
Los Angeles Regional Water Quality Control Board

May 1, 2023

Via Email Only

Eric Lopez
Director of Public Works
333 W. Ocean Blvd.
Long Beach, CA 90802

APPROVAL, WITH CONDITIONS, OF THE NEARSHORE WATERSHEDS 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 City of Long Beach:

This letter (1) conditionally approves the Nearshore Watersheds Watershed Management Program (WMP) submitted by the City of Long Beach (City) subject to additional revisions of the WMP, (2) reviews compliance metrics for Water Body-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).

The City submitted to the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board or Board), a revised draft WMP dated June 30, 2021. The WMP has been 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,

JAMES STAHL, ACTING CHAIR | RENEE PURDY, EXECUTIVE OFFICER

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 WMPs.

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 the City's WMP, under the condition that the WMP is revised to address the following requirements:

1. Update all references of the 2014-2016 303(d) list to the 2020-2022 303(d) list.
2. Per Part IX.B.3.a of the Order, Category 1 WBPCs are pollutants with WQBELs and receiving water limitations established in Part IV and Attachments K through S of the Order. Table 2-9 of the WMP lists chlordane and dieldrin as Category 1 pollutants for Dominguez Estuary (below Vermont Avenue). Additionally, Table 2-11 of the WMP lists dieldrin and toxaphene as Category 1 pollutants for Long Beach Inner Harbor, Long Beach Outer Harbor, and Eastern San Pedro Bay. However, per Part II in Attachment P of the Order, the *Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL* (Harbor Toxics TMDL) does not assign WQBELs and/or receiving water limitations to chlordane, dieldrin, and toxaphene. Rather, the Harbor Toxics TMDL assigns Load Allocations to non-point sources for chlordane, dieldrin, and toxaphene, which are not applicable to MS4 Permittees. Remove Category 1 chlordane and dieldrin from Table 2-9 of the WMP or move it under Category 2. Additionally, remove Category 1 dieldrin and toxaphene from Table 2-11 of the WMP or alternatively, per Part IX.B.3.c of the Order, if data from the last 5 years indicate MS4 as a source, move it under Category 3.
3. Table 2-9 of the WMP lists thallium and ammonia as Category 3 pollutants but there is no discussion of the data used for evaluation. Per Parts IX.B.1 and IX.B.3.c of the Order, revise the WMP to include a summary of the data analysis used to categorize thallium and ammonia as Category 3 for Dominguez Channel Estuary.
4. There is no MS4 discharge from the Nearshore Watersheds area to the Dominguez Channel (freshwater – above Vermont Avenue). Therefore, WQBELs for Dominguez Channel (freshwater) are not applicable to the Nearshore Watersheds WMP. Accordingly, remove the 2 paragraphs in Section 2.1.4 of the WMP that summarize the Dominguez Channel freshwater WQBELs.
5. In the last sentence of Section 2.1.4 of the WMP, correct the typographical error to reference the correct table. Specifically, in the sentence “the final WQBELs for sediment to be met by March 23, 2032, are listed in Table 2-4,” change the table reference to Table 2-10.
6. Table 2-11 of the WMP lists Benzo(a)pyrene and chrysene for Long Beach Inner Harbor as Category 2B (non-303(d) listed pollutants). However, these 2 pollutants are listed on the 2020-2022 303(d) list. Move these 2 pollutants in Table 2-11 of

- the WMP under Category 2A (303(d) listed pollutants) and update Section 2.1.5 of the WMP accordingly.
7. Table 2-12 of the WMP lists the incorrect interim WQBELs for Total PAHs and Total DDTs. Correct them per the table in Part II.B.2 in Attachment P of the Order.
 8. Table 2-17 of the WMP categorizes bacteria as Category 1B (TMDL with final deadlines after 2021). However, per Part IV.B.2.c.ii.(d)(1)(i) of the Order and Part VI.F.2.c in Attachment F of the Order, the *Long Beach City Beaches and Los Angeles River Estuary Indicator Bacteria TMDL* (LB City Beaches and LARE Bacteria TMDL) deadline for dry weather bacteria in the Long Beach City Beaches is as of the effective date of the Order (past deadline - March 28, 2019). Bacteria for dry weather in the Long Beach City Beaches should be categorized as Category 1A (TMDLs with past due final deadlines). The Long Beach City Beaches for bacteria in wet weather only and Los Angeles River Estuary for bacteria wet and dry weather can be categorized as Category 1B. Revise Table 2-17 of the WMP and any other relevant sections of the WMP accordingly.
 9. Table 2-17 of the WMP does not specify which waterbodies the listed pollutants apply to (i.e., Long Beach City Beaches, Los Angeles River Estuary, shoreline area). Add a “waterbody” column similar to the other tables in Section 2.1 of the WMP and specify which waterbody(ies) each of the pollutants apply to.
 10. Per Part II in Attachment S of the Order and Table F-26 in Attachment F of the Order, the final deadline for the Colorado Lagoon OC Pesticides, PCBs, Sediment Toxicity, PAHs, and Metals TMDL (Colorado Lagoon Toxics TMDL) is as of the effective date of the Order (past deadline – July 28, 2018). Accordingly, remove the paragraph about the interim WQBELs in Section 2.1.7 of the WMP.
 11. Per Part II.D in Attachment S of the Order and Part III.I.3.c in Attachment F of the Order, WQBELs for Termino Avenue and Line M are not included in the Regional MS4 Permit because these two storm drains were physically re-routed such that they no longer discharge into the Colorado Lagoon. Accordingly, remove WQBELs from Table 2-20 of the WMP for Termino Avenue and Line M.
 12. Table 2-21 of the WMP does not specify which waterbodies the listed pollutants apply to (i.e., Alamitos Bay, Los Cerritos Channel Estuary). Add a “waterbody” column similar to the other tables in Section 2.1 of the WMP and specify which waterbody(ies) each of the pollutants apply to. Bacteria shall be categorized as a Category 2A for Alamitos Bay and Category 2B or 3 for the Los Cerritos Channel Estuary.
 13. Table 2-22 of the WMP lists bacteria as Category 2A (303(d) listed pollutants). However, per Part II in Attachment R of the Order, the San Gabriel River Estuary and Tributaries Indicator Bacteria TMDL (SGR Bacteria TMDL) applies. Accordingly, in Table 2-22 of the WMP, move bacteria under Category 1B (TMDL with final deadlines after 2021).
 14. Update Table 5-2 of the WMP to specify the waterbodies being addressed by each of the proposed BMPs. Also, per Parts IX.B.7.e, IX.B.7.h, and IX.B.9.c of the Order, include interim and final milestones and dates for achievement for each proposed BMP to ensure that any applicable TMDL compliance deadlines will be met. The first interim milestones shall be within the permit term and interim milestones shall be no more than 5 years apart.

15. Per Parts IX.B.7.e, IX.B.7.h, and IX.B.9.c of the Order, update Appendix D, Table 6-2 and Table 7-2 of the WMP to include interim and final dates for achievement of required load reductions to ensure that all applicable TMDL compliance deadlines will be met. The first interim milestones shall be within the permit term and interim milestones shall be no more than 5 years apart.
16. Appendix D, Table A-1 of the WMP indicates planned BMPs scheduled for 2022 and 2023. Update these schedules per the current status of the planned implementation of the BMPs.
17. Section 4.1.4 of the WMP under heading titled “Long Beach Nearshore”, sub-heading “Colorado Lagoon”, proposes a 2026 milestone to address the Colorado Lagoon OC Pesticides, PCBs, Sediment Toxicity, PAHs, and Metals TMDL (Colorado Lagoon Toxics TMDL). However, per Attachment S, Part I of the Order, responsible Permittees are required to comply with the Colorado Lagoon Toxics TMDL as of effective date of the Order. The final TMDL deadline has passed. Accordingly, remove the 2026 proposed schedule.
18. Throughout the WMP, milestones are defined based on “assessment area”. The WMP does not define what these “assessment areas” are. Revise the WMP to add clarifying language or map to show the assessment areas (i.e., Colorado Lagoon, Dominguez Channel Estuary, and Nearshore Areas).
19. Section 4.1.4 of the WMP under heading titled “Long Beach Nearshore”, sub-heading “Nearshore Areas...” proposes a 2026 interim and a 2040 final deadline to achieve the LB City Beaches and LARE Bacteria TMDL. However, per Part IV.B.2.c.ii.(d)(1) of the Order, different compliance deadlines apply depending on the area (i.e., Long Beach City Beaches and Los Angeles River Estuary) and weather condition (i.e., wet and dry). For the Los Angeles River Estuary, no BMPs are proposed in the WMP so therefore, deemed compliance cannot be granted for this area. Also, for the Long Beach City Beaches during dry weather, the final deadline has passed and therefore, deemed compliance cannot be granted for this area during dry weather. Please clarify that the 2026 and 2040 proposed deadlines are only for the Long Beach City Beaches during wet weather.
20. Section 5.1.3 of the WMP states the following: “Note that for the Long Beach Nearshore WMP, shown in Figure 5-5 (details in Appendix F), the “2032 Final Toxics” milestone results in more BMPs than the final “2040 Final Bacteria” milestone. For the Nearshore assessment area (not including Dominguez Channel Estuary and Colorado Lagoon) the BMP implementation strategy for the 2032 Final Toxics milestone is inclusive of the BMPs for the 2040 Final Bacteria milestone. These results are presented to demonstrate that the BMPs needed to address the Dominguez and Harbors Toxics TMDL are greater than the amount needed to address the Long Beach Beaches Bacteria TMDL, and no additional BMPs are needed beyond 2032 to address bacteria within the Nearshore assessment area. However, because Colorado Lagoon does not address the Dominguez and Harbors Toxics TMDL, the 2040 Final Bacteria milestone for the Colorado Lagoon assessment area represents the final WMP implementation strategy for that assessment area.” However, deemed compliance is based on a WBPC basis. The above quotation from the WMP lumps different TMDLs in different assessment areas together even though the WMP proposes individual regional projects to

address the different assessment areas. Please revise the paragraph quoted above in Section 5.1.3 of the WMP to explain how the BMP implementation in different watersheds correlates with the proposed TMDL schedules.

21. The WMP contains references to the previous Long Beach MS4 Permit. Please update the references to reference the Regional MS4 Permit.
22. Section 3.3 Minimum Control Measures (MCMs), pages 3-3 through 3-5 appropriately assess the MCMs but do so based on the 2020 Tentative Regional MS4 Permit. While this should be fine, the City of Long Beach needs to verify their assessment per the 2021 Final Permit and update all references appropriately.
23. Appendix F lists the required volume capacity per BMP type to be achieved by 2040. Note the header in Appendix F at times is labeled Appendix D. Please correct the header where necessary.
24. Figure 5-3 and Figures 4D-9 through 4D-12 in Appendix F (RAA Graphical Outputs, Mapping, and Implementation Recipe) of the WMP accurately show the northeastern boundary of the Nearshore Watershed's WMP. Other maps in the WMP showing the northeastern boundary of the Nearshore Watersheds WMP include a portion of the Los Cerritos Channel WMP area. Revise the other maps in the WMP to conform with the northeastern boundary as shown in Figure 5-3 and Figures 4D-9 through 4D-12 in Appendix F of the WMP.
25. The WMP does not identify unavailable but necessary information needed to support any analysis in the WMP. The WMP should acknowledge sufficient data already exists or include a new section listing the data that is missing and needed.

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 City 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 City 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 City 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 City shall implement their approved WMP immediately**. The City 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 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 City's WMP and associated interim WQBELs based on the following compliance metric(s) with the approved compliance schedule:

- Port area: Appendix D, Table 6-2 (Port Pollutant Reduction Plan for Attainment of Interim and Final Limits for the Harbor Toxics TMDL – Zinc Loads)
- City (non-port area): Table 5-2 of the WMP (Identified Regional BMP Locations)

If the City fails to propose and attain interim compliance metrics, then the City shall lose deemed compliance status for their interim WQBELs. The City 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:

- All WBPCs in Table 2-9 of the WMP (Pollutant Categories for the Dominguez Channel Estuary)
- All WBPCs in Table 2-11 of the WMP (Pollutant Categories for the Inner Harbor, Outer Harbor, and Eastern San Pedro Bay)
- In Table 2-17 of the WMP (Pollutant Categories for the Long Beach Shoreline):
 - Category 1B wet weather bacteria WBPCs for the Long Beach City Beaches
 - Category 1B metals, SVOC, pesticides, and indicator/general for Long Beach City Beaches
- Category 2B WBPCs for bacteria in Table 2-18 of the WMP (Categorical Designation of Pollutants for Colorado Lagoon)
- In Table 2-21 of the WMP (Pollutant Categories for the Alamitos Bay)
 - All WBPCs for Category 1B, 2B, and 3 for Alamitos Bay (including Marine Stadium) and Los Cerritos Channel Estuary
 - All WBPCs for Category 2A for Alamitos Bay (including Marine Stadium)

- Category 2B bacteria WBPCs for Los Cerritos Channel Estuary

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 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: Melissa You, City of Long Beach
Annelisa Ehret Moe, Heal the Bay
Benjamin Harris, LA Waterkeeper
Corinne Bell, Natural Resources Defense Council