

Presentation to:
State Water Resources Control Board

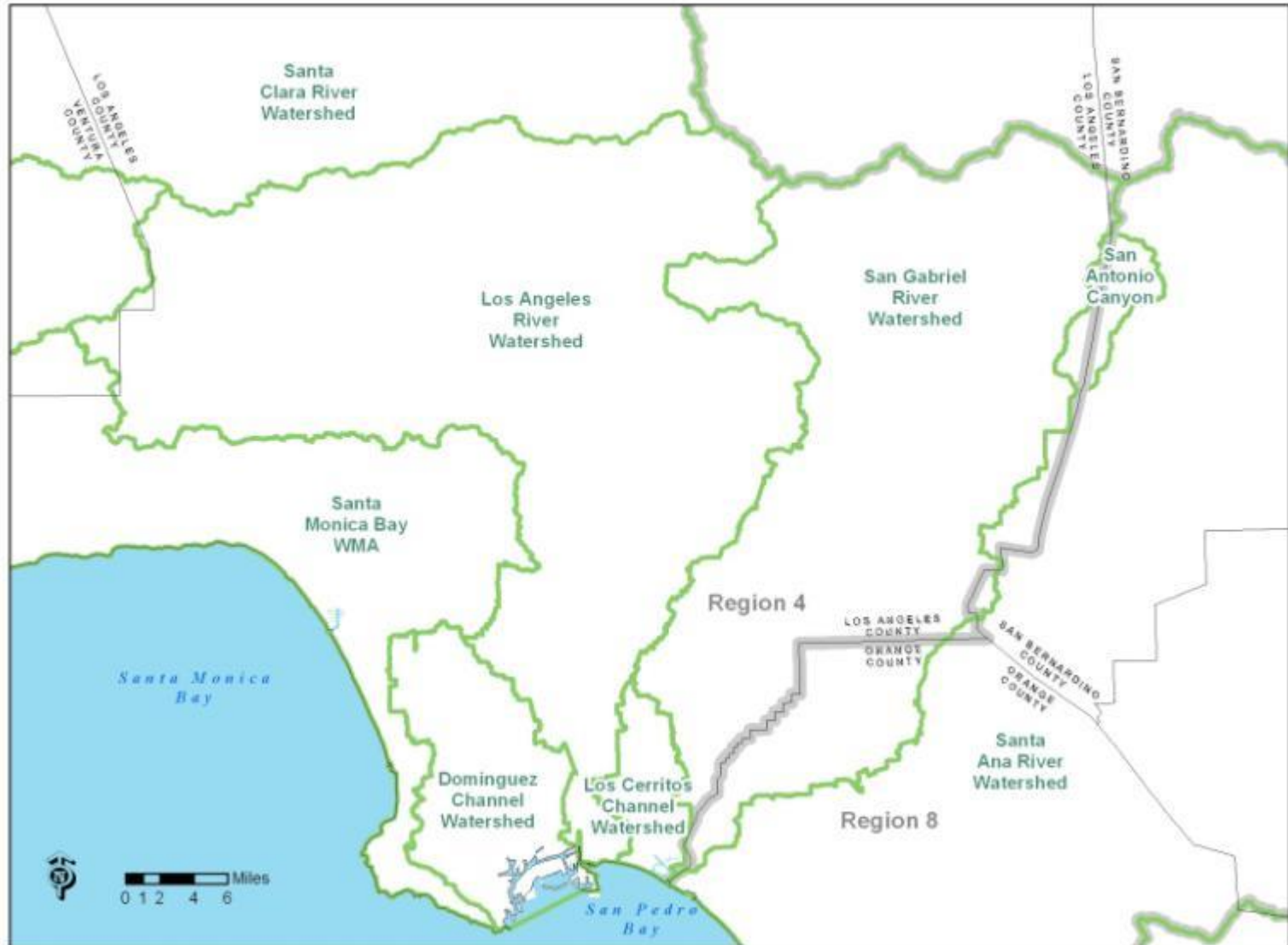
Receiving Water Limitations Workshop

By Los Angeles Water Board
October 8, 2013

Is the Watershed Management Program compliance alternative in the LA County MS4 Permit an appropriate approach to revise the standard RWLs provisions in MS4 Permits?

Yes, it is a technically sound, legal and enforceable approach. In Los Angeles, it will provide greater assurance that RWLs will be achieved and water quality will improve.

Watershed Management Areas in Los Angeles County



Watershed Management Program Compliance Alternative

- * Thirty-three TMDLs incorporated into 2012 Permit
- * Three TMDLs incorporated into 2001 Permit
- * TMDLs result in measurable water quality improvements
 - * Santa Monica Bay Dry Weather Bacteria TMDL
 - * Los Angeles River Trash TMDL
- * Successful framework for water quality improvement
 - * TMDLs incorporated
 - * Best Management Practices implemented
 - * Water quality improvements

The WMP and RWL Provisions have the same objective: To achieve water quality standards

RWL Provisions (SB 99-05)

- **Ensure discharges do not cause / contribute to WQS exceedances in receiving waters**
- Permittees comply through implementation of SWMP
 - If exceedance persists, determine whether MS4 discharges are causative agent
 - If so, require plan of action

WMP Provisions (R4-2012-0175)

- **Ensure discharges do not cause / contribute to WQS exceedances in receiving waters (Part VI.C.1.d.ii)**
- Proactively develop *tailored* plan* and schedule to address known contributions
- Monitor and adapt plan, as necessary, to address MS4 contributions

* *Customize SWMP; identify BMPs*

RWL language (SB 99-05) is retained in its entirety. The WMP Provisions support the RWL language.

- * WMP Provisions refer to RWL Provisions
 - * Overall requirement (VI.C.1.d)
 - * Compliance determination (VI.C.2-VI.C.3)
 - * Adaptive management (VI.C.8.a.ii.(1))
- * WMP Provisions give permittees a way to achieve RWLs and to demonstrate compliance with RWL Provisions
- * RWL Provisions remain as stand-alone provisions
 - * WMP approach is voluntary
 - * If Permittee fails to meet requirements for WMP approach, compliance determination reverts to RWL Provisions (VI.C.4.e)

Changes in regulation since 1999 support the Watershed Management Program compliance alternative.

- * More known about specific impacts of MS4 discharges on receiving waters (TMDL development)
- * Models available to conduct upfront analysis of proposed actions
- * Publicly vetted and board adopted implementation schedules to address highest priority water bodies/pollutants
- * Shift toward outfall monitoring in conjunction with receiving water monitoring

WMP Provisions are integrated with RWL and TMDL Provisions.

TMDL Waterbody-Pollutant Combinations

- * Addresses region's highest water quality priorities
- * Compliance schedules and interim and final milestones as adopted in TMDLs
- * Requirement to conduct reasonable assurance analysis
- * Monitoring and adaptive management

Other Waterbody-Pollutant Combinations

- * Similar approaches can be used where TMDL is in place
- * Schedules consistent with TMDLs or as short as possible
- * Requirement to conduct reasonable assurance analysis
- * Initiate TMDL development, if necessary

Compliance alternative requirements during planning phase

- * Upon notification of a Permittee's intent to develop a WMP and prior to approval, full compliance with all of the following requirements constitutes compliance with the RWL provisions:
 - * Timely notice of intent to develop a WMP
 - * Meets all interim and final deadlines for WMP development
 - * Targets SWMP implementation during planning phase to address MS4 discharges that cause RWLs exceedances
 - * Receives final approval of its WMP in required timeframe

Legal Considerations:

The WMP approach does not violate federal anti-backsliding requirements.

- * The WMP approach does not make the permit less stringent
- * RWLs provisions are retained in their entirety; Permittees required to comply with WQS as before
- * Focus of anti-backsliding requirements is on effluent limitations, not receiving water limitations
 - * There are no effluent limitations in the 2012 permit that are less stringent than the comparable limitations in the 2001 permit
- * Over the last 10 years, the Board gained new information during the course of TMDL development and implementing the 2001 permit

Legal Considerations:

The WMP approach does not violate federal or State anti-degradation policies.

- * The WMP approach will not lead to lower water quality
- * During planning period, requirements to:
 - * Continue fully implementing existing SWMPs
 - * Target implementation to address exceedances of RWLs
 - * Implement BMPs to achieve TMDL deadlines
- * As a whole, the permit is more stringent than the previous permit and will result in better water quality

Benefits of Watershed Management Program Compliance Alternative

Regulatory Benefits of Compliance Alternative

- * Provides opportunities to customize programs on a watershed scale
- * Provides permittees with necessary time to develop collaborative, integrated, prioritized and cost-effective programs to meet the many requirements of the permit
- * Ensures that permittees achieve applicable water quality standards per enforceable schedules and milestones
- * Retains the Receiving Water Limitations language as an independent part of the permit

Environmental Benefits of Compliance Alternative

During the planning phase:

- * Adoption of LID Ordinances
- * Adoption of Green Street Policies
- * Early Implementation of Structural BMPs
- * Continued implementation of existing stormwater management programs and TMDLs

Environmental Benefits of Compliance Alternative

- * Allows focus on the highest priority water quality issues
- * Incentivizes multi-benefit projects that will:
 - * Augment local water supplies
 - * Provide much needed habitat and green space
 - * Provide outdoor recreational and educational opportunities
- * Supports the Recycled Water Policy and Salt and Nutrient Management Planning
- * Incentivizes a cooperative, efficient, and cost-effective implementation of the permit

Multi-objective Project

North Atwater Park Expansion and Creek Restoration Project



Bimini Slough Ecology Park



Riverdale Avenue Green Street Project



Conclusion

- * Inclusive, long-term process
 - * Over eighteen months of stakeholder engagement
 - * Nine workshops and field trips
- * True consensus-building
- * Responsive and results-oriented
 - * Lead time for tailor-made applications
 - * Built-in mechanism for BMPs
- * Stakeholders are engaged, and they are responding
 - * 85 out of 86 permittees submitted notifications to develop WMPs
 - * 86% of cities participating in group WMP or EWMPs
 - * 18 watershed management groups have formed
- * Watershed-based (33 TMDLs)
 - * Local collaboration
 - * Economies of scale

Is the Watershed Management Program compliance alternative an appropriate approach to revise the standard RWLs provisions in MS4 Permits?

- * It is a technically sound, legal and enforceable approach.
- * In LA County, it will provide greater assurance that RWLs will be achieved and water quality will improve.
- * Other regions could avail themselves of this approach with successful results.