



Los Angeles Regional Water Quality Control Board

May 1, 2023

Via Email Only

Permittees of the Los Angeles River Upper Reach 2 Watershed Management Group¹

APPROVAL, WITH CONDITIONS, OF THE LOS ANGELES RIVER UPPER REACH 2 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 Los Angeles River Upper Reach 2 Watershed Management Group:

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 Los Angeles River Upper Reach 2 Group's (Group) 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, the WMP will be reviewed per Part IX of the Regional MS4 Permit.

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.

¹ Permittees of the Los Angeles River Upper Reach 2 Group include the Cities of Bell, Bell Gardens, Commerce, Cudahy, Huntington Park, Maywood, Vernon, and the Los Angeles County Flood Control District.

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. The Los Angeles Water Board hereby approves, subject to the following conditions, the Group's WMP, dated June 30, 2021:

1. Update the entire WMP to conform to the requirements in the Regional MS4 Permit and update all references to previous permits.
2. Identify the Group lead, per Part IX.A.4.I of the Order.
3. Section 1.1.3 of the WMP refers to an outdated 303(d) list. Also, it is unclear which 303(d) list was used for the water quality prioritization and water body pollutant classification. Please update the WMP to ensure the latest 303(d) list was used.
4. Section 4.1.1 of the WMP lists Minimum Control Measures (MCM) Programs and Potential Modifications and was developed per the previous MS4 Permit. Update this section and ensure it conforms to the MCM requirements of the Regional MS4 Permit.
5. Per Section 7.1 of the WMP, the WMP Implementation schedule was developed based on TMDL targets identified in Table 1-6. While Table 1-6 lists the correct TMDL schedule, this schedule is not reflected in the Appendix M, RAA and WMP Implementation Strategy. Update Appendix M to include the schedule for wet and dry weather Bacteria and Metals, as well as applicable interim dates. Additionally, incorporate the output from the updated Appendix M to Section 7, Implementation Schedule and Cost. If wet and dry weather Bacteria and Metals are already addressed, update Section 7 with an explanation.
6. To clearly demonstrate how the proposed BMPs in the WMP will meet the RAA-required load or volume reductions, add a new table to the WMP that summarizes the baseline volume/load, the model-predicted required volume or load reduction, and the total RAA-required BMP capacity, with interim/final deadlines for each subwatershed and jurisdiction.
7. Update the Legal Authority documentations in Appendix J for each Permittee and update Section 8 of the WMP to reference the Regional MS4 Permit.

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.

Compliance Determination for WBPCs other than Trash

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:

For the Metals TMDL, the volumes listed in Appendix M of the WMP, Figures 4-1, 4-5, and 5-2

For the Bacteria TMDL, the volumes listed in Appendix M of the WMP, Figures 4-1, 4-5, and 5-2

If the Group fails to attain the volume reductions in these figures, 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.

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:

Table 2-12 of the WMP, Priority 1c for dry and wet weather E. coli

Table 2-12 of the WMP, Priority 1c for dry and wet weather Copper, Lead, Zinc, and Cadmium

Table 2-12 of the WMP, all Priority 2A pollutants

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.

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.

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 Ali Rahmani with the Municipal Stormwater Permitting Unit by email Alireza.Rahmani@waterboards.ca.gov or phone (213) 576-6692. 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: Robert Linton, City of Bell
Veronica Sanchez, City of Bell Gardens
Gina Nila, City of Commerce
Aaron Hernandez-Torres, City of Cudahy
Cesar Roland, City of Huntington Park
James Troyer, City of Maywood
Claudia Arellano, City of Vernon
Mark Lombos, Los Angeles County Flood Control District
Fred Gonzalez, Los Angeles County Flood Control District
Mark Pestrella, Los Angeles County Flood Control District
Keith Lilley, Los Angeles County Flood Control District
Jalaine Q. Verdiner, Los Angeles County Flood Control District
Annelisa Ehret Moe, Heal the Bay
Benjamin Harris, LA Waterkeeper
Corinne Bell, Natural Resources Defense Council