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Mr. Sam Unger
Executive Officer and Members of the Board
California Regional Water Quality Control Board, Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013
Via email: Samuel.Unger@waterboards.ca.gov; Deborah.Smith@waterboards.ca.gov;
Ridgeway, Ivar@Waterboards; Renee.Purdy@waterboards.ca.gov;
losangeles@waterboards.ca.gov

Re: Comments on the Draft Individual Watershed Management Plan for the City of La Habra Heights

Dear Mr. Unger:

On behalf of Heal the Bay, we are submit comments on the Draft Individual Watershed Management Plan (“WMP”) for the La Habra Heights (“permittee”) submitted in accordance with the National Pollutant Discharge Elimination System (“NPDES”) Permit for Municipal Separate Storm Sewer System (“MS4”) Discharges Within the Los Angeles County Flood Control District, Including the County of Los Angeles, and the Incorporated Cities Therein, Except the City of Long Beach, R4-2012-0175, NPDES Permit No. CAS004001 (“2012 Permit”).

The Notice of Intent for La Habra Heights indicated a 12 month submittal date, so it appears that the WMP was a late submission. In addition, it is unclear who, if anyone, the City is collaborating with on a monitoring and reporting program.

In reviewing the City of La Habra Heights WMP submittal, we identified several issues of concern or noncompliance with permit requirements. We discuss a number of those concerns below, although this discussion is not intended as an exhaustive analysis of the WMP's deficiencies.

General WMP Comments

In general, there is little to no evaluative data provided for the WMP analysis. For example, SUSMP, IC/ID, public education, and other elements have all been requirements in past MS4 permits; yet there is no data or descriptive analysis provided by the City in the WMP. If cities are not evaluating past practices, nor implementing an iterative process on any of the existing tools, then it is extremely difficult for stakeholders to evaluate programs, policies, or projects proposed to address water quality or watershed issues. Past practices are often the best indicator of future success or failure.



Furthermore, there is no literature review of past water quality, watershed, or habitat data compiled by the city or other stakeholders, resulting in insufficient data collection, mapping, modeling analyses, and program implementation within the WMP.

There is no integrated water resource planning, and little watershed based management planning in the WMP. Despite the fact that California is in a drought, there is little discussion of flow/volume reductions, reuse opportunities, or landscaping ordinances.

Specific WMP Comments

Executive Summary: The City states throughout the WMP that “...there are no industrial uses...in the City.”¹ Yet, the City has a land-use designation “Open space: Resource Production”, which is a euphemism for oil production and extraction. As such, it is inappropriately classified as open space for the purposes of this document. It appears that Occidental Petroleum Corporation (OXY) has a number of wells in the area. Are they active? Are there other oil production companies operating in the area? Regardless, the WMP is required to identify possible sources of contamination;² active or historic oil well production within a City’s jurisdiction is a possible source of PAHs, metals, oils and grease, and runoff and should be identified in a WMP. As with the Inglewood Oil Field in Baldwin Hills, the oil company operating the site has been granted a time schedule order to comply with Ballona Creek Metals TMDL requirements. How is the permittee certain that the oil production and extraction operation in La Habra Heights does not discharge metals? Coyote Creek is 303 (d) listed for metals and has an adopted TMDL, yet there is no information provided by the City acknowledging oil production, much less the possible environmental externalities associated with this type of land-use. This analysis should have been completed as part of the Source Assessment requirement of the permit.

1.4 Policy Schedule (p. 5): The City discusses the use of SUSMP measures since 2000, but does not provide any context for program implementation, evaluation, extent of implementation, or effectiveness (extent of parcels participating, evaluation of effective implementation, or if an iterative process has been applied since the program’s inception). This type of analysis is needed to evaluate SUSMP measures and determine how these measures are integrated into future watershed planning.

2.9 Land-use (p. 11) and 2.10 Sewer and Septic Systems (p. 13): The City states that “several constraints...[such as] earthquake fault lines and very steep slopes in many areas of the City, [as well as] wildfire vulnerability and expansive soils affect building materials and methods...” limit future development.³ The City has approximately 1,768 residential properties (94%) that are on

¹ City of La Habra Heights Watershed Management Plan (Draft April 14, 2014), at p. iv; p. 2; p. 17)

² 2012 Permit, at 59.

³ *Id.* at 12.



septic systems. The WMP claims that “The topography and location of the vast majority of the households in the City make it economically unfeasible to utilize a municipal sewer system.”⁴

Given the precarious geological setting (expansive soils, earthquake fault lines, highly susceptible to landslides, and steep slopes), sewage infrastructure (e.g. septic systems) in this area would require diligent maintenance and monitoring to ensure that bacterial pollution from the numerous septic systems does not contaminate water quality. While the City states that it contracts out to the County for septic system inspections, there is no information provided in the WMP regarding: 1) when the County actually inspects (change of ownership, annual inspection, rotating inspection, public complaint); 2) what the County is inspecting (structural integrity or system functionality); and 3) the relationship of the City’s tracking system to the County inspection program. In short, there is no information provided that demonstrates that the City is trying to prevent bacterial and nutrient loading to receiving waterbodies. Instead, it appears that the City is simply managing spills when they occur. To this end, in recent history there have been 11 known septic system failures that led to sewage overflows.⁵ This work should have been completed as part of the MS4 source assessment requirement. This concern is all the more important to address, given that Coyote Creek is 303 (d) listed for indicator bacteria.

3.1 Citywide Water Quality Threats: Sources of pollutant loading are required to be identified in WMPs. (2012 Permit, at 59). Although the permittee briefly discusses water quality threats in its submitted WMP, the plan fails to address many potential pollutant sources in its jurisdiction. Does oil production and extraction take place in the City? If so, then this should be included in the possible threats category.

In addition, there appears to be a large horseback riding and stable community in the City. Yet, there is little mention of this type of land-use and the potential water quality threats associated with this type of activity. Horseback riding and stables should not be included within the “residential runoff” category in the WMP because: 1) source bacterial loading are different, and 2) BMPs necessary for abatement or elimination are different. Pollutant loading from horse facilities need to be examined more fully in the WMP to ensure adequate control measures will be included in watershed planning.

3.4 Results of Regional Bioassessment Monitoring: All the information provided in this section is from outside the City’s boundaries. The City justifies this approach by stating that “The two San Gabriel River locations are similar to the headwaters located within the City of La Habra Heights...[and] The Arroyo Seco location is similar to the City’s residential drainages.”⁶ However, the City provides no information on land-use assessment by drainage outlet for any of its sub-watersheds. Also there is no analytical or statistical data provided to justify the claim of “homogeneity” across watersheds. Finally, there is no data provided that the habitats are actually similar (flora, fauna, hydrology, or habitat). In circumstances where data collected outside of the

⁴ *Id.* at 13

⁵ City of La Habra Heights Watershed Management Plan (Draft April 14, 2014), at 14.

⁶ *Id.*, at 17.



study area must be used, for whatever reason, the WMP must, at a minimum, make adjustments to the assumptions, quantitative or qualitative, to account for the difference.

4.1 RAA: The submitted RAA is insufficient for two main reasons: 1) fails to accurately capture metals loading associated with oil production and extraction, 2) fails to address other constituents of concern, such as indicator bacteria, nutrients, trash and toxicity. Receiving waterbodies from the City of La Habra Heights have a number of biological and recreational beneficial uses; these uses have specific numeric Basin Plan objectives that must be met. No analysis of this type is included in the WMP. How can we be certain that proposed WMP will meet water quality standards?

While addressing metals loading to receiving waters may be a priority objective for the City, other water quality parameters must be addressed in the WMP. Specifically, without an analysis of other, non-metal, contaminants, how is the City to determine if all 303(d) listings or Basin Plan objectives will be met?

5.0 Goals and Solutions: The City highlights five priority water quality issues in the WMP (septic systems, residential runoff, pet waste, natural erosion, and municipal discharges). These sources have of the potential to contribute nutrients and fecal pollution, among other pollutants; yet, the City did not model fecal pollution or nutrients in its RAA. There is no information on extent of the problem or needed pollution reductions to reach water quality standards in the WMP.

5.1 Septic Systems: The City outlines the economic limitations of implementing a septic system program, noting “One of the key issues is funding assistance to those homeowners who may require financial assistance.”⁷ This program would be an investment in infrastructure by the homeowner. The City should be proactive to ensure water sustainability. Why is there no discussion of integrated water resource planning? Three-quarters of all wastewater generated from in-door use could be used within a grey-water system and/or reused for other non-potable services.⁸ This type of program would reduce 1) the stress placed on septic systems, 2) the volume needing to be managed by package plants thereby increasing the number of households to be serviced, and 3) reduce the community’s need for imported potable water. The proposed septic work plan should include an annual inspection program of all septic systems within the City.

5.2 Residential Runoff; 5.3 Pet Waste: Given there is a large horseback riding community in La Habra Heights, there should be more information on education, as well as policies prohibiting horse waste on public right-a-ways or recreation areas. This work should have been collected as part of the Source Assessment requirement.

⁷ City of La Habra Heights Watershed Management Plan (Draft April 14, 2014), at 22.

⁸ The California Department of Water Resources. *California Single Family Water Use Efficiency Study* (Volume 1-2011).



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There is no discussion of a Household Hazardous Program in this section. Does the City have one or does it contract out to the County? Either way, such a program should be stated as existing as part of the City's Source Assessment requirement.

While the City states that it has adopted LID and Green Street policies, there is no integrated water resource planning or programming discussed as a mechanism to reduce runoff (rain barrels, rain gardens, irrigation control measures) and thereby pollutant loads city-wide.

5.4 Natural Erosion: The City needs to develop an overarching “hydromodification management/control” policy that effectively and holistically looks at issues impacting the specific watersheds. Such a policy would include: 1) a definition and mapping of Physical Landscape Zones (“PLZ”); 2) association of key watershed processes with each PLZ; 3) a definition of the interrelationships between landscape disturbance, PLZ's, watershed processes, and receiving waters; 4) a definition and mapping of Watershed Management Zones; 5) identification of hydromodification management strategies associated with each WMZ; and 6) incorporation of local-scale and/or site-specific data to inform final stormwater management controls and their numeric criteria.⁹ As currently written, there is no differentiation between natural and anthropogenic causes of erosion. It is unclear if this approach follows hydromodification requirements outlined on p. 105 of the 2012 Permit. As such, private versus public costs, projects, or programs associated with implementing landscape disturbance management remains elusive in the WMP. At a minimum the City should implement a Hillside Ordinance Policy as a mechanism to address problematic residential areas.

Thank you for this opportunity to provide comments and if you have any questions please contact us at (310) 451-1500.

Sincerely,

Kirsten James, MESM
Science and Policy Director, Water Quality

James Alamillo
Urban Programs Manager

⁹ Stillwater Sciences, Tetra Tech. *Methods and Findings of the Joint Effort for Hydromodification Control in the Central Coast Region of California* (June 2012).