

Los Angeles Regional Water Quality Control Board

February 25, 2022

Marina del Rey Watershed Management Group¹

Via Email

STATUS OF COMPLIANCE DEMONSTRATION SUBMITTED BY JUNE 30, 2021 PER THE STATE WATER RESOURCES CONTROL BOARD ORDER WQ 2020-0038; NOTICE OF LOSS OF DEEMED COMPLIANCE STATUS

Dear Marina del Rey Watershed Management Group:

State Water Resources Control Board (State Water Board) Order WQ 2020-0038 (2020 SB Order), directed Permittees to submit documentation by June 30, 2021, demonstrating that all work associated with current and prior milestones had been completed to retain deemed compliance with the receiving water limitations, water quality-based effluent limitations, and other TMDL-specific limitations addressed by the Watershed Management Program (WMP) or Enhanced Watershed Management Program (EWMP).²

On May 26, 2021, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) issued a letter via email to all Permittees participating in WMPs and EWMPs with direction on how to submit the aforementioned information.³

The Los Angeles Water Board reviewed the Marina del Rey Group's (MdR Group) document(s) submitted on June 30, 2021, to assess the MdR Group's demonstration of completion of all work associated with current and prior milestones according to the requirements set forth by the 2020 SB Order and to determine the MdR Group's deemed compliance status.⁴

¹ (Permittees of the Marina del Rey Enhanced Watershed Management Group include the cities of Los Angeles and Culver City, the County of Los Angeles, and the Los Angeles County Flood Control District.)

² (2020 SB Order, at p. 167 available at https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2020/wqo2020_0038.pdf [as of August 31, 2021].)

³ (Letter from Executive Officer Renee Purdy, Los Angeles Water Board, to Los Angeles County MS4 Permittees Participating in WMPs and EWMPs (May 26, 2021), at p. 2.)

⁴ (Revised Draft Marina del Rey Enhanced Watershed Management Program Plan [June 2021 Revised Draft MdR EWMP] and corresponding document(s), June 30, 2021.)

The Los Angeles Water Board Approval Letter dated April 27, 2016, outlined the actions and milestones that the MdR Group needed to complete to maintain deemed compliance status. The tasks listed in Table 1 below, have been identified as past due obligations and milestones occurring after EWMP approval that should have been completed prior to June 30, 2021.

Table 1: MdR Group Required Actions

| Required Actions | Implementation Update |
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| Implementation of MCMs per Section 5.5 of the Feb. 2018 MdR EWMP. ⁵ | Insufficient information was provided regarding the implementation of this task. |
| <p>Implementation of the following Non-Structural BMPs to achieve the projected annual load reductions specified in Table 7-4 of the Feb. 2018 EWMP:</p> <ul style="list-style-type: none"> • Collaborative environmentally friendly alternative services program • Product substitution campaign • Targeted aggressive MS4 catch basin cleaning program • Targeted inspections • Voluntary business-led BMP implementation program • Outreach and education | <p>It is unclear if this milestone was met. Table 2 in the MdR Group’s June 2021 demonstration of compliance letter provides the completion date or status for catch basin cleaning, Industrial/Commercial Facility Inspections, and Education and Outreach. However, it’s unclear if the additional listed non-structural BMPs provided in Table 2 fall under as a subcategory of the listed tasks or if no update was provided for the remainder of the tasks.</p> <p>Additionally, where implementation of a non-structural control fails to achieve the anticipated load reductions, the MdR Group must submit an update to their EWMP to react to such failure (see discussion on p. 88 of the 2020 SB Order).⁶ No such update was provided.⁶</p> |
| Implementation of the following Structural BMPs to achieve the volume capture | These milestones were not met. Subwatershed 1A and 1B were combined in the June 2021 Revised Draft MdR EWMP and the following existing BMP |

⁵ (The original approved MdR EWMP, dated April 26, 2016, was revised on February 26, 2018, as part of the Adaptive Management Process. The actions and milestones outlined in the April 27, 2016, approval still apply.)

⁶ (Table 5-12 of the Revised Draft MdR EWMP dated June 2021 includes potential contaminant reduction percentages, totaling 6.5% from non-structural BMPs. Similarly, Table 7-1 on p. 86 of the Revised Draft MdR EWMP shows load reductions from non-structural programs. However, the Revised Draft MdR EWMP does not include a quantitative rationale based on prior program implementation to support these projected reductions.)

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| <p>targets in Table 7-3 of the Feb. 2018 MdR EWMP.</p> <p>March 2018:</p> <ul style="list-style-type: none">• 376.7 acre-feet from regional projects and green streets (Subwatersheds 1A, 3, 4 – Back Basins) <p>March 2019:</p> <ul style="list-style-type: none">• 63.7 acre-feet from green streets (Subwatershed 1B – Front Basins) <p>March 2020:</p> <ul style="list-style-type: none">• 22.5 acre-feet from green streets (Subwatershed 1B – Front Basins) <p>March 2021:</p> <ul style="list-style-type: none">• 0.74 acre-feet from green streets (Subwatershed 1B – Front Basins) | <p>volume capture amount was provided on Table 7-2 on p. 88:</p> <ul style="list-style-type: none">• 64.3 acre-feet (Subwatersheds 1, 3, 4) |
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Based on the Los Angeles Water Board’s review of the MdR Group’s document(s) submitted, all work associated with prior and current milestones dated on or before June 30, 2021, as listed in Table 1, above, was not completed.

Accordingly, this letter serves to inform the MdR Group that it has lost deemed compliance status for the water body-pollutant combinations intended to be addressed via the Group’s EWMP. The MdR Group submitted a revised draft EWMP on June 30, 2021. Deemed compliance status may be regained upon approval of a revised WMP.⁷ To the extent that this WMP is being used to address final TMDL deadlines that were extended by the Los Angeles Water Board on March 11, 2021,⁸ the extensions involved amendments to the Basin Plan that must be reviewed and approved by the State Water Board and the Office of Administrative Law (OAL) prior to going into effect. The State Water Board approved these extensions on September 21, 2021. OAL approval is still

⁷ (The 2012 LA MS4 Permit (Order No. R4-2012-0175 as amended) allowed Permittees to develop a WMP or EWMP. The Regional MS4 Permit (Order No. R4-2021-0105) adopted on July 23, 2021 eliminated the distinction between a WMP and EWMP and all these programs are now all called “WMPs”.)

⁸ (Amendments to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to Revise the Implementation Schedules for Municipal Separate Storm Sewer System (MS4) Dischargers, including Caltrans, Subject to Total Maximum Daily Loads (TMDLs) in the Los Angeles Region (the Santa Monica Bay Beaches Bacteria TMDL; the Marina del Rey Harbor Mothers’ Beach and Back Basins Bacteria TMDL; the Malibu Creek and Lagoon Bacteria TMDL; the Ballona Creek Estuary Toxic Pollutants TMDL; the Marina del Rey Harbor Toxic Pollutants TMDL; the Ballona Creek, Ballona Estuary, and Sepulveda Channel Bacteria TMDL; and the Ballona Creek Metals TMDL; Los Angeles Water Board Resolution No. R21-001.)

pending. Once OAL approves these extensions, this WMP, and all of the milestones and schedules therein, may be updated to reflect any new TMDL deadlines.

If the MdR Group disagrees with the Los Angeles Water Board's findings, the MdR Group must provide supplemental information demonstrating compliance with all missed milestones as well any milestones for which the Los Angeles Water Board lacked sufficient information to determine compliance **within 30 days**.

Submit the documents via the LA Water Board's FTP Site:

- FTP site link: <https://ftp.waterboards.ca.gov>
Username: RB4MS4-Upload
Password: RB4-bmBb3Z

Alternatively, please contact Ms. Susana Vargas via email at Susana.Vargas@waterboards.ca.gov for alternative accommodations for submittals.

If you have any questions, please contact Ms. Susana Vargas of the Municipal Stormwater Permitting Unit by email. Alternatively, you may also contact Mr. Ivar Ridgeway, Municipal Stormwater Permitting Unit Supervisor by email at Ivar.Ridgeway@waterboards.ca.gov.

Sincerely,

Renee Purdy
Executive Officer