

## Los Angeles Regional Water Quality Control Board

October 2, 2015

Ms. Shauna Clark, City Manager  
City of La Habra Heights  
1245 N. Hacienda Road  
La Habra Heights, CA 90631

**APPROVAL, WITH CONDITIONS, OF THE CITY OF LA HABRA HEIGHTS INTEGRATED MONITORING PROGRAM, PURSUANT TO ATTACHMENT E, PART IV.A OF THE LOS ANGELES COUNTY MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT (NPDES PERMIT NO. CAS004001; ORDER NO. R4-2012-0175)**

Dear Ms. Clark:

The Los Angeles Regional Water Quality Control Board (Los Angeles Water Board or Board) has reviewed the revised monitoring program submitted on March 9, 2015 by the City of La Habra Heights (City). 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 an integrated monitoring program (IMP) 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 City's revised IMP and has determined that the IMP 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 City's draft IMP. A separate notice of availability regarding the draft monitoring programs, including the City's IMP, was directed to State Senators and Assembly Members within the Coastal Watersheds of Los Angeles County. During the review of the draft and revised IMP, the Los Angeles Water Board considered any comments applicable to the City's proposed IMP.

## **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 monitoring programs. On November 20, 2014, the Los Angeles Water Board sent a letter to the City detailing the Board's comments on the draft IMP and identifying the revisions that needed to be addressed prior to the Board's approval of the City's IMP. The letter directed the City to submit a revised IMP addressing the Los Angeles Water Board's comments. The City submitted its revised IMP on March 8, 2015 and resubmitted it on July 27, 2015 for Los Angeles Water Board review and approval.

In separate correspondence to all Permittees developing IMPs and Coordinated Integrated Monitoring Programs (CIMPs), the Los Angeles Water Board provided 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.

## **IMP Approval**

The Los Angeles Water Board hereby approves, subject to the following conditions, the City's February 17, 2015 revised IMP (as further revised on July 25, 2015). 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. Provide copies of the MOUs with the Upper San Gabriel River Watershed Management Group and the Lower San Gabriel River Watershed Management Group regarding collaboration on receiving water monitoring, including TMDL monitoring, as attachments to the Final IMP.
2. Clarify that aquatic toxicity monitoring in the receiving waters (per the USGR and LSGR CIMPs) and at the City's designated outfall monitoring locations will be consistent with Attachment E and the clarification memorandum on aquatic toxicity monitoring issued on August 7, 2015.
3. Section 3.5.1 of the revised IMP still notes that there are 10 HUC-12 areas within the City listed in Figure 2. Modify the discussion in the Final IMP to clarify that there are 10 subwatershed areas delineated within the City's jurisdiction, which fall within three HUC-12 areas, and provide a map showing the relationship between the 10 subwatershed areas and the three HUC-12 areas.
4. Resubmit all figures and maps, including those of the City's MS4, with the final IMP.
5. The text on Page 8 of the revised IMP has been corrected to specify how the Harbor Toxics TMDL will be addressed but Table 2-1 still needs to be revised to include pollutants addressed by the Harbors Toxics TMDL as Category 1 pollutants. These pollutants include: copper, zinc, lead, PAHs, DDT and PCBs.
6. While the Los Angeles Water Board adopted the Implementation Plan for the San Gabriel River and Impaired Tributaries Metals and Selenium TMDL in June 2013, the Basin Plan amendment did not become effective until October 13, 2014 when it received the final approval from the State Office of Administrative Law. The text on Page 9 of the revised IMP should be modified to list the final approval date of October 13, 2014, which is the date upon which the Basin Plan amendment became effective for regulatory purposes.

7. The text on page 12 regarding TMDL monitoring still indicates that the SGR Metals TMDL does not have an implementation schedule for complying with the Waste Load Allocations (see section 3.1, lines 4-5). Please revise this text consistent with Condition 6 above.
8. Section 3.1 also continues to reference Mass Emissions Stations S13 and S14 as the City's receiving water locations. Update this section based on the City's agreements with the USGR EWMP group and the LSGR WMP group for collaboration on receiving water monitoring.

The City shall submit a final IMP to the Los Angeles Water Board that satisfies all of the above conditions no later than **November 2, 2015**. Pursuant to Attachment E, Part IV.C.6 of the LA County MS4 Permit, the City must commence implementing its monitoring program within 30 days after this approval of the final IMP (i.e. no later than November 2, 2015). Please note that the City is responsible for complying with all reporting provisions included in Attachment E, Part XIV – XVIII and Section E of Part XIX, "Reporting Requirements for San Gabriel River WMA TMDLs," and Attachment D, Sections IV, V, and VII.A of the LA County MS4 Permit. The Group is also responsible for complying with applicable reporting provisions included in Section C of Part XIX, "Reporting Requirements for Dominguez Channel and Greater Harbors Waters WMA TMDLs." Finally, the City is also responsible for complying with the following requirements under Annual Reporting and Adaptive Management. Please note while the revised IMP states, "an existing monitoring site in the North Fork of Coyote Creek (NFC1) will be used to monitor trends in trace metals subject to the TMDL and responses to implementation of control measures," in the future the Los Angeles Water Board may require that the City conduct or collaborate on comprehensive receiving water monitoring for all parameters identified in Attachment E, Part VI.C and Part VI.D in the North Fork of Coyote Creek.

### **Annual Reporting**

Within the reporting year, through its Annual Report per Attachment E, Part XVIII of the LA County MS4 Permit, the City 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. Additionally, the annual report must include the analytical methods used for all analyses.

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 H 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 City 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 City.

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

If you have any questions, please contact Mr. Ivar Ridgeway, Chief of the Storm Water Permitting Unit, by electronic mail 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

cc: Joseph Hanna, City of La Habra Heights  
Cynthia Gabaldon CG Resource Management and Engineering