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## Los Angeles Regional Water Quality Control Board

February 6, 2023

Via Email Only

Permittees of the Dominguez Channel Watershed Management Group<sup>1</sup>

**APPROVAL, WITH CONDITIONS, OF THE DOMINGUEZ CHANNEL WATERSHED MANAGEMENT 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 Dominguez Channel Watershed Management Group:

This letter (1) conditionally approves the Watershed Management Program (WMP) submitted by the Dominguez Channel Watershed Management Group (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 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 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 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

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<sup>1</sup> Permittees of the Dominguez Channel Watershed Management Area Group include the Los Angeles County Flood Control District; the County of Los Angeles; and the cities of Carson, El Segundo, Hawthorne, Inglewood, Lawndale, Lomita, and Los Angeles.

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 generally applied to all WMPs. These comments were considered during staff's review of the WMP.

### **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. Update evaluation of existing water quality conditions, including characterization of stormwater and non-stormwater discharges and receiving water quality using at minimum, the routine water quality data collected over the last five years per Part IX.B.1 of the Order and any applicable attachments, such as Attachment E.
3. Update the Source Assessment and provide an explanation of how any information considered as part of the Source Assessment was ultimately used to inform the development of the WMP and an explanation of why any relevant available data was disregarded per Part IX.B.2 of the Order and any applicable attachments, such as Attachment E.
4. Update the WMP to reference the 2020-2022 303(d) list of impaired waterbodies and associated pollutants.
5. Update minimum control measures (MCMs) and applicable attachments, including Attachments K and L, per Part VIII of the Order and include any proposed modifications.
6. Provide a quantitative demonstration of the estimated load reductions for all milestones based on the phaseout of copper brake pads or remove the assumed reductions from the phaseout per Section II.B.3.a.i of the 2020 State Board Order.
7. Add a new table to Section 5 that compares the required zinc load reductions and bacteria runoff volumes specified in Table 3.4 with the proposed volumes to be managed and BMP capacities specified in Figures 5-1 through 5-9, Table 5.2, and Attachment Z to demonstrate how the RAA-recommended projects will meet the required load and volume reductions for each RAA Assessment Area and city.
8. Section 3.4.4.2 states that the implementation plan is based on attaining the toxics/zinc water quality based effluent limits by 2032 and the bacteria receiving water limits by 2040. Additionally, Section 5.3 states that control measures will be implemented over time to achieve the final deadline for the Harbor Toxics TMDL by

2032 and a final bacteria deadline by 2040. However, the BMP capacities needed to attain the Toxics TMDL and the bacteria receiving water limits are not differentiated in Figure 5-1 and Table 5.2, and the BMP capacities are the same for “Toxics” and “Bacteria” in Figures 5-1 through 5-9. Please clarify how much BMP capacity is separately needed to attain the Toxics TMDL and the bacteria receiving water limits.

9. Update interim milestones in the WMP so that the interim milestones are no more than 5 years apart per Part IX.B.7.h of the Order.
10. Correct typo on Figure 5-2 for LAR to say “Metals” instead of “Toxics”.
11. Update the WMP, in particular, Section 5.2 (Deadlines for Regional Projects and Additional Institutional BMPs), so that all interim milestones and tasks have a completion date (month and year, at minimum), a compliance metric, and a method by which the metric will be measured.
12. Update the WMP (including attachments) to include the Los Angeles River watershed as it applies to all WMP development requirements in the Order.
13. For Dominguez Estuary (unlined portion below Vermont Ave), LA Harbor - Consolidated Slip and LA Harbor - Fish Harbor in Table 2.4 (Categorized Water Body-Pollutant Combinations), remove chlordane, dieldrin, and toxaphene from the Category 1 column (as applicable), as there are no assigned WQBELs and/or receiving water limitations per Part II in Attachment P of the Order (Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL) and recategorize as needed.
14. For Compton Creek in Table 2.4, add zinc as a Category 1 pollutant per the Los Angeles River and Tributaries Metals TMDL.
15. For LA River Reach 1 in Table 2.4, remove bacteria as a Category 1 pollutant per Table J-14 in Attachment J of the Order.
16. For all Category 2 and 3 pollutants, the Group must comply with water quality objectives, which are receiving water limitations, as listed in the Basin Plan (and applicable updates such as Attachment A to Resolution No. R20-001, Updated Bacteria Objectives), including those listed in Attachment E.
17. Update the adaptive management section (Section 6, Assessment and Adaptive Management Framework) per Part IX.E of the Order.
18. Update Section 1.3.1 (Relevant TMDLs) and Table 1.4 (Applicability of DC WMG TMDLs) per Attachment J of the Regional MS4 Permit, specifically, Table J-9 (Dominguez Channel Watershed Management Area TMDLs) of the Order, and include all applicable TMDLs for the City of Carson per Attachment J of the Order.
19. Update Attachment C to include applicable TMDLs for the Los Angeles River.
20. Update Table 2.6 (DC WMA Receiving Water Bodies Implementation Schedule) to include water bodies that drain to the Los Angeles River watershed (City of Carson).
21. Update the Legal Authority for each Permittee in the Group to reference the Regional MS4 Permit.
22. The WMP contains references to provisions in the previous Los Angeles County MS4 Permit. Please update the references to be consistent with the numbering and formatting of the Regional MS4 Permit.

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. To the extent allowed by law, it is not the intent of Board staff to take enforcement action resulting from the temporary loss of deemed compliance status for the WBPCs identified in section 2.1.2 below for the period of July 1, 2022, to the date of this conditional approval.

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 **May 8, 2023**. 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, the Board will determine deemed compliance with the Group's WMP and associated interim WQBELs based on the following compliance metric(s) with the approved compliance schedule:

- Volume Managed (acre-ft) per Attachment Z (BMP Capacities by Milestone)

If the Group fails to attain the planning and volume reduction interim milestones per Attachment Z, 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 85<sup>th</sup> 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:

- Dominguez Channel (lined portion above Vermont Ave) – Category 1, 2, and 3 pollutants per Table 2.4 (Categorized Water Body-Pollutant Combinations)
- Torrance Lateral – Category 1, 2, and 3 pollutants per Table 2.4
- Dominguez Estuary (unlined portion below Vermont Ave) - Category 1, 2, and 3 pollutants per Table 2.4
- Machado Lake – Category 3 pollutants per Table 2.4
- Wilmington Drain - Category 2 and 3 pollutants per Table 2.4
- LA Harbor – Cabrillo Marina – Category 1 pollutants per Table 2.4
- LA Harbor Consolidated Slip – Category 1 and 3 pollutants per Table 2.4
- LA Harbor – Fish Harbor - Category 1 pollutants per Table 2.4
- LA/LB Inner Harbor - Category 1 and 3 pollutants per Table 2.4 (except indicator bacteria)
- LA/LB Outer Harbor - Category 1 and 3 pollutants per Table 2.4
- LA Harbor Inner Cabrillo Beach - Category 1 pollutants per Table 2.4 (except indicator bacteria)
- Compton Creek – wet-weather Category 1 pollutants (zinc, copper, lead, cadmium, and bacteria) and Category 2 and 3 pollutants per Table 2.4
- LA River Reach 1 - wet-weather Category 1 pollutants (zinc, copper, lead, cadmium) and Category 2 and 3 pollutants per Table 2.4

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 85<sup>th</sup> 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 Susana Vargas with the Municipal Stormwater Permitting Unit by email [Susana.Vargas@waterboards.ca.gov](mailto:Susana.Vargas@waterboards.ca.gov) or phone (213) 576-6688. Alternatively, you may also contact Ivar Ridgeway, Municipal

Stormwater Permitting Unit Supervisor by email at [Ivar.Ridgeway@waterboards.ca.gov](mailto:Ivar.Ridgeway@waterboards.ca.gov)  
or by phone at (213) 620-2150.

Sincerely,

for Renee Purdy  
Executive Officer

cc: Eliza Jane Whitman, City of Carson  
Roland Jen, City of Carson  
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