

Los Angeles Regional Water Quality Control Board

August 7, 2015

Permittees of the Ballona Creek Watershed Management Group¹
(See Distribution List)

APPROVAL, WITH CONDITIONS, OF THE BALLONA CREEK WATERSHED MANAGEMENT GROUP COORDINATED INTEGRATED MONITORING PROGRAM, PURSUANT TO ATTACHMENT E, PART IV.B OF THE LOS ANGELES COUNTY MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT (NPDES PERMIT NO. CAS004001; ORDER NO. R4-2012-0175)

Dear Permittees of the Ballona Creek Watershed Management Group:

The Los Angeles Regional Water Quality Control Board (Los Angeles Water Board or Board) has reviewed the revised monitoring program submitted on July 1, 2015 by the Ballona Creek Watershed Management Group (Group). This monitoring program was submitted pursuant to the provisions of NPDES Permit No. CAS004001 (Order No. R4-2012-0175), which authorizes discharges from the municipal separate storm sewer system (MS4) operated by 86 municipal Permittees within Los Angeles County (hereafter, LA County MS4 Permit). The LA County MS4 Permit allows Permittees the option to develop and implement a coordinated integrated monitoring program (CIMP) that achieves the five Primary Objectives set forth in Part II.A of Attachment E and includes the elements set forth in Part II.E of Attachment E. These programs must be approved by the Executive Officer of the Los Angeles Water Board.

The Los Angeles Water Board has reviewed the Group's revised CIMP and has determined that the CIMP includes the elements set forth in Part II.E of Attachment E and will achieve the Primary Objectives set forth in Part II.A of Attachment E of the LA County MS4 Permit.

Public Review and Comment

On July 3, 2014, the Board provided public notice and a 46-day period to allow for public review and comment on the Group's draft CIMP. A separate notice of availability regarding the draft CIMPs, including the Group's CIMP, was directed to State Senators and Assembly Members within the Coastal Watersheds of Los Angeles County. The Board received three comment letters that had comments applicable to the Group's draft CIMP. One joint letter was from the Natural Resources Defense Council (NRDC), Heal the Bay, and Los Angeles Waterkeeper, and the other letters were from the Construction Industry Coalition on Water Quality (CICWQ) and Ventura Countywide Stormwater Quality Management Program. During the review of the draft

¹ Permittees of the Ballona Creek Watershed Management Group CIMP include the Los Angeles County Flood Control District; the County of Los Angeles; and the cities of Los Angeles, Beverly Hills, West Hollywood, Culver City, Inglewood, and Santa Monica.

and revised CIMP, the Los Angeles Water Board considered those comments applicable to the Group's proposed CIMP.

Los Angeles Water Board Review

Concurrent with the public review, the Los Angeles Water Board, along with U.S. EPA Region IX staff, reviewed the draft CIMPs. On April 2, 2015, the Los Angeles Water Board sent a letter to the Group detailing the Board's comments on the draft CIMP and identifying the revisions that needed to be addressed prior to the Board's approval of the Group's CIMP. The letter directed the Group to submit a revised CIMP addressing the Los Angeles Water Board's comments. Prior to the Group's submittal of its revised CIMP, the Los Angeles Water Board staff had a meeting on May 22, 2015 and email exchanges with the Group's representatives and consultants to discuss the Board's remaining comments and necessary revisions to the draft CIMP. The Group submitted its revised CIMP on July 1, 2015 for Los Angeles Water Board review and approval.

CIMP Approval

The Los Angeles Water Board hereby approves, subject to the following conditions, the Group's July 1, 2015 revised CIMP. The Board may rescind this approval if all of the following conditions are not met to the satisfaction of the Board within the timeframe provided below.

1. Revise Section 11.2 "CIMP Revision Process" by removing the option for the Group to propose discontinuing monitoring of any non-TMDL constituent or relocating an outfall monitoring location within the Annual Report. These proposals should be submitted via a separate letter to my attention.
2. Update Appendix 2 – Plastic Pellet Monitoring and Reporting Program (PMRP) to include the following changes:
 - a. Facility Documentation: Provide documentation (i.e. lists or printouts) of SIC code, plastic facility, and/or other related searches conducted by each Group member to determine the number of facilities and activities in the jurisdiction related to manufacturing, handling, and transportation of plastic pellets.
 - b. Monitoring Trigger: Revise the monitoring program such that the PMRP does not require a trigger from facility inspections to initiate semi-annual plastic pellet monitoring. Plastic pellet monitoring should commence 90 days following this CIMP approval. References to an inspection trigger for monitoring should be removed, including the following:
 - i. Remove the strike out portion from the following statement on page 6 of the PMRP: "Conduct inspections of any identified plastic pellet-related facilities and if plastic pellets are observed to be discharging from the facility, conduct plastic pellet monitoring."
 - ii. Remove the strike out portion from the following statement on page 7 of the PMRP: "Following a routine facility inspection where plastic pellets are found to be discharging from the facility, plastic pellet monitoring will be conducted on a semi-annual basis."
 - c. Revise section 3.3 (pg. 8) to clarify that the sample during the wet season will target a wet weather event.
 - d. Revise section 3.5 (pg. 9) to state that after plastic pellet monitoring events, the subsequent annual monitoring report will include further detail on where and how long the two-stage mesh was installed.

3. Revise the language in Section 10 (pg. 47) to include the underlined: "Sample analysis is conducted using approved analytical methods equivalent to those identified in Section 9 of Attachment C by a certified analytical laboratory."

In separate correspondence to all Permittees developing CIMPs and Integrated Monitoring Programs (IMPs), the Los Angeles Water Board will also be providing clarification of requirements for toxicity monitoring – specifically regarding additional toxicity monitoring upstream and at outfalls where toxicity is identified during a sampling event at a receiving water monitoring site.

The Group shall submit a final CIMP to the Los Angeles Water Board that satisfies all of the above conditions no later than **September 7, 2015**. Pursuant to Attachment E, Part IV.C.6 of the LA County MS4 Permit, the Group must commence implementing its monitoring program within 90 days after this approval of the final CIMP (i.e. no later than November 5, 2015). Please note that the Group is responsible for complying with all reporting provisions included in Attachment E, Part XIV – XVIII and Section B of Part XIX, "Reporting Requirements for Santa Monica Bay WMA TMDLs," and Attachment D, Sections IV, V, and VII.A of the LA County MS4 Permit. Additionally, the Group is also responsible for complying with the following requirements under Annual Reporting and Adaptive Management.

Annual Reporting

Within the reporting year, through its Annual Report per Attachment E, Part XVIII of the LA County MS4 Permit, the Group shall report on the status of the phased initiation of stormwater outfall monitoring established in the revised CIMP and specified below.

- Table 13 "Schedule for CIMP Implementation"
- Figure 5 "Implementation Schedule for Major CIMP Elements": The CIMP establishes a phased approach to initiating monitoring at receiving water and outfall monitoring sites, with BCE_PAC and BC_SW_FAI initiating monitoring in October 2015; CC_SW_LAC initiating monitoring in October 2016; and SC_SW_WAS initiating monitoring in October 2017.

In addition, the Annual Report shall provide an Integrated Monitoring Report that summarizes all identified exceedances of:

- outfall-based stormwater monitoring data,
- wet weather receiving water monitoring data,
- dry weather receiving water monitoring data, and
- non-storm water outfall monitoring data

against all applicable receiving water limitations, water quality-based effluent limitations, non-storm water action levels, and aquatic toxicity thresholds as defined in Sections XII.F and G of this MRP. All sample results that exceeded one or more applicable thresholds shall be readily identified.

The Annual Report shall also include a Municipal Action Level (MAL) Assessment Report, which shall present the stormwater outfall monitoring data in comparison to the applicable MALs, and identify those subwatersheds with a running average of twenty percent or greater of exceedances of the MALs in discharges of stormwater from the MS4. Please note that

beginning in Year 3 after the effective date of the LA County MS4 Permit, each Permittee or group of Permittees shall submit a MAL Action Plan with the Annual Report (first MAL Action Plan due with December 15, 2015 Annual Report) to the Regional Water Board Executive Officer, for those subwatersheds with a running average of twenty percent or greater of exceedances of the MALs in any discharge of storm water from the MS4. Please note that implementation of an approved Watershed Management Program (WMP) or Enhanced Watershed Management Program (EWMP) per Part VI.C of the LA County MS4 Permit fulfills all requirements related to the development and implementation of the MAL Action Plan, as per Attachment G of the LA County MS4 Permit, for those pollutants addressed by the WMP or EWMP.

Adaptive Management

The Regional Water Board or its Executive Officer, consistent with 40 CFR section 122.41, may approve changes to the Monitoring and Reporting Program, after providing the opportunity for public comment, either:

1. By request of the Group or by an interested person after submittal of the Monitoring Report. Such request shall be in writing and filed not later than 60 days after the Monitoring Report submittal date, or
2. As deemed necessary by the Regional Water Board Executive Officer, following notice to the Group.

As part of the adaptive management process, any modifications to the CIMP must be submitted to the Los Angeles Water Board for review and approval. The Group must implement any modifications to the CIMP 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 the Group's Report of Waste Discharge (ROWD) is due no later than July 1, 2017. To align any modifications to the CIMP proposed through the adaptive management process with permit reissuance, results of the first adaptive management cycle should be submitted in conjunction with the Group's ROWD.

If you have any questions, please contact Mr. Chris Lopez of the Storm Water Permitting Unit by electronic mail at Chris.Lopez@waterboards.ca.gov or by phone at (213) 576-6674. Alternatively, you may also contact Mr. Ivar Ridgeway, Chief of the Storm Water Permitting Unit, by electronic mail at Ivar.Ridgeway@waterboards.ca.gov or by phone at (213) 620-2150.

Sincerely,


Samuel Unger, P.E.
Executive Officer

Enclosures: Ballona Creek Watershed Management Group Distribution List

Ballona Creek Watershed Management Group Distribution List (via email)

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