

**Exhibit D**

## Los Angeles Regional Water Quality Control Board

April 19, 2016

Permittees of the North Santa Monica Bay Watershed Management Group<sup>1</sup>  
(See Distribution List)

**APPROVAL OF THE NORTH SANTA MONICA BAY WATERSHED MANAGEMENT GROUP'S ENHANCED WATERSHED MANAGEMENT PROGRAM (EWMP), 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 AS AMENDED BY STATE WATER BOARD ORDER WQ 2015-0075)**

Dear Permittees of the North Santa Monica Bay Watershed Management Group:

On November 8, 2012, the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board or 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). Part VI.C of the LA County MS4 Permit allows Permittees the option to develop either a Watershed Management Program (WMP) or an 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 allows a Permittee to address the highest watershed priorities, including complying with the requirements of Part V.A (Receiving Water Limitations), Part VI.E and Attachments L through R (Total Maximum Daily Load Provisions), and by customizing the control measures in Parts III.A (Prohibitions – Non-Storm Water Discharges) and VI.D (Minimum Control Measures), except the Planning and Land Development Program. Pursuant to Part VI.C.4.c.iv of the LA County MS4 Permit, the North Santa Monica Bay Watershed Management Group (Group) submitted a draft EWMP on June 29, 2015 to the Los Angeles Water Board for review.

### Public Review and Comment

On July 1, 2015, the Los Angeles Water Board provided public notice and a 61-day period to allow for public review and written comment on the draft EWMPs. A separate notice of availability regarding the draft EWMPs was directed to State Senators and Assembly Members

<sup>1</sup> Permittees of the North Santa Monica Bay Watershed Management Group include the City of Malibu, County of Los Angeles, and Los Angeles County Flood Control District.

within the Coastal Watersheds of Los Angeles County. The Board received four written comment letters in total. The comment letter submitted by the Construction Industry Coalition on Water Quality (CICWQ) had comments on the twelve EWMPs generally. The comment letter submitted jointly by the Natural Resources Defense Council (NRDC), Heal the Bay, and Los Angeles Waterkeeper (Environmental Groups) contained specific comments on four of the twelve EWMPs<sup>2</sup>; comments specific to the North Santa Monica Bay EWMP were raised. The two remaining letters, from the Los Angeles County Sanitation Districts and Ms. Joyce Dillard, contained specific comments on various EWMPs; however, no comments specific to the North Santa Monica Bay EWMP were raised.

On July 9, 2015, the Board held a public workshop at its regularly scheduled Board meeting on the draft EWMPs. On November 5, 2015, again during its regularly scheduled Board meeting, the Board held a second public workshop on the draft EWMPs. The Board held a third public workshop on March 3, 2016 for Permittees and interested persons to comment on and discuss the revised EWMPs with the Executive Officer, Board members, and staff. During our initial review of the draft EWMP and our review of the revised EWMP, the Los Angeles Water Board considered written comments and comments made at these workshops that were applicable to the Group's EWMP.

### **Los Angeles Water Board Review**

Concurrent with the public review, the Los Angeles Water Board reviewed the draft EWMP. As part of the review process, the Los Angeles Water Board staff corresponded with the consultants for this EWMP Group on August 6, 2015, in order to obtain some modeling files. On October 21, 2015, the Los Angeles Water Board sent a letter to the Group detailing the Board's comments on the draft EWMP and identifying the revisions that needed to be addressed prior to the Board's approval of the EWMP. Where appropriate, the public's comments were incorporated into the Board's review letter on the draft EWMP to ensure that the public's comments were addressed appropriately in the revised EWMP.

The Group submitted a revised EWMP on January 19, 2016 for Los Angeles Water Board review and approval. After the Group's submittal of the revised EWMP, Board staff had several telephone and email exchanges with the Group's representatives and consultants to discuss the Board's remaining comments and necessary modifications to the January 19, 2016 revised EWMP. On April 1, 2016, the Group submitted a second revised EWMP for Los Angeles Water Board review and approval. There were a small number of minor changes requested by Regional Boards staff to the April 1, 2016 version of the EWMP. The final version was submitted on April 7, 2016.

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<sup>2</sup> These four EWMPs were the North Santa Monica Bay EWMP, Upper San Gabriel River EWMP, Upper Los Angeles River EWMP, and Beach Cities EWMP.

## **Approval of EWMP**

The Los Angeles Water Board hereby approves the Group's revised EWMP as submitted on April 7, 2016.

## **Determination of Compliance with EWMP**

Pursuant to Part VI.C.6 of the LA County MS4 Permit, the Permittees of the North Santa Monica Bay Watershed Group shall begin implementation of the approved EWMP immediately. To continue to be afforded the opportunity to implement permit provisions within the framework of the EWMP, Permittees must fully and timely implement all actions per associated schedules set forth in the approved EWMP regardless of any contingencies indicated in the approved EWMP (e.g., funding) unless a modification to the approved EWMP, including any extension of deadlines where allowed, is approved by the Los Angeles Water Board pursuant to Part VI.C.6.a or Part VI.C.8.a.ii-iii of the LA County MS4 Permit. The Los Angeles Water Board will determine the Permittees' compliance with the EWMP on the basis of the compliance actions and milestones included in the EWMP including, but not limited to, the following:

- Table 5. Final RWLs and WQBELs for NSMBCW TMDLs
- Table 6. Single Sample Allowable Exceedance Days for NSMBCW Bacteria Monitoring Stations
- Figure 2. Compliance Monitoring Locations
- Table 7. General Timeline for FCS Installation
- Table 10. Dry Weather Permit Limits (Final Compliance Limits)
- Table 11. Non-Stormwater Outfall Screening and Monitoring Program Summary
- Section 5 Santa Monica Bay Watershed Demonstration of Compliance
  - Wet Weather Target Load Reductions
  - Best Management Practices
- Table 22. Allowable Discharge Days for each Modeled Analysis Region
- Table 23. Target Load Reductions for the Santa Monica Bay Watershed
- Table 24. TMDL Effective Dates and Final Compliance Dates
- Table 25. Common MCM Modifications/Enhancements for City and County
- Table 28. Proposed Distributed BMPs in the NSMBCW EWMP Area
- Figure 24. BMP Locations in Santa Monica Bay Watershed
- Section 6 Santa Monica Bay Watershed Demonstration of Compliance
  - Wet Weather Target Load Reductions
  - Best Management Practices
- Table 33. TMDL Effective Dates and Final Compliance Dates
- Section 7: EWMP Compliance Schedule
- Table 35. TMDL Compliance Dates and Load Reduction Requirements for WBPCs Within the NSMBCW EWMP Area
- Table 37. Proposed Implementation Schedule for NSMBCW EWMP BMPs

Pursuant to Parts VI.C.3 and VI.E.2.d.i.(4)(a) of the LA County MS4 Permit, the Permittees' full and timely compliance with all actions and dates for their achievement in their approved EWMP shall constitute compliance with permit provisions pertaining to applicable water quality-based effluent limitations (WQBELs)/wasteload allocations (WLAs) in Part VI.E and Attachment M of the LA County MS4 Permit. Further, per Part VI.C.2.b of the LA County MS4 Permit, The Permittees' full compliance with all requirements and dates for their achievement in its approved EWMP constitutes compliance with the receiving water limitations provisions of Part V.A of the LA County MS4 Permit for the specific waterbody-pollutant combinations addressed by the approved EWMP.

If the Permittees fail to meet any requirement or date for its achievement in the approved EWMP, which will be demonstrated through the Group's Annual Reports and program audits (when conducted), the Permittees shall be subject to the baseline requirements of the LA County MS4 Permit, including but not limited to demonstrating compliance with applicable receiving water limitations and TMDL-based WQBELs/WLAs through outfall and receiving water monitoring. See Parts VI.C.2.c and VI.E.2.d.i.(4).(c) of the LA County MS4 Permit.

### **Annual Reporting**

The Permittees shall report, as a group, on achievement of actions and milestones within the reporting year, as well as progress towards future milestones related to multi-year projects, through their Annual Report per Attachment E, Part XVIII of the LA County MS4 Permit. For multi-year efforts, the Permittees shall include the status of the project, which includes the status with regard to standard project implementation steps. These steps include, but are not limited to, adopted or potential future changes to municipal ordinances to implement the project, site selection, environmental review and permitting, project design, acquisition of grant or loan funding and/or municipal approval of project funding, contractor selection, construction schedule, start-up, and effectiveness evaluation (once operational), where applicable. For all stormwater retention projects, including LID BMPs implemented in compliance with new/redevelopment provisions, green streets provisions, and regional BMPs, the Permittees shall report annually on the volume of stormwater retained in each subwatershed area.

The Permittees shall also include in their Annual Report the source(s) of funds used during the reporting year, and those funds proposed for the coming year, to meet necessary expenditures related to implementation of the actions identified in their EWMP per Part VI.A.3 of the LA County MS4 Permit. Further, as part of the annual certification concerning a Permittee's legal authority required by Part VI.A.2.b of the LA County MS4 Permit, each Permittee shall also certify in the Annual Report that they have the necessary legal authority to implement the actions and milestones in the approved EWMP as required by Part VI.C.5.b.iv.(6). If a Permittee does not have legal authority to implement an action or milestone at the time the Group submits their Annual Report, the Permittee(s) shall propose a schedule to establish and maintain such legal authority.

## **Adaptive Management**

The Permittees, as a group, shall conduct a comprehensive evaluation of their EWMP no later than two years after the date of this approval (i.e., by April 19, 2018), and subsequently, every two years thereafter pursuant to the adaptive management process set forth in Part VI.C.8 of the LA County MS4 Permit. As part of this process, the Permittees must evaluate progress toward achieving:

- Applicable WQBELs/WLAs in Attachment M of the LA County MS4 Permit according to the milestones set forth in their EWMP;
- Water quality objectives applicable to receiving waters within ASBS 24, as set forth in the California Ocean Plan;
- Improved water quality in MS4 discharges and receiving waters;
- Diversion of non-storm water discharges that would otherwise discharge to receiving waters within ASBS 24 to a sanitary sewer, where capacity and infrastructure exists;
- Stormwater retention milestones; and
- Multi-year efforts that were not completed in the current year and will continue into the subsequent year(s), among other requirements.

As part of the adaptive management process, the Permittees shall also re-evaluate their Category 2 and Category 3 water quality priorities based on data collected through their Coordinated Integrated Monitoring Program (CIMP) as well as any additional data collected from receiving waters within ASBS 24, and discharges from MS4 outfalls to ASBS 24, as required by the California Ocean Plan. When re-evaluating water quality priorities within ASBS 24, Permittees shall also consider attainment of applicable water quality objectives in the California Ocean Plan as well as any undesirable alteration in natural water quality. Where new water quality priorities are identified, the Permittees shall conduct a RAA for the pollutants and identify and incorporate into their EWMP appropriate watershed control measures to address them.

The Permittees' evaluation of the above shall be based on both progress implementing actions in the EWMP and an evaluation of outfall-based monitoring data and receiving water monitoring data. Per Attachment E, Part XVIII.6 of the LA County MS4 Permit, the Permittees shall implement adaptive management strategies, including but not limited to:

- Refinement and recalibration of the Reasonable Assurance Analysis (RAA) based on data specific to the Group's EWMP area that are collected through the Group's CIMP and other data, as appropriate;
- Identifying the most effective control measures, why they are the most effective, and how other control measures can be optimized based on this understanding;
- Identify the least effective control measures, why they are ineffective, and how the control measures can be modified or replaced to be more effective;
- Identify significant changes to control measures during the prior year(s) and the rationale for the changes; and

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- Describe all significant changes to control measures anticipated to be made in the next year(s) and the rationale for each change.

As part of the adaptive management process, any modifications to the EWMP, including any requests for extension of deadlines not associated with TMDL provisions, must be submitted to the Los Angeles Water Board for review and approval. The Permittees must implement any modifications to the EWMP upon approval by the Los Angeles Water Board or its Executive Officer, or within 60 days of submittal of modifications if the Los Angeles Water Board or its Executive Officer expresses no objections. Note that while the first adaptive management process is scheduled for April 19, 2018, the Group's Report of Waste Discharge (ROWD) is due no later than July 1, 2017. The Group should conduct a preliminary evaluation of its EWMP in the spring of 2017 and present the results of the evaluation and any proposed modifications to the EWMP in the Group's ROWD.

The Los Angeles Water Board appreciates the participation and cooperation of the Permittees in the North Santa Monica Bay Watershed Management Group in the implementation of the LA County MS4 Permit. If you have any questions, please contact Mrs. Deborah Brandes of the Storm Water Permitting Unit at [Deborah.Brandes@waterboards.ca.gov](mailto:Deborah.Brandes@waterboards.ca.gov) or by phone at (213) 576-6688. Alternatively, you may also contact Mr. Ivar Ridgeway, Chief of the Storm Water Permitting Unit, at [Ivar.Ridgeway@waterboards.ca.gov](mailto:Ivar.Ridgeway@waterboards.ca.gov) or by phone at (213) 620-2150.

Sincerely,



Samuel Unger, P.E.  
Executive Officer

Enclosures: North Santa Monica Bay Watershed Management Group Distribution List

## North Santa Monica Bay Coastal Watershed EWMP Group

Name	City	Email Address
Armando D'Angelo	LA County	<a href="mailto:adangelo@dpw.lacounty.gov">adangelo@dpw.lacounty.gov</a>
Giles Coon	LA County	<a href="mailto:gcoon@dpw.lacounty.gov">gcoon@dpw.lacounty.gov</a>
Gail Farber	LA County	<a href="mailto:gfarber@dpw.lacounty.gov">gfarber@dpw.lacounty.gov</a>
Angela George	LA County	<a href="mailto:ageorge@dpw.lacounty.gov">ageorge@dpw.lacounty.gov</a>
Gary Hildebrand	LACFCD	<a href="mailto:ghildeb@dpw.lacounty.gov">ghildeb@dpw.lacounty.gov</a>
Jim Thorsen	Malibu	<a href="mailto:JThorsen@malibucity.org">JThorsen@malibucity.org</a>
Rob DuBoux	Malibu	<a href="mailto:rduboux@malibucity.org">rduboux@malibucity.org</a>
Jennifer Brown	Malibu	<a href="mailto:JBrown@malibucity.org">JBrown@malibucity.org</a>
Brandon Steets	Geosyntec Consultant	<a href="mailto:BSteets@Geosyntec.com">BSteets@Geosyntec.com</a>
Christopher Wessel	Geosyntec Consultant	<a href="mailto:CWessel@Geosyntec.com">CWessel@Geosyntec.com</a>