

Los Angeles Regional Water Quality Control Board

February 25, 2022

Upper San Gabriel River Watershed Management Group¹

Via Email

STATUS OF COMPLIANCE DEMONSTRATION SUBMITTED BY JUNE 30, 2021 PER THE STATE WATER RESOURCES CONTROL BOARD ORDER WQ 2020-0038; NOTICE OF LOSS OF DEEMED COMPLIANCE STATUS

Dear Upper San Gabriel River Watershed Management Group:

State Water Resources Control Board (State Water Board) Order WQ 2020-0038 (2020 SB Order), directed Permittees to submit documentation by June 30, 2021, demonstrating that all work associated with current and prior milestones had been completed to retain deemed compliance with the receiving water limitations, water quality-based effluent limitations, and other TMDL-specific limitations addressed by the Watershed Management Program (WMP) or Enhanced Watershed Management Program (EWMP).²

On May 26, 2021, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) issued a letter via email to all Permittees participating in WMPs and EWMPs with direction on how to submit the aforementioned information.³

The Los Angeles Water Board reviewed the Upper San Gabriel River Group's (USGR Group) document(s) submitted on June 30, 2021, to assess the USGR Group's demonstration of completion of all work associated with current and prior milestones

¹ (Permittees of the Upper San Gabriel River Group EWMP include the County of Los Angeles, and Los Angeles County Flood Control District, and the Cities of Baldwin Park, Covina, Glendora, Industry, La Puente, and West Covina.)

² (2020 SB Order, at p. 167 available at https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2020/wqo2020_0038.pdf [as of August 31, 2021].)

³ (Letter from Executive Officer Renee Purdy, Los Angeles Water Board, to Los Angeles County MS4 Permittees Participating in WMPs and EWMPs (May 26, 2021), at p. 2.)

according to the requirements set forth by the 2020 SB Order and to determine the USGR Group’s deemed compliance status.⁴

The Los Angeles Water Board Approval Letter dated April 11, 2016, outlined the actions and milestones that the USGR Group needed to complete to maintain deemed compliance status. The tasks listed in Table 1 below, have been identified as past due obligations and milestones occurring after EWMP approval that should have been completed prior to June 30, 2021.

Table 1: USGR Group Required Actions⁵

Required Actions	Implementation Update
<p>Implementation of the following minimum control measures (MCMs) and enhanced MCMs per Table 3-7 of the Jan. 2016 USGR EWMP:⁶</p> <p>LA County:</p> <ul style="list-style-type: none"> • Nutrient reduction outreach program for Puddingstone Reservoir by Dec. 2018 <p>Covina:</p> <ul style="list-style-type: none"> • Incorporation of regenerative sweepers in street cleaning program since 2012 (ongoing) <p>Industry:</p> <ul style="list-style-type: none"> • Education materials and outreach to Industry Manufacturing Council starting Oct. 2015 (ongoing) 	<p>The USGR Group’s June 2021 demonstration of compliance letter states that they continue to implement existing MCMs and enhanced MCMs, which includes the listed enhanced MCMs for the City of Covina and the City of Industry. However, no information was provided regarding a nutrient reduction outreach program by LA County.</p>

⁴ (Revised Draft Upper San Gabriel River Enhanced Watershed Management Program Group Enhanced Watershed Management Program Plan [June 2021 Revised Draft USGR EWMP] and demonstration of compliance letter, June 2021.)

⁵ (The USGR Group is also subject to volume capture/pollutant reduction milestones as included in the EWMP. Insufficient information was submitted by the USGR Group regarding currently implemented BMP capacity for evaluation. However, sufficient information was provided regarding the other required actions to determine the USGR Group’s deemed compliance status.)

⁶ (The original approved USGR EWMP, dated January 14, 2016, was revised January 2016, as part of the Adaptive Management Process. The actions and milestones outlined in the April 11, 2016, approval still apply.)

<p>Implementation of the following green street milestones identified in Table 3-5 of the Jan. 2016 USGR EWMP:</p> <p>LA County:</p> <ul style="list-style-type: none"> • Prioritize locations for green street features by Dec. 2017 • Develop green street tracking system by Dec. 2017 • Update infrastructure design guidelines with sustainable practices and stormwater capture BMPs by Dec. 2018 <p>Baldwin Park:</p> <ul style="list-style-type: none"> • Develop Green Street Master Plan by Dec. 2018 <p>Covina:</p> <ul style="list-style-type: none"> • Update City CIP based on EWMP and Green Street Policy by Dec. 2018 <p>Glendora:</p> <ul style="list-style-type: none"> • Develop Green Street Master Plan by Dec. 2018 <p>Industry:</p> <ul style="list-style-type: none"> • Create a green street atlas by Dec. 2017 • Review, utilize and modify where applicable, the LA County infrastructure guidelines to facilitate implementation of green streets by 2019 <p>La Puente:</p> <ul style="list-style-type: none"> • Revise CIP to incorporate projects that replace/realign curbs & implement Green Street Policy with funding from the 2016-2017 budget 	<p>It is unclear if the USGR Group completed this task. No information was provided on the status of any of these milestones.</p>
<p>Implementation of the following tasks for Regional EWMP Project Sites (or equivalent projects) per Table 3-4 of the Jan. 2016 USGR EWMP:</p> <ul style="list-style-type: none"> • Feasibility determination of alternative project at Basset High School to La 	<p>These tasks were not completed based on the information provided in the June 2021 demonstration of compliance letter:</p> <ul style="list-style-type: none"> • Feasibility determination of alternative project at Basset High School: No update provided.

<p>Puente Park by June 2016 (La Puente)</p> <ul style="list-style-type: none"> • Design and permitting of Kahler Russel Park by December 2018 (Covina) • Design and permitting of Downtown Properties by Dec. 2018 (Glendora) • Design and Permitting of San Angelo Park and Vacant Lot (Industry) by Dec. 2019 • Completion of San Angelo Park and Vacant Lot (Industry) by 2020 • Completion of Adventure Park by Dec. 2020 (County of LA) 	<ul style="list-style-type: none"> • Design and permitting of Kahler Russel Park: No update provided. • Design and permitting of Downtown Properties: Finkbiner Park replaced the Downtown Properties. The project concept report has been completed. However, no update was provided regarding the permitting status of the project. • Design and permitting of San Angelo Park and Vacant Lot: the project concept report has been completed. However, no update was provided regarding the permitting status of the project. • Completion of San Angelo Park and Vacant Lot: was not completed and is not estimated to be completed until December 2024. • Completion of Adventure Park: this project was not completed and is not estimated to be completed until June 2023.
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The USGR Group’s June 2021 demonstration of compliance letter states that on June 25, 2020, a letter was submitted to the Los Angeles Water Board requesting that the 2020 and 2023 interim milestone dates to be extended to the final date of September 30, 2026. On April 15, 2021, the Los Angeles Water Board contacted the Los Angeles County Department of Public Works via email for clarification on discrepancies identified between the BMP volume capacities according to the Jan. 2016 USGR EWMP and as reported in the extension letter. Los Angeles County did not follow-up on this inquiry and therefore, an approval letter for this extension has not been granted.

Based on the Los Angeles Water Board’s review of the USGR Group’s document(s) submitted, all work associated with prior and current milestones dated on or before June 30, 2021, was not completed as listed in Table 1, above.

Accordingly, this letter serves to inform the USGR Group that it has lost deemed compliance status for the water body-pollutant combinations intended to be addressed via the USGR Group’s EWMP. The USGR Group submitted a revised draft EWMP on June 30, 2021. Deemed compliance status may be regained upon approval of a revised WMP.⁷

⁷ (The 2012 LA MS4 Permit (Order No. R4-2012-0175 as amended) allowed Permittees to develop a WMP or EWMP. The Regional MS4 Permit (Order No. R4-2021-0105) adopted on

If the USGR Group disagrees with the Los Angeles Water Board's findings, the USGR Group must provide supplemental information demonstrating compliance with all missed milestones as well any milestones for which the Los Angeles Water Board lacked sufficient information to determine compliance **within 30 days**.

Submit the documents via the LA Water Board's FTP Site:

- FTP site link: <https://ftp.waterboards.ca.gov>
Username: RB4MS4-Upload
Password: RB4-bmBb3Z

Alternatively, please contact Ms. Susana Vargas via email at Susana.Vargas@waterboards.ca.gov for alternative accommodations for submittals.

If you have any questions, please contact Ms. Susana Vargas of the Municipal Stormwater Permitting Unit by email. Alternatively, you may also contact Mr. Ivar Ridgeway, Municipal Stormwater Permitting Unit Supervisor by email at Ivar.Ridgeway@waterboards.ca.gov.

Sincerely,

Renee Purdy
Executive Officer

July 23, 2021 eliminated the distinction between a WMP and EWMP and all these programs are now all called "WMPs".)