivera, Santa Fe Springs, and Whittier. See attached distribution list.

Development Program, of the LA County MS4 Permit.<sup>2</sup> Pursuant to Part VI.C.4.c of the LA County MS4 Permit and Part VII.C.4.c of the Long Beach MS4 Permit, the Permittees of the Lower San Gabriel River Watershed Management Group (LSGR WMG) jointly submitted a draft WMP dated June 27, 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 LSGR WMG's draft WMP. A separate notice of availability regarding the draft WMPs, including the LSGR WMG draft 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 on WMPs generally, which were in part applicable to the LSGR WMG draft WMP. One joint letter was from 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 LSGR WMG'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 28, 2014, the Los Angeles Water Board sent a letter to the LSGR WMG 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 LSGR WMG's WMP. The letter directed the LSGR WMG to submit a revised draft WMP addressing the Los Angeles Water Board's comments. Prior to the LSGR WMG's submittal of the revised draft WMP, Board staff had a meeting on January 23, 2015 with LSGR WMG representatives and consultants to discuss the Board's comments and the revisions to the draft WMP, including the supporting reasonable assurance analysis (RAA), which would address the Board's comments. The LSGR WMG submitted a revised draft WMP on January 28, 2015 for Los Angeles Water Board review and approval.

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<sup>2</sup> Equivalent requirements in the Long Beach MS4 Permit are as follows: Part VI.A (Receiving Water Limitations), Part VIII (Total Maximum Daily Load Provisions), Part IV.B (Prohibitions – Non-Storm Water Discharges), and Part VII.D-VII.M (Minimum Control Measures).

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

The Los Angeles Water Board hereby approves, subject to the following conditions, the LSGR WMG's January 28, 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. Revise Table 5-1 of the revised draft WMP to state that for control measures listed as being a "jurisdictional effort," the Permittees that are responsible for milestone completion are identified in Table 3-5.
2. Revise Table 5-1 of the revised draft WMP to include the milestones and milestone completion dates for the following targeted control measures (TCMs) as follows:
  - a. TCM-PLD-2 (LID Ordinance): Remove the phrase "when practicable" and set a milestone date for ordinance adoption to 12/28/17 (i.e., end of permit term).
  - b. TCM-TSS-1 (Exposed Soil Ordinance): Remove the phrase "if practicable" from the milestone description.
  - c. TCM-TSS-3 (Private Lot Sweeping Ordinance): Remove the phrase "when practicable" from the milestone description.
  - d. TCM-RET-1 (Encourage downspout disconnects): Identify interim milestone(s) and date(s) for milestone achievement and include in table.
3. Revise Section 5.2 of the revised draft WMP to include a table that lists definitive interim and final milestone achievement dates and the responsible Permittees for the Proposition 84 projects. Currently, the revised draft WMP only provides "expected" dates for construction and completion. The responsible Permittees within the LSGR WMG will be responsible for meeting these milestone achievement dates.
4. In Section 4.3 of the revised draft WMP, include references to Table 3-2, Table 3-5, and any other relevant tables that list BMPs contributing to the 10% pollutant reduction assumption for non-modeled BMPs.
5. Provide further detail and specificity in Section 3.4.1.3 of the revised draft WMP on what incentives are being included in TCM-NSWD-1 and whether any incentives are being offered apart from Metropolitan Water District's rebate program.
6. Revise the last sentence of Section 5.4.14 of the revised draft WMP to the following: "If it is determined through the adaptive management process that required bacteria load reductions may not be met by controlling for zinc, then the WMP will be modified to incorporate bacteria milestones with measurable criteria or indicators consistent with any future bacteria TMDL for the San Gabriel River and with, at the latest, a final deadline of 2040."
7. The City of Long Beach submitted its Statement of Legal Authority to the Los Angeles Water Board on February 26, 2015. Include this Statement of Legal Authority in the WMP appendix section containing the other Permittees' legal authority statements.

The LSGR WMG 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 and Part VII.C.6 of the Long Beach MS4 Permit, the Permittees of the LSGR WMG 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, Permittees 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 of the LA County MS4 Permit, and/or Part VII.C.6 or Part VII.C.8.b-c of the Long Beach MS4 Permit. The Los Angeles Water Board will determine the LSGR Permittees' compliance with the WMP on the basis of the compliance actions and milestones included in the WMP, including, but not limited to, the following:

- Pollutant Reduction Plan to Attain Interim & Final Limits (Section 5.4)
- Nonstructural Best Management Practices Schedule (Section 5.1)
- Table 3-2 New Fourth Term MS4 Permit Nonstructural MCMs (Cities only) and NSWD Measures (Section 3.2.4)
- Table 3-5 Nonstructural TCMs (Section 3.4.1)
- Proposition 84 Grant Award LID BMPs (Section 5.2)
- Structural Best Management Practice Schedule (Section 5.3)
- RAA Attachment B: Detailed Jurisdictional Compliance Tables

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

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<sup>3</sup> Corresponding provisions in the Long Beach MS4 Permit are Parts VII.C.3 and VIII.E.1.d.

<sup>4</sup> Corresponding provisions in the Long Beach MS4 Permit are Part VIII (general TMDL provisions) and Parts VIII.P and VIII.Q (provisions specific to the Greater Harbors and San Gabriel River Watershed TMDLs).

If the Permittees in the LSGR WMG fail to meet any requirement or date for its achievement in the approved WMP, which will be demonstrated through the LSGR WMG's Annual Reports and program audits (when conducted), the Permittees in the LSGR WMG shall be subject to the baseline requirements of the LA County MS4 Permit and the Long Beach MS4 Permit, including 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) of the LA County MS4 Permit, and Parts VII.C.2.f and VIII.E.1.d.iii of the Long Beach MS4 Permit.

### **Annual Reporting**

The LSGR WMG 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 their Annual Report per Attachment E, Part XVIII of the LA County MS4 Permit and Attachment E, Parts XV to XIX of the Long Beach MS4 Permit. For multi-year efforts, the LSGR WMG 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/infiltration projects, including LID due to new/redevelopment, green streets, and regional BMPs, the Permittees in the LSGR WMG shall report annually on the volume of stormwater retained in the area covered by the LSGR WMG WMP. The LSGR WMG shall also report annually on runoff reduction, total suspended solids (TSS) reduction, and pollutant reductions from source control.

The LSGR WMG shall also include in their 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 and Part VII.A.3 of the Long Beach 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 and Part VII.A.2.b of the Long Beach MS4 Permit, each Permittee in the LSGR WMG 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) of the LA County MS4 Permit and Part VII.C.5.vi of the Long Beach MS4 Permit. If a Permittee does not have legal authority to implement an action or milestone at the time the LSGR WMG submits their Annual Report, the Permittee shall propose a schedule to establish and maintain such legal authority.

### **Adaptive Management**

The LSGR WMG 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 and Part VII.C.8 of the Long Beach MS4 Permit. As part of this process, the LSGR WMG must evaluate progress toward achieving:

- Applicable WQBELs/WLAs in Attachments N and P of the LA County MS4 Permit and Parts VIII.P and VIII.Q of the Long Beach 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.

The LSGR WMG'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 and Attachment E, Part XVIII.6 of the Long Beach MS4 Permit, the LSGR WMG 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 LSGR WMP area that are collected through the LSGR WMG's Coordinated 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 Permittees of the LSGR WMG 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 modification if the Los Angeles Water Board or its Executive Officer expresses no objections. Note that the LA County MS4 Permittees' Report(s) of Waste Discharge (ROWD) are due no later than July 1, 2017 and the City of Long Beach's ROWD is due no later than September 29, 2018. 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 Permittees' ROWD.

**Review by the State Water Board**

The Los Angeles Water Board appreciates the participation and cooperation of the LSGR WMG in the implementation of the LA County MS4 Permit. If you have any questions, please contact Chris Lopez at [Chris.Lopez@waterboards.ca.gov](mailto:Chris.Lopez@waterboards.ca.gov) or by phone at (213) 576-6674. Alternatively, you may also 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

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