



## Los Angeles Regional Water Quality Control Board

September 22, 2022

Via Email Only

Permittees of the Alamitos Bay/Los Cerritos Channel Group<sup>1</sup>

**APPROVAL, WITH CONDITIONS, OF THE ALAMITOS BAY/LOS CERRITOS CHANNEL 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 Alamitos Bay/Los Cerritos Channel Watershed Management Group:

This letter (1) conditionally approves the Watershed Management Program (WMP) submitted by the Alamitos Bay/Los Cerritos Channel Group (Group) subject to additional revisions of the WMP, (2) reviews compliance metrics for Water Body Pollutant Combinations (WBPC) and (3) specifies additional requirements including requirements for an updated adaptive management process.

### *1) Review of 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 Los Angeles Regional Water Quality Control Board (Los Angeles Water Board or Board) received the Group's revised draft WMP dated June 30, 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 Alamitos Bay/Los Cerritos Channel Group include the County of Los Angeles and the Los Angeles County Flood Control District.

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 WMPs.

## **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. An email was sent to the Group on March 28, 2022, providing comments/questions on the WMP. Subsequently, there was a meeting with the Group on April 12, 2022, to discuss necessary revisions to the WMP. The Los Angeles Water Board received the Group's second revised draft WMP on May 26, 2022. The Los Angeles Water Board hereby approves the Alamitos Bay/Los Cerritos Channel WMP, dated May 2022, subject to the following conditions:

1. Los Cerritos Channel is assigned to the Nearshore Area as defined in the Dominguez Channel Estuary and Greater Los Angeles and Long Beach Harbor Toxics TMDL (Harbor Toxics TMDL), which drains to San Pedro Bay. Per Part IX.B.3, Attachment J, and Attachment P of the Order, update Table 3.1 "Category 1 Water Quality Priorities," and Table 3-4 "Water Quality Priorities for the Freshwater Portion of the Los Cerritos Channel" of the WMP, to include the WBPCs for the Harbor Toxics Pollutants TMDL. In addition, please note the environmental media in which the WBPCs apply.
2. Remove 4-4' DDE and PAHs from Table 3-2 "Category 2 Water Quality Priorities" and Table 3-4 "Water Quality Priorities for the Freshwater Portion of the Los Cerritos Channel" of the WMP because, as explained in condition #1, these constituents are Category 1 Water Quality Priorities.
3. Appendix C "Source Assessment" does not contain a source assessment for Total PCBs. In addition, while the water quality characterization in Appendix B, Table B.1 "Summary of Dry Weather Samples Above Receiving Water Limitations" shows no exceedances for PCBs during dry weather, Appendix B does not include results for PCBs during wet weather. Accordingly, update the WMP to include a water quality characterization for PCBs during wet weather and a source assessment for Total PCBs or provide an explanation for why any relevant information regarding PCBs was not included, as required by Parts IX.B.1 and IX.B.2 of the Order.
4. Add a specific comparison of the wet- and dry-weather targets for modeled pollutants listed in Table 6-3 and Table 6-4 to the assumed stormwater treatment and pollutant removal performance shown in Figure 5-6 and Figure 5-7 in order to demonstrate the effectiveness of Alternatives C1 and C2. In addition, provide

quantitative support for the assumed pollutant removal efficiencies for the components of Alternatives C1 and C2 in addition to the qualitative literature references provided on page 6-12.

5. Include PCBs in the limiting pollutant analysis of section 6.5.
6. Clarify the meaning of the asterisk on dissolved copper and zinc in Table 6-6 "Limiting Pollutant Analysis for AB/LCC RAA."
7. Per Section 2.2 "Dominguez Channel Toxics TMDL" of the WMP, the Los Angeles Water Board notes that per the Amended Consent Decree entered in *United States v. Montrose Chemical Corp.*, Case No. 90-3122 AAH (JRx), the Los Angeles Water Board released some local agencies from liability for natural resource damages and for specific response costs related to releases of DDT and other hazardous substances from the Montrose DDT Plant. This Amended Consent Decree does not apply to all toxic pollutants covered by the Dominguez Channel Toxics TMDL. Additionally, the Amended Consent Decree expressly required the parties, including the covered Group members, to comply with the Clean Water Act, and any NPDES permit thereunder. Therefore, remove the following statements from the WMP, "The County and the LACFCD have entered into an Amended Consent Decree with the United States and the State of California, including the LARWQCB, pursuant to which the LARWQCB has released the County and the LACFCD from responsibility for Toxic pollutants in the Dominguez Channel and the Greater Harbors. Accordingly, no inference should be drawn from the submission of this WMP or from any action or implementation taken pursuant to it that the County or the LACFCD is obligated to implement the DC Toxics TMDL, including this WMP or any of the DC Toxics TMDL's other obligations or plans, or that the County or the LACFCD have waived any rights under the Amended Consent Decree. The County and LACFCD will continue to conduct monitoring for the DC Toxics TMDL in accordance with the CIMP for the AB/LCC Group and, if needed, incorporate the DC Toxics TMDL into a future iteration of the AB/LCC WMP."

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 **November 30, 2022**. The 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, and any approved Time Schedule Order (TSO) if applicable. To the extent that any statements intended to make implementation of actions contingent on funding or information-gathering remain in the WMP, the Los Angeles Water Board gives them no effect.

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.

## *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:

- Project basis per Table 7-1 (AB/LCC WMP Implementation Plan and Schedule) of the WMP and Table 7-3 (Proposed diversion rate, footprint and corresponding preliminary construction cost for Alternative C1 and C2 for WMP Implementation Plan)

If the Group fails to implement the implementation actions and quantities in this table specified for September 30, 2023, then the Group shall lose deemed compliance status for their interim WQBELs. The Group must demonstrate compliance with final WQBELs by September 30, 2026, 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:

- All WBPCs listed in Table 3-4 (Water Quality Priorities for the Freshwater Portion of the Los Cerritos Channel) of the WMP, as amended in accordance with condition #1, and except for trash.

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 is no quantitative analysis that satisfies 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 on this letter, please contact Jessica Pearson with the Municipal Stormwater Permitting Unit by email at [Jessica.Pearson@waterboards.ca.gov](mailto:Jessica.Pearson@waterboards.ca.gov) or phone at (213) 576-6786. 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,

Renee Purdy  
Executive Officer

cc: Thuan Nguyen, Los Angeles County  
Daniel Dang, Los Angeles County  
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