



Los Angeles Regional Water Quality Control Board

April 28, 2023

Via Email Only

City of Walnut

APPROVAL, WITH CONDITIONS, OF THE CITY OF WALNUT 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 City of Walnut:

This letter (1) conditionally approves the Watershed Management Program (WMP) submitted by the City of Walnut 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 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 City of Walnut submitted a revised draft WMP dated June 30, 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.

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

NORMA CAMACHO, CHAIR | RENEE PURDY, EXECUTIVE OFFICER

Waterkeeper, and the Natural Resources Defense Council, which generally applied to all WMPs. These comments were considered during staff's review of the WMP.

Conditional 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. An email was sent to the City of Walnut on April 21, 2022, providing comments and questions on the WMP. The Los Angeles Water Board received the City of Walnut's second revised draft WMP dated May 20, 2022. Subsequently, there was a meeting with the City on June 2, 2022, to discuss necessary revisions to the WMP. The Los Angeles Water Board sent an email on June 7, 2022, following up on the items discussed in the June 2, 2022 meeting, and the City of Walnut clarified the City's intentions on the same day. The Los Angeles Water Board hereby approves, subject to the following conditions, the City of Walnut's WMP, dated May 20, 2022:

1. Section 5.2 of Attachment G, "Reasonable Assurance Analysis (RAA)," states that Fecal Coliform data was converted to E. coli using a 0.625 ratio. Revise the WMP RAA model to translate Fecal Coliform to E. coli using a 1:1 Fecal Coliform to E. coli ratio and update the model's resulting E. coli loading.
2. Per the June 2, 2022, meeting and the June 7, 2022, email, the City of Walnut is seeking to receive deemed in compliance status for dry-weather E. coli and Total Dissolved Solids (TDS) water quality based effluent limitations (WQBELs). The City has agreed to update the WMP to indicate that the proposed wet-weather controls will also meet the dry-weather WQBELs and to align the implementation of these controls with the dry-weather bacteria compliance deadline of June 14, 2026. Accordingly, update WMP Section 5.4 "Dry Weather Flow Elimination Program," Section 4.1 of Attachment G "Dry Weather RAA," and Section 10 "Conclusions" to indicate the proposed wet-weather controls (Greenstreet's and Regional BMPs) in conjunction with minimum control measures (MCMs) and source control will meet dry weather E. coli and TDS WQBELs. Update the implementation schedule (WMP Tables: 4-11 and 5-1c, WMP Section: 5.2 and 5.3, Attachment G Section 7 and 8, Attachment G Table: 12 and 13, Attachment G Figure 6 and 7) to have a final compliance deadline of June 14, 2026.
 - a) Section 6 was not updated since the 2015 WMP. Section 6 still states the SGR Bacteria TMDL is not approved, assumes the WMP has a 21-year compliance schedule, and includes a table (Table 6-1) that is based on the old RAA. In addition, the information in Section 6 can be found in other sections of the WMP. Remove Section 6 and update the WMP to remove all conclusions based on the old RAA.
3. Per the June 2, 2022, meeting and the June 7, 2022, email, the City of Walnut has agreed to use a project-based compliance metric, including green streets and regional BMPs described in Section 5 of the WMP, to meet the targeted load reductions per Section 8 of Attachment G. Per Part IX.B.7.c of the Order, the WMP

shall identify the number, type, and location of projects and/or the volume capture or target load reduction for a drainage area that will be met by structural controls.

- a) Section 5.3 “Local BMPs” of the WMP, states 999 green street projects would potentially need to be constructed to meet the required load reductions. Section 5.3, Table 5.3, “City of Walnut Green Streets Interim Implementation Schedule”, provides a schedule of only 7 Greenstreet Projects the City of Walnut is committing to. Update Table 5.3 to provide an implementation schedule for all the green street projects the City of Walnut will need to implement to meet the required load reductions by June 14, 2026. Alternatively, the City of Walnut may change Table 5.3’s project-based metric from the number of green street projects to total miles of green streets the City of Walnut intends to construct to meet the required load reductions by June 14, 2026. If the City chooses to keep Table 5.3 as depicting the number of individual green street projects needed, in addition to adding all green streets projects, update the WMP to provide information on green street Project 3, that had an expected construction completion date of December 31, 2021.
 - b) Update Section 5.3 of the WMP, “Local BMPs,” to provide locations of the green street projects. The City of Walnut may provide potential locations of the green streets by providing a map.
 - c) Section 5.2 of the WMP, “Regional BMPs,” describes a large-scale green street project (expected 100-acre treatment target) that will be designed by December 2024. Clarify if the City of Walnut still intends to construct this regional green street project. If so, update the WMP to indicate the location for this project. In addition, update the green street projects listed in Tables 4.11 and 5.1c, “Forecasted Regional BMP Implementation Schedule,” to reflect the large-scale green street project instead of the multiple green street projects described in the next section, Section 5.3, “Local BMPs.” If the City does not intend to build this large-scale green street project, remove green streets from Tables 4.11 and 5.1c, as green streets are described as local BMPs in Section 5.3. In addition, remove the LID Ordinance BMPs from Tables 4.11 and 5.1c, as individually these BMPs will not be on a regional scale.
4. Per Part IX.B.1 of the Order, the WMP shall include an evaluation of existing water quality conditions, including characterization of stormwater and non-stormwater discharges from the MS4 and receiving water quality. The evaluation shall include at a minimum, the water quality data collected over the last five years and include an explanation of the process used to determine what available data was relevant, how information considered was used, and why any relevant available data was disregarded.
- a) Section 2.3 of the WMP, “Water Quality Data Evaluation,” states that the Integrated Monitoring Program (IMP) data was assessed for the last five years. However, per Section 4 of the RAA and Attachment G, the RAA built upon the previous 2014 and 2015 plans. Therefore, update Section 2.3 of the WMP, “Water Quality Data Evaluated,” to indicate that monitoring data from 2004-2014 in Attachment E was also used.

- b) In Section 2.3 of the WMP, "Water Quality Data Evaluated," clarify that the process to determine relevant available data only included data from the IMP and that no other relevant data was available or, if it was available, explain why it was disregarded.
 - c) Section 2.2 of the WMP, "Pollution Source Assessment," states that the last 10 years of data from the mass emission station (S14) was reviewed, see Attachment E. Attachment E is from the previous 2015 WMP, and includes old data from 2004-2014. Update Attachment E to include an exceedance summary for the data in Attachment H, which reflects the last 5 years of data (2016-2020). In addition, update the statement in Section 2.2 of the WMP to reflect the correct data range and locations of data that were analyzed.
5. Modify Table 13 of the Attachment G to include the current BMP capacity and the BMP capacities for the proposed projects to show how the RAA-recommended projects will meet the target load reductions. Add a table in Section 4 table that combines Tables 9, 11, and 13 from Attachment G to clearly show a comparison of the baseline load, the required load reduction, and the total required BMP capacity (current and proposed) to ensure that the BMPs in the WMP have been predicted to work by the RAA.
 6. Per Part IX.B.2 of the Order, the WMP shall identify known and suspected stormwater and non-stormwater pollutant sources in discharges to the MS4 and from the MS4 to receiving waters and any other stressors related to MS4 discharges causing or contributing to the water quality priorities. Per Section 5.4 of the WMP, "Dry Weather Flow Elimination Program," including flows in the gutter, day light channels and outfalls will be tracked during the first two years of the WMP implementation. Per conversations in the June 2, 2022, meeting, this language is from the 2015 WMP. Update the WMP Section 2.2 "Pollution Source Assessment," to include all relevant information obtained from the dry weather source tracking or any relevant data obtained from Illicit Discharges Detection and Elimination (IDDE) program. If any data was not used for WMP development/implementation, per Part IX.B.1 of the Order, the WMP must include an explanation of the process used to determine what available data was relevant, and why any relevant available data was disregarded.
 7. Per Section 1 of the WMP, the City of Walnut drains to Walnut Creek Wash and San Jose Creek Reach 1. Update the Water Body Pollution Combinations Categories (WMP Tables: 2-2, 2-3, 2-4, and Attachment G: Table 1) to only include pollutants for which MS4 discharges may be causing or contributing to the impairment in San Jose Creek 1 and Walnut Creek Wash. Note that the San Gabriel River Bacteria TMDL applies to San Jose Creek 1 and Walnut Creek Wash; therefore, bacteria is a Category 1 pollutant, not category 2. Update the WMP Tables: 2-2, 2-3, 2-4, WMP Section 5.4.1, and Attachment G: Table 1 to list bacteria as a category 1 pollutant.
 8. Per Part IX.B.4 of the Order, the WMP must include a proper sequence of management actions to address water quality priorities based on the water quality characterization, source assessment, WBPC prioritization, and compliance schedules. Section 2.1 "Water Quality Impairments" of the WMP, states "The City will maintain the prioritization of pollutants as defined by the categorization priorities." Per the June 2, 2022, meeting and the June 7, 2022, email, the City of

Walnut intends to implement controls to target bacteria during dry and wet weather, which will also control TDS during dry weather. Update Section 2.1 to state the priority sequencing of pollutants as bacteria during wet and dry weather, and TDS during dry weather.

9. The WMP's MCM program, as described in Section 3, reflects the 2012 Los Angeles MS4 Permit and therefore does not contain all the goals and requirements of the Regional MS4 Permit's MCM Program. For example, Section 3.1 of the WMP incorrectly identifies the PIPP objectives, and Section 3.2 states that per the Industrial/Commercial Facilities Program, the first commercial facility inspection will take place no later than December 28, 2014, two years after the effective date of the permit (December 28, 2012). Update WMP Section 3 "Minimum Control Measures" to reflect the Regional Permit's MCM goals and provisions. At a minimum, the City of Walnut should state the City of Walnut is currently implementing the requirements per Sections VIII.D to VIII.I of the Permit and will continue to do so for the duration of this Permit.
10. Update the legal authority (Attachment D of the WMP) to reference the Regional MS4 Permit.
11. Update the entire WMP to conform to the requirements in the Regional MS4 Permit and update all references to previous permits.
12. Clarify what the two asterisks on WMP Tables 4-11 and 5-1c indicate.
13. Section 4 does not have subsections. Remove all references to sections in the WMP that no longer exist.
14. Attachment G of the WMP references the WMP in multiple sections by stating "Section X". Update Attachment G to reflect the correct Sections in the WMP.
15. Correct typographical errors in Section 5.4.1 from WAL to WLA.

Pursuant to the State Water Board's WQ Order No. 2020-0038, the City of Walnut lost deemed compliance starting July 1, 2022, because the WMP was not approved by June 30, 2022. Approval of the City's WMP, subject to the conditions above, reinstates the City'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 City of Walnut 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 City of Walnut shall submit a final WMP to the Los Angeles Water Board that satisfies all of the above conditions no later than **July 31, 2023**. The final WMP must be submitted electronically by uploading the files in a Folder with the name of the City of the Walnut 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 City of Walnut shall implement their approved WMP immediately.** The City of Walnut 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 City of Walnut's WMP based on the following compliance metric(s) with the approved compliance schedule:

- Project basis: Regional BMPs per Section 5.2 of the WMP
- Number of green streets or miles of green streets per Section 5.3 of the WMP

If the City fails to attain the project-based interim milestones per sections 5.2 and/or 5.3 of the WMP, then the City shall lose deemed compliance status for their interim WQBELs. The City 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:

- Dry weather E. coli and Total Dissolved Solids until June 14, 2026
- Wet Weather E. coli until June 14, 2026

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 Jessica Pearson with the Municipal Stormwater Permitting Unit by email Jessica.Pearson@waterboards.ca.gov or phone (213) 576-6786. 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: Jamie Bumia, City of Walnut
Melissa Barcelo, City of Walnut
Annelisa Ehret Moe, Heal the Bay
Benjamin Harris, LA Waterkeeper
Corinne Bell, Natural Resources Defense Council