
Los Angeles Regional Water Quality Control Board

May 1, 2023

Via Email Only

Permittees of the East San Gabriel Valley Watershed Management Group¹

APPROVAL, WITH CONDITIONS, OF THE EAST SAN GABRIEL VALLEY WATERSHED MANAGEMENT GROUP'S WATERSHED MANAGEMENT PROGRAM (WMP) PURSUANT TO THE REGIONAL MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) WASTE DISCHARGE REQUIREMENTS AND NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT FOR THE LOS ANGELES REGION (NPDES PERMIT NO. CAS004004; ORDER NO. R4-2021-0105)

Dear Permittees of the East San Gabriel Valley Watershed Management Group:

This letter (1) conditionally approves the Watershed Management Program (WMP) submitted by the East San Gabriel Valley Watershed Management Group (Group) subject to additional revisions of the WMP, (2) reviews compliance metrics for waterbody pollutant combinations (WBPCs), and (3) specifies additional requirements including requirements for an updated adaptive management process.

1) Review of the Watershed Management Program

The Regional MS4 Permit (Order No. R4-2021-0105) authorizes discharges from the MS4 operated by 99 municipal Permittees within the coastal watersheds of Los Angeles and Ventura Counties (hereafter, Regional MS4 Permit or Order). The Regional MS4 Permit became effective on September 11, 2021. The Regional MS4 Permit allows the Permittee(s) the option to use a Watershed Management Program (WMP) to implement many of the permit's requirements through customized strategies, control measures, and best management practices (BMPs).

Pursuant to the State Water Resources Control Board (State Water Board) WQ Order No. 2020-0038 and/or the Los Angeles County MS4 Permit Order No. R4-2012-0175, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board or Board), received the Group's revised draft WMP dated June 30, 2021. Because the Regional MS4 Permit carries over many of the provisions from Order No. R4-2012-0175 and incorporates the required elements of Order No. 2020-0038, and because it is the currently effective permit, this WMP has been reviewed per Part IX of the Regional MS4 Permit.

¹ Permittees of the East San Gabriel Valley Watershed Management Group include the Cities of Claremont, La Verne, Pomona, and San Dimas.

Public Review and Comment

On December 21, 2021, the Los Angeles Water Board provided public notice and a 76-day period to allow for public review and comment on the WMPs submitted by June 30, 2021. The Board received one joint comment letter from Heal the Bay, the Los Angeles Waterkeeper, and the Natural Resources Defense Council, which generally applied to all WMPs. These comments were considered during staff's review of the WMP.

Conditions of Approval

Pursuant to Part IX.G.3.a of the Order, the Watershed Management Program and Reasonable Assurance Analysis (RAA) are required to be consistent with the requirements of the Regional MS4 Permit. Board staff met with the Group on March 2, 2022 to have a preliminary discussion of the revised draft WMP. In an email on March 16, 2022, the Board requested the Group to submit the missing RAA output files. On March 21, 2022, an email was sent to the Group providing comments/questions on the revised draft WMP. Subsequently, there was a meeting with the Group on April 13, 2022 to discuss necessary revisions to the revised draft WMP. On May 2, 2022, the Board provided preliminary RAA comments to the Group. The Group submitted the 2nd revised draft WMP and the RAA output files on May 6, 2022. The Los Angeles Water Board hereby approves the Group's WMP, dated May 6, 2022, under the condition that the WMP is revised to address the following requirements:

1. Table 6-6 of the WMP proposes the final milestone of June 14, 2054 for wet weather copper (category 3A). The proposed final compliance date of 2054 is excessively long. Per Part IX.B.9.c.iii.(c) of the Order, Permittees shall propose a final compliance date which will be as soon as possible. In addition, as shown in Table 5-14 of the WMP and explained in table notes 1 and 5 of this Table, structural control measures to address *E. coli* wet and dry weather will also address copper and zinc to some extent. Therefore, remove the "Copper, Dissolved (wet)" row from Table 5-14 of the WMP, and the corresponding rows from June 14, 2041 through June 14, 2054 in Table 6-6 of the WMP. Also, revise Section 5.2.4 and any other related sections of the WMP to clarify that structural control measures for *E. coli* wet and dry weather will be used to address wet weather copper and zinc and update the cost section accordingly. After the final compliance date of June 14, 2036 for wet weather *E. coli*, if CIMP monitoring still show exceedances for copper and zinc, then the Group shall propose additional structural control measures with corresponding schedules to address copper and zinc.
2. Table 6-6 of the WMP specifies interim milestones of June 14, 2031 and June 14, 2036. Please clarify that these milestones pertain to compliance with the wet weather *E. coli*. Additionally, please update the Table to correct the 90.50 to 93.5 acre-feet (consistent with Tables 5-6, and 5-18 through 5-21 of the WMP) in the cumulative capture volume column for the final compliance deadline of June 14, 2036. Accordingly, update the remaining upcoming milestones in the cumulative capture volume column up to the final compliance deadline.

3. Update Table 5-14 of the WMP to specify the corresponding waterbodies for each of the listed WBPCs.
4. In Table 5-14 of the WMP, lead and selenium are listed as WBPCs being addressed by the proposed structural control measures for *E. coli* during dry weather. However, the compliance schedule for *E. coli* dry weather control measures extends beyond the required TMDL compliance deadlines for San Gabriel River and Impaired Tributaries Metals and Selenium TMDL (SGR Metals TMDL). Furthermore, the Executive Summary Scheduling of Control Measures section of the WMP states that "it has been determined through CIMP monitoring that the ESGVWMG is in compliance with the Metals TMDL". Therefore, deemed compliance will not be provided for lead and selenium. Accordingly, in Table 5-14 of the WMP, add a table note for lead and selenium acknowledging that the proposed *E. coli* dry weather structural control measures do not align with the SGR Metals TMDL final compliance deadlines but will be addressed in the WMP to prevent future exceedances. Compliance with the SGR Metals TMDL will be based on CIMP monitoring. Alternatively, the Group shall remove these two constituents from Table 5-14 of the WMP.
5. The structural control measures proposed in the WMP to address the priority constituents listed in Table 5-14 of the WMP do not address Puddingstone Reservoir since the Group has not proposed control measures within the reservoir watershed. Therefore, if any of the WBPCs in Table 5-14 of the WMP pertain to the U.S. EPA established Puddingstone Reservoir TMDLs (Part III in Attachment R of the Order), please remove those WBPCs from the third column of this Table (i.e., total nitrogen, total phosphorus, total mercury, dissolved methylmercury, PCBs, chlordane, dieldrin, and DDTs).
6. Add a new table to Section 6.2.1 that compares the required critical bacteria storm runoff volume in Table 5-6, bacteria dry weather flow, with the proposed BMPs and capture volumes in Tables 5-18 through 5-21. Add a new table that compares the baseline copper load, and model-predicted required copper load reduction with the specific milestones and the proposed BMP capacities specified in Tables 5-22 through 5-25 to demonstrate how the RAA-recommended projects will meet the required load reductions for each RAA Assessment Area and city.
7. For total nitrogen and total phosphorus in Puddingstone Reservoir, Tables 5-14, 5-16, and Section 5.2.2 of the WMP propose monitoring and implementation of unspecified non-structural control measures, if needed. Furthermore, no watershed control measures are proposed for total mercury, dissolved methylmercury, PCBs, chlordane, dieldrin, and DDTs. Therefore, the Group shall not receive deemed in-compliance status for the Puddingstone Reservoir TMDLs. Please revise Table 5-16 of the WMP to include a table note stating that "until further structural control measures are proposed, the Group will demonstrate compliance with total nitrogen and total phosphorus for Puddingstone Reservoir through monitoring".
8. Revise Tables ES-2, and 3-3 of the WMP and Tables ES-3, and 13 of Appendix A to include all applicable waterbodies being addressed by the WMP instead of the monitoring stations.
9. In Tables ES-2, and 3-3 of the WMP and Tables ES-3, and 13 of Appendix A, only the category 1A, 1C, 2A, and 3A WBPCs apply to the Live Oak Wash waterbody.

Please clarify if the columns for LOW correspond to the Puddingstone Reservoir. If not, please add a column for the Reservoir and move the notations for total nitrogen, total phosphorus, total mercury, dissolved methylmercury, PCBs, chlordane, dieldrin, and DDTs to the new column for the Puddingstone Reservoir.

10. In Figure 2 of Appendix A, remove lead and *E. coli* from the Puddingstone Reservoir as category 1, because the SGR Metals TMDL and San Gabriel River, Estuary, and Tributaries Indicator Bacteria TMDL (SGR Bacteria TMDL) do not apply to the Puddingstone Reservoir, and revise Table 2 of the Appendix A for consistency. Also, delete San Gabriel River Reach 1, 2, and 3 columns from Table 2 of Appendix A since these waterbodies are not within the Group's watershed management area.

Approval of the Group's WMP, subject to the conditions above, reinstates the Group's deemed compliance status, per the Board's February 25, 2022, letter on the Group's June 30, 2021, status of compliance demonstration for the WBPCs identified in section 2.1.2 below.

The Board may rescind this approval if any of the conditions in this letter are not met to the satisfaction of the Board within the timeframe provided below. Pursuant to Part IX.G.4 of the Order, if the necessary revisions are not appropriately made, the Group shall be subject to all requirements in the Order except those requirements pertaining to Watershed Management Programs upon disapproval by the Los Angeles Water Board.

The Group shall submit a final WMP to the Los Angeles Water Board that satisfies all of the above conditions no later than **August 1, 2023**. The final WMP must be submitted electronically by uploading the files in a Folder with the name of the Group to the FTP site using the following credentials:

FTP site: <https://ftp.waterboards.ca.gov>

Username: RB4MS4-Upload

Password: RB4-bmBb3Z

Pursuant to Parts IX.C.1 and IX.G.3.c of the Order, **the Group shall implement their approved WMP immediately**. The Group is subject to all applicable compliance schedules in Part IV.B and Attachments K through S of the Order.

2) Compliance Determinations

2.1 Compliance Determination for WBPCs other than Trash

2.1.1 Compliance Metric: Pursuant to Part IX.B.7.h of the Order, the WMP is required to specify the expected volume capture, load reductions, or other compliance metric(s) at regular milestones, and the methods by which these reductions will be measured and demonstrated for each WBPC and supported via the RAA. Based on the information provided in the WMP, and pending revision of the WMP to address the conditions of this approval letter, the Board will determine deemed compliance with the Group's WMP based on the following compliance metric(s) with the approved compliance schedule:

- *E. coli* dry weather (category 1A): Table 5-15. Compliance Pathway for Dry Weather Bacteria.
- *E. coli* wet weather (category 1C): Table 6-6. Interim Compliance WMP Milestones, with capture volume and corresponding milestones of June 14, 2026, June 14, 2031, and June 14, 2036.

If the Group fails to attain the milestones in these tables, then the Group shall lose deemed compliance status for their interim WQBELs. The Group must demonstrate compliance with final WQBELs through the direct demonstration of compliance options outlined in Part X.B.2.a of the Order or revise the WMP to include structural BMPs that retain all non-stormwater runoff and the volume of stormwater runoff from the 85th percentile 24-hour storm event.

2.1.2 WBPCs Eligible for Deemed Compliance Through Alternative Demonstration of Compliance: The following WBPCs will receive deemed compliance through the WMP if the actions and schedules specified in the WMP are attained as outlined in Parts X.B.1.b and X.B.2.b of the Order and pending revision of the WMP to address the conditions of this approval letter:

- *E. coli* wet and dry weather for all tributaries upstream of San Gabriel River Reach 3 within the Group's jurisdictional area (excluding Reach 3) as shown in Figure 3 in Appendix A of the WMP.
- Category 2A and 3A WBPCs in Table 3-3. Sequenced Water Body-Pollutant Combinations.

Any WBPCs that are not listed above are not eligible for deemed compliance for one or more of the following reasons: (a) for Category 1 WBPCs with interim deadlines, the WMP proposes watershed control measures for which there are no quantitative analyses that satisfy the RAA requirements, (b) the final TMDL deadline(s) have passed and there is no approved Time Schedule Order (TSO) or retention of all non-stormwater runoff and the volume of stormwater runoff from the 85th percentile 24-hour storm event, (c) the WMP proposes implementing baseline Permit requirements only, and/or (d) the WMP does not propose implementing additional BMPs and proposes to demonstrate compliance through monitoring.

2.2 Compliance Determination for Trash WBPCs

Trash WBPCs are not eligible for deemed compliance under the WMP. For Trash WBPCs, compliance shall be determined as outlined in Part X.C of the Order.

3) Other Requirements

Adaptive Management

Pursuant to Part IX.E.1 of the Order, the Permittee(s) shall implement an adaptive management process for each approved WMP. An adaptive management process is a

periodic, comprehensive program evaluation, including re-analysis of data and/or modeling, and modification process to determine progress toward achieving WQBELs and receiving water limitations and to adapt the Watershed Management Program to become more effective at achieving WQBELs and receiving water limitations. Pursuant to Part IX.E.4 of the Order, Permittee(s) shall submit the results of the adaptive management process with the Permittees' Report of Waste Discharge (ROWD) to the Los Angeles Water Board no later than **March 15, 2026**.

Per Part IX.E.3 of the Order, the adaptive management process fulfills the requirements in Part V.D of the Order to address continuing exceedances of receiving water limitations.

WMP Modifications

As indicated in Part IX.E.2 of the Order, based on the results of the adaptive management process, the Permittee(s) may propose WMP modifications necessary to improve the effectiveness of the WMP. The Permittee(s) shall clearly identify any WMP modification proposals in their submittal of the adaptive management results.

Additionally, per Part IX.C.2 of the Order, notwithstanding Part IX.E (Adaptive Management) of the Order, the Permittee(s) may propose WMP modifications at any time during the term of the Order, as necessary as a standalone request. As explained in Attachment H of the Order, the Permittee(s) cannot submit WMP modification requests as part of the Annual Report. The Permittee(s) shall provide separate written requests explaining the nature of the proposed modification and justification for consideration by the Los Angeles Water Board.

Receiving Water Limitations Compliance Report

Per Part IX.B.9.c.iv of the Order and Part XIV.C.4 in Attachment E of the Order, implementation of actions to address water quality priorities in a Watershed Management Program related to addressing exceedances of receiving water limitations in Part V (Receiving Water Limitations) of the Order which is not otherwise addressed by TMDLs in Part IV of the Order and Attachments K through S, fulfills the requirements in Part V.C of the Order to prepare a Receiving Water Limitations Compliance Report.

If you have any questions, please contact Angineh Shahnazarian with the Municipal Stormwater Permitting Unit by email at Angineh.Shahnazarian@waterboards.ca.gov or by phone at (213)576-6635. Alternatively, you may also contact Ivar Ridgeway, Municipal Stormwater Permitting Unit Supervisor by email at Ivar.Ridgeway@waterboards.ca.gov or by phone at (213) 620-2150.

Sincerely,

for Renee Purdy
Executive Officer

cc: Vince Ramos, City of Claremont
Lisa O'Brien, City of La Verne
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Shari Garwick, City of San Dimas
Annelisa Ehret Moe, Heal the Bay
Benjamin Harris, LA Waterkeeper
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