



Los Angeles Regional Water Quality Control Board

April 4, 2023

Via Email Only

Permittees of the Upper Santa Clara River Watershed Group¹

APPROVAL, WITH CONDITIONS, OF THE UPPER SANTA CLARA RIVER WATERSHED 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 Upper Santa Clara River Watershed Group:

This letter (1) conditionally approves the Watershed Management Program (WMP) submitted by the Upper Santa Clara River Watershed 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 Group submitted a revised draft WMP dated June 2021 to the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board or Board). 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 has been reviewed per Part IX of the Regional MS4 Permit.

¹ Permittees of the Upper Santa Clara River Watershed Group include County of Los Angeles, Los Angeles County Flood Control District, and the City of Santa Clarita.

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 WMPs.

Conditions of Approval

Pursuant to Part IX.G.3.a of the Order, the WMP and Reasonable Assurance Analysis (RAA) are required to be consistent with the requirements of the Regional MS4 Permit. Emails were sent to the Group on April 19 and 21, 2022, providing comments and questions on the revised draft WMP. Subsequently, there was a meeting with the Group on April 27, 2022, to discuss necessary revisions to the WMP. The Los Angeles Water Board received the Group's 2nd revised draft WMP on May 19, 2022. The Los Angeles Water Board hereby approves, subject to the following conditions, the Group's WMP, dated May 2022:

1. Section 7.3.2 and Table 7-3 of the WMP states that if either Option 1 (implementing the watershed control measures in the WMP), or Options 2 and 3 (using monitoring results to demonstrate compliance) are attained, then the Group has achieved "deemed compliance status". This proposal misinterprets the Regional MS4 Permit provisions. For WBPCs addressed in the WMP, the "deemed compliance status" is intended to give a Permittee BMP planning and implementation time up to the final compliance deadline. Generally, per Parts X.B.1.b and X.B.2.b of the Order (Alternative Demonstration of Compliance), a Permittee can receive "deemed compliance status" for the WBPCs addressed in a WMP if the Permittee implements the actions and schedules in a WMP. If a Permittee loses "deemed compliance status" under the WMP for the WBPCs being addressed, the Permittee is not automatically assumed to be out of compliance. Consistent to Parts X.B.1.a and X.B.2.a of the Order (Direct Demonstration of Compliance), a Permittee can demonstrate compliance for a WBPC as outlined in Options 2, 3, and 4 of the WMP. Accordingly, revise the 1st sentence in the last paragraph in Section 7.3.2 of the WMP as follows: "If any of the Options 1 through 4 are attained, then the Group has demonstrated compliance". Also revise Table 7-3 of the WMP to remove the rows pertaining to "Option 2 or 3: Monitoring Data Assessment" and table notes 2 and 3.
2. Table 7-3 of the WMP summarizes all the milestones to address bacteria and non-bacteria WBPCs. For completeness, add the final wet weather compliance deadline of March 21, 2029 for the *Santa Clara River Estuary and Reaches 3, 5, 6, and 7 Indicator Bacteria TMDL* (SCR Bacteria TMDL) to Table 7-3 of the WMP and clarify that control measures in Section 7.2 of the WMP will be implemented to attain the total structural BMP capacity per Figure 7-13 of the WMP.
3. Revise Figures 7-13, 7-14, and 7-15 of the WMP to reference the correct sections of the WMP. Specifically, the statement, "2026 implementation actions are detailed in Section 7.3.1" should reference "Section 7.3.2" instead of "Section 7.3.1".

4. Table 7-2 of the WMP proposes interim milestones beyond the SCR Bacteria TMDL wet weather final compliance deadline of March 21, 2029 to address other priority WBPCs in Table 4-6 of the WMP. Per Part IX.B.9 of the Order and the limiting pollutant approach used in the WMP where *E. coli* is the limiting pollutant, *E. coli* and other priority WBPCs in Table 4-6 of the WMP are required to be addressed no later than the SCR Bacteria TMDL wet weather final compliance deadline of March 21, 2029. Accordingly, per Part IX.B.9 of the Order, revise Section 7 of the WMP to update the proposed interim milestones so that they occur before March 21, 2029. At minimum, the first interim milestone shall be within the permit term and interim milestones shall be no more than 5 years apart. For the milestones, specify at minimum, the month and year. Also update the table title for Table 7-2 of the WMP accordingly.
5. Figure 7-13 of the WMP shows that 351.13 acre-feet BMP capacity is required by the RAA to address the SCR Bacteria TMDL. However, in Table 7-2 of the WMP, the total BMP capacity of the proposed projects is 95.4 acre-feet. Propose additional projects or explain how the remainder of the RAA-required BMP capacity will be achieved after the projects in Table 7-2 of the WMP are completed. Additionally, to demonstrate how the proposed BMPs in the WMP will meet the RAA-required load or volume reductions, add a new table to the WMP or revise an existing table to summarize the current BMP capacity achieved, required volume or load reduction, total RAA-required BMP capacity, and interim/final deadlines.
6. The last paragraph in Section 6.4 of the WMP states the following: “As such, if exceedances of these non-modeled pollutants occur during EWMP implementation, then compliance determination should not be based on the status of implementation of *E. coli* control measures. Instead, compliance determination should be based on evaluation of whether the existing level of implementation for MCMs and control measures (as of May 2022) has been maintained.” For consistency with the proposed compliance metrics discussed in Section 7 of the WMP, replace the aforementioned sentences with the following: “As such, if exceedances of these non-modeled pollutants occur after the SCR Bacteria TMDL final wet weather compliance deadline, then compliance determination for these non-modeled pollutants should be based on evaluation of monitoring results.”
7. Section 5.2, Table 5-1, and Table 5-2 of the WMP discuss the previous 2012 permit provisions for MCMs and then list modifications based on the previous permit requirements. Any updates and customization of MCMs must be based on the Regional MS4 Permit’s MCM requirements.
8. In Table 5-1 of the WMP, the proposed modification in row D.5 for the Public Information and Participation Program appears identical to the requirement in Part VIII.D.3.b of the Order. Proposing to implement baseline MCM requirements in the Regional MS4 Permit is not considered an MCM modification. Therefore, remove the proposed modification from Table 5-1 of the WMP or update if proposing a modification based on the Regional MS4 Permit requirement.
9. In Table 5-1 of the WMP, the proposed modification under D.6 Industrial/Commercial Facilities, 1st row for “Educate...”, includes the previous 2012 Los Angeles County MS4 Permit requirement and therefore does not match the requirements in the Regional MS4 Permit. Per Part VIII.E.3.a of the Order, the requirement to once

during the 5-year permit term, notify the owner/operator of each of the inventoried sites of the BMP requirements applicable to the site/source, applies only to commercial facilities. In contrast, the proposed modification is proposed for both industrial and commercial facilities based on the previous 2012 Los Angeles County MS4 Permit requirement. If the intent is to only educate commercial facility owner/operators and not include industrial facility owner/operators, remove the modification from table or update if proposing a modification to the Regional MS4 Permit requirement.

10. In Table 5-1 of the WMP, the proposed modification under D.6 Industrial/Commercial Facilities, 2nd row for “Inspect facilities...”, does not pertain to the Regional MS4 Permit requirements in Parts VIII.E.3.c and 4.b of the Order nor does it relate to the previous 2012 Los Angeles County MS4 permit requirements. Furthermore, it is not clear if the proposed modification applies to industrial facilities, commercial facilities, or both. Remove the modification from the table or update it if proposing a modification to the Regional MS4 Permit requirements. If proposing inspection frequency reductions, clearly specify what facilities the reductions apply to, what inspection frequency(ies) are being proposed, and what criteria will be used when the inspection frequency will be reduced.
11. In Table 5-1 of the WMP, all proposed modifications for the requirements listed under row D.9 Public Agency Activities regarding retrofitting opportunities are not applicable because the listed retrofitting requirements do not exist in the Regional MS4 Permit. See Part VIII.H.1 of the Order. Remove all three of the proposed modifications under this MCM from Table 5-1 of the WMP.
12. In Table 5-1 of the WMP, the row under D.10 Illicit Connections and Illicit Discharges Elimination regarding signage adjacent to open channels is misplaced and should be moved under D.9 Public Agency Activities per the Regional MS4 Permit requirement in Part VIII.H.6.c.iv of the Order. Also, for this proposed modification of only installing signage in prioritized areas, explain how prioritized areas will be determined.
13. An enhancement is proposed in Table 5-2 of the WMP under D.9 Public Agency Activities for retrofit opportunities. Again, this provision no longer exists in the Regional MS4 Permit. Remove the proposed MCM enhancement for retrofit opportunities under D.9 in Table 5-2 of the WMP.
14. In Table 5-2 of the WMP, move the requirement pertaining to limiting infiltration of seepage from sanitary sewers to the storm drains from the row for D.9 Public Agency Activities to the row for D.10 Illicit Connections and Illicit Discharges Elimination. Per Part VIII.I.4 of the Order, this requirement in the Regional MS4 Permit is no longer located under the Public Agencies Activities MCM and is now covered under the Illicit Discharge Detection and Elimination Program MCM.
15. In Table 5-2 of the WMP, update the title from “D.10 Illicit Connections and Illicit Discharges Elimination” to “D.10 Illicit Discharge Detection and Elimination Program” to align with the new MCM name per Part VIII.I of the Order.
16. The Group’s boundary lines shown in Figure ES-1 of the WMP do not match with other maps in the WMP that show the Group’s boundary lines. Furthermore, some maps include areas outside of the Region 4 boundary, a small portion of the Calleguas Creek watershed, which is not addressed in the WMP, and Lake

- Elizabeth, which Table 3-1 of the WMP states is outside the WMP boundary. Revise all the maps in the WMP to reflect the correct boundary lines of the Group.
17. Section 3.3 of the WMP states that the permit lists the City of Santa Clarita as responsible for the Los Angeles River Trash, Nitrogen Compounds and Related Effects, Metals, and Bacteria TMDLs. However, Table J-11, Attachment J of the Order, does not list the City of Santa Clarita for the aforementioned TMDLs. Rather, for the Los Angeles River Watershed, the City of Santa Clarita is only listed as a responsible Permittee for the Los Angeles River Bacteria TMDL. Additionally, footnote 7 in Attachment J of the Order states “as of the effective date of the Order, the City of Santa Clarita does not have any MS4 discharges to the Los Angeles River Watershed. However, the City of Santa Clarita is named as a responsible Permittee in the Los Angeles River Watershed Bacteria TMDL because a portion of the City’s jurisdictional area is within the Los Angeles River Watershed”. Revise Section 3.3 of the WMP to be consistent with Attachment J of the Order.
 18. Table 3-4, table note 2 of the WMP states that the chloride “TMDL applies to Reaches 4B, 5, 6, and 7, but [the] permit only includes WQBELs for Reaches 5 and 6.” However, per Part III in Attachment M of the Order, the chloride TMDL is included for Reaches 4B, 5, and 6. Additionally, per Tables J-3 and J-4 in Attachment J of the Order, Reaches 5 and 6 are applicable to the Group. Revise Table 3-4 footnote 2 of the WMP accordingly.
 19. Section 4.2.1 and Appendix A-1 Sections A1-2 and A1-3 of the WMP state that the water quality characterization includes compiling 303(d) listings from the 2016 303(d) List. Additionally, Page ES-1 of the WMP states that Category 2 WBPCs are those on the 2010 Clean Water Act 303(d) list or having sufficient exceedances to be listed. However, the Category 2 WBPCs included in the WMP are based on the 2016 303(d) list. The most recent 2020-2022 303(d) list approved by U.S. EPA on May 11, 2022, does not differ from the 2016 303(d) except for some off-cycle de-listings of beaches in Ventura County in the 2018 303(d) list. For consistency, update references on page ES-1 of the WMP, Section 4.2.1 of the WMP, and Appendix A-1 Sections A1-2 and A1-3 of the WMP to reference the 2020-2022 303(d) list.
 20. Section 4.2.1 and Appendix A-1 Sections A1-2 and A1-3 of the WMP state that the water quality characterization includes compiling WBPCs with TMDLs from Attachment L and O of the permit. This is referencing the previous 2012 Los Angeles County MS4 Permit. Update the water quality characterization to reference the WBPCs from Attachments M and Q of the Order.
 21. Table 4-3 and Table A-1 of Appendix A1 of the WMP describes Category 1A as WBPCs with past due or upcoming (i.e., prior to July 2026) TMDL deadlines. Revise July 2026 to September 2026 to align with the Regional MS4 Permit expiration date.
 22. Correct typographical errors by removing “3” from Table 4-4 and Table A-13 in Appendix A1 of the WMP under Category 1D, rows for Ammonia and Nitrate plus Nitrite, column for Reach 6.
 23. Chloride has a past due TMDL deadline and is categorized as a priority pollutant in Table 4-6 of the WMP due to having exceedances in the past 5 years (Category 1A). Chloride WBPCs are not eligible for deemed in compliance status because the final

TMDL compliance deadline has passed. Add clarification to Section 4.5 of the WMP to acknowledge this.

24. Table 4-6 and Table A-14 in Appendix A1 of the WMP, table note 4 references the 2012 Los Angeles County MS4 Permit provision. Update to reference the Regional MS4 Permit provision.
25. Section 6 of the WMP, 1st paragraph references the 2012 Los Angeles County MS4 Permit provision. Update to reference the Regional MS4 Permit provision.
26. In Table 7-2 of the WMP, update the table note referencing the 2012 Los Angeles County MS4 Permit provision to the applicable provision in the Regional MS4 Permit.
27. In Section 7.3.1 of the WMP, update footnote 19 referencing the 2012 Los Angeles County MS4 Permit provision to the applicable provision in the Regional MS4 Permit.
28. Section A1-3.4.1 of Appendix A1 of the WMP is written as if the 2012 Los Angeles County MS4 Permit is the currently effective permit. Update Section A1-3.4.1 of Appendix A1 of the WMP per the Regional MS4 Permit.
29. The table of contents on page 1 and title page on page 130 of the WMP Appendices pdf references "Appendix B2 Justification for Modifications to MCMs". However, there's no corresponding content. Update the table of contents and remove the title page.
30. Page 131 of the WMP Appendices pdf (Overview: The detailed EWMP Implementation Plan details...) is misplaced and is an outdated version of the updated page under Appendix 5C of the WMP (page 322 of the pdf). Remove page 131 of the WMP Appendices pdf.
31. Update the entire WMP to substitute references of previous permits with references to the requirements in the Regional MS4 Permit.

Pursuant to the State Water Board's WQ Order No. 2020-0038, the Group lost deemed compliance starting July 1, 2022 because the Group's WMP was not approved by June 30, 2022. Approval of the Group's WMP, subject to the conditions above, reinstates the Group's deemed compliance status 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 **July 3, 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.

Furthermore, since Lake Elizabeth per Table 3-1 of the WMP, is not addressed in the Group's 2nd revised draft WMP, the County of Los Angeles and LACFCD, for the Lake Elizabeth area not addressed in the USCR Group's WMP, is subject to all of the requirements in the Order except those requirements pertaining to Watershed Management Programs. The County of Los Angeles and LACFCD, for Lake Elizabeth, must demonstrate compliance with final WQBELs through the direct demonstration of compliance options outlined in Part X.B.2.a of the Order. In the future, per Part IX.C.2 of the Order, the USCR Group may choose to include and address the Lake Elizabeth area in the USCR WMP through a WMP Modification Request (See Section 3 of this letter).

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:

- For interim milestones, all projects in Table 7-2 of the WMP (Actions for EWMP Interim Milestone to Address Bacteria...and non-Bacteria WBPCs...)
- For the SCR Bacteria TMDL, up to the final wet weather compliance deadline, the total "Structural BMP Capacity" in Figure 7-13 of the WMP (Scheduling of the USCR EWMP Implementation Plan for all Assessment Areas to address the Bacteria TMDL)
- For the SCR Bacteria TMDL, up to the final wet weather compliance deadline, if the above compliance metric for "Total Structural BMP Capacity" is not met, the Equivalency Metric for the total of the "Volume of Stormwater Managed" column in Appendix 5-C of the WMP applies.

If the Group fails to attain the project-based interim milestones per Table 7-2 of the WMP, 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 4-6 of the WMP (Prioritized WBPCs): Priority 1 *E. coli* wet weather WBPCs
- Table 4-6 of the WMP (Prioritized WBPCs): All Priority 2 WBPCs

Any WBPCs that are not listed above are not eligible for deemed compliance for 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 Ms. Erum Razzak with the Municipal Stormwater Permitting Unit by email Erum.Razzak@waterboards.ca.gov or phone (213) 620-2095. 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: Heather Merenda, City of Santa Clarita
Jerrid Mckenna, City of Santa Clarita
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