CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

October 7, 2014

Mr. Anthony R. Ybarra
City Manager
City of South El Monte
1415 N. Santa Anita Avenue
South El Monte, CA 91733

NOTICE OF DEFICIENT SUBMITTAL PURSUANT TO PART VI.C OF THE LOS ANGELES COUNTY MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT (NPDES PERMIT NO. CAS004001; ORDER NO. R4-2012-0175)

Dear Mr. Ybarra:

On November 8, 2012, the California Regional Water Quality Control Board, Los Angeles Region (Regional Water Board) adopted Order No. R4-2012-0175, *Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County, except those Discharges Originating from the City of Long Beach* (hereafter, LA County MS4 Permit). The LA County MS4 Permit allows Permittees the option to develop either a Watershed Management Program (WMP) or Enhanced Watershed Management Program (EWMP) to implement permit requirements on a watershed scale through customized strategies, control measures, and best management practices (BMPs). Development of a WMP or EWMP is voluntary and may be developed individually or collaboratively.

The purpose of a WMP or EWMP is for a Permittee to develop and implement a comprehensive and customized program to control pollutants in MS4 discharges of stormwater and non-stormwater to address the highest water quality priorities. These include complying with the required water quality outcomes of Part V.A (Receiving Water Limitations) and Part VI.E and Attachments L through R (Total Maximum Daily Load (TMDL) Provisions) of the LA County MS4 Permit. If a Permittee opts to develop a WMP or EWMP, the WMP or EWMP must meet the requirements, including conducting a Reasonable Assurance Analysis (RAA), of Part VI.C (Watershed Management Programs) of the LA County Permit and must be approved by the Regional Water Board.

On June 30, 2014, the City of South El Monte (City) submitted a draft "Watershed Management-focused Stormwater Management Program Plan" to the Regional Water Board pursuant to Part VI.C.4.c of the LA County MS4 Permit. The Regional Water Board has reviewed the City's submittal and has determined that the submittal does not meet the requirements for a draft WMP pursuant to Part VI.C of the LA County MS4 Permit. The deficiencies of the City's submittal are identified in attachments to this letter. In general, the City's submittal does not address all water quality priorities, lacks a sufficient RAA; and does not include adequate

specificity on proposed watershed control measures, including supportable data on the anticipated significant pollutant load reduction from implementation of these measures.

Further, the City's submittal largely restates the baseline stormwater management program requirements of the LA County MS4 Permit and enumerates the City's concerns with the WMP provisions of the LA County MS4 Permit. As previously noted, development of WMP is voluntary. The City's submittal, if intended as a draft WMP pursuant to Part VI.C, is not the appropriate vehicle for identifying concerns with the WMP provisions.

Because the City's submittal does not meet the basic requirements for a draft WMP pursuant to Part VI.C of the LA County MS4 Permit, the City is subject to the baseline requirements of the LA County MS4 Permit. The City shall demonstrate compliance with the baseline requirements, including Receiving Water Limitations pursuant to Part V.A.1 and with applicable interim and final WQBELs in Part VI.E and Attachments O and P pursuant to subparts VI.E.2.d.i.(1)-(3) and VI.E.2.e.i.(1)-(3), respectively. Additionally, the City must begin monitoring pursuant to the requirements of Attachment E of the LA County MS4 Permit, including receiving water monitoring during wet and dry weather, stormwater outfall based monitoring[1], non-stormwater outfall based screening and monitoring, and TMDL compliance monitoring as required in the San Gabriel River and Impaired Tributaries Metals and Selenium TMDL, Los Angeles River and Tributaries Metals TMDL, Los Angeles River Bacteria TMDL, Los Angeles River Nitrogen Compounds and Related Effects TMDL, and Legg Lake Nutrient TMDL. Additionally, The City is required to comply with the Los Angeles River Watershed Trash TMDL and Legg Lake Trash TMDL.

If you have any questions, please call Ivar Ridgeway at (213) 620-2150 or e-mail him at Ivar.Ridgeway@waterboards.ca.gov.

Sincerely,

Samuel Unger
Executive Officer

Enclosures:
Attachment – Summary of Deficiencies
Comments on Reasonable Assurance Analysis

cc: Mr. Patrick Lang, P.E., Public Works Director, City of South El Monte
Mr. Ray Tahir, TECS Environmental, Inc.

[1] Stormwater discharges from the MS4 may be monitored at outfalls or alternative access points such as manholes at the Permittee's jurisdictional boundary. The drainage(s) to the selected outfall(s) or alternative access point(s) must be representative of the land uses within the Permittee's jurisdiction.

Attachment to October 7, 2014 Letter Regarding the City of South El Monte's June 30, 2014 Submittal Pursuant to Part VI.C of the LA County MS4 Permit (Order No. R4-2012-0175)

Summary of Deficiencies of Submittal in Relation to Permit Provisions

LA County MS4 Permit Provision	Summary of Deficiency
Part VI.C.5.a.ii(2) and iv(2)	The City's submittal does not address pollutants that are impairing receiving waters to which the City's MS4 discharges (as identified on the State's Clean Water Act Section 303(d) List or based on an analysis of monitoring data per the State's Clean Water Act section 303(d) listing criteria).
Part VI.C.5.a.ii(3) and iv(2)	The City's submittal does not address other pollutants that are otherwise causing or contributing to an exceedance of Receiving Water Limitations in receiving waters to which the City's MS4 discharges.
Part VI.C.5.a.iii	The City's submittal does not include a source assessment.
Part VI.C.5.b.iv(5)	The City's Reasonable Assurance Analysis (RAA) does not address all applicable waterbody-pollutant combinations falling within Categories 2 or 3. (See also detailed comments on the City's RAA in the attached memorandum.)
Parts VI.C.1.c-d and VI.C.5.b	The City's submittal does not propose, or analyze through the required RAA, customized strategies, control measures, and BMPs to address water quality priorities nor does it ensure that discharges from the City's MS4 will: (i) achieve applicable WQBELs in Part VI.E, Attachment O and Attachment P pursuant to the corresponding compliance schedules, (ii) do not cause or contribute to exceedances of Receiving Water Limitations in Parts V.A and VI.E and Attachments O and P, and (iii) do not include non-storm water discharges that are effectively prohibited pursuant to Part III.
Part VI.C.5.b.iv(1)	The City's submittal does not assess or identify modifications to the minimum control measures in Parts VI.D.4 to VI.D.10 to address watershed priorities.
Part VI.C.5.b.iv(5)	The City's submittal assumes significant pollutant load reductions in its RAA without providing support from peer-reviewed sources. The City's submittal also assumes pollutant load reductions from implementation of minimum control measures that were previously required under the 2001 LA County MS4 Permit without supporting documentation for the additional anticipated pollutant load reductions.
Attachment E, Part IV.A.6	The City's submittal does not include an integrated monitoring and assessment program that meets the minimum requirements identified in Attachment E, Part IV.A.6. The City submitted a

LA County MS4 Permit Provision	Summary of Deficiency
	"Monitoring and Reporting Program;" however, the proposed program does not include receiving water monitoring or non-storm water outfall monitoring – both of which are required.
Part VI.C.8	The City's submittal does not include a process for revising the WMP, including the RAA, to adapt the program every two years based on new data and information.

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Los Angeles Regional Water Quality Control Board

TO: Mr. Patrick Lang, P.E., Public Works Director
City of South El Monte

FROM: C.P. Lai, Ph.D., P.E. and Thanhloan Nguyen
LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD

DATE: October 7, 2014

SUBJECT: COMMENTS ON ATTACHMENT B, REASONABLE ASSURANCE ANALYSIS REPORT FOR CITY OF SOUTH EL MONTE

This memorandum contains comments on Appendix B, "Reasonable Assurance Analysis" (RAA), dated June 28, 2014, which was submitted by the City of South El Monte.

A. General comments on the draft Reasonable Assurance Analysis section of the Stormwater and Watershed Management Program.

1. Pursuant to Part VI.C.5.a.iv(1) and VI.C.5.b.iv.(3)-(4), pages 60 and 62-63 of the MS4 Permit, the RAA did not include or fully analyze a strategy to implement pollutant controls necessary to achieve all applicable interim and final water quality-based effluent limitations and/or receiving water limitations with interim or final compliance deadlines within the permit term pursuant to the corresponding compliance schedules.

   The City is subject to final water quality-based effluent limitations pursuant to Attachment P, Part A "San Gabriel River and Impaired Tributaries Metals and Selenium TMDL", and Attachment O, Part A "Los Angeles River Watershed Trash TMDL", Part B "Los Angeles River Nitrogen Compounds and Related Effects TMDL", Part C "Los Angeles River and Tributaries Metals TMDL", Part D "Los Angeles River Watershed Bacteria TMDL", Part E "Legg Lake Trash TMDL", and Part G.7 "Legg Lake System Nutrient TMDL".

2. The LA County MS4 Permit specifies a water quality-based effluent limitation for lead during wet weather that applies to Reach 2 of the San Gabriel River and all upstream reaches and tributaries. The City is subject to the effluent limitation for lead discharged from the City's MS4, and must propose measurable interim milestones within the current permit term consistent with the implementation deadlines in the Basin Plan Amendment, Resolution No. R13-004 - Implementation Plan for the TMDLs for Metals and Selenium in the San Gabriel River and Impaired Tributaries. These include:

   - By September 30, 2017, for WQBELs applicable in wet weather (Pb in the case of South El Monte), a 10% reduction in the difference between current pollutant loads and the WQBEL.

- By September 30, 2020, for WQBELs applicable in wet weather (Pb in the case of South El Monte), a 35% reduction in the difference between current pollutant loads and the WQBEL.

3. The City states that its "long term simulation estimates that the City of South El Monte is predicted to comply at all times with interim WLAs"; however, it is unclear which interim WLAs are being referenced. The City states that, "it is assumed that achieving reductions in the Copper loadings will also lead to achieving similar reductions for the other constituents..."; however, no analysis or model output is presented to support this.

   If additional actions are needed to achieve interim and final WQBELs, a draft WMP must specify in detail the specific structural and non-structural best management practices it will implement, including the *number, type, and location(s) and frequency of implementation*, to achieve the abovementioned water quality-based effluent limitations.

   Pursuant to Part VI.C.5.b.iv(4)(d), page 63 of the MS4 Permit, the City's submittal did not include interim measurable milestones and dates for the implementation of each structural control and non-structural best management practices identified in Table I.

4. Pursuant to Part VI.C.5.a of the MS4 Permit and Section A of the RAA guidelines, the City's submittal did not identify and analyze all water body-pollutant combinations in Categories 2-3 for the purposes of sequencing implementation of watershed control measures taking into consideration compliance deadlines and opportunities to address multiple pollutants within the San Gabriel River and Tributaries Watershed, Los Angeles River Watershed, and Legg Lake watershed management areas.

   A draft WMP must specify in detail the specific structural and non-structural best management practices it will implement, *including the number, type, and location(s) and frequency of implementation*, to achieve the abovementioned water quality priorities (i.e., address pollutants falling within Categories 2-3).

   For pollutants that are exceeding receiving water limitations and that are not addressed by a TMDL, a WMP must include for each waterbody-pollutant combination (i) pollutant reduction milestones based on measurable criteria or indicators; (ii) a schedule for achieving each milestone; and (iii) a final date for achieving the receiving water limitation that is as soon as possible.

5. For the pollutants that were included in the analysis, the City's submittal provides no support or justification from peer-reviewed sources for the anticipated pollutant reduction of 77% from the baseline loads for cadmium, copper, lead and zinc, and 99% for pH, cyanide, nutrients, pesticides, PCBs, pathogens, and anthropogenic trash to be achieved by the BMPs identified in Appendix B, Table 1. The majority of the watershed control measures identified in Appendix B, Table 1 are actions that were previously required under the six categories of minimum control measures in the 2001 LA County MS4 Permit. Therefore, any pollutant reductions from these activities are likely already reflected in estimates of baseline loading used in the RAA. For these watershed control measures, the City must provide details regarding whether and how these measures will be enhanced during this permit term. Additionally, the City must provide measurable milestones for implementing each one of the control measures that are consistent with interim and final compliance deadlines to which the City is subject.

6. Pursuant Part VI.C.5.b.iv(4)(e), page 63 of the MS4 Permit, the draft WMP did not clearly identify the City's responsibilities for implementation of watershed control measures.

7. The draft WMP did not include a proposed adaptive management process that occurs every two years to assess progress toward achieving applicable water quality-based effluent limitations and receiving water limitations, re-evaluation of the water quality priorities, and evaluation of effectiveness of the control measures based on new information and data.

B. Modeling comments regarding analysis of copper, lead and zinc concentrations / loads:

1. The model predicted highest dissolved concentration and annual average mass contributions of pollutants from the City shown in Pages 7 and 9-10 are not consistent with those values directly from the model output. In Appendix B, results are presented in terms of lbs/yr; however, the results should be presented in g/day to be consistent with the expression of the WQBELs in Attachments O and P of the MS4 Permit.

2. The expected reductions in pollutant load from baseline to be achieved by the BMPs identified in Table 1 need to be supported with documentation from peer-reviewed studies or monitoring data results.

3. The report did not describe how the model was calibrated, including calibration results compared to calibration criteria in Table 3.0 of the RAA Guidelines, and no historical hydrology and water quality monitoring data were used for comparison with the model results for the baseline prediction. According to Part G, pages 12-13 of the RAA Guidelines, model calibration is necessary to ensure that the model can properly assess all the variables and conditions in a watershed system.

4. The report did not describe or evaluate the critical condition for the modeling. The input rainfall should be presented in the report and explain what the modeling periods are that are being simulated for the critical condition. Pursuant to Part B on pages 2-4 of the RAA Guidelines, a description of the process for identifying critical conditions is needed prior to the RAA modeling analysis. A summary of TMDL critical conditions relevant to MS4 discharges was provided in Appendix B of the RAA Guidelines for Permittees' reference. The report presents annual average mass contributions of copper and zinc, but does not present mass contributions under the critical condition. (Output for annual average mass contribution of lead was not provided.)

5. The ID for each of the 368 sub-watersheds used in the model simulation for San Gabriel River upper watershed and for 239 sub-watershed used for Los Angeles River must be provided and be shown in the simulation domain to present the geographic relationship of sub-watersheds simulated in the LSPC model.

6. The flow and water quality time series output at the watershed outlet must be provided using the 90^{th} percentile of modeled pollutant concentration and mass per day for wet event days consistent with the expression of the WQBELs instead of using highest concentration and average annual mass over simulation periods to estimate the baseline concentration and mass. In addition, per RAA Guidelines, the model output should

include storm water runoff at outlet for baseline and each BMP scenario as well. (See Table 5. Model Output for Both Process-based BMP Models and Empirically-based BMP Models, pages 20-21 of the RAA Guidelines.)

7. Per the RAA Guidelines, the required load reduction should be evaluated at the jurisdictional boundary of each subwatershed to demonstrate that the proposed control measures will ensure that the City's MS4 discharges achieve effluent limitations and do not cause or contribute to exceedances of receiving water limitations. The BMP performance model proposed in the RAA Guidelines should be used to predict the pollutant reduction for BMPs identified in Table 1 instead of using BMP Performance Table identified in Table 1 of the Report.

C. Modeling comments regarding lack of analysis for other Categories 1, 2 and 3 waterbody pollutant combinations:

1. Model simulations, baseline loadings and required reductions to achieve effluent limitations for bacteria applicable to the Los Angeles River, and for nutrients applicable to Legg Lake were not modeled in the Report, nor were proposed watershed control measures evaluated in the model to determine if effluent limitations for these pollutants would be achieved upon implementation of the proposed measures.

2. Baseline loading and required reductions for Category 2 and Category 3 pollutants, including indicator bacteria for San Gabriel River Reach 3 and cyanide for Rio Hondo were not modeled, nor were proposed watershed control measures evaluated in the model to determine if receiving water limitations for these pollutants would be achieved upon implementation of the proposed measures.