

MS4 Permit EWMP Issues

Presented By

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**South El Monte, San Fernando,
Gardena and Compton**

MS4 Permit EWMP Issues

➤ Concerns

- EWMP Costs Are Insane

MS4 Permit EWMP Issues

EWMP & WMP Costs Per City (Report Courtesy of LA County)

| City/Agency | Total ¹ | | | | |
|---------------|--------------------|--------------------|------------------|-----------------------|-------------------|
| Agoura Hills | \$ 113,336,905 | Hermosa Beach | \$ 45,200,000 | Rancho Palos Verdes | \$ 55,800,000 |
| Alhambra | \$ 167,650,000 | Hidden Hills | \$ 12,418,049 | Redondo Beach | \$ 56,000,000 |
| Arcadia | \$ 407,986,602 | Huntington Park | \$ 49,600,000 | Rolling Hills | N/A ² |
| Artesia | \$ 840,000 | Industry | \$ 476,261,000 | Rolling Hills Estates | \$ 50,500,000 |
| Azusa | \$ 332,232,746 | Inglewood | \$ 197,193,651 | Rosemead | \$ 113,870,000 |
| Baldwin Park | \$ 194,616,000 | Irwindale | N/A ² | San Dimas | \$ 150,833,214 |
| Bell | \$ 49,000,000 | La Canada | | San Fernando | \$ 30,450,000 |
| Bell Gardens | \$ 41,900,000 | Flintridge | \$ 76,500,000 | San Gabriel | \$ 83,720,000 |
| Bellflower | \$ 70,149,037 | La Habra Heights | N/A ² | San Marino | \$ 50,890,000 |
| Beverly Hills | \$ 169,350,000 | La Mirada | \$ 5,500,000 | Santa Clarita | \$ 499,000,000 |
| Bradbury | \$ 67,056,839 | La Puente | \$ 136,827,000 | Santa Fe Springs | \$ 4,900,000 |
| Burbank | \$ 253,900,000 | La Verne | \$ 150,833,214 | Santa Monica | \$ 276,860,000 |
| Calabasas | \$ 166,866,306 | Lakewood | \$ 97,535,992 | Sierra Madre | \$ 30,478,919 |
| Carson | N/A ² | Lawndale | N/A ² | Signal Hill | \$ 24,091,899 |
| Cerritos | \$ 5,897,449 | Lomita | \$ 58,456,951 | South El Monte | \$ 82,210,000 |
| Claremont | \$ 101,268,635 | Long Beach | \$ 235,120,990 | South Gate | \$ 61,200,000 |
| Commerce | \$ 52,000,000 | Los Angeles City | \$ 8,758,005,653 | South Pasadena | \$ 35,190,000 |
| Compton | N/A ² | Los Angeles County | \$ 2,671,286,769 | Temple City | \$ 51,030,000 |
| Covina | \$ 156,413,000 | Lynwood | \$ 34,770,000 | Torrance | \$ 15,134,000 |
| Cudahy | \$ 31,000,000 | Malibu | \$ 20,100,000 | Vernon | \$ 35,700,000 |
| Culver City | \$ 220,434,605 | Manhattan Beach | \$ 45,600,000 | Walnut | N/A ² |
| Diamond Bar | \$ 6,400,000 | Maywood | \$ 30,900,000 | West Covina | \$ 380,459,000 |
| Downey | \$ 41,851,237 | Monrovia | \$ 261,638,275 | West Hollywood | \$ 98,660,000 |
| Duarte | \$ 172,160,698 | Montebello | \$ 141,470,000 | Westlake Village | \$ 52,918,491 |
| El Monte | N/A ² | Monterey Park | \$ 131,630,000 | Whittier | \$ 14,700,000 |
| El Segundo | \$ 41,912,644 | Norwalk | \$ 3,600,000 | | \$ 20,068,404,378 |
| Gardena | N/A ² | Palos Verdes | | | |
| Glendale | \$ 304,140,000 | Estates | \$ 5,000,000 | | |
| | | Paramount | \$ 58,755,896 | | |

MS4 Permit EWMP Issues

➤ Why are Costs So Insane? -- My Favorite:

- Lomita – less than two square miles
 - \$58.4 million by 2019
 - Is incorrectly lumped in with the Dominguez Channel EWMP Group
 - According to the MS4 Permit (attachment K) Lomita is not assigned to the Dominguez Channel Watershed and should not be subject to its TMDLs
 - Lomita is only subject to Machado Lake and its TMDLs (which are easier and less expensive to comply with)

MS4 Permit EWMP Issues

- Why Are Costs So Insane? - TMDLs Are Miss-Listed
 - Rio Hondo/San Gabriel River EWMP refers to Reach 3 of the Rio Hondo – there is no such thing
 - There is only Reach 1 and Reach 2 of the Rio Hondo
 - Since this could impact costs, the EWMP needs to be revised or eliminated

MS4 Permit EWMP Issues

➤ Why Are Costs So Insane?

- TMDLs are exaggerated or false
 - Several TMDLs are really not TMDLs – not on the State's 303(d) list which identifies TMDLs
 - Reach 2 of the Rio Hondo is not 303(d) listed for **metals** – still subject to this TMDL (affects Rio Hondo/San Gabriel River EWMP Group – e.g., Arcadia, Duarte, Monrovia, Sierra Madre)
 - Reach 2 of the Rio Hondo is not 303(d) listed for **trash** – still is subject to this TMDL
 - Reach 1 and 2 of the Arroyo Seco (e.g., South Pasadena and La Canada Flintridge) are not 303(d) listed for **metals** – still subject to this TMDL (affects Upper LA River TMDL)
 - Reach 1, 2, and 3 of the San Gabriel River are not listed for copper – still subject to this TMDL (affects the Upper SGR EWMP Group)

MS4 Permit EWMP Issues

➤ Why Are Costs So Insane?

- TMDLs are defective – they are based on wet weather instead of ambient (dry weather standards)
 - CWA Toxic Rule requires it
 - State Board WQO 2001-15 says there is no such thing as a wet weather standard in federal or state law

MS4 Permit EWMP Issues

➤ Why Are Costs So Insane?

- TMDL compliance is based on both outfall monitoring and receiving water monitoring
 - Should only be based on outfall monitoring
 - Complying with wet weather in the receiving water is much more difficult than complying with outfall discharges
- Meeting receiving water TMDLs requires more treatment and/or diversion of runoff away from rivers and channels (requiring more water to be infiltrated to the ground)
- This COSTS MORE MONEY – LOTS MORE!

MS4 Permit EWMP Issues

➤ Why So Costly?

- MS4 Permit requires compliance in both the outfall and the receiving water
 - Federal regulations only require compliance at the outfall, not in the receiving water, based water quality testing
 - Receiving water is more difficult to comply with (requires more water to infiltrate which requires more controls/larger ones)

MS4 Permit EWMP Issues

➤ Why So Costly?

- Permits requires non-stormwater discharges to comply with TMDLs
 - Federal regulations only require non-stormwater discharges to be prohibited or to be covered under a separate discharge permit

MS4 Permit EWMP Issues

➤ Why So Costly?

- MS4 Permit requires strict compliance with numeric TMDLs through effluent limitations (at the outfall)
 - Ninth Circuit Court did away with this requirement
 - Said permitting agency (water boards) are not required to comply with effluent limitations to meet water quality standards
 - Can meet water quality standards and TMDLs through BMPs to the Maximum Extent Practicable (means the iterative process, according State Board water quality orders and State Board policy)
- Regional Board took away or at least obscured the availability of the SWMP and the iterative process as a compliance determinant -- this is being challenged through litigation

MS4 Permit EWMP Issues

➤ Why So Costly?

■ Excessive Monitoring Requirements

- MS4 requires testing for TMDLs and other water quality standards and Municipal Action Levels
 - Should only require one or the other
 - Excessive wet weather monitoring – compliance determined at the outfall
- MS4 Permit requires Los Angeles River and San Gabriel River permittees to do monitoring related to the Dominguez Channel/Harbor Toxics TMDL – despite being in different watersheds and subject to different TMDLs
 - Several cities in the L.A. and San Gabriel Rivers that are above spreading grounds would never impact the harbors – yet they are still subject
 - San Gabriel River is several miles away from the harbors (flows into Seal Beach – not the Long Beach Harbor)

MS4 Permit EWMP Issues

- Disparity Between L.A. and North Orange County Permit – example of how L.A. MS4 Permit is very different
 - Several Cities subject to the North Orange County Permit are subject to the same TMDLs as Cities in L.A. County
 - Metals for Coyote Creek applies to, for example, Cerritos (in L.A. County) and La Palma (in North Orange County)
 - Cerritos must comply through a costly WMP
 - La Palma only needs to implement its SWMP (referred to as a Drainage Area Management Program) consisting of six programs – significantly less costly
 - Why is there such a great difference?
 - Same water quality issues
 - North Orange County is also experiencing a drought
 - Answer: ?

MS4 Permit EWMP Issues

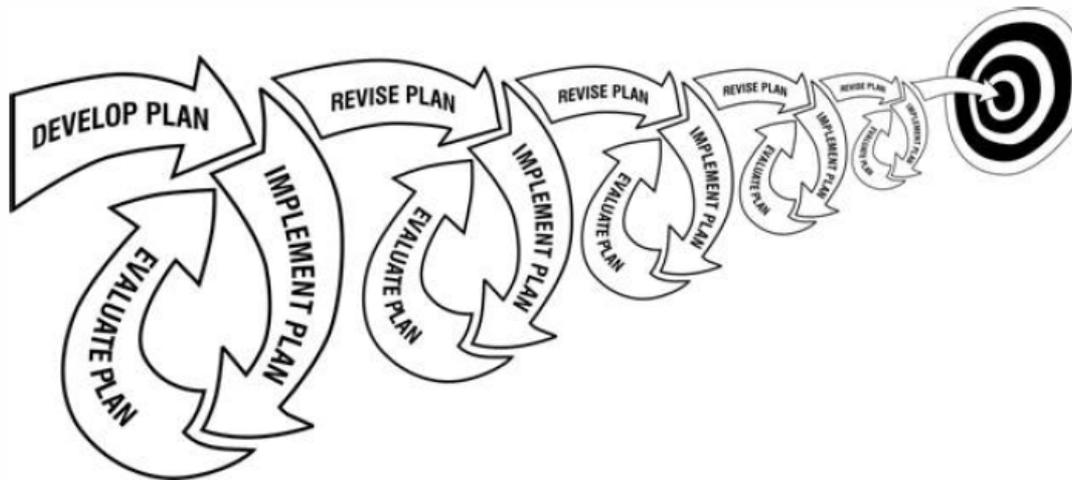
➤ Solutions

- Stay (temporarily void) the MS4 pending resolution of litigation
- Begin work on correcting TMDLs to be in keeping with federal law, USEPA guidance, and State Board Orders
- Work on an iterative process with performance benchmarks similar to the one for North Orange County

MS4 Permit Challenges

- Excerpt from USEPA Fact Sheet (Evaluating Municipal Storm Water Programs)

Operators of regulated MS4s are required to develop a stormwater management plan (SWMP) that includes measurable goals and to implement needed stormwater management controls (BMPs). The process of developing a plan, implementing the plan, and evaluating the plan is a dynamic, iterative process that helps move communities toward achievement of their goals (Figure 1).



MS4 Permit EWMP Issues

➤ Thanks