



Los Angeles Regional Water Quality Control Board

June 30, 2022

Via Email Only

Permittees of the Santa Monica Bay Jurisdictional Group 2 and 3 Watershed Management Group¹

APPROVAL, WITH CONDITIONS, OF THE SANTA MONICA BAY JURISDICTIONAL GROUP 2 AND 3 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 Santa Monica Bay Jurisdictional Group 2 and 3 Watershed Management Group:

This letter (1) conditionally approves the Watershed Management Program (WMP) submitted by the Santa Monica Bay Jurisdictional Group 2 and 3 (Group) 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 Permittees 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 the Los Angeles County MS4 Permit Order No. R4-2012-0175, the Group submitted to the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board or Board) a revised draft WMP dated June 21, 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

¹ Permittees of the Santa Monica Bay Jurisdictional Group 2 and 3 include the City of Los Angeles, County of Los Angeles, City of Santa Monica, City of El Segundo, and Los Angeles County Flood Control District.

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currently effective permit, 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, 2021. The Board received one joint comment letter from Heal the Bay, the Los Angeles Waterkeeper, and the Natural Resources Defense Council, which applied generally 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 Group's WMP, under the condition that the WMP is revised to address the following requirements:

1. Identify the Group lead, as required per Part IX.A.4.I of the Order.
2. Section ES-3 of the WMP states that the RAA was performed assuming "non-modeled non-structural BMP load reduction (2.5-7.5 percent of baseline pollutant load)." This section is identical to Section ES-3 of the Group's 2018 WMP. However, Table 3-3 of the WMP stated that institutional controls were not included in the updated RAA due to the State Board Order provisions. Also, the narrative in Section 4.1 of the WMP acknowledges that appropriate methods and metrics to further assess non-modeled strategies are under development, and as a result, these assumptions were not included in the RAA. Please confirm if the Group included these assumptions in the RAA. If not, please delete the statement and update the section accordingly. If the Group included these assumptions in the RAA, please update the RAA to remove the assumed reductions from non-modeled non-structural BMPs, as required in Section II.B.3.a.i of the State Board Order WQ 2020-0038 and Part IX.B.8.b of the Regional MS4 Permit.
3. Section 1.3.2 of the WMP includes Table 1-2 for the 2014 and 2016 303(d) listed waterbodies and associated pollutants within Santa Monica Bay watershed. Please update this section and Table 1-2 to ensure it reflects the 2020-22 303(d) listed water bodies and constituents. Please also update the entire WMP to reflect this revision.
4. Section 1.3.2 of the WMP includes Table 1-3 which lists the TMDLs applicable to the Group. Please update the Table to delete the last two rows that list the previous Santa Monica Bay Beaches Bacteria (SMBBB) TMDL.
5. Section 2.3 of the WMP includes Table 2-9, which classifies WBPCs into three categories. Please make the following changes:
 - A) Regarding the SMBBB TMDL, per Part I of Attachment O of the Order, please update the Table to reflect the requirements and compliance dates of Resolutions

R12-007 and R21-001. Specifically, for wet weather bacteria, please remove the wet weather condition from the geometric mean by creating a separate row for the geometric mean without any reference to weather condition since the geometric mean is independent of the weather condition and include the applicable compliance deadlines. Additionally, for wet weather bacteria and the newly created row for the geometric mean, please update the new interim and final compliance deadlines from Resolution R21-001 as specified in Part I.B.2 and I.C.4 of Attachment O of the Order, which are in effect.

- B) Regarding the Santa Monica Bay TMDLs for DDTs and PCBs, table note 3 of Table 2-9 references the schedule in Table 6-5 of the U.S. EPA TMDL. This is an incorrect reference because Table 6-5 applies to load allocations and not waste load allocations. As explained in Part VI.F.2.a of Attachment F of the Order, the U.S. EPA TMDL specifies that WLAs are set to the existing conditions at the time of TMDL adoption. Therefore, no compliance schedule or alternative to propose BMPs in WMPs are provided. Hence, per Part III of Attachment O of the Order, Permittees shall comply with this TMDL as of the effective date of the Order. Please revise Table 2-9 to correct the compliance schedule to reflect the effective date of the Order, and to correct table note 3 to remove the reference the schedule in Table 6-5 of the U.S. EPA TMDL. Also, please similarly update the corresponding Table ES-5.
6. Regarding the Santa Monica Bay Debris TMDL, pages 16, 57, and 101-102 of the WMP state that “[o]verall, the SMB EWMP Group has met the final implementation milestone for the Santa Monica Bay Debris TMDL”. Please revise the WMP to acknowledge that trash is not eligible for deemed compliance status under the WMP.
 7. Section 3.3 of the WMP includes a general statement of the limiting pollutant analysis with a general description that asserts control of bacteria will address all the water quality priorities. However, this section does not provide all the information as required in Part IX.B.8.f of the Order. Revise the WMP to include all the information listed in Part IX.B.8.f of the Order. Specifically, please quantitatively explain how the critical condition for bacteria, which is based on allowable exceedance days, can be translated for each WBPC addressed in the WMP, i.e., explain why the bacteria storm would require the largest BMP capacities of all Water Quality Priority pollutants.
 8. Add a new Section between Section 3.3 and 3.4 that compares the baseline water quality conditions and the calculated targets to determine the required reductions estimated. Insert a table showing the baseline conditions, calculated targets, and resulting target load reduction per modeled drainage area and per agency. Include a comparison of the target load reduction calculated in Section 3 and the RAA-recommended projects in Table 4-3 to provide context for the statement on page 46 in Section 4.2 that reads, “Table 4-3 summarizes the RAA-recommended projects to meet the compliance objectives outlined in the previous section.” Describe the difference, if any, between “target load reduction (TLR)” and “required BMP capacity”.
 9. Update Table 4-2 in Section 4.1 of the WMP to include the MCMs requirements specified in Parts VIII.D – VIII.I of the Order, and update Section 4.1 accordingly.

10. Add a row to Table 4-3 with total RAA Modeled Capacities for all RAA-Recommended Projects. Add a column to Table 4-7 with RAA Modeled Capacities for each Regional and Centralized BMP and a row with the RAA Modeled Capacity for all Regional and Centralized BMPs.
11. Revise the units for volume in Tables 5-2, 5-3, and 5-4 to acre-feet.
12. Update the Assessment and Adaptive Management Framework Section (Section 6) of the WMP to remove the requirements of the previous 2012 Los Angeles County MS4 permit and conform to the requirements specified in Part IX.E of the Order.
13. Update the Legal Authority (Appendix D) for each Permittee and Section 8 of the WMP to reference the Regional MS4 Permit.
14. The WMP contains references to the previous Los Angeles County MS4 Permit. Please update the references to be consistent with the numbering and formatting of the Regional MS4 Permit.
15. LAX and Santa Monica airports are not included in modeled areas of the RAA or addressed in the WMP. The publicly owned portions of municipal airports are subject to the Regional MS4 Permit. Therefore, please update the RAA and revise the WMP to include these public airport areas.

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, except #15, no later than **September 30, 2022**. The Group shall submit a revised final WMP to the Los Angeles Water Board that satisfies condition #15 no later than **December 30, 2022**. The final and revised 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, particularly condition number 7, the Board will determine compliance with the Group's WMP and associated interim WQBELs based on the following compliance metric(s) with the approved compliance schedule:

- The "Total" column in Table 5-5 of the WMP, Regional BMP Capacity on Public and Private Land Required for Compliance (Acre-feet)
- The "Total" column in Table 5-6 of the WMP, Distributed (LID and Green Street) BMP Capacity Required for Compliance (Acre-feet)

If the Group fails to attain the volume reductions for 2023 in these two 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:

- Table 2-9 of the WMP, Category 1 for wet weather Bacteria
- Table 2-9 of the WMP, Category 2 and 3 WBPCs

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 about this letter, please contact Ms. 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,

Renee Purdy
Executive Officer

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