

# ATTACHMENT A

## Part 1

Notices of Intent





City of  
**SANTA CLARITA**

23920 Valencia Boulevard • Suite 300 • Santa Clarita, California 91355-2196  
Phone: (661) 259-2489 • FAX: (661) 259-8125  
[www.santa-clarita.com](http://www.santa-clarita.com)

June 28, 2013

Mr. Samuel Unger, P.E., Executive Officer  
California Regional Water Quality Control Board - Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Dear Mr. Unger:

**Subject: Letter of Intent City of Santa Clarita Upper Santa Clara River Watershed Enhanced Watershed Management Plan and Coordinated Integrated Monitoring Plan**

The City of Santa Clarita (City) submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Upper Santa Clara River Watershed stakeholders. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Upper Santa Clara River Watershed Group consists of the following agencies: City of Santa Clarita as coordinating agency for the EWMP and CIMP development, County of Los Angeles, and Los Angeles County Flood Control District. The Upper Santa Clara River Watershed Group has included a final draft Memorandum of Understanding as Attachment A of the Notice of Intent. The County and the City intend to submit a final Memorandum of Understanding to its Board of Supervisors and City Council for approval prior to December 28, 2013.

If you have any questions or need additional information, please contact me at (661) 255-4337.

Sincerely,

Kenneth W. Striplin  
City Manager

KS:HM:eg  
SAENVSRVCS\NPDES\2012 Permit\NOI\Santa Clarita Notice of Intent Ltr.doc

Enclosures

cc: Robert Newman, Director of Public Works  
Travis Lange, Environmental Services Manager  
Joe Montes, City Attorney





GAIL FARBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

June 24, 2013

IN REPLY PLEASE  
REFER TO FILE: WM-7

Mr. Samuel Unger, P.E., Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

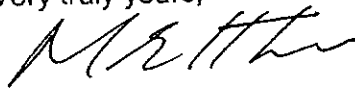
**LETTER OF INTENT – COUNTY OF LOS ANGELES  
UPPER SANTA CLARA RIVER WATERSHED  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The County of Los Angeles (County) submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Upper Santa Clara River Watershed Group. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Upper Santa Clara River Watershed Group consists of the following agencies: City of Santa Clarita as the coordinating agency for EWMP and CIMP development, County, and Los Angeles County Flood Control District. The Upper Santa Clara River Watershed Group has included a final draft Memorandum of Understanding as Attachment A of the Notice of Intent. The County intends to submit a final Memorandum of Understanding to its Board of Supervisors for approval prior to December 28, 2013.

If you have any questions, please contact Ms. Angela George at (626) 458-4325 or [ageorge@dpw.lacounty.gov](mailto:ageorge@dpw.lacounty.gov).

Very truly yours,

  
for GAIL FARBER  
Director of Public Works

GC:jht  
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cc: City of Santa Clarita



# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

GAIL FARBER, Director

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
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ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
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IN REPLY PLEASE  
REFER TO FILE: WM-7

June 24, 2013

Mr. Samuel Unger, P.E., Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – LOS ANGELES COUNTY FLOOD CONTROL DISTRICT  
UPPER SANTA CLARA RIVER WATERSHED  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The Los Angeles County Flood Control District (LACFCD) submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Upper Santa Clara River Watershed Group. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Upper Santa Clara River Watershed Group consists of the following agencies: City of Santa Clarita as the coordinating agency for EWMP and CIMP development, County of Los Angeles, and LACFCD. The Upper Santa Clara River Watershed Group has included a final draft Memorandum of Understanding as Attachment A of the Notice of Intent. The LACFCD intends to submit a final Memorandum of Understanding to the County of Los Angeles Board of Supervisors (which is the LACFCD's governing body) for approval prior to December 28, 2013.

If you have any questions, please contact Ms. Terri Grant at (626) 458-4309 or [tgrant@dpw.lacounty.gov](mailto:tgrant@dpw.lacounty.gov).

Very truly yours,

GAIL FARBER  
Chief Engineer of the Los Angeles County Flood Control District

GC:jht

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cc: City of Santa Clarita

## Notice of Intent

# Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program

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### SECTION 1. PROGRAM TYPE AND PERMITTEES

The Permittees (listed in **Table 1**) that are party to this Notice of Intent (NOI) hereby notify the Los Angeles Regional Water Quality Control Board (Regional Water Board) of their intent to develop an Enhanced Watershed Management Plan (EWMP) for the Upper Santa Clara River Watershed. This NOI is being submitted in accordance with Part VI.C.4.b.i of Order R4-2012-0175. Permittees meet the LID and Green Street conditions and will submit a Work Plan within 18 months of the effective date of the Order R4-2012-0175 (June 28, 2014) and will submit the Draft EWMP within 30 months of the effective date of Order R4-2012-0175 (June 28, 2015).

The Permittees (listed in **Table 1**) that are party to this NOI hereby notify the Regional Water Board of their intent to develop a Coordinated Integrated Monitoring Program (CIMP). The Permittees intend to follow a CIMP approach for each of the required monitoring plan elements and will submit the CIMP within 18 months of the effective date of Order R4-2012-0175 (June 28, 2014).

**Table 1. Enhanced Watershed Management Program Permittees**

City of Santa Clarita
Los Angeles County
Los Angeles County Flood Control District

### SECTION 2. TOTAL MAXIMUM DAILY LOADS ESTABLISHED WATER QUALITY BASED EFFLUENT LIMITATIONS:

**Table 2** lists applicable interim and final trash Water Quality Based Effluent Limitations (WQBELs) and all other final WQBELs and receiving water limitations established by Total Maximum Daily Loads (TMDLs) and identified by Section VI.C.4.B.ii of the Order. However, per the Nutrients TMDL and the Chloride TMDL for the Santa Clara River, the primary source of these pollutants is not the storm drain system.

**Table 2. Applicable Interim and Final Trash WQBELs and all other Final WQBELs and Receiving Water Limitations<sup>1</sup> Occurring Before Enhanced Watershed Management Program Approval**

TMDL Order	WQBEL	Interim/Final	Compliance Date
Santa Clara River Nutrients TMDL	Reach 5 Total Ammonia as Nitrogen 1-hr average 5.2 mg/L 30 day average 1.75 mg/L  Nitrate as Nitrogen plus Nitrite as Nitrogen 30 day average 6.8 mg/L	Final	April 6, 2010
Santa Clara River Chloride TMDL	Reach 5 and 6 100 mg/L	Final	March 23, 2004
Lake Elizabeth, Munz Lake, Lake Hughes Trash TMDL R4-2007-009	20% drainage area covered by Full Capture System	Interim	March 6, 2012
	40% drainage area covered by Full Capture System	Interim	March 6, 2013
	60% drainage area covered by Full Capture System	Interim	March 6, 2014
	80% drainage area covered by Full Capture System	Interim	March 6, 2015
	100% drainage area covered by Full Capture System	Final	March 6, 2016
<sup>1</sup> Per Order R4-2012-0175, interim and final WQBELs are listed for trash TMDL and final WQBELs are listed for other pollutants.			

### SECTION 3. IDENTIFY TMDL CONTROL MEASURES:

The Permittees to this EWMP are responsible for one TMDL that has interim (trash only) and final WQBELs that occur prior to the anticipated approval of the Program. **Table 3** identifies the control measures being implemented by each Permittee for the TMDL. The Permittees will continue to implement these measures during the development of the EWMP.



**Table 3. Control Measures that will be Implemented Concurrently with EWMP Development for TMDLs**

TMDL	Permittees	Implementation Plan and Control Measures	Status of Implementation
Lake Elizabeth, Trash TMDL R4-2007-009	County of Los Angeles	Five Full Capture Devices Required to achieve the final WLAs	Completed as of September 2012

#### SECTION 4. DEMONSTRATION OF MEETING LID ORDINANCE AND GREEN STREET POLICY REQUIREMENTS:

The Permittees that are party to this NOI have LID ordinances and Green Streets policies in place or in development. **Table 4** summarizes the status of the Permittees' LID ordinances and **Table 5** summarizes the status of the Permittees' Green Streets policies. More than 50% of the MS4 watershed area that will be addressed by the EWMP is covered by LID ordinances and Green Streets policies. County of Los Angeles and City of Santa Clarita Draft Green Streets Policy and Draft LID Ordinance are available on request.

**Table 4. Status of LID Ordinance Coverage of the MS4 Watershed Area Addressed by the EWMP**

Permittee	LID Ordinance (Indicate Status)	MS4 Watershed Area for which Permittee is Responsible [acres]	MS4 Watershed Area Covered by Permittee's LID Ordinance [acres]	Percentage of Watershed Area
City of Santa Clarita	In Development	39,450.9		
County of Los Angeles	Draft Ordinance	81,972.1	81,972.1	67.5
LACFCD	N/A	N/A	N/A	N/A
Total MS4 Watershed Area		121,423		
Total MS4 Watershed Area Covered by LID Ordinances			121,423	
% of MS4 Watershed Area Covered by LID Ordinance)				67.5%
Status Descriptions:				
<ul style="list-style-type: none"> <li>• Draft Ordinance – Permittee has completed, or will complete by June 28, 2013, the development of a draft LID Ordinance that is in compliance with the requirements of Order R4-2012-0175 for its portion of the MS4 watershed.</li> <li>• In Development – Permittee initiated development of an LID Ordinance that is in compliance with the requirements of Order R4-2012-0175 for its portion of the MS4 in the watershed within 60 days of the effective date of Order R4-2012-0175 and will have a draft ordinance.</li> </ul>				

**Table 5. Status of Green Street Policy Coverage of the MS4 Watershed Area Addressed by the EWMP**

Permittee	Green Street Policy (Indicate Status)	MS4 Watershed Area for which Permittee is Responsible [acres]	MS4 Watershed Area Covered by Permittee's LID Ordinance [acres]	Percentage of Watershed Area
City of Santa Clarita	In Place	39,450.9	39,450.9	32.5
County of Los Angeles	Draft Policy	81,972.1	81,972.1	67.5
LACFCD	N/A	N/A	N/A	N/A
Total MS4 Watershed Area		121,423		
Total MS4 Watershed Area Covered by Green Street Policies			121,423	
% of MS4 Watershed Area Covered by Green Street Policies				100
Status Descriptions:				
<ul style="list-style-type: none"> <li>• In Place – Permittee has adopted a Green Street Policy that is in compliance with the requirements of Order R4-2012-0175 for its portion of the MS4 in the watershed.</li> <li>• Draft Policy – Permittee has completed, or will complete by June 28, 2013, the development of a draft Green Street Policy that is in compliance with the requirements of Order R4-2012-0175 for its portion of the MS4 watershed.</li> <li>• In Development – Permittee initiated development of a Green Street Policy that is in compliance with the requirements of Order R4-2012-0175 for its portion of the MS4 in the watershed within 60 days of the effective date of Order R4-2012-0175 and will have a draft policy.</li> </ul>				

## SECTION 5. GEOGRAPHIC SCOPE OF ENHANCED WATERSHED MANAGEMENT PROGRAM:

The geographic scope covered by this EWMP is the portion of the upper Santa Clara River in Los Angeles County and the City of Santa Clarita that is regulated by the Los Angeles County MS4 NPDES Permit. The scope excludes state and federal lands, including the Angeles National Forest and the state parks lands. The Angeles National Forest and the state parks lands are outside Los Angeles County MS4 NPDES Permit regulation and therefore not subject to the conditions of this permit. The upper Santa Clara River watershed covered by the EWMP encompasses approximately 121,423 acres. The entire Santa Clara River Watershed is 1,634 square miles, which includes the land area within Ventura County as well as national forest and state park land that is not included in this EWMP. **Table 6** provides a breakdown of the land area within the EWMP by Permittee and the land area of the upper Santa Clara River outside of NPDES Permit conditions that are not included in the EWMP. **Figure 1** provides a map of the watershed boundaries and notes the jurisdictional boundaries of the Permittees and other pertinent entities in the upper Santa Clara River. Of the total watershed area, the City of Santa Clarita and County of Los Angeles have jurisdiction over 46% of the land area. The City of Santa Clarita and County of Los Angeles do not have jurisdiction over lands owned by the State of California or the federal government including the Angeles National Forest and state owned open space lands.



**Table 6. Approximate Land Area within EWMP and Other Watershed Areas**

Permittee	EWMP Agency	Approximate Land Area (Acres or Square Miles)
<b>Watershed Lands Within EWMP Area For Which the Permittees are Responsible</b>		
County of Los Angeles	Yes	81,972.1
City of Santa Clarita	Yes	39,450.9
Los Angeles County Flood Control District	Yes	N/A
<b>Approximate Area of EWMP Agencies</b>		<b>121,423</b>
<b>Watershed Lands Outside of EWMP and NPDES Permit Conditions</b>		
State Parks Land (upper Santa Clara only)	No	344
Angeles National Forest	No	140,981
<b>Approximate Total Upper Santa Clara River Watershed</b>		<b>262,748</b>

## **SECTION 6. PLAN CONCEPT AND INTERIM MILESTONES AND DEADLINES:**

Unlike other watersheds, MS4 TMDL implementation plans have not been developed for the upper Santa Clara River watershed. However, the County of Los Angeles and City of Santa Clarita have a long history of collaboration to solve problems. The EWMP area is part of an integrated regional water management plan. Through the Upper Santa Clara River Integrated Regional Water Management Plan the County of Los Angeles and the City of Santa Clarita work collaboratively with local water retailers and suppliers, the Santa Clarita Valley Sanitation District, and local stakeholders to prioritize projects that improve water management in the region. This tradition continues through an agreement to work together on the EWMP. The City of Santa Clarita and the County of Los Angeles were in discussions to work together on the bacteria TMDL as the new NPDES Permit was adopted. Those efforts have been modified to incorporate the EWMP requirements. The City of Santa Clarita will act as coordinating agency for the effort working collaboratively with County of Los Angeles and the many other stakeholders in the area to develop and analyze EWMP efforts and projects. Volunteer efforts, such as the annual River Rally clean up, will also be incorporated to gain community support for the EWMP.

Protecting the environment has always been a priority for the area. The upper Santa Clara River watershed provides a unique interface between a natural river and developed areas. The City has endeavored to protect and restore the Santa Clara River through land acquisitions and invasive



species removal projects. The City has preserved 7,955 acres of open space and County of Los Angeles has over 2,200 acres. This is in addition to the nearly 140,000 acres of national forest land. Over 117 species of threatened, endangered or sensitive plant and wildlife species have been recorded in the Santa Clara River watershed. The EWMP will help continue and build on existing efforts to conserve and restore the Santa Clara River.

The primary approach to the EWMP will include the most community friendly and cost effective methods of reducing urban runoff pollution. The economic impacts will be an important part of the analysis of any project. In order to control costs and provide the most cost effective approach, the EWMP Group will consider the following methods to reduce pollutants. These efforts can be applied to any pollutant.

- Active source control
- Business training and outreach
- Outreach to residents
- Incentive programs
- Closer collaboration on outdoor water use and landscape management with water suppliers
- Adaptive management to prioritize potential enforcement actions
- Continued active pursuit of open space

The EWMP will also evaluate multi-benefit regional projects that will retain, through infiltration or capture and reuse, the storm water volume from the 85th percentile, 24-hour storm for the drainage areas tributary to projects. The Santa Clarita Valley currently has excellent infiltration of storm water and dry weather flows in many areas, including the riverbed itself.

Consistent with the Open Space and Conservation Element of the City General Plan and County General Plan for the Santa Clarita Valley, the EWMP concept will focus on government, business, and citizens working together to create a vision of sustainable development that includes both human and environmental wellness and economic viability, or sustainability.

Using these considerations, multi-benefit regional projects will be evaluated for feasibility alongside other watershed control measures to work toward MS4 discharge compliance with all interim and final WQBELs. The evaluation will include source identification and analysis to determine the best course of action considering human and environmental wellness, stakeholder input, Technical Advisory Committee feedback, economic considerations and practicability and feasibility of proposed projects. The resulting prioritized projects will form the basis of the proposed EWMP.

To develop the EWMP and CIMP, the City and County will develop a Work Plan outlining the proposed approach to development of the EWMP. To ensure adequate progress is being made to achieve the permit deadlines, interim milestone and deadlines for Work Plan, CIMP, and EWMP Plan development were identified and are summarized in Table 7.

**Table 7. Enhanced Watershed Management Program Interim Milestones and Deadlines**

<b>Table 7. Enhanced Watershed Management Program Interim Milestones and Deadlines</b>	<b>Deadline</b>
Sign MOU and award contract	July 2013 *
Compile technical memorandum of water quality priorities	December 2013 *
Complete internal draft of EWMP Work Plan	February 2014 *
Complete draft CIMP	February 2014 *
Technical Advisory Committee Review and Comments on CIMP and draft EWMP Work Plan	April 2014 *
Submit final EWMP Work Plan	June 2014
Submit final CIMP	June 2014
Conduct initial RAA based on selected watershed control measures	December 2014*
Complete internal draft of EWMP	March 2015 *
Submit draft EWMP to Regional Water Board	June 2015
Submit Final EWMP to Regional Water Board (revised based on to Regional Water Board comments)	January 2016

\* DATES ARE TENTATIVE ESTIMATES AND MAY CHANGE ON AN AS NEEDED BASIS

## **SECTION 7. COST ESTIMATE:**

The cost estimate for the development of the EWMP is \$745,800 and the CIMP is \$100,000. This does not include implementation costs or ongoing maintenance costs. It is estimated that the cost of staff time for both City and County to administer, research, evaluate and prepare for reviews and approvals will exceed several hundred thousand dollars over the 30 month period.

## **SECTION 8. PERMITTEE MEMORANDUM OF UNDERSTANDING:**

All Permittees to the EWMP are committed to the completion of the program development.

A copy of the final draft Memorandum of Understanding with a signed letter of intent for the County of Los Angeles, City of Santa Clarita, and the Los Angeles County Flood Control District are included in **Attachment A**

## **SECTION 9. COMMITMENT TO IMPLEMENT A STRUCTURAL BMP OR SUITE OF BMPS:**

The Permittees listed in **Table 8** will implement the identified suite of BMPs to fulfill the obligations under Part VI.C.b.iii. (5).



**Table 8. Structural BMP or Suite of BMPs to be Implemented in the EWMP Watershed**

<b>Watershed</b>	<b>Permittee</b>	<b>Structural BMP or Suite of BMPs to be Implemented</b>	<b>Planned Implementation Date</b>
Santa Clara River	County of Los Angeles	Trash removal BMPs for up to 79 storm drain inlets in commercial and industrial park	July 2015
Santa Clara River	City of Santa Clarita	Trash removal BMPs for up to 110 storm drain inlets in commercial and industrial park	July 2015

#### **SECTION 10. INCORPORATION OF THE LOS ANGELES RIVER WATERSHED PORTION OF THE CITY OF SANTA CLARITA INTO EWMP**

The City of Santa Clarita is also including an extremely small area, 0.09 square miles (or 0.233 square kilometers) of the Los Angeles River watershed located within City limits in this Notice of Intent. The map of this area is in **Figure 2**. This small area is rural and undeveloped. There are no storm drains, gutters, catch basins, or Municipal Separate Storm Sewer Systems (MS4s) in this location. When it rains, the single paved road sheds water by sheet-flow to the surrounding open areas. The nearest tributary to the Los Angeles River is Bull Creek, which is located approximately 7 miles from this location. The City of Santa Clarita submitted a letter to the Regional Water Quality Control Board dated April 11, 2013 regarding the Los Angeles River Bacteria TMDL. In this letter we requested a revision to the square footage of Los Angeles River watershed that was within City limits and incorporation of this portion of the Los Angeles River Watershed into the EWMP process for the Santa Clara River That request is pending. Nevertheless, the City would proceed with conditioning development and requiring post construction best management practices as required by the MS4 NPDES Permit in the area. In order to meet the deadline required by the NOI, the City has included this section to address the small area and to incorporate it into the larger EWMP process. The TMDLs that will be included during the EWMP development period for the Los Angeles River that affect that reach are listed in **Table 9**.

In spite of its rural characteristics, the road is swept on a weekly basis and the City monitors the area regularly for any illegal dumping activity. Based on the Santa Clara River TMDL for Nitrogen and Effects TMDL modeling, aerial deposition of air pollution undeveloped lands is second highest source of nitrogen loading in the area. As referenced in Tables 4 and 5 the City of Santa Clarita is in the process of meeting the LID and green streets policies as required. The area would be incorporated as part of the EWMP analysis. The timelines are outlined in **Table 7**. It is anticipated the area would be assessed for pollution sources and considered for appropriate best management practices, including infiltration of the 85<sup>th</sup> percentile storm, from projects that propose installation of storm drains or new development. The City would follow its sustainability philosophy and pollutant prioritization to determine the best way to address this small drainage area in the City limits that is largely undeveloped open space.

Los Angeles County has developed its own compliance path for the Los Angeles River due to the large unincorporated lands in that watershed. Therefore, the areas for consideration in the EWMP are unique to the City of Santa Clarita. However, due to the nature of the joint relationship with Los Angeles County in this endeavor, it is difficult to separate out the work in the EWMP. Working with a single consultant is critical to efficient and cost effective work. Therefore, the intent is to incorporate only the City's area into the analysis and sequence the work appropriately. Therefore, this small portion will be incorporated under the same EWMP contract and effort.

**Table 9. Los Angeles River Interim and Final Trash WQBELs and all other Final WQBELs and Receiving Water Limitations Occurring Before Enhanced Watershed Management Program Approval**

<b>TMDL Order</b>	<b>WQBEL</b>	<b>Interim or Final</b>	<b>Compliance Date</b>
<b>Los Angeles River Nitrogen Compounds and Related Effects TMDL R12 - 010</b>	<b>NH3-N (ammonia) One-hour average 10.1 mg/l</b>	<b>Final</b>	<b>December 28, 2012</b>
	<b>NH3-N (ammonia) 30 day average 2.3 mg/l</b>		
	<b>NO3-N (nitrate) 30 day average 8.0 mg/l</b>		
	<b>NO2-N (nitrite) 30 day average 1.0 mg/l</b>		
	<b>NO3-N + NO2-N 30 day average 8.0 mg/l</b>		
<b>Los Angeles River Watershed Trash TMDL - 2007 - 012</b>	30% of baseline	Interim	September 30, 2012
	20% of baseline	Interim	September 30, 2013
	10% baseline	Interim	September 30, 2014
	3.3% baseline	Interim	September 30, 2015
	0 percent baseline	Final	September 30, 2016



**CITY OF LOS ANGELES**  
CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

BOARD OF  
**PUBLIC WORKS**

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ALEXANDER E. HELOU  
ASSISTANT DIRECTORS

NEIL M. GUGLIELMO  
ACTING CHIEF FINANCIAL OFFICER

**WATERSHED PROTECTION DIVISION**  
1149 SOUTH BROADWAY, 10<sup>TH</sup> FLOOR  
LOS ANGELES, CA 90015  
TEL: (213) 485-0587  
FAX: (213) 485-3939

June 27, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

Dear Mr. Unger:

**SUBMITTAL OF NOTICE OF INTENT FOR DEVELOPMENT OF ENHANCED  
WATERSHED MANAGEMENT PROGRAM AND COORDINATED INTEGRATED  
MONITORING PROGRAM FOR THE UPPER LOS ANGELES RIVER WATERSHED  
MANAGEMENT AREA GROUP**

Please find attached the Notice of Intent (NOI) for the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) for the Upper Los Angeles River Watershed Management Area Group (ULARWMA). The participating permittees of the ULARWMA Group have mutually agreed to a collaborative approach in meeting the requirements of the new MS4 Permit (Order No. R4-2012-0175). Please note that the ULARWMA Group does not have all MS4 permittees in the Upper Los Angeles River watershed participating as some have opted to develop their own strategy in complying with the MS4 Permit. The City of Los Angeles, as lead agency for the ULARWMA Group, has prepared this Notice of Intent on behalf of itself, the County of Los Angeles and Los Angeles County Flood Control District, and the Cities of Alhambra, Burbank, Calabasas, Glendale, Hidden Hills, La Canada Flintridge, Montebello, Monterey Park, Pasadena, Rosemead, San Gabriel, South Pasadena, San Marino, Temple City. All agencies have reviewed and approved this NOI for submission to your Board, and we appreciate the collaboration by the participating MS4 co-permittees in the preparation of the NOI materials.

The attached document satisfies the requirements for submitting the NOI as provided by Part VI.C.4.b of the MS4 Permit and the CIMP notification requirements as provided by Attachment E Section IV.C.1. We look forward to continuing the process of plan developments for the




Mr. Samuel Unger, Executive Officer  
June 27, 2013  
Page 2

ULARWMA group with the Technical Advisory Committee, the Los Angeles Regional Water Quality Control Board, and other watershed stakeholders.

Should you have any questions about this submittal, please contact me at [Shahram.Kharaghani@lacity.org](mailto:Shahram.Kharaghani@lacity.org) or phone (213) 485-0587 or your staff may contact Alfredo Magallanes at [Alfredo.Magallanes@lacity.org](mailto:Alfredo.Magallanes@lacity.org) or phone (213) 485-3958.

Sincerely



SHAHRAM KHARAGHANI, Ph.D., PE, BCEE  
Program Manager

SK:AM:am  
WPDCR9047

Attachment

cc: Renee Purdy, California Regional Water Quality Control Board, Los Angeles Region  
Ivar Ridgeway, California Regional Water Quality Control Board, Los Angeles Region  
Enrique Zaldivar, City of Los Angeles, Bureau of Sanitation  
Adel Hagekhalil, City of Los Angeles, Bureau of Sanitation  
Gary Hildebrand, County of Los Angeles, Department of Public Works  
Jolene Guererro, County of Los Angeles, Department of Public Works  
Alvin Cruz, City of Burbank  
Alex Farassati, City of Calabasas  
Amy Ho, City of Monterey Park  
Armond Ghazarian, County of Los Angeles, Department of Public Works  
David Dolphin, City of Alhambra  
Daren Grilley, City of San Gabriel  
Edward Hitti, City of La Canada Flintridge  
Elaine Unitake, County of Los Angeles,  
Elroy Kiepke, Willdan Engineering  
John Hunter, John L. Hunter and Associates  
Joe Bellomo, City of Hidden Hills,  
Kevin Sales, City of San Marino  
Luis Perez, County of Los Angeles  
Mark Perisco, City of Temple City  
Maurice Oillataguerre, City of Glendale,  
Michelle Marquez-Riley, City of El Monte  
Mikki Klee, John Hunter and Associates  
Norma Salinas, City of Montebello  
Sean Sullivan, City of Rosemead  
Sheila Kennedy, Enfact Solutions  
Shin Furukawa, City of South Pasadena  
Steve Walker, City of Pasadena  
Tona Avalos, County of Los Angeles, Department of Public Works  
Ying Kwan, City of La Canada Flintridge

# NOTICE OF INTENT

## Enhanced Watershed Management Program and Coordinated Integrated Monitoring Program

Submitted by the:

### **Upper Los Angeles River Watershed Group**

City of Los Angeles

County of Los Angeles

Los Angeles County Flood Control District

City of Alhambra

City of Burbank

City of Calabasas

City of Glendale

City of Hidden Hills

City of La Canada Flintridge

City of Montebello

City of Monterey Park

City of Pasadena

City of Rosemead

City of San Gabriel

City of San Marino

City of South Pasadena

City of Temple City

June 28, 2013



## 1. Introduction

The Upper Los Angeles River Watershed Group respectfully submits this Notice of Intent (NOI) to develop an Enhanced Watershed Management Program (EWMP) for the Upper Los Angeles River Watershed per Part VI.C.4.b.i of Order No. R4-2012-0175 (MS4 Permit). The Upper Los Angeles River Watershed Group (Group) includes the following entities: the Cities of Los Angeles, Alhambra, Burbank, Calabasas, Glendale, Hidden Hills, La Canada Flintridge, Montebello, Monterey Park, Pasadena, Rosemead, San Gabriel, San Marino, South Pasadena, and Temple City; the County of Los Angeles; and, the Los Angeles County Flood Control District. This NOI includes a statement of the Group's intent to follow a Coordinated Integrated Monitoring Program (CIMP) approach.

The Los Angeles River Watershed encompasses approximately 834 square miles and includes 43 different cities as well as unincorporated Los Angeles County. The 303(d) List has identified the Los Angeles River Watershed as being impaired by several pollutants. Accordingly, the California Regional Water Quality Control Board, Los Angeles Region (LARWQCB) and the U.S. Environmental Protection Agency (USEPA) have adopted and/or established several TMDLs for the receiving waters throughout the Los Angeles River Watershed. The Group proposes the development of an EWMP specifically for the Upper Los Angeles River Watershed as the most effective approach to utilize opportunities to retain and reuse runoff and to address the unique challenges of the watershed. The Group does not include all jurisdictions located within the watershed; thus, this EWMP and CIMP will only apply to those areas governed by the participating entities, delineated in Attachment 1. All drainage infrastructure operated and maintained by the LACFCD within the boundaries shown in Attachment 1 are also covered under this EWMP and CIMP.

The Group has been collaborating since the first Los Angeles River Watershed TMDLs were adopted by the LARWQCB. TMDL-related monitoring in the Upper Los Angeles River Watershed has been implemented in a coordinated manner and is being cost-shared by all Upper Los Angeles River Watershed Group members as well as Caltrans.

The City of Los Angeles will act as the lead agency for developing the EWMP and CIMP; however, development of the Work Plan, CIMP, and EWMP Plan will be a collaborative process between all members of the Group, coordinated with the Technical Advisory Committee as well as with watershed stakeholders.

The following sections:

- a) Satisfy the EWMP requirements for NOI submittal as provided by Section VI.C.4.b of the MS4 Permit;
- b) Satisfy the CIMP notification requirements as provided by Attachment E Section IV.C.1.; and,
- c) Provide the LARWQCB with additional information on the approach that the Group intends to follow for EWMP development.

## 2. Notification of Intent (Section VI.C.4.b.i and Attachment E Section IV.C.1.)

With this NOI, the Group hereby notifies the LARWQCB of their intention to collaboratively develop an EWMP for the Upper Los Angeles River Watershed, request a Work Plan due date of 18 months after the effective date of the MS4 Permit (June 28, 2014), and request a draft EWMP Plan due date of 30 months after the effective date of the MS4 Permit (June 28, 2015).

Additionally, with this NOI, the Group notifies the LARWQCB of their intention to collaboratively develop a CIMP for the Upper Los Angeles River Watershed, and request a draft CIMP due date of 18 months after the effective date of the MS4 Permit (June 28, 2014).

## 3. Interim and Final TMDL Compliance Deadlines (Section VI.C.4.b.ii)

Table 1 lists the TMDLs that apply to the Upper Los Angeles River subwatershed of the Los Angeles River Watershed Management Area. Interim and final compliance deadlines of the Los Angeles River Watershed Trash



TMDL and final compliance deadlines of other TMDLs occurring prior to the anticipated approval date of the EWMP (April 28, 2016) are included in Table 2.

The watershed control measures that will be implemented to meet the requirements of the interim and final trash water quality based effluent limits (WQBELs) and all other final WQBELs are described in more detail in Section 12 of this NOI submittal.

**Table 1. TMDLs Applicable to Upper Los Angeles River Watershed**

TMDL	LARWQCB Resolution Number	Effective Date and/or EPA Approval Date
Los Angeles River Watershed Trash TMDL	2007-012	09/23/2008
Los Angeles River Nitrogen Compounds and Related Effects TMDL	2003-009	03/23/2004
Los Angeles River Watershed Bacteria TMDL	R10-007	03/23/2012
Los Angeles River and Tributaries Metals TMDL	2007-014	10/29/2008
Legg Lake Trash TMDL	2007-010	03/06/2008
Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL	R11-008	03/23/2012
Long Beach City Beaches and Los Angeles River Estuary Bacteria TMDL	USEPA Established TMDL	03/26/2012
Los Angeles Area Lakes TMDLs for Lake Calabasas, Echo Park Lake, and Legg Lake	USEPA Established TMDL	03/26/2012

**Table 2. Interim (Trash) and Final TMDL Compliance Deadlines Prior to EWMP Approval**

TMDL	Milestone	Interim/Final	Deadline
Los Angeles River Watershed Trash TMDL	20% reduction of baseline load	Interim	09/30/2005
	30% reduction of baseline load	Interim	09/30/2006
	40% reduction of baseline load	Interim	09/30/2007
	50% reduction of baseline load	Interim	09/30/2008
	60% reduction of baseline load	Interim	09/30/2009
	70% reduction of baseline load	Interim	09/30/2010
	80% reduction of baseline load	Interim	09/30/2013
	90% reduction of baseline load	Interim	09/30/2014
	96.7% reduction of baseline load	Interim	09/30/2015
	100% reduction of baseline load	Final	09/30/2016
Legg Lake Trash TMDL	20% reduction of baseline load	Interim	03/06/2012
	40% reduction of baseline load	Interim	03/06/2013
	60% reduction of baseline load	Interim	03/06/2014
	80% reduction of baseline load	Interim	03/06/2015
	100% reduction of baseline load	Final	03/06/2016
Los Angeles River Watershed Nitrogen Compounds and Related Effects TMDL	100% of MS4 drainage area complies with waste load allocations	Final	03/23/2004

#### 4. Geographical Scope (Section VI.C.4.b.iii.(1))

As previously mentioned, this EWMP for the Upper Los Angeles River Watershed only covers the areas associated with the participating entities, known collectively as the Upper Los Angeles River Watershed Group (Group). The Group includes the Cities of Los Angeles, Alhambra, Burbank, Calabasas, Glendale, Hidden Hills, La Canada Flintridge, Montebello, Monterey Park, Pasadena, Rosemead, San Gabriel, San Marino, South Pasadena, and Temple City; the County of Los Angeles, and the Los Angeles County Flood Control District (LACFCD). Thus, the area

included in this Upper Los Angeles River Watershed EWMP is approximately 479 square miles. This includes the drainage infrastructure operated and maintained by the LACFCD within the above jurisdictions as well as those within the non-participating Cities of San Fernando, Compton, Irwindale, El Monte, and South El Monte. Attachment 1 provides a map of the watershed boundaries, land areas of the participating MS4 Permittees, and the other entities within the watershed that will be covered in this EWMP.

The Los Angeles River is approximately 55 miles long. The natural hydrology of the Los Angeles River Watershed has been altered by channelization and the construction of dams and flood control reservoirs. The Los Angeles River and many of its tributaries are lined with concrete for most or all of their lengths. Soft-bottomed segments of the Los Angeles River occur where groundwater upwelling prevented armoring of the river bottom.

The Los Angeles River has been divided into six reaches (listed here from upstream to downstream):

- Reach 6 begins at the headwaters of the Los Angeles River (the confluence of Arroyo Calabasas and Bell Creek) and extends to Balboa Boulevard.
- Reach 5 runs from Balboa Boulevard through the Sepulveda Basin.
- Reach 4 runs from Sepulveda Dam to Riverside Drive.
- Reach 3 runs from Riverside Drive to Figueroa Street.
- Reach 2 runs from Figueroa Street to Carson Street.
- Reach 1 runs from Carson Street to the estuary.

In addition, the Los Angeles River is also divided into five segments:

- Segment A includes lower Reach 2 and Reach 1 from Rosecrans Avenue to Willow Street.
- Segment B includes upper and middle Reach 2 from Figueroa Street to Rosecrans Avenue.
- Segment C includes lower Reach 4 and Reach 3 from Tujunga Avenue to Figueroa Street.
- Segment D includes Reach 5 and upper Reach 4 from Balboa Boulevard to Tujunga Avenue.
- Segment E includes Reach 6 from the headwaters of the Los Angeles River to Balboa Boulevard.

Major tributaries to Upper Los Angeles River Watershed include Aliso Creek, Bell Creek, Bull Creek, Tujunga Wash, Burbank Western Channel, Arroyo Seco, Rio Hondo, and Compton Creek.

The total area of the Upper Los Angeles River Watershed is XX square miles; however, this EWMP only covers the areas associated with the Group, encompassing approximately XX square miles. Table 3 provides a summary of the areas associated with the participating MS4 Permittees and other participating agencies. Collectively, the MS4 Permittees in the Upper Los Angeles River Watershed have jurisdiction over 479, square miles or 57.43% of the total watershed area. The Group has no jurisdiction over the land that is owned by the State of California (i.e., California Department of Fish and Wildlife, the State Lands Commission, and Caltrans) and the US Government.



Table 3. Upper LA River Watershed Area Distribution for Entities participating in this EWMP

Agency	Area (acres)	Area (percent)
City of Los Angeles	181,288.00	59.22
County of Los Angeles	40,553.34	13.25
Los Angeles County Flood Control District	N/A	N/A
City of Alhambra	4,884.31	1.60
City of Burbank	11,095.20	3.62
City of Calabasas	4,005.68	1.31
City of Glendale	19,587.50	6.40
City of Hidden Hills	961.03	0.31
City of La Canada Flintridge	5,534.46	1.81
City of Montebello	5,356.38	1.75
City of Monterey Park	4,951.51	1.62
City of Pasadena	14,805.30	4.84
City of Rosemead	3,310.87	1.08
City of San Gabriel	2,644.87	0.86
City of San Marino	2,409.64	0.79
City of South Pasadena	2,186.20	0.71
City of Temple City	2,576.50	0.84
<b>Group Total</b>	<b>306,150.79</b>	<b>100</b>

### 5. Plan Concept (Section VI.C.4.b.iii.(1))

Collectively, the Group has developed several Implementation Plans that include strategies for demonstrating compliance with the Los Angeles River Watershed Bacteria and Metals TMDLs. The Implementation Plans and strategies for compliance are based on a multi-pollutant approach that maximizes the retention and use of urban runoff as a resource for groundwater recharge and irrigation. The Group has collaborated with key watershed stakeholders to identify the distributed and regional BMPs as part of the Implementation Plans. The Upper Los Angeles River Watershed EWMP will further enhance the TMDL implementation plans; re-evaluate the proposed watershed control measures; identify additional regional projects to maximize opportunities for retaining all non-stormwater runoff and stormwater from the 85<sup>th</sup> percentile, 24-hour storm event; and, identify additional watershed control measures for those areas in the watershed that cannot be addressed by a regional project.

In order to meet the requirements of the MS4 Permit, the Group will develop the following documents:

- A Work Plan for submittal to the LARWQCB by June 28, 2014. The Work Plan will meet the requirements of the MS4 Permit, provide an understanding of where the agencies are today, and outline a path forward.
- A CIMP for submittal to the LARWQCB by June 28, 2014. The CIMP will address all TMDL monitoring requirements applicable to the Los Angeles River Watershed and all five monitoring elements of the MS4 Permit Monitoring and Reporting Program (MRP).
- An EWMP Plan for draft submittal to the LARWCB by June 28, 2015 and final submittal by January 28, 2016. Using the information developed for the Work Plan, the EWMP will meet the requirements of the MS4 Permit.

### 6. Cost Estimate (Section VI.C.4.b.iii.(2))

The Group collaboratively prepared a scope of work and cost estimate for developing the Work Plan, the CIMP, and the EWMP for the participating areas within the Upper Los Angeles River Watershed. It is estimated that the cost for the Work Plan, the CIMP, and the EWMP Plan development is approximately \$1.45 million. This estimate assumes that the CIMP and EWMP will, in part, be based on the existing TMDL Coordinated Monitoring Plans and any available Implementation Plans. In addition, the Group will contribute several hundred thousands of dollars in in-kind services and contract administration costs.

### 7. Memorandum of Understanding (Section VI.C.4.b.iii.(3))

Attachment 2 includes the final draft of the Memoranda of Agreement between the City of Los Angeles, as the lead agency, and the other Group members. All agencies have committed to the execution of these agreements as indicated by the signed letters of intent (Attachment 3). The agreements will be executed before December 28, 2013.

### 8. Interim Milestones and Deadlines for Plan Development (Section VI.C.4.b.iii.(4))

Table 4 summarizes the interim milestone and deadlines based on the scope of work for developing the Work Plan, CIMP, and EWMP agreed to by the Group. In addition to the monthly agency coordination meetings and coordination meetings with the Technical Advisory Committee, the schedule in Table 4 assumes meetings and/or workshops with local watershed stakeholders. Technical memorandums summarizing information and approaches utilized by the Group in developing the Work Plan, CIMP, and EWMP Plan will be submitted and viewed as interim milestones. It is expected that the draft technical memos will not be finalized per section; rather, the information presented in the memos will be revised based on comments and presented in the final Work Plan, CIMP, and EWMP Plan.

**Table 4. Proposed Interim Milestones and Deadlines for Plan Development**

Deliverable	Milestones and Deadlines
<b>Work Plan</b>	
Draft Technical Memos <ul style="list-style-type: none"> <li>• Identification of water quality priorities</li> <li>• Existing and future watershed control measures, identification of potential regional projects</li> <li>• Reasonable assurance analysis approach</li> <li>• BMP selection approaches</li> </ul>	March 2014
Draft Work Plan	April 2014
Final Work Plan Submitted to the LARWQCB	June 2014
<b>Coordinated Integrated Monitoring Plan</b>	
Draft Technical Memos <ul style="list-style-type: none"> <li>• Outfall and receiving water monitoring approach</li> <li>• Monitoring sites selection</li> <li>• New development and redevelopment effectiveness tracking</li> </ul>	March 2014
Draft CIMP	April 2014
Final Draft CIMP Submitted to the LARWQCB	June 2014
<b>Enhanced Watershed Management Program</b>	
Draft Technical Memos <ul style="list-style-type: none"> <li>• Approach to USEPA TMDLs, 303(d) listings, other exceedances of RWLs</li> <li>• Final selection of regional projects</li> <li>• Feasibility analyses of regional projects, customization of MCMs, identification of other BMPs</li> <li>• Project schedules and cost estimates</li> </ul>	April 2015
Draft EWMP	May 2015
Final Draft EWMP Submitted to the LARWQCB	June 2015

### 9. Structural BMP (Section VI.C.4.b.iii.(5))

During the 30-month EWMP Plan development, the Group will be implementing two structural BMPs to demonstrate its responsibility to improving water quality in the watershed. The goal of both projects is to utilize dry- and wet-weather runoff after natural treatment for the beneficial use of surface irrigation or infiltration. The cumulative investment by the County of Los Angeles and the City of Los Angeles for these projects is that of \$7.4



million. These two structural BMP projects are summarized below. More information can be found on the Project Fact Sheets included as Attachment 4.

#### Brandon Street and Green Street Improvements Project (County of Los Angeles)

The project will reconstruct approximately 0.16 miles of roadway on Green Street and 0.39 miles on Brandon Street. The design includes several green street elements including permeable pavers, bio-retention planters, sediment filtration catch basins, and an underground infiltration basin. Much of the runoff from the streets and private properties that would have otherwise drained to the Rio Hondo will be directed to the infiltration area. This will help to augment groundwater supplies and prevent pollutants from entering the Los Angeles River.

#### Humboldt Greenway Project

This project will intercept an existing storm drain system and construct a stormwater greenway with a "stream" eco-system through the corridor on Humboldt Street with a pedestrian path connecting Avenue 18 and Avenue 19. The project is adjacent to the Los Angeles River, just north of Civic Center area of the City of Los Angeles. The bioremediation elements include a pollution reduction/infiltration system and an approximately 175-foot long graded swale/open-channel, which is surrounded by a vegetated basin. Work also includes a) an overflow structure; b) a pedestrian bridge; c) an irrigation system; d) landscaping and tree planting; and e) solar lighting.

### **10. LID Ordinance (Sections VI.C.4.b.iii.(6) and VI.C.4.c.iv.(1))**

Table 5 summarizes the status of Low Impact Development (LID) ordinances mandated by the Group. As presented in Table 5, greater than 50% of the land area addressed by the geographical scope of the Group is addressed by an LID ordinance that is in place.

**Table 5. Upper LA River Watershed Group EWMP Area Percentage Addressed by LID Ordinances**

Agency	Area (percent)	Status LID ordinance SEE NOTE BELOW
City of Los Angeles	59.22	Revising Ordinance
County of Los Angeles	13.25	Draft Ordinance
LACFCD	N/A	N/A
City of Alhambra	1.60	In Development
City of Burbank	3.62	In Development
City of Calabasas	1.31	In Development
City of Glendale	6.40	In Development
City of Hidden Hills	0.31	In Development
City of La Canada Flintridge	1.81	In Development
City of Montebello	1.75	In Development
City of Monterey Park	1.62	In Development
City of Pasadena	4.84	In Development
City of Rosemead	1.08	In Development
City of San Gabriel	0.86	In Development
City of San Marino	0.79	In Development
City of South Pasadena	0.71	In Development
City of Temple City	0.84	In Development

Note:

1. **Revising Ordinance.** The City of Los Angeles LID Ordinance became effective on May 12, 2012. The City is currently amending sections of the LID Ordinance, as well as its Stormwater and Urban Runoff Pollution Control Ordinance (L.A.M.C. Chapter VI, Article 4.4) to meet all the MS4 Permit requirements.
2. **Draft Ordinance.** Permittee has completed or will complete by June 28, 2013 the development of a draft LID Ordinance that is in compliance with the MS4 Permit for its portion of the watershed.
3. **In Development.** Permittee initiated development of an LID Ordinance that is in compliance with the requirements of the MS4 Permit for its portion of the watershed.

### 11. Green Street Policies (Sections VI.C.4.b.iii.(6) and VI.C.4.c.iv.(2))

Table 6 summarizes the status of green street policies observed by the Group. As presented in Table 6, greater than 50% of the land area addressed by the geographical scope of the EMWP is addressed by green streets policies that are in place.

**Table 6. Summary of Percent EWMP Area Addressed by Green Street Policies**

EWMP agency	% EWMP area	Status green street policies SEE NOTE BELOW
City of Los Angeles	59.22	In Effect
County of Los Angeles	13.25	In Development
LACFCD	N/A	N/A
City of Alhambra	1.60	In Development
City of Burbank	3.62	In Development
City of Calabasas	1.31	In Development
City of Glendale	6.40	In Development
City of Hidden Hills	0.31	In Development
City of La Canada Flintridge	1.81	In Development
City of Montebello	1.75	In Development
City of Monterey Park	1.62	In Development
City of Pasadena	4.84	In Development
City of Rosemead	1.08	In Development
City of San Gabriel	0.86	In Development
City of San Marino	0.79	In Development
City of South Pasadena	0.71	In Development
City of Temple City	0.84	In Development

Note:

1. **In Effect.** Permittee has adopted a Green Street Policy that is in compliance with the requirements of the MS4 Permit for its portion of the watershed.
2. **Draft Policy.** Permittee has completed or will complete by June 28, 2013 the development of a draft Green Street Policy that is in compliance with the MS4 Permit for its portion of the watershed.
3. **In Development.** Permittee initiated development of a Green Street Policy that is in compliance with the requirements of the MS4 Permit for its portion of the watershed.

### 12. Implementation of Watershed Control Measures during Plan Development (Section VI.C.4.b.ii)

The Group has developed TMDL Implementation Plans incorporating structural and institutional watershed control measures for a multi-pollutant and multi-benefit approach, as well as the timelines for implementation to meet the water quality limitations of the various TMDLs. Table 7 summarizes the TMDL Implementation Plans that have been developed to date. Three TMDLs have interim and/or final compliance milestones prior to the final approval of the EWMP by April 28, 2016, as shown in Table 2, that will be met through the continued implementation efforts as outlined in the Implementation Plans. The Group will continue their efforts to implement the actions of the TMDL Implementation Plans concurrently with the development of the Upper Los Angeles River Watershed EWMP. Attachment 5 provides more details of the ongoing and planned actions.



Table 7. Implementation Plans for Upper Los Angeles River Watershed TMDLs

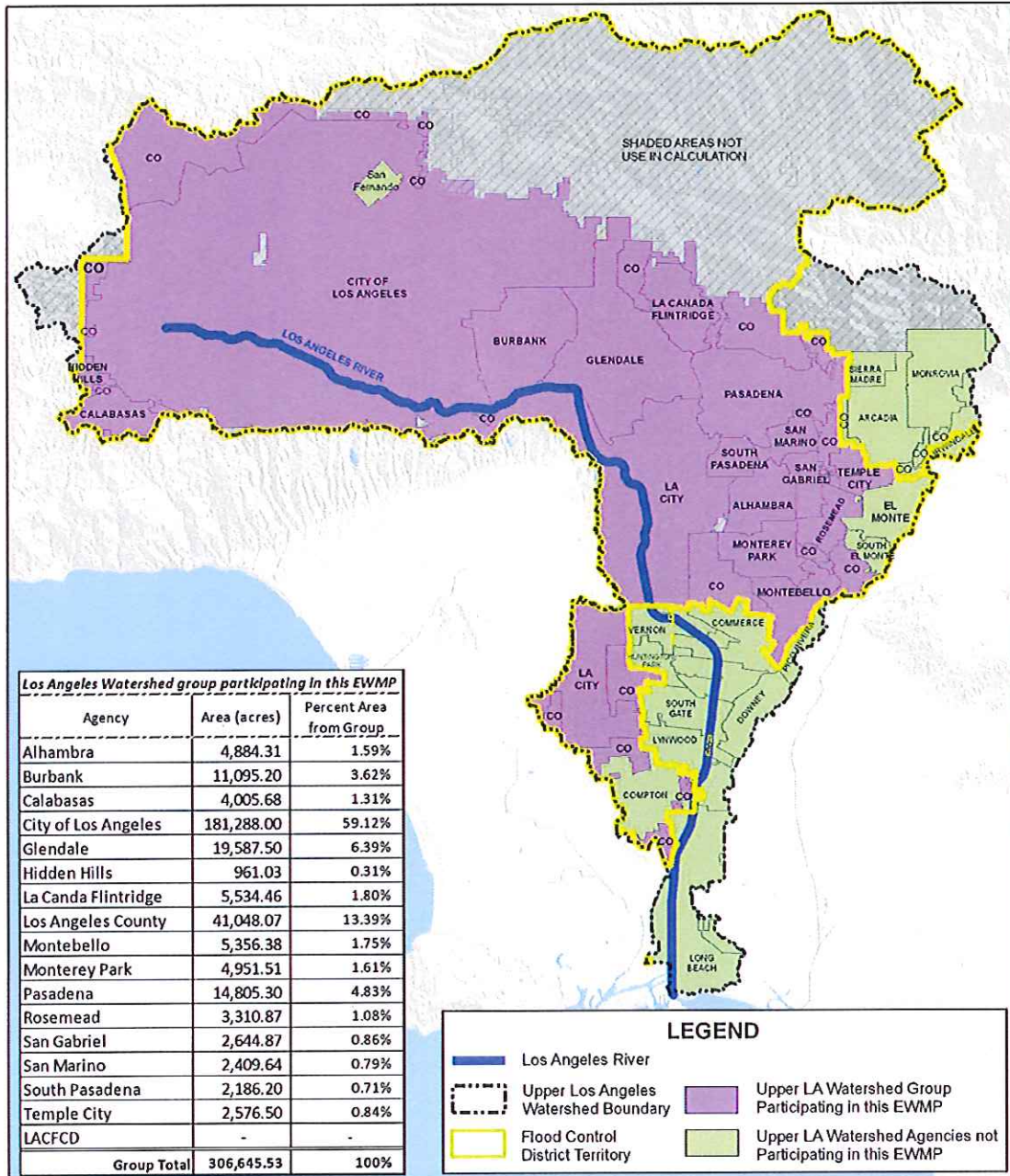
Implementation Plan	Agencies	Plan Status
Implementation Plan for Upper Los Angeles River Watershed Metals TMDL	Cities of Los Angeles, Alhambra, Burbank, Calabasas, Glendale, Hidden Hills, La Canada Flintridge, Montebello, Monterey Park, Pasadena, Rosemead, San Gabriel, San Marino, South Pasadena, and Temple City; Caltrans	Final plan submitted 10/07/2010
Multi-Pollutant TMDL Implementation Plan for the Unincorporated County Area of Los Angeles River Watershed	County of Los Angeles	Final plan submitted 10/07/2010

Three TMDLs have interim and/or final compliance milestones prior to the final approval of the EWMP by April 28, 2016 as summarized in Table 2. The Upper Los Angeles River Watershed Group will continue the implementation of watershed control measures concurrently with EWMP Plan development to ensure compliance with these interim and/or final milestones, as follows:

- **Interim and final milestones of the Los Angeles River Watershed Trash TMDL:** Each EWMP agency has developed its own program for compliance with this TMDL. Agency-specific programs and the status of implementation and compliance are provided in Attachment 5.
- **Interim and final milestones of the Legg Lake Trash TMDL:** The County of Los Angeles is in compliance with this TMDL.
- **Final compliance milestone of the Los Angeles River Watershed Nitrogen Compounds and Related Effects TMDL:** As required by this TMDL, the Monitoring Work Plan to Assess Nutrient Loading from the Municipal Separate Storm Sewer System was submitted on March 23, 2005.



Attachment 1 - Upper Los Angeles River Watershed Group Map



Upper Los Angeles River Watershed  
EWMP Agencies

BUREAU OF SANITATION

ENRIQUE C. ZALDIVAR  
DIRECTOR

SHAHRAM KHARAGHANI  
PROGRAM MANAGER

UL ARW\_EVMPAgencies

DRAWN BY: NH

CHECKED BY:

DATE: 6/18/2013

DATE REVISD:

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WATERSHED PROTECTION DIVISION

**Attachment 2 – Draft Memorandum of Understanding**

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE CITY OF LOS ANGELES, THE CITY OF ALHAMBRA, THE CITY OF BURBANK,  
THE CITY OF CALABASAS, THE CITY OF GLENDALE, THE CITY OF HIDDEN HILLS,  
THE CITY OF LA CANADA FLINTRIDGE, THE CITY OF MONTEBELLO, THE CITY OF  
MONTEREY PARK, THE CITY OF PASADENA, THE CITY OF ROSEMEAD, THE CITY  
OF SAN GABRIEL, THE CITY OF SAN MARINO, THE CITY OF SOUTH PASADENA,  
THE CITY OF TEMPLE CITY, THE LOS ANGELES COUNTY FLOOD CONTROL  
DISTRICT, AND THE COUNTY OF LOS ANGELES  
REGARDING THE ADMINISTRATION AND COST SHARING FOR DEVELOPMENT OF  
THE ENHANCED WATERSHED MANAGEMENT PROGRAM AND THE COORDINATED  
INTEGRATED MONITORING PROGRAM FOR THE UPPER LOS ANGELES RIVER  
WATERSHED

REGARDING THE ADMINISTRATION AND COST SHARING FOR DEVELOPMENT OF  
THE ENHANCED WATERSHED MANAGEMENT PROGRAM AND THE COORDINATED  
INTEGRATED MONITORING PROGRAM FOR THE UPPER LOS ANGELES RIVER  
WATERSHED

This Memorandum of Understanding (MOU) is made and entered into as of the date of the last signature set forth below by and between: the City of Los Angeles, a municipal corporation; the City of Alhambra, a municipal corporation; the City of Burbank, a municipal corporation; the City of Calabasas, a municipal corporation; the City of Glendale, a municipal corporation; the City of Hidden Hills, a municipal corporation; the City of La Canada Flintridge, a municipal corporation; the City of Montebello, a municipal corporation; the City of Monterey Park, a municipal corporation; the City of Pasadena, a municipal corporation; the City of Rosemead, a municipal corporation; the City of San Gabriel, a municipal corporation; the City of San Marino, a municipal corporation; the City of South Pasadena, a municipal corporation; the City of Temple City, a municipal corporation; the Los Angeles County Flood Control District (LACFCD), a political subdivision of the State of California; and the County of Los Angeles, a political subdivision of the State of California. Collectively, these entities shall be known herein as "Parties" or individually as "Party."

WITNESSETH

WHEREAS, the Regional Water Quality Control Board, Los Angeles Region ("Regional Board") adopted National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Permit Order No. R4-2012-0175 (MS4 Permit); and

WHEREAS, the MS4 Permit became effective on December 28, 2012 and requires that the LACFCD, County of Los Angeles, and 84 of the 88 cities (excluding Avalon, Long Beach, Palmdale, and Lancaster) within the County of Los Angeles comply with the prescribed elements of the MS4 Permit; and

WHEREAS, the MS4 Permit identified the Parties as the MS4 permittees that are responsible for compliance with the MS4 Permit requirements pertaining to the Los Angeles River Watershed Management Area; and

WHEREAS, the Parties have agreed to collaborate on the development of an Enhanced Watershed Management Program (EWMP) for the Los Angeles River Watershed Management Area to comply with certain elements of the MS4 Permit; and

WHEREAS, the Parties agree that each shall assume full and independent responsibility for ensuring its own compliance with the MS4 Permit despite the collaborative approach of the MOU; and

WHEREAS, the development of an EWMP includes the preparation of a Work Plan, a draft and final Coordinated Integrated Monitoring Plan ("CIMP"), and a draft and final Enhanced Watershed Management Program Plan ("EWMP Plan"), collectively referred to herein as "Plans"; and

WHEREAS, the Parties collaboratively prepared a final Scope of Work and Request for Proposal to obtain a Consultant for preparing the Plans that will satisfy the requirements of the MS4 Permit; and

WHEREAS, the Parties have determined that hiring a Consultant to prepare and deliver the Plans will be beneficial to the Parties and they desire to participate and will provide funding in accordance with the cost allocation on Exhibit A; and

WHEREAS, the Parties have agreed that the total cost for developing the Plans shall not exceed \$1,593,410.05 including the project administration and management cost but excluding 10% contingency; and

WHEREAS, the Parties have agreed to retain the City of Los Angeles to coordinate the services of a Consultant to develop the Plans, the Parties have agreed to share in the cost and pay the City of Los Angeles for these consultant services as provided by Exhibit A of this MOU, and the City of Los Angeles has agreed to act on behalf of all Parties in the preparation of the Plans and the coordination of the consultant services;

NOW, THEREFORE, in consideration of the mutual benefits to be derived by the Parties, and of the promises contained in this MOU, the Parties agree as follows:

Section 1. Recitals: The recitals set forth above are fully incorporated into this MOU.

Section 2. Purpose: The purpose of this MOU is to cooperatively fund the preparation and submittal of the Plans to the Regional Board.

Section 3. Cooperation: The Parties shall fully cooperate with one another to attain the purpose of this MOU.

Section 4. Voluntary: This MOU is voluntarily entered into for the purpose of preparing and submitting the Plans to the Regional Board.

Section 5. Term: This MOU shall become effective on the last date of execution by the Parties or December 28, 2013, whichever comes first, and shall remain and continue to remain in effect until June 30, 2016. If a Party does not execute this MOU by December 28, 2013, that Party shall be excluded from this MOU and this MOU shall become effective on December 28, 2013 by execution by the remaining Parties.

Section 6. Assessment for Proportional Cost: The Parties agree to pay the City of Los Angeles for preparation and delivery of the Plans in the amounts shown in Table (4) of Exhibit A, based on the total costs shown in Tables (1) and (2) and the cost allocation formula shown in Table (3) of Exhibit A, attached hereto and made part of this MOU by this reference. The City of Los Angeles will invoice the Parties in two installments upon execution of this MOU as shown in Table (4) of Exhibit A, based on the allocated costs for developing the Plans by the Consultant and the project administration and management costs at a percentage of 10% of the allocated costs for development of the Plans. At the end of each fiscal year, the City of Los Angeles will provide the Parties with a statement with the actual expenditures. Unexpended funds at the termination of this MOU will be returned to the Parties in accordance with the cost allocation formula set forth in Table (3) of Exhibit A.

Section 7. City of Los Angeles agrees:

- a. To solicit proposals for, award and administer a Consultant contract for the preparation and delivery of the Plans. The City of Los Angeles will be reimbursed for the administration and management of the Consultant contract as described in Exhibit A.
- b. To utilize the funds deposited by the Parties only for the administration of the Consultant contract, project management, and the preparation and completion of the Plans.
- c. To provide the Parties with an electronic copy of the technical memos, draft Plans and completed Plans within 10 business days of receipt from the Consultant.
- d. To notify the Parties if the actual cost for the preparation of the Plans will exceed the cost estimates shown on Exhibit A and obtain approval of the increase from the Parties. Upon approval of the cost increase by the Parties, the City of Los Angeles will invoice the Parties per the cost allocation formula on Exhibit A.
- e. To ensure all comments and concerns raised by the Parties during the preparation of the Plans are addressed to the satisfaction of the simple majority of the Parties.
- f. To invoice the Parties in the amounts and according to the schedule shown in Table 4 of Exhibit A.

- g. To provide an accounting within 90 days after at the termination of the MOU or within 90 after the early termination of the MOU pursuant to Section 11. The City of Los Angeles shall return the unused portion of all funds deposited with the City of Los Angeles in accordance with the cost allocation formula set forth in Table 3 in Exhibit A.

Section 8. The Parties further agree:

- a. To make a full faith effort to cooperate with one another to achieve the purposes of this MOU by providing information about project opportunities, reviewing deliverables in a timely manner, and informing administration and council and appropriate legislative bodies.
- b. To fund the cost of the preparation and delivery of the Plans and to pay the City of Los Angeles for the preparation and delivery of the Plans based on the cost allocation shown in Exhibit A. This includes the costs incurred by the City of Los Angeles for administering the Consultant services between awarding the Consultant contract and the execution of this MOU.
- c. To grant access rights and entry to the City of Los Angeles and the Consultant during the terms of this MOU to the Parties' facilities (i.e. storm drains, channels, catch basins, properties, etc.) ("Facilities") to achieve the purposes of this MOU. Prior to exercising said right of entry, the City of Los Angeles or their Consultant shall provide written notice to the Parties at least 72 hours in advance. For the purposes of this provision, written notice shall include notice delivered via e-mail that has been delivered to the Parties' representatives identified in Exhibit B. The City of Los Angeles shall require the Consultant retained pursuant to this MOU to agree to indemnify, defend, and hold harmless each Party, its special districts, elected and appointed officers, employees, and agents, from and against any and all liability, including but not limited to demands, claims, actions, fees, costs, and expenses (including attorney and expert fees), arising from or connected with the Consultant's performance of its agreement with the City of Los Angeles. In addition, the City of Los Angeles shall require the Consultant to carry, maintain, and keep in full force and effect an insurance policy or policies, and each Party, its officers, employees, attorneys, and designated volunteers shall be named as additional insured on the policy(ies) with respect to liabilities arising out of the Consultant's work. These requirements will also apply to any subcontractors hired by the Consultant.

Section 9. Invoice and Payment

- a. Payment: The Parties shall pay the City of Los Angeles their proportional share of the cost for the preparation and delivery of the Plans and project administration and management as shown in Table 4 of Exhibit A. Payments are due within sixty (60) days of receiving the invoice from the City of Los Angeles.

- b. Invoice: The City of Los Angeles will invoice Parties in two installments in the amounts shown in Table 4 of Exhibit A. The first invoice will be sent upon execution of this MOU or in January 2014, whichever comes first. The second invoice will be sent in July 2014.
- c. Contingency: The City of Los Angeles will notify the Parties if actual expenditures are anticipated to exceed the cost estimates contained in Exhibits A and obtain approval of such expenditures from all Parties. Upon approval, the Parties agree to reimburse the City of Los Angeles for their proportional share of these additional expenditures at an amount not to exceed 10% of the original cost estimate as shown in Exhibit A. This 10% contingency will not be invoiced, unless actual expenditures exceed the original cost estimate. Expenditures that exceed the 10% contingency will require an amendment of this MOU.

#### Section 10. Indemnification

- a. Each Party shall indemnify, defend, and hold harmless each other Party, including its special districts, elected and appointed officers, employees, and agents, from and against any and all liability, including but not limited to demands, claims, actions, fees, costs, and expenses (including attorney and expert witness fees), arising from or connected with the respective acts of each Party arising from or related to this MOU; provided, however, that no party shall indemnify another party for that party's own negligence or willful misconduct.
- b. In light of the provisions of Section 895.2 of the Government Code of the State of California imposing certain tort liability jointly upon public entities solely by reason of such entities being parties to an agreement (as defined in Section 895 of said Code), each of the Parties hereto, pursuant to the authorization contained in Section 895.4 and 895.6 of said Code, shall assume the full liability imposed upon it or any of its officers, agents, or employees, by law for injury caused by any act or omission occurring in the performance of this MOU to the same extent that such liability would be imposed in the absence of Section 895.2 of said Code.
- c. To achieve the above stated purpose, each Party indemnifies, defends, and holds harmless each other Party for any liability, cost, or expense that may be imposed upon such other Party solely by virtue of said Section 895.2. The provisions of Section 2778 of the California Civil Code are made a part hereof as if incorporated herein.

#### Section 11. Termination

- a. This MOU may be terminated in whole or in part, upon the express written agreement to all Parties by giving 30 day written notice. The terminating Party shall be responsible for its Proportional Costs, which the City of Los Angeles incurred or to which it became bound through the effective date of termination. Such MOU Costs shall include the remaining fees of any Consultant retained by the City of Los Angeles prior to the effective date of termination. Should any Party terminate the



MOU, the remaining Parties' Proportional Cost allocation shall be adjusted in accordance with the Cost Share Formula. If this MOU is terminated, all Parties must agree on the equitable redistribution of remaining funds deposited, if there are any, or payment of invoices due at the time of termination. Completed work shall be owned by all Parties. Rights to uncompleted work by the Consultant still under contract will be held by the Party or Parties who fund the completion of such work.

- b) If a Party fails to comply with any of the terms or conditions of this MOU, that Party shall forfeit its rights to the work completed through this MOU.

## Section 12. General Provisions

- a) Notices. Any notices, bills, invoices, or reports relating to this MOU, and any request, demand, statement or other communication required or permitted hereunder shall be in writing and shall be delivered to the Representative of the Party at the address set forth in Exhibit B. Parties shall promptly notify each other of any change of contact information, including personnel changes, provided in Exhibit B. Written notice shall include notice delivered via email or fax. A notice shall be deemed to have been received on (a) the date of delivery, if delivered by hand during regular business hours, or by confirmed facsimile or by email; or (b) on the third (3) business day following mailing by registered or certified mail (return receipt requested) to the addresses set forth in Exhibit B.
- b) Administration. For the purpose of this MOU, the Parties hereby designate as their respective Party Representatives the persons named in Exhibit B. The designated Party Representatives, or their respective designees, shall administer the terms and conditions of this MOU on behalf of their respective Party. Each of the persons signing below on behalf of a Party represents and warrants that they are authorized to sign this MOU on behalf of such Party.
- c) Relationship of Parties. The Parties are and shall remain at all times as to each other, wholly independent entities. No Party to this MOU shall have power to incur any debt, obligation, or liability on behalf of another Party unless expressly provided to the contrary by this MOU. No employee, agent, or officer of a Party shall be deemed for any purpose whatsoever to be an agent, employee or officer of another Party.
- d) Binding Effect. This MOU shall be binding upon and inure to the benefit of each Party to this MOU and their respective heirs, administrators, representatives, successors and assigns.
- e) Amendment. The terms and provisions of this MOU may not be amended, modified or waived, except by an instrument in writing signed by all the Parties. This section applies to, but is not limited to, amendments proposed to address regulatory changes in the MS4 permit, modifications to the Scope of Work, or changes in the number of

Parties to this MOU. For the City of Los Angeles, the Director of Bureau of Sanitation or his/her designee is authorized to execute such amendments.

- f) Waiver. Waiver by any Party to this MOU of any term, condition, or covenant of this MOU shall not constitute a waiver of any other term, condition, or covenant. Waiver by any Party to any breach of the provisions of this MOU shall not constitute a waiver of any other provision, nor a waiver of any subsequent breach or violation of any provision of this MOU.
- g) Law to Govern; Venue. This MOU shall be interpreted, construed and governed according to the laws of the State of California. In the event of litigation between the Parties, venue in the state trial courts shall lie exclusively in the County of Los Angeles.
- h) No Presumption in Drafting. The Parties to this MOU agree that the general rule that an MOU is to be interpreted against the Party drafting it, or causing it to be prepared shall not apply.
- i) Entire Agreement. This MOU constitutes the entire agreement of the Parties with respect to the subject matter hereof and supersedes all prior or contemporaneous agreements, whether written or oral, with respect thereto.
- j) Severability. If any term, provision, condition or covenant of this MOU is declared or determined by any court or competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions of this MOU shall not be affected thereby and this MOU shall be read and constructed without the invalid, void, or unenforceable provision(s).
- k) Counterparts. This MOU may be executed in any number of counterparts, each of which shall be an original, but all of which taken together shall constitute but one and the same instrument, provided, however, that such counterparts shall have been delivered to all Parties to this MOU.
- l) All Parties have been represented by counsel in the preparation and negotiation of this MOU. Accordingly, this MOU shall be construed according to its fair language.

IN WITNESS WHEREOF, the Parties hereto have caused this MOU to be executed by their duly authorized representatives and affixed as of the date of signature of the Parties:

**THE CITY OF LOS ANGELES**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Capri W. Maddox, President  
Board of Public Works

ATTEST:

By: \_\_\_\_\_  
June Lagmay  
City Clerk

APPROVED AS TO FORM:

Carmen Trutanich  
City Attorney

By: \_\_\_\_\_  
John A. Carvalho  
Deputy City Attorney

**THE CITY OF ALHAMBRA**

Dated: \_\_\_\_\_

CITY OF ALHAMBRA

By \_\_\_\_\_  
Steven Placido, Mayor

ATTEST:

\_\_\_\_\_  
Mary Swink, Interim City Manager

APPROVED AS TO FORM:

\_\_\_\_\_  
Joseph Montes, City Attorney

**THE CITY OF BURBANK**

Dated: \_\_\_\_\_

CITY OF BURBANK

By \_\_\_\_\_  
Emily Gabel-Luddy, Mayor

ATTEST:

\_\_\_\_\_  
Mark Scott, City Manager

APPROVED AS TO FORM:

\_\_\_\_\_  
Joseph H. McDougall, Senior Assistant City Attorney



**THE CITY OF CALABASAS**

Dated: \_\_\_\_\_

CITY OF CALABASAS

By \_\_\_\_\_  
Fred Gaines, Mayor

ATTEST:

\_\_\_\_\_  
Maricela Hernandez, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Scott Howard, Interim City Attorney

**THE CITY OF GLENDALE**

Dated: \_\_\_\_\_

CITY OF GLENDALE

By \_\_\_\_\_  
Dave Weaver, Mayor

ATTEST:

\_\_\_\_\_  
Scott Ochoa, City Manager

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael Garcia, City Attorney

**THE CITY OF HIDDEN HILLS**

Dated: \_\_\_\_\_

CITY OF HIDDEN HILLS

By \_\_\_\_\_  
Steve Freedland, Mayor

ATTEST:

\_\_\_\_\_  
Cherie L. Paglia, City Manager

APPROVED AS TO FORM:

\_\_\_\_\_  
Roxanne M. Diaz, City Attorney

**THE CITY OF LACANADA FLINTRIDGE**

Dated: \_\_\_\_\_

CITY OF LA CANADA FLINTRIDGE

By \_\_\_\_\_  
Laura Olhasso, Mayor

ATTEST:

\_\_\_\_\_  
Mark R. Alexander, City Manager

APPROVED AS TO FORM:

\_\_\_\_\_  
Mark Sreres, City Attorney

**THE CITY OF MONTEBELO**

Dated: \_\_\_\_\_

CITY OF MONTEBELLO

By \_\_\_\_\_  
Christina Cortez, Mayor

ATTEST:

\_\_\_\_\_  
Daniel Hernandez, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Arnold Alvarez-Glasman, City Attorney



**CITY OF MONTEREY PARK**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Paul Talbot, City Manager

ATTEST:

By: \_\_\_\_\_  
Vincent D. Chang, City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Karl H. Berger, Assistant City Attorney

**CITY OF PASADENA**

Dated: \_\_\_\_\_

CITY OF PASADENA

By \_\_\_\_\_  
Michael J. Beck, City Manager

ATTEST:

\_\_\_\_\_  
Mark Jomsky, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Brad L. Fuller, Assistant City Attorney

**CITY OF ROSEMEAD**

Dated: \_\_\_\_\_

CITY OF ROSEMEAD

By \_\_\_\_\_  
Jeff Allred, City Manager

ATTEST:

\_\_\_\_\_  
Gloria Molleda, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Rachel H. Richman, City Attorney

**THE CITY OF SAN GABRIEL**

Dated: \_\_\_\_\_

CITY OF SAN GABRIEL

By \_\_\_\_\_  
Steven A. Preston, City Manager

ATTEST:

\_\_\_\_\_  
Nina Castruita, Deputy City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Robert L. Kress, City Attorney



**CITY OF SAN MARINO**

Dated: \_\_\_\_\_

CITY OF SAN MARINO

By \_\_\_\_\_  
Richard Ward, Mayor

ATTEST:

\_\_\_\_\_  
John Schaefer, City Manager

APPROVED AS TO FORM:

\_\_\_\_\_  
Steve Dorsey, City Attorney

**THE CITY OF SOUTH PASADENA**

Dated: \_\_\_\_\_

CITY OF SOUTH PASADENA

By \_\_\_\_\_  
Sergio Gonzalez, City Manager

ATTEST:

\_\_\_\_\_  
Sally Kilby, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Richard L. Adams II, City Attorney

**CITY OF THE TEMPLE CITY**

Date: \_\_\_\_\_

CITY OF TEMPLE CITY

By \_\_\_\_\_  
Cynthia Sternquist, Mayor

ATTEST:

\_\_\_\_\_  
Peggy Kuo, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Deputy City Attorney

**LOS ANGELES COUNTY FLOOD CONTROL DISTRICT**

By \_\_\_\_\_  
Chief Engineer

APPROVED AS TO FORM:

John F. Krattli  
County Counsel

By: \_\_\_\_\_  
Deputy

\_\_\_\_\_  
Date



**COUNTY OF LOS ANGELES**

By: \_\_\_\_\_ Date \_\_\_\_\_  
Gail Farber

APPROVED AS TO FORM:

John F. Krattli  
County Counsel

By: \_\_\_\_\_ Date \_\_\_\_\_  
Deputy

## EXHIBIT A

**Table 1. Estimated Consultant Contract Cost**

Item		Total Cost
Contract Cost	(a)	\$ 1,448,555.00
City of Los Angeles Contract Management Fee (10%)	(a) X 5% = (b)	\$ 144,855.50
<b>SUB-TOTAL COST</b>	<b>(a)+(b)=(c)</b>	<b>\$1,593,410.05</b>
LAFCO Allocation (10%) <sup>1</sup>	(c) x 10% = (d)	\$159,341.00
<b>TOTAL COST TO BE DISTRIBUTED</b>	<b>(c)-(d)=(e)</b>	<b>\$1,434,069.05</b>

Note:

1. The Los Angeles Flood Control District (LAFCO) has committed to contributing 10% of the Total Cost, including contract management fee, as their allocation in the development of the Plans.

## EXHIBIT A

**Table 2. Distribution of Estimated Total Cost**

Agency	Acres <sup>1,2</sup>	Percent of Area <sup>3</sup>	Distributed Total Cost <sup>4</sup>
Alhambra	4,884.31	1.60%	\$22,879.05
Burbank	11,095.20	3.62%	\$51,972.05
Calabasas	4,005.68	1.31%	\$18,763.37
Glendale	19,587.50	6.40%	\$91,751.61
Hidden Hills	961.03	0.31%	\$4,501.65
La Canada Flintridge	5,534.46	1.81%	\$25,924.47
Los Angeles	181,288.00	59.22%	\$849,187.78
Los Angeles County	40,553.34	13.25%	\$189,959.63
Montebello	5,356.38	1.75%	\$25,090.31
Monterey Park	4,951.51	1.62%	\$23,193.82
Pasadena	14,805.30	4.84%	\$69,350.87
Rosemead	3,310.87	1.08%	\$15,508.75
San Gabriel	2,644.87	0.86%	\$12,389.08
San Marino	2,409.64	0.79%	\$11,287.22
South Pasadena	2,186.20	0.71%	\$10,240.58
Temple City	2,576.50	0.84%	\$12,068.82
<b>TOTAL</b>	<b>306,150.79</b>	<b>100.00%</b>	<b>\$1,434,069.05</b>

Note:

1. The areas owned by Caltrans, State Parks, and U.S. Government have been excluded from the total area of the Upper Los Angeles River watershed.
2. Area (acres) determined by GIS analysis as shown in EXHIBIT C
3. Percent Area = Agency Area / Total Area
4. Total Cost = \$1,434,069.05 X Agency Percent of Area

## EXHIBIT A

**Table 3. Cost Allocation Formula**

$$\text{Distributed Total Cost} = \text{Total Cost} \times \text{Agency Percent of Area}$$

**EXHIBIT A****Table 4. City of Los Angeles Invoicing Schedule and Invoice Amounts to Parties**

Agency	Invoice Schedule		Distributed Total Cost (a)+(b)=(c)	Contingency (10%) <sup>1</sup> (c)x0.1=(d)	TOTAL COST INCLUDING CONTINGENCY (c)+(d)=(e)
	Jan. 2014 (a)	Jul. 2014 (b)			
Alhambra	\$11,439.52	\$11,439.52	\$22,879.05	\$2,287.90	\$25,166.95
Burbank	\$25,986.02	\$25,986.02	\$51,972.05	\$5,197.20	\$57,169.25
Calabasas	\$9,381.69	\$9,381.69	\$18,763.37	\$1,876.34	\$20,639.71
Glendale	\$45,875.80	\$45,875.80	\$91,751.61	\$9,175.16	\$100,926.77
Hidden Hills	\$2,250.82	\$2,250.82	\$4,501.65	\$450.16	\$4,951.81
La Canada Flintridge	\$12,962.24	\$12,962.24	\$25,924.47	\$2,592.45	\$28,516.92
Los Angeles	\$424,593.89	\$424,593.89	\$849,187.78	\$84,918.78	\$934,106.56
Los Angeles County	\$94,979.81	\$94,979.81	\$189,959.63	\$18,995.96	\$208,955.59
Montebello	\$12,545.16	\$12,545.16	\$25,090.31	\$2,509.03	\$27,599.34
Monterrey Park	\$11,596.91	\$11,596.91	\$23,193.82	\$2,319.38	\$25,513.21
Pasadena	\$34,675.43	\$34,675.43	\$69,350.87	\$6,935.09	\$76,285.95
Rosemead	\$7,754.38	\$7,754.38	\$15,508.75	\$1,550.88	\$17,059.63
San Gabriel	\$6,194.54	\$6,194.54	\$12,389.08	\$1,238.91	\$13,627.99
San Marino	\$5,643.61	\$5,643.61	\$11,287.22	\$1,128.72	\$12,415.94
South Pasadena	\$5,120.29	\$5,120.29	\$10,240.58	\$1,024.06	\$11,264.64
Temple City	\$6,034.41	\$6,034.41	\$12,068.82	\$1,206.88	\$13,275.70
LACFD	\$79,670.50	\$79,670.50	\$159,341.00	\$15,934.10	\$175,275.10
<b>TOTAL</b>	<b>\$717,034.53</b>	<b>\$717,034.53</b>	<b>\$1,593,410.05</b>	<b>\$143,406.91</b>	<b>\$1,752,751.06</b>

Note:

1. Contingency is 10% of the total invoice amount. Contingency will not be invoiced unless there is a need for its expenditure as agreed by all Parties.

## EXHIBIT B

### UPPER LOS ANGELES RIVER WATERSHED EWMP/CIMP GROUP Responsible Agencies Representatives

Agency Address	Agency Contact
City of Los Angeles Department of Public Works Bureau of Sanitation, Watershed Protection Division 1149 S. Broadway Los Angeles, CA 90015	Shahram Kharaghani E-mail: Shahram.Kharaghani@Lacity.org Phone: (213) 485-0587 Fax: (213) 485-3939
County of Los Angeles Department of Public Works Watershed Management Division, 11 <sup>th</sup> Floor 900 South Fremont Avenue Alhambra, CA 91803-1331	Gary Hildebrand E-mail: GHILDEB@dpw.lacounty.gov Phone: (626) 458-4300 Fax: (626) 457-1526
Los Angeles County Flood Control District Department of Public Works Watershed Management Division, 11 <sup>th</sup> Floor 900 South Fremont Avenue Alhambra, CA 91803-1331	Gary Hildebrand E-mail: GHILDEB@dpw.lacounty.gov Phone: (626) 458-4300 Fax: (626) 457-1526
City of Alhambra 11 South First Street Alhambra, CA 91801-3796	David Dolphin E-mail: DDOLPHIN@cityofalhambra.org Phone: (626) 300-1571 Fax:
City of Burbank P.O. Box 6459 Burbank, CA 91510	Alvin Cruz E-mail: ACruz@burbankca.gov Phone: (818) 238-3941 Fax:
City of Calabasas 100 Civic Center Way Calabasas, CA 91302-3172	Alex Farassati E-mail: afarassati@cityofcalabasas.com Phone: Fax:
City of Glendale Engineering Section, 633 East Broadway, Room 209 Glendale, CA 91206-4308	Maurice Oillataguerre E-mail: moillataguerre@ci.glendale.ca.us Phone: Fax:
City of La Canada Flintridge 1327 Foothill Blvd. La Canada Flintridge, CA 91011-2137	Edward Hitti E-mail: EHitti@lcf.ca.gov Phone: Fax:

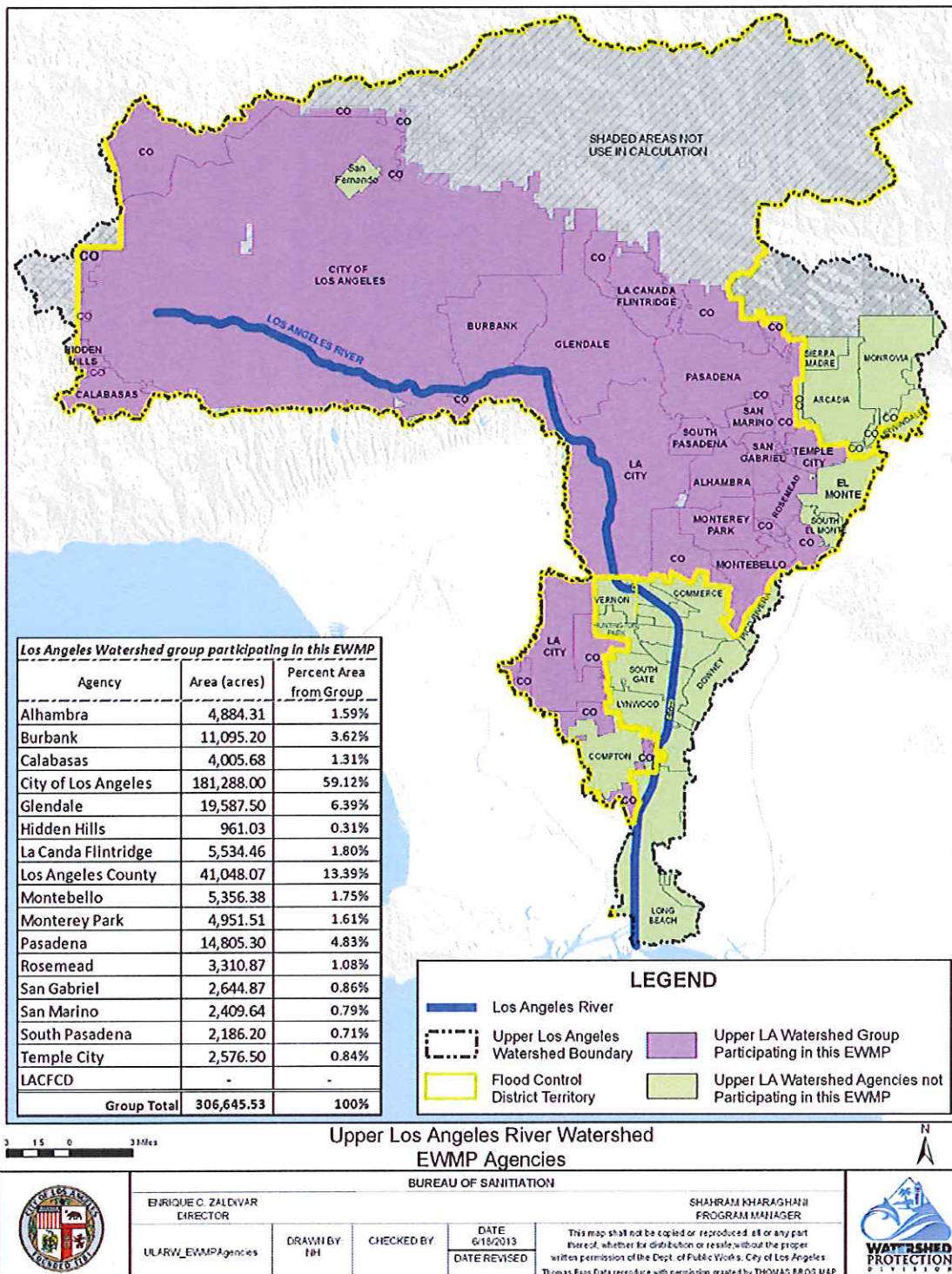


## EXHIBIT B

### UPPER LOS ANGELES RIVER WATERSHED EWMP/CIMP GROUP Responsible Agencies Representatives

City of Montebello 1600 W Beverly Blvd Montebello, CA 90640	Norma Salinas Nsalinas@cityofmontebello.com Phone: 323-887-1365 Fax: 323- 887-1410
City of Monterey Park 320 West Newmark Avenue Monterey Park, CA 91754-2896	Amy Ho E-mail: amho@montereypark.ca.gov  Mikki Klee E-mail: mkleee@jlha.net Phone: (562) 802-7880 Fax: (562) 802-2297
City of Pasadena P.O. Box 7115 Pasadena, CA 91109-7215	Stephen Walker E-mail: SWalker@cityofpasadena.net Phone: (626) 744-4271 Fax:
City of Rosemead, 8838 East Valley Blvd. Rosemead, CA 91770-1787	Elroy Kiepke E-mail: Ekiepke@willdan.com Phone: Fax:
City of San Gabriel 425 South Mission Avenue San Gabriel, CA 91775	Daren Grilley E-mail: dgrilley@sgch.org Phone: Fax:
City of San Marino 2200 Huntington Drive San Marino, CA 91108-2691	Kevin Sales E-mail: kjserv@aol.com Phone: Fax:
City of South Pasadena 1414 Mission Street South Pasadena, CA 91020-3298	Shin Furukawa E-mail: SFurukawa@ci.south-pasadena.ca.us Phone: (626) 403-7246 Fax:
City of Temple City 9701 Las Tunas Drive Temple City, CA 9178	Mark Persico E-mail: mpersico@templecity.us  Mikki Klee E-mail: mkleee@jlha.net Phone: (562) 802-7880 Fax: (562) 802-2297

**EXHIBIT C**  
UPPER LOS ANGELES RIVER WATERSHED  
EWMP/CIMP GROUP



**Attachment 3 – Signed Letters of Intent**



BOARD OF  
PUBLIC WORKS

COMMISSIONERS

CAPRI W. MADDOX  
PRESIDENT

VALERIE LYNNE SHAW  
VICE PRESIDENT

STEVEN T. NUTTER  
PRESIDENT PRO TEMPORE

WARREN T. FURUTANI  
COMMISSIONER

JERILYN LÓPEZ-MENDOZA  
COMMISSIONER

CITY OF LOS ANGELES  
CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

BUREAU OF SANITATION

ENRIQUE C. ZALDIVAR  
DIRECTOR

TRACI J. MINAMIDE  
CHIEF OPERATING OFFICER

VAROUJ S. ABKIAN  
ADEL H. HAGEKHALIL  
ALEXANDER E. HELOU  
ASSISTANT DIRECTORS

NEIL M. GUGLIELMO  
ACTING CHIEF FINANCIAL OFFICER

WATERSHED PROTECTION DIVISION  
1149 SOUTH BROADWAY, 10<sup>TH</sup> FLOOR  
LOS ANGELES, CA 90015  
TEL: (213) 485-0587  
FAX: (213) 485-3939

June 20, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

Dear Mr. Unger:

**CITY OF LOS ANGELES COMMITMENT TO PARTICIPATE IN AND SHARE THE COST FOR THE DEVELOPMENT OF ENHANCED WATERSHED MANAGEMENT PROGRAM AND COORDINATED INTEGRATED MONITORING PROGRAM FOR THE UPPER LOS ANGELES RIVER WATERSHED GROUP**

The City of Los Angeles submits this letter of intent with our commitment to participate in and share the cost for the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) for the Upper Los Angeles River Watershed as outlined in the Notice of Intent submitted by the City of Los Angeles to meet the requirements of Part VI.C.4.b of the MS4 Permit (Order No. R4-2012-0175) and the CIMP notification requirements specified in Attachment E Section IV.C.1.

The Upper Los Angeles River Watershed Group consists of the following MS4 Permittees: The City of Los Angeles, the City of Alhambra, the City of Burbank, the City of Calabasas, the City of El Monte, the City of Glendale, the City of Hidden Hills, the City of La Canada Flintridge, the City of Montebello, the City of Monterey Park, the City of Pasadena, the City of Rosemead, the City of San Gabriel, the City of South Pasadena, the City of San Marino, the City of Temple City, the County of Los Angeles and the Los Angeles County Flood Control District. The final draft agreement to fund program development by the Upper Los Angeles River Watershed Group has been included in the Notice of Intent and the City of Los Angeles is committed to execute this agreement prior to December 28, 2013.

Should you have any questions about this submittal, please contact me at [Shahram.Kharaghani@lacity.org](mailto:Shahram.Kharaghani@lacity.org) or at phone number (213) 485-0587 or Alfredo Magallanes, of my staff, at [Alfredo.Magallanes@lacity.org](mailto:Alfredo.Magallanes@lacity.org) or at phone number (213) 485-3958.

Sincerely,

  
SHAHRAM KHARAGHANI, Ph.D., PE, BCEE  
Program Manager

SK:AM:VD  
WPDCR 9040

AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER

Recyclable and made from recycled waste



Samuel Unger, Executive Officer  
City of Los Angeles Letter of Intent for Los Angeles River Watershed  
June 20, 2013  
Page 2

cc: Renee Purdy, California Regional Water Quality Control Board, Los Angeles Region  
Ivar Ridgeway, California Regional Water Quality Control Board, Los Angeles Region  
Enrique Zaldivar, City of Los Angeles, BOS  
Adel Hagekhalil, City of Los Angeles, BOS  
Gary Hildebrand, County of Los Angeles, Department of Public Works  
Alvin Cruz, City of Burbank  
Alex Farassati, City of Calabasas  
Amy Ho, City of Monterey Park  
Armond Ghazarian, County of Los Angeles  
David Dolphin, City of Alhambra  
Daren Grilley, City of San Gabriel  
Edward Hitti, City of La Canada Flintridge  
Elaine Unitake, County of Los Angeles,  
Elroy Kiepke, Willdan Engineering  
John Hunter, John L. Hunter and Associates  
Joe Bellomo, City of Hidden Hills,  
Jolene Gurerro, County of Los Angeles  
Kevin Sales, City of San Marino  
Luis Perez, County of Los Angeles  
Mark Perisco, City of Temple City  
Maurice Oillataguerre, City of Glendale,  
Michelle Marquez-Riley, City of El Monte  
Mikki Klee, John Hunter and Associates  
Norma Salinas, City of Montebello  
Sean Sullivan, City of Rosemead  
Shiela Kennedy, Enfact Solutions  
Shin Furukawa, City of South Pasadena  
Steve Walker, City of Pasadena  
Tona Avalos, County of Los Angeles  
Ying Kwan, City of La Canada Flintridge



GAIL FARBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE

REFER TO FILE: WM-7

June 24, 2013

Mr. Samuel Unger, P.E.  
Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – COUNTY OF LOS ANGELES  
UPPER LOS ANGELES RIVER WATERSHED  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**


The County of Los Angeles (County) submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Upper Los Angeles River Watershed Group. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Upper Los Angeles River Watershed Group consists of the following agencies: City of Los Angeles as the coordinating agency for EWMP and CIMP development, County, Los Angeles County Flood Control District, and cities of Alhambra, Burbank, Calabasas, Glendale, Hidden Hills, La Canada Flintridge, Montebello, Monterey Park, Pasadena, Rosemead, San Gabriel, San Marino, South Pasadena, and Temple City. The Upper Los Angeles River Group has included a final draft Memorandum of Understanding as Attachment 2 of the Notice of Intent. The County intends to submit a final Memorandum of Understanding to its Board of Supervisors for approval prior to December 28, 2013.

Mr. Samuel Unger  
June 24, 2013  
Page 2

If you have any questions, please contact Ms. Angela George at (626) 458-4325 or  
ageorge@dpw.lacounty.gov.

Very truly yours,

  
GAIL FARBER  
Director of Public Works

TA:jht

P:\wmpub\Secretarial\2013 Documents\Letter\LOI Upper LAR County.doc\13231

cc: City of Alhambra  
City of Burbank  
City of Calabasas  
City of Glendale  
City of Hidden Hills  
City of La Canada Flintridge  
City of Los Angeles  
City of Montebello  
City of Monterey Park  
City of Pasadena  
City of Rosemead  
City of San Gabriel  
City of San Marino  
City of South Pasadena  
City of Temple City



GAIL FARBBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

June 24, 2013

IN REPLY PLEASE  
REFER TO FILE: WM-7

Mr. Samuel Unger, P.E.  
Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – LOS ANGELES COUNTY FLOOD CONTROL DISTRICT  
UPPER LOS ANGELES RIVER WATERSHED  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The Los Angeles County Flood Control District (LACFCD) submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Upper Los Angeles River Watershed Group. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Upper Los Angeles River Watershed Group consists of the following agencies: City of Los Angeles as the coordinating agency for EWMP and CIMP development, LACFCD, County of Los Angeles, and cities of Alhambra, Burbank, Calabasas, Glendale, Hidden Hills, La Canada Flintridge, Montebello, Monterey Park, Pasadena, Rosemead, San Gabriel, San Marino, South Pasadena, and Temple City. The Upper Los Angeles River Watershed Group has included a final draft Memorandum of Understanding as Attachment 2 of the Notice of Intent. The LACFCD intends to submit a final Memorandum of Understanding to the County of Los Angeles Board of Supervisors (which is the LACFCD's governing body) for approval prior to December 28, 2013.



Mr. Samuel Unger  
June 24, 2013  
Page 2

If you have any questions, please contact Ms. Terri Grant at (626) 458-4309 or  
tgrant@dpw.lacounty.gov.

Very truly yours,



GAIL FARBER  
Chief Engineer of the Los Angeles County Flood Control District

TA:jht

P:\wmpub\Secretarial\2013 Documents\Letter\LOI Upper LAR LACFCD.doc\C813232

cc: City of Alhambra  
City of Burbank  
City of Calabasas  
City of Glendale  
City of Hidden Hills  
City of La Canada Flintridge  
City of Los Angeles  
City of Montebello  
City of Monterey Park  
City of Pasadena  
City of Rosemead  
City of San Gabriel  
City of San Marino  
City of South Pasadena  
City of Temple City

# City of Alhambra

Office of the City Manager

June 10, 2013



*Gateway  
to the  
San Gabriel Valley*

*111  
South First Street  
Alhambra  
California  
91801*

*626  
570-5010*

*FAX  
281-2248*

Mr. Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

## **LETTER OF INTENT PLEDGING COMMITMENT IN THE DEVELOPMENT OF AN ENHANCED WATERSHED MANAGEMENT PROGRAM AND COORDINATED INTEGRATED MONITORING PROGRAM IN COLLABORATION WITH THE UPPER LOS ANGELES RIVER WATERSHED GROUP**

Dear Mr. Unger;

The City of Alhambra, with this letter, pledges to collaborate with the Upper Los Angeles River Watershed Group (Group) in the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) in accordance with the new MS4 Permit by Order No. R4-2012-0175 for submission to your Board. The Upper Los Angeles Watershed Group includes only the following agencies: The City of Los Angeles, the City of Alhambra, the City of Burbank, the City of Calabasas, the City of Glendale, the City of Hidden Hills, the City of La Canada Flintridge, the City of Monterey Park, the City of Pasadena, the City of Rosemead, the City of San Gabriel, the City of South Pasadena, the City of San Marino, the City of Temple City, the County of Los Angeles and the Los Angeles County Flood Control District.

The City of Alhambra further pledges to share the development cost of both the Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP). A cost sharing formula has been agreed upon by all participating members of the Group as to the equitable distribution of costs.

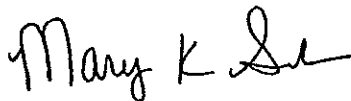


June 10, 2013

Page Two

Should you have any questions, please contact my staff, Mary Chavez, Director of Public Works at [mchavez@cityofalhambra.org](mailto:mchavez@cityofalhambra.org) or at (626) 570-5067 or David Dolphin, Environmental Compliance Specialist at [ddolphin@cityofalhambra.org](mailto:ddolphin@cityofalhambra.org) or at (626) 300-1571.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary K. Swink". The signature is fluid and cursive, with the first name "Mary" being the most prominent.

Mary K. Swink  
Interim City Manager

cc:

Renee Purdy, California Regional Water Quality Control Board, Los Angeles  
Region

Ivar Ridgeway, California Regional Water Quality Control Board, Los Angeles  
Region

Mary Chavez, Director of Public Works



City of Burbank  
PUBLIC WORKS DEPARTMENT  
275 East Olive Avenue, Burbank CA 91510-6459  
Tel: (818) 238-3950 Fax (818) 238-3999  
[www.ci.burbank.ca.us](http://www.ci.burbank.ca.us)

June 11, 2013

Mr. Samuel Unger, P.E.  
Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

**LETTER OF INTENT TO COMMIT TO THE DEVELOPMENT OF AN  
ENHANCED WATERSHED MANAGEMENT PROGRAM AND COORDINATED  
INTEGRATED MONITORING PROGRAM IN COLLABORATION WITH THE  
UPPER LOS ANGELES RIVER WATERSHED GROUP**

Dear Mr. Unger:

This letter represents the City of Burbank's intent to collaborate with the Upper Los Angeles River Watershed Group (Group) in the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) in accordance with the new Municipal Separate Storm Sewer System (MS4) Permit by Order No. R4-2012-0175 for submission to your Board.

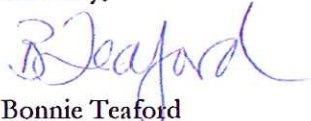
The Group includes the following agencies:

- City of Los Angeles
- County of Los Angeles
- Los Angeles County Flood Control District
- City of Alhambra
- City of Burbank
- City of Calabasas
- City of El Monte
- City of Glendale
- City of Hidden Hills
- City of La Canada Flintridge
- City of Montebello
- City of Monterey Park
- City of Pasadena
- City of Rosemead
- City of San Gabriel
- City of San Marino
- City of South Pasadena
- City of Temple City

The City of Burbank further intends to share the development cost of both the EWMP and CIMP. A cost sharing formula has been agreed to by all participating members of the Group as to the equitable distribution of costs, which will be reflected in the Memorandum of Agreement to be signed by all participating entities.

Should you have any questions, please contact Daniel Rynn, Assistant Public Works Director, at (818) 238-3940 or [drynn@burbankca.gov](mailto:drynn@burbankca.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "B Teafor".

Bonnie Teafor  
City of Burbank  
Public Works Director

cc:

Renee Purdy, California Regional Water Quality Control Board, Los Angeles Region

Ivar Ridgeway, California Regional Water Quality Control Board, Los Angeles Region





*CITY of* CALABASAS

June 10, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

**SUBJECT: LETTER OF INTENT PLEDGING COMMITMENT IN THE DEVELOPMENT OF AN  
ENHANCED WATERSHED MANAGEMENT PROGRAM AND COORDINATED  
INTEGRATED MONITORING PROGRAM IN COLLABORATION WITH THE UPPER  
LOS ANGELES RIVER WATERSHED GROUP**

Dear Mr. Unger:

The City of Calabasas, with this letter, pledges to collaborate with the Upper Los Angeles River Watershed Group (Group) in the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) in accordance with the new MS4 Permit by Order No. R4-2012-0175 for submission to your Board.

The Upper Los Angeles Watershed Group includes only the following agencies: The City of Los Angeles, the City of Alhambra, the City of Burbank, the City of Calabasas, the City of Glendale, the City of Hidden Hills, the City of La Canada Flintridge, the City of Monterey Park, the City of Pasadena, the City of Rosemead, the City of San Gabriel, the City of South Pasadena, the City of San Marino, the County of Los Angeles and the Los Angeles County Flood Control District.

The City of Calabasas further pledges to share the development cost of both the Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP). A cost sharing formula has been agreed by all participating members of the Group as to the equitable distribution of costs.

100 Civic Center Way  
Calabasas, CA 91302  
(818) 224-1600  
Fax (818) 225-7324

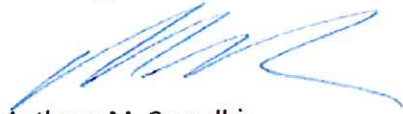
June 10, 2013

Samuel Unger, Executive Officer

Page 2

Should you have any questions, please contact Dr. Alex Farassati, Environmental Services Supervisor, at (818) 224-1680 or via e-mail at [afarassati@cityofcalabasas.com](mailto:afarassati@cityofcalabasas.com).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Anthony M. Coroalles', with a stylized, flowing script.

Anthony M. Coroalles  
City Manager

c: City Council

Robert Yalda, Calabasas Public Works Director/City Engineer

Alex Farassati, Calabasas Environmental Services Supervisor

Renee Purdy, California Regional Water Quality Control Board, Los Angeles Region

Ivar Ridgeway, California Regional Water Quality Control Board, Los Angeles Region



CITY OF GLENDALE, CALIFORNIA  
Public Works Department

633 East Broadway, Room 209  
Glendale, California 91206-4385  
(818) 548-3900 Fax (818) 546-2207  
[www.ci.glendale.ca.us](http://www.ci.glendale.ca.us)

May 7, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

RECEIVED

MAY 22 2013

WATERSHED PROTECTION DIVISION

Attention: Renee Purdy

**LETTER OF INTENT PLEDGING COMMITMENT IN THE DEVELOPMENT OF  
AN ENHANCED WATERSHED MANAGEMENT PROGRAM AND COORDINATED  
INTEGRATED MONITORING PROGRAM IN COLLABORATION WITH THE  
UPPER LOS ANGELES RIVER WATERSHED GROUP**

Dear Mr. Unger:

The City of Glendale, with this letter, pledges to collaborate with the Upper Los Angeles River Watershed Group (Group) in the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) in accordance with the new MS4 Permit by Order No. R4-2012-0175 for submission to your Board.


The Group includes only the following agencies: The City of Los Angeles, the city of Alhambra, the city of Burbank, the city of Calabasas, the city of Glendale, the city of Hidden Hills, the city of La Canada Flintridge, the city of Monterey Park, the city of Pasadena, the city of Rosemead, the city of San Gabriel, the city of South Pasadena, the city of San Marino, the County of Los Angeles and the Los Angeles County Flood Control District. The City of Los Angeles, as lead agency for the Group, is preparing the comprehensive Notice of Intent on behalf of the Group.

The City of Glendale further pledges to cost share the development cost of both the EWMP and CIMP. A cost sharing formula has been agreed by all participating members of the Group as to the equitable distribution of costs, which will be reflected in the Memorandum of Agreement to be signed by all participating entities.

Should you have any questions, please contact Maurice Oillataguerre, Senior Environmental Program Specialist, at (818) 937-8219 or [moillataguerre@ci.glendale.ca.us](mailto:moillataguerre@ci.glendale.ca.us).



Sincerely,



Stephen M. Zarr  
City of Glendale  
Public Works Director

cc:

Renee Purdy, California Regional Water Quality Control Board, Los Angeles Region  
Ivar Ridgeway, California Regional Water Quality Control Board, Los Angeles Region



# City of Hidden Hills

6165 Spring Valley Road • Hidden Hills, California 91302  
(818) 888-9281 • Fax (818) 719-0083

June 11, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

**RE: LETTER OF INTENT PLEDGING COMMITMENT IN THE  
DEVELOPMENT OF AN ENHANCED WATERSHED  
MANAGEMENT PROGRAM AND COORDINATED INTEGRATED  
MONITORING PROGRAM IN COLLABORATION WITH THE  
UPPER LOS ANGELES RIVER WATERSHED GROUP**

Dear Mr. Unger:

The City of Hidden Hills, with this letter, pledges to collaborate with the Upper Los Angeles River Watershed Group (Group) in the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) in accordance with the new MS4 Permit by Order No. R4-2012-0175 for submission to your Board. The Group includes the following agencies: the City of Los Angeles, the City of Alhambra, the City of Burbank, the City of Calabasas, the City of Glendale, the City of Hidden Hills, the City of La Canada Flintridge, the City of Montebello, the City of Monterey Park, the City of Pasadena, the City of Rosemead, the City of San Gabriel, the City of South Pasadena, the City of San Marino, the City of Temple City, Los Angeles County, and the Los Angeles County Flood Control District.

The City of Hidden Hills further pledges to cost share the development cost of both the EWMP and CIMP. A cost sharing formula has been agreed to by all participating members of the Group as to the equitable distribution of costs.



Samuel Unger  
Los Angeles Regional Water Quality Control Board  
June 11, 2013  
Page 2

Should you have any questions, please contact our Water Quality Consultant, Joe Bellomo, at jbellomo@willdan.com or at (805) 279-6856.

Sincerely,

CITY OF HIDDEN HILLS



Steve Freedland  
Mayor

SF/dlg

cc: Cherie L. Paglia, City Manager  
Joe Bellomo, Willdan Engineering  
Renee Purdy, California Regional Water Quality Control Board, Los Angeles Region  
Ivar Ridgeway, California Regional Water Quality Control Board, Los Angeles Region  
Shahram Kharaghani, City of Los Angeles, Bureau of Sanitation  
Alfredo Magallanes, City of Los Angeles, Bureau of Sanitation



June 26, 2013

City Council  
Laura Olhasso, Mayor  
Michael T. Davitt, Mayor Pro Tem  
Jonathan C. Curtis  
David A. Spence  
Donald R. Voss

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

**CITY OF LA CAÑADA FLINTRIDGE COMMITMENT TO PARTICIPATE IN AND SHARE THE COST FOR THE DEVELOPMENT OF ENHANCED WATERSHED MANAGEMENT PROGRAM AND COORDINATED INTEGRATED MONITORING PROGRAM FOR THE UPPER LOS ANGELES RIVER WATERSHED GROUP**

Dear Mr. Unger;

The City of La Cañada Flintridge submits this letter of intent with our commitment to participate in and share the cost for the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) for the Upper Los Angeles River Watershed as outlined in the Notice of Intent submitted by the City of Los Angeles to meet the requirements of Part VI.C.4.b of the MS4 Permit (Order No. R4-2012-0175) and the CIMP notification requirements specified in Attachment E Section IV.C.1.

The Upper Los Angeles River Watershed Group consists of the following MS4 Permittees: The City of Los Angeles, the City of Alhambra, the City of Burbank, the City of Calabasas, the City of Glendale, the City of Hidden Hills, the City of La Cañada Flintridge, the City of Montebello, the City of Monterey Park, the City of Pasadena, the City of Rosemead, the City of San Gabriel, the City of South Pasadena, the City of San Marino, the City of Temple City, the County of Los Angeles and the Los Angeles County Flood Control District. The final draft agreement to fund program development by the Upper Los Angeles River Watershed Group has been included in the Notice of Intent and the City of Los Angeles is committed to execute this agreement prior to December 28, 2013.

The City of La Cañada Flintridge further pledges to share the cost of both EWMP and CIMP. A cost sharing formula has been agreed upon by all parties on an equitable basis by participating members which will be reflected in the Memorandum of Understanding to be signed by all participating members.

Should you have any questions about this submittal, please contact Edward Hitti, P.E., Public Works Director, at (818) 790-8882 or email him at [ehitti@lcf.ca.gov](mailto:ehitti@lcf.ca.gov).

Sincerely,

Mark R. Alexander  
City Manager





*City of Montebello*

May 28, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, CA 90013

Attention: Renee Purdy

**LETTER OF INTENT PLEDGING COMMITMENT IN THE DEVELOPMENT OF AN ENHANCED WATERSHED MANAGEMENT PROGRAM AND COORDINATED INTEGRATED MONITORING PROGRAM IN COLLABORATION WITH THE UPPER LOS ANGELES RIVER WATERSHED GROUP**

Dear Mr. Unger:

The City of Montebello, with this letter, agrees to collaborate with the Upper Los Angeles River Watershed Group (Group) in the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) in accordance with the new MS4 Permit by Order No. R4-2012-0175 for submission to your Board. The Upper Los Angeles Watershed Group included only the following agencies: The City of Los Angeles, the City of Alhambra, the City of Burbank, the City of Calabasas, The City of Glendale, the City of Hidden Hills, the City of La Canada Flintridge, the City of Monterey Park, the City of Pasadena, the City of Rosemead, the City of San Gabriel, the City of South Pasadena, the City of San Marino, the County of Los Angeles, and the Los Angeles County Flood Control District.

The City of Montebello further agrees to cost share the development cost of both the Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP). A cost sharing formula has been agreed by all participating members of the Group as to the equitable distribution of costs which will be binding once Montebello City Council approves the final Memorandum of Understanding.

Should you have any questions, please contact Norma Salinas at (323) 887-1365 or email her at [nsalinas@cityofmontebello.com](mailto:nsalinas@cityofmontebello.com).

Sincerely,

A handwritten signature in blue ink that reads 'Francesca Tucker-Schuyler'.  
Francesca Tucker-Schuyler  
City Administrator

NFS/lg

# CITY OF MONTEREY PARK

320 West Newmark Avenue • Monterey Park • California 91754-2896  
[www.ci.monterey-park.ca.us](http://www.ci.monterey-park.ca.us)



City Council  
Peter Chan  
Mitchell Ing  
Hans Liang  
Teresa Real Sebastian  
Anthony Wong

City Clerk  
Vincent D. Chang

City Treasurer  
Joseph Leon

June 5, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

**LETTER OF INTENT PLEDGING COMMITMENT IN THE DEVELOPMENT OF AN  
ENHANCED WATERSHED MANAGEMENT PROGRAM AND COORDINATED  
INTEGRATED MONITORING PROGRAM IN COLLABORATION WITH THE UPPER  
LOS ANGELES RIVER WATERSHED GROUP**

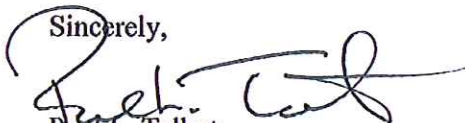
Dear Mr. Unger;

The City of Monterey Park, with this letter, pledges to cooperate with the Upper Los Angeles River Watershed Group (Group) in developing an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) in accordance with the new MS4 Permit by Order No. R4-2012-0175 for submission to your Board. The Upper Los Angeles Watershed Group includes only the following agencies: The city of Los Angeles; the city of Alhambra; the city of Burbank; the city of Calabasas; the city of Glendale; the city of Hidden Hills; the city of La Canada Flintridge; the city of Monterey Park; the city of Pasadena; the city of Rosemead; the city of San Gabriel; the city of South Pasadena; the city of San Marino; the city of Temple City; the County of Los Angeles and the Los Angeles County Flood Control District.

The City of Monterey Park further agrees to cost share the development cost of both the Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP). A cost sharing formula has been agreed by all participating members of the Group as to the equitable distribution of costs.

Should you have any questions, please contact my staff, Amy Ho, at (626) 307-1383.

Sincerely,

  
Paul L. Talbot  
City Manager





DEPARTMENT OF PUBLIC WORKS

June 12, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

**LETTER OF INTENT PLEDGING COMMITMENT IN THE DEVELOPMENT OF AN  
ENHANCED WATERSHED MANAGEMENT PROGRAM AND COORDINATED  
INTEGRATED MONITORING PROGRAM IN COLLABORATION WITH THE  
UPPER LOS ANGELES RIVER WATERSHED GROUP**

Dear Mr. Unger:

The City of Pasadena, with this letter, pledges to collaborate with the Upper Los Angeles River Watershed Group (Group) in the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) in accordance with the new MS4 Permit by Order No. R4-2012-0175 for submission to your Board.

The Group includes only the following agencies: the Cities of Los Angeles, Alhambra, Burbank, Calabasas, Glendale, Hidden Hills, La Canada Flintridge, Monterey Park, Pasadena, Rosemead, San Gabriel, San Marino, South Pasadena, the County of Los Angeles, and the Los Angeles County Flood Control District. The City of Los Angeles, as lead agency for the Group, is preparing the comprehensive Notice of Intent on behalf of the Group.

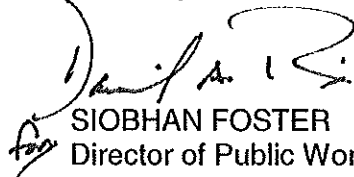
The City of Pasadena further pledges to share the development cost of both the EWMP and CIMP. A cost sharing formula has been agreed to by all participating members of the Group as to the equitable distribution of costs, which will be reflected in the Memorandum of Agreement to be signed by all participating entities.



Samuel Unger  
June 12, 2013  
Page 2 of 2

If you have any questions, please contact Dan Rix, City Engineer, at [drix@cityofpasadena.net](mailto:drix@cityofpasadena.net) or 626-744-4267, or Steve Walker, Principal Engineer, at [swalker@cityofpasadena.net](mailto:swalker@cityofpasadena.net) or 626-744-4271.

Sincerely,



Handwritten signature of Siobhan Foster in black ink, featuring a large, stylized 'S' and 'F'.

SIOBHAN FOSTER  
Director of Public Works

cc:

Renee Purdy, California Regional Water Quality Control Board, Los Angeles Region  
Ivar Ridgeway, California Regional Water Quality Control Board, Los Angeles Region

MAYOR:  
POLLY LOW

MAYOR PRO TEM:  
WILLIAM ALARCON

COUNCIL MEMBERS:  
SANDRA ARMENTA  
MARGARET CLARK  
STEVEN LY



*City of Rosemead*

8838 E. VALLEY BOULEVARD P.O BOX 399  
ROSEMEAD, CALIFORNIA 91770  
TELEPHONE (626) 569-2100  
FAX (626) 307-9218

June 13, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

**LETTER OF INTENT TO PARTICIPATE IN THE DEVELOPMENT OF AN  
ENHANCED WATERSHED MANAGEMENT PROGRAM AND COORDINATED  
INTEGRATED MONITORING PROGRAM AS A MEMBER OF THE UPPER  
LOS ANGELES RIVER WATERSHED GROUP**

Dear Mr. Unger;

The City of Rosemead hereby submits its intention to collaborate with the Upper Los Angeles River Watershed Group (Group) in the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP). The development of these programs is authorized by Order No. R4-2012-0175, the MS4 permit for Los Angeles County, which became effective on December 28, 2012.

The Upper Los Angeles Watershed Group includes only the following agencies: The City of Rosemead, the City of Alhambra, the City of Burbank, the City of Calabasas, the City of El Monte, the City of Glendale, the City of Hidden Hills, the City of La Canada Flintridge, the City of Los Angeles, the City of Monterey Park, the City of Pasadena, the City of San Gabriel, the City of South Pasadena, the City of San Marino, the County of Los Angeles and the Los Angeles County Flood Control District.

As a participant in the group, the City of Rosemead intends to share in the development cost of both the Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) as determined by the group. A cost sharing formula, which demonstrates an equitable distribution of project costs, has been agreed upon by all participating members of the Group.

The City's continued participation in the development of these programs is contingent upon the successful procurement of a qualified professional services firm during Fall 2013. Additionally, the City of Rosemead will actively participate in this effort unless any administrative order or judicial action causes the permit, or any portions thereof, to be stayed or invalidated. This intention to participate applies solely to the creation of the Enhanced Watershed Management Program and Coordinated Integrated monitoring Program.

Should you have any questions, please contact staff members Chris Marcarello at (626) 569-2118 or [cmarcarello@cityofrosemead.org](mailto:cmarcarello@cityofrosemead.org) or Sean Sullivan at (626) 569-2189 or [ssullivan@cityofrosemead.org](mailto:ssullivan@cityofrosemead.org).

Sincerely,



Jeff Allred  
City Manager

Cc: Ivar Ridgeway, Los Angeles Regional Water Quality Control Board  
Renee Purdy, Los Angeles Regional Water Quality Control Board  
Rosemead City Council  
Chris Marcarello, City of Rosemead  
Sean Sullivan, City of Rosemead  
Alfredo Magallanes, City of Los Angeles



May 30, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

**LETTER OF INTENT PLEDGING COMMITMENT IN THE DEVELOPMENT  
OF AN ENHANCED WATERSHED MANAGEMENT PROGRAM AND  
COORDINATED INTEGRATED MONITORING PROGRAM IN  
COLLABORATION WITH THE UPPER LOS ANGELES RIVER WATERSHED  
GROUP**

Dear Mr. Unger:

The City of San Gabriel, with this letter, pledges to collaborate with the Upper Los Angeles River Watershed (Group) in the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) in accordance with the new MS4 Permit by Order No. R4-2012-0175 for submission to your Board. The Group includes the following agencies: the City of Los Angeles, the County of Los Angeles, Los Angeles County Flood Control District, the City of Alhambra, the City of Burbank, the City of Calabasas, the City of Glendale, the City of Hidden Hills, the City of La Cañada Flintridge, the City of Monterey Park, the City of Pasadena, the City of Rosemead, the City of San Gabriel, the City of South Pasadena, and the City of San Marino.

The City of San Gabriel further pledges to cost share the development cost of both the Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP). A cost sharing formula has been agreed by all participating members of the Group as to the equitable distribution of costs.

Should you have any questions, please contact Daren Grilley, of my staff, at [dgrilley@sgch.org](mailto:dgrilley@sgch.org) or at (626) 308-2806 ext. 4631.

Sincerely,

Steven A. Preston  
City Manager

cc: Rene Purdy, Los Angeles Regional Water Quality Control Board  
Ivar Ridgeway, Los Angeles Regional Water Quality Control Board  
Jennifer Davis, Community Development Director  
Daren Grilley, City Engineer  
Enrique Zaldivar, City of Los Angeles, Bureau of Sanitation  
Shahram Kharaghani, City of Los Angeles, Bureau of Sanitation



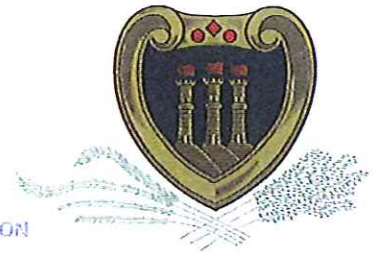
# City of San Marino

Office of the City Manager

RECEIVED

JUN 12 2013

WATER PROTECTION DIVISION



JOHN T. SCHAEFER  
City Manager

June 4, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

**LETTER OF INTENT PLEDGING COMMITMENT IN THE DEVELOPMENT OF  
AN ENHANCED WATERSHED MANAGEMENT PROGRAM AND  
COORDINATED INTEGRATED MONITORING PROGRAM IN  
COLLABORATION WITH THE UPPER LOS ANGELES RIVER WATERSHED  
GROUP**

Dear Mr. Unger;

The City of San Marino, with this letter, pledges to collaborate with the Upper Los Angeles River Watershed Group (Group) in the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) in accordance with the new MS4 Permit by Order No. R4-2012-0175 for submission to your Board. The Upper Los Angeles Watershed Group includes only the following agencies: The City of Alhambra, the City of Burbank, The City of Calabasas, the City of Los Angeles, the city of El Monte, the City of Glendale, the City of Hidden Hills, the City of La Canada Flintridge, the County of Los Angeles, the City of Montebello, the City of Monterey Park, the City of Pasadena, the City of Rosemead, the City of San Gabriel, the City of San Marino, the City of South Pasadena, the City of Temple City, and the Los Angeles County Flood Control District.

The City of San Marino further pledges to cost share the development cost of both the Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP). A cost sharing formula has been agreed by all participating members of the Group as to the equitable distribution of costs.



Sincerely,

A handwritten signature in blue ink, appearing to read 'John Schaefer', with a stylized, flowing script.

John Schaefer  
City Manager

cc:

Renee Purdy, California Regional Water Quality Control Board, Los Angeles Region  
Ivar Ridgeway, California Regional Water Quality Control Board, Los Angeles Region  
Alfredo Magallanes, City of Los Angeles, Bureau of Sanitation



**CITY OF SOUTH PASADENA**

OFFICE OF THE CITY MANAGER  
1414 MISSION STREET, SOUTH PASADENA, CA 91030  
TEL: 626.403.7210 ■ FAX: 626.403.7211  
WWW.CI.SOUTH-PASADENA.CA.US

June 5, 2013

Samuel Unger, Executive Officer  
California Regional Water Quality Control Board, Los Angeles Region  
320 W. 4<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90013

Attention: Renee Purdy

**Subject: LETTER OF INTENT PLEDGING COMMITMENT IN THE DEVELOPMENT OF  
AN ENHANCED WATERSHED MANAGEMENT PROGRAM AND  
COORDINATED INTEGRATED MONITORING PROGRAM IN  
COLLABORATION WITH THE UPPER LOS ANGELES RIVER WATERSHED  
GROUP**

Dear Mr. Unger:

The City of South Pasadena, with this letter, pledges to collaborate with the Upper Los Angeles River Watershed Group (Group) in the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) in accordance with the new MS4 Permit by Order No. R4-2012-0175 for submission to your Board. The Upper Los Angeles Watershed Group includes only the following agencies: The City of Los Angeles, the City of Alhambra, the City of Burbank, the City of Calabasas, the City of Glendale, the City of Hidden Hills, the City of La Canada Flintridge, the City of Monterey Park, the City of Pasadena, the City of Rosemead, the City of San Gabriel, the City of South Pasadena, the City of San Marino, the County of Los Angeles and the Los Angeles County Flood Control District.

The City of South Pasadena further pledges to cost share the development cost of both the Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP). A cost sharing formula has been agreed by all participating members of the Group as to the equitable distribution of costs.

Should you have any questions, please contact Public Works Director Paul Toor at [ptoor@ci.south-pasadena.ca.us](mailto:ptoor@ci.south-pasadena.ca.us) or (626) 403-7242.

Sincerely

A handwritten signature in blue ink, appearing to read 'Sergio Gonzalez', with a stylized flourish at the end.

Sergio Gonzalez  
City Manager

cc:

Renee Purdy, California Regional Water Quality Control Board, Los Angeles Region  
Ivar Ridgeway, California Regional Water Quality Control Board, Los Angeles Region  
Paul Toor, Public Works Director  
Shin Furukawa, Deputy Public Works Director  
John L. Hunter, John L. Hunter & Associates, Inc.



9701 LAS TUNAS DRIVE • TEMPLE CITY • CALIFORNIA 91780-2249 • (626) 286-2171

June 17, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

**LETTER OF INTENT PLEDGING COMMITMENT IN THE DEVELOPMENT OF AN  
ENHANCED WATERSHED MANAGEMENT PROGRAM AND COORDINATED  
INTEGRATED MONITORING PROGRAM IN COLLABORATION WITH THE  
UPPER LOS ANGELES RIVER WATERSHED GROUP**

Dear Mr. Unger;

The City of Temple City, with this letter, pledges to collaborate with the Upper Los Angeles River Watershed Group (Group) in the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) in accordance with the new MS4 Permit by Order No. R4-2012-0175 for submission to your Board. The Upper Los Angeles Watershed Group includes only the following agencies: The City of Los Angeles, the city of Alhambra, the city of Burbank, the city of Calabassas, the city of Glendale, the city of Hidden Hills, the city of La Canada Flintridge, the city of Monterey Park, the city of Pasadena, the city of Rosemead, the city of San Gabriel, the city of South Pasadena, the city of San Marino, the city of Temple City, the County of Los Angeles and the Los Angeles County Flood Control District.

The City of Temple City further pledges to cost share the development cost of both the Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP). A cost sharing formula has been agreed by all participating members of the Group as to the equitable distribution of costs.

Letter of Intent for Upper Los Angeles River Watershed Group  
June 17, 2013  
Page 2 of 2

Should you have any questions, please contact me at Mark Persico, AICP, Community Development Director, at (626)285-2171 or [mpersico@templecity.us](mailto:mpersico@templecity.us).

Sincerely,



Jose Pulido  
City Manager

Attachment 4 – Structural BMP Fact Sheet



# Green Street and Brandon Street Road Improvement Project

## Regulatory Background

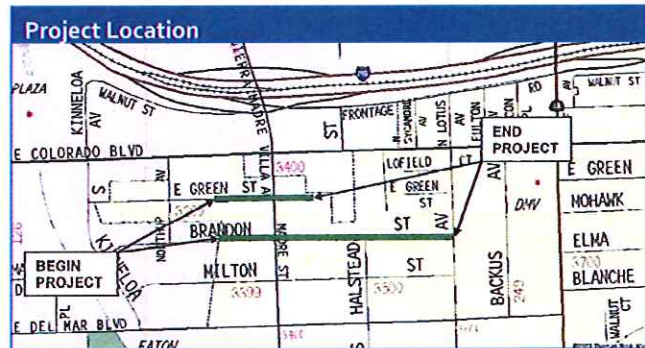
The Brandon Street and Green Street Improvements Project area drains to Eaton Wash which is tributary to Rio Hondo and then to the Los Angeles River. The Los Angeles River has Total Maximum Daily Load (TMDL) regulations for Trash, Nutrients, Metals, and Bacteria.

## Environmental Benefits

The project will reconstruct approximately 0.16 miles of roadway on Green Street and 0.39 miles on Brandon Street. The design includes several green street elements including permeable pavers, bio-retention planters, sediment filtration catch basins, and an underground infiltration basin.

Approximately 1,800 feet of bioretention planter boxes (bioswales) will be constructed throughout the project limits. In addition, an underground infiltration basin system will be installed at the cul-de-sac of Green Street with 5,800 cubic feet of infiltration capacity. Trees and drought-tolerant plants will also be added throughout the project.

Much of the runoff from the streets and private properties that had previously drained to Rio Hondo untreated will now infiltrate through the permeable sidewalks and gutters, bioswales, and infiltration basin. This will help augment the groundwater and prevent pollutants from entering the Los Angeles River.



## Location

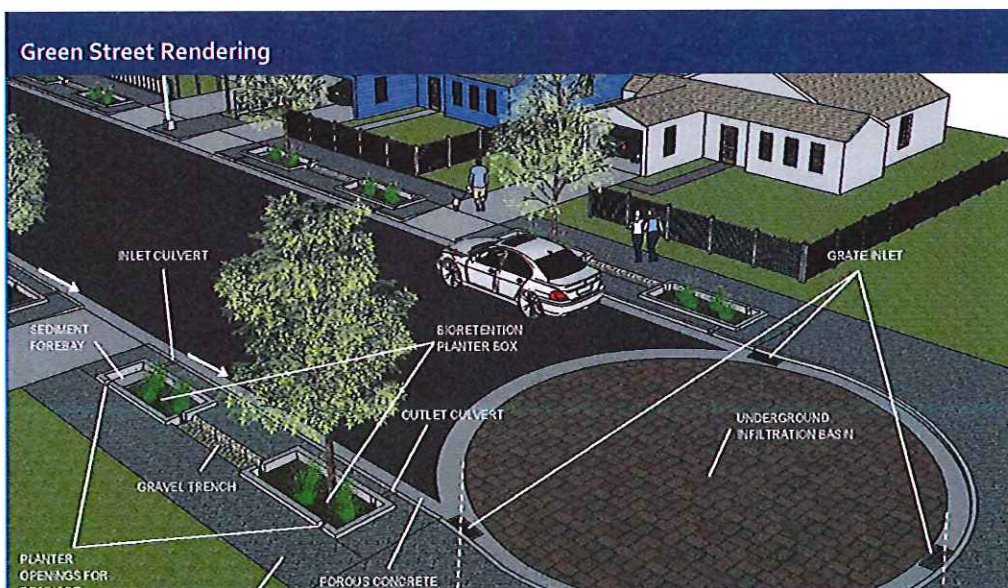
The project consists of 0.55 miles of street improvements on Brandon and Green Streets in the unincorporated area of East Pasadena. The surrounding area is predominantly residential with some commercial uses.

## Schedule

Award	December 2013
Construction	Spring 2014 to Fall 2014

## Cost

The construction cost is estimated to be \$2.9 million.





# HUMBOLDT GREENWAY PROJECT

Los Angeles River Watershed

January 2013

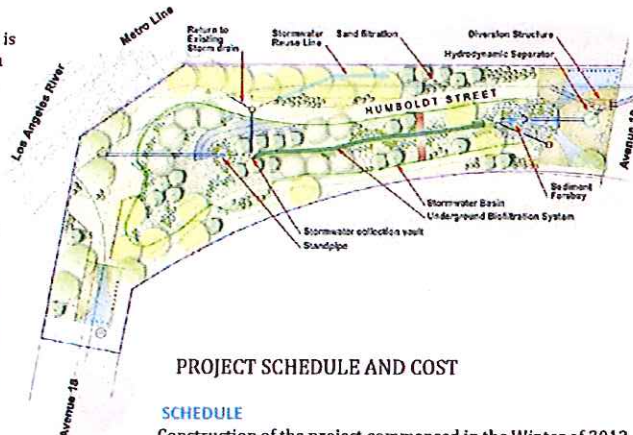
## FACT SHEET



### PROJECT DESCRIPTION

#### ENVIRONMENTAL SETTING

The Humboldt Neighborhood Greenway Project is located in the Lincoln Heights neighborhood within the northeastern part of the City of Los Angeles. The project site currently consists of 1.15 acres total area which includes an unpaved portion of the Humboldt Street right of way between 18<sup>th</sup> and 19<sup>th</sup> Avenue along with four city owned vacant parcels (0.3 acres). The project will intercept and treat street level flows from the Humboldt and Avenue 19 intersection area through a bio-swale within the plaza and storm drain day-lighting as both an aesthetic and functional feature that will help to alleviate local street flooding. The project will also include a fenced area for public use that supports enhanced native habitats along the LA River corridor and will integrate native plant materials within a constructed topography that features signage, trails, passive recreation and an open plaza on site frontage at 19<sup>th</sup> Street. This project will enhance water quality, provide a natural habitat and community recreational opportunities, and promote the idea that urban streams are a valuable resource to be enjoyed rather than a nuisance to be constructed underground.



### PROJECT SCHEDULE AND COST

#### SCHEDULE

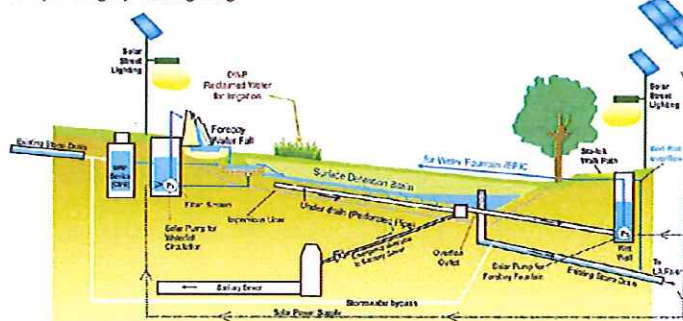
Construction of the project commenced in the Winter of 2012, with an anticipated duration of 14 to 16 months. The project schedule is shown below.

#### Project Schedule

	2012	2013	2014	2015
Construction				
Post-Construction				

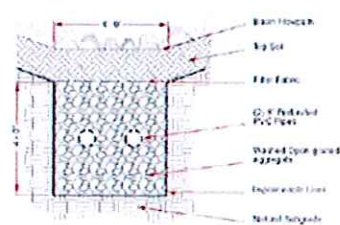
#### DESCRIPTION OF BMP

This project consists of intercepting an existing storm drain system and constructing a stormwater greenway with a "stream" eco-system through the corridor on Humboldt Street with a pedestrian path connecting Avenue 18 and Avenue 19. The elements include a pollution reduction/infiltration system and an approximately 175-foot long graded swale/open-channel, which is surrounded by a vegetated basin. Work also includes a) an overflow structure; b) a pedestrian bridge; c) an irrigation system; d) landscaping and tree planting; e) solar lighting.



#### COST

The project is estimated to cost approximately \$4.5 million, which includes administration, design and construction management, construction, and optimization phase. This project is projected to result in an annual increase of approximately \$50,000 in operation and maintenance to the City.



Watershed Protection Division  
Bureau of Sanitation

Department of Public Works  
City of Los Angeles

**Attachment 5 – Specific Actions and Status for Compliance with Interim and Final Milestones of the Upper Los Angeles River Watershed Trash TMDL**

TMDL	Permittees	Implementation Plan and Control Measures	Status of Implementation
Los Angeles River Trash TMDL	County of Los Angeles	Install Full Capture Systems or other BMPs to reduce baseline by 80%	Completed
2007-012		Install Full Capture Systems or other BMPs to reduce baseline by 90%	Completion anticipated by September 30, 2014
		Install Full Capture Systems or other BMPs to reduce baseline by 96.7%	Completion anticipated by September 30, 2015
		Install Full Capture Systems or other BMPs to reduce baseline by 100%	Completion anticipated by September 30, 2016

**Monterey Park**

Monterey Park has chosen to conduct Daily Generation Rate (DGR) studies to demonstrate compliance with the Trash TMDL. John L. Hunter and Associates (JLHA) has conducted five DGR studies for Monterey Park since 2008. The 2012 studies demonstrate that the city of Monterey Park has met at least a 94% compliance level. This year, JLHA will be conducting a 6<sup>th</sup> DGR study for Monterey Park. The city has installed approximately 148 full capture CPS inserts in high generating trash areas (commercial and industrial areas).

Compliance reports have been submitted to the Los Angeles Regional Water Quality Control Board (Regional Board) every year after completion of the DGR studies. The intention of such studies is to demonstrate to the Regional Board that the city is within established levels of the scheduled waste load allocations and has met stormwater discharge compliance requirements.



**South Pasadena**

South Pasadena has chosen to conduct Daily Generation Rate (DGR) studies to demonstrate compliance with the Trash TMDL. John L. Hunter and Associates (JLHA) has conducted five DGR studies for South Pasadena since 2008. The 2012 studies demonstrate that the city of South Pasadena has met at least a 95% compliance level. This year, JLHA will be conducting a 6<sup>th</sup> DGR study for South Pasadena. South Pasadena is currently reviewing the possibilities of installing full capture CPS and/or ARS units.

Compliance reports have been submitted to the Los Angeles Regional Water Quality Control Board (Regional Board) every year after completion of the DGR studies. The intention of such studies is to demonstrate to the Regional Board that the city is within established levels of the scheduled waste load allocations and has met stormwater discharge compliance requirements.

**Temple City**

Temple City has chosen to conduct Daily Generation Rate (DGR) studies to demonstrate compliance with the Trash TMDL. John L. Hunter and Associates (JLHA) has conducted five DGR studies for Temple City and has surpassed the targets for each of those years. The 2012 studies demonstrate that the city of Temple City has met at least a 93% compliance level. This year, JLHA will be conducting a 6<sup>th</sup> DGR study for Temple City. Temple City is currently reviewing the possibilities of installing full capture CPS and/or ARS units.

Compliance reports have been submitted to the Los Angeles Regional Water Quality Control Board (Regional Board) every year after completion of the DGR studies. The intention of such studies is to demonstrate to the Regional Board that the city is within established levels of the scheduled waste load allocations and has met stormwater discharge compliance requirements.

# ATTACHMENT A

## Part 2

Notices of Intent



# City of Commerce

Office of the  
City Administrator

June 27, 2013

Mr. Sam Unger  
Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region, Suite 200  
320 W. Fourth St., Suite 200  
Los Angeles, CA 90013

RE: Notice of Intent for a Watershed Management Program and Coordinated Integrated Monitoring Program for the Los Angeles River Upper Reach 2 Gateway Sub Watershed.

Dear Mr. Unger:

The Permittees listed in Table 1 below that are party to this Notice of Intent (NOI) hereby notify the Los Angeles Regional Water Quality Control Board (Regional Water Board) of their intent to develop a Watershed Management Program (WMP) for the Los Angeles River Upper Reach 2 Sub Watershed (LAR UR2 Sub Watershed) which includes the Cities of Bell, Bell Gardens, Cudahy, Commerce, Huntington Park, Maywood, Vernon, and the Los Angeles County Flood Control District. This NOI is hereby submitted in accordance with Part VI.C.4.b.i of Order R4-2012-0175. Permittees meet the LID and Green Streets conditions and will submit the Draft WMP within 18 months of the effective date of Order R4-2012-0175 (June 28, 2014).

In addition, the same permittees listed in Table 1 hereby notify the Regional Water Board of their intent to develop a Coordinated Integrated Monitoring Program (CIMP) as part of their WMP. The Permittees intend to follow a CIMP approach for each of the required monitoring plan elements including Receiving Water Monitoring, Storm Water Outfall Based Monitoring, Non-Storm Water Outfall Based Monitoring, New Development/Re-Development Effectiveness Tracking, and Regional Studies and will submit the CIMP within 18 months of the effective date of Order R4-2012-0175 (June 28, 2014) with the WMP.

*"Where Quality Service Is Our Tradition"*

2535 Commerce Way • Commerce, CA 90040 | Phone: 323•722•4805 | [www.ci.commerce.ca.us](http://www.ci.commerce.ca.us)



## SECTION 1. PROGRAM TYPE AND PERMITTEES

**Table 1** lists the permittees who have agreed to work cooperatively and to jointly develop a WMP and CIMP under a Memorandum of Understanding (MOU) with the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority for administration and cost sharing.

**Table 1. Watershed Management Program Permittees**

City of Bell  
 City of Bell Gardens  
 City of Commerce  
 City of Cudahy  
 City of Huntington Park  
 City of Maywood  
 City of Vernon  
 Los Angeles County Flood Control District (LACFCD)

## SECTION 2. TOTAL MAXIMUM DAILY LOADS ESTABLISHED WATER QUALITY BASED EFFLUENT LIMITATIONS:

**Table 2** lists applicable interim and final Water Quality Based Effluent Limitations (WQBELs) and receiving water limitations established by Total Maximum Daily Loads (TMDLs) and identified by Section VI.C.4.B.ii of the Order that occur prior to the anticipated approval of the WMP.

**Table 2. Applicable Interim and Final Trash WQBELs and all other Final WQBELs and Receiving Water Limitations Occurring Before Watershed Management Program Approval**

TMDL Order	WQBEL	Interim or Final	Compliance Date
Los Angeles River Trash	80% reduction of baseline	Interim	09/30/2013
	90% reduction of baseline	Interim	09/30/2014
	96.7% reduction of baseline	Interim	09/30/2015
	100% reduction of baseline	Final	09/30/2016

Los Angeles River Nitrogen Compounds and Related Effects TMDL	100% of MS4 drainage area complies with waste load allocations	Final	03/23/2004
Los Angeles River Bacteria Implementation Schedule for Dry Weather – upper and middle reach 2 (Figueroa St. to Rosecrans Ave.) R4-2012-0175	Submit a Load Reduction Strategy (LRS) for Segment B (or submit an alternative compliance plan)	Interim	09/23/2014

### SECTION 3. IDENTIFY TMDL CONTROL MEASURES:

**Table 3** identifies the control measures being implemented by each Permittee for each TMDL that have interim and final WQBELs that occur prior to the anticipated approval of the WMP. The Permittees will continue to implement these measures during the development of the WMP.

**Table 3. Control Measures that will be Implemented Concurrently with WMP Development for TMDLs**

<b>TMDL</b>	<b>Permittees</b>	<b>Implementation Plan and Control Measures</b>	<b>Status of Implementation</b>
Los Angeles River Trash R4-2012-0175	Cities of: Bell	Install Full Capture Systems or other BMPs to reduce baseline by 80%	Completed
	Bell Gardens Commerce Cudahy Huntington Park Maywood Vernon	Install Full Capture Systems or other BMPs to reduce baseline by 90%	Completed
		Install Full Capture Systems or other BMPs to reduce baseline by 96.7%	Completed
Los Angeles River Bacteria Implementation Schedule for Dry Weather – upper and middle reach 2 (Figueroa St. to Rosecrans Ave.) R4-2012-0175	Cities of: Bell Bell Gardens Commerce Cudahy Huntington Park Maywood Vernon	Developed a Coordinated Monitoring Plan (CMP) for the Los Angeles River Watershed.	Submitted the CMP to the LA Regional Water Quality Control Board on March 23, 2013 with the expressed intention of integrating the CMP with a future CIMP.



#### **SECTION 4. DEMONSTRATION OF MEETING LID ORDINANCE AND GREEN STREETS POLICY REQUIREMENTS:**

The Permittees that are party to this NOI developed LID Ordinances and Green Streets Policies that are in the process of being adopted by their governing board. **Table 4** summarizes the status of the Permittees' LID ordinances and Green Streets policies. More than 50% of the MS4 watershed area that will be addressed by the WMP is covered by LID Ordinances and Green Streets Policies.

**Table 4. Status of LID Ordinance and Green Streets Policy Coverage of the MS4 Watershed Area Addressed by the WMP**

<b>Permittee</b>	<b>Land Area (mi<sup>2</sup>)</b>	<b>LID Ordinance Status</b>	<b>Green Streets Policy Status</b>
City of Bell	2.64	Developed	Developed
City of Bell Gardens	2.49	Adopted	Adopted
City of Commerce	6.57	Adopted	Adopted
City of Cudahy	1.12	Developed	Adopted
City of Huntington Park	3.03	Developed	Adopted
City of Maywood	1.18	Developed	Adopted
City of Vernon	5.16	Developed	Developed
LACFCD	0	N/A	N/A
<b>Total MS4 Watershed Area</b>	<b>22.19</b>		

The listed permittees are diligently working together and making progress towards compliance with Order R4-2012-0175. Please contact the individual permittees should you have questions pertaining to their jurisdiction's compliance measures. A list of contact information is enclosed. Please direct all inquiries regarding the LAR UR2 Sub Watershed's WMP/CIMP development to Ms. Claudia Arellano at [carellano@ci.vernon.ca.us](mailto:carellano@ci.vernon.ca.us) or (323) 583-8811, ext. 258. Thank you.

Sincerely,

The LAR UR2 Sub Watershed Permittees  
(Individual signatures enclosed)

cc: Ms. Renee Purdy, California Regional Water Quality Control Board  
Mr. Ivar Ridgeway, California Regional Water Quality Control Board

Violeta Alvarez - *Mayor*  
Ana Maria Quintana - *Mayor Pro Tem*  
Alicia Romero - *Councilmember*  
Ali Saleh - *Councilmember*  
Nestor Enrique Valencia - *Councilmember*



6330 Pine Avenue  
Bell, California 90201  
(323) 588-6211  
(323) 771-9473 fax

## CITY OF BELL

June 12, 2013

Mr. Samuel Unger, P.E., Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West Fourth Street, Suite 200  
Los Angeles, CA 90013

Attention: Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – LOS ANGELES COUNTY FLOOD CONTROL DISTRICT  
LOS ANGELES RIVER UPPER REACH 2 SUB WATERSHED  
WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The City of Bell submits this Letter of Intent to participate in and share the cost of the development of a Watershed Management Program (WMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Los Angeles River Upper Reach 2 Sub Watershed Group. This Letter of Intent serves to satisfy the WMP notification requirements of Section VI.C.4.b. of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Los Angeles River Upper Reach 2 Sub Watershed Group consists of the following agencies: the cities of Bell, Bell Gardens, Commerce, Cudahy, Huntington Park, Maywood, Vernon and the LACFCD. The City of Bell intends to submit a final Memorandum of Understanding to the City Council for approval on July 17<sup>th</sup>, 2013.

If you have any questions, please contact Mr. Terry Rodrigue at (323)588-6211 or [trodrigue@cityofbell.org](mailto:trodrigue@cityofbell.org).

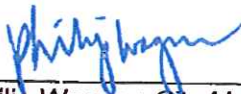
Sincerely,

Doug Wilmore  
City Manager

The Watershed Permittees, described as the LAR UR2 Sub Watershed, made and entered into an MOU by and between the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority (GWMA), a California Joint Powers Authority, and the Cities of Bell, Bell Gardens, Commerce, Cudahy, Huntington Park, Maywood, Vernon and the Los Angeles County Flood Control District (LACFCD). In said MOU and pursuant to Section V.C.4.b of the MS4 Permit Order R4-2012-0175, the Watershed Permittees agreed to jointly draft, execute and submit to the Los Angeles Regional Water Quality Control Board, a Notice of Intent (NOI) letter by June 28, 2013 that complies with all applicable MS4 Permit provisions for development of a joint Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) and execute such joint NOI as follows:

DATE: 6/19/13

CITY OF BELL GARDENS  
Mr. Philip Wagner  
City Manager  
7100 Garfield Avenue  
Bell Gardens, CA 90201

  
\_\_\_\_\_  
Philip Wagner, City Manager

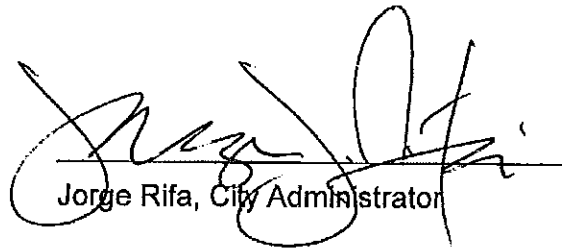


The Watershed Permittees, described as the LAR UR2 Sub Watershed, made and entered into an MOU by and between the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority (GWMA), a California Joint Powers Authority, and the Cities of Bell, Bell Gardens, Commerce, Cudahy, Huntington Park, Maywood, Vernon and the Los Angeles County Flood Control District (LACFCD). In said MOU and pursuant to Section V.C.4.b of the MS4 Permit Order R4-2012-0175, the Watershed Permittees agreed to jointly draft, execute and submit to the Los Angeles Regional Water Quality Control Board, a Notice of Intent (NOI) letter by June 28, 2013 that complies with all applicable MS4 Permit provisions for development of a joint Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) and execute such joint NOI as follows:

DATE:

06.13/2013

CITY OF COMMERCE  
Mr. Jorge Rifa  
City Administrator  
2535 Commerce Way  
Commerce, CA 90040




Jorge Rifa, City Administrator

The Watershed Permittees, described as the LAR UR2 Sub Watershed, made and entered into an MOU by and between the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority (GWMA), a California Joint Powers Authority, and the Cities of Bell, Bell Gardens, Commerce, Cudahy, Huntington Park, Maywood, Vernon and the Los Angeles County Flood Control District (LACFCD). In said MOU and pursuant to Section V.C.4.b of the MS4 Permit Order R4-2012-0175, the Watershed Permittees agreed to jointly draft, execute and submit to the Los Angeles Regional Water Quality Control Board, a Notice of Intent (NOI) letter by June 28, 2013 that complies with all applicable MS4 Permit provisions for development of a Joint Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) and execute such joint NOI as follows:

DATE: 6/19/13

CITY OF CUDAHY  
Mr. Hector Rodriguez  
City Manager  
5220 Santa Ana Street  
Cudahy, CA 90201



Hector Rodriguez, City Manager

The Watershed Permittees, described as the LAR UR2 Sub Watershed, made and entered into an MOU by and between the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority (GWMA), a California Joint Powers Authority, and the Cities of Bell, Bell Gardens, Commerce, Cudahy, Huntington Park, Maywood, Vernon and the Los Angeles County Flood Control District (LACFCD). In said MOU and pursuant to Section V.C.4.b of the MS4 Permit Order R4-2012-0175, the Watershed Permittees agreed to jointly draft, execute and submit to the Los Angeles Regional Water Quality Control Board, a Notice of Intent (NOI) letter by June 28, 2013 that complies with all applicable MS4 Permit provisions for development of a joint Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) and execute such joint NOI as follows:

DATE: 6/24/13

CITY OF HUNTINGTON PARK  
Mr. Rene Bobadilla, P.E.  
City Manager  
6550 Miles Avenue  
Huntington Park, CA 90255

  
\_\_\_\_\_  
Rene Bobadilla, City Manager

The Watershed Permittees, described as the LAR UR2 Sub Watershed, made and entered into an MOU by and between the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority (GWMA), a California Joint Powers Authority, and the Cities of Bell, Bell Gardens, Commerce, Cudahy, Huntington Park, Maywood, Vernon and the Los Angeles County Flood Control District (LACFCD). In said MOU and pursuant to Section V.C.4.b of the MS4 Permit Order R4-2012-0175, the Watershed Permittees agreed to jointly draft, execute and submit to the Los Angeles Regional Water Quality Control Board, a Notice of Intent (NOI) letter by June 28, 2013 that complies with all applicable MS4 Permit provisions for development of a joint Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) and execute such joint NOI as follows:

DATE: 6-25-13

CITY OF MAYWOOD  
Ms. Lilian Myers  
City Manager  
4319 East Slauson Avenue  
Maywood, CA 90270

  
\_\_\_\_\_  
Lilian Myers, City Manager

The Watershed Permittees, described as the LAR UR2 Sub Watershed, made and entered into an MOU by and between the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority (GWMA), a California Joint Powers Authority, and the Cities of Bell, Bell Gardens, Commerce, Cudahy, Huntington Park, Maywood, Vernon and the Los Angeles County Flood Control District (LACFCD). In said MOU and pursuant to Section V.C.4.b of the MS4 Permit Order R4-2012-0175, the Watershed Permittees agreed to jointly draft, execute and submit to the Los Angeles Regional Water Quality Control Board, a Notice of Intent (NOI) letter by June 28, 2013 that complies with all applicable MS4 Permit provisions for development of a joint Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) and execute such joint NOI as follows:

DATE: 6-20-13

CITY OF VERNON  
Mr. Samuel Kevin Wilson, P.E.  
Director of Community Services & Water  
4305 Santa Fe Avenue  
Vernon, CA 90058

  
\_\_\_\_\_  
Samuel Kevin Wilson, Director of  
Community Services & Water





GAIL FARBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE  
REFER TO FILE: **WM-7**

June 24, 2013

Mr. Samuel Unger, P.E.  
Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – LOS ANGELES COUNTY FLOOD CONTROL DISTRICT  
LOS ANGELES RIVER UPPER REACH 2 SUB WATERSHED  
WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

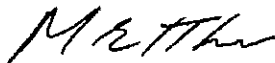
The Los Angeles County Flood Control District (LACFCD) submits this Letter of Intent to participate in and share the cost of the development of a Watershed Management Program (WMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Los Angeles River Upper Reach 2 Sub Watershed Group. This Letter of Intent serves to satisfy the WMP notification requirements of Section VI.C.4.b. of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Los Angeles River Upper Reach 2 Sub Watershed Group consists of the following agencies: LACFCD and cities of Bell, Bell Gardens, Commerce, Cudahy, Huntington Park, Maywood, and Vernon. The LACFCD intends to submit a final Memorandum of Understanding to the County of Los Angeles Board of Supervisors (which is the LACFCD's governing body) for approval prior to December 28, 2013.

Mr. Samuel Unger  
June 24, 2013  
Page 2

If you have any questions, please contact Ms. Terri Grant at (626) 458-4309 or  
tgrant@dpw.lacounty.gov.

Very truly yours,



*for* GAIL FARBER  
Chief Engineer of the Los Angeles County Flood Control District

TA:jht

P:\wmpub\Secretarial\2013 Documents\Letter\LOI LAR UR2 LACFCD.docC13230

cc: City of Bell  
City of Bell Gardens  
City of Commerce  
City of Cudahy  
City of Huntington Park  
City of Maywood  
City of Vernon

# Watershed Permittee Contact List

Permittee	Contact	Contact Mailing Address	Contact Telephone and Email Address
City of Bell	Young Park Terry Rodriguez	6330 Pine Ave. Bell, CA 90201	(323) 588-6211 Ext 228 <a href="mailto:ypark@cityofbell.org">ypark@cityofbell.org</a> <a href="mailto:trodrigue@cityofbell.org">trodrigue@cityofbell.org</a>
City of Bell Gardens	Chau Vu	7100 Garfield Ave. Bell Gardens, CA 90201	(562) 334-1790 <a href="mailto:cvu@bellgardens.org">cvu@bellgardens.org</a>
City of Commerce	Gina Nila Environmental Services Manager	2535 Commerce Way Commerce, CA 90040	(323) 722-4805, ext. 2839 <a href="mailto:ginan@ci.commerce.ca.us">ginan@ci.commerce.ca.us</a>
City of Cudahy	Aaron Hernandez-Torres Assistant City Engineer	5220 Santa Ana St. Cudahy, CA 90201	(323) 773-5143 <a href="mailto:ahernandez@cityofcudayca.gov">ahernandez@cityofcudayca.gov</a>
City of Huntington Park	James A. Enriquez Director of Public Works/City Engineer	6550 Miles Ave. Huntington Park, CA 90255	(323) 584-6253 <a href="mailto:jenriquez@huntingtonpark.org">jenriquez@huntingtonpark.org</a>
City of Maywood	Andre Dupret	4319 E. Slauson Ave. Maywood, CA 90270	(323) 562-5700 <a href="mailto:andre.dupret@cityofmaywood.org">andre.dupret@cityofmaywood.org</a>
City of Vernon	Samuel Kevin Wilson, P.E. Director of Community Services & Water	4305 Santa Fe Ave. Vernon, CA 90058	(323) 583-8811, ext. 245 <a href="mailto:kwilson@ci.vernon.ca.us">kwilson@ci.vernon.ca.us</a>
LACFCD	Claudia Arellano Project Engineer  Gary Hildebrand	900 S. Freemont Ave. Alhambra, CA 91803	(323) 583-8811, ext. 258 <a href="mailto:carellano@ci.vernon.ca.us">carellano@ci.vernon.ca.us</a>  (626) 458-4300 <a href="mailto:ghildeb@dpw.lacounty.gov">ghildeb@dpw.lacounty.gov</a>



**CITY OF SIGNAL HILL**

2175 Cherry Avenue • Signal Hill, California 90755-3799

**Transmittal Letter**

June 26, 2013

To: losangeles@waterboards.ca.gov

Sam Unger, Executive Officer  
Regional Water Quality Control Board, Los Angeles Region  
320 4<sup>th</sup> Street Suite 200  
Los Angeles, California 90013

Attention: Rene Purdy

Attached, please find the "Notice of Intent" for the cities and agencies comprising the Lower Los Angeles River Watershed. We look forward to working with your staff during the upcoming year in the development of the (Enhanced) Watershed Management Program and Coordinated Integrated Monitoring Program.

Please contact me at (562) 989-7356 if you have any questions.

Thank you.

Steve Myrter, P.E.  
Chair - Lower Los Angeles River Watershed Committee

# Notice of Intent

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## Lower Los Angeles River Watershed Management Plan (WMP)

City of Downey  
City of Lakewood  
City of Long Beach  
City of Lynwood  
City of Paramount  
City of Pico Rivera  
City of Signal Hill  
City of South Gate  
Caltrans

Los Angeles County Flood Control Districts



# **Notice of Intent**

## **Watershed Management Program (WMP) and**

## **Coordinated Integrated Monitoring Program**

## **Lower Los Angeles River Watershed**

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### **SECTION 1**

#### **PROGRAM TYPE AND PERMITTEES**

The Permittees (listed in Table 1) that are party to this Notice of Intent (NOI) hereby notify the Los Angeles Regional Water Quality Control Board (Regional Water Board) of their intent to develop a Watershed Management Plan (WMP) for the Lower Los Angeles River Watershed. This NOI is being submitted in accordance with Part VI.C.4.b.i of Order R4-2012-0175. Permittees meet the LID and Green Street conditions and will submit the Draft WMP within 18 months of the effective date of Order R4-2012-0175 (June 28, 2014).

The Permittees also hereby notify the Regional Water Board of their intent to develop a Coordinated Integrated Monitoring Program (CIMP). The Permittees intend to follow a CIMP approach for each of the required monitoring plan elements and will submit the CIMP within 18 months of the effective date of Order R4-2012-0175 (June 28, 2014).

While maintaining the 18 month WMP schedule, the Permittees intend to continue to consider the Enhanced-WMP (EWMP) compliance option. If the Permittees elect to develop an EWMP prior to the December 28, 2013, the Permittees will notify the Regional Board in writing.

**Table 1. Watershed Management Program Permittees**

1. City of Downey
2. City of Lakewood
3. City of Long Beach <sup>1</sup>
4. City of Lynwood
5. City of Paramount
6. City of Pico Rivera
7. City of Signal Hill
8. City of South Gate
9. Caltrans <sup>2</sup>
10. Los Angeles County Flood Control Districts

---

<sup>1</sup> City of Long Beach is not a party to this MS4 Permit but has their participation in the development of this WMP/CIMP.

<sup>2</sup> Caltrans is not a party to this MS4 Permit but has indicated their participation in the development of this WMP/CIMP.

## SECTION 2

### TOTAL MAXIMUM DAILY LOADS ESTABLISHED WATER QUALITY BASED EFFLUENT LIMITATIONS

Table 2 lists applicable interim, final Water Quality Based Effluent Limitations (WQBELs) and all other receiving water limitations established by Total Maximum Daily Loads (TMDLs) identified by Section VI.C.4.b.ii of the Order.

**Table 2. Applicable Interim and Final Trash WQBELs and all other Final WQBELs and Receiving Water Limitations occurring before Watershed Management Program Approval.**

TMDL Order	WQBEL	Interim/Final	Compliance Date
Los Angeles River Trash TMDL 2007-012	80% of baseline	Interim	9/30/2013
	90% of baseline	Interim	9/30/2014
	96.7 of baseline	Interim	9/30/2015
	Final 0%	Final	9/30/2016
Los Angeles River Nutrients TMDL 2003-009	100% of MS4 drainage area complies with waste load allocations	Final	3/23/2004
Los Angeles River Metals TMDL 2007-014	<u>Dry Weather</u>		
	50% of drainage area	Interim	1/11/2012
	75% of drainage area	Interim	1/10/2020
	100% of drainage area	Interim	1/11/2024
	<u>Wet Weather</u>		
	25% of drainage area	Interim	1/11/2012
	50% of drainage area	Interim	1/11/2024
	100% of drainage area	Final	1/11/2028

**NOTE:**

Reach 1 Cities and lower Reach 2 Cities have joined to form the Lower Los Angeles River Watershed. These cities previously participated in the development of and have an existing Metals TMDL Implementation Plan which was submitted to the Regional Board on October 11, 2010.

### SECTION 3

#### IDENTIFY TMDL CONTROL MEASURES:

The Permittees to this WMP are responsible for two TMDLs that have final WQBELs that occur prior to the anticipated approval of the Program. Table 3 identifies the control measures being implemented by each Permittee for each TMDL. The Permittees will continue to implement these measures during the development of the WMP.

Table 3. Control Measures that are and will be Implemented Concurrently with WMP Development for TMDLs

TMDL	Permittees	Implementation Plan and Control Measures	Status of Implementation
Los Angeles River Trash TMDL 2007-012	Downey	Has installed 399 Full Capture systems.	Installed
	Lakewood	Has installed 4 Full Capture systems.	Installed
	Long Beach	Has installed Full Capture systems.	Installed
	Lynwood	Has installed Full Capture systems.	Installed
	Paramount	Has installed 230 full capture inserts.	Installed
	Pico Rivera	Has installed 56 Full Capture systems.	Installed
	Signal Hill	Has installed 138 Full Capture systems. Additionally, secondary Full Capture systems located in Hamilton Bowl cover a portion of the city's drainage area to the Los Angeles River.	Installed
	South Gate	Has installed 684 full capture inserts.	Installed



TMDL	Permittees	Implementation Plan and Control Measures	Status of Implementation
Los Angeles River Nutrients TMDL 2003-009	Downey Lakewood Long Beach Lynwood Paramount Pico Rivera Signal Hill	<p>Public Information &amp; Public Participation Program</p> <ul style="list-style-type: none"> <li>• Provide Public Information related to control of nutrients</li> </ul> <p>Industrial/Commercial Facilities Program</p> <ul style="list-style-type: none"> <li>• Track critical sources of nutrients</li> <li>• Inspect critical industrial sources of metals</li> <li>• Notify industries identified as potential sources of nutrients of BMP requirements applicable to their sites</li> </ul> <p>Planning and Land Development Program</p> <ul style="list-style-type: none"> <li>• Implement New Development/ Redevelopment Project Performance Criteria</li> </ul> <p>Development Construction Program</p> <ul style="list-style-type: none"> <li>• Implement Construction Site Inventory Tracking</li> <li>• Implement Construction Plan Review and Approval Procedures</li> <li>• Conduct Construction Site Inspections</li> </ul> <p>Public Agency Activities Program</p> <ul style="list-style-type: none"> <li>• Implement Public Construction Management and Public Facility Inventory</li> <li>• Inventory Existing Development for Retrofitting Opportunities</li> <li>• Train Employees in Targeted Positions and Contractors</li> </ul>	Continued Implementation of Permit Requirements

## SECTION 4

### DEMONSTRATION OF MEETING LID ORDINANCE AND GREEN STREET POLICY REQUIREMENTS

The Permittees that are party to this NOI have LID ordinances and Green Street policies in place, in draft format, or in development. Table 4 summarizes the status of the Permittees' LID ordinances and Table 5 summarizes the status of the Permittees' Green Streets policies. More than 50% of the MS4 watershed area that will be addressed by the WMP is covered by LID ordinances and Green Streets policies.

**Table 4. Status of LID Ordinance Coverage of the MS4 Watershed Area Addressed by the WMP**

Permittee	LID Ordinance Status	MS4 Watershed Area for which Permittee is Responsible [acres] <sup>1</sup>	MS4 Watershed Area Covered by Permittee's LID Ordinance [acres]	Percentage of Watershed Area
Downey	Draft Ordinance	3,546	3,546	13%
Lakewood	Draft Ordinance	51	51	0.2%
Long Beach	In Place	12,301	12,301	44%
Lynwood	In Development	3,098	0	0%
Paramount	Draft Ordinance	1,997	1,997	7%
Pico Rivera	Draft Ordinance	1,510	1,510	5%
Signal Hill	In Place	774	774	3%
South Gate	Draft Ordinance	4,704	4,704	17%
LACFCD	N/A	-	-	-
<b>Total MS4 Watershed Area</b>		<b>27,981</b>	<b>-</b>	<b>-</b>
<b>Total MS4 Watershed Area Covered by LID Ordinances</b>			<b>24,883</b>	<b>-</b>
<b>% of MS4 Watershed Area Covered by LID Ordinance</b>				<b>89%</b>
<p>Status Descriptions:</p> <ul style="list-style-type: none"> <li>In Place – Permittee has adopted or introduced an LID Ordinance that is in compliance with the requirements of Order R4-2012-0175 for its portion of the MS4 in the watershed.</li> <li>Draft Ordinance – Permittee has completed, or will complete by June 28, 2013, the development of a draft LID Ordinance that is in compliance with the requirements of Order R4-2012-0175 for its portion of the MS4 watershed.</li> <li>In Development – Permittee initiated development of an LID Ordinance that is in compliance with the requirements of Order R4-2012-0175 for its portion of the MS4 in the watershed within 60 days of the effective date of Order R4-2012-0175 and will have a draft ordinance.</li> </ul> <p><sup>1</sup> Watershed area acreage shown includes school districts and other state and federal owned lands that the permittees have no jurisdiction over.</p> <p>Watershed-wide development of a draft LID ordinance for more than 50 percent of the area begin on or before February 26, 2012 with some permittees making individual efforts while others worked in conjunction with the Gateway Water Management Authority's effort.</p>				



**Table 5. Status of Green Street Policy Coverage of the MS4 Watershed Area Addressed by the WMP**

Permittee	Green Street Policy Status	MS4 Watershed Area for which Permittee is Responsible [acres]	MS4 Watershed Area Covered by Permittee's Green Streets Policy [acres]	Percentage of Watershed Area
Downey	Draft Policy	3,546	3,546	13%
Lakewood	Draft Policy	51	51	0.2%
Long Beach	In Place <sup>2</sup>	12,301	12,301	44%
Lynwood	In Development	3,098	0	0%
Paramount	In Place	1,997	1,997	7%
Pico Rivera	Draft Policy	1,510	1,510	5%
Signal Hill	In Place	774	774	3%
South Gate	Draft Policy	4,704	4,704	17%
LACFCD	N/A	-	-	-
<b>Total MS4 Watershed Area</b>		<b>27,981</b>	<b>-</b>	<b>-</b>
<b>Total MS4 Watershed Area Covered by Green Street Policies</b>			<b>24,883</b>	<b>-</b>
<b>% of MS4 Watershed Area Covered by Green Street Policies</b>				<b>89%</b>
<p>Status Descriptions:</p> <ul style="list-style-type: none"> <li>In Place – Permittee has adopted a Green Street Policy that is in compliance with the requirements of Order R4-2012-0175 for its portion of the MS4 in the watershed.</li> <li>Draft Policy – Permittee has completed, or will complete by June 28, 2013, the development of a draft Green Street Policy that is in compliance with the requirements of Order R4-2012-0175 for its portion of the MS4 watershed.</li> <li>In Development – Permittee initiated development of a Green Street Policy that is in compliance with the requirements of Order R4-2012-0175 for its portion of the MS4 in the watershed within 60 days of the effective date of Order R4-2012-0175 and will have a draft policy.</li> </ul> <p><sup>1</sup> Watershed area acreage shown includes school districts and other state and federal owned lands that the permittees have no jurisdiction over.</p> <p><sup>2</sup> The City of Long Beach's Complete Streets Program is in place and is considered equivalent to the requirements for a Green Streets Policy.</p> <p>Watershed-wide development of a draft Green Streets Policy for more than 50 percent of the area begin on or before February 26, 2012 with some permittees making individual efforts while others worked in conjunction with the Gateway Water Management Authority's effort.</p>				

## SECTION 5

### GEOGRAPHIC SCOPE OF WATERSHED MANAGEMENT PROGRAM

The Los Angeles River Watershed covers a land area of 834 square miles. The western portion spans from the Santa Monica Mountains to the Simi Hills and in the east from the Santa Susana Mountains to the San Gabriel Mountains. It flows 51 miles from the western end of the San Fernando Valley to the Queensway Bay and Pacific Ocean at Long Beach. There are over 40 major Permittees in the Los Angeles River watershed, 10 of which are participants herein. The Flood Control District (LACFCD) owns, operates and maintains storm drains and channels within the Los Angeles County and is also included as a participant. This WMP will cover all of the areas within each of the jurisdictions of the MS4 Permittees within the Lower Los Angeles River Watershed as shown in Figure 1. The total WMP area for the Lower Los Angeles River Watershed is approximately 27,981 acres. Table 6 provides a breakdown of the land area within the Lower Los Angeles River Watershed by Permittee.

The Permittees have jurisdiction over essentially 100% of the total watershed area, other than schools and other scattered state and federally owned lands. Those school districts, state and federal land areas are included within the land areas as shown on the tables.

**Table 6. Lower Los Angeles River Watershed Land Area by Permittees**

Permittee	Land Area (Acres)	Percent of Total Area
Downey	3,546	13%
Lakewood	51	0%
Long Beach	12,301	44%
Lynwood	3,098	11%
Paramount	1,997	7%
Pico Rivera	1,510	5%
Signal Hill	774	3%
South Gate	4,704	17%
Caltrans	TBD	TBD
LACFCD	Not Delineated	--



## SECTION 6

### PLAN CONCEPT AND INTERIM MILESTONES AND TARGET DATES

If at any point, the Permittees elect to develop an EWMP, the Permittees will follow the following program schedule:

Table 7. Watershed Management Program Interim Milestones and Target Completion Dates.

Milestone	Targets
Notify Regional Board on decision to elect to develop Enhanced-WMP instead of WMP	December 2013
Compile technical memorandum of water quality priorities	December 2013
Complete internal draft of EWMP Work Plan	March 2014
Complete draft CIMP	April 2014
Submit final CIMP and final EWMP Work Plan	June 2014
Develop interim numeric milestones for EPA developed TMDLs	August 2014
Conduct initial RAA based on selected watershed control measures	December 2015
Complete internal draft of EWMP	April 2015
Submit draft EWMP to Regional Water Board	June 2015
Submit Final EWMP to Regional Water Board (revised based on the Regional Water Board comments)	January 2016

## SECTION 7

### COST ESTIMATE

It is estimated that the cost to hire a consultant for the development of the CIMP and WMP is \$800,000, which includes past TMDL Implementation Plan development costs. In addition, it is estimated that the Lower Los Angeles River Watershed Agencies will contribute several hundred thousands of dollars in in-kind services and contract administration costs.

The LACFCD, having no land authority over the Lower Los Angeles River Watershed, will contribute 10% of the total consultant CIMP and WMP development cost while the other 90% of the cost will be funded by the remaining Permittees, based upon their respective land area percentages in the Lower Los Angeles River watershed as shown in Table 6.

## SECTION 8

### PERMITTEE MEMORANDA OF UNDERSTANDING

All Permittees to the WMP are committed to the completion of the program development.

A copy of a draft WMP Memorandum of Understanding (MOU) is included. This draft MOU will be used as a template if the permittees elect to convert to Enhanced-WMP. This agreement would be executed before December 28, 2013.

## SECTION 9

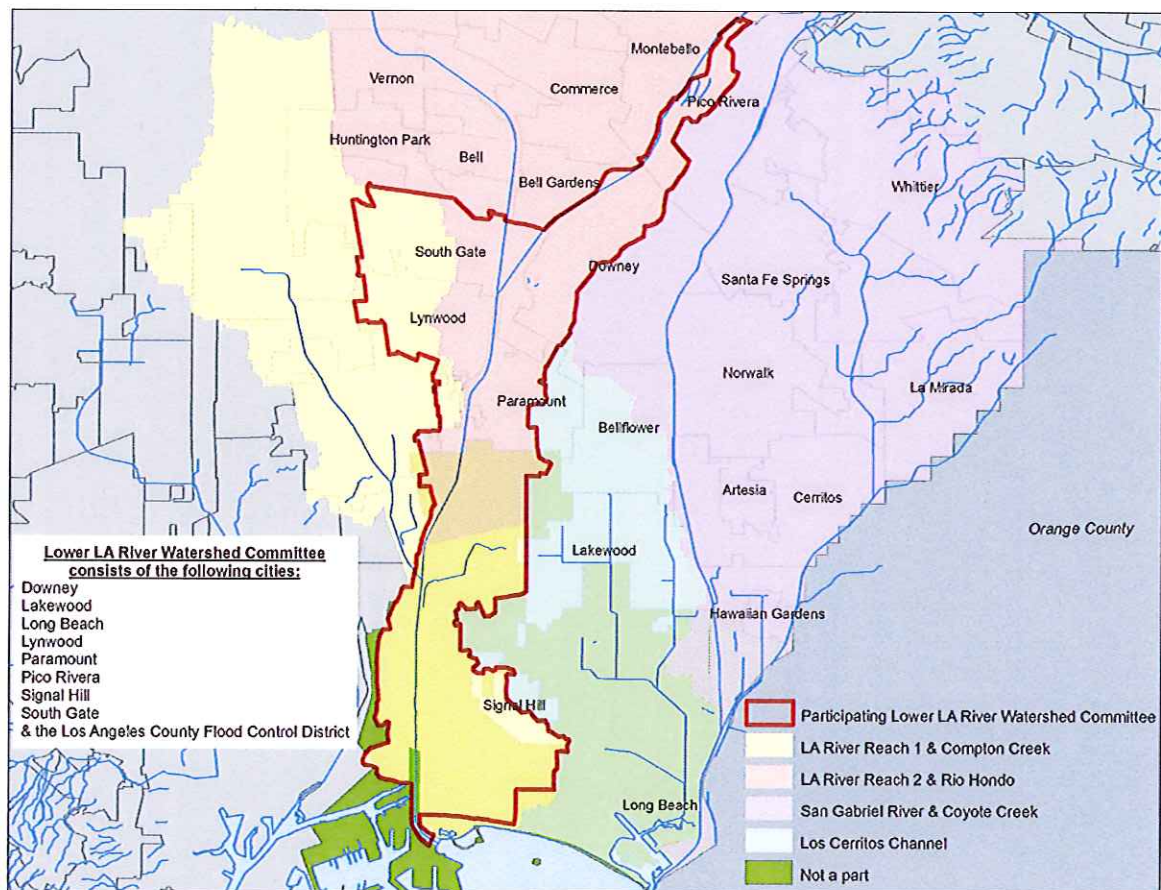
### COMMITMENT TO IMPLEMENT A STRUCTURAL BMP OR SUITE OF BMPS

Should the Permittees decide to pursue the EWMP compliance path, the Permittees listed in Table 1 will implement the identified structural BMP or suite of BMPs to fulfill the obligations under Part VI.C.4.b.iii.(5).

Table 8. Structural BMP or Suite of BMPs to be Implemented in the WMP Watershed

Watershed	Permittee	Structural BMP or Suite of BMPs to be Implemented	Planned Implementation Date
Lower Los Angeles River	All listed on Table 1	The permittees are evaluating open space sites within the watershed for possible runoff treatment projects.	June 28, 2015

Figure 1: Lower Los Angeles River Watershed Map



Note: Caltrans areas are not identified.



## **Attachment A**

### **Memoranda of Understanding (MOU)**

MEMORANDUM OF UNDERSTANDING  
BETWEEN THE LOS ANGELES GATEWAY REGION INTEGRATED REGIONAL  
WATER MANAGEMENT JOINT POWERS AUTHORITY  
AND  
THE CITIES OF DOWNEY, LAKEWOOD, LONG BEACH, LYNWOOD, PARAMOUNT,  
PICO RIVERA, SIGNAL HILL, SOUTH GATE AND THE LOS ANGELES COUNTY FLOOD  
CONTROL DISTRICT

FOR ADMINISTRATION AND COST SHARING TO PREPARE AND IMPLEMENT A  
WATERSHED MANAGEMENT PROGRAM "WMP" and COORDINATED INTEGRATED  
MONITORING PROGRAM "CIMP" AS REQUIRED BY THE REGIONAL WATER  
QUALITY CONTROL BOARD, LOS ANGELES REGION (REGIONAL WATER BOARD),  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM MUNICIPAL  
SEPARATE STORM SEWER SYSTEM PERMIT ORDER NO. R4-2012-0175 ("MS4  
PERMIT")

This memorandum of understanding ("MOU") is made and entered into as of the date of the last signature set forth below, by and between the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority ("GWMA"), a California Joint Powers Authority, and the Cities of Downey, Lakewood, Long Beach, Lynwood, Paramount, Pico Rivera, Signal Hill, and South Gate, the Los Angeles County Flood Control District ("District"), and the California Department of Transportation ("Caltrans") (hereafter jointly referred to as the "Watershed Permittees"):

RECITALS

WHEREAS, the mission of the GWMA includes the equitable protection and management of water resources within its area; and

WHEREAS, the Watershed Permittees manage, drain and convey stormwater wholly or partially into Reach 1, Reach 2, and the estuary of the Los Angeles River, the Rio Hondo and Compton Creek hereafter referred to as the Lower Los Angeles River Watershed (Lower LAR) as shown on Exhibit A; and

WHEREAS, several of the Watershed Permittees are in multiple watersheds and this MOU shall only pertain to those areas that are within the jurisdiction of the Watershed Permittees and also tributary to Reach 1 and 2 of the Los Angeles River, Compton Creek, the Rio Hondo and the estuary of the Los Angeles River; and

WHEREAS, in 2009, the Watershed Permittees with the exception of the District created Technical Committees consisting of voluntary representatives from the Watershed Permittees, for the preparation of Implementation Plans for the Los Angeles River Metals TMDL (Metals TMDL); and

WHEREAS, in 2009, the Watershed Permittees with the exception of the District entered into MOUs with the Gateway Cities Council of Governments and the San Gabriel Valley Council of Governments to act as the fiduciary agents for the development of the Metals TMDL Implementation Plans for Reach 1 including Compton Creek and Reach 2 including Rio Hondo respectively; and

WHEREAS, the MS4 Permit was adopted by the Regional Water Board on November 8, 2012 and became effective on December 28, 2012 and allows permittees to prepare a Watershed Management Program ("WMP") or an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program ("CIMP"), collectively "the Plans," to address certain elements of the MS4 Permit; and

WHEREAS, the Watershed Permittees and the GWMA wish to maintain continuity of the Metals TMDL Technical Committees in coordinating the preparation and submission of the plans to be presented to the Regional Water Board; and

WHEREAS, the California Department of Transportation ("Caltrans") is regulated under a separate MS4 permit and considering entering into a separate MOU with the Watershed Permittees and the GWMA to coordinate preparation of the Plans; and

WHEREAS, the Los Angeles River Reach 1 Technical Committee and representatives of Pico Rivera, Downey, Paramount and the District decided at a meeting held on April 22, 2013 to prepare a Watershed Management Program (WMP) with the option of converting the WMP to an Enhanced Watershed Management Program upon approval by the Technical Committee prior to December 28, 2013; and

WHEREAS, on May 20, 2013 the Watershed Permittees with the exception of the District voted to change the name of the Los Angeles River Reach 1 Technical Committee to the Lower Los Angeles River Watershed Committee (Lower LAR Watershed Committee) to reflect the expanded duties; and

WHEREAS, the Watershed Permittees and the GWMA are collectively referred to as the "Parties"; and

WHEREAS, preparation of the Plans requires administrative coordination for the Watershed Permittees that the GWMA can provide; and

WHEREAS, there are remaining funds on deposit with the Gateway Cities Council of Governments for use in implementation measures for the Metals TMDL in a previous MOU and the Lower LAR Watershed Committee approved spending the remaining funds for the development of the WMP prior to expending any funding from this MOU; and

WHEREAS, the Lower LAR Watershed Committee has approved a Scope of Work (Exhibit C); and

WHEREAS, the Parties have determined that authorizing GWMA to retain the consultant which prepared the Metals TMDL Implementation Plan and hire additional consultants as necessary to prepare and deliver the Plans will be beneficial to the Parties; and

WHEREAS, the Watershed Permittees have determined to pay their proportionate share of the costs of preparing the Plans and other related costs (Proportionate costs) to be incurred by the GWMA in accordance with the Cost Sharing Allocation Formula reflected in Exhibit B.

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth herein, the Parties do hereby agree as follows:

Section 1. Recitals. The recitals set forth above are fully incorporated as part of this MOU.

Section 2. Purpose. The purpose of this MOU is to cooperatively support and undertake preparation of the Plans, and any additional services agreed to by the Watershed Permittees working through the Lower LAR Watershed Committee and as approved by the GWMA. This MOU does not include services related to the implementation of the Plans and required monitoring. The Parties will enter into an amendment to the MOU if they desire to collectively provide such services.

Section 3. Cooperation. The Parties shall fully cooperate with one another to achieve the purposes of this MOU.

Section 4. Voluntary Nature. The Parties voluntarily enter into this MOU.

Section 5. Binding Effect. This MOU shall become binding on GWMA and the Watershed Permittees that execute this MOU.

Section 6. Term. This MOU shall expire on June 30, 2014 except for those Watershed Entities that agree to the extent of the MOU. The term of the MOU for the District shall expire upon approval of the Plans by the Regional Water Board unless the Parties agree to an amendment to this MOU providing for continuing participation by the District.

Section 7. Lower LAR Watershed Committee Representative.

- a) Each Watershed Permittee shall appoint a representative ("Representative") to the Lower LAR Watershed Committee. Each member shall have one vote on the Lower LAR Watershed Committee.

- b) All Draft and Final Plans shall be reviewed by the Lower LAR Watershed Committee for further revision and/or completion. No Plan or Plans shall be submitted to the Regional Water Board unless and until it/they have been approved, by a majority vote of the Lower LAR Watershed Committee, for submittal, excepting only a Party or Parties whose involvement in this MOU has been terminated.
- c) In the absence of the Representative, the Lower LAR Watershed Committee may appoint an interim Representative for such time as the Representative provides in writing. The interim Representative shall have all the authority of the Representative during that time.
- d) The Lower LAR Watershed Committee shall appoint a Representative ("Representative") and may appoint an Alternate Representative ("Alternate Representative"), each of whom shall have the authority to speak on behalf of the Lower LAR Watershed Committee to the GWMA on decisions to be made by the Lower LAR Watershed Committee. The Lower LAR Watershed Committee shall inform the GWMA of the names of the Representative and Alternate Representative in writing. The GWMA may rely on written directions from either the Representative or the Alternate Representative. In the event of conflicting directions from the Representative and the Alternate Representative, the GWMA shall rely on the Representative's direction.

Section 8. Role of the GWMA. The GWMA will contract with and serve as a conduit for paying the Consultants as approved by the Watershed Permittees. The consultant or consultants ("Consultant") shall prepare the Plans and any other plans and/or projects that the Lower LAR Watershed Committee have determined are necessary and the costs of which the Watershed Permittees have agreed to pay. The Representative and the Alternate Representative shall be the means of communication between the Lower LAR Watershed Committee and the GWMA on the approval of the Consultant and any other work the Lower LAR Watershed Committee requests and which will be paid by the Watershed Permittees.

Section 9. Financial Terms.

- a) Each Watershed Permittee shall pay its Proportional Costs as provided in Exhibit B for Consultant and any other related costs to which the Representative or the Alternate Representative informs the GWMA the Watershed Permittees informs the GWMA in writing that the Lower LAR Watershed Committee has approved.
- b) Each Permittee shall also pay its proportional share of GWMA's staff time for retaining a Consultant and invoicing the Watershed Permittees, audit expenses and other overhead costs, including legal



fees, ("MOU Costs") incurred by GWMA in the performance of its duties under this MOU. GWMA shall add a percentage not to exceed three percent (3%) to each invoice submitted to each Permittee to cover each Permittee's share of the MOU Costs. The MOU Costs percentage shall be set each fiscal year through a majority vote by the GWMA Policy Board.

- c) GWMA shall submit an invoice to each Permittee upon selection of a Consultant reflecting each Permittee's estimated Proportional Costs for Consultant services through the following June 30<sup>th</sup> or December 31<sup>st</sup>, whichever date is earlier. Prior to releasing payment to the Consultant the GWMA shall submit a copy of the Consultant's invoice to the Lower LAR Watershed Committee for approval. The GWMA shall not make any payment to a Consultant without the approval of the Lower LAR Watershed Committee as expressed in writing the Representative or Alternate Representative.
- d) GWMA shall not be required to incur obligations for its 2013-14 fiscal year in excess of the budget reflected in Table 1 or in excess of any budget approved by the GWMA and the Lower LAR Watershed Committee unless the Lower LAR Watershed Committee authorizes the GWMA to expend the additional funds. GWMA may suspend the work of the Consultants if the Lower LAR Watershed Committee does not provided authorization to incur these additional obligations.
- e) Upon receiving the first and each subsequent invoice, each Permittee shall pay their Proportional Costs to the GWMA within forty-five days (45) days of receipt.
- f) Upon execution of this MOU, the Lower LAR Watershed Committee shall recommend to GWMA a budget for the 2013-14 fiscal year. Each successive year, commencing May 15, 2014, the Lower LAR Watershed Committee shall recommend to GWMA a budget for the following fiscal year. Within 30 days of receiving the recommendation of the Lower LAR Watershed Committee, GWMA shall consider the recommendation and adopt a budget inclusive of the Lower LAR Watershed Committee's recommendation for the 2013-14 fiscal year. For each successive year, GWMA shall consider the Lower LAR Watershed Committee's recommendation and adopt a budget by June 30<sup>th</sup> inclusive of the Lower LAR Watershed Committee's recommendation. GWMA will send each Watershed Permittee an invoice during the first month of each fiscal year representing the Watershed Permittee's Proportional Costs of the adopted budget as provided in Table 2. GWMA shall not expend funds nor incur obligations in excess of the budgeted amount without prior notification to and approval by the Lower LAR Watershed Committee.

- g) Each year GWMA shall provide an invoice to each Watershed Permittee, except the City of Long Beach, representing that Watershed Entity's Proportionate Share of the approved budget within thirty (30) days of approval of its budget for expenses related to the MOU. GWMA shall submit its invoices to the City of Long Beach no earlier than October 1<sup>st</sup> of each year.
- h) A Permittee will be delinquent if the invoiced payment is not received by the GWMA within forty-five (45) days after first being invoiced by the GWMA. The GWMA will follow the procedure listed below, or such other procedure that the Watershed Technical Committee directs to effectuate payment: 1) verbally contact the representative of the Permittee and at phone number listed in Section 14 of the MOU, and 2) submit a formal letter from the GWMA Executive Officer to the Permittee at the address listed in Section 14 of the MOU. If payment is not received within sixty (60) days of the due date, the GWMA may terminate the MOU unless the City Managers/Administrators for those Watershed Permittees in good standing inform the GWMA in writing that they agree to adjust their Proportional Cost allocations in accordance with the Cost Share Formula in Table 2 or such other formula to which the Watershed Permittees shall direct to account for the delinquent Watershed Permittees costs. However, no such termination may be ordered unless the GWMA first provides the Watershed Permittees with ninety (90) days written notice of its intent to terminate the MOU. If the GWMA receives such confirmation from the City Managers/Administrators, the delinquent Permittee's participation in this MOU will be terminated and the Cost Share Formula in Exhibit B will be adjusted. A terminated Permittee shall remain obligated to GWMA for its delinquent payments and any other obligations incurred prior to the date of termination.
- i) GWMA may suspend or modify the scope of work being performed by any Consultant retained by GWMA if any Watershed Permittee has not paid its invoice within forty five (45) of receipt unless the City Managers/Administrators/Representatives of those Watershed Permittees in good standing inform the GWMA that they will pay the delinquent Permittee's costs once the MOU with the delinquent Permittee has been terminated.
- j) Any delinquent payments by a Watershed Permittee shall accrue compound interest at the then-current rate of interest in the Local Agency Investment Fund, calculated from the first date of delinquency until the payment is made
- k) Funds remaining in the possession of the GWMA at the end of the term of this MOU, or at the termination of this Agreement, whichever

occurs earlier, shall be promptly returned to the then remaining Watershed Permittees in good standing and in accordance with the Cost Share Formula in Exhibit B.

- l) The Watershed Permittees with the exception of the District previously funded Los Angeles River Metals TMDL Implementation Plans through separate MOUs. The MOU with the GCCOG has funds remaining and upon execution of this WMP MOU, and the complete use of funds remaining in the Metals TMDL MOU, the Lower LAR Watershed Committee will inform the GCCOG that the Metals TMDL MOU shall be terminated and any remaining available funds are to be used to fund the development of Plans through this MOU.

Section 10. Letter of Intent. Pursuant to Section V.C.4.b (page 55) of the MS4 Permit, the Watershed Permittees agree to jointly draft, execute and submit to the Regional Water Board by June 28, 2013, a "Letter of Intent" that complies with all applicable MS4 Permit provisions.

Section 11. Independent Contractor.

- a) The GWMA is, and shall at all times remain, a wholly independent contractor for performance of the obligations described in this MOU. The GWMA's officers, officials, employees and agents shall at all times during the Term of this MOU be under the exclusive control of the GWMA. The Watershed Permittees cannot control the conduct of the GWMA or any of its officers, officials, employees or agents. The GWMA and its officers, officials, employees, and agents shall not be deemed to be employees of the Watershed Permittees.
- b) The GWMA is solely responsible for the payment of salaries, wages, other compensation, employment taxes, workers' compensation, or similar taxes for its employees and consultants performing services hereunder.

Section 12. Indemnification and Insurance.

- a) The GWMA shall include in the agreements with the Consultants an indemnification clause requiring the Consultants to defend, indemnify and hold harmless each of the Watershed Permittees and the GWMA, their officers, employees, and agents, from and against any and all liabilities, actions, suits, proceedings, claims, demands, losses, costs, and expenses, including legal costs and attorney's fees, for injury to or death of person(s), for damage to property (including property owned by the GWMA or any Permittee) resulting from negligent or intentional acts, errors and omissions committed by Consultants, their officers, employees, and other representatives and agents, arising out

of or related to Consultants' performance under this MOU. This provision shall also apply to any subcontractors hired by the Consultant.

- b) The Parties shall defend, indemnify and hold harmless each other as well as their officers, employees, and other representatives and agents from and against any and all liabilities, actions, suits proceedings, claims, demands, losses, costs, and expenses, including legal costs and attorney's fees, for injury to or death of person(s), for damage to property (including property owned by the GWMA and any Permittee) for negligent or intentional acts, errors and omissions committed by another member of the Parties, its officers, employees, and agents, arising out of or related to that Watershed Entity's performance under this MOU, except for such loss as may be caused by GWMA's or any other Permittee's gross negligence of its officers, employees, or other representatives and agents other than the Consultants.
- c) The GWMA shall defend, indemnify and hold harmless the Watershed Permittees, their officers, employees, and other representatives and agents of the Watershed Permittees, from and against any and all liabilities, actions, suits proceedings, claims, demands, losses, costs, and expenses, including legal costs and attorney's fees, for injury to or death of person(s), for damage to property (including property owned by the Watershed Permittees) and for negligent or intentional acts, errors and omissions committed by GWMA, its officers, employees, and agents, arising out of or related to GWMA's performance under this MOU.
- d) Consultant's Insurance. The GWMA shall require the Consultants to obtain and maintain throughout the term of their contracts with the GWMA insurance.
- e) GWMA makes no guarantee or warranty that the reports prepared by GWMA and its Consultant shall be approved by the relevant governmental authorities. GWMA shall have no liability to the Watershed Permittees for the negligent or intentional acts or omissions of GWMA's Consultants. The Watershed Permittees' sole recourse for any negligent or intentional act or omission of the GWMA's Consultant shall be against the Consultant and its insurance.

Section 13. Termination.

- a) A Permittee may terminate its participation in this MOU in whole or in part, for any reason, or no reason, by giving the other Watershed Permittees thirty (30) days written notice thereof. The terminating

Permittee shall be responsible for its Proportional Costs, which the GWMA incurred or to which it became bound through the effective date of termination. Such MOU Costs shall include the remaining fees of any Consultant retained by the GWMA prior to the effective date of termination. Should any Permittee terminate the MOU, the remaining Watershed Permittees' Proportional Cost allocation shall be adjusted in accordance with the Cost Share Formula in Exhibit B.

- b) The GWMA may, with a two-thirds( $2/3$ ) vote of the GWMA's full Policy Board, terminate this MOU upon not less than thirty (30) days notice, effective on May 1 or December 1 of each year. Any remaining funds not due and payable or otherwise legally committed to Consultant shall be returned to the remaining Watershed Permittees in accordance with the Cost Allocation Formula set forth in Exhibit B.

Section 14. Miscellaneous.

- a) Notices. All Notices which the Parties require or desire to give hereunder shall be in writing and shall be deemed given when delivered personally or three (3) days after mailing by registered or certified mail (return receipt requested) to the following address or as such other addresses as the Parties may from time to time designate by written notice in the aforesaid manner:



To GWMA:

Ms. Grace Kast  
GWMA Executive Officer  
c/o Gateway Cities Council of  
Governments  
16401 Paramount Boulevard  
Paramount, CA 90723

To the Watershed Permittees:

Mr. John Oskoui  
Assistant City Manager/Director of Public Works  
City of Downey  
11111 Brookshire Ave.  
Downey, CA 90241

Ms. Lisa A. Rapp  
Director of Public works  
City of Lakewood  
5050 Clark Avenue  
Lakewood, CA 90712

Mr. Anthony Arevalo  
Storm Water/Environmental Compliance  
Storm Water Management, a Division  
City of Long Beach  
333 West Ocean Boulevard, 9<sup>th</sup> Floor  
Long Beach, CA 90802

Mr. Roger L. Haley  
City Manager  
City of Lynwood  
11330 Bullis Road  
Lynwood, CA 90262

Mr. Christopher S. Cash  
Public Works Director  
City of Paramount  
16400 Colorado Ave  
Paramount, CA 90723

Mr. Arturo Cervantes, PE  
Director of Public Works/City Engineer  
City of Pico Rivera  
6615 Passon Boulevard  
Pico Rivera, CA 90660

Mr. Steve Myrter  
Public Works Director  
City of Signal Hill  
2175 Cherry Ave  
Signal Hill, CA 90775

Mr. Mohammad Mostahkami  
Director of Public Works/City Engineer  
City of South Gate  
8650 California Ave  
South Gate, CA 99280

Mr. Gary Hildebrand  
Los Angeles County Flood Control District  
County of Los Angeles Department of Public Works  
Watershed Management Division, 11<sup>th</sup> Floor  
900 S. Fremont Avenue  
Alhambra, CA 91803-1331

- b) Separate Accounting and Auditing. The GWMA will establish a separate account to track revenues and expenses incurred by the GWMA on behalf of the Watershed Permittees. Any Permittee may upon five (5) days written notice inspect the books and records of the GWMA to verify the cost of the services provided and billed by GWMA. GWMA shall prepare and provide to the Watershed Permittees annual financial statements and audits, after review and approval by the Lower LAR Watershed Committee.
- c) Amendment. The terms and provisions of this MOU may not be amended, modified or waived, except by a written instrument signed by all Parties and approved by all Parties as substantially similar to this MOU.
- d) Waiver. Waiver by either the GWMA or a Permittee of any term, condition, or covenant of this MOU shall not constitute a waiver of any other term, condition, or covenant. Waiver, by the GWMA or a Permittee, to any breach of the provisions of this MOU shall not constitute a waiver of any other provision or a waiver of any subsequent breach of any provision of this MOU.

- e) Law to Govern: Venue. This MOU shall be interpreted, construed, and governed according to the laws of the State of California. In the event of litigation between the Parties, venue shall lie exclusively in the County of Los Angeles.
- f) No Presumption in Drafting. The Parties to this MOU agree that the general rule that an MOU is to be interpreted against the Parties drafting it, or causing it to be prepared, shall not apply.
- g) Severability. If any term, provision, condition or covenant of this MOU is declared or determined by any court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions of this MOU shall not be affected thereby and this MOU shall be read and construed without the invalid, void, or unenforceable provision(s).
- h) Entire Agreement. This MOU constitutes the entire agreement of the Parties with respect to the subject matter hereof and supersedes all prior or contemporaneous agreements, whether written or oral, with respect thereto.
- i) Counterparts. This MOU may be executed in any number of counterparts, each of which shall be an original, but all of which taken together shall constitute but one and the same instrument, provided, however, that such counterparts shall have been delivered to all Parties to this MOU.
- j) Legal Representation. All Parties have been represented by counsel in the preparation and negotiation of this MOU. Accordingly, this MOU shall be construed according to its fair language.
- k) Agency Authorization. Each of the persons signing below on behalf of the Parties represents and warrants that he or she is authorized to sign this MOU on their respective behalf.

IN WITNESS WHEREOF, the Parties hereto have caused this MOU to be executed on their behalf, respectively, as follows:

DATE: \_\_\_\_\_

LOS ANGELES GATEWAY REGION  
INTEGRATED REGIONAL WATER  
MANAGEMENT JOINT POWERS  
AUTHORITY

\_\_\_\_\_  
Christopher S. Cash  
GWMA Chair

IN WITNESS WHEREOF, the Parties hereto have caused this MOU to be executed on their behalf, respectively, as follows:

DATE: \_\_\_\_\_

CITY OF DOWNEY  
Mr. Gilbert Livas  
City Manager  
11111 Brookshire Ave.  
Downey, CA 90241

\_\_\_\_\_  
Gilbert Livas, City Manager

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney

IN WITNESS WHEREOF, the Parties hereto have caused this MOU to be executed on their behalf, respectively, as follows:

DATE: \_\_\_\_\_

CITY OF LAKEWOOD  
Mr. Howard L. Chambers  
City Manager  
5050 Clark Avenue  
Lakewood, CA 90712

\_\_\_\_\_  
Howard L. Chambers, City Manager

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney



IN WITNESS WHEREOF, the Parties hereto have caused this MOU to be executed on their behalf, respectively, as follows:

DATE: \_\_\_\_\_

CITY OF LONG BEACH  
Mr. Patrick H. West  
City Manager  
333 West Ocean Boulevard, 13<sup>th</sup> Floor  
Long Beach, CA 90802

\_\_\_\_\_  
Patrick H. West, City Manager

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney

IN WITNESS WHEREOF, the Parties hereto have caused this MOU to be executed on their behalf, respectively, as follows:

DATE: \_\_\_\_\_

CITY OF LYNWOOD  
Mr. Roger L. Haley  
City Manager  
11330 Bullis Road  
Lynwood, CA 90262

\_\_\_\_\_  
Roger L. Haley, City Manager

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney

IN WITNESS WHEREOF, the Parties hereto have caused this MOU to be executed on their behalf, respectively, as follows:

DATE: \_\_\_\_\_

CITY OF PARAMOUNT  
Ms. Linda Benedetti-Leal  
City Manager  
16400 Colorado Ave  
Paramount, CA 90723

\_\_\_\_\_  
Linda Benedetti-Leal, City Manager

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney

IN WITNESS WHEREOF, the Parties hereto have caused this MOU to be executed on their behalf, respectively, as follows:

DATE: \_\_\_\_\_

CITY OF PICO RIVERA  
Mr. Ronald Bates, Ph. D.  
City Manager  
6615 Passons Boulevard  
Pico Rivera, CA 90660

\_\_\_\_\_  
Ronald Bates, Ph. D., City Manager

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney

IN WITNESS WHEREOF, the Parties hereto have caused this MOU to be executed on their behalf, respectively, as follows:

DATE: \_\_\_\_\_

CITY OF SIGNAL HILL  
Mr. Ken Farfsing  
City Manager  
2175 Cherry Ave  
Signal Hill, CA 90775

\_\_\_\_\_  
Ken Farfsing, City Manager

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney



IN WITNESS WHEREOF, the Parties hereto have caused this MOU to be executed on their behalf, respectively, as follows:

DATE: \_\_\_\_\_

CITY OF SOUTH GATE  
Mr. Michael Flad  
City Manager  
8650 California Ave  
South Gate, CA 90280

\_\_\_\_\_  
Michael Flad, City Manager

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney

IN WITNESS WHEREOF, the Parties hereto have caused this MOU to be executed on their behalf, respectively, as follows:

DATE: \_\_\_\_\_

LOS ANGELES COUNTY FLOOD CONTROL DISTRICT  
County of Los Angeles Department of Public Works  
Watershed Management Division, 11<sup>th</sup> Floor  
900 S. Fremont Avenue  
Alhambra, CA 91803-1331

By \_\_\_\_\_  
Chief Engineer

ATTEST:

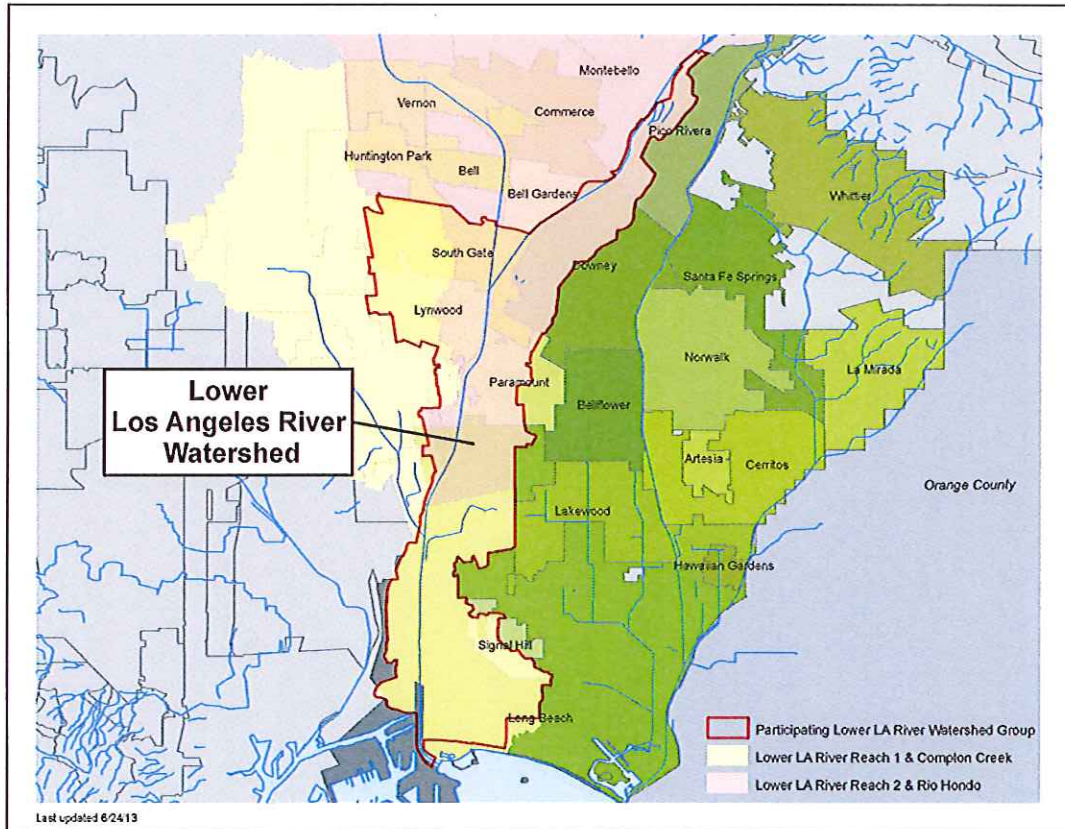
APPROVED AS TO FORM:

\_\_\_\_\_

\_\_\_\_\_  
John F. Krattli  
County Counsel

\_\_\_\_\_  
TITLE

## EXHIBIT A



## EXHIBIT B Cost Sharing

The Watershed Permittees agree to pay for the cost of preparation of the WMP (or EWMP if subsequently designated by the parties) and the CIMP. The District will pay 10 percent (10%) of the cost of developing the WMP (or EWMP) and CIMP. Each remaining Watershed Permittee will pay according to the cost sharing formula as approved in the prior MOU for the Los Angeles River Metals TMDL Implementation Plan Reach 1; each Permittee (other than the Districts) shall pay an equal share of 20 percent of the cost, 80 percent of the costs to be paid based on proportion of the Watershed Permittees' area. All Watershed Permittees shall pay the 3 percent (3%) GWMA administrative costs.

TABLE 1  
Cost Sharing Table through submittal of WMP on or before June 28, 2014

WMP/CIMP			\$657,400	TOTAL		\$677,122
GWMA Administration (3%)			\$19,722			
LACFCD Allocation (10%)						\$67,712
Distributed Cost						\$609,410
Agency	Area (sq mi)	% of Total Area	20 percent of Distributed Cost proportioned equally	80 percent of Distributed Cost proportioned based on area	TOTAL Per Agency	
Downey	5.54	12.7%	\$13,542	\$61,777	\$75,320	
Lakewood	0.08	0.2%	\$13,542	\$892	\$14,435	
Long Beach	19.22	44.0%	\$13,542	\$214,325	\$227,867	
Lynwood	4.84	11.1%	\$13,542	\$53,972	\$67,514	
Paramount	3.12	7.1%	\$13,542	\$34,792	\$48,334	
Pico Rivera	2.36	5.4%	\$13,542	\$26,317	\$39,859	
Signal Hill	1.21	2.8%	\$13,542	\$13,493	\$27,035	
South Gate	7.35	16.8%	\$13,542	\$81,961	\$95,503	
Caltrans <sup>1</sup>	TBD	TBD	\$13,542	TBD	\$13,542	
TOTAL	43.72	100%	\$108,340	\$487,528	\$609,410	

**NOTES:**

- <sup>1</sup> Caltrans cost sharing will be determined at a later date. Each agency's total will be adjusted accordingly.
- Unincorporated areas of Los Angeles County are not participants in this MOU.
- Watershed Permittees and the cost share are subject to modifications due to, but not limited to, changes in the number of participating agencies, refinements in mapping, and changes in boundaries.
- Other agencies may participate upon approval of cost sharing agreements by the Lower LAR Watershed Committee and GWMA. Any future participants shall be assessed a late entry cost as if they had been a participant from the beginning of the Metals MOU, as of July 1, 2010, unless otherwise determined by the Lower LAR Watershed Committee.

Table 2

Estimated Cost Sharing Formula per \$100,000 beginning June 29, 2014 through September 30, 2026.

Agency	TOTAL COST TO BE DISTRIBUTED				\$ 100,000
	Area (sq mi)	% of Total Area	20 percent of cost proportioned equally	80 percent of cost proportioned based on area	TOTAL
Downey	5.54	12.7%	\$2,222	\$10,137	\$12,359
Lakewood	0.08	0.2%	\$2,222	\$146	\$2,369
Long Beach	19.22	44.0%	\$2,222	\$35,169	\$37,391
Lynwood	4.84	11.1%	\$2,222	\$8,856	\$11,079
Paramount	3.12	7.1%	\$2,222	\$5,709	\$7,931
Pico Rivera	2.36	5.4%	\$2,222	\$4,318	\$6,541
Signal Hill	1.21	2.8%	\$2,222	\$2,214	\$4,436
South Gate	7.35	16.8%	\$2,222	\$13,449	\$15,671
Caltrans	TBD	TBD	\$2,222	TBD	\$2,222
<b>TOTAL</b>	<b>43.72</b>	<b>100%</b>	<b>\$17,778</b>	<b>\$80,000</b>	<b>\$100,000</b>



## **Exhibit C Scope of Work**

### **a. BACKGROUND/HISTORICAL DATA/HYDROLOGICAL SETTING**

This task will build upon the readily available data developed as part of the Reach 1 and 2 Metals TMDL Implementation Plans and include:

#### **Deliverables:**

- Source Assessment based on waterbody/pollutant combinations
- Review of applicable IRWMPs
- Baseline map
- Historical Water Quality Data
- Identification of water quality priorities
- Evaluation of existing water quality conditions
- Prioritization of the water quality issues
- Assemble available water quality reports
- Survey Permittee and Compile of existing control measures (Permittee surveys and annual reports)

### **b. MONITORING**

Several agencies have recently and/or are currently collecting samples within the Lower LAR receiving waters including: Los Angeles County Flood Control at the mass emission stations, Los Angeles City under contract to the Gateway COG for Metals and Bacteria TMDL as well as the Special Studies through the CPR group. While this offers the opportunity to realize a considerable cost savings, monitoring will require a high degree of coordination amongst the various agencies. This task will include:

#### **Deliverables:**

- Summary of outfall/receiving water /special study requirements
- Summary of existing Monitoring Programs
- Review past GIP site monitoring
- Receiving Water Monitoring - for this Scope of Work, it is assumed County Flood Control will continue monitoring at Mass Emission Station.
- Prepare Coordinated Integrated Monitoring Program (CIMP), including:
  - o Wet-weather outfall based monitoring program
  - o Non-stormwater Outfall based monitoring and screening plan
- Inspection of outfalls
- An approach to integrating MS4, TMDL and Special Study monitoring
- Set up shared database for new development/redevelopment Effectiveness Tracking
- Regional Studies (participate in Southern California Monitoring Coalition)
- Attend regular meetings of the Los Angeles River TMDL Monitoring Technical Committees
- Ongoing review of monitoring data as it becomes available

**c. REASONABLE ASSURANCE ANALYSIS (RAA)**

Contact the Regional Water Board to investigate if the previous modeling (Reach 2 metals TMDL) satisfies their interpretation of an adequate RAA.

Contact a minimum of four modeling consultants to provide cost estimates and scopes of work to conduct a RAA using a peer-reviewed, public domain, quantitative modeling system. The Technical Committee will select the consultant and modeling system. A budgetary allowance for the RAA has been included.

**Deliverables:**

- Draft Technical Memorandum
- Final Technical Memorandum

**d. REVIEW AND EVALUATE MINIMUM CONTROL MEASURES**

The MS4 permit requires an evaluation and customization of the Minimum Control Measures (MCMs, formerly referred to as BMPs). Watershed Permittees not implementing a WMP or EWMP are required to implement all MCMs.

**Deliverables:**

- Develop list of potential EWMP project sites,
- Summarize scientific data supporting potential EWMP sites,
- Source control,
- Operational Controls,
- Identify potential opportunities for customization of the MS4's Minimum Control Measures (Part VI.D.8.D). Describe the modification, potential justifications for those modifications and provide materials for compilation.

**e. WATERSHED MANAGEMENT PROGRAM PLAN**

This task represents the analysis of the information developed and compilation into a first draft for review by the Technical Committee, then preparation of a final draft for submittal to the Regional Water Board.

**Deliverables:**

- Communication with Regional Water Board and preparation of documents (December 28, 2013, for potential conversion to EWMP.
- First Draft Watershed Implementation Plan submitted to Technical Committee:
  - o Target Date April 1, 2014
- Final Draft Watershed Implementation Plan for submittal to Regional Water Board:
  - o Target date June 1, 2014

**f. COORDINATION WITH TECHNICAL COMMITTEE**

Regular meetings and communications with the Watershed Permittees will be critical during the preparation of the WMP. This will include:

Deliverables:

- Schedule and prepare agenda and summary notes for monthly meetings
- Attend and participate in the Technical Advisory Committee
- Attend and participate in Regional Water Board meetings

DRAFT FINAL

## **Attachment B**

### **Signed Letters of Intent**



# City of Downey

FUTURE UNLIMITED

June 24, 2013

**CITY COUNCIL**

**MAYOR**

DN. MARIO A. GUERRA

**MAYOR PRO TEM**

FERNANDO VASQUEZ

**COUNCIL MEMBERS**

ROGER C. BROSSMER

LUIS H. MARQUEZ

ALEX SAAB

**CITY MANAGER**

GILBERT A. LIVAS

**CITY CLERK**

ADRIA M. JIMENEZ, CMC

**CITY ATTORNEY**

YVETTE M. ABICH GARCIA

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

**Subject: LETTER OF INTENT TO PARTICIPATE IN THE  
DEVELOPMENT OF A WATERSHED MANAGEMENT  
PROGRAM (WMP) AND COORDINATED INTEGRATED  
MONITORING PROGRAM (CIMP) IN COOPERATION WITH  
THE LOWER LOS ANGELES RIVER WATERSHED GROUP**

Dear Mr. Unger:

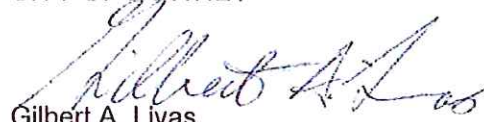
The City of Downey submits this Letter of Intent as our written notification to participate and share the cost for the development of a Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) for the Lower Los Angeles River Watershed and to satisfy the CIMP notification requirement of Section IV.C.1 of Attachment E of Order No. R4-2012-0175 (MS4 Permit). The Lower Los Angeles River Watershed Group is comprised of the following Permittees: Downey, Lakewood, Long Beach, Lynwood, Paramount, Pico Rivera, Signal Hill, South Gate and the Los Angeles Flood Control District.

While maintaining the 18 month schedule for development of the WMP, the Lower Los Angeles River Watershed Group intends to continue to evaluate and consider the Enhanced WMP (EWMP) option. If the group decides to develop an EWMP prior to the December 28, 2013 deadline, your office will be notified in a separate letter prior to any such change.

If you have any questions, please contact Jason Wen at 562-904-7201.

Very truly yours,

CITY OF DOWNEY

  
Gilbert A. Livas  
City Manager





June 26, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

**LETTER OF INTENT TO PARTICIPATE IN THE DEVELOPMENT OF A  
WATERSHED MANAGEMENT PROGRAM (WMP) AND COORDINATED  
INTEGRATED MONITORING PROGRAM (CIMP) IN COOPERATION WITH THE  
LOWER LOS ANGELES RIVER WATERSHED GROUP**

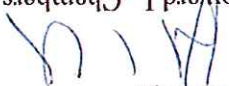
Dear Mr. Unger:

The City of Lakewood submits this Letter of Intent as our written notification to participate and share the cost for the development of a Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) for the Lower Los Angeles River Watershed and to satisfy the CIMP notification requirement of Section IV.C.1 of Attachment B of Order No. R4-2012-0175 (MS4 Permit). The Los Angeles Lower Los Angeles River Watershed Group is comprised of the following Permittees: Downey, Lakewood, Long Beach, Lynwood, Paramount, City of Pico Rivera, City of Signal Hill, City of South Gate and the Los Angeles Flood Control District.

While maintaining the 18 month schedule for development of the WMP, the Lower Los Angeles River Watershed Group intends to continue to evaluate and consider the Enhanced-WMP (EWMP) option. If the group decides to develop an EWMP prior to the December 28, 2013 deadline, your office will be notified in a separate letter prior to any such change.

At their meeting on June 25, 2013, the City Council authorized the submittal of this letter of intent. In addition, the City Council has approved a draft Green Streets Policy Manual and draft Low Impact Development (LID) Ordinance.

If you have any questions, please contact Ms. Konya Vivanti, Sr. Management Analyst at (562) 866-9771 ext. 2507 or [kvivanti@lakewoodcity.org](mailto:kvivanti@lakewoodcity.org).

Sincerely,  
  
Howard L. Chambers  
City Manager

Lakewood



**CITY OF LONG BEACH  
DEPARTMENT OF PUBLIC WORKS**



333 W. Ocean Blvd., 9th Floor | Long Beach, CA 90802 | (562) 570-66023 FAX: (562) 570-6501

STORM WATER/ENVIRONMENTAL COMPLIANCE DIVISION

June 25, 2013

Samuel Unger, Executive Office  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Long Angeles, California 90013

Attn: Renee Purdy

**LETTER OF INTENT TO PARTICIPATE IN THE DEVELOPMENT OF A WATERSHED  
MANAGEMENT PROGRAM (WMP) AND COORDINATED INTEGRATED  
MONITORING PROGRAM (CIMP) IN COOPERATION WITH THE LOWER LOS  
ANGELES RIVER WATERSHED GROUP**

Dear Mr. Unger:

The City of Long Beach (City) intends to participate in the development of the Lower Los Angeles River Watershed Group Watershed Management Program (WMP) and in a Coordinated Integrated Monitoring Program (CIMP). Information developed in this regional participation of the subject WMP can be use in the City's future NPDES Permit.

Should you have any questions please contact me at your convenience at 562-570-6023.

Sincerely,

A handwritten signature in blue ink, appearing to read "Anthony Arevalo".

Anthony Arevalo  
Storm Water Environmental/Compliance Officer





ROGER L. HALEY  
City Manager

City of  
**LYNWOOD**

Incorporated 1921  
11330 Bullis Road, Lynwood, CA 90262  
(310) 603-0220 x 200  
rhaley@lynwood.ca.us

June 25, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

**LETTER OF INTENT TO PARTICIPATE IN THE DEVELOPMENT OF A WATERSHED  
MANAGEMENT PROGRAM (WMP) AND COORDINATED INTEGRATED  
MONITORING PROGRAM (CIMP) IN COOPERATION WITH THE LOWER LOS  
ANGELES RIVER WATERSHED GROUP**

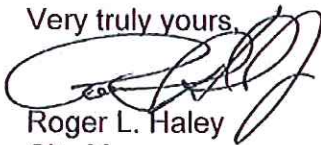
Dear Mr. Unger;

The City of Lynwood submits this Letter of Intent as our written notification to participate and share the cost for the development of a Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) for the Lower Los Angeles River Watershed and to satisfy the CIMP notification requirement of Section IV.C.1 of Attachment E of Order No. R4-2012-0175 (MS4 Permit). The Los Angeles Lower Los Angeles River Watershed Group is comprised of the following Permittees: Carson, Downey, Lakewood, Long Beach, Lynwood, Paramount, City of Pico Rivera, City of Signal Hill, City of South Gate and the Los Angeles Flood Control District.

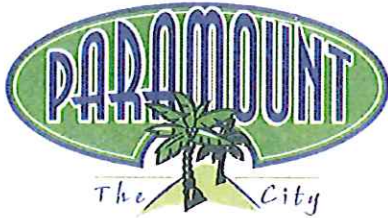
While maintaining the 18 month schedule for development of the WMP, the Lower Los Angeles River Watershed Group intends to continue to evaluate and consider the Enhanced-WMP (EWMP) option. If the group decides to develop an EWMP prior to the December 28, 2013 deadline, your office will be notified in a separate letter prior to any such change.

If you have any questions, please contact Mr. Emilio M. Murga, our Director of Public Works/City Engineer at (310) – 603-0220 extension 287.

Very truly yours,



Roger L. Haley  
City Manager



GENE DANIELS  
Mayor

DIANE J. MARTINEZ  
Vice Mayor

TOM HANSEN  
Councilmember

DARYL HOFMEYER  
Councilmember

PEGGY LEMONS  
Councilmember

June 17, 2013

Samuel Unger, Executive Office  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, CA 90013

Attn.: Renee Purdy

**LETTER OF INTENT TO PARTICIPATE IN THE DEVELOPMENT OF A WATERSHED  
MANAGEMENT PROGRAM (WMP) AND COORDINATED INTEGRATED  
MONITORING PROGRAM (CIMP) IN COOPERATION WITH THE LOWER LOS  
ANGELES RIVER WATERSHED GROUP**

Dear Mr. Unger:

The City of Paramount submits this Letter of Intent as our written notification to participate and share the cost for the development of a Watershed Management Program (WMP) and a Coordinated Integrated Monitoring Program (CIMP) for the Lower Los Angeles River Watershed and to satisfy the CIMP notification requirement of section IV.C.1 of Attachment E of Order No. R4-2012-0175 (MS4 Permit). The Los Angeles Lower Los Angeles River Watershed Group is comprised of the following Permittees: Downey, Lakewood, Long Beach, Lynwood, Paramount, City of Pico Rivera, City of Signal Hill, City of South Gate and the Los Angeles Flood Control District.

While maintaining the 18 month schedule for development of the WMP, the Lower Los Angeles River Watershed Group intends to continue to evaluate and consider the Enhanced-WMP (EWMP) option. If the group decides to develop an EWMP prior to the December 28, 2013 deadline, your office will be notified in a separate letter prior to any such change.

At its meeting of June 4, 2013, the City Council adopted a Green Streets Policy for Paramount and had the first reading of its draft Low Impact Development (LID) Ordinance. Adoption of the LID Ordinance is expected on July 2, 2013.

Should you have any questions, please contact Sarah Ho at 562.220.2020. Thank you.

Sincerely,

CITY OF PARAMOUNT

Linda Benedetti-Leal  
City Manager





**Ronald Bates, Ph.D.**  
City Manager

**City of Pico Rivera**  
**OFFICE OF THE CITY MANAGER**

6615 Passons Boulevard · Pico Rivera, California 90660  
(562) 801-4379

Web: [www.pico-rivera.org](http://www.pico-rivera.org) · e-mail: [rbates@pico-rivera.org](mailto:rbates@pico-rivera.org)

**City Council**  
Gustavo V. Camacho  
Mayor  
Brent A. Tercero  
Mayor Pro Tem  
Bob J. Archuleta  
Councilmember  
David W. Armenta  
Councilmember  
Gregory Salcido  
Councilmember

June 24, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

**SUBJECT: LETTER OF INTENT TO PARTICIPATE IN THE DEVELOPMENT OF  
A WATERSHED MANAGEMENT PROGRAM (WMP) AND  
COORDINATED INTEGRATED MONITORING PROGRAM (CIMP) IN  
COOPERATION WITH THE LOWER LOS ANGELES RIVER  
WATERSHED GROUP**

Dear Mr. Unger:

The City of Pico Rivera submits this Letter of Intent as our written notification to participate and share the cost for the development of a Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) for the Lower Los Angeles River Watershed and to satisfy the CIMP notification requirement of Section IV.C.1 of Attachment E of Order No. R4-2012-0175 (MS4 Permit). The Lower Los Angeles River Watershed Group is comprised of the following Permittees: Downey, Lakewood, Long Beach, Lynwood, Paramount, Pico Rivera, Signal Hill, South Gate and the Los Angeles Flood Control District. The WMP and CIMP will be drafted to meet the requirements by the MS4 Permit for the aforementioned permittee's respective watersheds.

While maintaining the 18-month schedule for development of the WMP, the Lower Los Angeles River Watershed Group intends to continue to evaluate and consider the Enhanced-WMP (EWMP) option. If the group decides to develop an EWMP prior to the December 28, 2013 deadline, your office will be notified in a separate letter prior to any such change.

If you have any questions, please contact Arturo Cervantes, Director of Public Works/City Engineer at 562-801-4425.

Very truly yours,

Ronald Bates, Ph.D.  
City Manager

cc: Mayor and City Council  
Director of Public Works/City Engineer





## CITY OF SIGNAL HILL

2175 Cherry Avenue • Signal Hill, California 90755-3799

June 24, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

Subject: Letter of Intent to Participate in the Development of a Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) in Cooperation with the Lower Los Angeles River Watershed Group

Dear Mr. Unger;

The City of Signal Hill submits this Letter of Intent as our written notification to participate and share the cost for the development of a Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) for the Lower Los Angeles River Watershed and to satisfy the CIMP notification requirement of Section IV.C.1 of Attachment E of Order No. R4-2012-0175 (MS4 Permit). The Los Angeles Lower Los Angeles River Watershed Group is comprised of the following Permittees: Downey, Lakewood, Long Beach, Lynwood, Paramount, Pico Rivera, Signal Hill, South Gate, and the Los Angeles Flood Control District.

While maintaining the 18 month schedule for development of the WMP, the Lower Los Angeles River Watershed Group intends to continue to evaluate and consider the Enhanced WMP (EWMP) option. If the group decides to develop an EWMP prior to the December 28, 2013 deadline, your office will be notified in a separate letter prior to any such change.

At its meeting of June 18, 2013, the City Council authorized the submittal of this letter of intent. In addition, on June 4, 2013, the City Council adopted a Green Streets Policy, and on June 18, 2013, had the first reading of its draft Low Impact Development (LID) Ordinance. Adoption of the LID Ordinance is expected in July.

Intent to Participate  
WMP and CIMP for LARR  
June 24, 2013  
Page 2

If you have any questions, please contact Steve Myrter, the Director of Public Works at (562) 989-7356.

Very truly yours,



---

Kenneth C. Farfing  
City Manger



## City of South Gate

8650 CALIFORNIA AVENUE • SOUTH GATE, CA 90280-3075 • (323) 563-9543  
www.cityofsouthgate.org FAX (323) 569-2678

GIL HURTADO, Mayor  
HENRY C. GONZALEZ, Vice Mayor  
MARIA DAVILA, Council Member  
W.H. (BILL) DE WITT, Council Member  
JORGE MORALES, Council Member

June 25, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

**LETTER OF INTENT TO PARTICIPATE IN THE DEVELOPMENT OF A  
WATERSHED MANAGEMENT PROGRAM (WMP) AND COORDINATED  
INTEGRATED MONITORING PROGRAM (CIMP) IN COOPERATION WITH THE  
LOWER LOS ANGELES RIVER WATERSHED GROUP**

Dear Mr. Unger:

The City of South Gate submits this Letter of Intent as our written notification to participate and share the cost for the development of a Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) for the Lower Los Angeles River Watershed and to satisfy the CIMP notification requirement of Section IV.C.1 of Attachment E of Order No. R4-2012-0175 (MS4 Permit). The Los Angeles Lower Los Angeles River Watershed Group is comprised of the following Permittees: Downey, Lakewood, Long Beach, Lynwood, Paramount, Pico Rivera, Signal Hill, South Gate and the Los Angeles Flood Control District.

While maintaining the 18 month schedule for development of the WMP, the Lower Los Angeles River Watershed Group intends to continue to evaluate and consider the Enhanced WMP (EWMP) option. If the group decides to develop an EWMP prior to the December 28, 2013 deadline, your office will be notified in a separate letter prior to any such change.

If you have any questions, please contact Mohammad Mostahkami, Director of Public Works/City Engineer (323) 357-9657 or John Hunter, the City's Consultant at 562/802-788.

Sincerely,

Gil Hurtado  
Mayor



GAIL FARBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE

REFER TO FILE: **WM-7**

June 24, 2013

Mr. Samuel Unger, P.E.  
Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – LOS ANGELES COUNTY FLOOD CONTROL DISTRICT  
LOWER LOS ANGELES RIVER WATERSHED  
WATERSHED MANAGEMENT PROGRAM AND  
COORDINATED INTEGRATED MONITORING PROGRAM**

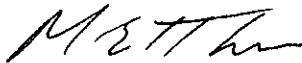
The Los Angeles County Flood Control District (LACFCD) submits this Letter of Intent to participate in and share the cost of the development of a Watershed Management Program (WMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Lower Los Angeles River Watershed Committee. This Letter of Intent serves to satisfy the WMP/EWMP notification requirements of Section VI.C.4.b of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Lower Los Angeles River Watershed Committee consists of the following agencies: LACFCD and cities of Downey, Lakewood, Long Beach, Lynwood, Paramount, Pico Rivera, Signal Hill, and South Gate. The Lower Los Angeles River Watershed Committee has included a final draft Memorandum of Understanding in the Notice of Intent. The LACFCD intends to submit a final Memorandum of Understanding to the County of Los Angeles Board of Supervisors (which is the LACFCD's governing body) for approval prior to December 28, 2013.

Mr. Samuel Unger  
June 24, 2013  
Page 2

If you have any questions, please contact Ms. Terri Grant at (626) 458-4309 or tgrant@dpw.lacounty.gov.

Very truly yours,



*Msy*

GAIL FARBER  
Chief Engineer of the Los Angeles County Flood Control District

LP:jht

P:\wmpubl\Secretarial\2013 Documents\Letter\LOI Lower LAR LACFCD.doc\13222

cc: City of Downey (John Oskoui)  
City of Lakewood (Konya Vivanti)  
City of Long Beach (Anthony Arevalo)  
City of Lynwood (Josef Kekula)  
City of Paramount (Christopher Cash)  
City of Pico Rivera (Art Cervantes)  
City of Signal Hill (Steve Myrter)  
City of South Gate (Mohammad Mostahkami)



**DEPARTMENT OF TRANSPORTATION**

OFFICE OF THE DIRECTOR

P.O. BOX 942873, MS-49

SACRAMENTO, CA 94273-0001

PHONE (916) 654-5266

FAX (916) 654-6608

TTY 711

www.dot.ca.gov

*Flex your power!  
Be energy efficient!*

June 18, 2013

Samuel Unger, Executive Office  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attn.: Renee Purdy

**LETTER OF INTENT TO PARTICIPATE IN THE DEVELOPMENT OF A  
WATERSHED MANAGEMENT PROGRAM (WMP) AND COORDINATED  
INTEGRATED MONITORING PROGRAM (CIMP) IN COOPERATION WITH THE  
LOWER LOS ANGELES RIVER WATERSHED GROUP**

Dear Mr. Unger:

Caltrans intends to voluntarily join the Lower Los Angeles River Watershed Group in the Development of the Watershed Management Program (WMP) and a Coordinated Integrated Monitoring Program (CIMP) to meet the intent of Caltrans TMDL requirements as part of the Caltrans Statewide NPDES Permit and the goals of watershed collaboration.

Caltrans recognizes that while maintaining the 18-month schedule for development of the WMP, the Watershed Group intends to continue to evaluate and consider the Enhanced WMP (EWMP) option. If the group decides to develop an EWMP prior to the December 28, 2013 deadline, your office will be notified in a separate letter and confirm whether Caltrans intends to participate in development of the EWMP.

Should you have any questions, please contact Keith Jones at (916) 653-4947. Thank you.

Sincerely,

A blue ink signature of G. Scott McGowen, written in a cursive style.

G. SCOTT MCGOWEN  
Chief Environmental Engineer  
California Department of Transportation

ATTACHMENT A  
Part 3

Notices of Intent



## *City of Sierra Madre*

*Public Works Department*

*232 W. Sierra Madre Boulevard, Sierra Madre, CA 91024*

*phone 626.355.7135 fax 626.355.2251*

June 27, 2013

Samuel Unger, Executive Officer  
California Regional Water Quality Control Board, Los Angeles Region  
320 W. 4<sup>th</sup> Street, Suite 200  
Los Angeles, California 90013  
ATTN: Renee Purdy

VIA Email to: [losangeles@waterboards.ca.gov](mailto:losangeles@waterboards.ca.gov),  
[Renee.Purdy@waterboards.ca.gov](mailto:Renee.Purdy@waterboards.ca.gov),  
[Rebecca.Christmann@waterboards.ca.gov](mailto:Rebecca.Christmann@waterboards.ca.gov)

**SUBJECT: NOTICE OF INTENT FOR NPDES PERMIT ORDER NO. R4-2012-0175 FOR THE RIO HONDO/SAN GABRIEL RIVER WATER QUALITY GROUP (RH/SGRWQG)**

Dear Mr. Unger:


On behalf of the Rio Hondo/San Gabriel River Water Quality Group (RH/SGRWQG), attached is the Notice of Intent to proceed with the collaborative development of an Enhanced Watershed Management Plan (EWMP) and Coordinated Integrated Monitoring Plan (CIMP). The development of the Notice of Intent was a joint effort by the participating agencies listed below:

- City of Arcadia
- City of Azusa
- City of Bradbury
- City of Duarte
- City of Monrovia
- City of Sierra Madre
- County of Los Angeles (local portions)
- Los Angeles County Flood Control District

The NOI submittal packet includes the NOI, Letters of Intent, MOUs, as well as documentation of the compliance with the "early-action" requirements related to Low Impact Development Ordinance and Green Streets Policy.

Should you have any questions regarding this submittal, please contact me at [jcarlson@cityofsierramadre.com](mailto:jcarlson@cityofsierramadre.com) or Rafael Casillas at [rcasillas@accessduarte.com](mailto:rcasillas@accessduarte.com).

Sincerely,



James Carlson  
Management Analyst, City of Sierra Madre

Enc. Notice of Intent

cc: City of Arcadia  
City of Azusa  
City of Bradbury  
City of Duarte  
City of Monrovia  
City of Sierra Madre  
County of Los Angeles (local portions)  
Los Angeles County Flood Control District

## **NOTICE OF INTENT**

### **Rio Hondo/San Gabriel River Water Quality Group Enhanced Watershed Management Program (EWMP)**

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**Submitted to:**

California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90013

**Submitted by:**

Cities of Arcadia, Azusa, Bradbury, Duarte, Monrovia, and Sierra Madre  
County of Los Angeles  
Los Angeles County Flood Control District

**June 27, 2013**



**SECTION 1. WATERSHED MANAGEMENT PROGRAM TYPE SELECTION AND PERMITTEES**

The Permittees of the Rio Hondo/San Gabriel River Water Quality Group (RH/SGRWQG), listed in Table 1, hereby provide the Los Angeles Regional Water Quality Control Board (Regional Water Board) this Notice of Intent (NOI) to develop an Enhanced Watershed Management Program (EWMP) Plan and Coordinated Integrated Monitoring Program (CIMP) Plan in accordance with Part VI.C.4.b.i and Attachment E, Part IV.C.1 of Order R4-2012-0175.

As will be summarized, the Permittees meet the LID ordinance and Green Street policy development conditions of the Order and will submit an EWMP Development Work Plan within 18 months of the effective date of this Order R4-2012-0175, which is June 28, 2014. The Draft EWMP Plan will be submitted within 30 months of the effective date of Order R4-2012-0175, which is June 28, 2015. In accordance with Attachment E, Part IV.C.3 of the Order, the Permittees will submit the CIMP plan to the Executive Officer on or before June 28, 2015.

**Table 1. RH/SGRWQG Permittees**

• City of Arcadia
• City of Azusa
• City of Bradbury
• City of Duarte
• City of Monrovia
• City of Sierra Madre
• County of Los Angeles
• Los Angeles County Flood Control District (LACFCD)

**SECTION 2. TOTAL MAXIMUM DAILY LOAD COMPLIANCE DATES PRIOR TO APRIL 28, 2016**

Total Maximum Daily Loads (TMDLs), identifying listings for impaired waters bodies for which the RH/SGRWQG subwatersheds drain to, are listed on Table 2. Additionally, the San Gabriel River Metals TMDL assigns Waste Load Allocations (WLAs) to each of the RH/SGRWQG Permittees, except the City of Sierra Madre, although no Group subwatershed water bodies are identified in the TMDL as impaired. Interim and final trash TMDL and other TMDL final Water Quality Based Effluent Limitation (WQBEL) and Receiving Water Limitation (RWL) compliance deadlines, occurring prior to the final EWMP approval date of April 28, 2016 are identified in Table 3.

The RH/SGRWQG Permittees have been implementing the trash source control measures and Best Management Practices (BMPs) identified on Table 4. The Permittees will continue to implement these measures to ensure that Municipal Separate Storm Sewer System (MS4) discharges achieve compliance with the interim and final WQBELs on Table 3 during development of the EWMP. The Peck Park Trash TMDL Implementation Schedule will be developed through the EWMP Plan, in accordance with Permit Part VI.E3.

**Table 2 TMDLs Applicable to the RH/SGRWQG Watershed**

<b>TMDL</b>	<b>Resolution Number</b>	<b>Effective Date</b>	<b>EPA Approval Date</b>
<b>Los Angeles River Watershed Trash TMDL</b>	2001-013	August 28, 2002	August 1, 2002
	2007-012	Reissuance September 23, 2008	July 24, 2008
<b>Los Angeles River Nitrogen and Related Effects TMDL</b>	2003-009	March 23, 2004	March 18, 2004
	2003-016	Interim WLA Revision September 27, 2004	Not Applicable
	R12-010	Reconsideration on December 6, 2012	To Be Determined
<b>Los Angeles River and Tributaries Metals TMDL</b>	2007-014	October 29, 2008	October 29, 2008
	R10-003	Reconsideration on November 3, 2011	November 3, 2011
<b>Los Angeles River Bacteria TMDL</b>	R10-007	March 23, 2012	March 23, 2012
<b>Los Angeles Area Lakes USEPA TMDLs for Peck Road Lake</b>	Not Applicable	March 26, 2012	Not Applicable
<b>Los Angeles Area Lakes USEPA TMDLs for Santa Fe Dam Park Lake</b>	Not Applicable	March 26, 2012	Not Applicable



**Table 3 Interim and Final Trash WQBELs and Other Final WQBELs and Receiving Water Limitations Occurring Before RH/SGRWQG EWMP Plan Approval**

TMDL Order	WQBEL	Interim/Final	Compliance Date
<b>Los Angeles River Watershed Trash TMDL</b>	20% Baseline	Interim	September 30, 2013
	10% Baseline	Interim	September 30, 2014
	3.3% Baseline	Interim	September 30, 2015
	0% Baseline	Final	September 30, 2016
<b>Los Angeles Nitrogen and Related Effects TMDL</b>	10.1 mg/L NH <sub>3</sub> -N One Hour Average	Final	December 28, 2012
	2.3 mg/L NH <sub>3</sub> -N Thirty Day Average	Final	December 28, 2012
	1.0 mg/L NO <sub>2</sub> -N Thirty Day Average	Final	December 28, 2012
	8 mg/L (NO <sub>3</sub> +NO <sub>2</sub> )-N 30 Day Average	Final	December 28, 2012

**Table 4. Control Measures that will be Implemented Concurrently with EWMP Development for TMDLs**

TMDL	Permittees	Implementation Plan and Control Measures	Status of Implementation
LA River Trash TMDL	Cities of Arcadia, Bradbury, Duarte, Monrovia, Sierra Madre, County of Los Angeles	Permittees are employing trash source controls, Automatic Retractable Screens, Connector Pipe Screens and other BMPs and Daily Generation Rate Studies	Conforming to interim WQBEL targets and compliance dates

### SECTION 3. DEVELOPMENT OF LID ORDINANCE AND GREEN STREETS POLICY REQUIREMENT

The RH/SGR WQG Permittees have all drafted Low Impact Development (LID) ordinances and Green Streets policies. The Cities of Arcadia, Azusa, Bradbury, Duarte, Monrovia, and Sierra Madre each initiated development of their LID Ordinances and Green Streets Policies by February 26, 2013 through participating in a cost-sharing agreement with the San Gabriel Valley Council of Governments. The County of Los Angeles initiated development of their LID Ordinances and Green Streets Policies by February 26, 2013 through internal processes. (Documentation of participation is provided in Appendix D). Table 5 summarizes the adoption status of the LID ordinances, while Table 6 summarizes the adoption status of the Permittees' Green Streets policies. The entire RH/SGR WQG MS4 area will soon have adopted LID ordinances and Green Streets policies. Prior to adoption, each agency should complete, under a timely if expedited schedule, an agency review, verify Municipal Code conformance, prepare and complete an environmental review, and assess compatibility with the final Los Angeles County LID Ordinance and Green Street Policy, so that they will not have to readopt the policy to utilize County Department of Public Works Plan Checking Services.

Table 5. Status of LID Ordinance Adoption Within the RH/SGRWQG WMA							
Permittee	LID Ordinance (Indicate Status)	MS4 Watershed Area for which Permittee is Responsible (Sq. Miles)		MS4 Watershed Area Covered by Permittee's LID Ordinance (Sq. Miles)		Percentage of Watershed Area	
		Rio Hondo	San Gabriel River	Rio Hondo	San Gabriel River	Rio Hondo	San Gabriel River
Arcadia	Draft Ordinance	10.9	0.2	10.9	0.2	34.17%	1.04%
Azusa	Draft Ordinance	0	9.7	0	9.7	0%	50.52%
Bradbury	Draft Ordinance	0.8	1.2	0.8	1.2	2.51%	6.25%
County of Los Angeles	Draft Ordinance	2.8	2.1	2.8	2.1	8.78%	10.94%
Duarte	Draft Ordinance	1.8	4.9	1.8	4.9	5.64%	25.52%
Monrovia	Draft Ordinance	12.6	1.1	12.6	1.1	39.50%	5.73%
Sierra Madre	Draft Ordinance	3	0	3	0	9.40%	0%
LACFCD	N/A	N/A	N/A	N/A	N/A	N/A	N/A
MS4 Watershed Area		31.9	19.2	31.9	19.2	100%	100%
<i>Status Descriptions: Draft Ordinance – By June 28, 2013, Permittee will draft an LID Ordinance in compliance with the requirements of Order R4-2012-0175</i>							



Table 6. Status of Green Streets Policy Coverage of the MS4 Watershed Area Addressed by the EWMP

Permittee	Green Street Policy (Indicate Status)	MS4 Watershed Area for which Permittee is Responsible [Sq. Miles]		MS4 Watershed Area Covered by Permittee's LID Ordinance [Sq. Miles]		Percentage of Watershed Area	
		Rio Hondo	San Gabriel River	Rio Hondo	San Gabriel River	Rio Hondo	San Gabriel River
Arcadia	Draft Policy	10.9	0.2	10.9	0.2	34.17%	1.04%
Azusa	Draft Policy	0	9.7	0	9.7	0%	50.52%
Bradbury	Draft Policy	0.8	1.2	0.8	1.2	2.51%	6.25%
County of Los Angeles	Draft Policy	2.8	2.1	2.8	2.1	8.78%	10.94%
Duarte	Draft Policy	1.8	4.9	1.8	4.9	5.64%	25.52%
Monrovia	Draft Policy	12.6	1.1	12.6	1.1	39.50%	5.73%
Sierra Madre	In Place	3	0	3	0	9.40%	0%
LACFCD	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Total MS4 Watershed Area		31.9	19.2	31.9	19.2	100%	100%

*Status Descriptions: Draft Policy –By June 28, 2013, Permittee will draft a Green Street Policy in compliance with the requirements of Order R4-2012-0175.*



**SECTION 4. GEOGRAPHIC SCOPE OF ENHANCED WATERSHED MANAGEMENT PROGRAM:**

The RH/SGRWQG includes the Cities of Arcadia, Azusa, Bradbury, Duarte, Monrovia, Sierra Madre, and the County of Los Angeles, and the LACFCD, several of which are in both the Los Angeles and San Gabriel River Watersheds. The municipalities are significantly residential and commercial in land use characteristics and have a shared perspective regarding water conservation and water quality related issues.

The headwaters of the 834 square mile Los Angeles River Watershed are primarily within the mountains of the Angeles National Forest. The watershed is bordered by the Santa Monica Mountains, the Simi Hills, the Santa Susana Mountains, the San Gabriel Mountains, the San Gabriel River and Dominguez Channel Watersheds. The river extends 40 miles across urbanized areas of the San Fernando and west San Gabriel Valleys, before flowing into the Los Angeles-Long Beach Harbor and the Pacific Ocean. The Rio Hondo is a tributary of the Los Angeles River, which receives drainage from the RH/SGRWQG Permittees via several smaller tributaries:

- Arcadia Wash drains from the Cities of Arcadia and Sierra Madre;
- Santa Anita Wash drains from Cities of Arcadia, Monrovia, Sierra Madre and County of Los Angeles;
- Sierra Madre Wash drains from the City of Sierra Madre; and
- Sawpit Wash drains from the City of Monrovia, Duarte, Bradbury, and County of Los Angeles.

Prior to draining to the Rio Hondo, the Santa Anita and Sawpit Washes drain to Peck Road Water Conservation Park (aka. Peck Road Lake). Peck Road Lake then drains to the Rio Hondo. Peck Road Lake is owned by the LACFCD and maintained by the Los Angeles County Department of Parks and Recreation.

The San Gabriel River Watershed encompasses approximately 682 square miles of Los Angeles County, northwest Orange County, and a small portion of southwest San Bernardino County. The San Gabriel River extends 60 miles from its headwaters in the mountains of the Angeles National Forest flowing primarily south across urbanized areas of the San Gabriel Valley and Los Angeles County Coastal Plain, eventually reaching the Pacific Ocean between the Cities of Seal Beach and Long Beach. The main tributaries are Walnut Creek, San Jose Creek, and Coyote Creek. Reach 5 of the San Gabriel River receives drainage from Duarte, Bradbury, Monrovia, Azusa, Arcadia, and County of Los Angeles.

About four miles below the mouth of the San Gabriel Canyon is the Santa Fe Dam and Reservoir, which is operated and maintained by the LACFCD through an easement with the United States Army Corps of Engineers (USACE). Both the Rio Hondo and San Gabriel River flow into the Whittier Narrows Reservoir and may merge behind the reservoir during large storm events. Flows from the upper watershed are directed to spreading grounds located in and adjacent to the Rio Hondo and San Gabriel Rivers.

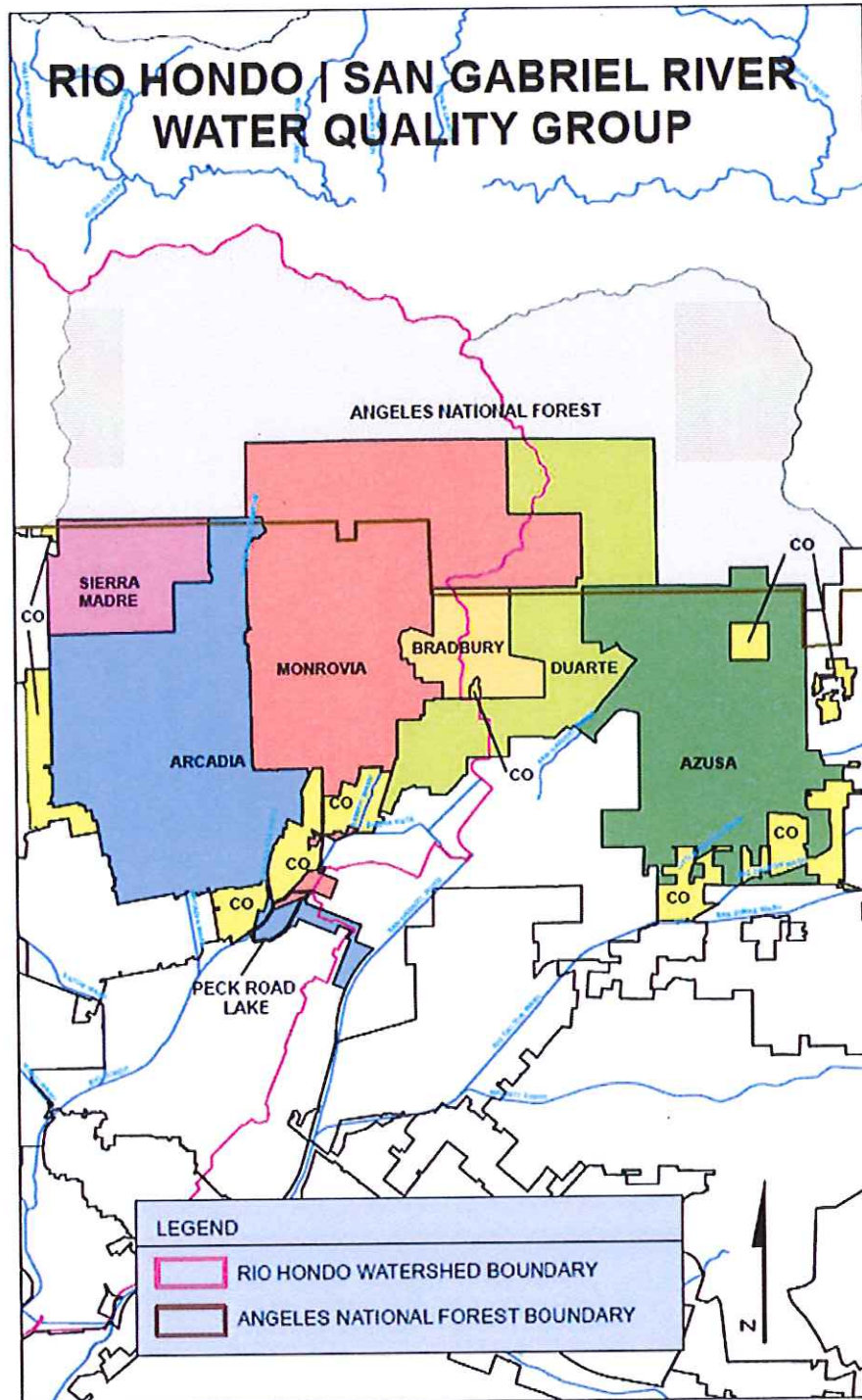
The RH/SGRWQG watersheds encompass approximately 51 square miles and Table 7 provides a breakdown of each Permittee's land area within the two major river watersheds. Figure 1 is a map of the watershed and jurisdictional boundaries in the vicinity of the RH/SGRWQG. Of the total Los Angeles River and San Gabriel River Watershed areas, the RH/SGRWQG Permittees

have jurisdiction over just 4% and 3% respectively. The Permittees do not have jurisdiction over lands owned by the State of California (CalTrans), the Federal government (Angeles National Forest), Los Angeles County Metropolitan Transportation Authority (Metro) Gold Line, and local school districts (see Table 8).

Table 7. Watershed Land Area by Permittees				
Permittee	Rio Hondo		San Gabriel River	
	Land Area (Square Miles)	Percent of Total Area	Land Area (Square Miles)	Percent of Total Area
Arcadia	10.9	34.17%	0.2	1.04%
Azusa	0	0%	9.7	18.98%
Bradbury	0.8	2.51	1.2	6.25%
County of Los Angeles	2.8	8.78%	2.1	10.94%
Duarte	1.8	5.64%	4.9	25.52%
Monrovia	12.6	39.5%	1.1	5.73%
Sierra Madre	3	9.4%	0	0%
<b>Total</b>	<b>31.9</b>	<b>100%</b>	<b>19.2</b>	<b>100%</b>



Figure 1. RH/SGRWQG



**Table 8. RH/SGRWQG Watershed Land Area Distribution and EWMP Participation**

Agency	EWMP Agency	Land Area (sq. miles)
Arcadia	Yes	11.1
Azusa	Yes	9.7
Bradbury	Yes	2
County of Los Angeles	Yes	4.9
Duarte	Yes	6.7
Monrovia	Yes	13.7
Sierra Madre	Yes	3
Los Angeles County Flood Control District	Yes	N/A
Angeles National Forest	No	TBD
Caltrans	No	TBD
Metro Gold Line	No	TBD
State of California	No	TBD
RH/SGRWQG Watershed		51.1



**SECTION 5. PLAN CONCEPT AND INTERIM MILESTONES AND DEADLINES:**

The RH/SGRWQG EWMP agencies have been collaborating since the effective date of the 2012 MS4 Permit and have already selected a consultant and issued a contract for Reasonable Assurance Analysis (RAA), and development of the EWMP and CIMP. The Permittees are planning to develop implementation and compliance strategies that are based on a multi-pollutant approach with green infrastructure best management practices (BMPs) that maximize the use of urban runoff as a resource for aquifer recharge, irrigation, and other beneficial uses. The RH/SGRWQG EWMP will consider existing TMDL implementation plans, evaluate permit proposed watershed source control measures, identify enhanced projects to maximize capture of all non-stormwater runoff and stormwater from the 85<sup>th</sup> percentile, 24-hour storm event, and identify additional watershed control measures for those areas of the watersheds that cannot be addressed by enhanced projects.

Plan development will be a collaborative process between the RH/SGRWQG EWMP agencies, consultant and Regional Board, coordinated by an Oversight Committee composed of members from each of the RH/SGWQG agencies and receiving local watershed stakeholders input.

Table 9 includes a listing of milestones and deadlines for the development of the EWMP.

**Table 9. Enhanced Watershed Management Program & Integrated Coordinated Monitoring Program Interim Milestones and Deadlines**

Milestone	Deadline
<i>Compile technical memorandum of water quality priorities</i>	<i>December 2013*</i>
<i>Complete internal draft of EWMP Work Plan</i>	<i>April 2014*</i>
<i>Complete draft CIMP</i>	<i>April 2014*</i>
Submit EWMP Work Plan to Regional Water Board	June 2014
<i>Develop interim numeric milestones for EPA developed TMDLs</i>	<i>August 2014*</i>
<i>Conduct initial RAA based on selected watershed control measures</i>	<i>December 2014*</i>
<i>Complete internal draft of EWMP</i>	<i>April 2015*</i>
Submit CIMP Plan to Regional Water Board	June 2015**
Submit Draft EWMP to Regional Water Board	June 2015
Submit Final EWMP to Regional Water Board (revised based on Regional Water Board comments)	January 2016

\* Dates are tentative estimates and may change on an as needed basis.

\*\* Attachment E, Part IV.C.3 of the Order.



**SECTION 6. COST ESTIMATE:**

The RH/SGRWQG EWMP agencies prepared a scope of work and cost estimates for developing the EWMP Work Plan, CIMP, and EWMP for the RH/SGRWQG. It is estimated that the consultant costs will be \$212,076 for the CIMP, and \$578,461 for the EWMP for a total of \$790,537. Table 10 provides a cost break down of the main cost categories involved in EWMP and CIMP plan development. Additionally, agencies of the RH/SGRWQG will contribute several hundred thousand dollars of in-kind services toward the development of the EWMP and CIMP, including attending RH/SGRWQG and Technical Advisory Committee meetings, as well as several hundred thousand dollars for an environmental review to be developed once the EWMP and CIMP have been prepared. For a more detailed scope and cost breakdown, please see Appendix A.

The LACFCD, having no land authority over the RH/SGRWQG watershed, will contribute funds for 10% of the total Consultant EWMP and CIMP Plan development cost while the other 90% of the cost will be funded amongst the remaining Permittees, based upon their respective land area percentages in the RH/SGRWQG watershed as shown in Table 7.

<b>Table 10. Estimated EWMP and CIMP Development Costs</b>					
<b>Jurisdiction</b>	<b>Staff/In-kind Costs (EWMP &amp; CIMP)</b>	<b>Consultant EWMP Plan Development</b>	<b>Consultant CIMP Plan Development</b>	<b>Consultant Environmental Review</b>	<b>Total Costs</b>
<b>TOTAL Estimated Costs</b>	\$620,000	\$578,461	\$212, 076	\$300,000*	<b>\$1,710,537</b>

\* It is anticipated that Environmental Review will be required once the EWMP has been prepared. Environmental Review costs are anticipated to be approximately \$300,000.

#### **SECTION 7. PERMITTEE MEMORANDA OF UNDERSTANDING**

All Permittees are committed to development and implementation of the EWMP Plan. Copies of executed Memoranda of Understanding are included in Appendix B.

**SECTION 8. COMMITMENT TO IMPLEMENT A STRUCTURAL BMP OR SUITE OF BMPs:**

The Permittees listed in Table 11 will implement the identified structural BMP or suite of BMPs to fulfill the obligations under Part VI.C.b.iii. (5).

Table 11. Structural BMP or Suite of BMPs to be Implemented in the EWMP Watershed(s)			
Watershed	Permittee	Structural BMP or Suite of BMPs to be Implemented	Planned Implementation Date
Rio Hondo	Monrovia	<u>Monrovia Station Square/Transit Village Multi-Benefit Park and Greenway Project:</u> Design and develop a 2.5 acre multi-benefit green space along the future Metro Gold Line Foothill Extension. The project includes a multi-use trail, native trees and shrubs, runoff storage and infiltration systems prior to discharging into Sawpit Wash and Peck Road Water Conservation Park to the south.	Spring 2015
San Gabriel River	Azusa	<u>Metro Gold Line Infiltration Project:</u> The City of Azusa in coordination with the Foothill Construction Authority for the Gold Line Project has constructed infiltration systems at some of the major crossings in town. Infiltration will occur at the catch basins which are soft bottom. Anticipated tributary areas are approximately 17 acres and will include the rail corridor. The 10 year storm event is to be infiltrated.	Spring 2015

**APPENDIX A**  
**Detailed Cost to Develop EWMP**

**Table 12. Estimated Costs Per Permittee for Developing the RH/SGRWQG's EWMP & CIMP**

Jurisdiction	Staff/In-Kind Costs	Consultant (EWMP & CIMP Plan Development)	Consultant Environmental Review	Total Costs (*does not include Environmental Review)
Arcadia	\$91,000	\$179,891.39	TBD	*\$270,891
Azusa	\$104,000	\$153,660.80	TBD	*\$257,661
Bradbury	\$103,000	\$39,480.59	TBD	*\$142,481
Duarte	\$88,000	\$65,711.18	TBD	*\$153,711
Monrovia	\$99,000	\$133,602.11	TBD	*\$232,602
Sierra Madre	\$45,000	\$53,367.37	TBD	*\$98,367
County of Los Angeles & Los Angeles County Flood Control District	\$90,000	\$85,769.86 \$79,053.70		*\$254,824
<b>TOTAL</b>	<b>\$620,000</b>	<b>\$790,537.00</b>	<b>~\$300,000</b>	<b>\$1,710,537</b>



## **APPENDIX B**

### **Memorandum of Understanding**

City of Arcadia  
City of Azusa  
City of Bradbury  
City of Duarte  
City of Monrovia  
City of Sierra Madre

County of Los Angeles and Los Angeles County Flood Control District have each indicated their intent to participate in the MOU in their Letters of Intent (attached). The MOU is tentatively scheduled for the Board of Supervisors' approval on July 30, 2013, but no later than December 28, 2013.



MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT,  
THE COUNTY OF LOS ANGELES, AND  
THE CITIES OF ARCADIA, AZUSA, BRADBURY, DUARTE, MONROVIA  
AND SIERRA MADRE

REGARDING THE ADMINISTRATION AND COST SHARING FOR DEVELOPMENT  
OF THE ENHANCED WATERSHED MANAGEMENT PROGRAM (EWMP) FOR THE  
RIO HONDO/SAN GABRIEL RIVER WATER QUALITY GROUP'S WATERSHED

This Memorandum of Understanding (MOU), made and entered into as of the date of the last signature set forth below by and between the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT (LACFCD), a political subdivision of the State of California, the COUNTY OF LOS ANGELES (LA COUNTY), a political subdivision of the State of California, and the CITIES OF ARCADIA, AZUSA, BRADBURY, DUARTE, MONROVIA, AND SIERRA MADRE. Collectively, these entities shall be known herein as "PARTIES" or individually as "PARTY."

WITNESSETH

WHEREAS, the Regional Water Quality Control Board, Los Angeles Region (Regional Board) adopted National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Permit Order No. R4-2012-0175 Municipal Separate Storm Sewer System (MS4 Permit); and

WHEREAS, the MS4 Permit became effective on December 28, 2012 and requires that the LACFCD, LA COUNTY, and 84 of the 88 cities (excluding Avalon, Long Beach, Palmdale, and Lancaster) within the County of Los Angeles comply with the prescribed elements of the MS4 Permit; and

WHEREAS, the PARTIES have agreed to collaborate on the compliance of certain elements of the MS4 Permit and have agreed to a cost sharing formula set forth in Table 2 of Exhibit A, which is attached and made part of this MOU; and

WHEREAS, the PARTIES agree that each shall assume full and independent responsibility for ensuring its own compliance with the MS4 Permit despite the collaborative approach of this MOU; and

WHEREAS, the PARTIES collaboratively prepared a final Scope of Work and Request for Proposal to obtain a Consultant to assist the PARTIES in complying with certain elements of the MS4 Permit, as specified in the Scope of Work, which is incorporated into this MOU by reference; and

WHEREAS, the PARTIES propose for the Consultant to prepare and deliver a Final Work Plan, Draft Enhanced Watershed Management Program (EWMP) plan, Coordinated Integrated Monitoring Plan (CIMP), Final EWMP plan, and Environmental Review as appropriate to the EWMP and CIMP (collectively, PLANS) in compliance with certain elements of the MS4 Permit, at a total cost of approximately \$790,537; and

WHEREAS, the PARTIES have determined that hiring a Consultant to prepare and deliver the PLANS will be beneficial to the PARTIES and they desire to participate and will provide funding in accordance with the cost allocation in Table 2 of Exhibit A; and

WHEREAS, the PARTIES have agreed to establish an Oversight Committee (comprised of City Managers and/or designated staff from each PARTY) to provide technical oversight and project management for the development of the PLANS, and

WHEREAS, the CITY OF ARCADIA will act on behalf of the PARTIES in the administration of the Consultant services agreements for the preparation of the PLANS .

NOW, THEREFORE, in consideration of the mutual benefits to be derived by the PARTIES, and of the promises contained in this MOU, the PARTIES agree as follows:

- (1) Recitals: The recitals set forth above are incorporated into this MOU.
- (2) Purpose: The purpose of this MOU is to cooperatively fund the preparation of the PLANS and the submittal of the PLANS to the Regional Board.
- (3) Voluntary: This MOU is voluntarily entered into for the purpose of preparing the PLANS and submitting the PLANS to the Regional Board.
- (4) Terms: This MOU shall become effective the last date of execution by all Parties hereto ("Effective Date"), and shall remain in effect until the CITY OF ARCADIA has provided written notice of completion of the Scope of Work described herein, and payment by all Parties of their allocated pro-rata share hereunder. .
- (5) Responsibilities of the CITY OF ARCADIA:
  - a. The CITY OF ARCADIA shall act as the contract manager on behalf of, and for the benefit of, PARTIES, and as such agrees to invoice the PARTIES for their pro-rata share of the cost for the preparation and delivery of the PLANS as described in Tables 2 and 3 of Exhibit A.
    1. Payments to Third Parties – The CITY OF ARCADIA shall have no obligation to pay vendors or consultants any funds other than those owed for its proportional share as set forth in Table 2 of Exhibit A, and those funds remitted to the CITY OF ARCADIA following invoice. In the event

the CITY OF ARCADIA elects to make a payment on behalf of a Delinquent Party, the Delinquent Party and/or the remaining Parties shall reimburse the CITY OF ARCADIA the funds expended making the payment as described below.

- b. The CITY OF ARCADIA shall solicit proposals for, award, and administer a Consultant contract(s) for the preparation and delivery of the PLANS in accordance with the Scope of Work.
- c. The CITY OF ARCADIA shall utilize the funds deposited by the PARTIES only for payment of the Consultant for the preparation and completion of the PLANS.
- d. The CITY OF ARCADIA shall provide the PARTIES with an electronic copy of the draft and final PLANS within 5 days of receipt from the Consultant.
- e. Upon execution of this MOU, each Party shall provide the name or names of those persons from within the Party's organization who is/are to be representing said Party on the Oversight Committee. Within thirty (30) days from the Effective Date, the CITY OF ARCADIA shall notice all parties hereto of the members of the contact information for the Oversight Committee.
- f. All draft and final Plans shall be reviewed by the Oversight Committee for further revision and/or completion. No PLAN OR PLANS shall be submitted to the Regional Board unless and until it/they have been approved, in writing, for submittal by all PARTIES hereto, excepting only a Party or Parties whose involvement in this MOU has been terminated.
- g. The CITY OF ARCADIA shall provide an accounting upon the early termination of this MOU pursuant to paragraph (6)t. 1 or 60 days after the date the Regional Board gives final approval to the last outstanding portion of the PLANS. The CITY OF ARCADIA shall return the unused portion of all funds deposited with the CITY OF ARCADIA in accordance with the cost allocation formula set forth in Table 2 of Exhibit A.

(6) THE PARTIES FURTHER AGREE:

- a. The PARTIES shall make a full faith effort to cooperate with one another to achieve the purposes of this MOU by providing information about project opportunities, reviewing deliverables in a timely manner, and informing their respective administrators, agency heads, and/or governing bodies.
- b. The PARTIES shall fund the cost of the preparation and delivery of the PLANS and pay the CITY OF ARCADIA for the preparation and delivery of the PLANS based on the cost allocation set forth in Table 2 of Exhibit A within 60 days of receiving an invoice.

- c. Delinquent Payments – A PARTY's payment is considered delinquent 180 days after being invoiced by the CITY OF ARCADIA. The following procedures may be implemented to attain payments from the delinquent PARTY per instructions from the PARTIES: 1) verbally contact/meet with the manager from the delinquent PARTY or PARTIES; and 2) submit a formal letter to the delinquent PARTY OR PARTIES from the City of Arcadia's legal counsel. If the PARTY or PARTIES remain delinquent after the above procedures, then the CITY OF ARCADIA may notify the Regional Board that the delinquent PARTY OR PARTIES are no longer a participating member of the PLANS, and said PARTY or PARTIES shall then be deemed to have terminated its participation as a PARTY to this MOU ("EXCLUDED PARTY") and their name(s) may be removed from the PLANS. Any EXCLUDED PARTY'S delinquent amount(s) will be paid in accordance with the remaining PARTIES pro-rata share pursuant to Table 2 of Exhibit A, as adjusted to remove the EXCLUDED PARTY from the allocation. The CITY OF ARCADIA will revise Table 2 of Exhibit A to show the recalculated costs for each remaining participating PARTY; these revised exhibits will be included with the next invoice to the PARTIES. The PARTIES shall retain all contractual, legal, and equitable rights and causes of action to recover any delinquent amounts paid that were owed by an EXCLUDED PARTY or PARTIES who failed to make such payments.
- d. Interest Accrual - Any interest accrued on the funds collected per this MOU during the term of this MOU shall be refunded or credited toward any amount owed at the time of the final accounting. The CITY OF ARCADIA shall report to the PARTIES the amount of the interest accrued by the collected funds at the time of the final accounting.
- e. Excess Funds - Any collected funds not spent in any annual period shall be refunded or credited toward any amount owed at the time of the final accounting.
- f. Each PARTY shall allow reasonable access and entry to the Consultant, on an as needed basis, during the term of this MOU to the PARTY's storm drains, channels, catch basins, and similar properties (FACILITIES) to achieve the purposes of this MOU, provided, however, that prior to entering any PARTY's facilities, the Consultant shall secure a permit of entry from the applicable PARTY.
- g. To the maximum extent permitted by law, the CITY OF ARCADIA shall require the Consultant(s) retained pursuant to this MOU to agree to indemnify, defend, and hold harmless each PARTY, its special districts, elected and appointed officers, employees, and agents, from and against any and all liability, including but not limited to demands, claims, actions, fees,

costs, and expenses (including attorney and expert fees), arising from or connected with the Consultant's performance of its agreement with the CITY OF ARCADIA. In addition, the CITY OF ARCADIA shall require the Consultant(s) to carry, maintain, and keep in full force and effect an insurance policy or policies, and each PARTY, its officers, employees, attorneys, and designated volunteers shall be named as additional insureds on the policy(ies) with respect to liabilities arising out of the Consultant's work. These requirements will also apply to any subcontractors hired by the Consultant(s).

- h. To the maximum extent permitted by law, each PARTY shall indemnify, defend, and hold harmless each other PARTY, including its special districts, elected and appointed officers, employees, and agents, from and against any and all liability, including but not limited to demands, claims, actions, fees, costs, and expenses (including attorney and expert witness fees), arising from or connected with the respective acts of each PARTY under this MOU; provided, however, that no PARTY shall indemnify another PARTY for that PARTY's own negligence or willful misconduct.
- i. In light of the provisions of Section 895.2 of the Government Code of the State of California imposing certain tort liability jointly upon public entities solely by reason of such entities being parties to an agreement (as defined in Section 895 of said Code), each of the PARTIES hereto, pursuant to the authorization contained in Section 895.4 and 895.6 of said Code, shall assume the full liability imposed upon it or any of its officers, agents, or employees, by law for injury caused by any act or omission occurring in the performance of this MOU to the same extent that such liability would be imposed in the absence of Section 895.2 of said Code. To achieve the above stated purpose, each PARTY indemnifies, defends, and holds harmless each other PARTY for any liability, cost, or expense that may be imposed upon such other PARTY solely by virtue of said Section 895.2. The provisions of Section 2778 of the California Civil Code are made a part hereof as if incorporated herein.
- j. The PARTIES are, and shall at all times remain as to each other, wholly independent entities. No PARTY to this MOU shall have power to incur any debt, obligation, or liability on behalf of any other PARTY unless expressly provided to the contrary by this MOU. No employee, agent, or officer of a PARTY shall be deemed for any purpose whatsoever to be an agent, employee, or officer of another PARTY.
- k. Any notices, bills, invoices, or reports relating to this MOU, and any request, demand, statement, or other communication required or permitted hereunder shall be in writing and shall be delivered to the representatives of the



PARTIES at the addresses set forth in Exhibit B attached hereto and incorporated herein by reference.

- l. This MOU shall be binding upon, and shall be to the benefit of the respective successors, heirs, and assigns of each PARTY; provided, however, no PARTY may assign its respective rights or obligations under this MOU without the prior written consent of the other PARTIES.
- m. This MOU is governed by, interpreted under, and construed and enforced in accordance with the laws of the State of California.
- n. If any provision of this MOU shall be determined by any court to be invalid, illegal, or unenforceable to any extent, the remainder of this MOU shall not be affected, and this MOU shall be construed as if the invalid, illegal, or unenforceable provision had never been contained in this MOU.
- o. All PARTIES have been represented by counsel in the preparation and negotiation of this MOU. Accordingly, this MOU shall be construed according to its fair language. Any ambiguities shall be resolved in a collaborative manner by the PARTIES and shall be rectified by amending this MOU as described in paragraph (6)r.
- p. Each of the persons signing below on behalf of a PARTY represents and warrants that he or she is authorized to sign this MOU on behalf of such PARTY.
- q. No PARTY shall have any financial obligation to any other PARTY to this MOU, except as herein expressly provided.
- r. The terms and provisions of this MOU may not be amended, modified, or waived, except by an instrument in writing signed by all PARTIES who have not terminated their interests herein or whose involvement has not terminated by reason of non-payment. This paragraph applies to any changes proposed as a result of the following circumstances: 1) changes to the MS4 Permit terms with regards to compliance through an EWMP or CIMP; or (2) changes in the number of parties to this MOU. This list is not intended to be exhaustive.
- s. This MOU may be signed in multiple counterparts with the same force and effect as if all original signatures appeared on one copy; and in the event this MOU is signed in counterparts, each counterpart shall be deemed an original and all of the counterparts shall be deemed to be one agreement.
- t. Early Termination or Withdrawal

1. This MOU may be terminated upon the express written agreement of all PARTIES. If this MOU is terminated, any remaining funds not due and payable or otherwise legally committed to a Consultant(s) shall be distributed to the remaining PARTIES (not including any EXCLUDED or WITHDRAWN PARTY or PARTIES) so that all such remaining PARTIES have paid no more than their pro-rata share (in accordance with the most current allocation set forth in Table 2 of Exhibit A). Completed work shall be owned by all PARTIES at the time of completion of the work who are not EXCLUDED or WITHDRAWN PARTIES. Similarly, rights to uncompleted work by the Consultant still under contract is to be owned by the PARTY or PARTIES who are not EXCLUDED or WITHDRAWN PARTIES at such time.
2. A PARTY may withdraw from this MOU ("WITHDRAWN PARTY") upon 60 days written notice to the other PARTIES, subject to payment of any invoice received from the CITY OF ARCADIA prior to or during the 60-day notice period for its share of the cost of the work completed as of the date of its notice of withdrawal, calculated in accordance with the cost-sharing percentages set forth in Table 2 of Exhibit A. The effective withdrawal date shall be the sixtieth (60th) day after the CITY OF ARCADIA receives the withdrawing PARTY's notice to withdraw from this MOU. The CITY OF ARCADIA shall refund to the WITHDRAWN PARTY any unused funds paid by the WITHDRAWN PARTY's effective withdrawal date. All PARTIES understand, acknowledge, and agree that withdrawal from this MOU will terminate any responsibility, liability, or obligation of the WITHDRAWN PARTY under this MOU commencing on the effective withdrawal date and that the WITHDRAWN PARTY shall remain liable for its share of any loss, debt or liability incurred prior to the withdrawal date, and for any work which could not be suspended. Withdrawal from this MOU does not release any PARTY from the obligations set forth in MS4 Permit.
3. If a PARTY fails to substantially comply with any of the terms or conditions of this MOU, that PARTY shall forfeit its rights to work completed through this MOU, but no such forfeiture shall occur unless and until the defaulting PARTY has first been given notice of its default and a reasonable opportunity to cure the alleged default.

IN WITNESS WHEREOF, the PARTIES hereto have caused this MOU to be executed by their duly authorized representatives and affixed as of the date of signature of the PARTIES:

COUNTY OF LOS ANGELES,

By \_\_\_\_\_  
GAIL FARBER

\_\_\_\_\_  
Date

APPROVED AS TO FORM:

John F. Krattli  
County Counsel

By \_\_\_\_\_  
Deputy

\_\_\_\_\_  
Date

LOS ANGELES COUNTY FLOOD CONTROL DISTRICT

By \_\_\_\_\_  
Chief Engineer

APPROVED AS TO FORM:

John F. Krattli  
County Counsel

By \_\_\_\_\_  
Deputy

\_\_\_\_\_  
Date

CITY OF \_\_\_\_\_

By \_\_\_\_\_  
NAME, POSITION

\_\_\_\_\_  
Date

ATTEST:

By \_\_\_\_\_  
NAME, City Clerk

\_\_\_\_\_  
Date

APPROVED AS TO FORM:

By \_\_\_\_\_  
NAME, City Attorney

\_\_\_\_\_  
Date

## EXHIBIT A

### Rio Hondo/San Gabriel River Water Quality Group EWMP Funding Contributions

**Table 1. Total Contract Costs**

Work Scope	Cost
Project Management	\$111,231
EWMP Work Plan	\$146,234
CIMP	\$136,464
Final EWMP	\$ 394,816
Notice of Intent Review	\$1,792
<b>Total Contract Cost</b>	<b>\$ 790,537.00</b>

**Table 2. Cost Allocation Formula**

Party	Base Fee (10%)	Acres (Developed Land)	Percent of Area <sup>(2)</sup>	Cost based on Acres (90%)	Total Cost
City of Arcadia	\$10,164.05	11	26.51%	\$169,727.34	\$179,891.39
City of Azusa	\$10,164.05	9.3	22.41%	\$143,496.75	\$153,660.80
City of Bradbury	\$10,164.05	1.9	4.58%	\$29,316.54	\$39,480.59
City of Duarte	\$10,164.05	3.6	8.67%	\$55,547.13	\$65,711.18
City of Monrovia	\$10,164.05	8	19.28%	\$123,438.07	\$133,602.11
City of Sierra Madre	\$10,164.05	2.8	6.75%	\$43,203.32	\$53,367.37
County of Los Angeles	\$10,164.05	4.9	11.81%	\$75,605.82	\$85,769.86
Los Angeles County Flood Control District(1)	\$79,053.70	-	-	-	\$79,053.70
<b>Total</b>	<b>\$150,202.03</b>	<b>41.5</b>	<b>100%</b>	<b>\$640,334.97</b>	<b>\$790,537.00</b>

(1) Los Angeles County Flood Control District's cost share equals 10% of total contracted costs; the remaining costs are then divided by the 10% base fee and land area (90%).

(2) - Based on percent of developed land in each Party area of the total watershed area (excludes Angeles National Forest land)

On or before June 30<sup>th</sup> of each year, the Oversight Committee shall review the Cost Allocation Formula and may adjust the formula as deemed necessary for such reasons including, but not limited to, revision in Contracted Costs, Scope of Work, scheduling of work, and/or costs related to environmental review.

**Table 3. Invoicing Schedule**

Invoice #	Invoice Date	Percent of Cost Share Allocation
-----------	--------------	-------------------------------------



1	on or before July 2013	10% Base
2	July 2013	1/3 of land Area Allocation
3	July 2014	1/3 of land Area Allocation
4	July 2015	1/3 of land Area Allocation

On or before June 30<sup>th</sup> of each year, the Oversight Committee shall review the Invoicing Schedule may adjust the percent of Cost Share Allocations due each year as deemed necessary for such reasons including, but not limited to, revision in Contracted Costs, Scope of Work, scheduling of work, and/or costs related to environmental review.

## EXHIBIT B

### Rio Hondo/San Gabriel River Watershed Quality Group EWMP Responsible Agencies Representatives

1. City of Arcadia  
240 W. Huntington Dr.  
Arcadia, CA 91006  
Representative: Vanessa Hevener  
E-mail: VHevener@ci.arcadia.ca.us  
Phone: (626) 359-7028
2. City of Azusa  
213 E. Foothill Blvd.  
Azusa, CA 91702-1395  
Representative: Carl E. Hassel  
E-mail: CHassel@ci.azusa.ca.us  
Phone: (626) 812-5064
3. City of Bradbury  
600 Winston Ave.  
Bradbury, CA 91008  
Representative: Michelle Keith  
E-mail: MKeith@CityofBradbury.org  
Phone: (626)358-3218 ext. 300
4. City of Duarte  
1600 Huntington Drive  
Duarte, CA 91010  
Party Representative: Rafael Casillas  
E-mail: RCasillas@accessduarte.com  
Phone: (626)386-6833
5. City of Monrovia  
415 S. Ivy Ave.  
Monrovia, CA 91016  
Representative: Heather Maloney  
E-mail: HMaloney@ci.monrovia.ca.us  
Phone: (626) 932-5577
6. City of Sierra Madre  
232 W. Sierra Madre Blvd  
Sierra Madre, CA 91024  
Representative: James Carlson  
E-mail: JCarlson@cityofsierramadre.com

Phone: (626) 355-7135 ext. 803

7. County of Los Angeles  
Department of Public Works  
Watershed Management Division, 11<sup>th</sup> Floor  
900 South Fremont Avenue  
Alhambra, CA 91803-1331  
Representative: Gary Hildebrand  
E-mail: GHILDEB@dpw.lacounty.gov  
Phone: (626) 458-4300
8. Los Angeles County Flood Control District  
Department of Public Works  
Watershed Management Division, 11<sup>th</sup> Floor  
900 South Fremont Avenue  
Alhambra, CA 91803-1331  
Representative: Gary Hildebrand  
E-mail: GHILDEB@dpw.lacounty.gov  
Phone: (626) 458-4300

CITY OF ARCADIA

By   
Dominic Lazzaretto, City Manager

June 4, 2013  
Date

ATTEST:

By   
Chief Deputy City Clerk

June 4, 2013  
Date

APPROVED AS TO FORM:

By   
Stephen P. Deitsch, City Attorney

June 4, 2013  
Date

CITY OF AZUSA

By Mayor Joseph R. Rocha  
Mayor Joseph R. Rocha

\_\_\_\_\_  
Date

ATTEST:  
By City Clerk Jeffrey Gornejo, Jr.  
City Clerk Jeffrey Gornejo, Jr.

May 6, 2013  
Date

APPROVED AS TO FORM:

By City Attorney  
City Attorney

5/14/13  
Date



CITY OF BRADBURY

By

  
RICHARD PYCZ, MAYOR

6-25-13  
Date

ATTEST:

By

  
CLAUDIA SALDANA, City Clerk

6-25-13  
Date

APPROVED AS TO FORM:

By

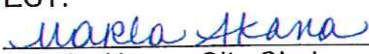
  
CARY REISMAN, City Attorney

6-25-13  
Date

CITY OF DUARTE

By   
Darrell George, City Manager

May 14, 2013  
Date

ATTEST:  
By   
Marla Akana, City Clerk

May 14, 2013  
Date

APPROVED AS TO FORM:


By   
Dan Slater, Attorney

May 14, 2013  
Date

CITY OF MONROVIA

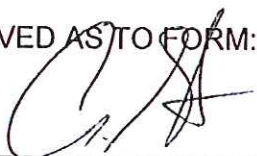
By   
Laurie Lile, City Manager

5-22-13  
Date

ATTEST:  
By   
Alice D. Atkins, CMC, City Clerk

5/22/2013  
Date

APPROVED AS TO FORM:

By   
Craig A. Steele, City Attorney

5/22/2013  
Date

By \_\_\_\_\_  
Chief Engineer


APPROVED AS TO FORM:

John F. Krattli  
County Counsel

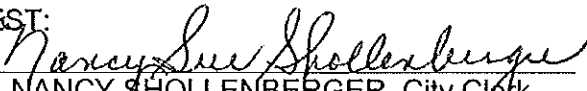
By \_\_\_\_\_  
Deputy

\_\_\_\_\_  
Date

CITY OF SIERRA MADRE

By   
NANCY WALSH, Mayor

May 14, 2013  
Date

ATTEST:  
By   
NANCY SHOLLENBERGER, City Clerk

May 14, 2013  
Date

APPROVED AS TO FORM:

By   
TERESA HIGHSMITH, City Attorney

May 14, 2013  
Date

## APPENDIX C

### Signed Letters of Intent

City of Arcadia  
City of Azusa  
City of Bradbury  
City of Duarte  
City of Monrovia  
City of Sierra Madre  
County of Los Angeles  
Los Angeles County Flood Control District





# City of Arcadia

## Public Works Services Department

Tom Tait  
*Public Works Services Director*

June 28, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, CA 90013

Attention: Renee Purdy

**RE: LETTER OF INTENT PLEDGING COMMITMENT IN THE  
DEVELOPMENT OF AN ENHANCED WATERSHED  
MANAGEMENT PROGRAM AND COORDINATED INTEGRATED  
MONITORING PROGRAM IN COLLABORATION WITH THE RIO  
HONDO/SAN GABRIEL RIVER QUALITY GROUP (RH/SGRWQG)**

Dear Mr. Unger:

The City of Arcadia, with this letter, pledges to collaborate with the Rio Hondo/San Gabriel River Water Quality Group (RH/SGRWQG) in the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) in accordance with the new MS4 Permit by Order No. R4-2012-0175. The RH/SGRWQG is comprised of the cities of Arcadia, Azusa, Bradbury, Duarte, Monrovia, Sierra Madre, the local portion of unincorporated County of Los Angeles and the Los Angeles County Flood Control District.

The City of Arcadia also pledges to share in the costs associated with the development of the Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP). A cost sharing formula has been agreed by all participating members of the Group as to the equitable distribution of cost.

Should you have any questions, please contact Vanessa Hevener at (626) 305-5327 or via email at [vhevener@ci.arcadia.ca.us](mailto:vhevener@ci.arcadia.ca.us).

Sincerely,

Tom Tait  
Public Works Services Director

The Canyon City — Gateway to the American Dream



June 18, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

LETTER OF INTENT PLEDGING COMMITMENT IN THE DEVELOPMENT OF AN  
ENHANCED WATERSHED MANAGEMENT PROGRAM AND COORDINATED  
INTEGRATED MONITORING PROGRAM IN COLLABORATION WITH THE RIO  
HONDO/SAN GABRIEL RIVER WATER QUALITY GROUP (RH/SGRWQG)

Dear Mr. Unger;

The City of Azusa, with this letter, pledges to collaborate with the Rio Hondo/San Gabriel River Water Quality Group (RH/SGRWQG) in the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) in accordance with the new MS4 Permit by Order No. R4-2012-0175 for submission to your Board. The RH/SGRWQG is comprised of the cities of Arcadia, Azusa, Bradbury, Duarte, Sierra Madre, Monrovia, the local portion of unincorporated County of Los Angeles and the Los Angeles County Flood Control District.

The City of Azusa also pledges to share in the costs associated with the development of the Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP). A cost sharing formula has been agreed by all participating members of the Group as to the equitable distribution of costs.

Should you have any questions, please contact me at [thaes@ci.azusa.ca.us](mailto:thaes@ci.azusa.ca.us) or at (626) 812-5248 or Carl Hassel, of my staff at [chassel@ci.azusa.ca.us](mailto:chassel@ci.azusa.ca.us) or at (626) 812-5064.

Sincerely,

Tito Haes  
Assistant City Manager / Director of Public Works





## CITY OF BRADBURY

*Incorporated July 26, 1957*

June 17, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, CA 90013

Attention: Renee Purdy

LETTER OF INTENT PLEDGING COMMITMENT IN THE DEVELOPMENT OF AN ENHANCED WATERSHED MANAGEMENT PROGRAM AND COORDINATED INTEGRATED MONITORING PROGRAM IN COLLABORATION WITH THE RIO HONDO/SAN GABRIEL RIVER WATER QUALITY GROUP (RH/SGRWQG)

Dear Mr. Unger;

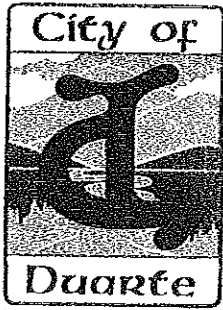
The City of Bradbury, with this letter, pledges to collaborate with the Rio Hondo/San Gabriel River Water Quality Group (RH/SGRWQG) in the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) in accordance with the new MS4 Permit by Order No. R4-2012-0175 for submission to your Board. The RH/SGRWQG is comprised of the cities of Arcadia, Azusa, Bradbury, Duarte, Monrovia, Sierra Madre, the local portion of unincorporated County of Los Angeles and the Los Angeles County Flood Control District.

The City of Bradbury pledges to share in the costs associated with the development of the EWMP and CIMP. A cost sharing formula has been agreed by all participating members of the RH/SGRWQG as to the equitable distribution of costs.

If you have any questions, please do not hesitate to contact me at (909) 594-9702, or via email at [dgilbertson@rkagroup.com](mailto:dgilbertson@rkagroup.com).

Sincerely,

David Gilbertson  
Deputy City Engineer



# City of Duarte

Sixteen Hundred Huntington Drive, Duarte, California 91010-2592  
Tel 626-357-7931 FAX 626-358-0018 [www.accessduarte.com](http://www.accessduarte.com)

June 17, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, CA 90013

Attention: Renee Purdy

LETTER OF INTENT PLEDGING COMMITMENT IN THE DEVELOPMENT OF  
AN ENHANCED WATERSHED MANAGEMENT PROGRAM AND  
COORDINATED INTEGRATED MONITORING PROGRAM IN  
COLLABORATION WITH THE RIO HONDO/SAN GABRIEL RIVER WATER  
QUALITY GROUP (RH/SGRWQG)

Dear Mr. Unger;

The City of Duarte, with this letter, pledges to collaborate with the Rio Hondo/San Gabriel River Water Quality Group (RH/SGRWQG) in the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) in accordance with the new MS4 Permit by Order No. R4-2012-0175 for submission to your Board. The RH/SGRWQG is comprised of the cities of Arcadia, Azusa, Bradbury, Duarte, Monrovia, Sierra Madre, the local portion of unincorporated County of Los Angeles and the Los Angeles County Flood Control District.

The City of Duarte pledges to share in the costs associated with the development of the EWMP and CIMP. A cost sharing formula has been agreed by all participating member of the RH/SGRWQG as to the equitable distribution of costs.

If you have any questions, please do not hesitate to contact Rafael O. Casillas at (626) 357-7931, extension 233 or via email at [rcasillas@accessduarte.com](mailto:rcasillas@accessduarte.com).

Sincerely,

Darrell George  
City Manager

# City of MONROVIA

Department of Public Works

1887



June 28, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, CA 90013

Attention: Renee Purdy

**LETTER OF INTENT PLEDGING COMMITMENT IN THE DEVELOPMENT OF AN ENHANCED WATERSHED  
MANAGEMENT PROGRAM AND COORDINATED INTEGRATED MONITORING PROGRAM IN COLLABORATION  
WITH THE RIO HONDO/SAN GABRIEL RIVER QUALITY GROUP (RH/SGRWQG)**

Dear Mr. Unger:

The City of Monrovia, with this letter, pledges to collaborate with the Rio Hondo/San Gabriel River Water Quality Group (RH/SGRWQG) in the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) in accordance with the new MS4 Permit by Order No. R4-2012-0175. The RH/SGRWQG is comprised of the cities of Arcadia, Azusa, Bradbury, Duarte, Monrovia, Sierra Madre, the local portion of unincorporated County of Los Angeles and the Los Angeles County Flood Control District.

The City of Monrovia also pledges to share in the costs associated with the development of the Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP). A cost sharing formula has been agreed by all participating members of the Group as to the equitable distribution of cost.

Should you have any questions, please contact Heather Maloney at [hmaloney@ci.monrovia.ca.us](mailto:hmaloney@ci.monrovia.ca.us) or at (626) 932-5577.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ron Bow".

Ron Bow  
Director of Public Works

cc: Heather Maloney, Senior Management Analyst  
File





## *City of Sierra Madre*

*Public Works Department*

*232 W. Sierra Madre Boulevard, Sierra Madre, CA 91024*

*phone 626.355.7135 fax 626.355.2251*

June 28, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, CA 90013

Attention: Renee Purdy

LETTER OF INTENT PLEDGING COMMITMENT IN THE DEVELOPMENT OF AN ENHANCED WATERSHED MANAGEMENT PROGRAM AND COORDINATED INTEGRATED MONITORING PROGRAM IN COLLABORATION WITH THE RIO HONDO/SAN GABRIEL RIVER QUALITY GROUP (RH/SGRWQG)

Dear Mr. Unger:

The City of Sierra Madre, with this letter, pledges to collaborate with the Rio Hondo/San Gabriel River Water Quality Group (RH/SGRWQG) in the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) in accordance with the new MS4 Permit by Order No. R4-2012-0175. The RH/SGRWQG is comprised of the cities of Arcadia, Azusa, Bradbury, Duarte, Monrovia, Sierra Madre, the local portion of unincorporated County of Los Angeles and the Los Angeles County Flood Control District.

The City of Sierra Madre also pledges to share in the costs associated with the development of the Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP). A cost sharing formula has been agreed by all participating members of the Group as to the equitable distribution of cost.

Should you have any questions, please contact James Carlson at [jcarlson@cityofsierramadre.com](mailto:jcarlson@cityofsierramadre.com) or at (626) 355-7135.

Sincerely,

Bruce Inman  
Director of Public Works

cc: James Carlson, Management Analyst  
File



GAIL FARBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE

REFER TO FILE: WM-7

June 24, 2013

Mr. Samuel Unger, P.E.  
Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – COUNTY OF LOS ANGELES  
RIO HONDO/SAN GABRIEL RIVER WATER QUALITY GROUP WATERSHED  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

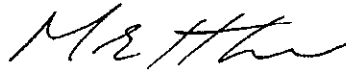
The County of Los Angeles (County) submits this Letter of Intent to participate in and share the cost to develop an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Rio Hondo/San Gabriel River Water Quality Group. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Rio Hondo/San Gabriel River Water Quality Group consists of the following agencies: City of Sierra Madre as the coordinating agency for EWMP and CIMP development, County, Los Angeles County Flood Control District, and cities of Arcadia, Azusa, Bradbury, Duarte, and Monrovia. The Rio Hondo/San Gabriel River Water Quality Group has included a final draft Memorandum of Understanding in Appendix 2 of the Notice of Intent. The County intends to submit a final Memorandum of Understanding to its Board of Supervisors for approval prior to December 28, 2013.

Mr. Samuel Unger  
June 24, 2013  
Page 2

If you have any questions, please contact Ms. Angela George at (626) 458-4325 or [ageorge@dpw.lacounty.gov](mailto:ageorge@dpw.lacounty.gov).

Very truly yours,

  
GAIL FARBER  
Director of Public Works

LP:jht

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cc: City of Arcadia  
City of Azusa  
City of Bradbury  
City of Duarte  
City of Monrovia  
City of Sierra Madre



GAIL FARBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

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ALHAMBRA, CALIFORNIA 91803-1331  
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ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE

REFER TO FILE: WM-7

June 24, 2013

Mr. Samuel Unger, P.E.  
Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – LOS ANGELES COUNTY FLOOD CONTROL DISTRICT  
RIO HONDO/SAN GABRIEL RIVER WATER QUALITY GROUP WATERSHED  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**


The Los Angeles County Flood Control District (LACFCD) submits this Letter of Intent to participate in and share the cost to develop an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Rio Hondo/San Gabriel River Water Quality Group. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Rio Hondo/San Gabriel River Water Quality Group consists of the following agencies: City of Sierra Madre as the coordinating agency for EWMP and CIMP development, County of Los Angeles, LACFCD, and cities of Arcadia, Azusa, Bradbury, Duarte, and Monrovia. The Rio Hondo/San Gabriel River Water Quality Group has included a final draft Memorandum of Understanding in Appendix 2 of the Notice of Intent. The LACFCD intends to submit a final Memorandum of Understanding to the County of Los Angeles Board of Supervisors (which is the LACFCD's governing body) for approval prior to December 28, 2013.

Mr. Samuel Unger  
June 24, 2013  
Page 2

If you have any questions, please contact Ms. Terri Grant at (626) 458-4309 or [tgrant@dpw.lacounty.gov](mailto:tgrant@dpw.lacounty.gov).

Very truly yours,



*for*

GAIL FARBER

Chief Engineer of the Los Angeles County Flood Control District

LP:jht

P:\wmpubl\Secretarial\2013 Documents\Letter\LOI - RHSGR LACFCD.doc\13199

cc: City of Arcadia  
City of Azusa  
City of Bradbury  
City of Duarte  
City of Monrovia  
City of Sierra Madre



**APPENDIX D**

**Documentation for Commencement of and Draft of  
LID Ordinance and Green Streets Policy**



# San Gabriel Valley Council of Governments

1000 S. Fremont Ave. Unit 42, Alhambra, California 91803 Phone: (626) 457-1800 FAX: (626) 457-1285 E-Mail [SGV@sgvcoog.org](mailto:SGV@sgvcoog.org)

---

DATE: January 7, 2013  
TO: LA Permit Group Authorized Voting Members  
FROM: Fran Delach, Interim Executive Director  
RE: **LA Permit Group Technical Assistance**

## **Requested Action**

Confirm participation in the MS4 NPDES implementation technical assistance contract for the LA Permit Group by allowing the SGVCOG to retain its reimbursement from the original \$5,000 payment (equal to \$2,174). Responses requested by Monday, January 14<sup>th</sup>.

## **Background**

In November 2011, the SGVCOG administered a public procurement process and contract to obtain technical assistance for the LA Permit Group in negotiations for the new National Pollutant Discharge Elimination System Municipal Separate Sanitary Storm Sewer (MS4 NPDES Permit) for Los Angeles County. The SGVCOG reached out to the cities in the LA Permit Group and asked for a voluntary financial contribution of \$5,000 from each city to fund the consultant activity. At that time of the request, each city was informed that the money collected would only be used to support the procurement process and, at the end of the contract, if the amount of money collected exceeded the cost of the contract, each jurisdiction would be reimbursed a pro-rata share of the cost.

Contributions were received from a total of 41 cities (38 cities contributed \$5,000 each, 1 city contributed \$500 and two contributed in-kind services) totaling \$190,500. The technical consultant contract was awarded to Larry Walker and Associates, totaling \$107,888, leaving \$82,612 in remaining funds. This would provide a reimbursement of \$2,174 to each city that contributed \$5,000.

The new MS4 NPDES Permit was adopted by the Los Angeles Regional Water Quality Control Board (LARWQCB) on November 8, 2012. There is a significant amount of both technical and administrative work required to meet the permit requirements within the first 6-months. Cities could benefit from collaboration developing model documents for some of the required work, such as LID Ordinances and Green Streets Policies.

## **Role of SGVCOG**

Given the SGVCOG's administration of the previous technical consulting service contract, in December 2012, the LA Permit Group asked the SGVCOG about the possibility of using the funds remaining from the original technical services contract to support an additional technical

consulting services contract to assist in compliance efforts related to the permit. To support this process, the SGVCOG is asking participating cities if they would be interested in having the SGVCOG retain its reimbursement allocation in order to fund a new technical consulting services contract to assist cities in compliance with the new MS4 NPDES permit. The contract will be to complete the proposed scope of work, which can be found in the next section.

No additional funds will be collected in support of this project; only money remaining from the original contract will be used. As in the original contract, the SGVCOG will only administer the contract and will receive no supplemental funding.

### **Proposed Scope of Work**

The new MS4 NPDES Permit for Los Angeles County contains many new requirements and includes the option for permittees to participate in a watershed management plan (WMP) or enhanced watershed management plan (EWMP). The Permit requires that cities revise development standards and Ordinance to reflect the new permit requirements, requiring an LID Ordinance. Additionally, participation in a WMP or EWMP requires the implementation of a Green Streets Policy and the submittal of a Notice of Intent and proof that the permittee has entered into a Memorandum of Agreement with other participating agencies.

To assist cities with some of the initial work efforts, the LA Permit Group is seeking technical consulting services to include the following scope of work:

- ✓ **Draft Notification of Intent letter:** The consultant would draft a notification of intent letter that includes the information and data that cities would be required to submit for participation in a WMP or EWMP. It would also provide instructions or alternatives for permittees to consider as they apply the documents to their respective municipality/watershed. Both of these documents would serve as a template for permittees to modify for their specific use.
- ✓ **Prepare template for Watershed MOUs:** The consultant would draft a template memorandum of understanding – as required to be submitted to the Regional Board by cities electing to participate in a WMP or EWMP.
- ✓ **Prepare a Draft LID Ordinance:** The permit specifies low impact development (LID) requirements for priority development projects and requires that a LID Ordinance be developed to incorporate these new requirements. The consultant would prepare a draft ordinance based on the City of Los Angeles' current LID ordinance and the new Permit requirements.
- ✓ **Draft Green Street Policy:** The permit encourages the development of a green street policy and requires such a policy for those agencies planning to participate in a WMP or EWMP. The consultant will develop a draft policy based on the Cities of Los Angeles' and Santa Monica's current green street policies that is consistent with the Permit requirements.
- ✓ **Presentation of work and review:** The consultant would attend LA Permit Group meetings to present and discussed the requested work documents and would provide revisions as requested by the LA Permit Group.

**Attachment 1**

***Intent to Participate***

The City of ARCADIA is interested in obtaining a technical assistance consultant for to assist with implementation efforts related to the new National Pollutant Discharge Elimination System Municipal Separate Sanitary Storm Sewer (MS4 NPDES Permit). The San Gabriel Valley Council of Governments is requesting permission to use your existing funding balance of \$2,174 to fund this consultant. Below I have indicated my City's interest in participating.

- ☒ Yes, the City is interested in participating and you may use our existing funding balance of \$2,174 towards to the consultant costs.
- ☐ The City is interested in more information.
- ☐ No, the City is not interested in participating; please issue a reimbursement payment of \$2,174.


Please sign below and return this form via fax or email to the contacts listed below or mail using the enclosed envelope **no later than Monday, January 14<sup>th</sup>, 2013.**

Fax Number: (626) 457-1285

Email Address: [csims@sgvcog.org](mailto:csims@sgvcog.org)

Name Tom Tait

Title Public Works Services Director

Signature 

Date January 14, 2013





Attachment 1

*Intent to Participate*

The City of AZUSA is interested in obtaining a technical assistance consultant for to assist with implementation efforts related to the new National Pollutant Discharge Elimination System Municipal Separate Sanitary Storm Sewer (MS4 NPDES Permit). The San Gabriel Valley Council of Governments is requesting permission to use your existing funding balance of \$2,174 to fund this consultant. Below I have indicated my City's interest in participating.

☒ Yes, the City is interested in participating and you may use our existing funding balance of \$2,174 towards to the consultant costs.

☐ The City is interested in more information.

☐ No, the City is not interested in participating; please issue a reimbursement payment of \$2,174.

Please sign below and return this form via fax or email to the contacts listed below or mail using the enclosed envelope **no later than Monday, January 14<sup>th</sup>, 2013.**

Fax Number: (626) 457-1285

Email Address: [csims@sgvcog.org](mailto:csims@sgvcog.org)

Name

Tito Haes

Title

Public Works Director / Asst City Mgr

Signature

[Signature]

Date

1/14/13

**Attachment 1**

***Intent to Participate***

The City of Bradbury is interested in obtaining a technical assistance consultant for to assist with implementation efforts related to the new National Pollutant Discharge Elimination System Municipal Separate Sanitary Storm Sewer (MS4 NPDES Permit). The San Gabriel Valley Council of Governments is requesting permission to use your existing funding balance of \$2,174 to fund this consultant. Below I have indicated my City's interest in participating.

☒ Yes, the City is interested in participating and you may use our existing funding balance of \$2,174 towards to the consultant costs.

☐ The City is interested in more information.

☐ No, the City is not interested in participating; please issue a reimbursement payment of \$2,174.

Please sign below and return this form via fax or email to the contacts listed below or mail using the enclosed envelope **no later than Monday, January 14<sup>th</sup>, 2013.**

Fax Number: (626) 457-1285

Email Address: [csims@sgvcog.org](mailto:csims@sgvcog.org)

Name

Michelle Keith

Title

City Manager

Signature

[Signature]

Date

1/14/13

**Attachment 1**

***Intent to Participate***

The City of Duarte is interested in obtaining a technical assistance consultant for to assist with implementation efforts related to the new National Pollutant Discharge Elimination System Municipal Separate Sanitary Storm Sewer (MS4 NPDES Permit). The San Gabriel Valley Council of Governments is requesting permission to use your existing funding balance of \$2,174 to fund this consultant. Below I have indicated my City's interest in participating.

☒ Yes, the City is interested in participating and you may use our existing funding balance of \$2,174 towards to the consultant costs.

☐ The City is interested in more information.

☐ No, the City is not interested in participating; please issue a reimbursement payment of \$2,174.

Please sign below and return this form via fax or email to the contacts listed below or mail using the enclosed envelope **no later than Monday, January 14<sup>th</sup>, 2013.**

Fax Number: (626) 457-1285

Email Address: [csims@sgvcog.org](mailto:csims@sgvcog.org)

Name                      Rafael O. Casillas, PE

Title                        Public Works Manager

Signature                

Date                        January 14, 2013

**Attachment 1**

***Intent to Participate***

The City of Monrovia is interested in obtaining a technical assistance consultant for to assist with implementation efforts related to the new National Pollutant Discharge Elimination System Municipal Separate Sanitary Storm Sewer (MS4 NPDES Permit). The San Gabriel Valley Council of Governments is requesting permission to use your existing funding balance of \$2,174 to fund this consultant. Below I have indicated my City's interest in participating.

- ☒ Yes, the City is interested in participating and you may use our existing funding balance of \$2,174 towards to the consultant costs.
- ☐ The City is interested in more information.
- ☐ No, the City is not interested in participating; please issue a reimbursement payment of \$2,174.

Please sign below and return this form via fax or email to the contacts listed below or mail using the enclosed envelope **no later than Monday, January 14<sup>th</sup>, 2013.**

Fax Number: (626) 457-1285

Email Address: [csims@sgvcog.org](mailto:csims@sgvcog.org)

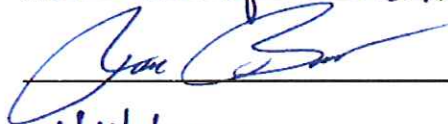
Name

Ken Bow

Title

Director of Public Works

Signature



Date

1/14/2013

***Intent to Participate***

The City of Sierra Madre is interested in obtaining a technical assistance consultant for to assist with implementation efforts related to the new National Pollutant Discharge Elimination System Municipal Separate Sanitary Storm Sewer (MS4 NPDES Permit). The San Gabriel Valley Council of Governments is requesting permission to use your existing funding balance of \$2,174 to fund this consultant. Below I have indicated my City's interest in participating.

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☐ The City is interested in more information.

☐ No, the City is not interested in participating; please issue a reimbursement payment of \$2,174.

Please sign below and return this form via fax or email to the contacts listed below or mail using the enclosed envelope **no later than Monday, January 14<sup>th</sup>, 2013.**

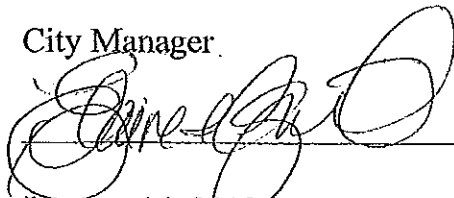
Fax Number: (626) 457-1285

Email Address: [csims@sgvcog.org](mailto:csims@sgvcog.org)

Name Elaine I. Aguilar

Title City Manager

Signature



Date

January 14, 2013



## AGREEMENT FOR CONSULTANT SERVICES

This Agreement for Consultant Services ("Agreement"), is made and entered into this \_\_\_\_ day of February 2013 ("Effective Date"), by and between the San Gabriel Valley Council of Governments ("SGVCOG") and Larry Walker Associates, Inc. ("Consultant").

In consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

### 1. Term of Agreement.

Subject to the provisions of Section 17, the term of this Agreement shall be from the Effective Date through June 30, 2013. Such term may be extended upon written agreement of both parties to this Agreement.

### 2. Scope of Services.

Consultant shall provide the SGVCOG consultant services in accordance with the proposal attached hereto as Exhibit "A" and incorporated herein by reference. The SGVCOG shall determine within the term of this Agreement whether it will direct Consultant to perform the Optional Task identified in Exhibit A. Consultant shall not be compensated for any services rendered in connection with its performance of this Agreement, which are in addition to or outside of those described in this Section 2, unless such additional services are authorized in advance and in writing by the SGVCOG. Consultant shall be compensated for any such additional authorized services in the amounts and in the manner agreed to in writing by the SGVCOG.

### 3. Compensation and Method of Payment.

(a) The total compensation to be paid to Consultant pursuant to this Agreement shall not exceed \$52,690. Consultant shall be compensated in the manner and in the amounts specified in Exhibit A.

(b) Each month Consultant shall furnish to SGVCOG an original invoice for all work performed and expenses incurred during the preceding month. SGVCOG shall independently review each invoice submitted by the Consultant to determine whether the work performed and expenses incurred are in compliance with the provisions of this Agreement. In the event that no charges or expenses are disputed, the invoice shall be approved and paid according to the terms set forth in subsection (c). In the event any charges or expenses are disputed by SGVCOG, SGVCOG shall withhold that portion of the invoice that is in dispute and remit the remainder.

(c) Except as to any charges for work performed or expenses incurred by Consultant to the extent disputed by SGVCOG, SGVCOG will use its best efforts to cause Consultant to be paid within thirty (30) days of receipt of Consultant's invoice.

### 4. Consultant's Books and Records.

Consultant shall maintain any and all documents and records demonstrating or relating to Consultant's performance of services pursuant to this Agreement. Consultant shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, or other documents or records evidencing

or relating to work, services, expenditures and disbursements charged to SGVCOG pursuant to this Agreement. Any and all such documents or records shall be maintained in accordance with generally accepted accounting principles and shall be sufficiently complete and detailed so as to permit an accurate evaluation of the services provided by Consultant pursuant to this Agreement. Any and all such documents or records shall be maintained for three years from the date of execution of this Agreement and to the extent required by laws relating to audits of public agencies and their expenditures.

5. Ownership of Documents

All original maps, models, designs, drawings, photographs, studies, survey, reports, data, notes, computer files, files and other documents prepared, developed or discovered by Consultant in the course of providing any services pursuant to this Agreement shall be the sole property of the SGVCOG and may be used, reused or otherwise disposed of by the SGVCOG without the permission of the Consultant. Upon satisfactory completion of, or in the event of expiration, termination, suspension, or abandonment of this Agreement, Consultant shall turn over to SGVCOG all such maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, files and other documents which Consultant may have temporarily retained for use by Consultant staff. With respect to computer files, Consultant shall make available to the SGVCOG, upon reasonable written request by the SGVCOG, the necessary computer software and hardware for purposes of accessing, compiling, transferring and printing computer files.

6. Status of Consultant

(a) Consultant is and shall at all times remain a wholly independent contractor and not an officer, employee or agent of SGVCOG. Consultant shall have no authority to bind SGVCOG in any manner, nor to incur any obligation, debt or liability of any kind on behalf of or against SGVCOG, whether by contract or otherwise, unless such authority is expressly conferred under this Agreement or is otherwise expressly conferred in writing by SGVCOG.

(b) The personnel performing the services under this Agreement on behalf of Consultant shall at all times be under Consultant's exclusive direction and control. Neither SGVCOG, nor any elected or appointed boards, officers, officials, employees, members or agents of SGVCOG, shall have control over the conduct of Consultant or any of Consultant's officers, employees or agents, except as set forth in this Agreement. Consultant shall not at any time or in any manner represent that Consultant or any of Consultant's officers, employees or agents are in any manner officials, officers, employees, members or agents of SGVCOG.

(c) Neither Consultant, nor any of Consultant's officers, employees or agents, shall obtain any rights to retirement, health care or any other benefits which may otherwise accrue to SGVCOG's employees. Consultant expressly waives any claim Consultant may have to any such rights.

7. Deficient Services

Consultant represents and warrants that it has the qualifications, experience and facilities necessary to properly perform the services required under this Agreement in a thorough, competent and professional manner. Consultant shall at all times faithfully, competently and to the best of its ability, experience and talent, perform all services described herein. In meeting its obligations under this Agreement, Consultant shall employ, at a minimum, generally accepted standards and practices utilized by persons engaged in providing services similar to those required of Consultant under this Agreement. SGVCOG may disapprove services that do not conform to these standards and practices and may

withhold or deny compensation for deficient services. Upon disapproval of services by SGVCOG, Consultant shall immediately re-perform, at its own costs, the services that are deficient. SGVCOG must notify Consultant in writing of the existence of such deficient services within a reasonable time, not to exceed sixty (60) days after its discovery thereof, but in no event later than one (1) year after the completion of such deficient services. No approval, disapproval, or omission to provide approval or disapproval shall release Consultant from any responsibility under this Agreement.

8. Compliance With Applicable Laws, Permits and Licenses.

Consultant shall keep itself informed of and comply with all applicable federal, state and local laws, statutes, codes, ordinances, regulations and rules in effect during the term of this Agreement. Consultant shall obtain any and all licenses, permits and authorizations necessary to perform the services set forth in this Agreement. Neither SGVCOG, nor any elected or appointed boards, officers, officials, employees, members or agents of SGVCOG, shall be liable, at law or in equity, as a result of any failure of Consultant to comply with this Section 8.

9. Nondiscrimination.

Consultant shall not discriminate in any way against any person on the basis of race, color, religious creed, national origin, ancestry, sex, age, physical handicap, pregnancy, medical condition or marital status in connection with or related to the performance of this Agreement.

10. Unauthorized Aliens.

Consultant hereby promises and agrees to comply with all of the provisions of the Federal Immigration and Nationality Act, 8 U.S.C.A. §§ 1101, et seq., as amended, and in connection therewith, shall not employ unauthorized aliens as defined therein. Should Consultant so employ such unauthorized aliens for the performance of work and/or services covered by this Agreement, and should any liability or sanctions be imposed against SGVCOG for such use of unauthorized aliens, Consultant hereby agrees to and shall reimburse SGVCOG for the cost of all such liabilities or sanctions imposed, together with any and all costs, including reasonable attorney fees, incurred by SGVCOG.

11. Conflicts of Interest

Consultant covenants that neither it, nor any officer or principal of its firm, has or shall acquire any interest, directly or indirectly, (but not including ownership of stock in a publicly traded company), which would conflict in any manner with the interests of SGVCOG or which would in any way hinder Consultant's performance of services under this Agreement. Consultant further covenants that in the performance of this Agreement, no person having any such interest shall be employed by it as an officer, employee, agent or subcontractor without the express written consent of the SGVCOG. Consultant agrees to at all times avoid conflicts of interest or the appearance of any conflicts of interest with the interests of SGVCOG in the performance of this Agreement.

12. Confidential Information; Release of Information.

(a) All information gained or work product produced by Consultant in performance of this Agreement shall be considered confidential, unless such information is in the public domain or already known to Consultant. Consultant shall not release or disclose any such information or work product to persons or entities other than SGVCOG without prior written authorization from the SGVCOG, except as may be required by law. Consultant, its officers, employees, agents or subcontractors, shall not, without

so approved in writing by the SGVCOG. Consultant agrees to provide SGVCOG with copies of required policies or certificates evidencing the required policies upon request.

(b) Consultant shall provide and maintain insurance acceptable to the SGVCOG in full force and effect throughout the term of this Agreement, against claims for injuries to persons or damages to property, which may arise from or in connection with the performance of the work hereunder by Consultant, its agents, representatives or employees. Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII. Consultant shall provide the following scope and limits of insurance:

(1) Minimum Scope of Insurance. Coverage shall be at least as broad as:

A. Insurance Services Office form Commercial General Liability coverage (Occurrence Form CG 0001).

B. Insurance Services Office form number CA 0001 (Ed. 1/87) covering Automobile Liability, including code 1 "any auto" and endorsement CA 0025, or equivalent forms subject to the written approval of the SGVCOG.

C. Workers' Compensation insurance as required by the Labor Code of State of California and Employer's Liability insurance and covering all persons providing services on behalf of the Consultant and all risks to such persons under this Agreement.

D. Errors and omissions liability insurance appropriate to the Consultant's profession.

(2) Limits of Insurance. Consultant shall maintain limits of insurance no less than:

A. General Liability: \$1,000,000 general aggregate for bodily injury, personal injury and property damage.

B. Automobile Liability: \$1,000,000 per accident for bodily injury and property damage.

C. Workers' Compensation and Employer's Liability: Workers' Compensation as required by the Labor Code of the State of California and Employers Liability limits of \$1,000,000 per accident.

D. Errors and Omissions Liability: \$1,000,000 per claim and aggregate.

(c) Other Provisions. Insurance policies required by this Agreement shall contain the following provisions:

(1) All Policies. Each insurance policy required by this Section 13 shall be endorsed and state the coverage shall not be cancelled by the insurer or Consultant except after 30 days' prior written notice by Certified mail, return receipt requested, has been given to SGVCOG. Consultant shall provide to SGVCOG notice of suspension or voiding of coverage, or reduction in coverage, or limits below those required in this Section 14.

(2) General Liability and Automobile Liability Coverages.

A. SGVCOG, and its respective elected and appointed officers, officials, members and employees are to be covered as additional insureds as respects: liability arising out of activities Consultant performs; products and completed operations of Consultant; premises owned, occupied or used by Consultant; or automobiles owned, leased, hired or borrowed by Consultant. The coverage shall contain no special limitations on the scope of protection afforded to SGVCOG, and its respective elected and appointed officers, officials, members or employees.

B. Consultant's insurance coverage shall be primary insurance with respect to SGVCOG, and its respective elected and appointed officials, its officers, members and employees. Any insurance or self-insurance maintained by SGVCOG, and its respective elected and appointed officers, officials, members or employees, shall apply in excess of, and not contribute with, Consultant's insurance.

C. Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

D. Any failure to comply with the reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to SGVCOG, and its respective elected and appointed officers, officials, members or employees.

(3) Workers' Compensation and Employer's Liability Coverage. Unless the SGVCOG otherwise agrees in writing, the insurer shall agree to waive all rights of subrogation against SGVCOG, and its respective elected and appointed officers, officials, members and employees for losses arising from services performed by Consultant.

(d) Other Requirements. Consultant agrees to deposit with SGVCOG, at or before the effective date of this contract, certificates of insurance necessary to satisfy SGVCOG that Consultant has complied with the insurance provisions of this Agreement. The SGVCOG's general counsel may require that Consultant furnish SGVCOG with copies of original endorsements effecting coverage required by this Section. The certificates and endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf. SGVCOG reserves the right to inspect complete, certified copies of all required insurance policies, at any time.

(1) Consultant shall furnish certificates and endorsements from each subcontractor identical to those Consultant provides.

(2) Any deductibles or self-insured retentions must be declared to and approved by SGVCOG, such approval not to be unreasonably withheld.

(3) The procuring of such required policy or policies of insurance shall not be construed to limit Consultant's liability hereunder nor to fulfill the indemnification provisions and requirements of this Agreement.

15. Assignment.

The expertise and experience of Consultant are material considerations for this Agreement. SGVCOG has an interest in the qualifications of and capability of the persons and entities who will fulfill the duties and obligations imposed upon Consultant under this Agreement. In recognition of that interest, Consultant shall not assign or transfer this Agreement or any portion of this Agreement or the



performance of any of Consultant's duties or obligations under this Agreement without the prior written consent of the SGVCOG. Any attempted assignment shall be ineffective, null and void, and shall constitute a material breach of this Agreement entitling SGVCOG to any and all remedies at law or in equity, including summary termination of this Agreement.

16. Continuity of Personnel.

Consultant may not replace key staff, set forth in Consultant's Proposal, unless their employment is terminated or their replacement is agreed upon by the SGVCOG. The SGVCOG must approve replacement staff before the replacement staff are assigned to perform services under this Agreement. SGVCOG reserves the right to request that Consultant replace a staff person assigned to perform services under this Agreement in the event the SGVCOG, in its sole discretion, determines such a replacement is necessary. Replacement staff in every case are subject to SGVCOG approval prior to assignment to perform services under this Agreement.

17. Termination of Agreement.

SGVCOG may terminate this Agreement, with or without cause, at any time by giving thirty (30) days written notice of termination to Consultant. In the event such notice is given, Consultant shall cease immediately all work in progress. Consultant may terminate this Agreement at any time upon thirty (30) days written notice of termination to SGVCOG. If either Consultant or SGVCOG fail to perform any material obligation under this Agreement, then, in addition to any other remedies, either Consultant, or SGVCOG may terminate this Agreement immediately upon written notice. Upon termination of this Agreement, Consultant shall furnish to SGVCOG a final invoice for work performed and expenses incurred by Consultant, prepared as set forth in Section 3 of this Agreement. This final invoice shall be reviewed and paid in the same manner as set forth in Section 3 of this Agreement.

18. Default.

In the event that Consultant is in default under the terms of this Agreement, the SGVCOG shall not have any obligation or duty to continue compensating Consultant for any work performed after the date of default and may terminate this Agreement immediately by written notice to the Consultant. For purposes of this section only, "date of default" shall be deemed to be the date that SGVCOG personally delivers or transmits by facsimile a Notice of Default to the person(s) at the address or facsimile number as set forth in Section 19 of this Agreement. "Default" shall mean the failure to perform the terms, covenants or conditions of this Agreement.

19. Notices.

All notices required or permitted to be given under this Agreement shall be in writing and shall be personally delivered, or sent by facsimile or certified mail, postage prepaid and return receipt requested, addressed as follows:

To SGVCOG:

Francis Delach  
Interim Executive Director  
San Gabriel Valley Council of Governments  
The Alhambra  
1000 South Fremont Avenue, Unit #42  
Building A-10, Suite 10220  
Alhambra, CA 91803

with a copy to:

Richard D. Jones  
General Counsel  
San Gabriel Valley Council of Governments  
Jones & Mayer  
3777 N. Harbor Blvd  
Fullerton, CA 92835

To Consultant:

Larry Walker Associates, Inc.  
720 Wilshire Blvd, Suite 204  
Santa Monica, CA 90401  
Attention: Malcolm Walker

Notice shall be deemed effective on the date personally delivered or transmitted by facsimile or, if mailed, three (3) days after deposit of the same in the custody of the United States Postal Service.

20. Authority To Execute.

The person or persons executing this Agreement on behalf of Consultant represents and warrants that he/she/they has/has the authority to so execute this Agreement and to bind Consultant to the performance of its obligations hereunder.

21. Binding Effect.

This Agreement shall be binding upon the heirs, executors, administrators, successors and assigns of the parties.

22. Waiver.

Waiver by any party to this Agreement of any term, condition, or covenant of this Agreement shall not constitute a waiver of any other term, condition, or covenant. Waiver by any party of any breach of the provisions of this Agreement shall not constitute a waiver of any other provision, nor a waiver of any subsequent breach or violation of any provision of this Agreement. Acceptance by SGVCOG of any work or services by Consultant shall not constitute a waiver of any of the provisions of this Agreement.

23. Law To Govern; Venue.

This Agreement shall be interpreted, construed and governed according to the laws of the State of California. In the event of litigation between the parties, venue in state trial courts shall lie exclusively in the County of Los Angeles. In the event of litigation in a U.S. District Court, venue shall lie exclusively in the Central District of California, in Los Angeles.

24. Attorney Fees, Costs and Expenses.

In the event litigation or other proceeding is required to enforce or interpret any provision of this Agreement, the prevailing party in such litigation or other proceeding shall be entitled to an award of reasonable attorney fees, costs and expenses, in addition to any other relief to which it may be entitled.

25. Entire Agreement.

This Agreement, including the attached Exhibit "A" which is incorporated herein by this reference, is the entire, complete, final and exclusive expression of the parties with respect to the matters addressed therein and supersedes all other agreements or understandings, whether oral or written, or entered into between Consultant and SGVCOG prior to the execution of this Agreement. No statements, representations or other agreements, whether oral or written, made by any party which are not embodied herein shall be valid and binding. No amendment to this Agreement shall be valid and binding unless in writing duly executed by the parties or their authorized representatives. Any attempt to waive the requirement for a written amendment shall be void.

26. Section Headings.

The section headings contained in this Agreement are for convenience and identification only and shall not be deemed to limit or define the contents to which they relate.

27. Severability.

If any term, condition or covenant of this Agreement is declared or determined by any court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this Agreement shall not be affected thereby and the Agreement shall be read and construed without the invalid, void or unenforceable provision(s).

28. Time is of the Essence.

Time is of the essence in the performance of this Agreement.

29. Excusable Delays.

Consultant shall not be liable for damages, including liquidated damages, if any, caused by delay in performance or failure to perform due to causes beyond the control of Consultant. Such causes include, but are not limited to, acts of God, acts of the public enemy, acts of federal, state or local governments, court orders, fires, floods, epidemics, strikes, embargoes, and unusually severe weather. The term and price of this Agreement shall be equitably adjusted for any delays due to such causes.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

LARRY WALKER ASSOCIATES, INC.

By Malcolm Walker  
Title Vice President

SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS

By James M. De  
Title Interim Executive Director

APPROVED AS TO FORM:

Richard D. Jones  
Richard D. Jones, General Counsel



## MEMORANDUM

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Public Works Services Department

**DATE:** June 25, 2013

**TO:** MS4 NPDES Permit File

**FROM:** Vanessa Hevener, Environmental Services Officer

**SUBJECT:** Draft Low Impact Development Ordinance and Draft Green Streets Policy Status

This memo is to document that the Draft LID Ordinance and Draft Green Streets Policy developed by Larry Walker and Associates on behalf of the LA Permit Group have been distributed via email on April 24, 2013 to key personnel in the Development Services Department for discussion. A meeting has been tentative scheduled in July/August 2013 with staff in both Public Works Services and Development Services Departments.





# City of Arcadia

Public Works  
Services  
Department

Tom Tait  
Public Works Services Director

*Please note: Gray shading in the draft LID Ordinance indicates areas that are optional and/or areas where the City may wish to provide more detail.*

ORDINANCE NO. \_\_\_\_\_

An ordinance amending [MUNICIPAL CODE SECTION REFERENCE(S)] of the [CITY NAME] Municipal Code to expand the applicability of the existing [NAME OF POST-CONSTRUCTION REQUIREMENTS – LIKELY “SUSMP” FOR MOST MUNICIPALITIES] requirements by imposing Low Impact Development (LID) strategies on projects that require building permits and/or encroachment permits.

## Findings.

- (A) The [CITY NAME] is authorized by Article XI, §5 and §7 of the State Constitution to exercise the police power of the State by adopting regulations to promote public health, public safety and general prosperity.
- (B) The [CITY NAME] has authority under the California Water Code to adopt and enforce ordinances imposing conditions, restrictions and limitations with respect to any activity which might degrade the quality of waters of the State.
- (C) The city is a permittee under the “Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County, Except those Discharges Originating from the City of Long Beach MS4,” issued by the California Regional Water Quality Control Board--Los Angeles Region,” (Order No. R4-2012-0175) which also serves as an NPDES Permit under the Federal Clean Water Act (NPDES No. CAS004001), as well as Waste Discharge Requirements under California law (the “Municipal NPDES permit”). In order to participate in a Watershed Management Program and/or Enhanced Watershed Management Program, the Municipal NPDES permit requires permittees to develop and implement a LID Ordinance.
- (D) The [CITY NAME] has applied an integrated approach to incorporate wastewater, stormwater and runoff, and recycled water management into a single strategy through its Integrated Resources Plan.
- (E) The [CITY NAME] is committed to a stormwater management program that protects water quality and water supply by employing watershed-based approaches that balance environmental, social, and economic considerations.

- (F) Urbanization has led to increased impervious surface areas resulting in increased water runoff causing the transport of pollutants to downstream receiving waters.
- (G) The [CITY NAME] needs to take a new approach to managing rainwater and urban runoff while mitigating the negative impacts of development and urbanization.
- (H) LID is widely recognized as a sensible approach to managing the quantity and quality of storm water and non-stormwater runoff by setting standards and practices to maintain or restore the natural hydrologic character of a development site, reduce off-site runoff, improve water quality, and provide groundwater recharge.
- (I) It is the intent of the [CITY NAME] to replace the existing Standard Urban Stormwater Mitigation Plan (SUSMP) requirements by providing stormwater and rainwater LID strategies for Development and Redevelopment projects as defined under "Applicability." Where there are conflicts between this Ordinance and previously adopted SUSMP or LID Manuals, the standards in this Ordinance shall prevail.

[MUNICIPAL CODE SECTION REFERENCE(S)] of the [CITY NAME] Municipal Code is amended in its entirety to read as follows:

**Definitions.**

Except as specifically provided herein, any term used in this [SECTION REFERENCE] shall be defined as that term in the current Municipal NPDES permit, or if it is not specifically defined in either the Municipal NPDES permit, then as such term is defined in the Federal Clean Water Act, as amended, and/or the regulations promulgated thereunder. If the definition of any term contained in this chapter conflicts with the definition of the same term in the current Municipal NPDES permit, then the definition contained in the Municipal NPDES permit shall govern. The following words and phrases shall have the following meanings when used in this chapter:

**Automotive Service Facility** means a facility that is categorized in any one of the following Standard Industrial Classification (SIC) and North American Industry Classification System (NAICS) codes. For inspection purposes, Permittees need not inspect facilities with SIC codes 5013, 5014, 5541, 5511, provided that these facilities have no outside activities or materials that may be exposed to stormwater (Source: Order No. R4-2012-0175).

**Basin Plan** means the Water Quality Control Plan, Los Angeles Region, Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties,

adopted by the Regional Water Board on June 13, 1994 and subsequent amendments (Source: Order No. R4-2012-0175).

**Best Management Practice (BMP)** means practices or physical devices or systems designed to prevent or reduce pollutant loading from stormwater or non-stormwater discharges to receiving waters, or designed to reduce the volume of stormwater or non-stormwater discharged to the receiving water (Source: Order No. R4-2012-0175).

**Biofiltration** means a LID BMP that reduces stormwater pollutant discharges by intercepting rainfall on vegetative canopy, and through incidental infiltration and/or evapotranspiration, and filtration. Incidental infiltration is an important factor in achieving the required pollutant load reduction. Therefore, the term "biofiltration" as used in this Ordinance is defined to include only systems designed to facilitate incidental infiltration or achieve the equivalent pollutant reduction as biofiltration BMPs with an underdrain (subject to approval by the Regional Board's Executive Officer). Biofiltration BMPs include bioretention systems with an underdrain and bioswales (Modified from: Order No. R4-2012-0175).

**Bioretention** means a LID BMP that reduces stormwater runoff by intercepting rainfall on vegetative canopy, and through evapotranspiration and infiltration. The bioretention system typically includes a minimum 2-foot top layer of a specified soil and compost mixture underlain by a gravel-filled temporary storage pit dug into the in-situ soil. As defined in the Municipal NPDES permit, a bioretention BMP may be designed with an overflow drain, but may not include an underdrain. When a bioretention BMP is designed or constructed with an underdrain it is regulated by the Municipal NPDES permit as biofiltration (Modified from: Order No. R4-2012-0175).

**Bioswale** means a LID BMP consisting of a shallow channel lined with grass or other dense, low-growing vegetation. Bioswales are designed to collect stormwater runoff and to achieve a uniform sheet flow through the dense vegetation for a period of several minutes (Source: Order No. R4-2012-0175).

**City** means the [CITY NAME].

**Clean Water Act (CWA)** means the Federal Water Pollution Control Act enacted in 1972, by Public Law 92-500, and amended by the Water Quality Act of 1987. The Clean Water Act prohibits the discharge of pollutants to Waters of the United States unless the discharge is in accordance with an NPDES permit.

**Commercial Malls** means any development on private land comprised of one or more buildings forming a complex of stores which sells various merchandise, with interconnecting walkways enabling visitors to easily walk

from store to store, along with parking area(s). A commercial mall includes, but is not limited to: mini-malls, strip malls, other retail complexes, and enclosed shopping malls or shopping centers (Source: Order No. R4-2012-0175).

**Construction Activity** means any construction or demolition activity, clearing, grading, grubbing, or excavation or any other activity that result in land disturbance. Construction does not include emergency construction activities required to immediately protect public health and safety or routine maintenance activities required to maintain the integrity of structures by performing minor repair and restoration work, maintain the original line and grade, hydraulic capacity, or original purposes of the facility. See "Routine Maintenance" definition for further explanation. Where clearing, grading or excavating of underlying soil takes place during a repaving operation, State General Construction Permit coverage by the State of California General Permit for Storm Water Discharges Associated with Industrial Activities or for Stormwater Discharges Associated with Construction Activities is required if more than one acre is disturbed or the activities are part of a larger plan (Source: Order No. R4-2012-0175).

**Control** means to minimize, reduce or eliminate by technological, legal, contractual, or other means, the discharge of pollutants from an activity or activities (Source: Order No. R4-2012-0175).

**Development** means construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail, and other non-residential projects, including public agency projects; or mass grading for future construction. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety (Source: Order No. R4-2012-0175).

**Directly Adjacent** means situated within 200 feet of the contiguous zone required for the continued maintenance, function, and structural stability of the environmentally sensitive area (Source: Order No. R4-2012-0175).

**Discharge** means any release, spill, leak, pump, flow, escape, dumping, or disposal of any liquid, semi-solid, or solid substance.

**Disturbed Area** means an area that is altered as a result of clearing, grading, and/or excavation (Source: Order No. R4-2012-0175).

**Flow-through BMPs** means modular, vault type "high flow biotreatment" devices contained within an impervious vault with an underdrain or designed

with an impervious liner and an underdrain (Modified from: Order No. R4-2012-0175).

**General Construction Activities Storm Water Permit (GCASP)** means the general NPDES permit adopted by the State Board which authorizes the discharge of stormwater from construction activities under certain conditions.

**General Industrial Activities Storm Water Permit (GIASP)** means the general NPDES permit adopted by the State Board which authorizes the discharge of stormwater from certain industrial activities under certain conditions.

**Green Roof** means a LID BMP using planter boxes and vegetation to intercept rainfall on the roof surface. Rainfall is intercepted by vegetation leaves and through evapotranspiration. Green roofs may be designed as either a bioretention BMP or as a biofiltration BMP. To receive credit as a bioretention BMP, the green roof system planting medium shall be of sufficient depth to provide capacity within the pore space volume to contain the design storm depth and may not be designed or constructed with an underdrain (Source: Order No. R4-2012-0175).

**Hazardous Material(s)** means any material(s) defined as hazardous by Division 20, Chapter 6.95 of the California Health and Safety Code.

**Hillside** means a property located in an area with known erosive soil conditions, where the development contemplates grading on any natural slope that is 25% or greater and where grading contemplates cut or fill slopes (Source: Order No. R4-2012-0175).

**Hydromodification** means the alteration of the hydrologic characteristics of coastal and non-coastal waters, which in turn could cause degradation of water resources. Hydromodification can cause excessive erosion and/or sedimentation rates, causing excessive turbidity, channel aggradation and/or degradation. (Source: GCASP)

**Impervious Surface** means any man-made or modified surface that prevents or significantly reduces the entry of water into the underlying soil, resulting in runoff from the surface in greater quantities and/or at an increased rate, when compared to natural conditions prior to development. Examples of places that commonly exhibit impervious surfaces include parking lots, driveways, roadways, storage areas, and rooftops. The imperviousness of these areas commonly results from paving, compacted gravel, compacted earth, and oiled earth.

**Industrial Park** means land development that is set aside for industrial development. Industrial parks are usually located close to transport facilities, especially where more than one transport modalities coincide: highways,



railroads, airports, and navigable rivers. It includes office parks, which have offices and light industry (Source: Order No. R4-2012-0175).

**Infiltration BMP** means a LID BMP that reduces stormwater runoff by capturing and infiltrating the runoff into in-situ soils or amended onsite soils. Examples of infiltration BMPs include infiltration basins, dry wells, and pervious pavement (Source: Order No. R4-2012-0175).

**LID** means Low Impact Development. LID consists of building and landscape features designed to retain or filter stormwater runoff (Source: Order No. R4-2012-0175).

**MS4** means Municipal Separate Storm Sewer System (MS4). The MS4 is a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

- (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
- (ii) Designed or used for collecting or conveying stormwater;
- (iii) Which is not a combined sewer; and
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.

(40 CFR § 122.26(b)(8)) (Source: Order No. R4-2012-0175)

**National Pollutant Discharge Elimination System (NPDES)** means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under CWA §307, 402, 318, and 405. The term includes an "approved program" (Source: Order No. R4-2012-0175).

**Natural Drainage System** means a drainage system that has not been improved (e.g., channelized or armored). The clearing or dredging of a natural drainage system does not cause the system to be classified as an improved drainage system (Source: Order No. R4-2012-0175).

**New Development** means land disturbing activities; structural development, including construction or installation of a building or structure, creation of

impervious surfaces; and land subdivision (Source: Order No. R4-2012-0175).

**Non-Stormwater Discharge** means any discharge to a municipal storm drain system that is not composed entirely of stormwater (Source: Order No. R4-2012-0175).

**Parking Lot** means land area or facility for the parking or storage of motor vehicles used for businesses, commerce, industry, or personal use, with a lot size of 5,000 square feet or more of surface area, or with 25 or more parking spaces (Source: Order No. R4-2012-0175).

**Person** means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, state, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

**Planning Priority Projects** means development projects subject to Permittee conditioning and approval for the design and implementation of post-construction controls to mitigate stormwater pollution, prior to completion of the project(s) (Modified from: Order No. R4-2012-0175).

**Pollutant** means any "pollutant" defined in Section 502(6) of the Federal Clean Water Act or incorporated into the California Water Code Sec. 13373. Pollutants may include, but are not limited to the following:

- (1) Commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash, and sludge).
- (2) Metals (such as cadmium, lead, zinc, copper, silver, nickel, chromium, and non-metals such as phosphorus and arsenic).
- (3) Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants, and grease).
- (4) Excessive eroded soil, sediment, and particulate materials in amounts that may adversely affect the beneficial use of the receiving waters, flora, or fauna of the State.
- (5) Animal wastes (such as discharge from confinement facilities, kennels, pens, recreational facilities, stables, and show facilities).
- (6) Substances having characteristics such as pH less than 6 or greater than 9, or unusual coloration or turbidity, or excessive levels of fecal coliform, or fecal streptococcus, or enterococcus.

**Project** means all development, redevelopment, and land disturbing activities. The term is not limited to "Project" as defined under CEQA (Pub. Resources Code §21065) (Source: Order No. R4-2012-0175).

**Rainfall Harvest and Use** means a LID BMP system designed to capture runoff, typically from a roof but can also include runoff capture from elsewhere within the site, and to provide for temporary storage until the harvested water can be used for irrigation or non-potable uses. The harvested water may also be used for potable water uses if the system includes disinfection treatment and is approved for such use by the local building department (Source: Order No. R4-2012-0175).

**Receiving Water** means "water of the United States" into which waste and/or pollutants are or may be discharged (Source: Order No. R4-2012-0175).

**Redevelopment** means land-disturbing activity that results in the creation, addition, or replacement of 5,000 square feet or more of impervious surface area on an already developed site. Redevelopment includes, but is not limited to: the expansion of a building footprint; addition or replacement of a structure; replacement of impervious surface area that is not part of routine maintenance activity; and land disturbing activity related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety (Source: Order No. R4-2012-0175).

**Regional Board** means the California Regional Water Quality Control Board, Los Angeles Region.

**Restaurant** means a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC Code 5812) (Source: Order No. R4-2012-0175).

**Retail Gasoline Outlet** means any facility engaged in selling gasoline and lubricating oils (Source: Order No. R4-2012-0175).

**Routine Maintenance**

Routine maintenance projects include, but are not limited to projects conducted to:

1. Maintain the original line and grade, hydraulic capacity, or original purpose of the facility.
2. Perform as needed restoration work to preserve the original design grade, integrity and hydraulic capacity of flood control facilities.

3. Includes road shoulder work, regrading dirt or gravel roadways and shoulders and performing ditch cleanouts.
4. Update existing lines\* and facilities to comply with applicable codes, standards, and regulations regardless if such projects result in increased capacity.
5. Repair leaks

Routine maintenance does not include construction of new\*\* lines or facilities resulting from

compliance with applicable codes, standards and regulations.

\* Update existing lines includes replacing existing lines with new materials or pipes.

\*\* New lines are those that are not associated with existing facilities and are not part of a project to update or replace existing lines (Source: Order No. R4-2012-0175).

**Significant Ecological Areas (SEAs)** means an area that is determined to possess an example of biotic resources that cumulatively represent biological diversity, for the purposes of protecting biotic diversity, as part of the Los Angeles County General Plan. Areas are designated as SEAs, if they possess one or more of the following criteria:

1. The habitat of rare, endangered, and threatened plant and animal species.
2. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind, or are restricted in distribution on a regional basis.
3. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind or are restricted in distribution in Los Angeles County.
4. Habitat that at some point in the life cycle of a species or group of species, serves as a concentrated breeding, feeding, resting, migrating grounds and is limited in availability either regionally or within Los Angeles County.
5. Biotic resources that are of scientific interest because they are either an extreme in physical/geographical limitations, or represent an unusual variation in a population or community.
6. Areas important as game species habitat or as fisheries.
7. Areas that would provide for the preservation of relatively undisturbed examples of natural biotic communities in Los Angeles County.
8. Special areas (Source: Order No. R4-2012-0175).

**Site** means land or water area where any "facility or activity" is physically located or conducted, including adjacent land used in connection with the facility or activity (Source: Order No. R4-2012-0175).

**Storm Drain System** means any facilities or any part of those facilities, including streets, gutters, conduits, natural or artificial drains, channels, and

watercourses that are used for the purpose of collecting, storing, transporting or disposing of stormwater and are located within the [CITY NAME].

**Storm Water or Stormwater** means water that originates from atmospheric moisture (rain or snow) and that falls onto land, water, or other surfaces. Without any change in its meaning, this term may be spelled or written as one word or two separate words.

**Stormwater Runoff** means that part of precipitation (rainfall or snowmelt) which travels across a surface to the storm drain system or receiving waters.

**SUSMP** means the Los Angeles Countywide Standard Urban Stormwater Mitigation Plan. The SUSMP was required as part of the previous Municipal NPDES Permit (Order No. 01-182, NPDES No. CAS004001) and required plans that designate best management practices (BMPs) that must be used in specified categories of development projects.

**Urban Runoff** means surface water flow produced by storm and non-storm events. Non-storm events include flow from residential, commercial, or industrial activities involving the use of potable and non-potable water.

[MUNICIPAL CODE SECTION REFERENCE(S)] is amended to read as follows:

**SEC. [X]. STORMWATER POLLUTION CONTROL MEASURES FOR DEVELOPMENT PLANNING AND CONSTRUCTION ACTIVITIES**

(A) **Objective.** The provisions of this section contain requirements for construction activities and facility operations of Development and Redevelopment projects to comply with the current "Municipal NPDES permit," lessen the water quality impacts of development by using smart growth practices, and integrate LID design principles to mimic predevelopment hydrology through infiltration, evapotranspiration and rainfall harvest and use. LID shall be inclusive of previously adopted SUSMP requirements.

(B) **Scope.** This Section contains requirements for stormwater pollution control measures in Development and Redevelopment projects and authorizes the [CITY NAME] to further define and adopt stormwater pollution control measures, to develop LID principles and requirements, including but not limited to the objectives and specifications for integration of LID strategies, and to grant waivers or alternate compliance as allowed by the Municipal NPDES permit and collect fees from projects granted exceptions. . Except as otherwise provided herein, the [CITY NAME] shall administer, implement and enforce the provisions of this Section. **Guidance documents**



supporting implementation of requirements in this Ordinance are hereby incorporated by reference, including SUSMP and LID Manuals.

(C) **Applicability.** The following Development and Redevelopment projects, termed "Planning Priority Projects," shall comply with the requirements of [SECTION NUMBER]:

- (1) All development projects equal to 1 acre or greater of disturbed area that adds more than 10,000 square feet of impervious surface area.
- (2) Industrial parks 10,000 square feet or more of surface area.
- (3) Commercial malls 10,000 square feet or more of surface area.
- (4) Retail gasoline outlets with 5,000 square feet or more of surface area.
- (5) Restaurants (Standard Industrial Classification (SIC) of 5812) with 5,000 square feet or more of surface area.
- (6) Parking lots with 5,000 square feet or more of impervious surface area, or with 25 or more parking spaces.
- (7) Streets and roads construction of 10,000 square feet or more of impervious surface area.
- (8) Automotive service facilities (Standard Industrial Classification (SIC) of 5013, 5014, 5511, 5541, 7532-7534 and 7536-7539) 5,000 square feet or more of surface area.
- (9) Projects located in or directly adjacent to, or discharging directly to an Environmentally Sensitive Area (ESA), where the development will:
  - a. Discharge stormwater runoff that is likely to impact a sensitive biological species or habitat; and
  - b. Create 2,500 square feet or more of impervious surface area
- (10) Single-family hillside homes.
- (11) Redevelopment Projects
  - a. Land disturbing activity that results in the creation or addition or replacement of 5,000 square feet or more of impervious

surface area on an already developed site on Planning Priority Project categories.

- b. Where Redevelopment results in an alteration to more than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction stormwater quality control requirements, the entire project must be mitigated.
- c. Where Redevelopment results in an alteration of less than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction stormwater quality control requirements, only the alteration must be mitigated, and not the entire development.
- d. Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety. Impervious surface replacement, such as the reconstruction of parking lots and roadways which does not disturb additional area and maintains the original grade and alignment, is considered a routine maintenance activity. Redevelopment does not include the repaving of existing roads to maintain original line and grade.
- e. Existing single-family dwelling and accessory structures are exempt from the Redevelopment requirements unless such projects create, add, or replace 10,000 square feet of impervious surface area.

(12) Any other project as deemed appropriate by the Director.

- (D) Effective Date.** The Planning and Land Development requirements contained in this Ordinance shall become effective **XX** days from the adoption of the Ordinance. This includes Planning Priority Projects that are discretionary permit projects or project phases that have not been deemed complete for processing, or discretionary permit projects without vesting tentative maps that have not requested and received an extension of previously granted approvals within 90 days of adoption of the Ordinance. Projects that have been deemed complete within 90 days of adoption of the Ordinance are not subject to the requirements of this Chapter.

**(E) Stormwater Pollution Control Requirements.** The Site for every Planning Priority Project shall be designed to control pollutants, pollutant loads, and runoff volume to the maximum extent feasible by minimizing impervious surface area and controlling runoff from impervious surfaces through infiltration, evapotranspiration, bioretention and/or rainfall harvest and use.

(1) A new single-family hillside home development shall include mitigation measures to:

- a. Conserve natural areas;
- b. Protect slopes and channels;
- c. Provide storm drain system stenciling and signage;
- d. Divert roof runoff to vegetated areas before discharge unless the diversion would result in slope instability; and
- e. Direct surface flow to vegetated areas before discharge, unless the diversion would result in slope instability.

(2) Street and road construction of 10,000 square feet or more of impervious surface shall follow USEPA guidance regarding Managing Wet Weather with Green Infrastructure: Green Streets (December 2008 EPA-833-F-08-009) to the maximum extent practicable.

(3) The remainder of Planning Priority Projects shall prepare a LID Plan to comply with the following:

a. Retain stormwater runoff onsite for the Stormwater Quality Design Volume (SWQDV) defined as the runoff from:

- i. The 85th percentile 24-hour runoff event as determined from the Los Angeles County 85th percentile precipitation isohyetal map; or
- ii. The volume of runoff produced from a 0.75 inch, 24-hour rain event, whichever is greater.

b. Minimize hydromodification impacts to natural drainage systems as defined in the Municipal NPDES Permit. Hydromodification requirements are further specified in [NAME OF POST-CONSTRUCTION BMP HANDBOOK].

- c. When, as determined by the [APPROVING AGENCY], 100 percent onsite retention of the SWQDv is technically infeasible, partially or fully, the infeasibility shall be demonstrated in the submitted LID Plan. The technical infeasibility may result from conditions that may include, but are not limited to:
  - i. The infiltration rate of saturated in-situ soils is less than 0.3 inch per hour and it is not technically feasible to amend the in-situ soils to attain an infiltration rate necessary to achieve reliable performance of infiltration or bioretention BMPs in retaining the SWQDv onsite.
  - ii. Locations where seasonal high groundwater is within five to ten feet of surface grade;
  - iii. Locations within 100 feet of a groundwater well used for drinking water;
  - iv. Brownfield development sites or other locations where pollutant mobilization is a documented concern;
  - v. Locations with potential geotechnical hazards;
  - vi. Smart growth and infill or redevelopment locations where the density and/ or nature of the project would create significant difficulty for compliance with the onsite volume retention requirement.
- d. If partial or complete onsite retention is technically infeasible, the project Site may biofiltrate 1.5 times the portion of the remaining SWQDv that is not reliably retained onsite. Biofiltration BMPs must adhere to the design specifications provided in the Municipal NPDES Permit.
  - i. Additional alternative compliance options such as offsite infiltration may be available to the project Site. The project Site should contact the [APPROVING AGENCY] to determine eligibility. Alternative compliance options are further specified in [NAME OF POST-CONSTRUCTION BMP HANDBOOK].
- e. The remaining SWQDv that cannot be retained or biofiltered onsite must be treated onsite to reduce pollutant loading. BMPs must be selected and designed to meet pollutant-specific benchmarks as required per the Municipal NPDES Permit.

Flow-through BMPs may be used to treat the remaining SWQDv and must be sized based on a rainfall intensity of:

- i. 0.2 inches per hour, or
  - ii. The one year, one-hour rainfall intensity as determined from the most recent Los Angeles County isohyetal map, whichever is greater.
- f. A Multi-Phased Project may comply with the standards and requirements of this section for all of its phases by: (a) designing a system acceptable to the [APPROVING AGENCY] to satisfy these standards and requirements for the entire Site during the first phase, and (b) implementing these standards and requirements for each phase of Development or Redevelopment of the Site during the first phase or prior to commencement of construction of a later phase, to the extent necessary to treat the stormwater from such later phase. For purposes of this section, "Multi-Phased Project" shall mean any Planning Priority Project implemented over more than one phase and the Site of a Multi-Phased Project shall include any land and water area designed and used to store, treat or manage stormwater runoff in connection with the Development or Redevelopment, including any tracts, lots, or parcels of real property, whether Developed or not, associated with, functionally connected to, or under common ownership or control with such Development or Redevelopment.

**(E) Other Agencies of the [CITY NAME].** All [CITY NAME] departments, offices, entities and agencies, shall establish administrative procedures necessary to implement the provisions of this Article on their Development and Redevelopment projects and report their activities annually to the [RESPONSIBLE AGENCY].

**(F) Validity.** If any provision of this Ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect remaining provisions of this Ordinance are declared to be severable.

**(G) Certification.** The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy.



I hereby certify that this ordinance was passed by the Council of the [CITY  
NAME], at its meeting of \_\_\_\_\_.

[NAME], City Clerk

By \_\_\_\_\_  
Deputy

Approved \_\_\_\_\_  
\_\_\_\_\_  
Mayor

Approved as to Form and Legality  
[NAME], City Attorney

By \_\_\_\_\_  
[NAME]  
Deputy City Attorney

Date \_\_\_\_\_

File No. \_\_\_\_\_



# City of Arcadia

## Public Works Services Department

Tom Tait  
Public Works Services Director

### Green Street Policy

#### Purpose

The City of [INSERT CITY NAME] [DEPARTMENT OF PUBLIC WORKS] shall implement green street BMPs for transportation corridors associated with new and redevelopment street and roadway projects, including Capital Improvement Projects (CIPs). This policy is enacted to demonstrate compliance with the NPDES MS4 Permit for the Los Angeles Region (Order No. R4-2012-0175).

Green streets are an amenity that provides many benefits including water quality improvement, groundwater replenishment, creation of attractive streetscapes, creation of parks and wildlife habitats, and pedestrian and bicycle accessibility. Green streets are defined as right-of-way areas that incorporate infiltration, biofiltration, and/or storage and use BMPs to collect, retain, or detain stormwater runoff as well as a design element that creates attractive streetscapes.

#### Policy

- A. Application. The [DEPARTMENT OF PUBLIC WORKS] shall require new development and/or redevelopment streets and roadway projects and CIP projects conducted within the right-of-way of transportation corridors to incorporate green street BMPs. Transportation corridors projects are major arterials as defined in the [CITY'S] General Plan which add at least 10,000 square feet of impervious surface. Routine maintenance or repair and linear utility projects are excluded from these requirements. Routine maintenance includes slurry seals, repaving, and reconstruction of the road or street where the original line and grade are maintained.

Alternate A (without General Plan reference).

Application. The [DEPARTMENT OF PUBLIC WORKS] shall require new development and/or redevelopment streets and roadway projects and CIP projects conducted within the right-of-way of transportation corridors to incorporate green street BMPs. Transportation corridors projects are roadway projects that add at least 10,000 square feet of impervious surface. Routine maintenance or repair and linear utility projects are excluded from these requirements. Routine maintenance includes slurry seals, repaving, and reconstruction of the road or street where the original line and grade are maintained.

<b>Alternatives to the 10,000 sf threshold:</b> Use other mechanism in lieu of the 10,000 sf of impervious area to determine threshold for green streets requirements.
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As an example, City of Santa Monica utilizes construction costs (>\$500,000) as the trigger for green street BMPs. Another option would be to establish a threshold of either the 10,000 sf impervious area or construction cost >\$500,000 whichever is smaller.

**Alternatives to the major arterial:**  
Use another General Plan defined street classification, such as secondary arterials, and define the transportation corridor as all that type of street and larger arterials.

- B. Amenities. The [DEPARTMENT OF PUBLIC WORKS] shall consider opportunities to replenish groundwater, create attractive streetscapes, create parks and wildlife habitats, and provide pedestrian and bicycle accessibility through new development and redevelopment of streets and roadway projects and CIPs.
- C. Guidance. The [DEPARTMENT OF PUBLIC WORKS] shall use the City of Los Angeles Green Streets guidance, USEPA's *Managing Wet Weather with Green Infrastructure Municipal Handbook: Green Streets*<sup>1</sup>, or equivalent guidance developed by the [DEPARTMENT OF PUBLIC WORKS] for use in public and private developments.
- D. Retrofit Scope. The [DEPARTMENT OF PUBLIC WORKS] shall use the City's Watershed Management Program or Enhanced Watershed Management Program to identify opportunities for green street BMP retrofits. Final decisions regarding implementation will be determined by the [CITY ENGINEER] based on the availability of adequate funding.
- E. Training. The [DEPARTMENT OF PUBLIC WORKS] shall incorporate aspects of green streets into internal annual staff trainings.

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<sup>1</sup> EPA-833-F-08-009, December 2008.

DRAFT



## DRAFT LID ORDINANCE

ORDINANCE NO. \_\_\_\_\_

An ordinance amending [MUNICIPAL CODE SECTION REFERENCE(S)] of the City of Azusa Municipal Code to expand the applicability of the existing [NAME OF POST-CONSTRUCTION REQUIREMENTS – LIKELY “SUSMP” FOR MOST MUNICIPALITIES] requirements by imposing Low Impact Development (LID) strategies on projects that require building permits and/or encroachment permits.

### Findings.

- (A) The City of Azusa is authorized by Article XI, §§5 and §7 of the State Constitution to exercise the police power of the State by adopting regulations to promote public health, public safety and general prosperity.
- (B) The City of Azusa has authority under the California Water Code to adopt and enforce ordinances imposing conditions, restrictions and limitations with respect to any activity which might degrade the quality of waters of the State.
- (C) The city is a permittee under the “Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County, Except those Discharges Originating from the City of Long Beach MS4,” issued by the California Regional Water Quality Control Board--Los Angeles Region,” (Order No. R4-2012-0175) which also serves as an NPDES Permit under the Federal Clean Water Act (NPDES No. CAS004001), as well as Waste Discharge Requirements under California law (the “Municipal NPDES permit”). In order to participate in a Watershed Management Program and/or Enhanced Watershed Management Program, the Municipal NPDES permit requires permittees to develop and implement a LID Ordinance.
- (D) The City of Azusa has applied an integrated approach to incorporate wastewater, stormwater and runoff, and recycled water management into a single strategy through its Integrated Resources Plan.
- (E) The City of Azusa is committed to a stormwater management program that protects water quality and water supply by employing watershed-based approaches that balance environmental, social, and economic considerations.
- (F) Urbanization has led to increased impervious surface areas resulting in increased water runoff causing the transport of pollutants to downstream receiving waters.



- (G) The City of Azusa needs to take a new approach to managing rainwater and urban runoff while mitigating the negative impacts of development and urbanization.
- (H) LID is widely recognized as a sensible approach to managing the quantity and quality of storm water and non-stormwater runoff by setting standards and practices to maintain or restore the natural hydrologic character of a development site, reduce off-site runoff, improve water quality, and provide groundwater recharge.

~~(I) It is the intent of the City of Azusa to replace the existing Standard Urban Stormwater Mitigation Plan (SUSMP) requirements by providing stormwater and rainwater LID strategies for Development and Redevelopment projects as defined under "Applicability." Where there are conflicts between this Ordinance and previously adopted SUSMP or LID Manuals, the standards in this Ordinance shall prevail.~~

[MUNICIPAL CODE SECTION REFERENCE(S)] of the City of Azusa Municipal Code is amended in its entirety to read as follows:

#### **Definitions.**

Except as specifically provided herein, any term used in this [SECTION REFERENCE] shall be defined as that term in the current Municipal NPDES permit, or if it is not specifically defined in either the Municipal NPDES permit, then as such term is defined in the Federal Clean Water Act, as amended, and/or the regulations promulgated thereunder. If the definition of any term contained in this chapter conflicts with the definition of the same term in the current Municipal NPDES permit, then the definition contained in the Municipal NPDES permit shall govern. The following words and phrases shall have the following meanings when used in this chapter:

**Automotive Service Facility** means a facility that is categorized in any one of the following Standard Industrial Classification (SIC) and North American Industry Classification System (NAICS) codes. For inspection purposes, Permittees need not inspect facilities with SIC codes 5013, 5014, 5541, 5511, provided that these facilities have no outside activities or materials that may be exposed to stormwater (Source: Order No. R4-2012-0175).

**Basin Plan** means the Water Quality Control Plan, Los Angeles Region, Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties, adopted by the Regional Water Board on June 13, 1994 and subsequent amendments (Source: Order No. R4-2012-0175).

**Best Management Practice (BMP)** means practices or physical devices or systems designed to prevent or reduce pollutant loading from stormwater or non-stormwater discharges to receiving waters, or designed to reduce the volume of stormwater or non-stormwater discharged to the receiving water (Source: Order No. R4-2012-0175).

**Biofiltration** means a LID BMP that reduces stormwater pollutant discharges by intercepting rainfall on vegetative canopy, and through incidental infiltration and/or evapotranspiration, and filtration. Incidental infiltration is an important factor in achieving the required pollutant load

reduction. Therefore, the term “biofiltration” as used in this Ordinance is defined to include only systems designed to facilitate incidental infiltration or achieve the equivalent pollutant reduction as biofiltration BMPs with an underdrain (subject to approval by the Regional Board’s Executive Officer). Biofiltration BMPs include bioretention systems with an underdrain and bioswales (Modified from: Order No. R4-2012-0175).

**Bioretention** means a LID BMP that reduces stormwater runoff by intercepting rainfall on vegetative canopy, and through evapotranspiration and infiltration. The bioretention system typically includes a minimum 2-foot top layer of a specified soil and compost mixture underlain by a gravel-filled temporary storage pit dug into the in-situ soil. As defined in the Municipal NPDES permit, a bioretention BMP may be designed with an overflow drain, but may not include an underdrain. When a bioretention BMP is designed or constructed with an underdrain it is regulated by the Municipal NPDES permit as biofiltration (Modified from: Order No. R4-2012-0175).

**Bioswale** means a LID BMP consisting of a shallow channel lined with grass or other dense, low-growing vegetation. Bioswales are designed to collect stormwater runoff and to achieve a uniform sheet flow through the dense vegetation for a period of several minutes (Source: Order No. R4-2012-0175).

**City** means the City of Azusa.

**Clean Water Act (CWA)** means the Federal Water Pollution Control Act enacted in 1972, by Public Law 92-500, and amended by the Water Quality Act of 1987. The Clean Water Act prohibits the discharge of pollutants to Waters of the United States unless the discharge is in accordance with an NPDES permit.

**Commercial Malls** means any development on private land comprised of one or more buildings forming a complex of stores which sells various merchandise, with interconnecting walkways enabling visitors to easily walk from store to store along with parking area(s). A commercial mall includes, but is not limited to: mini-malls, strip malls, other retail complexes, and enclosed shopping malls or shopping centers (Source: Order No. R4-2012-0175).

**Construction Activity** means any construction or demolition activity, clearing, grading, grubbing, or excavation or any other activity that result in land disturbance. Construction does not include emergency construction activities required to immediately protect public health and safety or routine maintenance activities required to maintain the integrity of structures by performing minor repair and restoration work, maintain the original line and grade, hydraulic capacity, or original purposes of the facility. See “Routine Maintenance” definition for further explanation. Where clearing, grading or excavating of underlying soil takes place during a repaving operation, State General Construction Permit coverage by the State of California General Permit for Storm Water Discharges Associated with Industrial Activities or for Stormwater Discharges Associated with Construction Activities is required if more than one acre is disturbed or the activities are part of a larger plan (Source: Order No. R4-2012-0175).

**Control** means to minimize, reduce or eliminate by technological, legal, contractual, or other means, the discharge of pollutants from an activity or activities (Source: Order No. R4-2012-0175).

**Development** means construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail, and other non-residential projects, including public agency projects; or mass grading for future construction. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety (Source: Order No. R4-2012-0175).

**Directly Adjacent** means situated within 200 feet of the contiguous zone required for the continued maintenance, function, and structural stability of the environmentally sensitive area (Source: Order No. R4-2012-0175).

**Discharge** means any release, spill, leak, pump, flow, escape, dumping, or disposal of any liquid, semi-solid, or solid substance.

**Disturbed Area** means an area that is altered as a result of clearing, grading, and/or excavation (Source: Order No. R4-2012-0175).

**Flow-through BMPs** means modular, vault type "high-flow biotreatment" devices contained within an impervious vault with an underdrain or designed with an impervious liner and an underdrain (Modified from: Order No. R4-2012-0175).

**General Construction Activities Storm Water Permit (GCASP)** means the general NPDES permit adopted by the State Board which authorizes the discharge of stormwater from construction activities under certain conditions.

**General Industrial Activities Storm Water Permit (GIASP)** means the general NPDES permit adopted by the State Board which authorizes the discharge of stormwater from certain industrial activities under certain conditions.

**Green Roof** means a LID BMP using planter boxes and vegetation to intercept rainfall on the roof surface. Rainfall is intercepted by vegetation leaves and through evapotranspiration. Green roofs may be designed as either a bioretention BMP or as a biofiltration BMP. To receive credit as a bioretention BMP, the green roof system planting medium shall be of sufficient depth to provide capacity within the pore space volume to contain the design storm depth and may not be designed or constructed with an underdrain (Source: Order No. R4-2012-0175).

**Hazardous Material(s)** means any material(s) defined as hazardous by Division 20, Chapter 6.95 of the California Health and Safety Code.

**Hillside** means a property located in an area with known erosive soil conditions, where the development contemplates grading on any natural slope that is 25% or greater and where grading contemplates cut or fill slopes (Source: Order No. R4-2012-0175).

**Hydromodification** means the alteration of the hydrologic characteristics of coastal and non-coastal waters, which in turn could cause degradation of water resources. Hydromodification can cause excessive erosion and/or sedimentation rates, causing excessive turbidity, channel aggradation and/or degradation. (Source: GCASP)

**Impervious Surface** means any man-made or modified surface that prevents or significantly reduces the entry of water into the underlying soil, resulting in runoff from the surface in greater quantities and/or at an increased rate, when compared to natural conditions prior to development. Examples of places that commonly exhibit impervious surfaces include parking lots, driveways, roadways, storage areas, and rooftops. The imperviousness of these areas commonly results from paving, compacted gravel, compacted earth, and oiled earth.

**Industrial Park** means land development that is set aside for industrial development. Industrial parks are usually located close to transport facilities, especially where more than one transport modalities coincide: highways, railroads, airports, and navigable rivers. It includes office parks, which have offices and light industry. (Source: Order No. R4-2012-0175).

**Infiltration BMP** means a LID BMP that reduces stormwater runoff by capturing and infiltrating the runoff into in-situ soils or amended onsite soils. Examples of infiltration BMPs include infiltration basins, dry wells, and pervious pavement (Source: Order No. R4-2012-0175).

**LID** means Low Impact Development. LID consists of building and landscape features designed to retain or filter stormwater runoff (Source: Order No. R4-2012-0175).

**MS4** means Municipal Separate Storm Sewer System (MS4). The MS4 is a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

- (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
- (ii) Designed or used for collecting or conveying stormwater;
- (iii) Which is not a combined sewer; and
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.

(40 CFR § 122.26(b)(8)) (Source: Order No. R4-2012-0175)

**National Pollutant Discharge Elimination System (NPDES)** means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under CWA §307, 402, 318, and 405. The term includes an “approved program” (Source: Order No. R4-2012-0175).

**Natural Drainage System** means a drainage system that has not been improved (e.g., channelized or armored). The clearing or dredging of a natural drainage system does not cause the system to be classified as an improved drainage system (Source: Order No. R4-2012-0175).

**New Development** means land disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision (Source: Order No. R4-2012-0175).

**Non-Stormwater Discharge** means any discharge to a municipal storm drain system that is not composed entirely of stormwater (Source: Order No. R4-2012-0175).

**Parking Lot** means land area or facility for the parking or storage of motor vehicles used for businesses, commerce, industry, or personal use, with a lot size of 5,000 square feet or more of surface area, or with 25 or more parking spaces (Source: Order No. R4-2012-0175).

**Person** means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, state, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

**Planning Priority Projects** means development projects subject to Permittee conditioning and approval for the design and implementation of post-construction controls to mitigate stormwater pollution, prior to completion of the project(s) (Modified from: Order No. R4-2012-0175).

**Pollutant** means any “pollutant” defined in Section 502(6) of the Federal Clean Water Act or incorporated into the California Water Code Sec. 13373. Pollutants may include, but are not limited to the following:

- (1) Commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash, and sludge).
- (2) Metals (such as cadmium, lead, zinc, copper, silver, nickel, chromium, and non- metals such as phosphorus and arsenic).
- (3) Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants, and grease).
- (4) Excessive eroded soil, sediment, and particulate materials in amounts that may adversely affect the beneficial use of the receiving waters, flora, or fauna of the State.



- (5) Animal wastes (such as discharge from confinement facilities, kennels, pens, recreational facilities, stables, and show facilities).
- (6) Substances having characteristics such as pH less than 6 or greater than 9, or unusual coloration or turbidity, or excessive levels of fecal coliform, or fecal streptococcus, or enterococcus.

**Project** means all development, redevelopment, and land disturbing activities. The term is not limited to "Project" as defined under CEQA (Pub. Resources Code §21065) (Source: Order No. R4-2012-0175).

**Rainfall Harvest and Use** means a LID BMP system designed to capture runoff, typically from a roof but can also include runoff capture from elsewhere within the site, and to provide for temporary storage until the harvested water can be used for irrigation or non-potable uses. The harvested water may also be used for potable water uses if the system includes disinfection treatment and is approved for such use by the local building department (Source: Order No. R4-2012-0175).

**Receiving Water** means "water of the United States" into which waste and/or pollutants are or may be discharged (Source: Order No. R4-2012-0175).

**Redevelopment** means land-disturbing activity that results in the creation, addition, or replacement of 5,000 square feet or more of impervious surface area on an already developed site. Redevelopment includes, but is not limited to: the expansion of a building footprint; addition or replacement of a structure; replacement of impervious surface area that is not part of routine maintenance activity; and land disturbing activity related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety (Source: Order No. R4-2012-0175).

**Regional Board** means the California Regional Water Quality Control Board, Los Angeles Region.

**Restaurant** means a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC Code 5812) (Source: Order No. R4-2012-0175).

**Retail Gasoline Outlet** means any facility engaged in selling gasoline and lubricating oils (Source: Order No. R4-2012-0175).

#### **Routine Maintenance**

Routine maintenance projects include, but are not limited to projects conducted to:

1. Maintain the original line and grade, hydraulic capacity, or original purpose of the facility.
2. Perform as needed restoration work to preserve the original design grade, integrity and hydraulic capacity of flood control facilities.

3. Includes road shoulder work, regrading dirt or gravel roadways and shoulders and performing ditch cleanouts.
4. Update existing lines\* and facilities to comply with applicable codes, standards, and regulations regardless if such projects result in increased capacity.
5. Repair leaks

Routine maintenance does not include construction of new\*\* lines or facilities resulting from compliance with applicable codes, standards and regulations.

\* Update existing lines includes replacing existing lines with new materials or pipes.

\*\* New lines are those that are not associated with existing facilities and are not part of a project to update or replace existing lines (Source: Order No. R4-2012-0175).

**Significant Ecological Areas (SEAs)** means an area that is determined to possess an example of biotic resources that cumulatively represent biological diversity, for the purposes of protecting biotic diversity, as part of the Los Angeles County General Plan. Areas are designated as SEAs, if they possess one or more of the following criteria:

1. The habitat of rare, endangered, and threatened plant and animal species.
2. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind, or are restricted in distribution on a regional basis.
3. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind or are restricted in distribution in Los Angeles County.
4. Habitat that at some point in the life cycle of a species or group of species, serves as a concentrated breeding, feeding, resting, migrating grounds and is limited in availability either regionally or within Los Angeles County.
5. Biotic resources that are of scientific interest because they are either an extreme in physical/geographical limitations, or represent an unusual variation in a population or community.
6. Areas important as game species habitat or as fisheries.
7. Areas that would provide for the preservation of relatively undisturbed examples of natural biotic communities in Los Angeles County.
8. Special areas (Source: Order No. R4-2012-0175).

**Site** means land or water area where any "facility or activity" is physically located or conducted, including adjacent land used in connection with the facility or activity (Source: Order No. R4-2012-0175).

**Storm Drain System** means any facilities or any part of those facilities, including streets, gutters, conduits, natural or artificial drains, channels, and watercourses that are used for the purpose of collecting, storing, transporting or disposing of stormwater and are located within the City of Azusa.

**Storm Water or Stormwater** means water that originates from atmospheric moisture (rain or snow) and that falls onto land, water, or other surfaces. Without any change in its meaning, this term may be spelled or written as one word or two separate words.

**Stormwater Runoff** means that part of precipitation (rainfall or snowmelt) which travels across a surface to the storm drain system or receiving waters.

**SUSMP means the Los Angeles Countywide Standard Urban Stormwater Mitigation Plan. The SUSMP was required as part of the previous Municipal NPDES Permit (Order No. 01-182, NPDES No. CAS004001) and required plans that designate best management practices (BMPs) that must be used in specified categories of development projects.**

**Urban Runoff** means surface water flow produced by storm and non-storm events. Non-storm events include flow from residential, commercial, or industrial activities involving the use of potable and non-potable water.

[MUNICIPAL CODE SECTION REFERENCE(S)] is amended to read as follows:

#### **SEC. [X]. STORMWATER POLLUTION CONTROL MEASURES FOR DEVELOPMENT PLANNING AND CONSTRUCTION ACTIVITIES**

- (A) **Objective.** The provisions of this section contain requirements for construction activities and facility operations of Development and Redevelopment projects to comply with the current "Municipal NPDES permit," lessen the water quality impacts of development by using smart growth practices, and integrate LID design principles to mimic predevelopment hydrology through infiltration, evapotranspiration and rainfall harvest and use. **LID shall be inclusive of previously adopted SUSMP requirements.**
- (B) **Scope.** This Section contains requirements for stormwater pollution control measures in Development and Redevelopment projects and authorizes the City of Azusa to further define and adopt stormwater pollution control measures, to develop LID principles and requirements, including but not limited to the objectives and specifications for integration of LID strategies, and to grant waivers or alternate compliance as allowed by the Municipal NPDES permit and collect fees from projects granted exceptions. . Except as otherwise provided herein, the City of Azusa shall administer, implement and enforce the provisions of this Section. **Guidance documents supporting implementation of requirements in this Ordinance are hereby incorporated by reference, including SUSMP and LID Manuals.**
- (C) **Applicability.** The following Development and Redevelopment projects, termed "Planning Priority Projects," shall comply with the requirements of [SECTION NUMBER]:
- (1) All development projects equal to 1 acre or greater of disturbed area that adds more than 10,000 square feet of impervious surface area.
  - (2) Industrial parks 10,000 square feet or more of surface area.
  - (3) Commercial malls 10,000 square feet or more of surface area.
  - (4) Retail gasoline outlets with 5,000 square feet or more of surface area.

- (5) Restaurants (Standard Industrial Classification (SIC) of 5812) with 5,000 square feet or more of surface area.
- (6) Parking lots with 5,000 square feet or more of impervious surface area, or with 25 or more parking spaces.
- (7) Streets and roads construction of 10,000 square feet or more of impervious surface area.
- (8) Automotive service facilities (Standard Industrial Classification (SIC) of 5013, 5014, 5511, 5541, 7532-7534 and 7536-7539) 5,000 square feet or more of surface area.
- (9) Projects located in or directly adjacent to, or discharging directly to an Environmentally Sensitive Area (ESA), where the development will:
  - a. Discharge stormwater runoff that is likely to impact a sensitive biological species or habitat; and
  - b. Create 2,500 square feet or more of impervious surface area
- (10) Single-family hillside homes.
- (11) Redevelopment Projects
  - a. Land disturbing activity that results in the creation or addition or replacement of 5,000 square feet or more of impervious surface area on an already developed site on Planning Priority Project categories.
  - b. Where Redevelopment results in an alteration to more than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction stormwater quality control requirements, the entire project must be mitigated.
  - c. Where Redevelopment results in an alteration of less than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction stormwater quality control requirements, only the alteration must be mitigated, and not the entire development.
  - d. Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety. Impervious surface replacement, such as the reconstruction of parking lots and roadways which does not disturb additional area and maintains the original grade and alignment, is considered a routine maintenance activity. Redevelopment does not include the repaving of existing roads to maintain original line and grade.

- e. Existing single-family dwelling and accessory structures are exempt from the Redevelopment requirements unless such projects create, add, or replace 10,000 square feet of impervious surface area.

(12) Any other project as deemed appropriate by the Director.

**(D) Effective Date.** The Planning and Land Development requirements contained in this Ordinance shall become effective ~~xxx~~ days from the adoption of the Ordinance. This includes Planning Priority Projects that are discretionary permit projects or project phases that have not been deemed complete for processing, or discretionary permit projects without vesting tentative maps that have not requested and received an extension of previously granted approvals within 90 days of adoption of the Ordinance. Projects that have been deemed complete within 90 days of adoption of the Ordinance are not subject to the requirements of this Chapter.

**(E) Stormwater Pollution Control Requirements.** The Site for every Planning Priority Project shall be designed to control pollutants, pollutant loads, and runoff volume to the maximum extent feasible by minimizing impervious surface area and controlling runoff from impervious surfaces through infiltration, evapotranspiration, bioretention and/or rainfall harvest and use.

(1) A new single-family hillside home development shall include mitigation measures to:

- a. Conserve natural areas;
- b. Protect slopes and channels;
- c. Provide storm drain system stenciling and signage;
- d. Divert roof runoff to vegetated areas before discharge unless the diversion would result in slope instability; and
- e. Direct surface flow to vegetated areas before discharge, unless the diversion would result in slope instability.

(2) Street and road construction of 10,000 square feet or more of impervious surface shall follow USEPA guidance regarding Managing Wet Weather with Green Infrastructure: Green Streets (December 2008 EPA-833-F-08-009) to the maximum extent practicable.

- (3) The remainder of Planning Priority Projects shall prepare a LID Plan to comply with the following:
- a. Retain stormwater runoff onsite for the Stormwater Quality Design Volume (SWQDv) defined as the runoff from:
    - i. The 85th percentile 24-hour runoff event as determined from the Los Angeles County 85th percentile precipitation isohyetal map; or
    - ii. The volume of runoff produced from a 0.75 inch, 24-hour rain event, whichever is greater.
  - ~~b. Minimize hydromodification impacts to natural drainage systems as defined in the Municipal NPDES Permit. Hydromodification requirements are further specified in [NAME OF POST-CONSTRUCTION BMP HANDBOOK].~~
  - c. When, as determined by the [APPROVING AGENCY], 100 percent onsite retention of the SWQDv is technically infeasible, partially or fully, the infeasibility shall be demonstrated in the submitted LID Plan. The technical infeasibility may result from conditions that may include, but are not limited to:
    - i. The infiltration rate of saturated in-situ soils is less than 0.3 inch per hour and it is not technically feasible to amend the in-situ soils to attain an infiltration rate necessary to achieve reliable performance of infiltration or bioretention BMPs in retaining the SWQDv onsite.
    - ii. Locations where seasonal high groundwater is within five to ten feet of surface grade.
    - iii. Locations within 100 feet of a groundwater well used for drinking water;
    - iv. Brownfield development sites or other locations where pollutant mobilization is a documented concern;
    - v. Locations with potential geotechnical hazards;
    - vi. Smart growth and infill or redevelopment locations where the density and/ or nature of the project would create significant difficulty for compliance with the onsite volume retention requirement.
  - d. If partial or complete onsite retention is technically infeasible, the project Site may biofiltrate 1.5 times the portion of the remaining SWQDv that is not reliably retained onsite. Biofiltration BMPs must adhere to the design specifications provided in the Municipal NPDES Permit.



- i. Additional alternative compliance options such as offsite infiltration may be available to the project Site. The project Site should contact the [APPROVING AGENCY] to determine eligibility. Alternative compliance options are further specified in [NAME OF POST-CONSTRUCTION BMP HANDBOOK].
- e. The remaining SWQDv that cannot be retained or biofiltered onsite must be treated onsite to reduce pollutant loading. BMPs must be selected and designed to meet pollutant-specific benchmarks as required per the Municipal NPDES Permit. Flow-through BMPs may be used to treat the remaining SWQDv and must be sized based on a rainfall intensity of:
- i. 0.2 inches per hour, or
  - ii. The one year, one-hour rainfall intensity as determined from the most recent Los Angeles County isohyetal map, whichever is greater.
- f. A Multi-Phased Project may comply with the standards and requirements of this section for all of its phases by: (a) designing a system acceptable to the [APPROVING AGENCY] to satisfy these standards and requirements for the entire Site during the first phase, and (b) implementing these standards and requirements for each phase of Development or Redevelopment of the Site during the first phase or prior to commencement of construction of a later phase, to the extent necessary to treat the stormwater from such later phase. For purposes of this section, "Multi-Phased Project" shall mean any Planning Priority Project implemented over more than one phase and the Site of a Multi-Phased Project shall include any land and water area designed and used to store, treat or manage stormwater runoff in connection with the Development or Redevelopment, including any tracts, lots, or parcels of real property, whether Developed or not, associated with, functionally connected to, or under common ownership or control with such Development or Redevelopment.
- (E) Other Agencies of the City of Azusa.** All City of Azusa departments, offices, entities and agencies, shall establish administrative procedures necessary to implement the provisions of this Article on their Development and Redevelopment projects and report their activities annually to the [RESPONSIBLE AGENCY].
- (F) Validity.** If any provision of this Ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect remaining provisions of this Ordinance are declared to be severable.
- (G) Certification.** The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy.

I hereby certify that this ordinance was passed by the Council of the City of Azusa, at its meeting of \_\_\_\_\_.

Jeffrey Corenjo, Jr., City Clerk

By \_\_\_\_\_ Deputy

Approved \_\_\_\_\_

\_\_\_\_\_  
Joseph R. Rocha, Mayor

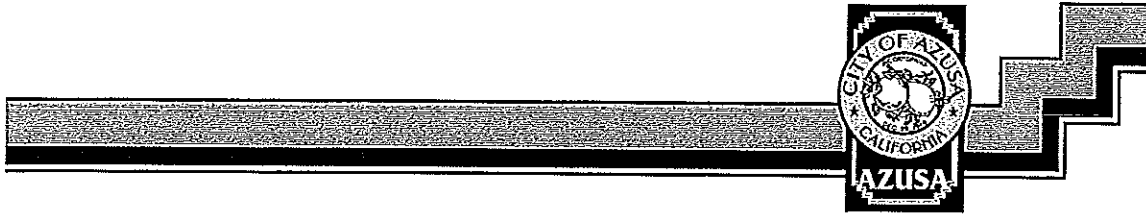
Approved as to Form and Legality  
BBK representative, TBD, City Attorney

By \_\_\_\_\_  
City Attorney

Date \_\_\_\_\_

File No. \_\_\_\_\_

DRAFT



## DRAFT Green Street Policy

### Purpose

The City of Azusa DEPARTMENT OF PUBLIC WORKS shall implement green street BMPs for transportation corridors associated with new and redevelopment street and roadway projects, including Capital Improvement Projects (CIPs). This policy is enacted to demonstrate compliance with the NPDES MS4 Permit for the Los Angeles Region (Order No. R4-2012-0175).

Green streets are an amenity that provides many benefits including water quality improvement, groundwater replenishment, creation of attractive streetscapes, creation of parks and wildlife habitats, and pedestrian and bicycle accessibility. Green streets are defined as right-of-way areas that incorporate infiltration, biofiltration, and/or storage and use BMPs to collect, retain, or detain stormwater runoff as well as a design element that creates attractive streetscapes.

### Policy

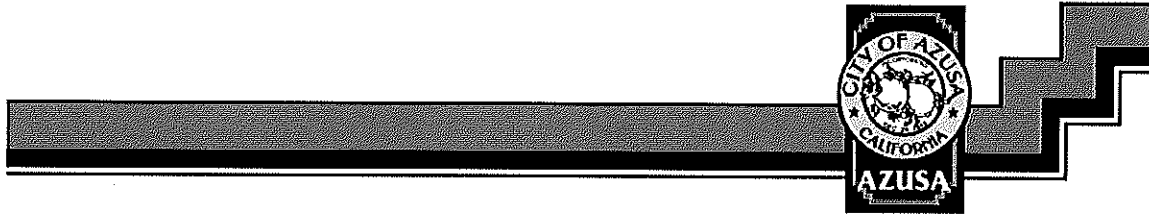
- A. ~~Application~~. The DEPARTMENT OF PUBLIC WORKS shall require new development and/or redevelopment streets and roadway projects and CIP projects conducted within the right-of-way of transportation corridors to incorporate green street BMPs. Transportation corridors projects are major arterials as defined in the CITY'S General Plan which add at least 100,000 square feet of impervious surface. Routine maintenance or repair and linear utility projects are excluded from these requirements. Routine maintenance includes slurry seals, repaving, and reconstruction of the road or street where the original line and grade are maintained.

Alternate A (without General Plan reference).

Application. The DEPARTMENT OF PUBLIC WORKS shall require new development and/or redevelopment streets and roadway projects and CIP projects conducted within the right-of-way of transportation corridors to incorporate green street BMPs. Transportation corridors projects are roadway projects that add at least 10,000 square feet of impervious surface. Routine maintenance or repair and linear utility projects are excluded from these requirements. Routine maintenance includes slurry seals, repaving, and reconstruction of the road or street where the original line and grade are maintained.

Alternatives	to	the	10,000	sf	threshold:
Use other mechanism in lieu of the 10,000 sf of impervious area to determine threshold for green streets requirements. As an example, City of Santa Monica utilizes construction costs (>\$500,000) as the trigger for green street BMPs. Another option would be to establish a threshold of either the 10,000 sf impervious area or construction cost >\$500,000 whichever is smaller.					
Alternatives	to	the	major	arterial:	
Use another General Plan defined street classification, such as secondary arterials, and define the transportation corridor as all that type of street and larger arterials.					

- B. Amenities. The DEPARTMENT OF PUBLIC WORKS shall consider opportunities to replenish groundwater, create attractive streetscapes, create parks and wildlife habitats, and provide pedestrian and bicycle accessibility through new development and redevelopment of streets and roadway projects and CIPs.
- C. Guidance. The DEPARTMENT OF PUBLIC WORKS shall use the City of Los Angeles Green Streets guidance, USEPA's *Managing Wet Weather with Green Infrastructure Municipal Handbook: Green Streets*, or equivalent guidance developed by the DEPARTMENT OF PUBLIC WORKS for use in public and private developments.
- D. Retrofit Scope. The DEPARTMENT OF PUBLIC WORKS shall use the City's Watershed Management Program or Enhanced Watershed Management Program to identify opportunities for green street BMP retrofits. Final decisions regarding implementation will be determined by the CITY ENGINEER based on the availability of adequate funding.
- E. Training. The DEPARTMENT OF PUBLIC WORKS shall incorporate aspects of green streets into internal annual staff trainings.



**CITY OF AZUSA  
ENGINEERING DIVISION**

**MEMORANDUM**

**TO:** MS4 NPDES (EWMP) Permit File

**FROM:** Carl Hassel, Assistant Director of Public Works / City Engineer

**DATE:** June 26, 2013

**SUBJECT:** Draft Low Impact Development (LID) Ordinance and draft Green Streets Policy status

As a requirement of the new MS4 Permit, cities are to have in place a LID Ordinance and Green Streets Policy for the future. At the time of the submittal of the NOI at the end of this month, The LID Ordinance and Green Streets Policy are in draft form and will be included in the NOI submittal that the Rio Hondo/San Gabriel River Watershed Quality Control Group are preparing.

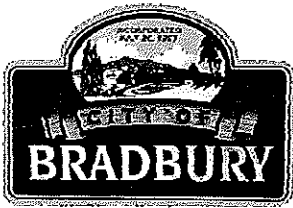
The LA Permit Group hired Larry Walker and Associates, a consultant, with permission from the cities from the LA Permit Group to provide services including preparation of a draft LID Ordinance and Green Streets Policy.

On May 16<sup>th</sup>, 2013, I met with Conal McNamara, Assistant Director of Economic and Community Development, to review the draft LID ordinance and the draft Green Streets Policy. He was in agreement with the drafts and that the City will look to further advance the work but that the bulk of the work is complete. He was in agreement that it would be fine to submit them with the MS4 Permit NOI.

On May 20<sup>th</sup>, 2013, I checked with Tito Haes, the Assistant City Manager/Director of Public Works regarding the submittal of the draft LID ordinance and the draft Green Streets Policy and he was fine with the submittal but that we would need to look toward any changes to make it fit with the community and to get Council approval before they would be instituted.

It was indicated to me that all parties involved were aware of the implications of the LID Ordinance and the Green Streets Policy and that once adopted they would be part of the conditions of approval for developments or included in CIP's that the City of Azusa conducts.

Carl E. Hassel, P.E.



## City of Bradbury Memorandum

**DATE:** June 3, 2013  
**TO:** David Gilbertson, Assistant City Engineer  
**CC:** Michelle Keith, City Manager  
**SUBJECT:** Draft Green Street Policy

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### Green Street Policy

#### Purpose

The City of Bradbury shall implement green street BMPs for transportation corridors associated with new and redevelopment street and roadway projects, including Capital Improvement Projects (CIPs). This policy is enacted to demonstrate compliance with the NPDES MS4 Permit for the Los Angeles Region (Order No. R4-2012-0175).

Green streets are an amenity that provides many benefits including water quality improvement, groundwater replenishment, creation of attractive streetscapes, creation of parks and wildlife habitats, and pedestrian and bicycle accessibility. Green streets are defined as right-of-way areas that incorporate infiltration, biofiltration, and/or storage and use BMPs to collect, retain, or detain stormwater runoff as well as a design element that creates attractive streetscapes.

#### Policy

- A. Application. The City shall require new development and/or redevelopment streets and roadway projects and CIP projects conducted within the right-of-way of transportation corridors to incorporate green street BMPs. Transportation corridors projects are major arterials as defined in the [CITY'S] General Plan which add at least 10,000 square feet of impervious surface. Routine maintenance or repair and linear utility projects are excluded from these requirements. Routine maintenance includes slurry seals, repaving, and reconstruction of the road or street where the original line and grade are maintained and new impervious surface is not added.

**Comment [m1]:** Decision point on how to define transportation corridors. Is the preference to use the 10,000 sf threshold from the Land Development section of the Permit or to use a street type definition from the General Plan, e.g. major arterials.

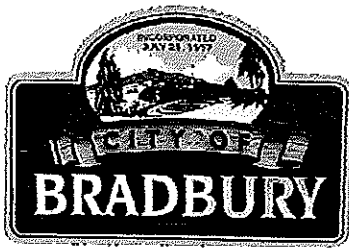


**Alternatives:**

Use other mechanism in lieu of the 10,000 sf of impervious area to determine threshold for green streets requirements. As an example, City of Santa Monica utilizes construction costs (>\$500,000) as the trigger for green street BMPs. Another option would be to establish a threshold of either the 10,000 sf impervious area or construction cost >\$500,000 whichever is smaller.

- B. Amenities. The City shall consider opportunities to replenish groundwater, create attractive streetscapes, create parks and wildlife habitats, and provide pedestrian and bicycle accessibility through new development and redevelopment of streets and roadway projects and CIPs.
- C. Guidance. The City shall use the City of Los Angeles Green Streets guidance, USEPA's *Managing Wet Weather with Green Infrastructure Municipal Handbook: Green Streets*<sup>1</sup>, or equivalent guidance for use in public and private developments.
- D. Retrofit Scope. The City shall use the City's Enhanced Watershed Management Program to identify opportunities for green street BMP retrofits. Final decisions regarding implementation will be determined by the City Council based on the availability of adequate funding.
- E. Training. The City's contract City Engineer shall incorporate aspects of green streets into internal annual staff trainings.

<sup>1</sup> EPA-833-F-08-009, December 2008.



## City of Bradbury Memorandum

**DATE:** June 3, 2013

**TO:** Michelle Keith, City Manager  
Anne McIntosh, City Planner

**FROM:** David Gilbertson, Assistant City Engineer

**SUBJECT:** Draft LID Ordinance

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Below is the Draft LID Ordinance that key City staff needs to review. We need to discuss the revision and several critical issues of the Ordinance such as bonding amounts and the levying of fines.

### ORDINANCE NO. XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADBURY, CALIFORNIA, AMENDING SECTION \_\_\_\_\_ OF THE CITY OF BRADBURY MUNICIPLE CODE TO EXPAND THE APPLICABILITY OF THE EXISTING STANDARD URBAN STORMWATER MITIGATION PLAN (SUSMP) REQUIREMENTS BY IMPOSING LOW IMPACT DEVELOPMENT (LID) STRATEGIES ON THE PROJECTS REQUIRING BUILDING PERMITS.

**WHEREAS,** The City of Bradbury is authorized by Article XI, §5 and §7 of the State Constitution to exercise the police power of the State by adopting regulations to promote public health, public safety and general prosperity.

**WHEREAS,** The City of Bradbury has authority under the California Water Code to adopt and enforce ordinances imposing conditions, restrictions and limitations with respect to any activity which might degrade the quality of waters of the State.

**WHEREAS,** The city is a permittee under the "Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County, Except those Discharges Originating from the City of Long Beach MS4," issued by the California Regional Water Quality Control Board--Los Angeles Region," (Order No. R4-2012-0175) which also serves as an NPDES Permit under the Federal Clean Water Act (NPDES No. CAS004001), as well as Waste Discharge Requirements under California law (the "Municipal NPDES permit"). In order to participate in a Watershed Management Program and/or Enhanced Watershed Management Program, the Municipal NPDES permit requires permittees to develop and implement a LID Ordinance.

**WHEREAS,** The City of Bradbury has applied an integrated approach to incorporate wastewater, stormwater and runoff, and recycled water management into a single strategy through its Integrated Resources Plan.

**WHEREAS,** The City of Bradbury is committed to a stormwater management program that protects water quality and water supply by employing watershed-based approaches that balance environmental, social, and economic considerations.

~~**WHEREAS,** Urbanization has led to increased impervious surface areas resulting in increased water runoff and less percolation to groundwater aquifers causing the transport of pollutants to downstream receiving waters.~~

~~**WHEREAS,** The City of Bradbury needs to take a new approach to managing rainwater and urban runoff while mitigating the negative impacts of development and urbanization.~~

~~**WHEREAS,** LID is widely recognized as a sensible approach to managing the quantity and quality of stormwater runoff by setting standards and practices to maintain or restore the natural hydrologic character of a development site, reduce off-site runoff, improve water quality, and provide groundwater recharge.~~

**WEREAS,** It is the intent of the City of Bradbury to expand the applicability of the existing Standard Urban Stormwater Mitigation Plan (SUSMP) requirements by providing stormwater and rainwater LID strategies for Development and Redevelopment projects as defined under "Applicability."

**[MUNICIPAL CODE SECTION REFERENCE(S)] OF THE CITY OF BRADBURY MUNICIPAL CODE IS AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:**

**Definitions.**

Except as specifically provided herein, any term used in this section shall be defined as that term in the current Municipal NPDES permit, or if it is not specifically defined in either the Municipal NPDES permit, then as such term is defined in the Federal Clean Water Act, as amended, and/or the regulations promulgated thereunder. If the definition of any term contained in this chapter conflicts with the definition of the same term in the current Municipal NPDES permit, then the definition contained in the Municipal NPDES permit shall govern. The following words and phrases shall have the following meanings when used in this chapter:

**Automotive Service Facility** means a facility that is categorized in any one of the following Standard Industrial Classification (SIC) and North American Industry Classification System (NAICS) codes. For inspection purposes, Permittees need not inspect facilities with SIC codes 5013, 5014, 5541, 5511, provided that these facilities have no outside activities or materials that may be exposed to stormwater (Source: Order No. R4-2012-0175).

**Basin Plan** means the Water Quality Control Plan, Los Angeles Region, Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties, adopted by the Regional Water Board on June 13, 1994 and subsequent amendments (Source: Order No. R4-2012-0175).

**Best Management Practice (BMP)** means practices or physical devices or systems designed to prevent or reduce pollutant loading from stormwater or non-stormwater discharges to

receiving waters, or designed to reduce the volume of stormwater or non-stormwater discharged to the receiving water (Source: Order No. R4-2012-0175).

**Biofiltration** means a LID BMP that reduces stormwater pollutant discharges by intercepting rainfall on vegetative canopy, and through incidental infiltration and/or evapotranspiration, and filtration. Incidental infiltration is an important factor in achieving the required pollutant load reduction. Therefore, the term "biofiltration" as used in this Ordinance is defined to include only systems designed to facilitate incidental infiltration or achieve the equivalent pollutant reduction as biofiltration BMPs with an underdrain (subject to approval by the Regional Board's Executive Officer). Biofiltration BMPs include bioretention systems with an underdrain and bioswales (Modified from: Order No. R4-2012-0175).

**Bioretention** means a LID BMP that reduces stormwater runoff by intercepting rainfall on vegetative canopy, and through evapotranspiration and infiltration. The bioretention system typically includes a minimum 2-foot top layer of a specified soil and compost mixture underlain by a gravel-filled temporary storage pit dug into the in-situ soil. As defined in the Municipal NPDES permit, a bioretention BMP may be designed with an overflow drain, but may not include an underdrain. When a bioretention BMP is designed or constructed with an underdrain it is regulated by the Municipal NPDES permit as biofiltration (Modified from: Order No. R4-2012-0175).

**Bioswale** means a LID BMP consisting of a shallow channel lined with grass or other dense, low-growing vegetation. Bioswales are designed to collect stormwater runoff and to achieve a uniform sheet flow through the dense vegetation for a period of several minutes (Source: Order No. R4-2012-0175).

**City** means the City of Bradbury

**Clean Water Act (CWA)** means the Federal Water Pollution Control Act enacted in 1972, by Public Law 92-500, and amended by the Water Quality Act of 1987. The Clean Water Act prohibits the discharge of pollutants to Waters of the United States unless the discharge is in accordance with an NPDES permit.

**Commercial Malls** means any development on private land comprised of one or more buildings forming a complex of stores which sells various merchandise, with interconnecting walkways enabling visitors to easily walk from store to store, along with parking area(s). A commercial mall includes, but is not limited to: mini-malls, strip malls, other retail complexes, and enclosed shopping malls or shopping centers (Source: Order No. R4-2012-0175).

**Construction Activity** means any construction or demolition activity, clearing, grading, grubbing, or excavation or any other activity that result in land disturbance. Construction does not include emergency construction activities required to immediately protect public health and safety or routine maintenance activities required to maintain the integrity of structures by performing minor repair and restoration work, maintain the original line and grade, hydraulic capacity, or original purposes of the facility. See "Routine Maintenance" definition for further explanation. Where clearing, grading or excavating of underlying soil takes place during a repaving operation, State General Construction Permit coverage by the State of California General Permit for Storm Water Discharges Associated with Industrial Activities or for Stormwater Discharges Associated with Construction Activities is required if more than one acre is disturbed or the activities are part of a larger plan (Source: Order No. R4-2012-0175).



**Control** means to minimize, reduce or eliminate by technological, legal, contractual, or other means, the discharge of pollutants from an activity or activities (Source: Order No. R4-2012-0175).

**Development** means construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail, and other non-residential projects, including public agency projects; or mass grading for future construction. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety (Source: Order No. R4-2012-0175).

**Directly Adjacent** means situated within 200 feet of the contiguous zone required for the continued maintenance, function, and structural stability of the environmentally sensitive area (Source: Order No. R4-2012-0175).

**Discharge** means any release, spill, leak, pump, flow, escape, dumping, or disposal of any liquid, semi-solid, or solid substance.

**Disturbed Area** means an area that is altered as a result of clearing, grading, and/or excavation (Source: Order No. R4-2012-0175).

**Flow-through BMPs** means modular, vault type "high flow biotreatment" devices contained within an impervious vault with an underdrain or designed with an impervious liner and an underdrain (Modified from: Order No. R4-2012-0175).

**General Construction Activities Storm Water Permit (GCASP)** means the general NPDES permit adopted by the State Board which authorizes the discharge of stormwater from construction activities under certain conditions.

**General Industrial Activities Storm Water Permit (GIASP)** means the general NPDES permit adopted by the State Board which authorizes the discharge of stormwater from certain industrial activities under certain conditions.

**Green Roof** means a LID BMP using planter boxes and vegetation to intercept rainfall on the roof surface. Rainfall is intercepted by vegetation leaves and through evapotranspiration. Green roofs may be designed as either a bioretention BMP or as a biofiltration BMP. To receive credit as a bioretention BMP, the green roof system planting medium shall be of sufficient depth to provide capacity within the pore space volume to contain the design storm depth and may not be designed or constructed with an underdrain (Source: Order No. R4-2012-0175).

**Hazardous Material(s)** means any material(s) defined as hazardous by Division 20, Chapter 6.95 of the California Health and Safety Code.

**Hillside** means a property located in an area with known erosive soil conditions, where the development contemplates grading on any natural slope that is 25% or greater and where grading contemplates cut or fill slopes (Source: Order No. R4-2012-0175).

**Impervious Surface** means any man-made or modified surface that prevents or significantly reduces the entry of water into the underlying soil, resulting in runoff from the surface in greater quantities and/or at an increased rate, when compared to natural conditions prior to

development. Examples of places that commonly exhibit impervious surfaces include parking lots, driveways, roadways, storage areas, and rooftops. The imperviousness of these areas commonly results from paving, compacted gravel, compacted earth, and oiled earth.

**Industrial Park** means land development that is set aside for industrial development. Industrial parks are usually located close to transport facilities, especially where more than one transport modalities coincide: highways, railroads, airports, and navigable rivers. It includes office parks, which have offices and light industry (Source: Order No. R4-2012-0175).

**Infiltration BMP** means a LID BMP that reduces stormwater runoff by capturing and infiltrating the runoff into in-situ soils or amended onsite soils. Examples of infiltration BMPs include infiltration basins, dry wells, and pervious pavement (Source: Order No. R4-2012-0175).

**LID** means Low Impact Development. LID consists of building and landscape features designed to retain or filter stormwater runoff (Source: Order No. R4-2012-0175).

**MS4** means Municipal Separate Storm Sewer System (MS4). The MS4 is a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

- (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
- (ii) Designed or used for collecting or conveying stormwater;
- (iii) Which is not a combined sewer; and
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.

(40 CFR § 122.26(b)(8)) (Source: Order No. R4-2012-0175)

**National Pollutant Discharge Elimination System (NPDES)** means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under CWA §307, 402, 318, and 405. The term includes an "approved program" (Source: Order No. R4-2012-0175).

**Natural Drainage System** means a drainage system that has not been improved (e.g., channelized or armored). The clearing or dredging of a natural drainage system does not cause the system to be classified as an improved drainage system (Source: Order No. R4-2012-0175).

**New Development** means land disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision (Source: Order No. R4-2012-0175).

**Non-Stormwater Discharge** means any discharge to a municipal storm drain system that is not composed entirely of stormwater (Source: Order No. R4-2012-0175).



**Parking Lot** means land area or facility for the parking or storage of motor vehicles used for businesses, commerce, industry, or personal use, with a lot size of 5,000 square feet or more of surface area, or with 25 or more parking spaces (Source: Order No. R4-2012-0175).

**Person** means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, state, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

**Planning Priority Projects** means development projects subject to Permittee conditioning and approval for the design and implementation of post-construction controls to mitigate stormwater pollution, prior to completion of the project(s) (Modified from: Order No. R4-2012-0175).

**Pollutant** means any "pollutant" defined in Section 502(6) of the Federal Clean Water Act or incorporated into the California Water Code Sec. 13373. Pollutants may include, but are not limited to the following:

- (1) Commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash, and sludge).
- (2) Metals (such as cadmium, lead, zinc, copper, silver, nickel, chromium, and non- metals such as phosphorus and arsenic).
- (3) Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants, and grease).
- (4) Excessive eroded soil, sediment, and particulate materials in amounts that may adversely affect the beneficial use of the receiving waters, flora, or fauna of the State.
- (5) Animal wastes (such as discharge from confinement facilities, kennels, pens, recreational facilities, stables, and show facilities).
- (6) Substances having characteristics such as pH less than 6 or greater than 9, or unusual coloration or turbidity, or excessive levels of fecal coliform, or fecal streptococcus, or enterococcus.

**Project** means all development, redevelopment, and land disturbing activities. The term is not limited to "Project" as defined under CEQA (Pub. Resources Code §21065) (Source: Order No. R4-2012-0175).

**Rainfall Harvest and Use** means a LID BMP system designed to capture runoff, typically from a roof but can also include runoff capture from elsewhere within the site, and to provide for temporary storage until the harvested water can be used for irrigation or non-potable uses. The harvested water may also be used for potable water uses if the system includes disinfection treatment and is approved for such use by the local building department (Source: Order No. R4-2012-0175).

**Receiving Water** means "water of the United States" into which waste and/or pollutants are or may be discharged (Source: Order No. R4-2012-0175).

**Redevelopment** means land-disturbing activity that results in the creation, addition, or replacement of 5,000 square feet or more of impervious surface area on an already developed site. Redevelopment includes, but is not limited to: the expansion of a building footprint; addition or replacement of a structure; replacement of impervious surface area that is not part of routine maintenance activity; and land disturbing activity related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety (Source: Order No. R4-2012-0175).

**Regional Board** means the California Regional Water Quality Control Board, Los Angeles Region.

**Restaurant** means a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC Code 5812) (Source: Order No. R4-2012-0175).

**Retail Gasoline Outlet** means any facility engaged in selling gasoline and lubricating oils (Source: Order No. R4-2012-0175).

#### **Routine Maintenance**

Routine maintenance projects include, but are not limited to projects conducted to:

1. Maintain the original line and grade, hydraulic capacity, or original purpose of the facility.
2. Perform as needed restoration work to preserve the original design grade, integrity and hydraulic capacity of flood control facilities.
3. Includes road shoulder work, regrading dirt or gravel roadways and shoulders and performing ditch cleanouts.
4. Update existing lines\* and facilities to comply with applicable codes, standards, and regulations regardless if such projects result in increased capacity.
5. Repair leaks

Routine maintenance does not include construction of new\*\* lines or facilities resulting from compliance with applicable codes, standards and regulations.

\* Update existing lines includes replacing existing lines with new materials or pipes.

\*\* New lines are those that are not associated with existing facilities and are not part of a project to update or replace existing lines (Source: Order No. R4-2012-0175).

**Significant Ecological Areas (SEAs)** means an area that is determined to possess an example of biotic resources that cumulatively represent biological diversity, for the purposes of protecting biotic diversity, as part of the Los Angeles County General Plan. Areas are designated as SEAs, if they possess one or more of the following criteria:

1. The habitat of rare, endangered, and threatened plant and animal species.
2. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind, or are restricted in distribution on a regional basis.
3. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind or are restricted in distribution in Los Angeles County.
4. Habitat that at some point in the life cycle of a species or group of species, serves as a concentrated breeding, feeding, resting, migrating grounds and is limited in availability either regionally or within Los Angeles County.
5. Biotic resources that are of scientific interest because they are either an extreme in physical/geographical limitations, or represent an unusual variation in a population or community.
6. Areas important as game species habitat or as fisheries.

7. Areas that would provide for the preservation of relatively undisturbed examples of natural biotic communities in Los Angeles County.
8. Special areas (Source: Order No. R4-2012-0175).

**Site** means land or water area where any "facility or activity" is physically located or conducted, including adjacent land used in connection with the facility or activity (Source: Order No. R4-2012-0175).

**Storm Drain System** means any facilities or any part of those facilities, including streets, gutters, conduits, natural or artificial drains, channels, and watercourses that are used for the purpose of collecting, storing, transporting or disposing of stormwater and are located within the City of Bradbury.

**Storm Water or Stormwater** means water that originates from atmospheric moisture (rain or snow) and that falls onto land, water, or other surfaces. Without any change in its meaning, this term may be spelled or written as one word or two separate words.

**Stormwater Runoff** means that part of precipitation (rainfall or snowmelt) which travels across a surface to the storm drain system or receiving waters.

**SUSMP** means the Los Angeles Countywide Standard Urban Stormwater Mitigation Plan. The SUSMP was required as part of the previous Municipal NPDES Permit (Order No. 01-182, NPDES No. CAS004001) and required plans that designate best management practices (BMPs) that must be used in specified categories of development projects.

**Urban Runoff** means surface water flow produced by storm and non-storm events. Non-storm events include flow from residential, commercial, or industrial activities involving the use of potable and non-potable water.

**[MUNICIPAL CODE SECTION REFERENCE(S)]** is amended to read as follows:

**SEC. [X]. STORMWATER POLLUTION CONTROL MEASURES FOR DEVELOPMENT PLANNING AND CONSTRUCTION ACTIVITIES**

- (A) **Objective.** The provisions of this section contain requirements for construction activities and facility operations of Development and Redevelopment projects to comply with the current "Municipal NPDES permit," lessen the water quality impacts of development by using smart growth practices, and integrate LID design principles to mimic predevelopment hydrology through infiltration, evapotranspiration and rainfall harvest and use. LID shall be inclusive of SUSMP requirements.
- (B) **Scope.** This Section contains requirements for stormwater pollution control measures in Development and Redevelopment projects and authorizes the City of Bradbury to further define and adopt stormwater pollution control measures, develop LID principles and requirements, including but not limited to the objectives and specifications for integration of LID strategies, grant waivers from the requirements of the Standard Urban Stormwater Mitigation Plan, and collect funds for projects that are granted waivers. Except as otherwise provided herein, the City of Bradbury shall administer, implement and enforce the provisions of this Section.



**(C) Applicability.** The following Development and Redevelopment projects, termed "Planning Priority Projects," shall comply with the requirements of **[SECTION NUMBER]**:

- (1) All development projects equal to 1 acre or greater of disturbed area that adds more than 10,000 square feet of impervious surface area.
- (2) Industrial parks 10,000 square feet or more of surface area.
- (3) Commercial malls 10,000 square feet or more of surface area.
- (4) Retail gasoline outlets with 5,000 square feet or more of surface area.
- (5) Restaurants (Standard Industrial Classification (SIC) of 5812) with 5,000 square feet or more of surface area.
- (6) Parking lots with 5,000 square feet or more of impervious surface area, or with 25 or more parking spaces.
- (7) Streets and roads construction of 10,000 square feet or more of impervious surface area.
- (8) Automotive service facilities (Standard Industrial Classification (SIC) of 5013, 5014, 5511, 5541, 7532-7534 and 7536-7539) 5,000 square feet or more of surface area.
- (9) Projects located in or directly adjacent to, or discharging directly to an Environmentally Sensitive Area (ESA), where the development will:
  - a. Discharge stormwater runoff that is likely to impact a sensitive biological species or habitat; and
  - b. Create 2,500 square feet or more of impervious surface area
- (10) Single-family hillside homes.
- (11) Redevelopment Projects
  - a. Land disturbing activity that results in the creation or addition or replacement of 5,000 square feet or more of impervious surface area on an already developed site on Planning Priority Project categories.
  - b. Where Redevelopment results in an alteration to more than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction stormwater quality control requirements, the entire project must be mitigated.
  - c. Where Redevelopment results in an alteration of less than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction stormwater quality control requirements, only the alteration must be mitigated, and not the entire development.

- d. Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety. Impervious surface replacement, such as the reconstruction of parking lots and roadways which does not disturb additional area and maintains the original grade and alignment, is considered a routine maintenance activity. Redevelopment does not include the repaving of existing roads to maintain original line and grade.
- e. Existing single-family dwelling and accessory structures are exempt from the Redevelopment requirements unless such projects create, add, or replace 10,000 square feet of impervious surface area.

**(D) Effective Date.** The Planning and Land Development requirements contained in Section 7 of Order No. R4-2012-0175 shall become effective 90 days from the adoption of the Order (February 6, 2013). This includes Planning Priority Projects that are discretionary permit projects or project phases that have not been deemed complete for processing, or discretionary permit projects without vesting tentative maps that have not requested and received an extension of previously granted approvals within 90 days of adoption of the Order. Projects that have been deemed complete within 90 days of adoption of the Order are not subject to the requirements Section 7.

**(E) Stormwater Pollution Control Requirements.** The Site for every Planning Priority Project shall be designed to control pollutants, pollutant loads, and runoff volume to the maximum extent feasible by minimizing impervious surface area and controlling runoff from impervious surfaces through infiltration, evapotranspiration, bioretention and/or rainfall harvest and use.

- (1) A new single-family hillside home development shall include mitigation measures to:
  - a. Conserve natural areas;
  - b. Protect slopes and channels;
  - c. Provide storm drain system stenciling and signage;
  - d. Divert roof runoff to vegetated areas before discharge unless the diversion would result in slope instability; and
  - e. Direct surface flow to vegetated areas before discharge, unless the diversion would result in slope instability.
- (2) Street and road construction of 10,000 square feet or more of impervious surface shall follow USEPA guidance regarding Managing Wet Weather with Green Infrastructure: Green Streets (December 2008 EPA-833-F-08-009) to the maximum extent practicable.
- (3) The remainder of Planning Priority Projects shall prepare a LID Plan to comply with the following:

- a. Retain stormwater runoff onsite for the Stormwater Quality Design Volume (SWQDv) defined as the runoff from:
  - i. The 85th percentile 24-hour runoff event as determined from the Los Angeles County 85th percentile precipitation isohyetal map; or
  - ii. The volume of runoff produced from a 0.75 inch, 24-hour rain event, whichever is greater.
- b. Minimize hydromodification impacts to natural drainage systems as defined in the Municipal NPDES Permit. Hydromodification requirements are further specified in [NAME OF POST-CONSTRUCTION BMP HANDBOOK].
- c. When, as determined by the [APPROVING AGENCY(City of Bradbury?)], 100 percent onsite retention of the SWQDv is technically infeasible, partially or fully, the infeasibility shall be demonstrated in the submitted LID Plan. The technical infeasibility may result from conditions that may include, but are not limited to:
  - i. The infiltration rate of saturated in-situ soils is less than 0.3 inch per hour and it is not technically feasible to amend the in-situ soils to attain an infiltration rate necessary to achieve reliable performance of infiltration or bioretention BMPs in retaining the SWQDv onsite.
  - ii. Locations where seasonal high groundwater is within five to ten feet of surface grade;
  - iii. Locations within 100 feet of a groundwater well used for drinking water;
  - iv. Brownfield development sites or other locations where pollutant mobilization is a documented concern;
  - v. Locations with potential geotechnical hazards;
  - vi. Smart growth and infill or redevelopment locations where the density and/ or nature of the project would create significant difficulty for compliance with the onsite volume retention requirement.
- d. If partial or complete onsite retention is technically infeasible, the project Site may biofiltrate 1.5 times the portion of the remaining SWQDv that is not reliably retained onsite. Biofiltration BMPs must adhere to the design specifications provided in the Municipal NPDES Permit.
  - i. Additional alternative compliance options such as offsite infiltration may be available to the project Site. The project Site should contact the [APPROVING AGENCY(City of Bradbury?) ] to determine eligibility. Alternative compliance options are further specified in [NAME OF POST-CONSTRUCTION BMP HANDBOOK].



- e. The remaining SWQDv that cannot be retained or biofiltered onsite must be treated onsite to reduce pollutant loading. BMPs must be selected and designed to meet pollutant-specific benchmarks as required per the Municipal NPDES Permit. Flow-through BMPs may be used to treat the remaining SWQDv and must be sized based on a rainfall intensity of:
  - i. 0.2 inches per hour, or
  - ii. The one year, one-hour rainfall intensity as determined from the most recent Los Angeles County isohyetal map, whichever is greater.
- f. A Multi-Phased Project may comply with the standards and requirements of this section for all of its phases by: (a) designing a system acceptable to the [APPROVING AGENCY] to satisfy these standards and requirements for the entire Site during the first phase, and (b) implementing these standards and requirements for each phase of Development or Redevelopment of the Site during the first phase or prior to commencement of construction of a later phase, to the extent necessary to treat the stormwater from such later phase. For purposes of this section, "Multi-Phased Project" shall mean any Planning Priority Project implemented over more than one phase and the Site of a Multi-Phased Project shall include any land and water area designed and used to store, treat or manage stormwater runoff in connection with the Development or Redevelopment, including any tracts, lots, or parcels of real property, whether Developed or not, associated with, functionally connected to, or under common ownership or control with such Development or Redevelopment.

~~(E) Other Agencies of the City of Bradbury. All City of Bradbury departments, offices, entities and agencies, shall establish administrative procedures necessary to implement the provisions of this Article on their Development and Redevelopment projects and report their activities annually to the [RESPONSIBLE AGENCY].~~

(F) **Validity.** If any provision of this Ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect remaining provisions of this Ordinance are declared to be severable.

(G) **Certification.** The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy.

PASSED, APPROVED, AND ADOPTED this XX day of XX, 2013.

\_\_\_\_\_  
MAYOR

ATTEST:

I, Claudia Saldana, City Clerk of the City of Bradbury, do hereby certify that the foregoing ordinance, being Ordinance No. XXX, was duly passed by the City Council of the City of Bradbury, signed by the Mayor of said City, and attested by the City Clerk, all at a regular meeting of the City Council held on the XX<sup>th</sup> day of XX, 2013, that it was duly posted and that the same was passed and adopted by the following vote:

AYES:  
NAYS:  
ABSENT:

\_\_\_\_\_  
Claudia Saldana  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
Cary Reisman  
CITY ATTORNEY

DRAFT



# City of Duarte

1600 Huntington Drive, Duarte, CA 91010 - (626) 357-7931 - FAX (626) 358-0018

ORDINANCE NO. \_\_\_\_\_

An ordinance amending [MUNICIPAL CODE SECTION REFERENCE(S)] of the [CITY NAME] City of Duarte Municipal Code to expand the applicability of the existing [NAME OF POST CONSTRUCTION REQUIREMENTS - LIKELY "SUSMP" FOR MOST MUNICIPALITIES] STORMWATER AND URBAN RUNOFF POLLUTION CONTROL requirements by imposing Low Impact Development (LID) strategies on projects that require building permits and/or encroachment permits.

## Findings.

- (A) The [CITY NAME] City of Duarte is authorized by Article XI, §5 and §7 of the State Constitution to exercise the police power of the State by adopting regulations to promote public health, public safety and general prosperity.
- (B) The [CITY NAME] City of Duarte has authority under the California Water Code to adopt and enforce ordinances imposing conditions, restrictions and limitations with respect to any activity which might degrade the quality of waters of the State.
- (C) The city is a permittee under the "Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County, Except those Discharges Originating from the City of Long Beach MS4," Issued by the California Regional Water Quality Control Board--Los Angeles Region," (Order No. R4-2012-0175) which also serves as an NPDES Permit under the Federal Clean Water Act (NPDES No. CAS004001), as well as Waste Discharge Requirements under California law (the "Municipal NPDES permit"). In order to participate in a Watershed Management Program and/or Enhanced Watershed Management Program, the Municipal NPDES permit requires permittees to develop and implement a LID Ordinance.
- (D) The [CITY NAME] City of Duarte has applied an integrated approach to incorporate wastewater, stormwater and runoff, and recycled water management into a single strategy through its Integrated Resources Plan.
- (E) The [CITY NAME] City of Duarte is committed to a stormwater management program that protects water quality and water supply by employing watershed-

based approaches that balance environmental, social, and economic considerations.

- (F) Urbanization has led to increased impervious surface areas resulting in increased water runoff causing the transport of pollutants to downstream receiving waters.
- (G) The [CITY NAME] City of Duarte needs to take a new approach to managing rainwater and urban runoff while mitigating the negative impacts of development and urbanization.
- (H) LID is widely recognized as a sensible approach to managing the quantity and quality of storm water and non-stormwater runoff by setting standards and practices to maintain or restore the natural hydrologic character of a development site, reduce off-site runoff, improve water quality, and provide groundwater recharge.
- (I) It is the intent of the [CITY NAME] City of Duarte to replace the existing Standard Urban Stormwater Mitigation Plan (SUSMP) requirements by providing stormwater and rainwater LID strategies for Development and Redevelopment projects as defined under "Applicability." Where there are conflicts between this Ordinance and previously adopted SUSMP or LID Manuals, the standards in this Ordinance shall prevail.

[MUNICIPAL CODE SECTION REFERENCE(S)] of the [CITY NAME] City of Duarte Municipal Code is amended in its entirety to read as follows:

#### **Definitions.**

Except as specifically provided herein, any term used in this [SECTION REFERENCE] shall be defined as that term in the current Municipal NPDES permit, or if it is not specifically defined in either the Municipal NPDES permit, then as such term is defined in the Federal Clean Water Act, as amended, and/or the regulations promulgated thereunder. If the definition of any term contained in this chapter conflicts with the definition of the same term in the current Municipal NPDES permit, then the definition contained in the Municipal NPDES permit shall govern. The following words and phrases shall have the following meanings when used in this chapter:

**Automotive Service Facility** means a facility that is categorized in any one of the following Standard Industrial Classification (SIC) and North American Industry Classification System (NAICS) codes. For inspection purposes, Permittees need not inspect facilities with SIC codes 5013, 5014, 5541, 5511, provided that these facilities have no outside activities or materials that may be exposed to stormwater (Source: Order No. R4-2012-0175).

**Basin Plan** means the Water Quality Control Plan, Los Angeles Region, Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties, adopted by the Regional Water Board on June 13, 1994 and subsequent amendments (Source: Order No. R4-2012-0175).

**Best Management Practice (BMP)** means practices or physical devices or systems designed to prevent or reduce pollutant loading from stormwater or non-stormwater discharges to receiving waters, or designed to reduce the volume of stormwater or non-stormwater discharged to the receiving water (Source: Order No. R4-2012-0175).

**Biofiltration** means a LID BMP that reduces stormwater pollutant discharges by intercepting rainfall on vegetative canopy, and through incidental infiltration and/or evapotranspiration, and filtration. Incidental infiltration is an important factor in achieving the required pollutant load reduction. Therefore, the term "biofiltration" as used in this Ordinance is defined to include only systems designed to facilitate incidental infiltration or achieve the equivalent pollutant reduction as biofiltration BMPs with an underdrain (subject to approval by the Regional Board's Executive Officer). Biofiltration BMPs include bioretention systems with an underdrain and bioswales (Modified from: Order No. R4-2012-0175).

**Bioretention** means a LID BMP that reduces stormwater runoff by intercepting rainfall on vegetative canopy, and through evapotranspiration and infiltration. The bioretention system typically includes a minimum 2-foot top layer of a specified soil and compost mixture underlain by a gravel-filled temporary storage pit dug into the in-situ soil. As defined in the Municipal NPDES permit, a bioretention BMP may be designed with an overflow drain, but may not include an underdrain. When a bioretention BMP is designed or constructed with an underdrain it is regulated by the Municipal NPDES permit as biofiltration (Modified from: Order No. R4-2012-0175).

**Bioswale** means a LID BMP consisting of a shallow channel lined with grass or other dense, low-growing vegetation. Bioswales are designed to collect stormwater runoff and to achieve a uniform sheet flow through the dense vegetation for a period of several minutes (Source: Order No. R4-2012-0175).

**City** means the [CITY NAME] City of Duarte

**Clean Water Act (CWA)** means the Federal Water Pollution Control Act enacted in 1972, by Public Law 92-500, and amended by the Water Quality Act of 1987. The Clean Water Act prohibits the discharge of pollutants to Waters of the United States unless the discharge is in accordance with an NPDES permit.

**Commercial Malls** means any development on private land comprised of one or more buildings forming a complex of stores which sells various merchandise, with interconnecting walkways enabling visitors to easily walk from store to store, along with parking area(s). A commercial mall includes, but is not limited to: mini-malls, strip malls,

other retail complexes, and enclosed shopping malls or shopping centers (Source: Order No. R4-2012-0175).

**Construction Activity** means any construction or demolition activity, clearing, grading, grubbing, or excavation or any other activity that result in land disturbance. Construction does not include emergency construction activities required to immediately protect public health and safety or routine maintenance activities required to maintain the integrity of structures by performing minor repair and restoration work, maintain the original line and grade, hydraulic capacity, or original purposes of the facility. See "Routine Maintenance" definition for further explanation. Where clearing, grading or excavating of underlying soil takes place during a repaving operation, State General Construction Permit coverage by the State of California General Permit for Storm Water Discharges Associated with Industrial Activities or for Stormwater Discharges Associated with Construction Activities is required if more than one acre is disturbed or the activities are part of a larger plan (Source: Order No. R4-2012-0175).

**Control** means to minimize, reduce or eliminate by technological, legal, contractual, or other means, the discharge of pollutants from an activity or activities (Source: Order No. R4-2012-0175).

**Development** means construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail, and other non-residential projects, including public agency projects; or mass grading for future construction. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety (Source: Order No. R4-2012-0175).

**Directly Adjacent** means situated within 200 feet of the contiguous zone required for the continued maintenance, function, and structural stability of the environmentally sensitive area (Source: Order No. R4-2012-0175).

**Discharge** means any release, spill, leak, pump, flow, escape, dumping, or disposal of any liquid, semi-solid, or solid substance.

**Disturbed Area** means an area that is altered as a result of clearing, grading, and/or excavation (Source: Order No. R4-2012-0175).

**Flow-through BMPs** means modular, vault type "high flow biotreatment" devices contained within an impervious vault with an underdrain or designed with an impervious liner and an underdrain (Modified from: Order No. R4-2012-0175).

**General Construction Activities Storm Water Permit (GCASP)** means the general NPDES permit adopted by the State Board which authorizes the discharge of stormwater from construction activities under certain conditions.



**General Industrial Activities Storm Water Permit (GIASP)** means the general NPDES permit adopted by the State Board which authorizes the discharge of stormwater from certain industrial activities under certain conditions.

**Green Roof** means a LID BMP using planter boxes and vegetation to intercept rainfall on the roof surface. Rainfall is intercepted by vegetation leaves and through evapotranspiration. Green roofs may be designed as either a bioretention BMP or as a biofiltration BMP. To receive credit as a bioretention BMP, the green roof system planting medium shall be of sufficient depth to provide capacity within the pore space volume to contain the design storm depth and may not be designed or constructed with an underdrain (Source: Order No. R4-2012-0175).

**Hazardous Material(s)** means any material(s) defined as hazardous by Division 20, Chapter 6.95 of the California Health and Safety Code.

**Hillside** means a property located in an area with known erosive soil conditions, where the development contemplates grading on any natural slope that is 25% or greater and where grading contemplates cut or fill slopes (Source: Order No. R4-2012-0175).

**Hydromodification** means the alteration of the hydrologic characteristics of coastal and non-coastal waters, which in turn could cause degradation of water resources. Hydromodification can cause excessive erosion and/or sedimentation rates, causing excessive turbidity, channel aggradation and/or degradation. (Source: GCASP)

**Impervious Surface** means any man-made or modified surface that prevents or significantly reduces the entry of water into the underlying soil, resulting in runoff from the surface in greater quantities and/or at an increased rate, when compared to natural conditions prior to development. Examples of places that commonly exhibit impervious surfaces include parking lots, driveways, roadways, storage areas, and rooftops. The imperviousness of these areas commonly results from paving, compacted gravel, compacted earth, and oiled earth.

**Industrial Park** means land development that is set aside for industrial development. Industrial parks are usually located close to transport facilities, especially where more than one transport modalities coincide: highways, railroads, airports, and navigable rivers. It includes office parks, which have offices and light industry (Source: Order No. R4-2012-0175).

**Infiltration BMP** means a LID BMP that reduces stormwater runoff by capturing and infiltrating the runoff into in-situ soils or amended onsite soils. Examples of infiltration BMPs include infiltration basins, dry wells, and pervious pavement (Source: Order No. R4-2012-0175).

**LID** means Low Impact Development. LID consists of building and landscape features designed to retain or filter stormwater runoff (Source: Order No. R4-2012-0175).

**MS4** means Municipal Separate Storm Sewer System (MS4). The MS4 is a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

- (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
- (ii) Designed or used for collecting or conveying stormwater;
- (iii) Which is not a combined sewer; and
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.

(40 CFR § 122.26(b)(8)) (Source: Order No. R4-2012-0175)

**National Pollutant Discharge Elimination System (NPDES)** means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under CWA §307, 402, 318, and 405. The term includes an "approved program" (Source: Order No. R4-2012-0175).

**Natural Drainage System** means a drainage system that has not been improved (e.g., channelized or armored). The clearing or dredging of a natural drainage system does not cause the system to be classified as an improved drainage system (Source: Order No. R4-2012-0175).

**New Development** means land disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision (Source: Order No. R4-2012-0175).

**Non-Stormwater Discharge** means any discharge to a municipal storm drain system that is not composed entirely of stormwater (Source: Order No. R4-2012-0175).

**Parking Lot** means land area or facility for the parking or storage of motor vehicles used for businesses, commerce, industry, or personal use, with a lot size of 5,000 square feet or more of surface area, or with 25 or more parking spaces (Source: Order No. R4-2012-0175).

**Person** means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, state, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall

include the feminine and the singular shall include the plural where indicated by the context.

**Planning Priority Projects** means development projects subject to Permittee conditioning and approval for the design and implementation of post-construction controls to mitigate stormwater pollution, prior to completion of the project(s) (Modified from: Order No. R4-2012-0175).

**Pollutant** means any "pollutant" defined in Section 502(6) of the Federal Clean Water Act or incorporated into the California Water Code Sec. 13373. Pollutants may include, but are not limited to the following:

- (1) Commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash, and sludge).
- (2) Metals (such as cadmium, lead, zinc, copper, silver, nickel, chromium, and non-metals such as phosphorus and arsenic).
- (3) Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants, and grease).
- (4) Excessive eroded soil, sediment, and particulate materials in amounts that may adversely affect the beneficial use of the receiving waters, flora, or fauna of the State.
- (5) Animal wastes (such as discharge from confinement facilities, kennels, pens, recreational facilities, stables, and show facilities).
- (6) Substances having characteristics such as pH less than 6 or greater than 9, or unusual coloration or turbidity, or excessive levels of fecal coliform, or fecal streptococcus, or enterococcus.

**Project** means all development, redevelopment, and land disturbing activities. The term is not limited to "Project" as defined under CEQA (Pub. Resources Code §21065) (Source: Order No. R4-2012-0175).

**Rainfall Harvest and Use** means a LID BMP system designed to capture runoff, typically from a roof but can also include runoff capture from elsewhere within the site, and to provide for temporary storage until the harvested water can be used for irrigation or non-potable uses. The harvested water may also be used for potable water uses if the system includes disinfection treatment and is approved for such use by the local building department (Source: Order No. R4-2012-0175).

**Receiving Water** means "water of the United States" into which waste and/or pollutants are or may be discharged (Source: Order No. R4-2012-0175).

**Redevelopment** means land-disturbing activity that results in the creation, addition, or replacement of 5,000 square feet or more of impervious surface area on an already developed site. Redevelopment includes, but is not limited to: the expansion of a building footprint; addition or replacement of a structure; replacement of impervious surface area that is not part of routine maintenance activity; and land disturbing activity related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety (Source: Order No. R4-2012-0175).

**Regional Board** means the California Regional Water Quality Control Board, Los Angeles Region.

**Restaurant** means a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC Code 5812) (Source: Order No. R4-2012-0175).

**Retail Gasoline Outlet** means any facility engaged in selling gasoline and lubricating oils (Source: Order No. R4-2012-0175).

#### **Routine Maintenance**

Routine maintenance projects include, but are not limited to projects conducted to:

1. Maintain the original line and grade, hydraulic capacity, or original purpose of the facility.
2. Perform as needed restoration work to preserve the original design grade, integrity and hydraulic capacity of flood control facilities.
3. Includes road shoulder work, regrading dirt or gravel roadways and shoulders and performing ditch cleanouts.
4. Update existing lines and facilities to comply with applicable codes, standards, and regulations regardless if such projects result in increased capacity.
5. Repair leaks.

Routine maintenance does not include construction of new\*\* lines or facilities resulting from compliance with applicable codes, standards and regulations.

\* Update existing lines includes replacing existing lines with new materials or pipes.

\*\* New lines are those that are not associated with existing facilities and are not part of a project to update or replace existing lines (Source: Order No. R4-2012-0175).

**Significant Ecological Areas (SEAs)** means an area that is determined to possess an example of biotic resources that cumulatively represent biological diversity, for the purposes of protecting biotic diversity, as part of the Los Angeles County General Plan. Areas are designated as SEAs, if they possess one or more of the following criteria:

1. The habitat of rare, endangered, and threatened plant and animal species.
2. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind, or are restricted in distribution on a regional basis.

3. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind or are restricted in distribution in Los Angeles County.
4. Habitat that at some point in the life cycle of a species or group of species, serves as a concentrated breeding, feeding, resting, migrating grounds and is limited in availability either regionally or within Los Angeles County.
5. Biotic resources that are of scientific interest because they are either an extreme in physical/geographical limitations, or represent an unusual variation in a population or community.
6. Areas important as game species habitat or as fisheries.
7. Areas that would provide for the preservation of relatively undisturbed examples of natural biotic communities in Los Angeles County.
8. Special areas (Source: Order No. R4-2012-0175).

**Site** means land or water area where any "facility or activity" is physically located or conducted, including adjacent land used in connection with the facility or activity (Source: Order No. R4-2012-0175).

**Storm Drain System** means any facilities or any part of those facilities, including streets, gutters, conduits, natural or artificial drains, channels, and watercourses that are used for the purpose of collecting, storing, transporting or disposing of stormwater and are located within the [CITY NAME].

**Storm Water or Stormwater** means water that originates from atmospheric moisture (rain or snow) and that falls onto land, water, or other surfaces. Without any change in its meaning, this term may be spelled or written as one word or two separate words.

**Stormwater Runoff** means that part of precipitation (rainfall or snowmelt) which travels across a surface to the storm drain system or receiving waters.

**SUSMP** means the Los Angeles Countywide Standard Urban Stormwater Mitigation Plan. The SUSMP was required as part of the previous Municipal NPDES Permit (Order No. 01-182, NPDES No. CAS004001) and required plans that designate best management practices (BMPs) that must be used in specified categories of development projects.

**Urban Runoff** means surface water flow produced by storm and non-storm events. Non-storm events include flow from residential, commercial, or industrial activities involving the use of potable and non-potable water.

[MUNICIPAL CODE SECTION REFERENCE(S)] is amended to read as follows:

#### **SEC. [X]. STORMWATER POLLUTION CONTROL MEASURES FOR DEVELOPMENT PLANNING AND CONSTRUCTION ACTIVITIES**

(A) **Objective.** The provisions of this section contain requirements for construction activities and facility operations of Development and Redevelopment projects to comply with the current "Municipal NPDES permit," lessen the water quality impacts of development by using smart growth practices, and integrate LID design principles to mimic predevelopment hydrology through infiltration, evapotranspiration and rainfall harvest and use. LID shall be inclusive of previously adopted SUSMP requirements.

(B) **Scope.** This Section contains requirements for stormwater pollution control measures in Development and Redevelopment projects and authorizes the ~~[CITY NAME]~~City of Duarte to further define and adopt stormwater pollution control measures, to develop LID principles and requirements, including but not limited to the objectives and specifications for integration of LID strategies, and to grant waivers or alternate compliance as allowed by the Municipal NPDES permit and collect fees from projects granted exceptions. . Except as otherwise provided herein, the ~~[CITY NAME]~~City of Duarte shall administer, implement and enforce the provisions of this Section. Guidance documents supporting implementation of requirements in this Ordinance are hereby incorporated by reference, including SUSMP and LID Manuals.

(C) **Applicability.** The following Development and Redevelopment projects, termed "Planning Priority Projects," shall comply with the requirements of [SECTION NUMBER]:

- (1) All development projects equal to 1 acre or greater of disturbed area that adds more than 10,000 square feet of impervious surface area.
- (2) Industrial parks 10,000 square feet or more of surface area.
- (3) Commercial malls 10,000 square feet or more of surface area.
- (4) Retail gasoline outlets with 5,000 square feet or more of surface area.
- (5) Restaurants (Standard Industrial Classification (SIC) of 5812) with 5,000 square feet or more of surface area.
- (6) Parking lots with 5,000 square feet or more of impervious surface area, or with 25 or more parking spaces.
- (7) Streets and roads construction of 10,000 square feet or more of impervious surface area.
- (8) Automotive service facilities (Standard Industrial Classification (SIC) of 5013, 5014, 5511, 5541, 7532-7534 and 7536-7539) 5,000 square feet or more of surface area.



- (9) Projects located in or directly adjacent to, or discharging directly to an Environmentally Sensitive Area (ESA), where the development will:
- a. Discharge stormwater runoff that is likely to impact a sensitive biological species or habitat; and
  - b. Create 2,500 square feet or more of impervious surface area

(10) Single-family hillside homes.

(11) Redevelopment Projects

- a. Land disturbing activity that results in the creation or addition or replacement of 5,000 square feet or more of impervious surface area on an already developed site on Planning Priority Project categories.
- b. Where Redevelopment results in an alteration to more than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction stormwater quality control requirements, the entire project must be mitigated.
- c. Where Redevelopment results in an alteration of less than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction stormwater quality control requirements, only the alteration must be mitigated, and not the entire development.
- d. Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety. Impervious surface replacement, such as the reconstruction of parking lots and roadways which does not disturb additional area and maintains the original grade and alignment, is considered a routine maintenance activity. Redevelopment does not include the repaving of existing roads to maintain original line and grade.
- e. Existing single-family dwelling and accessory structures are exempt from the Redevelopment requirements unless such projects create, add, or replace 10,000 square feet of impervious surface area.

(12) Any other project as deemed appropriate by the Director.

**(D) Effective Date.** The Planning and Land Development requirements contained in this Ordinance shall become effective XX days from the adoption of the Ordinance. This includes Planning Priority Projects that are discretionary permit projects or project phases that have not been deemed complete for processing, or discretionary permit projects without vesting tentative maps that have not requested and received an extension of previously granted approvals within 90 days of adoption of the Ordinance. Projects that have been deemed complete within 90 days of adoption of the Ordinance are not subject to the requirements of this Chapter.

**(E) Stormwater Pollution Control Requirements.** The Site for every Planning Priority Project shall be designed to control pollutants, pollutant loads, and runoff volume to the maximum extent feasible by minimizing impervious surface area and controlling runoff from impervious surfaces through infiltration, evapotranspiration, bioretention and/or rainfall harvest and use.

(1) A new single-family hillside home development shall include mitigation measures to:

- a. Conserve natural areas;
- b. Protect slopes and channels;
- c. Provide storm drain system stenciling and signage;
- d. Divert roof runoff to vegetated areas before discharge unless the diversion would result in slope instability; and
- e. Direct surface flow to vegetated areas before discharge, unless the diversion would result in slope instability.

(2) Street and road construction of 10,000 square feet or more of impervious surface shall follow USEPA guidance regarding Managing Wet Weather with Green Infrastructure: Green Streets (December 2008 EPA-833-F-08-009) to the maximum extent practicable.

(3) The remainder of Planning Priority Projects shall prepare a LID Plan to comply with the following:

- a. Retain stormwater runoff onsite for the Stormwater Quality Design Volume (SWQDV) defined as the runoff from:
  - i. The 85th percentile 24-hour runoff event as determined from the Los Angeles County 85th percentile precipitation isohyetal map; or

- ii. The volume of runoff produced from a 0.75 inch, 24-hour rain event, whichever is greater.
- b. Minimize hydromodification impacts to natural drainage systems as defined in the Municipal NPDES Permit. Hydromodification requirements are further specified in [NAME OF POST-CONSTRUCTION BMP HANDBOOK].
- c. When, as determined by the [APPROVING AGENCY], 100 percent onsite retention of the SWQDV is technically infeasible, partially or fully, the infeasibility shall be demonstrated in the submitted LID Plan. The technical infeasibility may result from conditions that may include, but are not limited to:
  - i. The infiltration rate of saturated in-situ soils is less than 0.3 inch per hour and it is not technically feasible to amend the in-situ soils to attain an infiltration rate necessary to achieve reliable performance of infiltration or bioretention BMPs in retaining the SWQDV onsite.
  - ii. Locations where seasonal high groundwater is within five to ten feet of surface grade;
  - iii. Locations within 100 feet of a groundwater well used for drinking water;
  - iv. Brownfield development sites or other locations where pollutant mobilization is a documented concern;
  - v. Locations with potential geotechnical hazards;
  - vi. Smart growth and infill or redevelopment locations where the density and/or nature of the project would create significant difficulty for compliance with the onsite volume retention requirement.
- d. If partial or complete onsite retention is technically infeasible, the project Site may biofiltrate 1.5 times the portion of the remaining SWQDV that is not reliably retained onsite. Biofiltration BMPs must adhere to the design specifications provided in the Municipal NPDES Permit.
  - i. Additional alternative compliance options such as offsite infiltration may be available to the project Site. The project Site should contact the [APPROVING AGENCY] to determine eligibility. Alternative compliance options are further specified in [NAME OF POST-CONSTRUCTION BMP HANDBOOK].

- e. The remaining SWQDv that cannot be retained or biofiltered onsite must be treated onsite to reduce pollutant loading. BMPs must be selected and designed to meet pollutant-specific benchmarks as required per the Municipal NPDES Permit. Flow-through BMPs may be used to treat the remaining SWQDv and must be sized based on a rainfall intensity of:
  - i. 0.2 inches per hour, or
  - ii. The one year, one-hour rainfall intensity as determined from the most recent Los Angeles County isohyetal map, whichever is greater.
- f. A Multi-Phased Project may comply with the standards and requirements of this section for all of its phases by: (a) designing a system acceptable to the [APPROVING AGENCY] to satisfy these standards and requirements for the entire Site during the first phase, and (b) implementing these standards and requirements for each phase of Development or Redevelopment of the Site during the first phase or prior to commencement of construction of a later phase, to the extent necessary to treat the stormwater from such later phase. For purposes of this section, "Multi-Phased Project" shall mean any Planning Priority Project implemented over more than one phase and the Site of a Multi-Phased Project shall include any land and water area designed and used to store, treat or manage stormwater runoff in connection with the Development or Redevelopment, including any tracts, lots, or parcels of real property, whether Developed or not, associated with, functionally connected to, or under common ownership or control with such Development or Redevelopment.

(E) **Other Agencies of the [CITY-NAME]City of Duarte.** All [CITY-NAME]City of Duarte departments, offices, entities and agencies, shall establish administrative procedures necessary to implement the provisions of this Article on their Development and Redevelopment projects and report their activities annually to the [RESPONSIBLE AGENCY].

(F) **Validity.** If any provision of this Ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect remaining provisions of this Ordinance are declared to be severable.

(G) **Certification.** The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy.

I hereby certify that this ordinance was passed by the Council of the [CITY-NAME]City of Duarte, at its meeting of \_\_\_\_\_.

[NAME], City Clerk

By \_\_\_\_\_

Deputy

Approved \_\_\_\_\_

Mayor

Approved as to Form and Legality  
[NAME], City Attorney

By \_\_\_\_\_  
[NAME]  
Deputy City Attorney

Date \_\_\_\_\_

File No. \_\_\_\_\_

DRAFT



## MEMORANDUM

**To:** MS4 NPDES Permit File

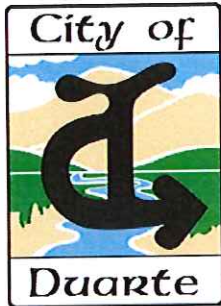
**From:** Rafael Casillas, P.E., Public Works Manager

**Date:** June 26, 2013

**Subject:** Draft Low Impact Development Ordinance and Draft Green Streets Policy

The Director of Community Development, City Engineer and Public Works Manager reviewed and discussed the template Draft Low Impact Development (LID) Ordinance and Draft Green Streets Policy that was developed by Larry Walker and Associates on behalf of the Los Angeles Permit Group. The Los Angeles Permit Group members are seeking clarification from the Regional Board staff on the deadline for applicability and final Ordinance and Policy adoption. The proposed LID Ordinance and Green Streets Policy implementation will be incorporated into the Municipal Code.





# City of Duarte

1600 Huntington Drive, Duarte, CA 91010 - (626) 337-7931 - FAX (626) 338-0018

## Green Street Policy (DRAFT)

### Purpose

The City of Duarte Department of Community Development shall implement green street BMPs for transportation corridors as part of new and redeveloped street and roadway projects, including Capital Improvement projects, to demonstrate compliance with the NPDES MS4 Permit for the Los Angeles River (No. R4-2012-0175).

Green streets are an amenity that provides many benefits including water quality improvement, groundwater replenishment, creation of attractive streetscapes, creation of parks and wildlife habitats, and pedestrian and bicycle access. Green streets are defined as right-of-way areas that incorporate infiltration, biofiltration, and other BMPs to collect, retain, or detain stormwater runoff as well as create attractive streetscapes.

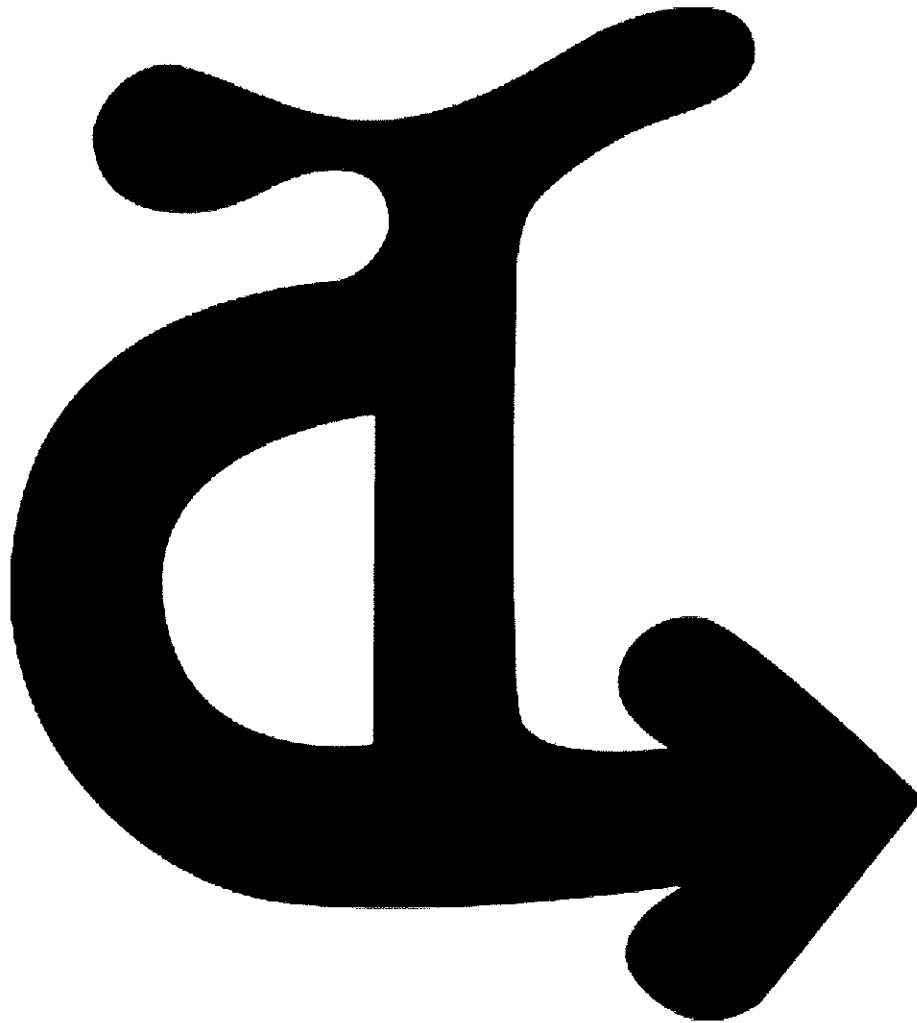
### Policy

- A. Application. The Department of Community Development shall require new development and/or redeveloped streets and roadway projects and CIP projects conducted within the right-of-way of transportation corridors to implement green street BMPs. Transportation corridors projects and roadway projects that cover at least 10,000 square feet of impervious surface. Routine maintenance or repair of utility projects are excluded from these requirements. Maintenance including sealcoating, repaving, and reconstruction of the road or street within the original line and width shall be maintained.
- B. Amenities. The Department of Community Development shall provide opportunities to replenish groundwater, create wildlife habitats, and provide pedestrian and bicycle access in the redevelopment of streets and roadway projects and CIPs.
- C. Guidance. The Department of Community Development shall use the City of Los Angeles Green Streets guidance, USEPA's *Managing Wet Weather with Green Infrastructure Municipal Handbook: Green Streets*<sup>1</sup>, or equivalent guidance developed by the Department of Community Development for use in public and private developments.
- D. Retrofit Scope. The Department of Community Development shall use the City's Watershed Management Program or Enhanced Watershed Management Program to identify opportunities

<sup>1</sup> EPA-833-F-08-009, December 2008.

for green street BMP retrofits. Final decisions regarding implementation will be determined by the City Engineer based on the availability of adequate funding.

- E. Training. The Department of Community Development shall incorporate aspects of green streets into internal annual staff trainings.





## CITY OF MONROVIA

File No. X.XX  
Administrative Policy

Subject: GREEN STREETS POLICY **(DRAFT)**

Effective Date: **TBD**

### I. POLICY OBJECTIVE

The City of Monrovia provides that the City of Monrovia shall *require the implementation of* green street BMPs for transportation corridors associated with new and redevelopment streets, shall implement green street BMPs for transportation corridors associated with roadway projects, including Capital Improvement Projects (CIPs). This policy is enacted to demonstrate compliance with the NPDES MS4 Permit for the Los Angeles Region (Order No. R4-2012-0175).

Green streets are an amenity that provides many benefits including water quality improvement, groundwater replenishment, creation of attractive streetscapes, creation of parks and wildlife habitats, and pedestrian and bicycle accessibility. Green streets are defined as right-of-way areas that incorporate infiltration, biofiltration, and/or storage and use BMPs to collect, retain, or detain stormwater runoff as well as a design element that creates attractive streetscapes.

### II. AUTHORITY

Green Streets Policy as adopted by the City Council

### III. ASSIGNED RESPONSIBILITIES



The *Department of Public Works* shall condition projects pertaining to new and redevelopment of transportation corridors to implement green street BMPs. These project conditional shall apply to privately developed new and redevelopment streets. Additionally, the Department of Public Works shall ensure that green street BMPs for transportation corridors associated with roadway projects, including Capital Improvement Projects (CIPs), are implemented.

#### IV. APPLICABILITY

##### ***TBD***

The Department of Public Works shall require new development and/or redevelopment streets and roadway projects and CIP projects conducted within the right-of-way of transportation corridors to incorporate green street BMPs. Transportation corridors projects are *major arterials as defined in the City's General Plan* which add at least 10,000 square feet of impervious surface. Routine maintenance or repair and linear utility projects are excluded from these requirements. Routine maintenance includes slurry seals, repaving, and reconstruction of the road or street where the original line and grade are maintained.

#### V. POLICY

- A. The *Department of Public Works* shall consider opportunities to replenish groundwater, create attractive streetscapes, create parks and wildlife habitats, and provide pedestrian and bicycle accessibility through new development and redevelopment of streets and roadway projects and CIPs.
- B. The *Department of Public Works and Department of Community Development* shall use the City of Los Angeles Green Streets guidance, USEPA's *Managing Wet Weather with Green Infrastructure Municipal Handbook: Green Streets*<sup>1</sup>, or equivalent guidance developed by the City] for use in public and private developments.
- C. The *Department of Public Works and Department of Community* shall use the City's Watershed Management Program or Enhanced Watershed Management Program to identify opportunities for green street BMP retrofits. Final decisions regarding implementation will be determined by the *Director of Public Works* based on the availability of adequate funding.
- D. The *Department of Public Works* shall incorporate aspects of green streets into internal annual staff trainings.

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<sup>1</sup> EPA-833-F-08-009, December 2008.



## DRAFT

*\*Items highlighted in grey are optional clauses*

### ORDINANCE NO. 201X-XX

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
MONROVIA, CALIFORNIA AMENDING CHAPTER 12.36 OF TITLE  
12 (STORMWATER AND URBAN RUNOFF POLLUTION  
CONTROL) OF THE MONROVIA MUNICIPAL CODE  
ESTABLISHING LOW IMPACT DEVELOPMENT REQUIREMENTS  
FOR NEW AND REDEVELOPED PROPERTIES**

**THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA** does ordain as follows:

**SECTION 1.** Chapter 12.36 of Title 12 of the Monrovia Municipal Code is hereby amended by adding the following findings to Sections 12.36.020 as follows:

(H) The City of Monrovia is authorized by Article XI, §5 and §7 of the State Constitution to exercise the police power of the State by adopting regulations to promote public health, public safety and general prosperity.

(I) The City of Monrovia has authority under the California Water Code to adopt and enforce ordinances imposing conditions, restrictions and limitations with respect to any activity which might degrade the quality of waters of the State.

(J) The city is a permittee under the "Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County, Except those Discharges Originating from the City of Long Beach MS4," issued by the California Regional Water Quality Control Board--Los Angeles Region," (Order



No. R4-2012-0175) which also serves as an NPDES Permit under the Federal Clean Water Act (NPDES No. CAS004001), as well as Waste Discharge Requirements under California law (the "Municipal NPDES permit"). In order to participate in a Watershed Management Program and/or Enhanced Watershed Management Program, the Municipal NPDES permit requires permittees to develop and implement a LID Ordinance.

(K) The City of Monrovia has applied an integrated approach to incorporate wastewater, stormwater and runoff, and recycled water management into a single strategy through its Integrated Resources Plan.

(L) The City of Monrovia is committed to a stormwater management program that protects water quality and water supply by employing watershed-based approaches that balance environmental, social, and economic considerations.

(M) Urbanization has led to increased impervious surface areas resulting in increased water runoff causing the transport of pollutants to downstream receiving waters.

(N) The City of Monrovia needs to take a new approach to managing rainwater and urban runoff while mitigating the negative impacts of development and urbanization.

(O) LID is widely recognized as a sensible approach to managing the quantity and quality of storm water and non-stormwater runoff by setting standards and practices to maintain or restore the natural hydrologic character of a development site, reduce off-site runoff, improve water quality, and provide groundwater recharge.

(P) It is the intent of the City of Monrovia to replace the existing Standard Urban Stormwater Mitigation Plan (SUSMP) requirements by providing stormwater and rainwater LID strategies for Development and Redevelopment projects as defined under "Applicability." Where there are conflicts between this Ordinance and previously adopted SUSMP or LID Manuals, the standards in this Ordinance shall prevail.

**SECTION 2.** Chapter 12.36 of Title 12 of the Monrovia Municipal Code is hereby amended by amending the following definitions to Sections 12.36.040 as follows:

Except as specifically provided herein, any term used in this [SECTION REFERENCE] shall be defined as that term in the current Municipal NPDES permit, or if it is not specifically defined in either the Municipal NPDES permit, then as such term is defined in the Federal Clean Water Act, as amended, and/or the regulations promulgated thereunder. If the definition of any term contained in this chapter conflicts with the definition of the same term in the current Municipal NPDES permit, then the definition contained in the Municipal NPDES permit shall govern. The following words and phrases shall have the following meanings when used in this chapter:

**AUTOMOTIVE SERVICE FACILITY.** A facility that is categorized in any one of the following Standard Industrial Classification (SIC) and North American Industry Classification System (NAICS) codes. For inspection purposes, Permittees need not inspect facilities with SIC codes 5013, 5014, 5541, 5511, provided that these facilities have no outside activities or materials that may be exposed to stormwater (Source: Order No. R4-2012-0175).

**BEST MANAGEMENT PRACTICE (BMP).** Practices or physical devices or systems designed to prevent or reduce pollutant loading from stormwater or non-stormwater discharges to receiving waters, or designed to reduce the volume of stormwater or non-stormwater discharged to the receiving water (Source: Order No. R4-2012-0175).



**REPLACE "CONSTRUCTION" WITH "CONSTRUCTION ACTIVITY".** Any construction or demolition activity, clearing, grading, grubbing, or excavation or any other activity that result in land disturbance. Construction does not include emergency construction activities required to immediately protect public health and safety or routine maintenance activities required to maintain the integrity of structures by performing minor repair and restoration work, maintain the original line and grade, hydraulic capacity, or original purposes of the facility. See "Routine Maintenance" definition for further explanation. Where clearing, grading or excavating of underlying soil takes place during a repaving operation, State General Construction Permit coverage by the State of California General Permit for Storm Water Discharges Associated with Industrial Activities or for Stormwater Discharges Associated with Construction Activities is required if more than one acre is disturbed or the activities are part of a larger plan (Source: Order No. R4-2012-0175).

**POLLUTANT.** Any "pollutant" defined in Section 502(6) of the Federal Clean Water Act or incorporated into the California Water Code Sec. 13373. Pollutants may include, but are not limited to the following:

- (1) Commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash, and sludge).
- (2) Metals (such as cadmium, lead, zinc, copper, silver, nickel, chromium, and non- metals such as phosphorus and arsenic).
- (3) Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants, and grease).
- (4) Excessive eroded soil, sediment, and particulate materials in amounts that may adversely affect the beneficial use of the receiving waters, flora, or fauna of the State.
- (5) Animal wastes (such as discharge from confinement facilities, kennels, pens, recreational facilities, stables, and show facilities).
- (6) Substances having characteristics such as pH less than 6 or greater than 9, or unusual coloration or turbidity, or excessive levels of fecal coliform, or fecal streptococcus, or enterococcus.

(7) ??? Need to check on revision to #7

**DEVELOPMENT.** Construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail, and other non-residential projects, including public agency projects; or mass grading for future construction. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety (Source: Order No. R4-2012-0175).

**DISCHARGE.** Any release, spill, leak, pump, flow, escape, dumping, or disposal of any liquid, semi-solid, or solid substance.



**PLANNING PRIORITY PROJECTS.** Development projects subject to Permittee conditioning and approval for the design and implementation of post-construction controls to mitigate stormwater pollution, prior to completion of the project(s) (Modified from: Order No. R4-2012-0175).

**PROJECT.** All development, redevelopment, and land disturbing activities. The term is not limited to "Project" as defined under CEQA (Pub. Resources Code §21065) (Source: Order No. R4-2012-0175).

**REDEVELOPMENT.** Land-disturbing activity that results in the creation, addition, or replacement of 5,000 square feet or more of impervious surface area on an already developed site. Redevelopment includes, but is not limited to: the expansion of a building footprint; addition or replacement of a structure; replacement of impervious surface area that is not part of routine maintenance activity; and land disturbing activity related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety (Source: Order No. R4-2012-0175).

**STANDARD URBAN STORM WATER MITIGATION PLAN OR SUSMP.** The Los Angeles Countywide Standard Urban Stormwater Mitigation Plan. The SUSMP was required as part of the previous Municipal NPDES Permit (Order No. 01-182, NPDES No. CAS004001) and required plans that designate best management practices (BMPs) that must be used in specified categories of development projects.

**URBAN RUNOFF.** Surface water flow produced by storm and non-storm events. Non-storm events include flow from residential, commercial, or industrial activities involving the use of potable and non-potable water.

**STORMWATER RUNOFF.** That part of precipitation (rainfall or snowmelt) which travels across a surface to the storm drain system or receiving waters.

**SECTION 3.** Chapter 12.36 of Title 12 of the Monrovia Municipal Code is hereby amended by adding the following definitions to Sections 12.36.040 as follows:

**BASIN PLAN.** The Water Quality Control Plan, Los Angeles Region, Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties, adopted by the Regional Water Board on June 13, 1994 and subsequent amendments (Source: Order No. R4-2012-0175).

**BIOFILTRATION.** A LID BMP that reduces stormwater pollutant discharges by intercepting rainfall on vegetative canopy, and through incidental infiltration and/or evapotranspiration, and filtration. Incidental infiltration is an important factor in achieving the required pollutant load reduction. Therefore, the term "biofiltration" as used in this Ordinance is defined to include only systems designed to facilitate incidental infiltration or achieve the equivalent pollutant reduction as biofiltration BMPs with an underdrain (subject to approval by the Regional Board's Executive Officer). Biofiltration BMPs include bioretention systems with an underdrain and bioswales (Modified from: Order No. R4-2012-0175).

**BIORETENTION.** A LID BMP that reduces stormwater runoff by intercepting rainfall on vegetative canopy, and through evapotranspiration and infiltration. The bioretention system typically includes a minimum 2-foot top layer of a specified soil and compost mixture underlain by a gravel-filled temporary storage pit dug into the in-situ soil. As defined in the Municipal

**BIOSWALE.** A LID BMP consisting of a shallow channel lined with grass or other dense, low-growing vegetation. Bioswales are designed to collect stormwater runoff and to achieve a uniform sheet flow through the dense vegetation for a period of several minutes (Source: Order No. R4-2012-0175).

**CLEAN WATER ACT (CWA).** The Federal Water Pollution Control Act enacted in 1972, by Public Law 92-500, and amended by the Water Quality Act of 1987. The Clean Water Act prohibits the discharge of pollutants to Waters of the United States unless the discharge is in accordance with an NPDES permit.

**FLOW-THROUGH BMPS.** Modular, vault type "high flow biotreatment" devices contained within an impervious vault with an underdrain or designed with an impervious liner and an underdrain (Modified from: Order No. R4-2012-0175).

**GENERAL CONSTRUCTION ACTIVITIES STORM WATER PERMIT (GCASP).** The general NPDES permit adopted by the State Board which authorizes the discharge of stormwater from construction activities under certain conditions.

**GENERAL INDUSTRIAL ACTIVITIES STORM WATER PERMIT (GIASP).** The general NPDES permit adopted by the State Board which authorizes the discharge of stormwater from certain industrial activities under certain conditions.

5



provide capacity within the pore space volume to contain the design storm depth and may not be designed or constructed with an underdrain (Source: Order No. R4-2012-0175).

**HAZARDOUS MATERIAL(S).** Any material(s) defined as hazardous by Division 20, Chapter 6.95 of the California Health and Safety Code.

~~**Hillside** means a property located in an area with known erosive soil conditions, where the development contemplates grading on any natural slope that is 25% or greater and where grading contemplates cut or fill slopes (Source: Order No. R4-2012-0175).~~

**HYDROMODIFICATION.** The alteration of the hydrologic characteristics of coastal and non-coastal waters, which in turn could cause degradation of water resources. Hydromodification can cause excessive erosion and/or sedimentation rates, causing excessive turbidity, channel aggradation and/or degradation. (Source: GCASP)

**IMPERVIOUS SURFACE.** Any man-made or modified surface that prevents or significantly reduces the entry of water into the underlying soil, resulting in runoff from the surface in greater quantities and/or at an increased rate, when compared to natural conditions prior to development. Examples of places that commonly exhibit impervious surfaces include parking lots, driveways, roadways, storage areas, and rooftops. The imperviousness of these areas commonly results from paving, compacted gravel, compacted earth, and oiled earth.

**INDUSTRIAL PARK.** Land development that is set aside for industrial development. Industrial parks are usually located close to transport facilities, especially where more than one transport modalities coincide: highways, railroads, airports, and navigable rivers. It includes office parks, which have offices and light industry (Source: Order No. R4-2012-0175).

**INFILTRATION BMP.** A LID BMP that reduces stormwater runoff by capturing and infiltrating the runoff into in-situ soils or amended onsite soils. Examples of infiltration BMPs include infiltration basins, dry wells, and pervious pavement (Source: Order No. R4-2012-0175).

**LID.** Low Impact Development. LID consists of building and landscape features designed to retain or filter stormwater runoff (Source: Order No. R4-2012-0175).

**MS4.** Municipal Separate Storm Sewer System (MS4). The MS4 is a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

- (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
- (ii) Designed or used for collecting or conveying stormwater;
- (iii) Which is not a combined sewer; and

- (40 CFR § 122.26(b)(8)) (Source: Order No. R4-2012-0175)

**NATURAL DRAINAGE SYSTEM.** A drainage system that has not been improved (e.g., channelized or armored). The clearing or dredging of a natural drainage system does not cause the system to be classified as an improved drainage system (Source: Order No. R4-2012-0175).

**PERSON.** Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, state, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

**RAINFALL HARVEST AND USE.** A LID BMP system designed to capture runoff, typically from a roof but can also include runoff capture from elsewhere within the site, and to provide for temporary storage until the harvested water can be used for irrigation or non-potable uses. The harvested water may also be used for potable water uses if the system includes disinfection treatment and is approved for such use by the local building department (Source: Order No. R4-2012-0175).

**RECEIVING WATER.** "Water of the United States" into which waste and/or pollutants are or may be discharged (Source: Order No. R4-2012-0175).

~~**Regional Board** means the California Regional Water Quality Control Board, Los Angeles Region.~~

~~**Restaurant** means a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC Code 5812) (Source: Order No. R4-2012-0175).~~

~~**Retail Gasoline Outlet** means any facility engaged in selling gasoline and lubricating oils (Source: Order No. R4 2012 0175).~~



**ROUTINE MAINTENANCE.** Routine maintenance projects include, but are not limited to projects conducted to:

1. Maintain the original line and grade, hydraulic capacity, or original purpose of the facility.
2. Perform as needed restoration work to preserve the original design grade, integrity and hydraulic capacity of flood control facilities.
3. Includes road shoulder work, regrading dirt or gravel roadways and shoulders and performing ditch cleanouts.
4. Update existing lines\* and facilities to comply with applicable codes, standards, and regulations regardless if such projects result in increased capacity.
5. Repair leaks

Routine maintenance does not include construction of new\*\* lines or facilities resulting from compliance with applicable codes, standards and regulations.

\* Update existing lines includes replacing existing lines with new materials or pipes.

\*\* New lines are those that are not associated with existing facilities and are not part of a project to update or replace existing lines (Source: Order No. R4-2012-0175).

**SIGNIFICANT ECOLOGICAL AREAS (SEAS).** An area that is determined to possess an example of biotic resources that cumulatively represent biological diversity, for the purposes of protecting biotic diversity, as part of the Los Angeles County General Plan. Areas are designated as SEAs, if they possess one or more of the following criteria:

1. The habitat of rare, endangered, and threatened plant and animal species.
2. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind, or are restricted in distribution on a regional basis.
3. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind or are restricted in distribution in Los Angeles County.
4. Habitat that at some point in the life cycle of a species or group of species, serves as a concentrated breeding, feeding, resting, migrating grounds and is limited in availability either regionally or within Los Angeles County.
5. Biotic resources that are of scientific interest because they are either an extreme in physical/geographical limitations, or represent an unusual variation in a population or community.
6. Areas important as game species habitat or as fisheries.
7. Areas that would provide for the preservation of relatively undisturbed examples of natural biotic communities in Los Angeles County.
8. Special areas (Source: Order No. R4-2012-0175).



~~Site means land or water area where any "facility or activity" is physically located or conducted, including adjacent land used in connection with the facility or activity (Source: Order No. R4-2012-0175).~~

**STORM DRAIN SYSTEM.** Any facilities or any part of those facilities, including streets, gutters, conduits, natural or artificial drains, channels, and watercourses that are used for the purpose of collecting, storing, transporting or disposing of stormwater and are located within the City of Monrovia.

**STORM WATER OR STORMWATER.** Water that originates from atmospheric moisture (rain or snow) and that falls onto land, water, or other surfaces. Without any change in its meaning, this term may be spelled or written as one word or two separate words.

**SECTION 4.** Chapter 12.36 of Title 12 of the Monrovia Municipal Code is hereby amended by adding a new Section 12.36.XXX:

**"12.36.XXX. STORMWATER POLLUTION CONTROL MEASURES FOR DEVELOPMENT PLANNING AND CONSTRUCTION ACTIVITIES**

(A) **Objective.** The provisions of this section contain requirements for construction activities and facility operations of Development and Redevelopment projects to comply with the current "Municipal NPDES permit," lessen the water quality impacts of development by using smart growth practices, and integrate LID design principles to mimic predevelopment hydrology through infiltration, evapotranspiration and rainfall harvest and use. LID shall be inclusive of previously adopted SUSMP requirements.

(B) **Scope.** This Section contains requirements for stormwater pollution control measures in Development and Redevelopment projects and authorizes the City of Monrovia to further define and adopt stormwater pollution control measures, to develop LID principles and requirements, including but not limited to the objectives and specifications for integration of LID strategies, and to grant waivers or alternate compliance as allowed by the Municipal NPDES permit and collect fees from projects granted exceptions. . Except as otherwise provided herein, the City of Monrovia shall administer, implement and enforce the provisions of this Section. Guidance documents supporting implementation of requirements in this Ordinance are hereby incorporated by reference, including SUSMP and LID Manuals.

(C) **Applicability.** The following Development and Redevelopment projects, termed "Planning Priority Projects," shall comply with the requirements of [SECTION NUMBER]:

- (1) All development projects equal to 1 acre or greater of disturbed area that adds more than 10,000 square feet of impervious surface area.
- (2) Industrial parks 10,000 square feet or more of surface area.
- (3) Commercial malls 10,000 square feet or more of surface area.
- (4) Retail gasoline outlets with 5,000 square feet or more of surface area.
- (5) Restaurants (Standard Industrial Classification (SIC) of 5812) with 5,000 square feet or more of surface area.

- (6) Parking lots with 5,000 square feet or more of impervious surface area, or with 25 or more parking spaces.
- (7) Streets and roads construction of 10,000 square feet or more of impervious surface area.
- (8) Automotive service facilities (Standard Industrial Classification (SIC) of 5013, 5014, 5511, 5541, 7532-7534 and 7536-7539) 5,000 square feet or more of surface area.
- (9) Projects located in or directly adjacent to, or discharging directly to an Environmentally Sensitive Area (ESA), where the development will:
  - a. Discharge stormwater runoff that is likely to impact a sensitive biological species or habitat; and
  - b. Create 2,500 square feet or more of impervious surface area
- (10) Single-family hillside homes.
- (11) Redevelopment Projects
  - a. Land disturbing activity that results in the creation or addition or replacement of 5,000 square feet or more of impervious surface area on an already developed site on Planning Priority Project categories.
  - b. Where Redevelopment results in an alteration to more than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction stormwater quality control requirements, the entire project must be mitigated.
  - c. Where Redevelopment results in an alteration of less than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction stormwater quality control requirements, only the alteration must be mitigated, and not the entire development.
  - d. Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety. Impervious surface replacement, such as the reconstruction of parking lots and roadways which does not disturb additional area and maintains the original grade and alignment, is considered a routine maintenance activity. Redevelopment does not include the repaving of existing roads to maintain original line and grade.
  - e. Existing single-family dwelling and accessory structures are exempt from the Redevelopment requirements unless such projects create, add, or replace 10,000 square feet of impervious surface area.



(12) Any other project as deemed appropriate by the Director.

(D) **Effective Date.** The Planning and Land Development requirements contained in this Ordinance shall become effective **XX** days from the adoption of the Ordinance. This includes Planning Priority Projects that are discretionary permit projects or project phases that have not been deemed complete for processing, or discretionary permit projects without vesting tentative maps that have not requested and received an extension of previously granted approvals within 90 days of adoption of the Ordinance. Projects that have been deemed complete within 90 days of adoption of the Ordinance are not subject to the requirements of this Chapter.

(E) **Stormwater Pollution Control Requirements.** The Site for every Planning Priority Project shall be designed to control pollutants, pollutant loads, and runoff volume to the maximum extent feasible by minimizing impervious surface area and controlling runoff from impervious surfaces through infiltration, evapotranspiration, bioretention and/or rainfall harvest and use.

(1) A new single-family hillside home development shall include mitigation measures to:

- a. Conserve natural areas;
- b. Protect slopes and channels;
- c. Provide storm drain system stenciling and signage;
- d. Divert roof runoff to vegetated areas before discharge unless the diversion would result in slope instability; and
- e. Direct surface flow to vegetated areas before discharge, unless the diversion would result in slope instability.

(2) Street and road construction of 10,000 square feet or more of impervious surface shall follow USEPA guidance regarding Managing Wet Weather with Green Infrastructure: Green Streets (December 2008 EPA-833-F-08-009) to the maximum extent practicable.

(3) The remainder of Planning Priority Projects shall prepare a LID Plan to comply with the following:

- a. Retain stormwater runoff onsite for the Stormwater Quality Design Volume (SWQDV) defined as the runoff from:
  - i. The 85th percentile 24-hour runoff event as determined from the Los Angeles County 85th percentile precipitation isohyetal map; or
  - ii. The volume of runoff produced from a 0.75 inch, 24-hour rain event, whichever is greater.

- b. Minimize hydromodification impacts to natural drainage systems as defined in the Municipal NPDES Permit. Hydromodification requirements are further specified in [NAME OF POST-CONSTRUCTION BMP HANDBOOK].
- c. When, as determined by the [APPROVING AGENCY], 100 percent onsite retention of the SWQDV is technically infeasible, partially or fully, the infeasibility shall be demonstrated in the submitted LID Plan. The technical infeasibility may result from conditions that may include, but are not limited to:
  - i. The infiltration rate of saturated in-situ soils is less than 0.3 inch per hour and it is not technically feasible to amend the in-situ soils to attain an infiltration rate necessary to achieve reliable performance of infiltration or bioretention BMPs in retaining the SWQDV onsite.
  - ii. Locations where seasonal high groundwater is within five to ten feet of surface grade;
  - iii. Locations within 100 feet of a groundwater well used for drinking water;
  - iv. Brownfield development sites or other locations where pollutant mobilization is a documented concern;
  - v. Locations with potential geotechnical hazards;
  - vi. Smart growth and infill or redevelopment locations where the density and/ or nature of the project would create significant difficulty for compliance with the onsite volume retention requirement.
- d. If partial or complete onsite retention is technically infeasible, the project Site may biofilter 1.5 times the portion of the remaining SWQDV that is not reliably retained onsite. Biofiltration BMPs must adhere to the design specifications provided in the Municipal NPDES Permit.
  - i. Additional alternative compliance options such as offsite infiltration may be available to the project Site. The project Site should contact the [APPROVING AGENCY] to determine eligibility. Alternative compliance options are further specified in [NAME OF POST-CONSTRUCTION BMP HANDBOOK].
- e. The remaining SWQDV that cannot be retained or biofiltered onsite must be treated onsite to reduce pollutant loading. BMPs must be selected and designed to meet pollutant-specific benchmarks as required per the Municipal NPDES Permit. Flow-through BMPs may be used to treat the remaining SWQDV and must be sized based on a rainfall intensity of:
  - i. 0.2 inches per hour, or
  - ii. The one year, one-hour rainfall intensity as determined from the most recent Los Angeles County isohyetal map, whichever is greater.



- f. A Multi-Phased Project may comply with the standards and requirements of this section for all of its phases by: (a) designing a system acceptable to the [APPROVING AGENCY] to satisfy these standards and requirements for the entire Site during the first phase, and (b) implementing these standards and requirements for each phase of Development or Redevelopment of the Site during the first phase or prior to commencement of construction of a later phase, to the extent necessary to treat the stormwater from such later phase. For purposes of this section, "Multi-Phased Project" shall mean any Planning Priority Project implemented over more than one phase and the Site of a Multi-Phased Project shall include any land and water area designed and used to store, treat or manage stormwater runoff in connection with the Development or Redevelopment, including any tracts, lots, or parcels of real property, whether Developed or not, associated with, functionally connected to, or under common ownership or control with such Development or Redevelopment.
- (E) Other Agencies of the City of Monrovia. All City of Monrovia departments, offices, entities and agencies, shall establish administrative procedures necessary to implement the provisions of this Article on their Development and Redevelopment projects and report their activities annually to the [RESPONSIBLE AGENCY].
- (F) Validity. If any provision of this Ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect remaining provisions of this Ordinance are declared to be severable.

**SECTION X. Severability.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**SECTION X.** The City Clerk shall certify to the passage of this ordinance and shall cause same to be published pursuant to state law within **fifteen (15) days** after its passage, and this ordinance shall become effective **thirty (30) days** after its passage.

**INTRODUCED** this **X<sup>st</sup>** day of [MONTH] 201X.

**PASSED, APPROVED, AND ADOPTED** this **X<sup>st</sup>** day of [MONTH] 201X. by the following vote:

**AYES:**  
**NOES:**  
**ABSTAIN:**  
**EXCUSED:**

**BY:**

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\_\_\_\_\_  
Mary Ann Lutz, Mayor  
City of Monrovia

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Alice D. Atkins, CMC, City Clerk  
City of Monrovia

\_\_\_\_\_  
Craig A. Steele, City Attorney  
City of Monrovia

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES       )  
CITY OF MONROVIA               )

I, ALICE D. ATKINS, CMC, City Clerk of the City of Monrovia, California, do hereby certify that the foregoing Ordinance No. **201X-XX** authorizing the City Council to contract for residential solid waste, green waste and recyclable materials collection was duly adopted and passed at a regular meeting of the City Council on the **X**th day of **[MONTH]** **201X** by the following vote:

**AYES:**

**NOES:**

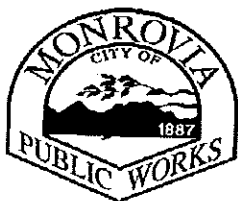
**ABSTAIN:**

**EXCUSED:**

**ATTEST:**

\_\_\_\_\_  
Alice D. Atkins, CMC, City Clerk  
City of Monrovia





**CITY OF MONROVIA**  
**INTER-OFFICE MEMORANDUM**

**DATE:** June 24, 2013  
**TO:** MS4 NPDES Permit File  
**FROM:** Heather Maloney, Senior Management Analyst  
**SUBJECT:** Draft Low Impact Development Ordinance and Draft Green Streets Policy Status

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This memo is to document that the Draft LID Ordinance and Draft Green Streets Policy have been review and discussed with key City staff. On May 7, 2013, I met with the following City Staff:

- Jun Cervantes, City Engineer
- Craig Jiminez, Planning Division Manager
- Brian O'Connor, Planning Management Analyst
- Sharon Gallant, Environmental Services Management Analyst

During the meeting, we reviewed the Template/Draft LID Ordinance and Draft Green Streets Policy language that was developed by Larry Walker and Associates on behalf of the LA Permit Group. Furthermore, we discussed a rough Final Ordinance and Policy development timeline, potential coforming changes that would need to take place in other Municipal Code/General Plan sections, CEQA review, and technical consulting and legal assistance needed.

In June 2013, the Draft LID Ordinance and Draft Green Streets Policy was also dicussed with the contract engineer utilized by the City for plan reviews. He indicated he understod the drafts and requested clarification on when they would be implemented and applicable to new/redvelopement and streets projects. I told him that I along with several other LA Permit Group members were trying to seek clarification from Regional Board staff on this guideline as the deadline for applicability and final Ordinance/Policy adoption is not clearly called out in the MS4 Permit.

The Draft LID Ordinance and Draft Green Streets Policy have also been discussed with our Director of Public Works, City Manager and City Attorney's Office on several occasions.



# *City of Sierra Madre*

*Public Works Department*

*232 W. Sierra Madre Boulevard, Sierra Madre, CA 91024*

*phone 626.355.7135 fax 626.355.2251*

## **DRAFT**

### **Draft Green Streets Policy** **6/25/2013**

#### **Green Street Policy**

##### Purpose

The City of Sierra Madre's Department of Public Works shall implement green street BMPs for transportation corridors associated with new and redevelopment street and roadway projects, including Capital Improvement Projects (CIPs). This policy is enacted to demonstrate compliance with the NPDES MS4 Permit for the Los Angeles Region (Order No. R4-2012-0175).

Green streets are an amenity that provides many benefits including water quality improvement, groundwater replenishment, creation of attractive streetscapes, creation of parks and wildlife habitats, and pedestrian and bicycle accessibility. Green streets are defined as right-of-way areas that incorporate infiltration, biofiltration, and/or storage and use BMPs to collect, retain, or detain stormwater runoff as well as a design element that creates attractive streetscapes.

##### Policy

- A. Application. The Department of Public Works shall require new development and/or redevelopment streets and roadway projects and CIP projects conducted within the right-of-way of transportation corridors to incorporate green street BMPs. Transportation corridors projects are major arterials as defined in the (add year, existing or updated ) Sierra Madre General Plan which add at least 10,000 square feet of impervious surface. Routine maintenance or repair and linear utility projects are excluded from these requirements. Routine maintenance includes slurry seals, repaving, and reconstruction of the road or street where the original line and grade are maintained.
- B. Amenities. The Department of Public Works shall consider opportunities to replenish groundwater, create attractive streetscapes, create parks and wildlife

habitats, and provide pedestrian and bicycle accessibility through new development and redevelopment of streets and roadway projects and CIPs.

- C. Guidance. The Department of Public Works shall use the City of Los Angeles Green Streets guidance, USEPA's *Managing Wet Weather with Green Infrastructure Municipal Handbook: Green Streets*<sup>1</sup>, or equivalent guidance developed by the Department of Public Works for use in public and private developments.
- D. Retrofit Scope. The Department of Public Works shall use the City's Watershed Management Program or Enhanced Watershed Management Program to identify opportunities for green street BMP retrofits. Final decisions regarding implementation will be determined by the Director of Public Works based on the availability of adequate funding.
- E. Training. The Department of Public Works shall incorporate aspects of green streets into internal annual staff trainings.

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<sup>1</sup> EPA-833-F-08-009, December 2008.



## ***City of Sierra Madre***

*Public Works Department*

*232 W. Sierra Madre Boulevard, Sierra Madre, CA 91024*

*phone 626.355.7135 fax 626.355.2251*

# **DRAFT**

### **Draft Low Impact Development Ordinance 6/25/2013**

#### **ORDINANCE NO. XX-XX**

An ordinance amending [MUNICIPAL CODE SECTION REFERENCE(S)] of the City of Sierra Madre Municipal Code to expand the applicability of the existing Sierra Madre Municipal Code sections 15.04.070 "Building Code and Permits - Stormwater retention" and Sierra Madre Municipal Code Chapter 7.04 "Stormwater Pollutant Elimination" requirements by imposing Low Impact Development (LID) strategies on projects that require building permits.

#### **Findings.**

- (A) The City of Sierra Madre is authorized by Article XI, §5 and §7 of the State Constitution to exercise the police power of the State by adopting regulations to promote public health, public safety and general prosperity.
- (B) The City of Sierra Madre has authority under the California Water Code to adopt and enforce ordinances imposing conditions, restrictions and limitations with respect to any activity which might degrade the quality of waters of the State.
- (C) The city is a permittee under the "Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County, Except those Discharges Originating from the City of Long Beach MS4," issued by the California Regional Water Quality Control Board--Los Angeles Region," (Order No. R4-2012-0175) which also serves as an NPDES Permit under the Federal Clean Water Act (NPDES No. CAS004001), as well as Waste Discharge Requirements under California law (the "Municipal NPDES permit"). In order to participate in a Watershed Management Program and/or Enhanced Watershed Management Program, the Municipal NPDES permit requires permittees to develop and implement a LID Ordinance.



- (D) The City of Sierra Madre is committed to a stormwater management program that protects water quality and water supply by employing watershed-based approaches that balance environmental and economic considerations.
- (E) Urbanization has led to increased impervious surface areas resulting in increased water runoff and less percolation to groundwater aquifers causing the transport of pollutants to downstream receiving waters.
- (F) The City of Sierra Madre seeks to update its approach to managing rainwater and urban runoff while mitigating the negative impacts of development and urbanization.
- (G) LID is widely recognized as a sensible approach to managing the quantity and quality of stormwater runoff by setting standards and practices to maintain or restore the natural hydrologic character of a development site, reduce off-site runoff, improve water quality, and provide groundwater recharge.
- (H) It is the intent of the City of Sierra Madre to expand the applicability of the existing Standard Urban Stormwater Mitigation Plan (SUSMP) requirements by providing stormwater and rainwater LID strategies for Development and Redevelopment projects as defined under "Applicability."

[MUNICIPAL CODE SECTION REFERENCE(S)] of the City of Sierra Madre Municipal Code is amended in its entirety to read as follows:

#### **Definitions.**

Except as specifically provided herein, any term used in this [SECTION REFERENCE] shall be defined as that term in the current Municipal NPDES permit, or if it is not specifically defined in either the Municipal NPDES permit, then as such term is defined in the Federal Clean Water Act, as amended, and/or the regulations promulgated thereunder. If the definition of any term contained in this chapter conflicts with the definition of the same term in the current Municipal NPDES permit, then the definition contained in the Municipal NPDES permit shall govern. The following words and phrases shall have the following meanings when used in this chapter:

**Automotive Service Facility** means a facility that is categorized in any one of the following Standard Industrial Classification (SIC) and North American Industry Classification System (NAICS) codes. For inspection purposes, Permittees need not inspect facilities with SIC codes 5013, 5014, 5541, 5511, provided that these facilities have no outside activities or materials that may be exposed to stormwater (Source: Order No. R4-2012-0175).

**Basin Plan** means the Water Quality Control Plan, Los Angeles Region, Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties, adopted by the Regional Water Board on June 13, 1994 and subsequent amendments (Source: Order No. R4-2012-0175).

**Best Management Practice (BMP)** means practices or physical devices or systems designed to prevent or reduce pollutant loading from stormwater or non-stormwater discharges to receiving waters, or designed to reduce the volume of stormwater or non-stormwater discharged to the receiving water (Source: Order No. R4-2012-0175).

**Best Management Practice (BMP) Manual** means a manual identified to assist applicants with meeting the requirements of this chapter. The BMP Manual shall be selected by the City Engineer and may be updated, or replaced from time to time when additional qualified and available specifications are produced. The BMP Manual shall be available at the Development Services and Public Works Departments for public access.

**Biofiltration** means a LID BMP that reduces stormwater pollutant discharges by intercepting rainfall on vegetative canopy, and through incidental infiltration and/or evapotranspiration, and filtration. Incidental infiltration is an important factor in achieving the required pollutant load reduction. Therefore, the term "biofiltration" as used in this Ordinance is defined to include only systems designed to facilitate incidental infiltration or achieve the equivalent pollutant reduction as biofiltration BMPs with an underdrain (subject to approval by the Regional Board's Executive Officer). Biofiltration BMPs include bioretention systems with an underdrain and bioswales (Modified from: Order No. R4-2012-0175).

**Bioretention** means a LID BMP that reduces stormwater runoff by intercepting rainfall on vegetative canopy, and through evapotranspiration and infiltration. The bioretention system typically includes a minimum 2-foot top layer of a specified soil and compost mixture underlain by a gravel-filled temporary storage pit dug into the in-situ soil. As defined in the Municipal NPDES permit, a bioretention BMP may be designed with an overflow drain, but may not include an underdrain. When a bioretention BMP is designed or constructed with an underdrain it is regulated by the Municipal NPDES permit as biofiltration (Modified from: Order No. R4-2012-0175).

**Bioswale** means a LID BMP consisting of a shallow channel lined with grass or other dense, low-growing vegetation. Bioswales are designed to collect stormwater runoff and to achieve a uniform sheet flow through the dense vegetation for a period of several minutes (Source: Order No. R4-2012-0175).

**City** means the City of Sierra Madre.

**Clean Water Act (CWA)** means the Federal Water Pollution Control Act enacted in 1972, by Public Law 92-500, and amended by the Water Quality Act of 1987. The Clean Water Act prohibits the discharge of pollutants to Waters of the United States unless the discharge is in accordance with an NPDES permit.



**Commercial Malls** means any development on private land comprised of one or more buildings forming a complex of stores which sells various merchandise, with interconnecting walkways enabling visitors to easily walk from store to store, along with parking area(s). A commercial mall includes, but is not limited to: mini-malls, strip malls, other retail complexes, and enclosed shopping malls or shopping centers (Source: Order No. R4-2012-0175).

**Construction Activity** means any construction or demolition activity, clearing, grading, grubbing, or excavation or any other activity that result in land disturbance. Construction does not include emergency construction activities required to immediately protect public health and safety or routine maintenance activities required to maintain the integrity of structures by performing minor repair and restoration work, maintain the original line and grade, hydraulic capacity, or original purposes of the facility. See "Routine Maintenance" definition for further explanation. Where clearing, grading or excavating of underlying soil takes place during a repaving operation, State General Construction Permit coverage by the State of California General Permit for Storm Water Discharges Associated with Industrial Activities or for Stormwater Discharges Associated with Construction Activities is required if more than one acre is disturbed or the activities are part of a larger plan (Source: Order No. R4-2012-0175).

**Control** means to minimize, reduce or eliminate by technological, legal, contractual, or other means, the discharge of pollutants from an activity or activities (Source: Order No. R4-2012-0175).

**Development** means construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail, and other non-residential projects, including public agency projects; or mass grading for future construction. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include -- certain conditions.

**Green Roof** means a LID BMP using planter boxes and vegetation to intercept rainfall on the roof surface. Rainfall is intercepted by vegetation leaves and through evapotranspiration. Green roofs may be designed as either a bioretention BMP or as a biofiltration BMP. To receive credit as a bioretention BMP, the green roof system planting medium shall be of sufficient depth to provide capacity within the pore space volume to contain the design storm depth and may not be designed or constructed with an underdrain (Source: Order No. R4-2012-0175).

**Hazardous Material(s)** means any material(s) defined as hazardous by Division 20, Chapter 6.95 of the California Health and Safety Code.

**Hillside** means a property located in an area with known erosive soil conditions, where the development contemplates grading on any natural slope that is 25% or greater and where grading contemplates cut or fill slopes (Source: Order No. R4-2012-0175).

**Impervious Surface** means any man-made or modified surface that prevents or significantly reduces the entry of water into the underlying soil, resulting in runoff from the surface in greater quantities and/or at an increased rate, when compared to natural conditions prior to development. Examples of places that commonly exhibit impervious surfaces include parking lots, driveways, roadways, storage areas, and rooftops. The imperviousness of these areas commonly results from paving, compacted gravel, compacted earth, and oiled earth.

**Industrial Park** means land development that is set aside for industrial development. Industrial parks are usually located close to transport facilities, especially where more than one transport modalities coincide: highways, railroads, airports, and navigable rivers. It includes office parks, which have offices and light industry (Source: Order No. R4-2012-0175).

**Infiltration BMP** means a LID BMP that reduces stormwater runoff by capturing and infiltrating the runoff into in-situ soils or amended onsite soils. Examples of infiltration BMPs include infiltration basins, dry wells, and pervious pavement (Source: Order No. R4-2012-0175).

**LID** means Low Impact Development. LID consists of building and landscape features designed to retain or filter stormwater runoff (Source: Order No. R4-2012-0175).

**MS4** means Municipal Separate Storm Sewer System (MS4). The MS4 is a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

- (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
- (ii) Designed or used for collecting or conveying stormwater;
- (iii) Which is not a combined sewer; and
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.

(40 CFR § 122.26(b)(8)) (Source: Order No. R4-2012-0175)

**National Pollutant Discharge Elimination System (NPDES)** means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under CWA

§307, 402, 318, and 405. The term includes an “approved program” (Source: Order No. R4-2012-0175).

**Natural Drainage System** means a drainage system that has not been improved (e.g., channelized or armored). The clearing or dredging of a natural drainage system does not cause the system to be classified as an improved drainage system (Source: Order No. R4-2012-0175).

**New Development** means land disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision (Source: Order No. R4-2012-0175).

**Non-Stormwater Discharge** means any discharge to a municipal storm drain system that is not composed entirely of stormwater (Source: Order No. R4-2012-0175).

**Parking Lot** means land area or facility for the parking or storage of motor vehicles used for businesses, commerce, industry, or personal use, with a lot size of 5,000 square feet or more of surface area, or with 25 or more parking spaces (Source: Order No. R4-2012-0175).

**Person** means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, state, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

**Planning Priority Projects** means development projects subject to City conditioning and approval for the design and implementation of post-construction controls to mitigate stormwater pollution, prior to completion of the project(s) (Modified from: Order No. R4-2012-0175).

**Pollutant** means any “pollutant” defined in Section 502(6) of the Federal Clean Water Act or incorporated into the California Water Code Sec. 13373. Pollutants may include, but are not limited to the following:

- (1) Commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash, and sludge).
- (2) Metals (such as cadmium, lead, zinc, copper, silver, nickel, chromium, and non-metals such as phosphorus and arsenic).
- (3) Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants, and grease).

- (4) Excessive eroded soil, sediment, and particulate materials in amounts that may adversely affect the beneficial use of the receiving waters, flora, or fauna of the State.
- (5) Animal wastes (such as discharge from confinement facilities, kennels, pens, recreational facilities, stables, and show facilities).
- (6) Substances having characteristics such as pH less than 6 or greater than 9, or unusual coloration or turbidity, or excessive levels of fecal coliform, or fecal streptococcus, or enterococcus.

**Project** means all development, redevelopment, and land disturbing activities. The term is not limited to "Project" as defined under CEQA (Pub. Resources Code §21065) (Source: Order No. R4-2012-0175).

**Rainfall Harvest and Use** means a LID BMP system designed to capture runoff, typically from a roof but can also include runoff capture from elsewhere within the site, and to provide for temporary storage until the harvested water can be used for irrigation or non-potable uses. The harvested water may also be used for potable water uses if the system includes disinfection treatment and is approved for such use by the local building department (Source: Order No. R4-2012-0175).

**Receiving Water** means "water of the United States" into which waste and/or pollutants are or may be discharged (Source: Order No. R4-2012-0175).

**Redevelopment** means land-disturbing activity that results in the creation, addition, or replacement of 5,000 square feet or more of impervious surface area on an already developed site. Redevelopment includes, but is not limited to: the expansion of a building footprint; addition or replacement of a structure; replacement of impervious surface area that is not part of routine maintenance activity; and land disturbing activity related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety (Source: Order No. R4-2012-0175).

**Regional Board** means the California Regional Water Quality Control Board, Los Angeles Region.

**Restaurant** means a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC Code 5812) (Source: Order No. R4-2012-0175).

**Retail Gasoline Outlet** means any facility engaged in selling gasoline and lubricating oils (Source: Order No. R4-2012-0175).

**Routine Maintenance**

Routine maintenance projects include, but are not limited to projects conducted to:

1. Maintain the original line and grade, hydraulic capacity, or original purpose of the facility.
2. Perform as needed restoration work to preserve the original design grade, integrity and hydraulic capacity of flood control facilities.
3. Includes road shoulder work, regrading dirt or gravel roadways and shoulders and performing ditch cleanouts.
4. Update existing lines\* and facilities to comply with applicable codes, standards, and regulations regardless if such projects result in increased capacity.
5. Repair leaks

Routine maintenance does not include construction of new\*\* lines or facilities resulting from compliance with applicable codes, standards and regulations.

\* Update existing lines includes replacing existing lines with new materials or pipes.

\*\* New lines are those that are not associated with existing facilities and are not part of a project to update or replace existing lines (Source: Order No. R4-2012-0175).

**Significant Ecological Areas (SEAs)** means an area that is determined to possess an example of biotic resources that cumulatively represent biological diversity, for the purposes of protecting biotic diversity, as part of the Los Angeles County General Plan. Areas are designated as SEAs, if they possess one or more of the following criteria:

1. The habitat of rare, endangered, and threatened plant and animal species.
2. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind, or are restricted in distribution on a regional basis.
3. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind or are restricted in distribution in Los Angeles County.
4. Habitat that at some point in the life cycle of a species or group of species, serves as a concentrated breeding, feeding, resting, migrating grounds and is limited in availability either regionally or within Los Angeles County.
5. Biotic resources that are of scientific interest because they are either an extreme in physical/geographical limitations, or represent an unusual variation in a population or community.
6. Areas important as game species habitat or as fisheries.
7. Areas that would provide for the preservation of relatively undisturbed examples of natural biotic communities in Los Angeles County.
8. Special areas (Source: Order No. R4-2012-0175).

**Site** means land or water area where any “facility or activity” is physically located or conducted, including adjacent land used in connection with the facility or activity (Source: Order No. R4-2012-0175).

**Storm Drain System** means any facilities or any part of those facilities, including streets, gutters, conduits, natural or artificial drains, channels, and watercourses that are used for



the purpose of collecting, storing, transporting or disposing of stormwater and are located within the City of Sierra Madre.

**Storm Water or Stormwater** means water that originates from atmospheric moisture (rain or snow) and that falls onto land, water, or other surfaces. Without any change in its meaning, this term may be spelled or written as one word or two separate words.

**Stormwater Runoff** means that part of precipitation (rainfall or snowmelt) which travels across a surface to the storm drain system or receiving waters.

**SUSMP** means the Los Angeles Countywide Standard Urban Stormwater Mitigation Plan. The SUSMP was required as part of the previous Municipal NPDES Permit (Order No. 01-182, NPDES No. CAS004001) and required plans that designate best management practices (BMPs) that must be used in specified categories of development projects.

**Urban Runoff** means surface water flow produced by storm and non-storm events. Non-storm events include flow from residential, commercial, or industrial activities involving the use of potable and non-potable water.

Sierra Madre Municipal Code Section 15.04.070 is amended to read as follows:

#### **STORMWATER POLLUTION CONTROL MEASURES FOR DEVELOPMENT PLANNING AND CONSTRUCTION ACTIVITIES**

- (A) **Objective.** The provisions of this section contain requirements for construction activities and facility operations of Development and Redevelopment projects to comply with the current "Municipal NPDES permit," lessen the water quality impacts of development, and integrate LID design principles to mimic predevelopment hydrology through infiltration, evapotranspiration and rainfall harvest and use. LID shall be inclusive of SUSMP requirements.
- (B) **Scope.** This Section contains requirements for stormwater pollution control measures in Development and Redevelopment projects and authorizes the City of Sierra Madre to further define and adopt stormwater pollution control measures, develop LID principles and requirements, including but not limited to the objectives and specifications for integration of LID strategies, grant waivers from the requirements of the Standard Urban Stormwater Mitigation Plan, and collect funds for projects that are granted waivers. Except as otherwise provided herein, the City of Sierra Madre shall administer, implement and enforce the provisions of this Section.
- (C) **Applicability.** The following Development and Redevelopment projects, termed "Planning Priority Projects," shall comply with the requirements of 15.04.070.

- (1) All development projects equal to 1 acre or greater of disturbed area that adds more than 10,000 square feet of impervious surface area.
- (2) Industrial parks 10,000 square feet or more of surface area.
- (3) Commercial malls 10,000 square feet or more of surface area.
- (4) Retail gasoline outlets with 5,000 square feet or more of surface area.
- (5) Restaurants (Standard Industrial Classification (SIC) of 5812) with 5,000 square feet or more of surface area.
- (6) Parking lots with 5,000 square feet or more of impervious surface area, or with 25 or more parking spaces.
- (7) Streets and roads construction of 10,000 square feet or more of impervious surface area.
- (8) Automotive service facilities (Standard Industrial Classification (SIC) of 5013, 5014, 5511, 5541, 7532-7534 and 7536-7539) 5,000 square feet or more of surface area.
- (9) Projects located in or directly adjacent to, or discharging directly to an Environmentally Sensitive Area (ESA), where the development will:
  - a. Discharge stormwater runoff that is likely to impact a sensitive biological species or habitat; and
  - b. Create 2,500 square feet or more of impervious surface area
- (10) Single-family hillside homes.
- (11) Redevelopment Projects
  - a. Land disturbing activity that results in the creation or addition or replacement of 5,000 square feet or more of impervious surface area on an already developed site on Planning Priority Project categories.
  - b. Where Redevelopment results in an alteration to more than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction stormwater quality control requirements, the entire project must be mitigated.
  - c. Where Redevelopment results in an alteration of less than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction stormwater quality

control requirements, only the alteration must be mitigated, and not the entire development.

- d. Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety. Impervious surface replacement, such as the reconstruction of parking lots and roadways which does not disturb additional area and maintains the original grade and alignment, is considered a routine maintenance activity. Redevelopment does not include the repaving of existing roads to maintain original line and grade.
- e. Existing single-family dwelling and accessory structures are exempt from the Redevelopment requirements unless such projects create, add, or replace 10,000 square feet of impervious surface area.

**(D) Effective Date.** The Planning and Land Development requirements contained in Section 7 of Order No. R4-2012-0175 shall become effective 90 days from the adoption of the Order (February 6, 2013). This includes Planning Priority Projects that are discretionary permit projects or project phases that have not been deemed complete for processing, or discretionary permit projects without vesting tentative maps that have not requested and received an extension of previously granted approvals within 90 days of adoption of the Order. Projects that have been deemed complete within 90 days of adoption of the Order are not subject to the requirements Section 7.

**(E) Stormwater Pollution Control Requirements.** The Site for every Planning Priority Project shall be designed to control pollutants, pollutant loads, and runoff volume to the maximum extent feasible by minimizing impervious surface area and controlling runoff from impervious surfaces through infiltration, evapotranspiration, bioretention and/or rainfall harvest and use.

- (1) A new single-family hillside home development shall include mitigation measures to:
  - a. Conserve natural areas;
  - b. Protect slopes and channels;
  - c. Provide storm drain system stenciling and signage;
  - d. Divert roof runoff to vegetated areas before discharge unless the diversion would result in slope instability; and
  - e. Direct surface flow to vegetated areas before discharge, unless the diversion would result in slope instability.

- (2) Street and road construction of 10,000 square feet or more of impervious surface shall follow USEPA guidance regarding Managing Wet Weather with Green Infrastructure: Green Streets (December 2008 EPA-833-F-08-009) to the maximum extent practicable.
- (3) The remainder of Planning Priority Projects shall prepare a LID Plan to comply with the following:
  - a. Retain stormwater runoff onsite for the Stormwater Quality Design Volume (SWQDV) defined as the runoff from:
    - i. The 85th percentile 24-hour runoff event as determined from the Los Angeles County 85th percentile precipitation isohyetal map; or
    - ii. The volume of runoff produced from a 0.75 inch, 24-hour rain event, whichever is greater.
  - b. When, as determined by the City Engineer, 100 percent onsite retention of the SWQDV is technically infeasible, partially or fully, the infeasibility shall be demonstrated in the submitted LID Plan. The technical infeasibility may result from conditions that may include, but are not limited to:
    - i. The infiltration rate of saturated in-situ soils is less than 0.3 inch per hour and it is not technically feasible to amend the in-situ soils to attain an infiltration rate necessary to achieve reliable performance of infiltration or bioretention BMPs in retaining the SWQDV onsite.
    - ii. Locations where seasonal high groundwater is within five to ten feet of surface grade;
    - iii. Locations within 100 feet of a groundwater well used for drinking water;
    - iv. Brownfield development sites or other locations where pollutant mobilization is a documented concern;
    - v. Locations with potential geotechnical hazards;
  - c. If partial or complete onsite retention is technically infeasible, the project Site may biofiltrate 1.5 times the portion of the remaining SWQDV that is not reliably retained onsite. Biofiltration BMPs must adhere to the design specifications provided in the Municipal NPDES Permit.

- i. Additional alternative compliance options such as offsite infiltration may be available to the project Site. The project Site should contact the City Engineer to determine eligibility.
- d. The remaining SWQDv that cannot be retained or biofiltered onsite must be treated onsite to reduce pollutant loading. BMPs must be selected and designed to meet pollutant-specific benchmarks as required per the Municipal NPDES Permit. Flow-through BMPs may be used to treat the remaining SWQDv and must be sized based on a rainfall intensity of:
  - i. 0.2 inches per hour, or
  - ii. The one year, one-hour rainfall intensity as determined from the most recent Los Angeles County isohyetal map, whichever is greater.
- e. A Multi-Phased Project may comply with the standards and requirements of this section for all of its phases by: (a) designing a system acceptable to the City Engineer to satisfy these standards and requirements for the entire Site during the first phase, and (b) implementing these standards and requirements for each phase of Development or Redevelopment of the Site during the first phase or prior to commencement of construction of a later phase, to the extent necessary to treat the stormwater from such later phase. For purposes of this section, "Multi-Phased Project" shall mean any Planning Priority Project implemented over more than one phase and the Site of a Multi-Phased Project shall include any land and water area designed and used to store, treat or manage stormwater runoff in connection with the Development or Redevelopment, including any tracts, lots, or parcels of real property, whether Developed or not, associated with, functionally connected to, or under common ownership or control with such Development or Redevelopment.

**(E) Other Agencies of the City of Sierra Madre.** All City of Sierra Madre departments, offices, entities and agencies, shall establish administrative procedures necessary to implement the provisions of this Article on their Development and Redevelopment projects and report their activities annually to the Department of Public Works.

**(F) Validity.** If any provision of this Ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect remaining provisions of this Ordinance are declared to be severable.

**(G) Certification.** The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy.

I hereby certify that this ordinance was passed by the Council of the City of Sierra Madre at its meeting of \_\_\_\_\_.



Nancy Shollenberger, City Clerk

By

\_\_\_\_\_

Deputy

Approved \_\_\_\_\_

\_\_\_\_\_

Mayor

Approved as to Form and Legality  
[NAME], City Attorney

By \_\_\_\_\_  
[NAME]  
Deputy City Attorney

Date \_\_\_\_\_

File No. \_\_\_\_\_

# Memo

To: 2012/2013 NPDES New Permit File  
From: James Carlson, Management Analyst  
  
Date: June 25, 2013  
Re: **Development of Low Impact Development (LID) Ordinance and Green Streets Policy**

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This memo is to document the progress of the City of Sierra Madre's efforts to produce both a Low Impact Development (LID) Ordinance and Green Streets Policy. The origin of these efforts can be identified by the necessities that are required by the new MS4 permit. The importance of developing (and now updating) these items is further warranted by our current water source emergency.

On December 11, 2012 the Sierra Madre City Council adopted resolution 12-92 which included the immediate adoption of the City of Los Angeles LID Ordinance and the City of Los Angeles Green Streets Policy. This also included the associated BMP Manuals. Resolution 12-92 was adopted to ensure that the City of Sierra Madre had an LID Ordinance and Green Street's Policy in place as an interim measure while staff worked to update both the ordinance and policy to more closely fit with Sierra Madre's conditions. The ordinance has been in effect and used during all qualifying plan checks.

The City of Sierra Madre also contributed funds to the San Gabriel Valley Council of Governments to work with Larry Walker and Associates to create templates of an LID Ordinance and Green Street Policy. I have been working with Public Works Director Bruce Inman, City Engineer Kev Tcharkhoutian, and City Attorney Theresa Highsmith in this development. The update to our interim LID Ordinance and Green Streets policy is tentatively scheduled to go back to the City Council for approval on July 23, 2013.

Thank you!

# ATTACHMENT A

## Part 4

Notices of Intent



GAIL FARBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE  
REFER TO FILE: WM-6

June 26, 2013

Mr. Samuel Unger, P.E., Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**NOTICE OF INTENT  
UPPER SAN GABRIEL RIVER WATERSHED  
ENHANCED WATERSHED MANAGEMENT PROGRAM AND  
COORDINATED INTEGRATED MONITORING PROGRAM**

The County of Los Angeles, Los Angeles County Flood Control District, and cities of Baldwin Park, Covina, Glendora, Industry, and La Puente, collectively known as Upper San Gabriel River Enhanced Watershed Management Program Group (USGR EWMP Group), are submitting the enclosed Notice of Intent to notify the Board of its commitment in the development of an EWMP and Coordinated Integrated Monitoring Program (CIMP). The USGR EWMP Group has agreed to the combined approach in fulfilling the requirements of Order No. R4-2012-0175 Municipal Separate Storm Sewer System (MS4) Permit.

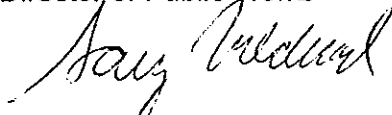
The enclosed Notice of Intent fulfills the EWMP notifications requirements provided in Section VI.C.4.b of the MS4 Permit and the CIMP notification requirements provided in Attachment E Section IV.C.1 of the MS4 Permit. The USGR EWMP Group looks forward to developing the EWMP and CIMP in collaboration with the Technical Advisory Committee and other stakeholders within the San Gabriel River Watershed.

Mr. Samuel Unger  
June 26, 2013  
Page 2

If you have any questions, please contact me at (626) 458-4300 or ghildeb@dpw.lacounty.gov or your staff may contact Ms. Jolene Guerrero at (626) 458-4364 or jguerrer@dpw.lacounty.gov.

Very truly yours,

GAIL FARBER  
Director of Public Works



GARY HILDEBRAND  
Assistant Deputy Director  
Watershed Management Division

LLM:jht

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Enc.

cc: City of Baldwin Park  
City of Covina  
City of Glendora  
City of Industry  
City of La Puente



# NOTICE OF INTENT

## Upper San Gabriel River Watershed Enhanced Watershed Management Program and Coordinated Integrated Monitoring Program

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June 26, 2013

**Submitted to:**

California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

**Submitted by:**

County of Los Angeles  
City of Baldwin Park  
City of Covina  
City of Glendora  
City of Industry  
City of La Puente  
Los Angeles County Flood Control District



## 1. Introduction

The County of Los Angeles, Los Angeles County Flood Control District (LACFCD), and cities of Baldwin Park, Covina, Glendora, Industry, and La Puente, collectively the Upper San Gabriel River Enhanced Watershed Management Program Group (USGR EWMP Group), respectfully submit this Notification of Intent (NOI) to develop an EWMP for certain portions of the San Gabriel River Watershed per Section VI.C.4.b.i of Order No. R4-2012-0175 (MS4 Permit). Additionally, the agencies of the USGR EWMP Group submit this NOI to develop a Coordinated Integrated Monitoring Program (CIMP).

The following sections are to satisfy the requirements for NOI submittal as provided by Section VI.C.4.b of the MS4 Permit and to provide the California Regional Water Quality Control Board, Los Angeles Region (LARWQCB) with additional information on the approach that the USGR EWMP Group intends to follow for the EWMP development.

## 2. Notification of Intent (Section VI.C.4.b.i and Attachment E Section IV.C.1.)

The USGR EWMP Group hereby notify the LARWQCB by this NOI of its intention to collaboratively develop an EWMP for certain portions of the San Gabriel River Watershed, request an EWMP Work Plan due date of 18 months after the effective date of the MS4 Permit (June 28, 2014), and request a draft EWMP Plan due date of 30 months after the effective date of the MS4 Permit (June 28, 2015).

In addition, the USGR EWMP Group is also notifying the LARWQCB by this NOI of their intention to collaboratively develop a CIMP for certain portions of the San Gabriel River Watershed, and request a draft CIMP due date of 18 months after the effective date of the MS4 Permit (June 28, 2014).

## 3. Interim and Final TMDL Compliance Deadlines (Section VI.C.4.b.ii)

Table 1 lists Total Maximum Daily Loads (TMDLs) specifically for the receiving waters in the San Gabriel River Watershed and the TMDLs that apply to the Watershed. There are no trash TMDLs or interim or final compliance milestones or deadlines of other TMDLs occurring prior to the anticipated approval date of the EWMP (April 28, 2016).



Table 1. TMDLs applicable to the San Gabriel River Watershed

TMDL	Resolution Number	Effective Date	Environmental Protection Agency Approval Date
San Gabriel River and Impaired Tributaries Metals and Selenium TMDL	Tentative Resolution No. R13-XXX	N/A	03/26/2007
Los Angeles Area Lakes Toxics and Nutrients TMDL for Puddingstone Reservoir	N/A	03/26/2012	03/26/2012
Los Angeles Area Lakes Toxics and Nutrients TMDL for Santa Fe Dam Park Lake	N/A	03/26/2012	03/26/2012
Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL	R11-008	03/23/2012	03/23/2012

#### 4. Geographical Scope (Section VI.C.4.b.iii.(1))

The San Gabriel River Watershed encompasses approximately 680 square miles of eastern County of Los Angeles, northwest Orange County, and southwest San Bernardino County. The San Gabriel River has a main channel length of approximately 58 miles, and the main tributaries of the river are Walnut Creek, San Jose Creek, and Coyote Creek. The USGR EWMP Group consists of five cities and unincorporated areas of the County of Los Angeles, and the LACFCD. Enclosure A depicts the geographical scope covered by the cities and County of Los Angeles in the USGR EWMP Group.

Within the San Gabriel River Watershed, there are land areas owned by the State of California (CalTrans) and the Federal government (Angeles National Forest) over which the USGR EWMP Group has no jurisdictional control. Table 2 shows the land area distribution by each agency not including the Angeles National Forest.

Table 2. USGR EWMP Group Land Area Distribution

Agency	Land Area (Acres)	Percent
County of Los Angeles	40,812	59.4 percent
City of Baldwin Park	4,335	6.3 percent
City of Covina	4,481	6.5 percent
City of Glendora	9,307	13.5 percent
City of Industry	7,647	11.1 percent
City of La Puente	2,207	3.2 percent
LACFCD	N/A	N/A
Area of USGR EWMP Group	68,789	100 percent

The LACFCD owns and operates flood control facilities within the San Gabriel River Watershed. Enclosure B shows the geographical scope of LACFCD territory that is included in this USGR EWMP Group.

**5. Plan Concept (Section VI.C.4.b.iii.(1))**

The USGR EWMP Group has prepared a Scope of Work to evaluate existing watershed control measures and identify regional projects to maximize the capture of all nonstormwater runoff and stormwater from the 85th percentile, 24-hour storm event, and identify additional watershed control measures for those areas in the watershed that cannot be addressed by a regional project.

Development of the EWMP and CIMP will be a collaborative process among all USGR EWMP Group agencies, and will be coordinated with the Technical Advisory Committee as well as with local watershed stakeholders.

**6. Cost Estimate (Section VI.C.4.b.iii.(2))**

The USGR EWMP Group prepared a Scope of Work and cost estimate for developing the EWMP Work Plan, CIMP, and EWMP for the USGR EWMP Group. It is estimated that the total cost will be approximately \$1,500,000, of which \$300,000 is for the EWMP Work Plan; \$200,000 is for the CIMP; \$770,000 is for the EWMP Plan; and \$230,000 is for project management, contract administration, and coordination of meetings with the Technical Advisory Committee and stakeholders. Additionally, agencies of the USGR EWMP Group will contribute several hundred thousands of dollars in inkind services towards developing the EWMP and CIMP and working with the Technical Advisory Committee and other watershed stakeholders.

**7. Memorandum of Understanding (Section VI.C.4.b.iii.(3))**

Enclosure C includes the final draft of the Memorandum of Understanding between the County of Los Angeles, LACFCD, and cities of Baldwin Park, Covina, Glendora, Industry, and La Puente. All agencies have committed to the execution of this agreement by December 28, 2013, as indicated by the signed letters of intent (Enclosure D).



## 8. Interim Milestones and Deadlines for Plan Development (Section VI.C.4.b.iii.(4))

Table 3 summarizes the interim milestones and deadlines for plan development, which are based on the Scope of Work for developing the EWMP Work Plan, CIMP, and EWMP.

Table 3. Proposed Interim Milestones and Deadlines for Plan Development

Milestone	Due date
<b>EWMP Work Plan</b>	
EWMP Work Plan Technical Memos <ul style="list-style-type: none"> <li>• Identification of water quality priorities</li> <li>• Existing and future watershed control measures, identification of potential regional projects</li> <li>• Reasonable assurance analysis approach</li> <li>• Best Management Practices selection approaches</li> </ul>	February 2014
Complete Internal Draft EWMP Work Plan	April 2014
Submit Final Draft EWMP Work Plan	June 2014
<b>CIMP</b>	
CIMP Technical Memos <ul style="list-style-type: none"> <li>• Outfall and receiving water monitoring approach</li> <li>• Monitoring sites selection</li> <li>• New development and redevelopment effectiveness tracking</li> </ul>	March 2014
Complete Internal Draft CIMP	April 2014
Submit Final Draft CIMP	June 2014
<b>EWMP</b>	
Technical Memos <ul style="list-style-type: none"> <li>• Approach to U.S. Environmental Protection Agency TMDLs, 303(d) listings, other exceedances of Receiving Water Limitations</li> <li>• Final selection of regional projects</li> <li>• Feasibility analyses of regional projects, customization of Minimum Control Measures, identification of other BMPs</li> <li>• Project schedules and cost estimates</li> </ul>	March 2015
Complete Internal Draft EWMP	May 2015
Submit Final Draft EWMP	June 2015

Aside from coordination with the Technical Advisory Committee, the schedule in Table 3 assumes one meeting or workshop with local watershed stakeholders for each major milestone (Work Plan, CIMP, and EWMP).



**9. Structural Best Management Practice (Section VI.C.4.b.iii.(5))**

In accordance to Section VI.C.4.b.iii(5), the USGR EWMP Group commits to implementing one structural Best Management Practice (BMP) project that provides meaningful water quality improvement within 30 months of the effective date (June 28, 2015). To fulfill this requirement, the County of Los Angeles plans to complete construction of the Avocado Heights Multiuse Trail project. See Enclosure E for details about the project.

**10. Low Impact Development Ordinance (Section VI.C.4.b.iii.(6) and VI.C.4.c.iv.(1))**

Table 4 summarizes the status of Low Impact Development (LID) Ordinance by the various USGR EWMP Group agencies. As Table 4 shows, more than 50 percent of the land area within USGR EWMP Group is addressed by a draft LID Ordinance.

Table 4. LID Ordinances

EWMP Agency	Percent EWMP Area	Meet LID Ordinance Requirement?	Status of Ordinance
County of Los Angeles	59.4 percent	Yes	Draft Ordinance
City of Baldwin Park	6.3 percent	No	In Development
City of Covina	6.5 percent	No	In Development
City of Glendora	13.5 percent	No	In Development
City of Industry	11.1 percent	No	In Development
City of La Puente	3.2 percent	No	In Development
LACFCD	N/A	N/A	N/A
<b>Total MS4 Watershed Area covered by LID Ordinances</b>	<b>59.4 percent</b>		

## Status Descriptions:

- Draft Ordinance – Permittee has completed or will complete by June 28, 2013, the development of a draft LID Ordinance that is in compliance with the MS4 Permit for its portion of the watershed.
- In Development – Permittee initiated development of an LID Ordinance that is in compliance with the requirements of the MS4 Permit for its portion of the watershed.

**11. Green Street Policy (Section VI.C.4.b.iii.(6) and VI.C.4.c.iv.(2))**

Table 5 summarizes the status of USGR EWMP Group agencies with a Green Street Policy. As Table 5 shows, more than 50 percent of the land area within USGR EWMP Group is addressed by a draft Green Street Policy.

Table 5. Green Street Policy

EWMP Agency	Percent EWMP Area	Meet Green Street Policy Requirement?	Status of Policy
County of Los Angeles	59.4 percent	Yes	Draft Policy
City of Baldwin Park	6.3 percent	No	In Development
City of Covina	6.5 percent	No	In Development
City of Glendora	13.5 percent	No	In Development
City of Industry	11.1 percent	No	In Development
City of La Puente	3.2 percent	No	In Development
LACFCD	N/A	N/A	N/A
<b>Total MS4 Watershed Area covered by Green Street Policy</b>	<b>59.4 percent</b>		

## Status Descriptions:

- Draft Policy – Permittee has completed or will complete by June 28, 2013, the development of a draft Green Street Policy that is in compliance with the MS4 Permit for its portion of the watershed.
- In Development – Permittee initiated development of a Green Street Policy that is in compliance with the requirements of the MS4 Permit for its portion of the watershed.

**12. Implementation of Watershed Control Measures During Plan Development (Section VI.C.4.b.ii and VI.C.4.d)**

The San Gabriel River Watershed has no interim or final compliance milestones or deadlines occurring prior to the final approval of the EWMP by April 28, 2016, as discussed in Section 3 above.

**SUMMARY**

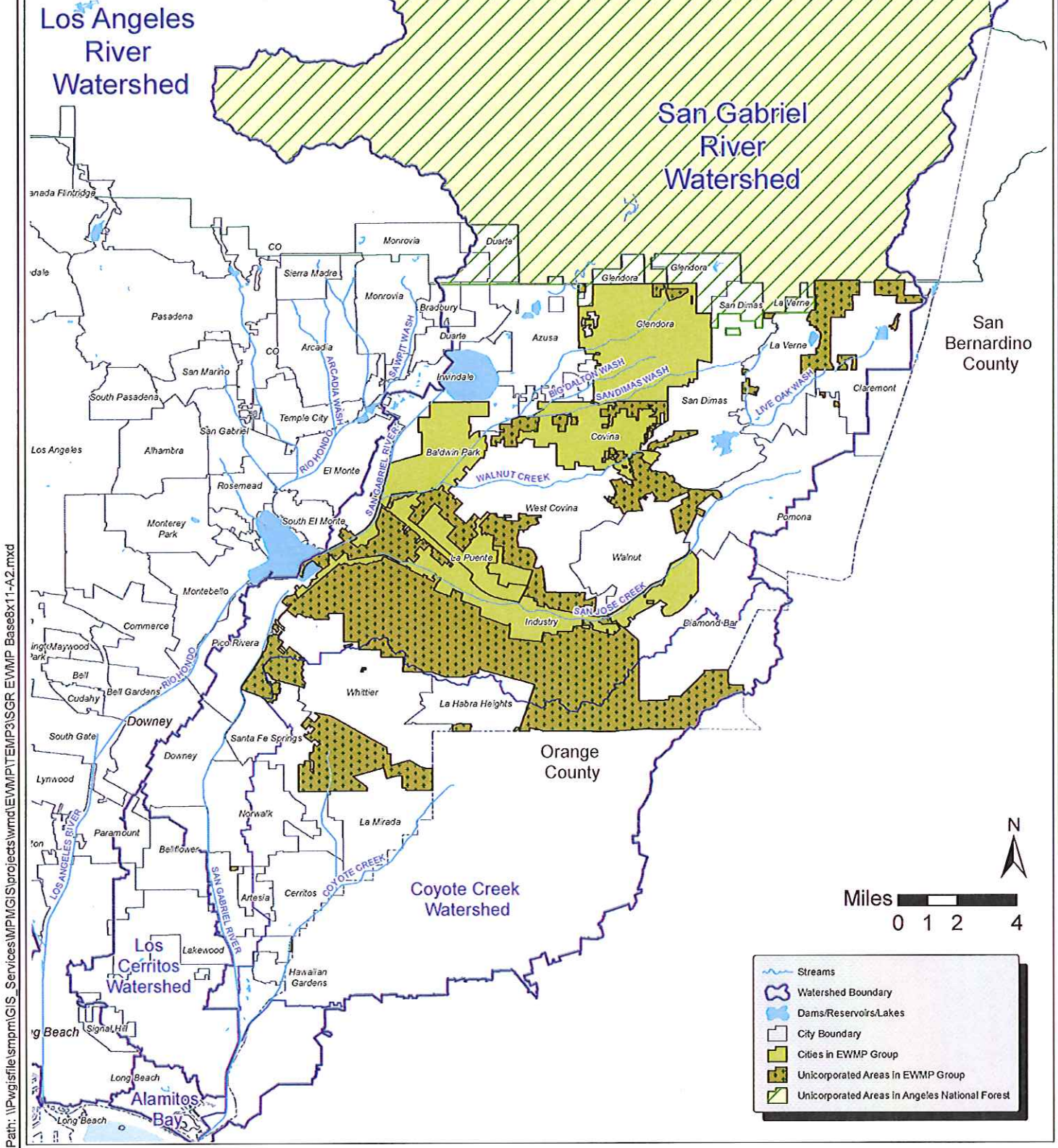
This Notice of Intent for the USGR EWMP Group was developed by County of Los Angeles, LACFCD, and cities of Baldwin Park, Covina, Glendora, Industry, and La Puente. All USGR EWMP Group agencies have reviewed and agreed to this NOI as evidenced by each agency's Letter of Intent. We believe that this NOI satisfies the requirements of the MS4 Permit, and we look forward to developing the EWMP in collaboration with the Technical Advisory Committee and other watershed stakeholders.

**ENCLOSURE A**

**Geographical Scope of Cities and County of Los Angeles in  
Upper San Gabriel River EWMP Group**



# Enclosure A Geographical Scope of Cities and Los Angeles County in Upper San Gabriel River EWMP Group



This map is for planning purposes only.

**ENCLOSURE B**

**Geographical Scope of  
Los Angeles County Flood Control District Territory in  
Upper San Gabriel River EWMP Group**



Los Angeles  
River  
Watershed

# San Gabriel River Watershed

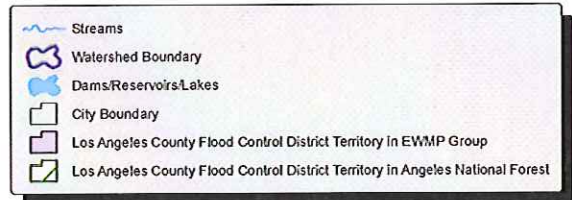
San  
Bernardino  
County

Orange  
County

Coyote Creek  
Watershed

Los Cerritos Watershed

Alamitos



Path: \\Pwgisfile\gis\_services\MPMGIS\projects\wmd\EWMP\TEMP3\SGR EWMP Base11x17-4.mxd

*This map is for planning purposes only.*

**ENCLOSURE C**

**Final Draft Memorandum of Understanding**

## **MEMORANDUM OF UNDERSTANDING**

**BETWEEN THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT,  
THE COUNTY OF LOS ANGELES, AND THE CITIES OF BALDWIN PARK, COVINA,  
GLEN DORA, INDUSTRY, AND LA PUENTE**

**REGARDING THE ADMINISTRATION AND COST SHARING FOR DEVELOPMENT  
OF THE ENHANCED WATERSHED MANAGEMENT PROGRAM AND  
COORDINATED INTEGRATED MONITORING PROGRAM FOR  
THE UPPER SAN GABRIEL RIVER WATERSHED**

This Memorandum of Understanding (MOU), made and entered into as of the date of the last signature set forth below by and between the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT (LACFCD), a political subdivision of the State of California, the COUNTY OF LOS ANGELES (COUNTY), a political subdivision of the State of California, and the CITIES OF BALDWIN PARK, COVINA, GLEN DORA, INDUSTRY, AND LA PUENTE, municipal corporations. Collectively, these entities shall be known herein as PARTIES or individually as PARTY.

### WITNESSETH

WHEREAS, the Regional Water Quality Control Board, Los Angeles Region (Regional Board) adopted the National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Permit Order No. R4-2012-0175 (MS4 Permit); and

WHEREAS, the MS4 Permit became effective on December 28, 2012, and requires that LACFCD, COUNTY, and 84 of the 88 cities (excluding Avalon, Long Beach, Palmdale, and Lancaster) within the County of Los Angeles comply with the prescribed elements of the MS4 Permit; and

WHEREAS, the MS4 Permit identified the PARTIES as MS4 permittees that are responsible for compliance with the MS4 Permit requirements pertaining to the San Gabriel River Watershed Management Area; and

WHEREAS, the PARTIES have agreed to collaborate in the development of an Enhanced Watershed Management Program (EWMP) for portions of the San Gabriel River Watershed Management Area to comply with certain elements of the MS4 Permit; and

WHEREAS, the PARTIES collaboratively prepared a final Scope of Work to obtain a consultant (the Consultant) to assist the PARTIES with complying with certain elements of the MS4 Permit, as specified in the Scope of Work, which is incorporated into this MOU by reference; and

WHEREAS, the PARTIES propose engaging a Consultant as set forth in Section 5(a), below, to prepare and deliver a Final Work Plan, Draft EWMP Plan, Coordinated Integrated Monitoring Program (CIMP), and Final EWMP Plan (collectively, PLANS) in compliance with certain elements of the MS4 Permit; and

WHEREAS, the PARTIES have determined hiring the Consultant to prepare and deliver the PLANS will be beneficial to the PARTIES and they have agreed to contribute funds to COUNTY who will contract with the Consultant for the preparation of the PLANS. The PARTIES desire to participate and will provide funding in accordance with the cost allocation formula shown in Table 3 of Exhibit A; and

WHEREAS, the PARTIES have agreed that the total cost for developing the PLANS shall not exceed \$1,474,550.00 including the contract administration cost and a 10 percent contingency; and

WHEREAS, the PARTIES agree each shall assume full and independent responsibility for ensuring its own compliance with the MS4 Permit despite the collaborative approach of the MOU; and

NOW, THEREFORE, in consideration of the mutual benefits to be derived by the PARTIES, and of the promises contained in this MOU, the PARTIES agree as follows:

Section 1. Recitals: The recitals set forth above are incorporated into this MOU.

Section 2. Purpose: The purpose of this MOU is to cooperatively fund the preparation of the PLANS and submittal of the PLANS to the Regional Board.

Section 3. Voluntary: This MOU is voluntarily entered into for the purpose of preparing the PLANS and submitting the PLANS to the Regional Board.

Section 4. Term: This MOU shall become effective on the last date of execution by a PARTY or December 28, 2013, whichever comes first, and shall remain in effect until 1) COUNTY has provided the PARTIES with an accounting as set forth in Section 5(f), 2) the PARTIES have paid all outstanding invoices, and 3) the PLANS have been approved by the Regional Board.

Section 5. COUNTY AGREES:

- a. To select a Consultant from County's as-needed watershed engineering and water quality support consultant services contract for the preparation and delivery of the PLANS in accordance with the Scope of Work. COUNTY will be compensated for the administration and management of the Consultant contract at a percentage of five percent (5 percent) of each PARTY's contract cost for development of the PLANS as described in Table 1 of Exhibit A. COUNTY will comply with all procurement requirements applicable to said selection.

- b. To invoice the PARTIES for their share in the cost for the preparation and delivery of the PLANS, as described in Tables 3 and 4 of Exhibit A. The first invoice will be sent upon the effective date of this MOU, as set forth in Section 4, or in January 2014, whichever comes first. The second invoice will be sent in July 2014. The PARTIES shall pay COUNTY the amount invoiced within sixty (60) days of receiving the invoice from COUNTY.
- c. Contingency: COUNTY will notify the PARTIES if actual expenditures are anticipated to exceed the cost estimates contained in Exhibit A and obtain approval of such expenditures from all PARTIES. Upon written approval, the PARTIES agree to reimburse COUNTY for their proportional share of these additional expenditures at an amount not to exceed 10 percent of the original cost estimate as shown in Table 4 of Exhibit A. This 10 percent contingency will not be invoiced, unless actual expenditures exceed the original cost estimate. Expenditures that exceed the 10 percent contingency will require an amendment of this MOU.
- d. To utilize the funds deposited by the PARTIES only for the administration of the Consultant contract, project management, and the preparation and completion of the PLANS.
- e. To provide the PARTIES with an electronic copy of the technical memos, draft PLANS, and completed PLANS within 7 business days after receipt from the Consultant.
- f. To provide an accounting upon the early termination of this MOU pursuant to Section 8, 60 days after the date the Regional Board gives final approval to the last outstanding portion of the PLANS, or three years after the execution of the MOU, whichever comes first. At the completion of the accounting, COUNTY shall return the unused portion of all funds deposited with COUNTY in accordance with the cost allocation formula set forth in Table 3 of Exhibit A.
- g. To not submit any PLANS to the Regional Board unless and until the PLANS have been approved for submittal by all PARTIES to this MOU,

Section 6. THE PARTIES FURTHER AGREE:

- a. To make a full faith effort to cooperate with one another to achieve the purposes of this MOU by providing information about project opportunities, reviewing deliverables in a timely manner, and informing their respective administration, agency heads, and/or governing body.



- b. To fund the cost of the preparation and delivery of the PLANS and to pay COUNTY for the preparation and delivery of the PLANS based on the cost allocation set forth in Table 3 of Exhibit A.

#### Section 7. Indemnification

- a. Each PARTY shall indemnify, defend, and hold harmless each other PARTY, including its special districts, elected and appointed officers, employees, agents, attorneys, and designated volunteers from and against any and all liability, including, but not limited to, demands, claims, actions, fees, costs, and expenses (including reasonable attorney's and expert witness fees), arising from or connected with the respective acts of each PARTY arising from or related to this MOU; provided, however, that no PARTY shall indemnify another PARTY for that PARTY'S own negligence or willful misconduct.
- b. In light of the provisions of Section 895.2 of the Government Code of the State of California imposing certain tort liability jointly upon public entities solely by reason of such entities being parties to an agreement (as defined in Section 895 of said Code), each of the PARTIES hereto, pursuant to the authorization contained in Section 895.4 and 895.6 of said Code, shall assume the full liability imposed upon it or any of its officers, agents, or employees, by law for injury caused by any act or omission occurring in the performance of this MOU to the same extent such liability would be imposed in the absence of Section 895.2 of said Code. To achieve the above-stated purpose, each PARTY indemnifies, defends, and holds harmless each other PARTY for any liability, cost, or expense that may be imposed upon such other PARTY solely by virtue of said Section 895.2. The provisions of Section 2778 of the California Civil Code are made a part hereof as if incorporated herein.

#### Section 8. Termination

- a. This MOU may be terminated upon the express written agreement of all PARTIES. If this MOU is terminated, then all PARTIES must agree on the equitable redistribution of remaining funds deposited, if there are any, or payment of invoices due at the time of termination. Completed work shall be owned by the PARTY or PARTIES who fund the completion of such work. Rights to uncompleted work by the Consultant still under contract will be held by the PARTY or PARTIES who fund the completion of such work.
- b. If a PARTY fails to substantially comply with any of the terms or conditions of this MOU, then that PARTY shall forfeit its rights to work completed through this MOU, but no such forfeiture shall occur unless and until the defaulting PARTY has first been given notice of its default and a reasonable opportunity to cure the alleged default.

## Section 9. General Provisions

- a. Notices. Any notices, bills, invoices, or reports relating to this MOU, and any request, demand, statement, or other communication required or permitted hereunder shall be in writing and shall be delivered to the representatives of the PARTIES at the addresses set forth in Exhibit B attached hereto and incorporated herein by reference. Parties shall promptly notify each other of any change of contact information, including personnel changes, provided in Exhibit B. Written notice shall include notice delivered via e-mail or fax. A notice shall be deemed to have been received on (a) the date of delivery, if delivered by hand during regular business hours, or by confirmed facsimile or by e-mail; or (b) on the third (3) business day following mailing by registered or certified mail (return receipt requested) to the addresses set forth in Exhibit B.
- b. Administration. For the purposes of this MOU, the PARTIES hereby designate as their respective PARTY representatives the persons named in Exhibit B. The designated PARTY representatives, or their respective designees, shall administer the terms and conditions of this MOU on behalf of their respective PARTY. Each of the persons signing below on behalf of a PARTY represents and warrants that he or she is authorized to sign this MOU on behalf of such PARTY.
- c. Relationship of the Parties. The PARTIES are, and shall at all times remain as to each other, wholly independent entities. No PARTY to this MOU shall have power to incur any debt, obligation, or liability on behalf of any other PARTY unless expressly provided to the contrary by this MOU. No employee, agent, or officer of a PARTY shall be deemed for any purpose whatsoever to be an agent, employee, or officer of another PARTY.
- d. Binding Effect. This MOU shall be binding upon, and shall be to the benefit of the respective successors, heirs, and assigns of each PARTY; provided, however, no PARTY may assign its respective rights or obligations under this MOU without the prior written consent of the other PARTIES.
- e. Amendment. The terms and provisions of this MOU may not be amended, modified, or waived, except by an instrument in writing signed by all nondelinquent PARTIES.
- f. Law to Govern. This MOU is governed by, interpreted under, and construed and enforced in accordance with the laws of the State of California.
- g. Severability. If any provision of this MOU shall be determined by any court to be invalid, illegal, or unenforceable to any extent, then the remainder of this MOU shall not be affected, and this MOU shall be construed as if the invalid, illegal, or unenforceable provision had never been contained in this MOU.

- h. Entire Agreement. This MOU constitutes the entire agreement of the PARTIES with respect to the subject matter hereof.
- i. Waiver. Waiver by any PARTY to this MOU of any term, condition, or covenant of this MOU shall not constitute a waiver of any other term, condition, or covenant. Waiver by any PARTY to any breach of the provisions of this MOU shall not constitute a waiver of any other provision, nor a waiver of any subsequent breach or violation of any provision of this MOU.
- j. Counterparts. This MOU may be executed in any number of counterparts, each of which shall be an original, but all of which taken together shall constitute but one and the same instrument, provided, however, that such counterparts shall have been delivered to all PARTIES to this MOU.
- k. All PARTIES have been represented by counsel in the preparation and negotiation of this MOU. Accordingly, this MOU shall be construed according to its fair language. Any ambiguities shall be resolved in a collaborative manner by the PARTIES and shall be rectified by amending this MOU as described in Section 9(e).

IN WITNESS WHEREOF, the PARTIES hereto have caused this MOU to be executed by their duly authorized representatives and affixed as of the date of signature of the PARTIES:

COUNTY OF LOS ANGELES

By \_\_\_\_\_  
GAIL FARBER

\_\_\_\_\_  
Date

APPROVED AS TO FORM:

John F. Krattli  
County Counsel

By \_\_\_\_\_  
Deputy

LOS ANGELES COUNTY FLOOD CONTROL DISTRICT

By \_\_\_\_\_  
Chief Engineer

\_\_\_\_\_  
Date

APPROVED AS TO FORM:

John F. Krattli  
County Counsel

By \_\_\_\_\_  
Deputy



CITY OF BALDWIN PARK

By \_\_\_\_\_  
Vijay Singhal  
Chief Executive Officer

\_\_\_\_\_  
Date

APPROVED AS TO CONTENT:

By \_\_\_\_\_  
Daniel Wall  
Public Works Director

APPROVED AS TO FORM:

By \_\_\_\_\_  
Joseph Pannone  
City Attorney

CITY OF COVINA

By \_\_\_\_\_  
Daryl Parrish  
City Manager

\_\_\_\_\_  
Date

APPROVED AS TO CONTENT:

By \_\_\_\_\_  
Kalieh Honish  
Interim Public Works Director

APPROVED AS TO FORM:

By \_\_\_\_\_  
Marco Martinez  
City Attorney

CITY OF GLENDORA

By \_\_\_\_\_  
Chris Jeffers  
City Manager

\_\_\_\_\_  
Date

APPROVED AS TO CONTENT:

By \_\_\_\_\_  
David A Davies  
Public Works Director

APPROVED AS TO FORM:

By \_\_\_\_\_  
D. Wayne Leech  
City Attorney

CITY OF INDUSTRY

By \_\_\_\_\_  
Kevin Radecki  
City Manager

\_\_\_\_\_  
Date

APPROVED AS TO CONTENT:

By \_\_\_\_\_  
John Ballas  
Public Works Director

APPROVED AS TO FORM:

By \_\_\_\_\_  
Michelle Vadon  
City Attorney

CITY OF LA PUENTE

By \_\_\_\_\_  
Bret Plumlee  
City Manager

\_\_\_\_\_  
Date

APPROVED AS TO FORM:

By \_\_\_\_\_  
James M. Casso  
City Attorney



## EXHIBIT A

### Upper San Gabriel River EWMP and CIMP Funding Contributions

**Table 1. Total Contract Costs**

Deliverable	Cost
Project Management and Coordination of Meetings	\$180,000.00
EWMP Work Plan	\$230,000.00
CIMP	\$150,000.00
Final EWMP Plan	\$750,000.00
<b>Contract Cost</b>	<b>\$1,310,000.00</b>

**Table 2. Total Cost to LACFCD**

Item	Total Cost
Contract Cost	\$1,310,000.00
LACFCD Contract Contribution (10 percent)	-\$131,000.00
<b>Remaining Contract Cost</b>	<b>\$1,179,000.00</b>
Contract Administration (5 percent)	\$6,550.00
<b>LACFCD Total Contribution</b>	<b>\$137,550.00</b>

**Table 3. Cost Allocation Formula**

Party	Acres	Percent of Area	Allocated Cost	Contract Administration (5 percent)	Total Cost
County of Los Angeles	40,812	59.4	\$700,000.00	N/A	\$700,000.00
City of Baldwin Park	4,335	6.3	\$74,000.00	\$3,700.00	\$77,700.00
City of Covina	4,481	6.5	\$77,000.00	\$3,850.00	\$80,850.00
City of Glendora	9,307	13.5	\$159,000.00	\$7,950.00	\$166,950.00
City of Industry	7,647	11.1	\$131,000.00	\$6,550.00	\$137,550.00
City of La Puente	2,207	3.2	\$38,000.00	\$1,900.00	\$39,900.00
<b>Total</b>	<b>68,789</b>	<b>100.0</b>	<b>\$1,179,000.00</b>	<b>\$23,950.00</b>	<b>\$1,202,950.00</b>

## EXHIBIT A

### Upper San Gabriel River EWMP and CIMP Funding Contributions

**Table 4. Invoicing Schedule**

Invoice Date	January 2014	July 2014	Total Invoice Amount	Contingency (10 percent) <sup>1</sup>	Total Cost Including Contingency
LACFCD	\$68,775.00	\$68,775.00	\$137,550.00	\$13,755.00	\$151,305.00
County of Los Angeles	\$350,000.00	\$350,000.00	\$700,000.00	\$70,000.00	\$770,000.00
City of Baldwin Park	\$38,850.00	\$38,850.00	\$77,700.00	\$7,770.00	\$85,470.00
City of Covina	\$40,425.00	\$40,425.00	\$80,850.00	\$8,085.00	\$88,935.00
City of Glendora	\$83,475.00	\$83,475.00	\$166,950.00	\$16,695.00	\$183,645.00
City of Industry	\$68,775.00	\$68,775.00	\$137,550.00	\$13,755.00	\$151,305.00
City of La Puente	\$19,950.00	\$19,950.00	\$39,900.00	\$3,990.00	\$43,890.00
Total					\$1,474,550.00

1 – Contingency is 10 percent of the total invoice amount. Contingency will not be invoiced unless there is a need for its expenditure as agreed by all PARTIES.

## EXHIBIT B

### Upper San Gabriel River EWMP and CIMP Responsible Agencies Representatives

1. County of Los Angeles  
Department of Public Works  
Watershed Management Division, 11th Floor  
900 South Fremont Avenue  
Alhambra, CA 91803-1331  
Angela George, Unincorporated Area Stormwater Program Manager  
E-mail: [ageorge@dpw.lacounty.gov](mailto:ageorge@dpw.lacounty.gov)  
Phone: (626) 458-4304  
Fax: (626) 457-1526
2. Los Angeles County Flood Control District  
Department of Public Works  
Watershed Management Division, 11th Floor  
900 South Fremont Avenue  
Alhambra, CA 91803-1331  
Gary Hildebrand, Assistant Deputy Director  
E-mail: [ghildeb@dpw.lacounty.gov](mailto:ghildeb@dpw.lacounty.gov)  
Phone: (626) 458-4300  
Fax: (626) 457-1526
3. City of Baldwin Park  
14403 East Pacific Avenue  
Baldwin Park, CA 91706-4297  
Daniel Wall, Director of Public Works/City Engineer  
E-mail: [dwall@baldwinpark.com](mailto:dwall@baldwinpark.com)  
Phone: (626) 813-5251  
Fax: (626) 962-2625
4. City of Covina  
125 East College Street  
Covina, CA 91723  
Vivian Castro, Environmental Services Manager  
E-mail: [vcastro@covinaca.gov](mailto:vcastro@covinaca.gov)  
Phone: (626) 384-5480  
Fax: (626) 384-5479
5. City of Glendora  
116 East Foothill Boulevard  
Glendora, CA 91741  
David A Davies, Director of Public Works  
E-mail: [ddavies@ci.glendora.ca.us](mailto:ddavies@ci.glendora.ca.us)  
Phone: (626) 914-8246  
Fax: (626) 914-9053

## EXHIBIT B

### Upper San Gabriel River EWMP and CIMP Responsible Agencies Representatives

6. City of Industry  
15625 East Stafford Street, Suite 100  
City of Industry, CA 917447  
John D. Ballas, Director of Public Works/City Engineer  
E-mail: [jdballas@cityofindustry.org](mailto:jdballas@cityofindustry.org)  
Phone: (626) 333-2211  
Fax: (626) 961-6795
7. City of La Puente  
15900 East Main Street  
La Puente, CA 91744  
John Di Mario, Development Services Director  
E-mail: [jdimario@lapuente.org](mailto:jdimario@lapuente.org)  
Phone: (626) 855-1517  
Fax: (626) 961-4626

**ENCLOSURE D**

**Letters of Intent**





GAIL FARBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE  
REFER TO FILE: WM-7

June 24, 2013

Mr. Samuel Unger, P.E.  
Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – COUNTY OF LOS ANGELES  
UPPER SAN GABRIEL RIVER WATERSHED  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

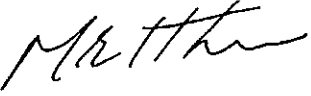
The County of Los Angeles (County) submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Upper San Gabriel River EWMP Group. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Upper San Gabriel River EWMP Group consists of the following agencies: County as the coordinating agency for EWMP and CIMP development, Los Angeles County Flood Control District, and cities of Baldwin Park, Covina, Glendora, Industry, and La Puente. The Upper San Gabriel River EWMP Group has included a final draft Memorandum of Understanding as Enclosure C of the Notice of Intent. The County intends to submit a final Memorandum of Understanding to its Board of Supervisors for approval prior to December 28, 2013.

Mr. Samuel Unger  
June 24, 2013  
Page 2

If you have any questions, please contact Ms. Angela George at (626) 458-4325 or [ageorge@dpw.lacounty.gov](mailto:ageorge@dpw.lacounty.gov).

Very truly yours,

  
GAIL FARBER  
Director of Public Works

LM:jht  
P:\wmpub\Secretarial\2013 Documents\Letter\LOI - Upper SGR County.doc\C13204

cc: City of Baldwin Park  
City of Covina  
City of Glendora  
City of Industry  
City of La Puente



June 25, 2013

Mr. Samuel Unger, P.E., Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West Fourth Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**SUBJECT: LETTER OF INTENT  
UPPER SAN GABRIEL RIVER WATERSHED  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The City of Baldwin Park submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Upper San Gabriel River EWMP Group. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

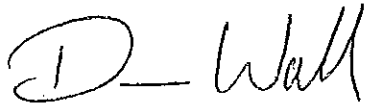
The Upper San Gabriel River EWMP Group consists of the following agencies: the County as the coordinating agency for the EWMP and CIMP development, the cities of Baldwin Park, Covina, Glendora, Industry, and La Puente, and the Los Angeles County Flood Control District. The Upper San Gabriel River EWMP Group has included a final draft Memorandum of Understanding as Enclosure C of the Notice of Intent. The City of Baldwin Park is committed to executing this agreement prior to December 28, 2013.

If you have any questions, please contact me at (626) 813-5451 or e-mail me at [dwall@baldwinpark.com](mailto:dwall@baldwinpark.com).

Mr. Samuel Unger  
June 25, 2013  
Page 2

City of Baldwin Park

All the Best,

A handwritten signature in black ink, appearing to read "D. Wall". The signature is fluid and cursive, with a large initial "D" and a stylized "Wall".

Daniel Wall, P.E.  
Director of Public Works

cc: County of Los Angeles  
City of Baldwin Park  
City of Covina  
City of Glendora  
City of Industry  
City of La Puente  
Los Angeles County Flood Control District



# CITY OF COVINA

125 East College Street • Covina, California 91723-2199

June 25, 2013

Mr. Samuel Unger, P.E., Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West Fourth Street, Suite 200  
Los Angeles, CA 90013

Attention: Ms. Renee Purdy

## LETTER OF INTENT: UPPER SAN GABRIEL RIVER WATERSHED ENHANCED WATERSHED MANAGEMENT PROGRAM AND COORDINATED INTEGRATED MONITORING PROGRAM

Dear Mr. Unger:

The City of Covina submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Upper San Gabriel River EWMP Group. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Upper San Gabriel River EWMP Group consists of the following agencies: the County as the coordinating agency for the EWMP and CIMP development, the cities of Baldwin Park, Covina, Glendora, Industry, and La Puente, and the Los Angeles County Flood Control District. The Upper San Gabriel River EWMP Group has included a final draft Memorandum of Understanding as Enclosure C of the Notice of Intent. The City of Covina is committed to executing this agreement prior to December 28, 2013.

If you have any questions, please contact Vivian Castro at 626-384-5480.

Very truly yours,

Daryl Parrish, City Manager

cc: County of Los Angeles  
City of Baldwin Park  
City of Covina  
City of Glendora  
City of Industry  
City of La Puente  
Los Angeles County Flood Control District





**CITY OF GLENDORA** CITY HALL

(626) 914-8200

116 East Foothill Blvd., Glendora, California 91741  
www.ci.glendora.ca.us

June 25, 2013

Mr. Samuel Unger, P.E., Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
320 West Fourth Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT  
UPPER SAN GABRIEL RIVER WATERSHED  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The City of Glendora submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Upper San Gabriel River EWMP Group. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Upper San Gabriel River EWMP Group consists of the following agencies: the County as the coordinating agency for the EWMP and CIMP development, the cities of Baldwin Park, Covina, Glendora, Industry, and La Puente, and the Los Angeles County Flood Control District. The Upper San Gabriel River EWMP Group has included a final draft Memorandum of Understanding as Enclosure C of the Notice of Intent. The City of Glendora is committed to executing this agreement prior to December 28, 2013.

If you have any questions, please contact Jerry Burke of my staff at (626)914.8246.

Very truly yours,

David A. Davies  
Director of Public Works

cc: County of Los Angeles  
City of Baldwin Park  
City of Covina  
City of Glendora  
City of Industry  
City of La Puente  
Los Angeles County Flood Control District

**PRIDE OF THE FOOTHILLS**



**CITY OF INDUSTRY**  
Incorporated June 18, 1957

June 25, 2013

Mr. Samuel Unger, P.E., Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West Fourth Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT  
UPPER SAN GABRIEL RIVER WATERSHED  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The City of Industry submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Upper San Gabriel River EWMP Group. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Upper San Gabriel River EWMP Group consists of the following agencies: the County as the coordinating agency for the EWMP and CIMP development, the cities of Baldwin Park, Covina, Glendora, Industry, and La Puente, and the Los Angeles County Flood Control District. The Upper San Gabriel River EWMP Group has included a final draft Memorandum of Understanding as Enclosure C of the Notice of Intent. The City of Industry is committed to executing this agreement prior to December 28, 2013.

If you have any questions, please contact John Ballas at (626) 333-2211.

Mr. Samuel Unger  
June 25, 2013  
Page 2

Very truly yours,

A handwritten signature in black ink, appearing to read "K. Radecki", with a stylized flourish at the end.

Kevin Radecki  
City Manager

c: County of Los Angeles  
City of Baldwin Park  
City of Covina  
City of Glendora  
City of Industry  
City of La Puente  
Los Angeles County Flood Control District





## City of La Puente

15900 E. Main Street La Puente, CA 91744-4719 Telephone (626) 855-1500 Fax (626) 961-4626 [www.lapueente.org](http://www.lapueente.org)

June 25, 2013

Mr. Samuel Unger, P.E., Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West Fourth Street, Suite 200  
Los Angeles, CA 90013

Attention: Ms. Renee Purdy

**RE: LETTER OF INTENT - UPPER SAN GABRIEL RIVER WATERSHED ENHANCED  
WATERSHED MANAGEMENT PROGRAM AND COORDINATED INTEGRATED  
MONITORING PROGRAM**


Dear Mr. Unger:

The City of La Puente submits this Letter of Intent ("LOI") to participate in and share the cost of the development of an Enhanced Watershed Management Program ("EWMP") and a Coordinated Integrated Monitoring Program ("CIMP") with the Upper San Gabriel River EWMP Group ("Group"). This LOI serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Group consists of the following agencies: the County as the coordinating agency for the EWMP and CIMP development, the cities of Baldwin Park, Covina, Glendora, Industry, and La Puente, and the Los Angeles County Flood Control District. The Group has included a final draft Memorandum of Understanding ("MOU") as Enclosure C of the Notice of Intent. The City of La Puente is committed to executing the MOU prior to December 28, 2013.

If you have any questions, please contact Development Services Director, John Di Mario at (626) 855-1517.

Sincerely,

  
Bret M. Plumlee  
City Manager

cc: County of Los Angeles  
City of Baldwin Park  
City of Covina  
City of Glendora  
City of Industry  
Los Angeles County Flood Control District



GAIL FARBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE  
REFER TO FILE: WM-7

June 24, 2013

Mr. Samuel Unger, P.E.  
Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – LOS ANGELES COUNTY FLOOD CONTROL DISTRICT  
UPPER SAN GABRIEL RIVER WATERSHED  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The Los Angeles County Flood Control District (LACFCD) submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Upper San Gabriel River EWMP Group. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

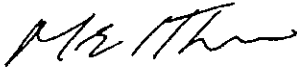
The Upper San Gabriel River EWMP Group consists of the following agencies: County of Los Angeles as the coordinating agency for the EWMP and CIMP development, LACFCD, and cities of Baldwin Park, Covina, Glendora, Industry, and La Puente. The Upper San Gabriel River EWMP Group has included a final draft Memorandum of Understanding as Enclosure C of the Notice of Intent. The LACFCD intends to submit a final Memorandum of Understanding to the County of Los Angeles Board of Supervisors (which is the LACFCD's governing body) for approval prior to December 28, 2013.



Mr. Samuel Unger  
June 24, 2013  
Page 2

If you have any questions, please contact Ms. Terri Grant at (626) 458-4309 or [tgrant@dpw.lacounty.gov](mailto:tgrant@dpw.lacounty.gov).

Very truly yours,



*W* GAIL FARBER  
Chief Engineer of the Los Angeles County Flood Control District

LM:jht  
P:\wmpub\Secretarial\2013 Documents\Letter\LOI - Upper SGR LACFCD.doc\13205

cc: City of Baldwin Park  
City of Covina  
City of Glendora  
City of Industry  
City of La Puente

## **ENCLOSURE E**

### **Avocado Heights Multiuse Trail Fact Sheet**

## Enclosure E

## Avocado Heights Multiuse Trail

**Regulatory Background**

The Avocado Heights Multiuse Trail project has a drainage area of 175 acres and outlets into San Jose Creek, which is a tributary of the San Gabriel River. San Jose Creek Reaches 1 and 2 are on the 303(d) list for coliform bacteria, selenium, total dissolved solids, toxicity, and ammonia.

**Location**

The project consists of 3.6 miles of street improvements on Proctor, Lomitas, 3rd, 4th, and 5th Avenues, and Don Julian Road in the unincorporated area of Avocado Heights. The surrounding area is predominantly residential and includes an active equestrian community that utilizes the existing roadways.

**Environmental Benefits**

The project will construct multiuse trails to provide a safer route to equestrian, bicycle, and pedestrian users away from existing traffic hazards. The majority of the existing roadway width will be reduced from 40 to 36 feet, thereby reducing the amount of impermeable surfaces as well as runoff.

Approximately 2,300 feet of the multiuse trail on 5th Avenue will be constructed with decomposed granite to provide 14,000 cubic feet of infiltration capacity. In addition, an infiltration swale will be constructed at the end of 5th Avenue immediately adjacent to San Jose Creek to provide 3,200 cubic feet of capacity. **Combined together, up to 115 acre-feet of groundwater will be recharged annually.**

About half of the runoff from the streets and private properties that drains into San Jose Creek will drain to the infiltration area. The water will be returned to the ground along with potential sources of bacteria due to horse manure runoff from the streets, thus improving the water quality of San Jose Creek.

**Schedule**

Construction August 2013 to February 2014

**Cost**

The construction cost is estimated to be \$4 million, fully funded by the Puente Hills Landfill Community Benefit and Environmental Education Trust Fund.

LLM:jht

(P:\wmpub\Secretarial\2013 Documents\Letter\NOI Upper SGR\NOI Upper SGR Enc. E)

**Project Location****Clockwise from top:**

- Facing north on 5th Avenue & Trillside Drive
- Existing condition at the end of 5th Avenue
- Proposed swale will have a look similar to existing swale at 4th Avenue Park

# **Notice of Intent (NOI) to Develop an East San Gabriel Valley Watershed Management Area Watershed Management Program Plan**

---

## **SECTION 1. PERMITTEES PARTICIPATION AND PROGRAM TYPE**

The East San Gabriel Valley (ESGV) Watershed Management Area (WMA) which includes the Cities of Claremont, La Verne, Pomona and San Dimas hereby notify the Los Angeles Regional Water Quality Control Board (Regional Water Board) of our intent to develop Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) Plans in accordance with Part VI.C.4.b.i of Order R4-2012-0175. A letter from each agency's respective official, noting its intent to work with the ESGV WMA, is included as Attachment A for your review. Order R4-2012-0175 is otherwise known as the 2012 Municipal Separate Storm Sewer System (MS4) Permit for Coastal Watersheds of Los Angeles County and the identified Cities are Permittees under that order. The ESGV WMA Permittees have drafted Low Impact Development (LID) Ordinances and Green Street Policies, but may delay their final adoption and implementation until functional conformance with similar regional documents, being developed by the County of Los Angeles, can be established. The ESGV WMA Permittees intend to submit our Draft WMP and CIMP Plans within 18 months from the effective date of Order R4-2012-0175, which currently appears to be June 28, 2014. The ESGV WMA Permittees are identified in Figure 1.

While the ESGV WMA Permittees are proceeding in good faith to develop the WMP and CIMP plans, many Permittees, including the ESGV WMA Cities of Claremont and Pomona, have petitioned the State Water Resources Control Board (SWRCB) to review Order R4-2012-0175 and the Receiving Water Limitations (RWLs) language it contains. Furthermore, the Regional Board has been advised of various inconsistencies in the Permit and the need for revisions. As a result of these evolving permit interpretations and unforeseeable actions by the SWRCB, or other watershed stakeholders, the ESGV WMA Permittees reserve the right to revise this NOI prior to the final compliance date for submission of the draft WMP and CIMP plans.

## **SECTION 2. TOTAL MAXIMUM DAILY LOADS ESTABLISHED WATER QUALITY BASED EFFLUENT LIMITATIONS**

The Total Maximum Daily Loads (TMDLs) that are currently applicable to the ESGV WMA Permittees were developed by either the United States Environmental Protection Agency (USEPA) or adopted by the Santa Ana Regional Water Quality Control Board. As shown in Figure 2, a substantial portion on the eastern side of the Cities of Claremont and Pomona drain to the San Antonio or Chino Creeks and the Santa Ana River. Although the ESGV WMA Permittees continue to implement Best Management Practices (BMPs) and other pollutant source controls that should alleviate the TMDL identified beneficial use impairments, these TMDLs contain no interim or final RWLs or Water Quality Based Effluent Limitations (WQBELs) compliance dates during the WMP and CIMP Plans development period. Compliance Schedules for USEPA established TMDLs would be developed as proposed in Permit Part VI.E.3, while the Middle Santa Ana River Bacteria TMDL schedule will follow Permit Attachment R.



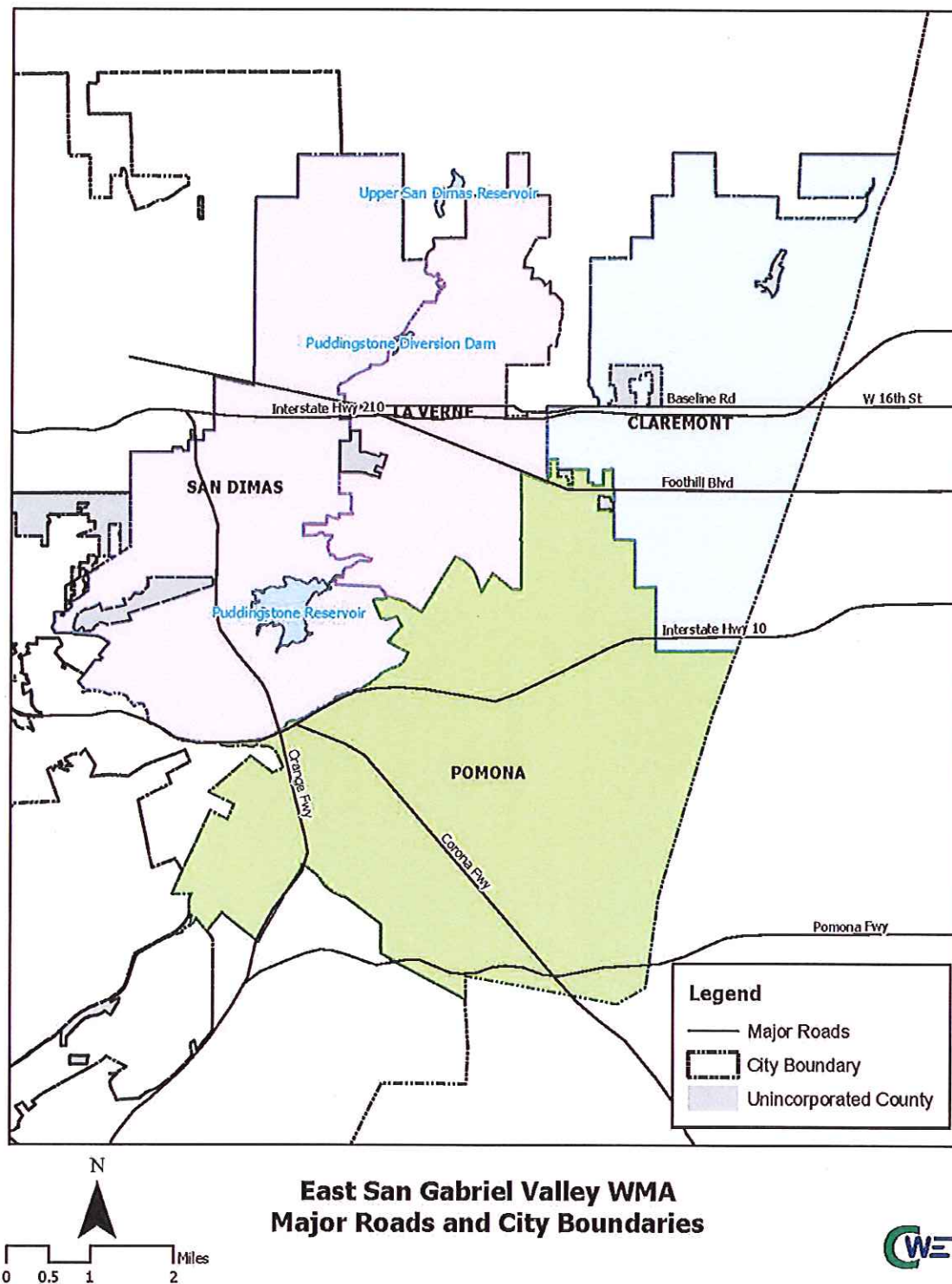


Figure 1. East San Gabriel Valley Watershed Management Area Permittees and Vicinity Map.



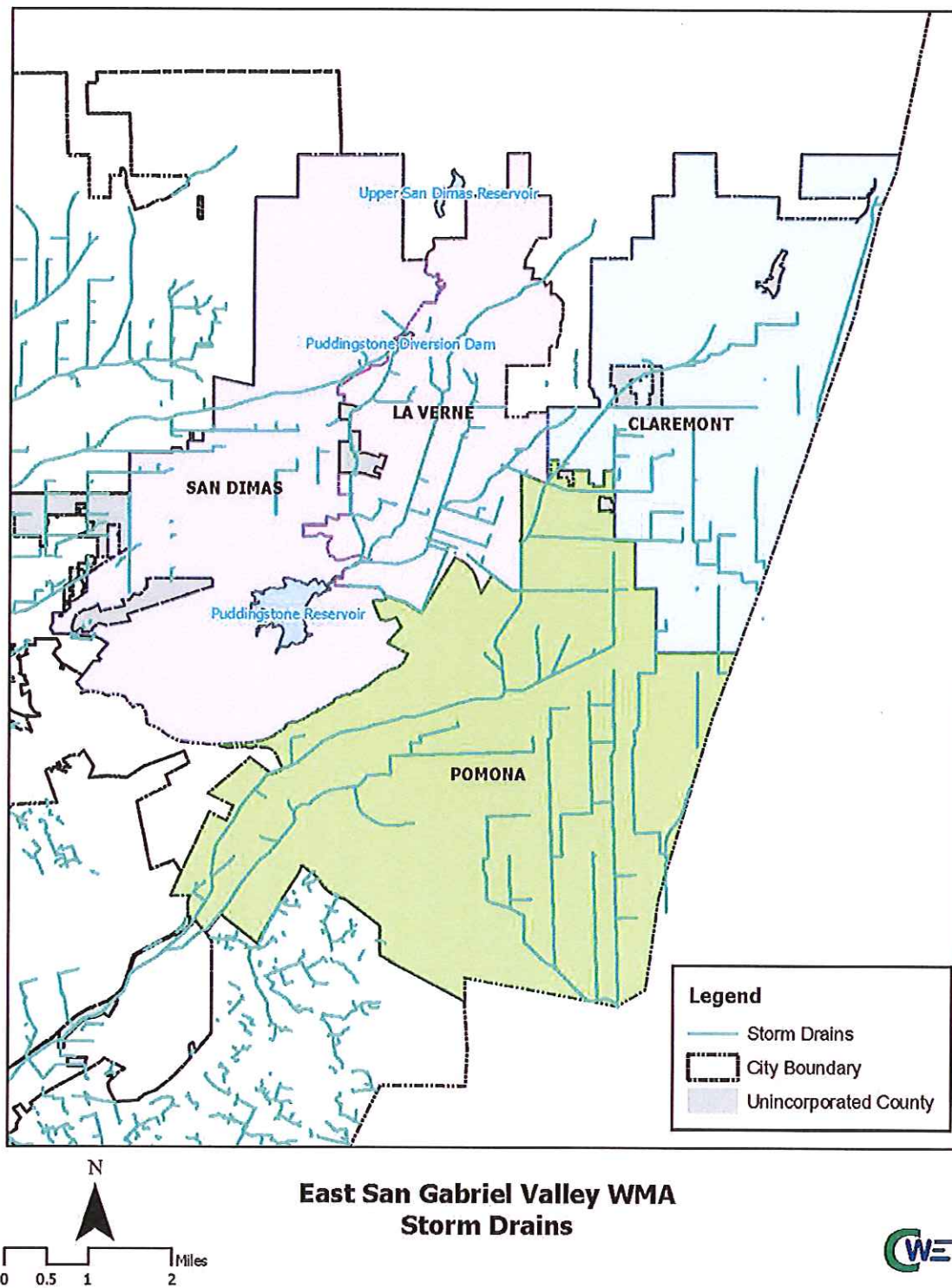


Figure 2. Major Drainage Conveyances in the East San Gabriel Valley WMA.

### SECTION 3. IDENTIFY TMDL CONTROL MEASURES

The ESGV WMA Permittees intend to continue to effectively implement the Minimum Control Measures (MCM) provisions of the 2012 MS4 Permit in anticipation of demonstrating continued progress toward regional water quality and beneficial use objectives in local receiving waters.

### SECTION 4. LID ORDINANCE AND GREEN STREETS POLICY STATUS

The ESGV WMA Cities of Claremont, La Verne, and Pomona have drafted LID ordinances and Green Streets policies, derived from the templates provided by the Los Angeles Permit Group, which follow as Attachments B and C respectively. The City of San Dimas has developed separate draft LID and Green Streets documents, which follow as Attachments D and E respectively. The adoption status of these measures, within the ESGV WMA, is summarized on **Tables 1 and 2**, using Permittee area estimates provided by the Los Angeles County Department of Public Works. Once adopted, these ordinances and policies are anticipated to be in compliance with applicable sections of the 2012 MS4 Permit. However, to avoid unanticipated discrepancies or conflicting interpretations among adjacent agencies, adoption of the ordinance by each agency will follow release, and review for substantial conformance, of the County of Los Angeles LID Ordinance. Subwatersheds from the Los Angeles County Geospatial Library, are shown in **Figure 3**, however these areas may be subject to revision during WMP Plan development, when the boundaries must be better characterized in anticipation of CIMP and RAA analyses.

**Table 1. Status of LID Ordinance Adoption by the ESGV WMA Permittees.**

ESGV WMA Permittee	LID Ordinance Status	ESGV WMA for which Permittee is Responsible [acres]	ESGV WMA Addressed by Permittee's Draft LID Ordinance [acres]	Percent of Watershed Area
City of Claremont	Draft Ordinance	5,790	5,790	100%
City of La Verne	Draft Ordinance	5,030	5,030	100%
City of Pomona	Draft Ordinance	7,929	7,929	100%
City of San Dimas	Draft Ordinance	8,539	8,539	100%
Summary for ESGV WMA		27,288	27,288	100%

**Table 2. Status of Green Street Policy Adoption by the ESGV WMA Permittees.**

ESGV WMA Permittee	Green Street Policy Status	ESGV WMA for which Permittee is Responsible [acres]	ESGV WMA Addressed by Permittee's Draft Green Street Policy [acres]	Percent of Watershed Area
City of Claremont	Draft Policy	5,790	5,790	100%
City of La Verne	Draft Policy	5,030	5,030	100%
City of Pomona	Draft Policy	7,929	7,929	100%
City of San Dimas	Draft Policy	8,539	8,539	100%
Summary for ESGV WMA		27,288	27,288	100%

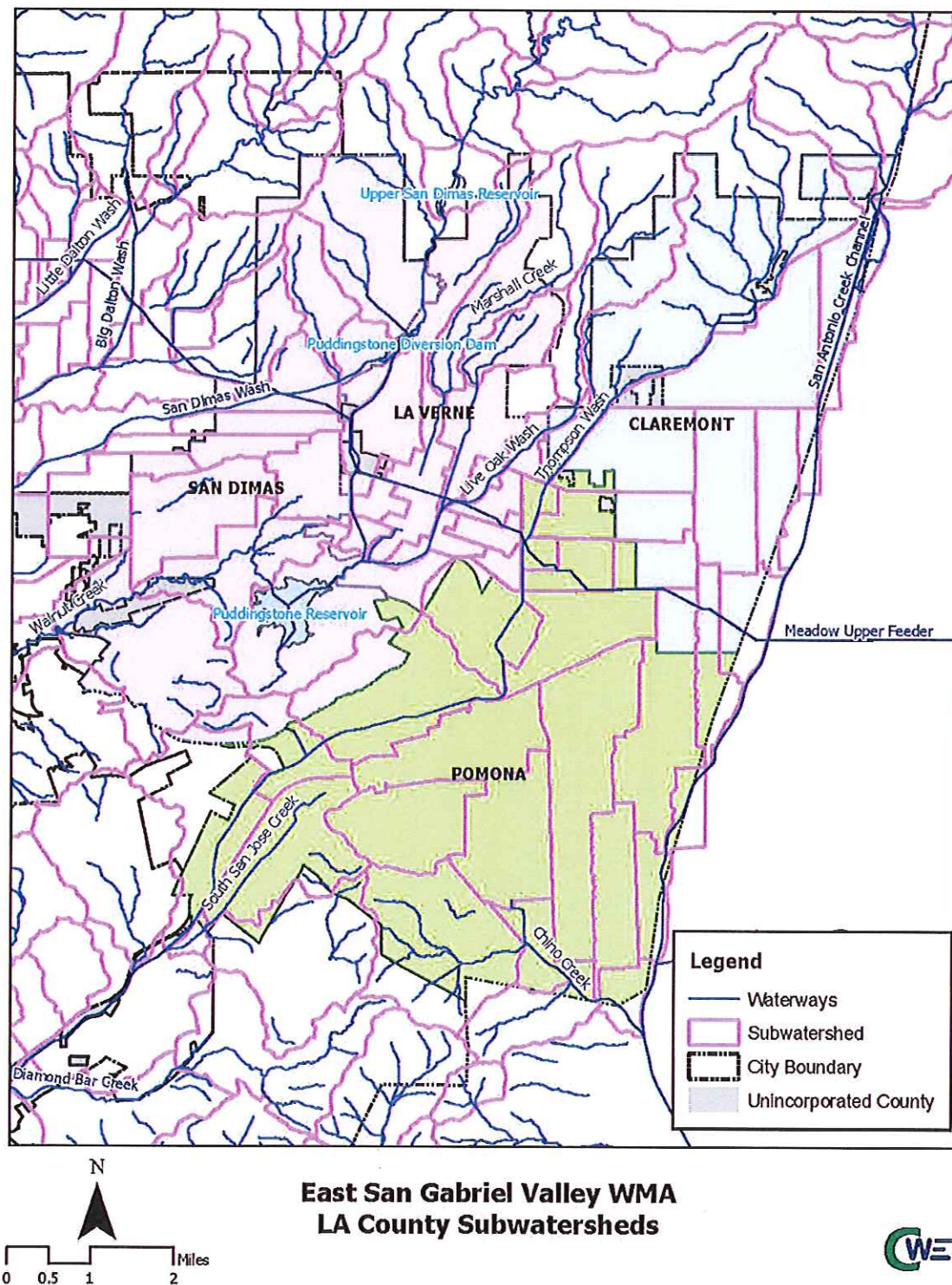


Figure 3. Los Angeles County Designated Subwatersheds in the East San Gabriel Valley WMA.



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## Lower San Gabriel River Watershed Management Group

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The Lower San Gabriel River Watershed Management Group consists of the City of Norwalk as the coordinating agency for the Watershed Management Plan and Coordinated Integrated Monitoring Program development, the cities of Artesia, Bellflower, Cerritos, Diamond Bar, Downey, Hawaiian Gardens, La Mirada, Lakewood, Long Beach, Pico Rivera, Santa Fe Springs, Whittier, and Los Angeles County Flood Control District. The submittals pertaining to the Lower San Gabriel River Watershed Management Group are below:

- » [Notice of Intent](#)
- » [Low Impact Development Ordinance](#)
- » [Green Streets Policy](#)
- » [Green Streets Manual](#)

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The California Water Boards include the [State Water Resources Control Board](#) and nine [Regional Boards](#).  
The State Water Board is one of five environmental entities operating under  
the authority of the California Environmental Protection Agency  
[Cal/EPA](#) | [ARB](#) | [DPR](#) | [DTSC](#) | [OEHHA](#) | [SWRCB](#)

**Notice of Intent to Develop a  
Watershed Management Program (WMP) and a  
Coordinated Integrated Monitoring Program (CIMP)  
for  
the Los Cerritos Channel Watershed**

Prepared for:

City of Bellflower

City of Cerritos

City of Downey

City of Lakewood

City of Long Beach

City of Paramount

City of Signal Hill

Los Angeles County Flood Control District (LACFCD)

Caltrans

June 27, 2013



LOS CERRITOS CHANNEL WATERSHED  
NOTICE OF INTENT PACKAGE

TRANSMITTAL LETTER

## *The Los Cerritos Channel Watershed Group*

June 25, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, CA 90013

Attn.: Renee Purdy

### **LETTER OF INTENT TO PARTICIPATE IN THE DEVELOPMENT OF A WATERSHED MANAGEMENT PROGRAM (WMP) AND COORDINATED INTEGRATED MONITORING PROGRAM (CIMP) IN COOPERATION WITH THE LOS CERRITOS CHANNEL METALS TMDL TECHNICAL COMMITTEE**

Dear Mr. Unger:

The Los Cerritos Channel (LCC) Metals TMDL Technical Committee now known as the Los Cerritos Channel Watershed Group (LCCWG) is submitting the attached Notice of Intent (NOI) package to your Board on behalf of our members. The LCCWG is comprised of the Cities of Bellflower, Cerritos, Downey, Lakewood, Long Beach, Paramount, and Signal Hill, as well as the Los Angeles County Flood Control District, and Caltrans. We are developing a Watershed Management Program (WMP) and a Coordinated Integrated Monitoring Program (CIMP) and intend to comply with the requirements and provisions of Order No. R4-2012-0175.

Attached to this NOI package for the Los Cerritos Channel Watershed are letters of intent from our member cities.

While maintaining the 18-month schedule for development of the WMP and CIMP, we intend to continue to evaluate and consider the Enhanced WMP (EWMP) option. If the group decides prior to December 28, 2013 to develop an EWMP, your office will be notified in a supplemental Notice of Intent, together with revised Letters of Intent from member cities and agencies.

Should you have any questions, please contact one of us at the following numbers: Anthony Arevalo, 562.570.6023; or Steve Myrter, 562.989.7356. Thank you.

Sincerely,

ON BEHALF OF THE LOS CERRITOS CHANNEL METALS TMDLS TECHNICAL COMMITTEE



ANTHONY AREVALO  
Co-Chair, Los Cerritos Channel  
Metals TMDLs Technical Committee



STEVE MYRTER  
Co-Chair, Los Cerritos Channel  
Metals TMDLs Technical Committee

LOS CERRITOS CHANNEL WATERSHED  
NOTICE OF INTENT PACKAGE

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### **Notice of Intent**

Transmittal Letter

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Los Cerritos Channel Watershed NOI

### **Attachment A Demonstration of Compliance with Part VI.C.4.c.i (1) and Part VI.C.4.c.iv (1) of Order R4-2012-0175**

A.1 GWMA LID Ordinance and Green Streets Policy Template Program

A.2 City of Signal Hill Development of LID Ordinance and Green Streets Policy

### **Attachment B Draft Final MOU**

### **Attachment C City of Bellflower Letter of Intent and Related Documents**

C.1 City of Bellflower June 26, 2013 Letter of Intent

C.2 City of Bellflower December 27, 2012 Notice of Intent

C.3 Existing City of Bellflower/GWMA MOA

C.4 City of Bellflower In Place LID Ordinance

C.5 City of Bellflower Draft Green Streets Policy

### **Attachment D City of Cerritos Letter of Intent and Related Documents**

D.1 City of Cerritos June 27, 2013 Letter of Intent

D.2 City of Cerritos December 21, 2012 Notice of Intent

D.3 Existing City of Cerritos/GWMA MOA

D.4 City of Cerritos Draft LID Ordinance

D.5 City of Cerritos Draft Green Streets Policy

### **Attachment E City of Downey Letter of Intent and Related Documents**

E.1 City of Downey June 24, 2013 Letter of Intent

E.2 City of Downey December 27, 2012 Notice of Intent

E.3	Existing City of Downey/GWMA MOA
Attachment F	City of Lakewood Letter of Intent and Related Documents
F.1	City of Lakewood June 26, 2013 Letter of Intent
F.2	City of Lakewood December 19, 2012 Notification of Intent
F.3	Existing City of Lakewood/GWMA MOA
F.4	City of Lakewood Draft LID Ordinance
F.5	City of Lakewood Draft Green Streets Policy
Attachment G	Long Beach Letter of Intent and Related Documents
G.1	City of Long Beach June 25, 2013 Letter of Intent
G.2	Existing City of Long Beach/GWMA MOA
G.3	City of Long Beach in Place LID Ordinance
Attachment H	City of Paramount Letter of Intent and Related Documents
H.1	City of Paramount June 24, 2013 Letter of Intent
H.2	City of Paramount December 17, 2012 Notice of Intent
H.3	City of Paramount/GWMA MOA
H.4	City of Paramount Draft LID Ordinance
H.5	City of Paramount In Place Green Streets Policy
Attachment I	Signal Hill Letter of Intent and Related Documents
I.1	City of Signal Hill June 24, 2013 Letter of Intent
I.2	Existing City of Signal Hill/GWMA MOA
I.3	City of Signal Hill Draft LID Ordinance
I.4	City of Signal Hill In Place Green Streets Policy
Attachment J	LACFCD Letter of Intent
Attachment K	Caltrans Letter of Intent



LOS CERRITOS CHANNEL WATERSHED  
NOTICE OF INTENT PACKAGE

LOS CERRITOS CHANNEL WATERSHED NOI

## Notice of Intent

# Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) Los Cerritos Channel Watershed

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### SECTION 1

#### PROGRAM TYPE AND PERMITTEES

The Permittees (listed in Table 1) that are party to this Notice of Intent (NOI) hereby notify the Los Angeles Regional Water Quality Control Board (Regional Water Board) of their intent to develop a Watershed Management Plan (WMP) for the Los Cerritos Channel Watershed. This NOI is being submitted in accordance with Part VI.C.4.b.i of Order R4-2012-0175. Permittees meet the LID and Green Street conditions in Sections VI.C.4.c.i (1) and (2) and VI.C.4.c.iv (1) and (2) and will submit the Draft WMP within 18 months of the effective date of Order R4-2012-0175 (June 28, 2014). Demonstration that the conditions of Part VI.C.4.c.i (1) have been met in greater than 50% of the watershed area is contained in Attachment A that demonstrates that the Cities of Downey, Lakewood, Paramount, and Signal Hill, which together comprise 69.99% of the total portion of the watershed included in the MS4 Permit for the Coastal Watersheds of Los Angeles Except Those Discharges Originating from the City of Long Beach, commenced development of a Low Impact Development (LID) Ordinance and a Green Streets Policy in collaboration with the Gateway Water Management Authority by February 26, 2013. Demonstration that the conditions of Part VI.C.4.c.iv (2) have been met in greater than 50% of the watershed area is contained in the attachments to the letters of intent from the cities of Bellflower, Cerritos, Lakewood, Paramount, and Signal Hill, which together comprise 97.44% of the total portion of the watershed included in the MS4 Permit.

The Permittees (listed in Table 1) that are party to this NOI also hereby notify the Regional Water Board of their intent to develop a Coordinated Integrated Monitoring Program (CIMP). The Permittees intend to follow a CIMP approach for each of the required monitoring plan elements and will submit the CIMP within 18 months of the effective date of Order R4-2012-0175 (June 28, 2014). Caltrans has long participated informally in meetings of the Los Cerritos Channel Watershed Group (formerly Los Cerritos Channel Metals TMDLs Technical Committee), and the Group is currently negotiating formal participation of Caltrans in preparation of both the WMP and CIMP.

While maintaining the 18-month WMP schedule, the Permittees intend to continue to consider Enhanced WMP (EWMP) options. If the Permittees elect to develop an EWMP prior to the December 28, 2013 deadline, the Permittees will notify the Regional Board.

**Table 1. Watershed Management Program Permittees**

1. City of Bellflower
2. City of Cerritos
3. City of Downey
4. City of Lakewood

5. City of Long Beach <sup>1</sup>
6. City of Paramount
7. City of Signal Hill
8. Caltrans <sup>1</sup>
9. Los Angeles County Flood Control District (LACFCD)

<sup>1</sup> The City of Long Beach and Caltrans are Regulated Under Separate MS4 Permits

## SECTION 2

### TOTAL MAXIMUM DAILY LOADS ESTABLISHED WATER QUALITY BASED EFFLUENT LIMITATIONS

At this time, there are no interim or final Water Quality Based Effluent Limitations (WQBELs) for trash applicable to the Watershed. Rather, the only interim or final WQBELs directly applicable to the Watershed are for the Los Cerritos Channel Total Maximum Daily Loads (TMDLs) for Metals established by the USEPA on March 17, 2010. On June 6, 2013, the Regional Water Board adopted Resolution No. R13-XXX with two attachments. Attachment B specifies an interim compliance date of September 30, 2017, which is after the anticipated approval date for the WMP, but approximately three months prior to the expiration date for Order No. R4-2012-0175. Attachment B also specifies two additional interim compliance dates in 2020 and 2023 and a final compliance date of September 30, 2026. Pursuant to Section VI.E.3 of the Order, the WMP will become the Implementation Plan for the EPA-established Los Cerritos Channel Metals TMDLs.

In addition, the cities of Bellflower, Lakewood, Long Beach, Paramount, and Signal Hill, together with Caltrans and the Los Angeles County Flood Control District (LACFCD) have been named as responsible parties in the Total Maximum Daily Load for Toxic Pollutants in the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters. This TMDL became effective on March 23, 2012. There are no interim or final WQBELs directly applicable to the Los Cerritos Channel Watershed. However, there are general plan development, monitoring, reporting, and plan implementation requirements that could impact the watershed. Initial work on these tasks is being coordinated by the Regional Monitoring Coalition with which the applicable permittees are coordinating.

Table 2 lists applicable interim, final Water Quality Based Effluent Limitations (WQBELs) limitations established by the Implementation Schedule for the Los Cerritos Channel TMDLs<sup>1</sup> for Metals.

**Table 2. Applicable Interim and Final WQBELs occurring before and after Watershed Management Program Approval.**

TMDL Order	WQBEL	Interim/Final	Compliance Date
Los Cerritos Channel TMDLs for Metals 2010-2026	Dry Weather <sup>1</sup>		
	30% of drainage area	Interim	9/30/2017
	70% of drainage area	Interim	9/30/2020

	100% of drainage area	Interim	9/30/2023
	Wet Weather <sup>1</sup>		
	10% of drainage area	Interim	9/30/2017
	35% of drainage area	Interim	9/30/2020
	65% of drainage area	Interim	9/30/2023
	100% of drainage area	Final	9/30/2026

<sup>1</sup> An Implementation Schedule for the Los Cerritos Channel Metals TMDLs was approved by the Regional Water Board on June 6, 2013 in Attachment B to Resolution No. R13-XXX.



### SECTION 3

#### IDENTIFY TMDL CONTROL MEASURES:

Table 3 identifies the control measures being implemented by each Permittee for each TMDL. The Permittees will continue to implement these measures during the development of the WMP.

**Table 3. Control Measures that are and will be Implemented Concurrently with WMP Development**

Permit	Program Elements	Control Measures
Continued Implementation of Permit Requirements	Public Information and Public Participation Program	Provide Public Information related to control of metals
	Industrial/Commercial Facilities Program	Track critical sources of metals Inspect critical industrial sources of metals Notify industries identified as potential sources of metals of BMP requirements applicable to their sites
	Planning and Land Development Program	Implement New Development/Redevelopment Project Performance Criteria
	Development Construction Program	Implement Construction Site Inventory Tracking Implement Construction Plan Review and Approval Procedures Conduct Construction Site Inspections
	Public Agency Activities Program	Implement Public Construction Management and Public Facility Inventory Inventory Existing Development for Retrofitting Opportunities Train Employees in Targeted Positions and Contractors



## SECTION 4

### DEMONSTRATION OF MEETING LID ORDINANCE AND GREEN STREET POLICY REQUIREMENTS

The Permittees that are party to this NOI have LID Ordinances and Green Streets Policies in place or in development. Table 4 summarizes the status of the Permittees' LID ordinances and Table 5 summarizes the status of the Permittees' Green Streets policies. More than 50% of the MS4 watershed area regulated by Order No. R4-2012-0175 that will be addressed by the WMP is covered by LID ordinances and Green Streets policies.

**Table 4. LCC: Status of LID Ordinance Coverage of the MS4 Watershed Area Addressed by the WMP<sup>1</sup>**

Permittee	LID Ordinance Status	MS4 Watershed Area for which Permittee is Responsible <sup>1</sup> [acres]	MS4 Watershed Area Covered by Permittee's LID Ordinance [acres]	Percentage of Watershed Area
Bellflower	In Place	2,818.43	2,818.43	15.91%
Cerritos	Draft Ordinance	57.60	57.60	0.33%
Downey	In Development	245.0	245.0	1.38%
Lakewood <sup>2</sup>	Draft Ordinance	4,802.77	4,802.77	27.12%
Paramount	Draft Ordinance	1,128.93	1,128.93	6.37%
Signal Hill	Draft Ordinance	530.75	530.75	3.00%
Total LA MS4 City Watershed Area		9,583.48		
Long Beach	In Place	7,535.38	7,535.38	42.55%
Total LA and Long Beach MS4 Watershed Area		17,118.86		
Caltrans <sup>3</sup>	NA	497.97	NA	2.81%
LACFCD <sup>3</sup>	NA	NA	NA	NA
Total Los Cerritos Channel Watershed Area		17,616.83 <sup>4</sup>		
Total LA MS4 City Watershed Area Covered By In Place or Draft LID Ordinances			9,338.48 <sup>4</sup>	
Total LA and Long Beach MS4 City Watershed Area Covered by In Place or Draft LID Ordinances			16,873.86 <sup>4</sup>	
% of LA MS4 City Watershed Area Covered By In Place or Draft Ordinances				97.44%
% of LA and LB MS4 City Watershed Area Covered by LID Ordinances				98.57%
<b>Status Descriptions:</b> <ul style="list-style-type: none"> <li>• In Place – Permittee has adopted an LID Ordinance that is in compliance with the requirements of Order R4-2012-0175 for its portion of the watershed.</li> <li>• Draft Ordinance – Permittee has completed, or will complete by June 28, 2013, the development of a draft LID Ordinance in compliance with the requirements of Order R4-2012-0175 for its portion of the watershed.</li> <li>• In Development – Permittee initiated development of an LID Ordinance for its portion of the watershed within 60 days of the effective date of the Order in compliance with the requirements of Order R4-2012-0175.</li> </ul>				

<sup>1</sup> Caltrans is under a separate statewide permit and its acreage is subtracted from city acreage.

<sup>2</sup> Lakewood will adopt a modified version of the County of Los Angeles LID Ordinance.

<sup>3</sup> The properties of Caltrans and LACFCD are not subject to inclusion in an LID Ordinance, nor in a municipal Green Streets Policy.

<sup>4</sup> Not including 95-acre unincorporated County area being addressed separately.

**Table 5. LCC: Status of Green Street Policy Coverage of the MS4 Watershed Area Addressed by the WMP<sup>1</sup>**

Permittee	Green Street Policy Status	MS4 Watershed Area for which Permittee is Responsible <sup>1</sup> [acres]	MS4 Watershed Area Covered by Permittee's Green Street Policy [acres]	Percentage of Watershed Area
Bellflower	Draft Policy	2,818.43	2,818.43	15.91%
Cerritos	Draft Policy	57.60	57.60	0.33%
Downey	In Development	245.0	245.0	1.38%
Lakewood	Draft Policy	4,802.77	4,802.77	27.12%
Paramount	In Place	1,128.93	1,128.93	6.37%
Signal Hill	In Place	530.75	530.75	3.00%
Total LA MS4 City Watershed Area		9,583.48		
Long Beach	In Development	7,535.38	7,535.38	42.55%
Total LA and Long Beach MS4 City, Watershed Area		17,118.86		
Caltrans <sup>2</sup>	NA	497.97	NA	2.81%
LACFCD <sup>2</sup>	NA	NA	NA	NA
Total Los Cerritos Channel Watershed Area		17,616.83 <sup>3</sup>		
Total LA MS4 City Watershed Area Covered By In Place or Draft Green Streets Policies			6,520.05 <sup>3</sup>	
Total LA and LB MS4 City Watershed Area Covered by In Place or Draft Green Streets Policies			6,520.05 <sup>3</sup>	
% of LA MS4 City Watershed Area Covered By In Place or Draft Green Streets Policies				97.44%
% of LA and LB MS4 City Watershed Area Covered by In Place or Draft Green Streets Policies				54.55%
<b>Status Descriptions:</b> <ul style="list-style-type: none"> <li>• In Place – Permittee has adopted a Green Streets Policy that is in compliance with the requirements of Order R4-2012-0175 for its portion of the watershed.</li> <li>• Draft Ordinance – Permittee has completed, or will complete by June 28, 2013, the development of a draft Green Streets Policy in compliance with the requirements of Order R4-2012-0175 for its portion of the watershed.</li> <li>• In Development – Permittee initiated development of a Green Streets Policy for its portion of the watershed within 60 days of the effective date of the Order in compliance with the requirements of Order R4-2012-0175.</li> </ul>				

<sup>1</sup> Caltrans is under a separate statewide permit and its acreage is subtracted from city acreage.

<sup>2</sup> The properties of Caltrans and LACFCD are not subject to inclusion in an LID Ordinance, nor in a municipal Green Streets Policy.

<sup>3</sup> Not including 95-acre unincorporated County area being addressed separately.

## SECTION 5

### GEOGRAPHIC SCOPE OF WATERSHED MANAGEMENT PROGRAM

The Los Cerritos Channel Watershed encompasses a land area of approximately 17,711 acres (27.7 square miles). It extends from just north of I-105 in Downey to Atherton Street in Long Beach where it discharges into the Los Cerritos Channel Estuary, which, in turn, discharges through Marine Stadium and Alamitos Bay to San Pedro Bay. The watershed includes ten MS4 Permittees regulated under three different MS4 permits. Nine of these Permittees are participating together in development of a WMP and a CIMP. This WMP and CIMP only includes the areas of the participating Permittees within the Los Cerritos Channel Freshwater watershed; it does not include areas directly tributary to the Los Cerritos Channel Estuary, nor areas directly tributary to Alamitos Bay. The WMP and CIMP will also include all LACFCD facilities within the Los Cerritos Channel Watershed, excluding any unincorporated County areas. The total area covered by the WMP includes approximately 17,617 acres. A 95-acre unincorporated County area with a separate WMP will be excluded from the WMP prepared by the Los Cerritos Channel Watershed Group. Table 6 provides a breakdown of the land area within the Los Cerritos Channel Watershed by Permittee.

Table 6. Los Cerritos Channel Watershed Land Area by Permittee.

Permittee	Land Area (Acres) <sup>1,2</sup>	Percent of Total Area
Bellflower	2,818.43	15.91%
Cerritos	57.60	0.33%
Downey	245.0	1.38%
Lakewood	4,802.77	27.12%
Long Beach	7,535.38	42.55%
Paramount	1,128.93	6.37%
Signal Hill	530.75	3.00%
Caltrans	497.97 <sup>1</sup>	2.81%
LACFCD	NA <sup>2</sup>	NA

<sup>1</sup> Caltrans average subtracted from city areas.

<sup>2</sup> LACFCD acreage is included in city areas.

## SECTION 6

### PLAN CONCEPT AND INTERIM MILESTONES AND DEADLINES

If at any point, the Permittees elect to develop an EWMP, the Permittees propose to follow the schedule in Table 7:

**Table 7. Enhanced Watershed Management Program Interim Milestones and Target Completion Dates.**

<b>Milestone</b>	<b>Target Date</b>
Notify Regional Board on decision to elect to develop an Enhanced WMP instead of WMP	December 2013
Compile technical memorandum of water quality priorities	December 2013
Complete internal draft of EWMP Work Plan	March 2014
Complete draft CIMP	April 2014
Submit final CIMP and final EWMP Work Plan	June 2014
Complete initial RAA based on selected watershed control measures	December 2015
Complete internal draft of EWMP	April 2015
Submit draft EWMP to Regional Water Board	June 2015
Submit Final EWMP to Regional Water Board (revised based on the Regional Water Board comments)	January 2016

## SECTION 7

### COST ESTIMATE

It is estimated that the cost for the development of the CIMP and WMP will be approximately \$650,000. In addition, each Permittee will contribute undefined administrative costs and other in-kind services.

## SECTION 8

### PERMITTEE MEMORANDA OF UNDERSTANDING

All Permittees to the WMP are committed to the completion of the program development.

A copy of each city's existing MOA is attached to city Letters of Intent. A new MOA is under development. It will be signed by all permittees participating in development of the WMP and CIMP. A copy of the current draft is in Attachment B of this NOI.

## SECTION 9

### COMMITMENT TO IMPLEMENT A STRUCTURAL BMP OR SUITE OF BMPs

The Permittees listed in Table 8 will implement the identified structural BMP to fulfill the obligations under Part VI.C.b.iii.(5) if the WMP is converted to an EWMP.

Table 8. Structural BMP or Suite of BMPs to be Implemented in the EWMP Watershed.

Watershed	Permittee	Structural BMP or Suite of BMPs to be Implemented	Planned Implementation Date
Los Cerritos Channel	All listed on Table 1	The Permittees are evaluating potential sites within the watershed for installation of a CDS unit, preferably in a location where it could serve as pre-treatment for a future stormwater capture facility. <sup>1,2</sup>	To Be Determined <sup>3</sup>

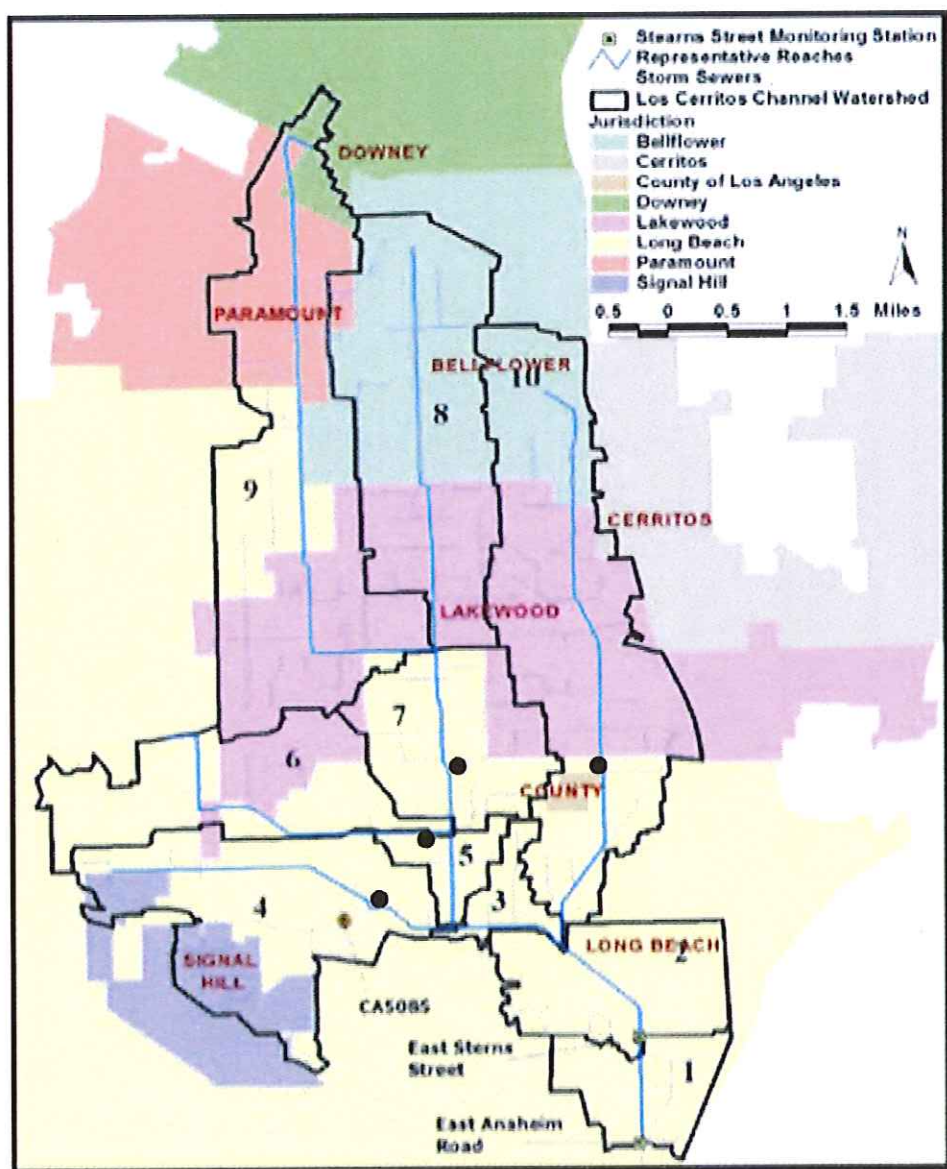
<sup>1</sup> The Los Cerritos Channel Watershed Group has selected a CDS unit as its potential initial structural BMP because these units capture sediment to which metals adhere, as well as trash and debris to address the 303(d) listing of Los Cerritos Channel for Trash.

<sup>2</sup> In addition, five cities in the watershed have applied for a Proposition 84 Integrated Regional Water Management (IRWM) grant for several hundred full-capture inserts for catch basins within the watershed. If this grant application is funded, this suite of BMPs may be implemented instead of a single CDS unit.

<sup>3</sup> Within thirty months of the effective date of this Order R4-2012-0175.



Figure 1: Los Cerritos Channel Watershed <sup>1,2</sup>



● Potential locations for installation of a CDS unit before June 28, 2015.

<sup>1</sup> A 5.05-acre area in the City of Downey drains to the Los Angeles River Watershed. While this area is included in this and other maps related to the TMDL, it has been excluded from TMDL calculations, allocations, and other tables and text (except those presenting model results) for the Los Cerritos Channel Metals TMDLs.

<sup>2</sup> Does not include 95-acre unincorporated County area being addressed separately.

<sup>3</sup> The reference monitoring station for the watershed is located at East Stearns Street.

<sup>4</sup> The reference weather station (CA5085) for the watershed is located at the Long Beach airport.

# **MALIBU CREEK WATERSHED GROUP NOTICE OF INTENT**

**ENHANCED WATERSHED MANAGEMENT PROGRAM**

**AND**

**COORDINATED INTEGRATED MONITORING PROGRAM**

**SUBMITTED BY:**

**Malibu Creek Watershed Group**

On Behalf of:

City of Agoura Hills

City of Calabasas

City of Hidden Hills

City of Westlake Village

County of Los Angeles

Los Angeles County Flood Control District

**JUNE 27, 2013**

## 1. PROGRAM TYPE AND PERMITTEES [MS4 Permit Section VI.C.4.b.i and Attachment E Section IV.C.1]

The Permittees (listed in Table 1) that are party to this Notice of Intent (NOI) hereby notify the Los Angeles Regional Water Quality Control Board (Regional Water Board) of their intent to develop an Enhanced Watershed Management Program (EWMP) for the Malibu Creek Watershed (MCW). This NOI is being submitted in accordance with Part VI.C.4.b.i of Order R4-2012-0175. Permittees meet the LID and Green Streets conditions and will submit a Work Plan within 18 months of the effective date of the Order R4-2012-0175 (June 28, 2014) and will submit the Draft EWMP within 30 months of the effective date of Order R4-2012-0175 (June 28, 2015).

The Permittees (listed in Table 1) that are party to this NOI hereby notify the Regional Water Board of their intent to develop a Coordinated Integrated Monitoring Program (CIMP). The Permittees intend to follow a CIMP approach for each of the required monitoring programs elements and will submit the CIMP within 18 months of the effective date of Order R4-2012-0175 (June 28, 2014).

**Table 1. Enhanced Watershed Management Program Permittees**

1	City of Agoura Hills
2	City of Calabasas
3	City of Hidden Hills
4	City of Westlake Village
5	County of Los Angeles
6	Los Angeles County Flood Control District

## 2. INTERIM AND FINAL TDML COMPLIANCE DEADLINES [Section VI.C.4.b.ii]

Table 2 lists the Total Maximum Daily Loads (TMDLs) that have specifically been developed for the Malibu Creek Watershed and the TMDLs that apply to the Malibu Creek Watershed as a subwatershed in the Santa Monica Bay Watershed Management Area. Interim and final compliance deadlines of the Malibu Creek Watershed Trash and Santa Monica Bay Debris TMDLs and final compliance deadlines of other TMDLs occurring prior to the anticipated approval date of the EWMP (April 28, 2016) are included in Table 3.

The watershed control measures that will be implemented to meet the requirements of the interim and final trash water quality based effluent limits (WQBELs) and all other final WQBELs are described in more detail in Attachment 1 of this NOI.

**Table 2. TMDLs applicable to Malibu Creek Watershed**

No.	Resolution No.	Watershed	Pollutant	Title	Status
1	R12-009	Malibu Creek	Bacteria	Reconsideration of Certain Technical Matters of the TMDL for Bacteria Indicator Densities in Malibu Creek and Lagoon	Approved by Regional Board on Jun. 7, 2012
2	2008-007	Malibu Creek	Trash	Malibu Creek Trash TMDL	TMDL In Effect on Jul. 7, 2009
3	2004-019R	Malibu Creek	Bacteria	Malibu Creek Bacteria TMDL	TMDL In Effect on Jan. 24, 2006
4	R10-010	Santa Monica Bay	Debris	Bay Nearshore Debris TMDL	TMDL In Effect on Mar. 20, 2012
5	2002-022	Santa Monica Bay	Bacteria	Bacteria TMDL (Wet Weather)	TMDL In Effect on Jul. 15, 2003
6	U.S. EPA ID: 11900	Malibu Creek	Nutrients	Malibu Creek Nutrient TMDL	EPA Promulgated Mar. 21, 2003
7	US EPA	Malibu Creek	Sedimentation and Nutrient	Sedimentation and Nutrient TMDL	Expected Establishment: Jul. 2013
8	U.S. EPA	Santa Monica Bay	Toxics	Toxics TMDL	EPA Promulgated Mar. 26, 2012

**Table 3. Interim (trash) and final TMDL compliance deadlines prior to EWMP approval**

TMDL	Milestone	Interim /Final	Deadline
Malibu Creek Trash TMDL	20% reduction of baseline load	Interim	July 7, 2013
	40% reduction of baseline load	Interim	July 7, 2014
	60% reduction of baseline load	Interim	July 7, 2015
	80% reduction of baseline load	Interim	July 7, 2016
	100% reduction of baseline load	Final	July 7, 2017
Santa Monica Bay Beaches Bacteria TMDL	Compliance with allowable exceedance days for summer and winter dry weather	Final	Dry Weather: April 1, 2006 Winter Dry: November 1, 2009 Wet Weather: July 15, 2013
Malibu Creek and Lagoon Bacteria TMDL	Summer Dry Weather Winter Dry Weather	Final Final	April 1, 2009 November 1, 2012

### 3. GEOGRAPHICAL SCOPE [Section VI.C.4.b.iii.(1)]

As shown in Table 4, the Malibu Creek Watershed has land under the jurisdiction of the Counties of Los Angeles and Ventura, numerous cities in the Counties of Los Angeles and Ventura, and several State of California and Federal agencies. The total land area of the watershed is approximately 70,651 acres.

**Table 4. Overview of the Entire Malibu Creek Watershed**

Watershed Agencies	EWMP Participation	Land Area (Acres)	Percentage of Land Area
Caltrans	No	342	0.48%
City of Agoura Hills	Yes	5,178	7.33%
City of Calabasas	Yes	4,941	6.99%
City of Hidden Hills	Yes	105	0.15%
City of Malibu	No	536	0.76%
City of Simi Valley	No	123	0.17%
City of Thousand Oaks	No	6,292	8.91%
City of Westlake Village	Yes	3,540	5.01%
County of Los Angeles	Yes	19,228	27.22%
County of Ventura	No	15,360	21.74%
Los Angeles County Flood Control District	Yes	N/A	N/A
National Park Service	No	6,881	9.74%
Santa Monica Mountains Conservancy	No	477	0.68%
State Parks	No	7,648	10.83%
Total Land Area (Acres)		70,651	100%

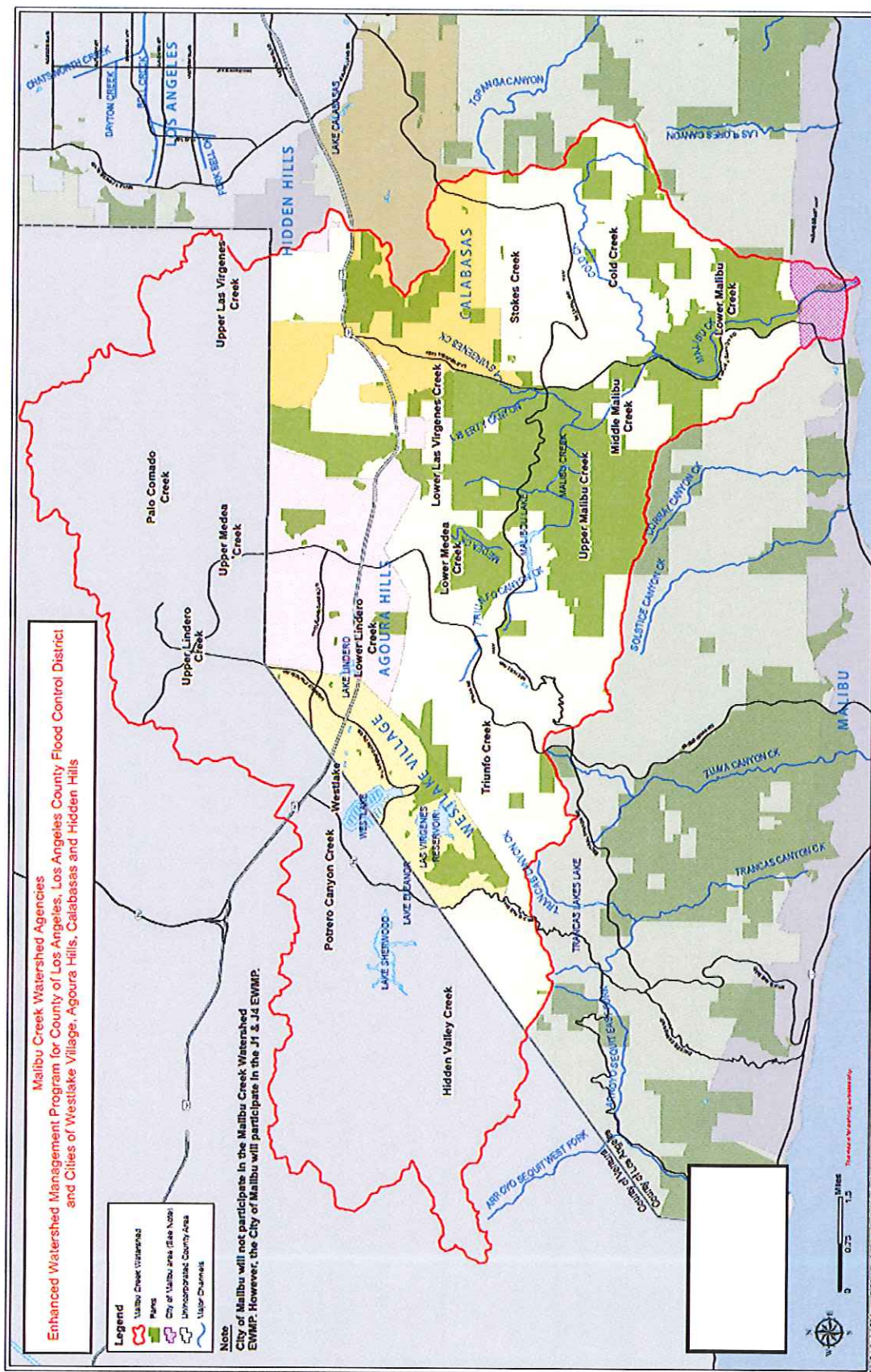
Table 5 shows the agencies that have agreed to collectively develop the Malibu Creek Watershed EWMP and CIMP. The agencies include the County of Los Angeles, the Los Angeles County Flood Control District, and all the cities within the Malibu Creek Watershed that are located in the County of Los Angeles, except the City of Malibu. The land area that is under the jurisdiction of the aforementioned MS4 Permittees comprises the geographic scope of the MCW EWMP, as shown in Figure 1. The MCW EWMP area is approximately 32,992 acres, which is approximately 46.7 percent of the total area in the Malibu Creek Watershed. The agencies that are participating in the development of the MCW EWMP do not have jurisdiction over the lands that are under the jurisdiction of the National Park Service, State Park Service, the Santa Monica Mountains Conservancy, and Caltrans; therefore, those lands are not included in the area that will be addressed by the EWMP. However, the MS4 Permittees that are participating in the development of the MCW EWMP will seek collaboration with these agencies during the development of the MCW EWMP.



**Table 5. MCW EWMP Agencies and Land Area**

<b>EWMP Participating Agencies</b>	<b>Land Area (Acres)</b>	<b>Percentage of Land Area</b>
City of Agoura Hills	5,178	15.70%
City of Calabasas	4,941	15.00%
City of Hidden Hills	105	0.30%
City of Westlake Village	3,540	10.70%
County of Los Angeles	19,228	58.30%
Los Angeles County Flood Control District	N/A	N/A
<b>Total Land Area (Acres)</b>	<b>32,992</b>	<b>100%</b>

**Figure 1. Map of the MCW EWMP Area**



#### **4. PLAN CONCEPT [Section VI.C.4.b.iii.(1)]**

The Malibu Creek Watershed EWMP agencies have a long history of working together and have collectively developed several implementation plans with strategies for compliance in a Malibu Creek Watershed Integrated TMDLs approach. The implementation and compliance strategies are based on a multi-pollutant approach with a focus on green infrastructure Best Management Practices (BMPs) that maximize the retention and use of urban runoff as a resource for recharging aquifers and for irrigation and other uses. Many of the green infrastructure projects proposed in the 2007 Integrated TMDL Implementation Plan for the Malibu Creek Watershed (2007 TMDL IP) were identified by the Watershed's stakeholders.

The Malibu Creek Watershed EWMP will build on the 2007 TMDL IP, re-evaluate the proposed watershed control measures, identify additional regional projects to maximize opportunities for retaining all non-stormwater runoff and stormwater from the 85<sup>th</sup> percentile, 24-hour storm event, and identify additional watershed control measures for those areas in the watershed that cannot be addressed by an enhanced regional project.

Based on the available information, the Malibu Creek Watershed EWMP agencies believe that opportunities exist, within the agencies' collective jurisdictional areas, for collaboration on multi-benefit projects that will meet the intent of the EWMP approach. Several regional, multi-benefit projects that had been included in the 2007 TMDL IP shall be considered for the EWMP regional projects.

#### **5. COST ESTIMATE [Section VI.C.4.b.iii.(2)]**

The Malibu Creek Watershed EWMP agencies collaboratively prepared a scope of work and cost estimate for developing the EWMP Work Plan, the CIMP, and the EWMP for the Malibu Creek Watershed. It is estimated that the cost for the EWMP Work Plan, the CIMP, and the EWMP development will be \$600,000. This estimate assumes that the CIMP and EWMP will, in part, be based on the existing Malibu Creek Watershed Bacteria TMDL Coordinated Monitoring Plan, the 2007 TMDL IP, and several other watershed planning documents. In addition to contract costs it is estimated that the cost of staff time for EWMP Agencies to administer, research, evaluate, and prepare for reviews and approvals will exceed several hundred thousand dollars over the 30 month period.

#### **6. MEMORANDUM OF AGREEMENT [Section VI.C.4.b.iii.(3)]**

Attachment 2 includes a final draft of the Memorandum of Agreement between the City of Calabasas, as the lead agency, and the other Malibu Creek Watershed EWMP participating agencies. Also included in Attachment 2 are letters of intent for the participating agencies.

## 7. INTERIM MILESTONES AND DUE DATES FOR PLAN DEVELOPMENT [Section VI.C.4.b.iii.(4)]

Table 5 summarizes the interim milestones and due dates for development of the EWMP Work Plan, CIMP, and EWMP. The milestones are based on the scope of work agreed to by the Malibu Creek Watershed EWMP agencies. The draft technical memoranda will summarize the information and approaches for development of the specified components of the EWMP Work Plan, CIMP, and EWMP. It is expected that the draft technical memoranda will not be finalized, instead the information presented in the memoranda will be revised based on comments and presented in the Work Plan, CIMP, and EWMP.

**Table 5. Proposed interim milestones and deadlines for plan development**

Milestone	Due Date
<b>EWMP Work Plan</b>	
Draft Technical Memoranda <ul style="list-style-type: none"> <li>• Identification of water quality priorities</li> <li>• Existing and future watershed control measures, identification of potential regional projects</li> <li>• Reasonable assurance analysis approach</li> <li>• BMP selection approaches</li> </ul>	February 2014
Internal draft of EWMP Work Plan	April 2014
Work Plan submitted to the Regional Water Board	June 2014
<b>Coordinated Integrated Monitoring Plan</b>	
Draft Technical Memoranda <ul style="list-style-type: none"> <li>• Outfall and receiving water monitoring approach</li> <li>• Monitoring sites selection</li> <li>• New development and redevelopment effectiveness tracking</li> </ul>	March 2014
Internal draft of CIMP	April 2014
Draft CIMP submitted to the Regional Water Board	June 2014
<b>Enhanced Watershed Management Program</b>	
Draft Technical Memoranda <ul style="list-style-type: none"> <li>• Approach to US EPA TMDLs, 303(d) listings, other exceedances of RWLs</li> <li>• Final selection of regional projects</li> <li>• Feasibility analyses of regional projects, customization of MCMs, identification of other BMPs</li> <li>• Project schedules and cost estimates</li> </ul>	March 2015
Internal draft of EWMP	May 2015
Draft EWMP submitted to the Regional Water Board	June 2015

## 8. STRUCTURAL BMP [Section VI.C.4.b.iii.(5)]

During the 30-month program development, the Malibu Creek Watershed Group will be implementing 2 structural BMPs to demonstrate its commitment to improving water quality in the watershed. The goal of both projects is to reduce dry- and wet-weather runoff for the beneficial use of surface irrigation or infiltration. Below is a brief description of the structural BMPs. Project fact sheets are included in Attachment 3.

- a) Citywide Smart irrigation Control System shall be implemented by the City of Calabasas  
Replacement of irrigation controllers is projected to provide regional benefits by reducing urban runoff that is associated with nutrient loaded recycled water used for irrigation and will reduce discharges of other pollutants to the MS4 system carried by overwatering of landscaped areas.
- b) Lindero Parkway Improvements shall be implemented by the City of Westlake Village  
This parkway project is 30 foot wide by over a mile long. Half of this parkway was originally a flood control maintenance road and the other half a landscaped area. This project will have a Riparian Zone theme. With the new project, the combined width of the old maintenance road and landscaped area, this area will become a new walking path where there is currently no sidewalk. This project, when completed, will provide a long and meandering walking path with conversation seating areas. This project will also include drainage facilities that will include specific BMP's. The newly renovated area will be drained via bio-swales throughout the entire length of the project. These swales will meander thru the entire length with the main goal of percolation and evaporation of all nuisance flows throughout the year. Stormwater runoff would then be treated in the bio-swale followed by discharge into Westlake Lake. This project will also have educational signage on a riparian zone and the stormwater cleanup objectives of this project.

#### 9. LID ORDINANCE [Sections VI.C.4.b.iii.(6) and VI.C.4.c.iv. (1)]

Table 6 summarizes the status of Low Impact Development (LID) ordinances by the MCW EWMP agencies. As presented in Table 6, greater than 50 percent of the MCW EWMP Area has a draft LID ordinance in place. A copy of the draft ordinances is available upon request.

**Table 6. Summary of percent EWMP area addressed by LID ordinances**

EWMP agency	% EWMP area	Status LID ordinance
City of Agoura Hills	15.7%	Drafted
City of Calabasas	15.0%	Drafted
City of Hidden Hills	0.3%	Drafted
City of Westlake Village	10.7%	Drafted
County of Los Angeles	58.3%	Drafted
Los Angeles County Flood Control District	N/A	N/A



**10. GREEN STREET POLICES [Sections VI.C.4.b.iii.(6) and VI.C.4.c.iv. (2)]**

Table 7 summarizes the status of green street policies by the MCW EWMP agencies. As presented in Table 7, greater than 50 percent of the land area in the MCW EWMP Area has a draft green streets policy in place. A copy of the draft policies is available upon request.

**Table 7. Summary of percent EWMP area addressed by Green Street policies**

<b>EWMP agency</b>	<b>% EWMP area</b>	<b>Status green street policies</b>
City of Agoura Hills	15.7%	Drafted
City of Calabasas	15.0%	Drafted
City of Hidden Hills	0.3%	Drafted
City of Westlake Village	10.7%	Drafted
County of Los Angeles	58.3%	Drafted
Los Angeles County Flood Control District	N/A	N/A

**Attachment 1**  
**Specific Actions by EWMP agencies**  
**for Compliance with Interim and Final Milestones**  
**of the Malibu Creek Watershed TMDLs**

**Malibu Creek Watershed Trash TMDL**

Listed below are current Best Management Practices (BMPs) that have been put in place by the responsible parties:

**City of Agoura Hills**

The City of Agoura Hills has released contractor bid documents for the installation of full trash capture devices. Units will be installed on all catch basins within the area subject to the TMDL within the timelines provided in Table 3. Some of the City's efforts to implement control measures for compliance with the TMDL are provided in the following:

**Existing Ordinances:**

- 1) No. 9392.1. - Outdoor Storage and Display Standards Enumerated - Programmatically address the proper handling and disposal of trash and debris associated with landscape maintenance activities.
- 2) No. 9395.1. - Outdoor Dining Design and Operational Standards Enumerated – This section addresses the proper handling of waste associated with food establishment activities.
- 3) Chapter 12 Social Host Accountability - (f):
  - a) No. 5328 - Litter - Provides litter control from general activities.
  - b) No. 5300 - Regulation of Solid Waste Haulers' Activities
  - c) No. 5335 - Residential Collection - Solid Waste Containers
  - d) No. 5343 - Commercial - Maintenance and Place of Containers - Solid waste containers provided by the collector shall be maintained in a clean and healthful condition by the collector.
  - e) No. 5505 - Prohibited Activities. (b) Littering -
  - f) No. 9576.1 - Trash Handling - Trash handling facilities shall be provided for all developments with the CD overlay district with the exception of single-family detached dwellings.

**Programs and Projects:**

- 1) Street Sweeping - Street sweeping was increased to twice a month within the City's jurisdictional streets.
- 2) California Highway Adoption Company - The City has contracted more than five years with California Highway Adoption Company to perform trash pick-up and weed abatement along the freeway corridor and local streets as directed by City staff.

- 3) Catch Basin Grates & Filters - The City began a pilot program with Water Way Solutions by installing catch basin grates and filters located in two areas by schools to measure their success.
- 4) Storm Drain Marking - All storm drain inlets are stenciled with a "No Dumping. Drains to Ocean." message.
- 5) County Media Contribution - The City of Agoura Hills contributes annually to the County's
- 6) Don't Trash California campaign.
- 7) Trash Receptacles - The City has installed additional trash receptacles at various parks.
- 8) Covenant & Deed Restriction - Development project subject to SUSMP requirements are conditioned to record a covenant for the maintenance of treatment devices.
- 9) Creek Clean-Up - The City sponsors annual community creek clean-up events in various accessible areas of Lindero Creek.
- 10) City Webpage - The City has improved their webpage by increasing the stormwater information.

#### **City of Calabasas**

##### **Existing Ordinances:**

- 1) No. 2008.251 - Mobile car wash ordinance requires mobile car wash businesses to obtain permits from the City and follow certain regulations to prevent pollutants from entering the storm drain system.
- 2) No. 2006.217 - Second hand smoke ordinance to ensure a cleaner and more hygienic environment for the City, its residents and its natural resources including its creeks and streams.
- 3) No. 2007.233 - Polystyrene ban barring retail food establishments, nonprofit food providers and City facilities from using food packaging materials made of expanded polystyrene, known popularly by the trademark name Styrofoam.

##### **Programs and Projects:**

- 1) A total of 156 storm drain catch basin are currently being retrofitted by full capture devices within all public streets in the Malibu Creek Watershed in the City of Calabasas. The project is expected to be completed by September 2013. City is projected to install curb screens on the remaining catch basins as part of a citywide retrofit program by December 2014. Combined with existing CDS units, existing bio-filtration/bio-remediation device and on-going public education campaign, the implementation of this project will bring the City in full compliance with the Trash TMDL.

- 2) Storm Drain Markers - Over 3200 markers were installed on storm drain catch basins throughout the City.
- 3) CDS Unit - Calabasas has managed the installation of one Continuous Deflector Separation (CDS) Units. CDS Unit allows for the separation of sediment and trash from storm water without screens thus allowing for continuous flow before discharging to local creeks. The units are cleaned out on a quarterly basis.
- 4) Infiltration and Bioremediation of Urban Runoff - The City of Calabasas was tasked to design and build a storm water treatment facility to improve the quality of water entering Malibu Lagoon via Las Virgenes Creek and Malibu Creek. This device filters 100% of the average dry weather flow observed in the storm drain and retains all solid pollutant larger than 0.25 inches. A pump unit is integrated with this filter system to bring the filtered water upwards several feet to the sub-surface level to an infiltration bed. Water in the infiltration unit infiltrates to the ground using an area of about 2,400 sq. ft.
- 5) Creek Clean-Ups - The City hosts two annual community creek clean-up events in various accessible areas of Las Virgenes Creek.
- 6) Street Sweeping - Weekly street sweeping takes place within the City's jurisdictional streets.

#### **County of Los Angeles**

There are a total of 272 catch basins within County of Los Angeles (County) Unincorporated Areas of the Malibu Creek Watershed. To date, the County has installed full capture trash inserts in 187 of these catch basins to achieve a 69 percent reduction in the baseline waste load allocation. The County expects to install full capture trash screens in the remaining 85 catch basins by December 2014 to achieve a 100 percent reduction in the baseline waste load allocation ahead of the July 7, 2017 compliance deadline established in the TMDL.

#### **Existing County Code:**

- 1) Illegal Dumping ban in unincorporated County public lands and/or private land that is not designated for that disposal purpose.
- 2) Stormwater and Runoff Pollution control ordinance which includes a ban on littering. This also includes signage for littering fines and penalties.
- 3) Smoking ban in County Parks prohibited outside of designated smoking areas unless granted by the facilities manager and/or director.
- 4) Ban on plastic grocery bags in unincorporated areas of Los Angeles County

**Programs and Projects:**

- 1) Storm Drain Markers - All storm drains in unincorporated County are appropriately marked with a "no dumping" message.
- 2) Street Sweeping Program - Street sweeping is conducted weekly in unincorporated areas of Malibu Creek Watershed that have curb and gutter.

**City of Hidden Hills**

The City of Hidden Hills performed Daily Generation Rate studies for trash and evaluated storm water discharges, to document the amount of trash generated and to demonstrate compliance with the interim trash reduction milestone specified in Table 3. Data for trash collection conducted between August 20, 2012 and September 19, 2012 demonstrates that the City is in compliance with the current effluent limitation for trash. The City's annual trash generation rate is 43 pounds, significantly below the 5703 pounds per year using values derived from the default baseline of the TMDL and Regional Board Staff Report. The City will comply with WLAs by implementing a program for partial capture systems (PCS) in conjunction with best management practices.

**Programs and Projects:**

- 1) Street Sweeping - Major thoroughfares, residential streets, and parking lots are swept on a weekly, bi-weekly, and monthly basis respectively.
- 2) Ordinances - The City has adopted and enforces litter ordinances to reduce sources of trash within City jurisdictional areas.
- 3) Trash Receptacles - The City has installed trash and recycling receptacles at various high-use locations throughout the City.
- 4) Valet Waste Bins - Waste bin services are available to reduce the accidental discharge of trash.
- 5) City Clean Up Services - Community Association maintenance and cleaning crews routinely clean the entire City area.
- 6) SUSMP/Code Enforcement - SUSMP and the building code are implemented to ensure that building sites are being kept clean.

**City of Westlake Village**

There are a total of 43 catch basins within the area of Westlake Village that is subject to Malibu Creek Trash TMDL. Of the 43 catch basins, 27 are scheduled to be retrofitted with a full capture device by July 7, 2013. The remaining 16 catch basins are within a gated community, and therefore considered to be privately owned. However, these 16 catch basins are connected to



a privately owned stormdrain line that eventually drains through a CDS unit prior to discharging to Lake Lindero.

**Programs and Projects:**

- 1) Street Sweeping - The City conducts street sweeping citywide on a weekly basis.
- 2) Daily Trash Collection - City public works staff conduct trash collections in the public right-of-way daily.
- 3) Ordinances - The City has enactment and enforcement of litter ordinances to reduce sources of trash within city jurisdictional areas.
- 4) Trash Receptacles - The City has installed trash receptacles at all bus stops, and public gathering areas.
- 5) Catch Basin Cleaning and Maintenance- All City owned and maintained catch basins are cleaned annually and stenciled with a "No dumping – Drains to Lake" message.
- 6) Trash/Debris Capture Devices - The City has retrofitted 25 non-TMDL area catch basins with mechanical trash excluders and eight non-TMDL area debris basin standpipes with filter fabric. By way of SUSMP conditioning, several trash mitigation structural BMPs have been installed throughout the City; such as CDS and clarifier devices.

**Malibu Creek and Lagoon Bacteria TMDL**

The County of Los Angeles County and the Los Angeles County Flood Control District have submitted Time Schedule Order (TSO) requests for this compliance milestone to the Regional Water Quality Control Board. Under this TSO the County and Flood Control District will perform a Microbial Identification and Source Tracking Study to identify if bacterial exceedances are caused by anthropogenic or natural sources. If the cause of the bacterial exceedances is determined to be anthropogenic, the anthropogenic sources will be identified through the study. This study is essential to identifying actions necessary for compliance with this TMDL.

Finding no direct link between infrequent exceedances from monitoring sites located within receiving waters and municipal outfalls, the EWMP agencies are looking at the above study to help determine the nature and severity of the loading.

The following list includes some of the actions and initiatives undertaken by the agencies in the Malibu Creek Watershed to comply with the Malibu Creek and Lagoon Bacteria TMDL:

1. Constructed water quality improvement projects such as the Malibu Civic Center Stormwater Treatment Facility and Legacy Park Projects, Las Virgenes Creek Restoration Project, Lindero Creek Ozone Treatment Pilot Project, Malibu Lagoon Restoration Project, Medea Creek Restoration Project, Citywide Bioswale Median Enhancement Project, as well as retrofitting of public facilities with LID BMPs to treat onsite runoff, and the capture and infiltration of runoff from a 50-acre city owned facility;

2. Implemented housekeeping BMPs such as street sweeping (some of which is conducted on all streets agency wide on weekly basis), annual inspections and maintenance of critical facilities that include removal of sediment, rotting vegetation, algae mats, and other debris, which in turn reduces food sources for bacteria and bacterial loading;
3. Developed and implemented a robust public outreach program with a focus on the issues of bacterial loading in the Malibu Creek and its tributaries; anthropogenic sources of bacteria; environmental conditions that promote bacterial growth; how the transport of bacteria through the watershed may be reduced by proper collection and disposal of feces from pets, horses, livestock, etc.; proper disposal of trash, including organics like food waste; and reduction of dry-weather runoff, etc. Throughout the years, the MS4 Permittees have conducted numerous public outreach efforts in the Malibu Creek Watershed and the surrounding vicinity that address water-quality issues, mostly notably the Living Lightly in our Watersheds Guide;
4. Developed Low-Impact Development and Water Quality Ordinances;
5. Developed Plans and Studies, such as Structural Best Management Practices Planning and Feasibility Study, Study on Effects of Dense Vegetation and Reduced Flow Rate on Bacterial Levels, Lindero Creek and Stormdrain Bacteria Hotspot Study, Bacteria Source Identification Study, Monitoring Study on Effects of UV Exposure of Elevated Bacterial Loading from Underground Stormdrain Lines, and Integrated TMDL Implementation Plan for the Malibu Creek Watershed; and
6. Open Space Preservation, through land acquisitions such as Ladyface Mountain, King Gillette Ranch, and Ahmanson Ranch.

**Attachment 2**  
**Memorandum of Understanding and Letters of Intent**

**MEMORANDUM OF UNDERSTANDING**

**BETWEEN THE CITY OF CALABASAS AND PARTICIPATING AGENCIES  
(CITIES OF AGOURA HILLS, HIDDEN HILLS, AND WESTLAKE VILLAGE, AND  
LOS ANGELES COUNTY FLOOD CONTROL DISTRICT AND COUNTY OF LOS ANGELES)**

**REGARDING THE ADMINISTRATION AND COST SHARING FOR DEVELOPMENT OF THE  
MALIBU CREEK WATERSHED ENHANCED WATERSHED MANAGEMENT PROGRAM AND  
COORDINATED INTEGRATED MONITORING PROGRAM**

This Memorandum of Understanding (MOU), made and entered into as of the date of the last signature set forth below by and between the CITY OF CALABASAS, a municipal corporation (CITY), and PARTICIPATING AGENCIES (Cities of Agoura Hills, Hidden Hills, and Westlake Village and Los Angeles County Flood Control District (LACFCD) and County of Los Angeles). Collectively, these entities shall be known herein as "PARTIES" or individually as "PARTY."

**WITNESSETH**

WHEREAS, the Los Angeles Regional Water Quality Control Board (Regional Board) adopted the National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Permit (MS4 Permit) (Order No. R4-2012-0175); and

WHEREAS, the MS4 Permit became effective on December 28, 2012, and requires that the LACFCD, County of Los Angeles, and 84 of the 88 cities (excluding Avalon, Long Beach, Palmdale, and Lancaster) within the County of Los Angeles comply with the prescribed elements of the MS4 Permit; and

WHEREAS, the PARTIES have agreed to collaborate on the compliance of certain elements of the MS4 Permit and have agreed to a cost sharing formula based on Land Area with a Base Fee, attached hereto as Exhibit A and made part of this MOU; and

WHEREAS, the PARTIES agree that each shall assume full and independent responsibility for ensuring its own compliance with the MS4 Permit despite the collaborative approach of this MOU; and

WHEREAS, the PARTIES collaboratively prepared a final Scope of Work and Request for Proposal to obtain a Consultant to assist the PARTIES with compliance with certain elements of the MS4 Permit; and

WHEREAS, the PARTIES propose for the Consultant to prepare and deliver a Final Work Plan, an Enhanced Watershed Management Program (EWMP), and a Coordinated Integrated Monitoring Program (CIMP) (collectively, PLANS) in compliance with certain elements of the MS4 Permit, at a total cost of approximately six hundred thousand dollars (\$600,000); and

*MEMORANDUM OF UNDERSTANDING REGARDING THE ADMINISTRATION AND COST SHARING  
FOR DEVELOPMENT OF THE MALIBU CREEK WATERSHED EWMF AND CIMP*

WHEREAS, the PARTIES have determined that hiring a Consultant to prepare and deliver the PLANS will be beneficial to the PARTIES and they desire to participate and will provide funding in accordance with the cost allocation on Exhibit A; and

WHEREAS, the CITY will act on behalf of the PARTIES in the preparation of the PLANS.

NOW, THEREFORE, in consideration of the mutual benefits to be derived by the PARTIES, and of the promises contained in this MOU, the PARTIES agree as follows:

- (1) Recitals: The recitals set forth above are fully incorporated as part of this MOU.
- (2) Purpose: The purpose of this MOU is to cooperatively fund the preparation and submittal, to the Regional Board, of the PLANS.
- (3) Voluntary: This MOU is voluntarily entered into for the purpose of preparing and submitting to the Regional Board the PLANS.
- (4) Terms: This MOU shall become effective on the latest date of execution by a PARTY and shall remain in effect until (i) the Regional Board's final approval date of the last outstanding portion of the PLANS, (ii) the CITY has provided the PARTIES with an accounting as set forth in paragraph (5)f, and (iii) the PARTIES have paid all outstanding invoices.
- (5) The CITY shall provide the services and performance as follows:
  - a. Upon final execution of this MOU, the CITY shall invoice the PARTIES for their share of the cost for the preparation and delivery of the PLANS as described in Exhibit A.
  - b. The CITY shall solicit proposals for, award, and administer a Consultant contract for the preparation and delivery of the PLANS.
  - c. The CITY will be compensated for the administration of the Consultant contract in the amount ten percent (10%) of the total contract amount.
  - d. The CITY shall utilize the funds deposited by the PARTIES only for the administration of the Consultant contract, project management, and the preparation and completion of the PLANS.
  - e. The CITY shall provide the PARTIES with an electronic copy of the completed PLANS.
  - f. The CITY shall provide an accounting upon the early termination of this MOU pursuant to paragraph (6)p or 60 days after the date the Regional Board gives final approval for the last outstanding portion of the PLANS. The CITY shall return the

*MEMORANDUM OF UNDERSTANDING REGARDING THE ADMINISTRATION AND COST SHARING  
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unused portion of all funds deposited with the CITY in accordance with the cost allocation formula set forth in Exhibit A.

- g. The CITY shall notify the PARTIES if the actual cost of the preparation of the PLANS will exceed the cost estimates shown on Exhibit A and obtain approval of the increase from all PARTIES. Upon approval of the cost increase by the PARTIES, City will invoice the PARTIES per cost allocation formulas on Exhibit A.
- h. The CITY shall instruct the Consultant to not submit any PLANS to the Regional Board unless and until the PLANS have been approved, in writing, for submittal by all PARTIES to this MOU, which approval will not be unreasonably withheld, excepting only any PARTY who has withdrawn from this MOU, .

**{6) THE PARTIES FURTHER AGREE:**

- a. To make a full faith effort to cooperate with one another to achieve the purposes of this MOU by providing information about project opportunities, reviewing deliverables in a timely manner, and informing their respective administrators, agency heads, and/or governing bodies.
- b. To fund the cost of the preparation and delivery of the PLANS and to pay the CITY for the preparation and delivery of the PLANS within 60 days of receiving an invoice. Funding shall be as specified in Exhibit A.
- c. To grant reasonable access rights and entry to the CITY and the Consultant during the terms of this MOU to the PARTY'S facilities (i.e. storm drains, channels, catch basins, properties, etc.) (collectively, THE FACILITIES) to achieve the purposes of this MOU, provided, however, that prior to entering any PARTY'S FACILITIES, the CITY or their Consultant shall secure a permit of entry from the applicable PARTY.
- d. The CITY shall require the Consultant retained pursuant to this MOU to agree to indemnify, defend, and hold harmless each PARTY, its special districts, elected and appointed officers, employees, and agents, from and against any and all liability, including but not limited to demands, claims, actions, fees, costs, and expenses (including attorney and expert fees), arising from or connected with the Consultant's performance of its agreement with CITY. In addition, the CITY shall require the Consultant to carry, maintain, and keep in full force and effect an insurance policy or policies, and each PARTY, its officers, employees, attorneys, and designated volunteers shall be named as additional insureds on the policy(ies) with respect to liabilities arising out of the Consultant's work.
- e. Each PARTY shall indemnify, defend, and hold harmless each other PARTY, including its special districts, elected and appointed officers, employees, and agents, from and



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against any and all liability, including but not limited to demands, claims, actions, fees, costs, and expenses (including attorney and expert witness fees), arising from or connected with the respective acts of each PARTY arising from or related to this MOU; provided, however, that no PARTY shall indemnify another PARTY for that PARTY's own negligence or willful misconduct.

- f. In light of the provisions of Section 895.2 of the Government Code of the State of California imposing certain tort liability jointly upon public entities solely by reason of such entities being parties to an agreement (as defined in Section 895 of said Code), each of the PARTIES hereto, pursuant to the authorization contained in Section 895.4 and 895.6 of said Code, shall assume the full liability imposed upon it or any of its officers, agents, or employees, by law for injury caused by any act or omission occurring in the performance of this MOU to the same extent that such liability would be imposed in the absence of Section 895.2 of said Code. To achieve the above stated purpose, each PARTY indemnifies, defends, and holds harmless each other PARTY for any liability, cost, or expense that may be imposed upon such other PARTY solely by virtue of said Section 895.2. The provisions of Section 2778 of the California Civil Code are made a part hereof as if incorporated herein.
- g. The PARTIES are, and shall at all times remain as to each other, wholly independent entities. No PARTY to this MOU shall have power to incur any debt, obligation, or liability on behalf of any other PARTY unless expressly provided to the contrary by this MOU. No employee, agent, or officer of a PARTY shall be deemed for any purpose whatsoever to be an agent, employee, or officer of another PARTY.
- h. Any notices, bills, invoices, or reports relating to this MOU, and any request, demand, statement, or other communication required or permitted hereunder shall be in writing and shall be delivered to the representatives of the PARTIES at the addresses set forth in Exhibit B.
- i. This MOU shall be binding upon, and shall be to the benefit of the respective successors, heirs, and assigns of each PARTY; provided, however, neither PARTY may assign its respective rights or obligations under this MOU without the prior written consent of the other PARTIES.
- j. This MOU is governed by, interpreted under, and construed and enforced in accordance with the laws of the State of California.
- k. If any provision of this MOU shall be determined by any court to be invalid, illegal, or unenforceable to any extent, the remainder of this MOU shall not be affected, and this MOU shall be construed as if the invalid, illegal, or unenforceable provision had never been contained in this MOU.

*MEMORANDUM OF UNDERSTANDING REGARDING THE ADMINISTRATION AND COST SHARING  
FOR DEVELOPMENT OF THE MALIBU CREEK WATERSHED EWMF AND CIMP*

- l. All PARTIES have been represented by counsel in the preparation and negotiation of this MOU. Accordingly, this MOU shall be construed according to its fair language. Any ambiguities shall be resolved in a collaborative manner by the PARTIES and shall be rectified by amending this MOU as described in paragraph (6)o.
- m. Each of the persons signing below on behalf of a PARTY represents and warrants that he or she is authorized to sign this MOU on behalf of such PARTY.
- n. Each PARTY shall have no financial obligation to the other PARTIES of this MOU, except as herein expressly provided.
- o. The terms and provisions of this MOU may not be amended, modified, or waived, except by an instrument in writing signed by all PARTIES.
- p. Early Termination or Withdrawal
  - 1. This MOU may be terminated upon the express written agreement of all PARTIES. If this MOU is terminated, all PARTIES must agree on the equitable redistribution of remaining funds deposited, if there are any, or payment of invoices due at the time of termination. Completed work shall be owned by all PARTIES. Rights to uncompleted work by the Consultant still under contract will be held by the PARTY or PARTIES who fund the completion of such work.
  - 2. A PARTY may withdraw from this MOU upon 60 days written notice to the other PARTIES, subject to full payment of any current and future invoicing from CITY prior to or during the 60-day notice period for its share of the cost set forth in Exhibit A. The effective withdrawal date shall be the sixtieth (60<sup>th</sup>) day after CITY receives the withdrawing PARTY's notice to withdraw from this MOU. Withdrawal from this MOU does not release any PARTY from the obligations set forth in the MS4 Permit.
  - 3. If a PARTY fails to comply with any of the terms or conditions of this MOU, that PARTY shall forfeit its rights to work completed through this MOU, but no such forfeiture shall occur unless and until the defaulting PARTY has first been given notice of its default and a reasonable opportunity to cure the alleged default.

IN WITNESS WHEREOF, the PARTIES hereto have caused this MOU to be executed by their duly authorized representatives and affixed as of the date of signature of the PARTIES:

*Notice of Intent (NOI) for the Malibu Creek Watershed Group*

**MEMORANDUM OF UNDERSTANDING REGARDING THE ADMINISTRATION AND COST SHARING  
FOR DEVELOPMENT OF THE MALIBU CREEK EWMF AND CIMP**

**CITY OF CALABASAS**

By \_\_\_\_\_  
FRED GAINES, MAYOR

\_\_\_\_\_  
Date

**ATTEST:**

By \_\_\_\_\_  
MARICELA HERNANDEZ, MMC  
CITY CLERK

\_\_\_\_\_  
Date

**APPROVED AS TO FORM:**

By \_\_\_\_\_  
SCOTT H. HOWARD, INTERIM CITY ATTORNEY

*Notice of Intent (NOI) for the Malibu Creek Watershed Group*

*MEMORANDUM OF UNDERSTANDING REGARDING THE ADMINISTRATION AND COST SHARING  
FOR DEVELOPMENT OF THE MALIBU CREEK EWMP AND CIMP*

COUNTY OF LOS ANGELES

By \_\_\_\_\_  
GAIL FARBER  
Director of Public Works

\_\_\_\_\_  
Date

APPROVED AS TO FORM:

John F. Krattli  
County Counsel

By \_\_\_\_\_  
Deputy

\_\_\_\_\_  
Date

*Notice of Intent (NOI) for the Malibu Creek Watershed Group*

*MEMORANDUM OF UNDERSTANDING REGARDING THE ADMINISTRATION AND COST SHARING  
FOR DEVELOPMENT OF THE MALIBU CREEK EVMP AND CIMP*

LOS ANGELES COUNTY FLOOD CONTROL DISTRICT

By \_\_\_\_\_  
GAIL FARBER  
Chief Engineer

\_\_\_\_\_ Date

APPROVED AS TO FORM:

John F. Krattli  
County Counsel

By \_\_\_\_\_  
Deputy

\_\_\_\_\_ Date



*Notice of Intent (NOI) for the Malibu Creek Watershed Group*

MEMORANDUM OF UNDERSTANDING REGARDING THE ADMINISTRATION AND COST SHARING  
FOR DEVELOPMENT OF THE MALIBU CREEK EWMP AND CIMP

CITY OF AGOURA HILLS

By \_\_\_\_\_  
Denis Weber, Mayor Date \_\_\_\_\_

ATTEST:

By \_\_\_\_\_  
Kimberly Rodrigues, City Clerk Date \_\_\_\_\_

APPROVED AS TO FORM:

By \_\_\_\_\_  
Candice K. Lee, City Attorney Date \_\_\_\_\_

*Notice of Intent (NOI) for the Malibu Creek Watershed Group*

**MEMORANDUM OF UNDERSTANDING REGARDING THE ADMINISTRATION AND COST SHARING  
FOR DEVELOPMENT OF THE MALIBU CREEK EWMP AND CIMP**

**CITY OF HIDDEN HILLS**

By \_\_\_\_\_  
Steve Freedland, Mayor

\_\_\_\_\_ Date

**ATTEST:**

By \_\_\_\_\_  
Cherie L. Paglia, City Manager

\_\_\_\_\_ Date

**APPROVED AS TO FORM:**

By \_\_\_\_\_  
Roxanne M. Diaz, City Attorney

\_\_\_\_\_ Date

*Notice of Intent (NOI) for the Malibu Creek Watershed Group*

*MEMORANDUM OF UNDERSTANDING REGARDING THE ADMINISTRATION AND COST SHARING  
FOR DEVELOPMENT OF THE MALIBU CREEK EWMP AND CIMP*

CITY OF WESTLAKE VILLAGE

By \_\_\_\_\_  
Philippa Klessig, Mayor

\_\_\_\_\_ Date

ATTEST:

By \_\_\_\_\_  
Beth Schott, City Clerk

\_\_\_\_\_ Date

APPROVED AS TO FORM:

By \_\_\_\_\_  
Terence Boga, City Attorney

\_\_\_\_\_ Date

MEMORANDUM OF UNDERSTANDING REGARDING THE ADMINISTRATION AND COST SHARING  
FOR DEVELOPMENT OF THE MALIBU CREEK EWMP AND CIMP

EXHIBIT A

Malibu Creek Watershed EWMP Funding Contributions

Table 1: Project Cost

Project Component	Cost
Consultant Contract	\$600,000
Contract Administration Fee (10 Percent of Consultant Contract)	\$60,000
Total	\$660,000

The LACFCD will contribute 10 percent of the total project cost. Ten (10) percent of the remaining 90 percent of the total project cost will be distributed equally between the other PARTIES (i.e., the Cities of Agoura Hills, Calabasas, Hidden Hills, and Westlake Village; the County of Los Angeles; and Caltrans\*); this shall be known as the Base Fee. The remaining balance will be distributed based on the percent of the combined land area for which each PARTY is responsible.

Table 2: Agency Contributions

Party	Base Fee	Land Area (Acres)	Percent of Land Area	Contribution Based on Land Area	Total
LACFCD	N/A	N/A	N/A	N/A	\$66,000
City of Agoura Hills	\$11,880	5,178	15.7%	\$83,903.94	\$95,783.94
City of Calabasas	\$11,880	4,941	15.0%	\$80,063.61	\$91,943.61
City of Hidden Hills	\$11,880	105	0.3%	\$1,701.41	\$13,581.41
City of Westlake Village	\$11,880	3,540	10.7%	\$57,361.91	\$69,241.91
County of Los Angeles	\$11,880	19,228	58.3%	\$311,569.13	\$323,449.13
Caltrans *					TBD
State Land Conservancy **	-	-	-	-	TBD
State Parks **	-	-	-	-	TBD
National Park Service **	-	-	-	-	TBD
Total	\$59,400	32,992	100%	\$534,600	\$660,000

\* Caltrans will enter into a separate agreement with CITY.

\*\* This MOU shall be amended when National and State agencies decide to share the cost.

MEMORANDUM OF UNDERSTANDING REGARDING THE ADMINISTRATION AND COST SHARING  
FOR DEVELOPMENT OF THE MALIBU CREEK EWMP AND CIMP

Table 4: Total Project Contributions

Involcing	1 <sup>st</sup> Invoice (40%) July 2013	2 <sup>nd</sup> Invoice (40%) July 2014	3 <sup>rd</sup> Invoice (20%) January 2015	Total
LACFCD	\$26,400.00	\$26,400.00	\$13,200.00	\$66,000
City of Agoura Hills	\$38,313.58	\$38,313.58	\$19,156.78	\$95,783.94
City of Calabasas	\$36,777.44	\$36,777.44	\$18,388.73	\$91,943.61
City of Hidden Hills	\$5,432.56	\$5,432.56	\$2,716.29	\$13,581.41
City of Westlake Village	\$27,696.76	\$27,696.76	\$13,848.39	\$69,241.91
County of Los Angeles	\$129,379.65	\$129,379.65	\$64,689.83	\$323,449.13
Total	\$264,000	\$264,000	\$132,000	\$660,000

Payment plan is optional. Any Agency may pay the full amount in July 2013.

MEMORANDUM OF UNDERSTANDING REGARDING THE ADMINISTRATION AND COST SHARING  
FOR DEVELOPMENT OF THE MALIBU CREEK EWMP AND CIMP

EXHIBIT B

Malibu Creek Watershed EWMP  
Responsible Agencies Representatives

1. City of Agoura Hills  
30001 Lady Face Court  
Agoura Hills, 91301  
Party Representative: Kelly Fisher, Public Works Project Manager  
E-mail: [kfisher@ci.agoura-hills.ca.us](mailto:kfisher@ci.agoura-hills.ca.us)  
Phone: (818) 597-7338  
Fax: (818) 597-7352
2. City of Calabasas  
100 Civic Center Way  
Calabasas, CA 91302  
Party Representative: Alex Farassati  
E-mail: [afarassati@cityofcalabasas.com](mailto:afarassati@cityofcalabasas.com)  
Phone: (818) 224-1680  
Fax: (818) 225-7338
3. City of Hidden Hills  
6165 Spring Valley Road  
Hidden Hills, CA 91302  
Party Representative: Joe Bellomo  
E-mail: [jbello@willdan.com](mailto:jbello@willdan.com)  
Phone: (805) 279-6856  
Fax: (818) 719-0083
4. City of Westlake Village  
31200 Oak Crest Drive  
Westlake Village, 91361  
Party Representative: Joe Bellomo  
E-mail: [jbello@willdan.com](mailto:jbello@willdan.com)  
Phone: (805) 279-6856  
Fax: (818) 706-1391



*MEMORANDUM OF UNDERSTANDING REGARDING THE ADMINISTRATION AND COST SHARING  
FOR DEVELOPMENT OF THE MALIBU CREEK EWMP AND CIMP*

5. County of Los Angeles  
Department of Public Works  
Watershed Management Division, 11<sup>th</sup> Floor  
900 South Fremont Avenue  
Alhambra, CA 91803-1331  
Angela George  
E-mail: [ageorge@dpw.lacounty.gov](mailto:ageorge@dpw.lacounty.gov)  
Phone: (626) 458-4325  
Fax: (626) 457-1526
  
6. Los Angeles County Flood Control District  
Department of Public Works  
Watershed Management Division, 11<sup>th</sup> Floor  
900 South Fremont Avenue  
Alhambra, CA 91803-1331  
Gary Hildebrand  
E-mail: [GHILDEB@dpw.lacounty.gov](mailto:GHILDEB@dpw.lacounty.gov)  
Phone: (626) 458-4300  
Fax: (626) 457-1526



*"Gateway to the Santa Monica Mountains National Recreation Area"*

June 26, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

**LETTER OF INTENT RELATED TO THE DEVELOPMENT OF AN ENHANCED  
WATERSHED MANAGEMENT PROGRAM AND COORDINATED INTEGRATED  
MONITORING PROGRAM**

Dear Mr. Unger;

The City of Agoura Hills, with this letter, pledges to collaborate with the Malibu Creek Watershed Group (Group) in the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) in accordance with the new MS4 Permit by Order No. R4-2012-0175 for submission to your Board.

The Malibu Creek Watershed Group includes the following agencies: The City of Agoura Hills, City of Calabasas, City of Hidden Hills, City of Westlake Village, County of Los Angeles and the Los Angeles County Flood Control District.

The City of Agoura Hills further pledges to cost share the development cost of both the Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP). A cost sharing formula has been agreed by all participating members of the Group as to the equitable distribution of costs.

Should you have any questions, please contact Ramiro Adeva at 818-597-7353 or [radeva@ci.agoura-hills.ca.us](mailto:radeva@ci.agoura-hills.ca.us).

Sincerely,

Denis Weber  
Mayor

cc: Renee Purdy, LA Regional Water Quality Control Board  
Ivar Ridgeway, LA Regional Water Quality Control Board  
Alex Farassati, City of Calabasas

30001 Ladyface Court, Agoura Hills, CA 91301-2583 • Telephone (818) 597-7300 • Fax (818) 597-7352  
e-mail: [ci.agoura-hills.ca.us](mailto:ci.agoura-hills.ca.us)



GAIL FARBER, Director

## COUNTY OF LOS ANGELES

### DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1469  
ALHAMBRA, CALIFORNIA 91802-1469

IN REPLY PLEASE  
REFER TO FILE: WM-7

June 24, 2013

Mr. Samuel Unger, P.E., Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – COUNTY OF LOS ANGELES  
MALIBU CREEK WATERSHED GROUP  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

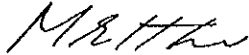
The County of Los Angeles (County) submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Malibu Creek Watershed Group. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Malibu Creek Watershed Group consists of the following agencies: City of Calabasas as the coordinating agency for EWMP and CIMP development, County, Los Angeles County Flood Control District, and cities of Agoura Hills, Hidden Hills, and Westlake Village. The Malibu Creek Watershed Group has included a final draft Memorandum of Understanding as Attachment 2 of the Notice of Intent. The County intends to submit a final Memorandum of Understanding to its Board of Supervisors for approval prior to December 28, 2013.

Mr. Samuel Unger  
June 24, 2013  
Page 2

If you have any questions, please contact Ms. Angela George at (626) 458-4325 or  
ageorge@dpw.lacounty.gov.

Very truly yours,



*fw* GAIL FARBER  
Director of Public Works

GC:jht

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cc: City of Agoura Hills  
City of Calabasas  
City of Hidden Hills  
City of Westlake Village



CITY of CALABASAS

June 10, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

**SUBJECT: LETTER OF INTENT PLEDGING COMMITMENT IN THE DEVELOPMENT OF AN  
ENHANCED WATERSHED MANAGEMENT PROGRAM AND COORDINATED  
INTEGRATED MONITORING PROGRAM IN COLLABORATION WITH THE MALIBU  
CREEK WATERSHED GROUP**

Dear Mr. Unger:

The City of Calabasas, with this letter, pledges to collaborate with the Malibu Creek Watershed Group (Group) in the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) in accordance with the new MS4 Permit by Order No. R4-2012-0175 for submission to Regional Water Quality Control Board.

The Malibu Creek Watershed Group includes the following agencies: The City of Agoura Hills, City of Calabasas, City of Hidden Hills, City of Westlake Village, County of Los Angeles and the Los Angeles County Flood Control District.

The City of Calabasas further pledges to cost share the development cost of both the Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP). A cost sharing formula has been agreed by all participating members of the Group as to the equitable distribution of costs.

100 Civic Center Way  
Calabasas, CA 91302  
(818) 224-1600  
Fax (818) 225-7324

④

June 10, 2013  
Samuel Unger, Executive Officer  
Page 2

Should you have any questions, please contact Dr. Alex Farassati, Environmental Services Supervisor, at (818) 224-1680 or via e-mail at [afarassati@cityofcalabasas.com](mailto:afarassati@cityofcalabasas.com).

Sincerely,



Anthony M. Coroalles  
City Manager

c: City Council  
Robert Yalda, Calabasas Public Works Director/City Engineer  
Alex Farassati, Malibu Creek Watershed EWMP & CIMP Coordinator  
Renee Purdy, California Regional Water Quality Control Board, Los Angeles Region  
Ivar Ridgeway, California Regional Water Quality Control Board, Los Angeles Region





## City of Hidden Hills

6165 Spring Valley Road • Hidden Hills, California 91302  
(818) 888-9281 • Fax (818) 719-0083

June 11, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

**RE: LETTER OF INTENT PLEDGING COMMITMENT IN THE  
DEVELOPMENT OF AN ENHANCED WATERSHED  
MANAGEMENT PROGRAM AND COORDINATED INTEGRATED  
MONITORING PROGRAM IN COLLABORATION WITH THE  
MALIBU CREEK WATERSHED GROUP**

Dear Mr. Unger:

The City of Hidden Hills, with this letter, pledges to collaborate with the Malibu Creek Watershed Group (Group) in the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) in accordance with the new MS4 Permit by Order No. R4-2012-0175 for submission to your Board. The Group includes the following agencies: the City of Agoura Hills, the City of Calabasas, the City of Hidden Hills, the City of Westlake Village, Los Angeles County, and the Los Angeles County Flood Control District.

The City of Hidden Hills further pledges to cost share the development cost of both the EWMP and CIMP. A cost sharing formula has been agreed to by all participating members of the Group as to the equitable distribution of costs.

Samuel Unger  
Los Angeles Regional Water Quality Control Board  
June 11, 2013  
Page 2

Should you have any questions, please contact our Water Quality Consultant, Joe Bellomo, at jbellomo@willdan.com or at (805) 279-6856.

Sincerely,

CITY OF HIDDEN HILLS



Steve Freedland  
Mayor

SF/dlg

cc: Cherie L. Paglia, City Manager  
Joe Bellomo, Willdan Engineering  
Renee Purdy, California Regional Water Quality Control Board, Los Angeles Region  
Ivar Ridgeway, California Regional Water Quality Control Board, Los Angeles Region  
Alex Farassati, City of Calabasas



GAIL FARBER, Director

## COUNTY OF LOS ANGELES

### DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91802-1331  
Telephone: (626) 438-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE  
REFER TO FILE: WM-7

June 24, 2013

Mr. Samuel Unger, P.E.  
Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, California 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – LOS ANGELES COUNTY FLOOD CONTROL DISTRICT  
MALIBU CREEK WATERSHED GROUP  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

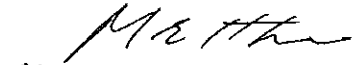
The Los Angeles County Flood Control District (LACFCD) submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Malibu Creek Watershed Group. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Malibu Creek Watershed Group consists of the following agencies: City of Calabasas as the coordinating agency for EWMP and CIMP development, County of Los Angeles, LACFCD, and cities of Agoura Hills, Hidden Hills, and Westlake Village. The Malibu Creek Watershed Group has included a final draft Memorandum of Understanding as Attachment 2 of the Notice of Intent. The LACFCD intends to submit a final Memorandum of Understanding to the County of Los Angeles Board of Supervisors (which is the LACFCD's governing body) for approval prior to December 28, 2013.

Mr. Samuel Unger  
June 24, 2013  
Page 2

If you have any questions, please contact Ms. Terri Grant at (626)458-4309 or  
tgrant@dpw.lacounty.gov.

Very truly yours,



*MF* GAIL FARBER  
Chief Engineer of the Los Angeles County Flood Control District

GC:jht

P:\wmpub\Secretariat\2013 Documents\Letter\LOI MCW LACFCD.doc\13227

cc: City of Agoura Hills  
City of Calabasas  
City of Hidden Hills  
City of Westlake Village



PHILIPPA KLESSIG  
Mayor

ROBERT SLAVIN  
Mayor Pro Tem

MARK RUTHERFORD  
Councilmember

NED E DAVIS  
Councilmember

SUSAN McSWEENEY  
Councilmember

June 28, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

**SUBJECT: LETTER OF INTENT PLEDGING COMMITMENT IN THE  
DEVELOPMENT OF AN ENHANCED WATERSHED  
MANAGEMENT PROGRAM AND COORDINATED INTEGRATED  
MONITORING PROGRAM IN COLLABORATION WITH THE  
MALIBU CREEK WATERSHED GROUP**

Dear Mr. Unger;

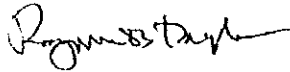
The City of Westlake Village, with this letter, will participate with the Malibu Creek Watershed Group (Group) in the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) in accordance with the new MS4 Permit by Order No. R4-2012-0175 for submission to your Board.

The Malibu Creek Watershed Group includes the following agencies: the City of Agoura Hills, City of Calabasas, City of Hidden Hills, City of Westlake Village, County of Los Angeles and the Los Angeles County Flood Control District.

The City of Westlake Village further pledges to share in the development cost of both the Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP). A cost sharing formula has been agreed to by all participating members of the Group as to the equitable distribution of costs.

Should you have any questions, please contact Joe Bellomo at (805) 279-6856 or at [jbello@willdan.com](mailto:jbello@willdan.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Raymond B. Taylor".

Raymond B. Taylor  
City Manager

cc: Renee Purdy, California Regional Water Quality Control Board,  
Los Angeles Region  
Ivar Ridgeway, California Regional Water Quality Control Board,  
Los Angeles Region  
Alex Farassati, Malibu Creek Watershed EWMP & CIMP Coordinator



### Attachment 3

### Structural BMPs Fact Sheets



CITY of CALABASAS

#### Citywide Smart Irrigation Control System

Replacement of irrigation controllers is projected to provide regional benefits by reducing urban runoff that is associated with nutrient loaded recycled water used for irrigation and will reduce discharges of other pollutants to the MS4 system carried by overwatering of landscaped areas.

This project calls for the installation of a smart irrigation control system using evapotranspiration technology and will be put into place at all city facilities, street medians and parkways. Citywide Smart Irrigation Control Project will keep irrigation run off from reaching the water bodies by reducing approximately 20-25% of water consumption. The City is currently not able to adjust the system based on forecast information and as a result, nutrient loaded reclaimed water breaches the curb, causing the urban runoff to enter the municipal storm drain and in most cases enters the natural creek system, and adds to the downstream impairments of protected water bodies.

#### Features:

- Comply with water quality regulations (including TMDLs) by improving the quality of urban runoff, stormwater, and wastewater
- Weather based evapo-transpiration (ET) controller
- Saves 25% or more over conventional Non-ET controllers
- Measure flow and monitors system efficiency
- Receive text alerts for a variety of problems



#### Project Components

- Install smart irrigation control system at all City facilities, street medians and parkways
- Reduce irrigation usage by 20-25% at applicable sights
- Reduce irrigation runoff to North Santa Monica Bay and Upper Los Angeles Sub Regions
- Retrofit and or replace 64 controllers and 819 valves
- Utilize specific weather data based on city's weather conditions





## Lindero Channel Parkway Improvements

### Project Description:

This Lindero Channel Parkway Improvement project is part of an overall City of Westlake Village streetscape improvement project that creates infiltration and urban pollutant mitigation opportunities along all arterial medians and parkways.

This portion of the overall project is 30 foot wide by over a mile long, and will be recreated to have a Riparian Zone theme. Half of this parkway was originally a flood control maintenance road and the other half a conventional landscaped area. The combined width of the old maintenance road and landscaped area will provide an opportunity for a new long and meandering walking path with conversation seating areas next to educational signage on a riparian zone and the stormwater cleanup objectives of this project. The newly renovated area will drain to bio-swales throughout the entire length of the project. These swales will meander thru the entire length with the main goal of percolation and evaporation of all nuisance flows throughout the year.

Estimated Cost:  
\$2.1 Million



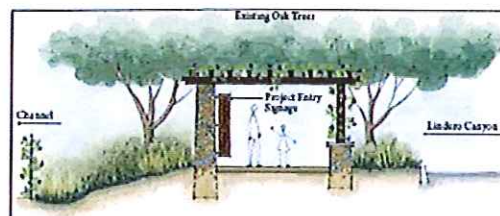
Figure 2: After Photo showing bio-swale eliminating runoff and providing pollutant mitigation via infiltration.



Figure 1: Before Photo with concave design and no infiltration.

### Project Features:

- ✓ Comply with water quality regulations (including TMDLs) by improving the quality of urban runoff, and stormwater
- ✓ Bio-swales and other infiltration galleries to address nuisance flow throughout the year
- ✓ Provides weather based evapo-transpiration (ET) controller which saves 25% or more over conventional Non-ET controllers
- ✓ Incorporates educational signage with a focus on the importance of being a steward to a healthy watershed





GAIL FARBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE  
REFER TO FILE: **WM-7**

June 20, 2013

Mr. Samuel Unger, P.E.  
Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, California 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**NOTICE OF INTENT  
ENHANCED WATERSHED MANAGEMENT PROGRAM AND  
COORDINATED INTEGRATED MONITORING PROGRAM  
MARINA DEL REY WATERSHED**

The County of Los Angeles, Los Angeles County Flood Control District, and cities of Culver City and Los Angeles, collectively known as the Marina del Rey Enhanced Watershed Management Program (EWMP) agencies, are submitting the enclosed Notice of Intent to notify the California Regional Water Quality Control Board – Los Angeles Region of its intent to develop an EWMP and Coordinated Integrated Monitoring Program (CIMP). The Marina del Rey EWMP agencies have agreed to a collaborative approach in fulfilling the requirements of Order No. R4-2012-0175 Municipal Separate Storm Sewer System (MS4) Permit.

The enclosed Notice of Intent fulfills the EWMP notification requirements provided in Section VI.C.4.b of the MS4 Permit and the CIMP notification requirements provided in Attachment E Section IV.C.1 of the MS4 Permit. The Marina del Rey EWMP agencies look forward to developing the EWMP and CIMP in collaboration with the Technical Advisory Committee and other stakeholders within the Marina del Rey watershed.

Mr. Samuel Unger  
June 20, 2013  
Page 2

If you have any questions, please contact me at (626) 458-4300 or ghildeb@dpw.lacounty.gov or your staff may contact Ms. Angela George at (626) 458-4325 or ageorge@dpw.lacounty.gov.

Very truly yours,

GAIL FARBER  
Director of Public Works

A handwritten signature in black ink, appearing to read "Gary Hildebrand", written over a horizontal line.

GARY HILDEBRAND  
Assistant Deputy Director  
Watershed Management Division

TM:jht  
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Enc.

cc: City of Los Angeles  
City of Culver City



# **NOTICE OF INTENT**

## **Marina del Rey Watershed**

### **Enhanced Watershed Management Program and**

### **Coordinated Integrated Monitoring Program**

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***Submitted to:***

California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

***Submitted by:***

County of Los Angeles  
City of Los Angeles  
City of Culver City  
Los Angeles County Flood Control District

***June 20, 2013***



## 1. Introduction

The County of Los Angeles (County), Los Angeles County Flood Control District (LACFCD), and cities of Culver City and Los Angeles, collectively the Marina del Rey (MdR) Enhanced Watershed Management Program (EWMP) agencies, respectfully submit this Notification of Intent (NOI) to develop an EWMP for the MdR watershed per Section VI.C.4.b.i of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit). Additionally, the agencies of the MdR watershed submit this NOI to develop a Coordinated Integrated Monitoring Program (CIMP).

The following sections are to satisfy the requirements for NOI submittal as provided by section VI.C.4.b of the MS4 Permit and to provide the California Regional Water Quality Control Board, Los Angeles Region (LARWQCB) with additional information on the approach that the MdR EWMP agencies intend to follow for the EWMP development.

## 2. Notification of Intent (Section VI.C.4.b.i and Attachment E Section IV.C.1.)

The MdR EWMP agencies notify the LARWQCB by this NOI of their intention to work in collaboration in developing an EWMP for the MdR watershed, and request submittal of the final EWMP Work Plan no later than 18 months after the effective date of the MS4 Permit (June 28, 2014) and submittal of the draft EWMP no later than 30 months after the effective date of the MS4 Permit (June 28, 2015).

In addition, the MdR EWMP agencies notify the LARWQCB by this NOI of their intention to work in collaboration to develop a CIMP for the MdR watershed, and request submittal of the draft CIMP no later than 18 months after the effective date of the MS4 Permit (June 28, 2014).

## 3. Interim and Final TMDL Compliance Deadlines (Section VI.C.4.b.ii)

Table 1 lists Total Maximum Daily Loads (TMDLs) specifically for the receiving waters in the MdR watershed and the TMDLs that apply to the MdR watershed as a subwatershed in the Santa Monica Bay Watershed Management Area. Interim milestones and deadlines for trash TMDLs and final compliance milestones and deadlines of other TMDLs occurring prior to the anticipated approval date of the EWMP (April 28, 2016) are included in Table 2.



Table 1. TMDLs applicable to the MdR watershed

TMDL	Resolution Number	Effective Date/ EPA Approval Date
Marina del Rey Harbor Mother's Beach and Back Basins Bacteria TMDL	2003-012	3/18/2004
Santa Monica Bay Nearshore and Offshore Debris TMDL	R10-010	3/20/2012
Marina del Rey Harbor Toxics Pollutants	2005-012	3/22/2006
Santa Monica Bay DDTs and PCBs TMDL	NA	3/26/2012
Ballona Creek Wetlands TMDL for Sediment and Invasive Exotic Vegetation <sup>1</sup>	NA	3/26/2012

1- This TMDL applies for the Ballona Wetlands area within the MdR watershed.

Table 2. Interim (trash) and final TMDL compliance deadlines prior to EWMP approval

TMDL	Milestone	Interim /Final	Deadline
Marina del Rey Harbor Mother's Beach and Back Basins Bacteria TMDL (dry-weather)	Zero (0) exceedance days for summer and three (3) exceedance days for winter. Based on daily sampling.	Final	3/18/2007
Marina del Rey Harbor Toxics Pollutants TMDL	100 percent of drainage area complies with waste load allocations	Final	3/22/2016
Santa Monica Bay Nearshore and Offshore Debris TMDL	20 percent reduction from baseline load	Interim	3/20/2016

#### 4. Geographical Scope (Section VI.C.4.b.iii.(1))

For the purposes of the MdR EWMP, the MdR watershed is approximately 1,412 acres (2.2 square miles) and consists of portions of the cities of Culver City and Los Angeles, and the unincorporated County areas as shown in Enclosure A.

The watershed is bordered by the Santa Monica Bay Watershed to the west and the Ballona Creek Watershed to the north and east. The MdR Harbor is open to the Santa Monica Bay through the main channel and shares a common breakwater with the Ballona Creek. The Harbor consists of the main channel and eight basins (A-H). Basins D, E, and F are also known as the back basins. MdR can be broken up into four subwatersheds, as shown in Enclosure B.

- The Harbor land area in Subwatershed 1 is almost entirely composed of unincorporated County area and has many small drains that discharge into all the basins.
- Subwatershed 2 does not drain into the Harbor but drains into the Ballona Lagoon which discharges into the MdR Harbor main channel.



- Boone Olive Pump Plant serves another large tributary area (Subwatershed 3) that serves the City of Los Angeles and discharges into Basin E.
- In Subwatershed 4, most of the discharge to the Harbor comes from Oxford Basin, which is an LACFCD-operated stormwater retention basin that mostly serves the cities of Culver City and Los Angeles and discharges to Basin E.

All MdR EWMP agencies have agreed to collectively develop the MdR EWMP. Therefore, the MdR EWMP will cover all of the areas owned by the MS4 permittees within the watershed. Within the MdR watershed, the State of California owns land, for which, the MdR EWMP agencies have no jurisdiction. These State owned areas in the Ballona Wetlands and the California Department of Transportation right-of-way are excluded from the EWMP. A breakdown of the area by MS4 permittee and other agencies is provided in Table 3. All drainage infrastructure operated and maintained by the LACFCD within the Marina del Rey Watershed Management Area will be covered under this EWMP.

Table 3. MdR Watershed Land Area Distribution and EWMP participation

Agency	EWMP Agency	Land Area (acres)	Percent of EWMP Area
City of Los Angeles	Yes	974	69
County of Los Angeles	Yes	396	28
City of Culver City	Yes	42	3
Los Angeles County Flood Control District	Yes	N/A	N/A
<b>Area of EWMP Agencies</b>		<b>1,412</b>	<b>100</b>
Caltrans	No	29	
State of California (Ballona Wetlands)	No	71	
<b>MdR Watershed</b>		<b>1,512</b>	

## 5. Plan Concept (Section VI.C.4.b.iii.(1))

The MdR EWMP agencies have been collaborating as one watershed since the effective date of the MS4 Permit. The County, cities of Culver City and Los Angeles, and Caltrans have been involved in the TMDL monitoring effort in the MdR watershed for the different TMDLs. In addition, the MdR agencies have developed Implementation Plans with strategies to address the Bacteria and Metals/Toxics TMDLs. The implementation strategies are based on a multi-pollutant approach with green infrastructure best management practices (BMPs) that maximize the use of urban runoff as a resource for aquifer recharge, reuse, and other beneficial uses. The MdR EWMP will build on the previous TMDL implementation plans, reevaluate the proposed watershed control measures, identify additional regional projects to maximize capture of all non-stormwater runoff and stormwater from the 85<sup>th</sup> percentile, 24-hour storm event, and identify additional watershed control measures for those areas in the watershed that cannot be addressed by a regional project. The MdR EWMP will also evaluate

opportunities to maximize multi-benefit solutions regarding flood control, water quality, and aesthetics where possible including public and private facilities.

Plan development will be a collaborative process between all MdR EWMP agencies, and shall be coordinated with the Technical Advisory Committee as well as with local watershed stakeholders.

#### **6. Cost Estimate (Section VI.C.4.b.iii.(2))**

The MdR EWMP agencies prepared a scope of work and cost estimate for developing the EWMP Work Plan, CIMP, and EWMP for the MdR. It is estimated that the cost for the development of the plans will be \$417,544. This estimate includes \$83,390 for the Work Plan, \$69,515 for the CIMP, \$188,680 for the EWMP, and \$75,959 for project coordination and meetings. This estimate assumes that the CIMP and EWMP can, in part, utilize information from existing TMDL Coordinated Monitoring Plans and Implementation Plans. In addition, the MdR EWMP agencies will contribute several hundred thousands of dollars in the contract administration costs and to in-kind services.

#### **7. Memorandum of Understanding (Section VI.C.4.b.iii.(3))**

Enclosure C includes the final drafts of the Memoranda of Understanding between County, LACFCD, and cities of Culver City and Los Angeles. All agencies have committed to the execution of this agreement by December 28, 2013, as indicated by the signed letters of intent (Enclosure D).

#### **8. Interim Milestones and Deadlines for Plan Development (Section VI.C.4.b.iii.(4))**

Table 4 summarizes the interim milestones and deadlines for plan development which are based on the scope of work for developing the EWMP Work Plan, CIMP, and EWMP.



Table 4. Proposed Interim Milestones and Deadlines for Plan Development

Milestone	Due date
<b>EWMP Work Plan</b>	
EWMP Work Plan Draft Technical memos <ul style="list-style-type: none"> <li>• Identification of water quality priorities</li> <li>• Existing and future watershed control measures, identification of potential regional projects</li> <li>• Reasonable assurance analysis approach</li> <li>• BMP selection approaches</li> </ul>	February 2014
Complete Internal Draft EWMP Work Plan	April 2014
Submit Final Draft EWMP Work Plan	June 2014
<b>Coordinated Integrated Monitoring Program</b>	
CIMP Draft Technical memos <ul style="list-style-type: none"> <li>• Outfall and receiving water monitoring approach</li> <li>• Monitoring sites selection</li> <li>• New development and redevelopment effectiveness tracking</li> </ul>	March 2014
Complete Internal Draft CIMP	April 2014
Submit Final Draft CIMP	June 2014
<b>Enhanced Watershed Management Program</b>	
EWMP Draft Technical memos <ul style="list-style-type: none"> <li>• Approach to the United States Environmental Protection Agency TMDLs, 303(d) listings, other exceedances of Receiving Water Limitations</li> <li>• Final selection of regional projects</li> <li>• Feasibility analyses of regional projects, customization of Minimum Control Measures, identification of other BMPs</li> <li>• Project schedules and cost estimates</li> </ul>	March 2015
Complete Internal Draft EWMP	May 2015
Submit Final Draft EWMP	June 2015

Aside from coordination with the Technical Advisory Committee, the schedule in Table 4 assumes one meeting or workshop with local watershed stakeholders for each major milestone (Work Plan, CIMP, and EWMP).

#### 9. Structural BMP (Section VI.C.4.b.iii.(5))

In accordance to Section VI.C.4.b.iii(5), the MdR EWMP agencies commits to implementing one structural BMP project that provides meaningful water quality improvement within 30 months of the effective date (June 28, 2015). The LACFCD plans to construct the Oxford Basin Multi-Use Enhancement Project to fulfill this requirement for the MdR EWMP. More information on this project can be found in Enclosure E.

**10. Low Impact Development Ordinance (Section VI.C.4.b.iii.(6) and VI.C.4.c.iv.(1))**

Table 5 summarizes the status of Low Impact Development (LID) Ordinance by the various MdR EWMP agencies. As Table 5 shows, more than 50 percent of the land area in MdR is addressed by an LID ordinance.

Table 5. LID Ordinances

EWMP agency	Status LID ordinance	Percent of EWMP Area addressed by LID ordinance
City of Los Angeles	In Place	69
County of Los Angeles	Draft Ordinance	28
City of Culver City	Draft Ordinance	3
LACFCD	N/A	N/A
<b>Total EWMP Area covered by LID Ordinances</b>		<b>100</b>

**Status Descriptions:**

- In Place – The City of Los Angeles' LID Ordinance became operative on May 12, 2012. The City is currently amending sections of the LID Ordinance, as well as its Stormwater and Urban Runoff Pollution Control Ordinance (L.A.M.C. Chapter VI, Article 4.4) to meet all the MS4 Permit requirements.
- Draft Ordinance – Permittee has completed or will complete by June 28, 2013, the development of a draft LID Ordinance that is in compliance with the MS4 Permit for its portion in the watershed.

**11. Green Street Policy (Section VI.C.4.b.iii.(6) and VI.C.4.c.iv.(2))**

Table 6 summarizes the status of MdR EWMP agencies with a Green Street Policy. As Table 6 shows, more than 50 percent of the land area in MdR is addressed by a Green Street Policy that is in place or under development.

Table 6. Green Street Policy

EWMP agency	Status Green Street Policy	Percent of EWMP area addressed by Green Street Policy
City of Los Angeles	In Place	69
County of Los Angeles	Draft Policy	28
City of Culver City	Draft Policy	3
LACFCD	N/A	N/A
<b>Total EWMP Area covered by Green Street Policy</b>		<b>100</b>

**Status Descriptions:**

- In Place – Permittee has adopted a Green Street Policy that is in compliance with the requirements of the MS4 Permit for its portion in the watershed.



- Draft Policy – Permittee has completed or will complete by June 28, 2013, the development of a draft Green Street Policy that is in compliance with the MS4 Permit for its portion in the watershed.

## **12. Implementation of Watershed Control Measures During Plan Development (Section VI.C.4.b.ii and VI.C.4.d)**

Three TMDLs have interim and/or final compliance milestones prior to the final approval of the EWMP by April 28, 2016, as summarized in Table 2. The MdR EWMP agencies will continue to implement watershed control measures concurrently while developing the EWMP, as follows:

### **12.1 MdR Mother's Beach and Back Basins Bacteria TMDL (Dry-Weather Compliance):**

- The City of Los Angeles, County, and LACFCD have submitted Time Schedule Order (TSO) requests for this compliance milestone to the LARWQCB. Within their separate TSOs, each of these entities has submitted the following projects/studies in order to address this TMDL:
  - City of Los Angeles will conduct dry weather flow investigations, evaluate results, and identify potential BMPs
  - The County is in the process of making improvements to the MdR Harbor Parking Lots, which entails installing pervious pavement, bioretention, and bioswales BMPs in the parking lots in order to treat runoff before it is discharged into the harbor.
  - The LACFCD's contribution is the Oxford Retention Basin Multi-Use Enhancement Project (see Section 9 and Enclosure E).
- The dry weather flows emanating from Culver City are captured by the Washington Boulevard Low Flow Diversion.

### **12.2 MdR Harbor Toxics Pollutants TMDL (100 Percent Compliance):**

The County recently submitted their revised Multi-Pollutant Implementation Plan on March 27, 2013, while the cities of Culver City and Los Angeles submitted their Toxics Implementation Plan on December 10, 2012. All aforementioned agencies will continue to implement watershed control measures as laid out in the implementation plans. In addition, the MdR EWMP agencies look forward to the process of having further discussions regarding receiving an extension for this TMDL.

### **12.3 Santa Monica Bay Nearshore and Offshore Debris TMDL (20 Percent Compliance):**

- The County will implement the Minimum Frequency of Assessment and collection measure as described in the Plan after the LARWQCB's approval. The County plans to retrofit all 19 known catch basins in the unincorporated areas of the MdR in 2014 with full capture devices, thereby meeting the interim and final compliance milestones of the Debris TMDL. In addition, the County plans to meet the September 20, 2013, deadline to submit the Plastic Pellets Monitoring and Reporting Plan.



- The City of Los Angeles submitted a Trash Monitoring and Reporting Plan to the LARWQCB on September 20, 2012, and it intends to submit a Plastic Pellets Monitoring and Reporting Plan by the due date of September 20, 2013. Additionally, all of the 293 catch basins in the City of Los Angeles area of the MdR have been retrofitted with trash screens in 2011, thereby meeting the interim and final compliance milestones of the Debris TMDL.
- Culver City has installed full-capture devices on four of the five known catch basins that drain from Culver City to the MdR harbor. The remaining catch basin will be equipped with a full capture device in 2013.

Aside from the above watershed control measures, the MdR EWMP agencies have utilized a multi-pollutant and multi-benefit approach to develop several TMDL Implementation Plans with structural and institutional watershed control measures, as well as timelines for implementation to meet the receiving water limitations of the various TMDLs. Table 7 summarizes the TMDL Implementation Plans that have been developed to date. The MdR EWMP Agencies will continue their efforts to implement the actions of the TMDL Implementation Plans concurrently with the development of the MdR watershed EWMP.

Table 7. Implementation Plans for the MdR watershed TMDLs.

Implementation Plan	Agencies	Plan status
Implementation Plan for Marina del Rey Bacteria TMDL	County of Los Angeles City of Los Angeles City of Culver City Caltrans	Draft plan submitted 10/31/2005 for LARWQCB review and was approved on 4/6/2006
Implementation Plan for Marina del Rey Toxics TMDL	City of Los Angeles City of Culver City Caltrans	Draft plan submitted 3/22/2011 for LARWQCB review Response submitted 12/10/12
Multi-Pollutant Implementation Plan for Marina del Rey Harbor Back Basins	County of Los Angeles	Draft plan submitted 3/22/2011 for LARWQCB review First response submitted 8/21/2012 Second response submitted 3/27/2013

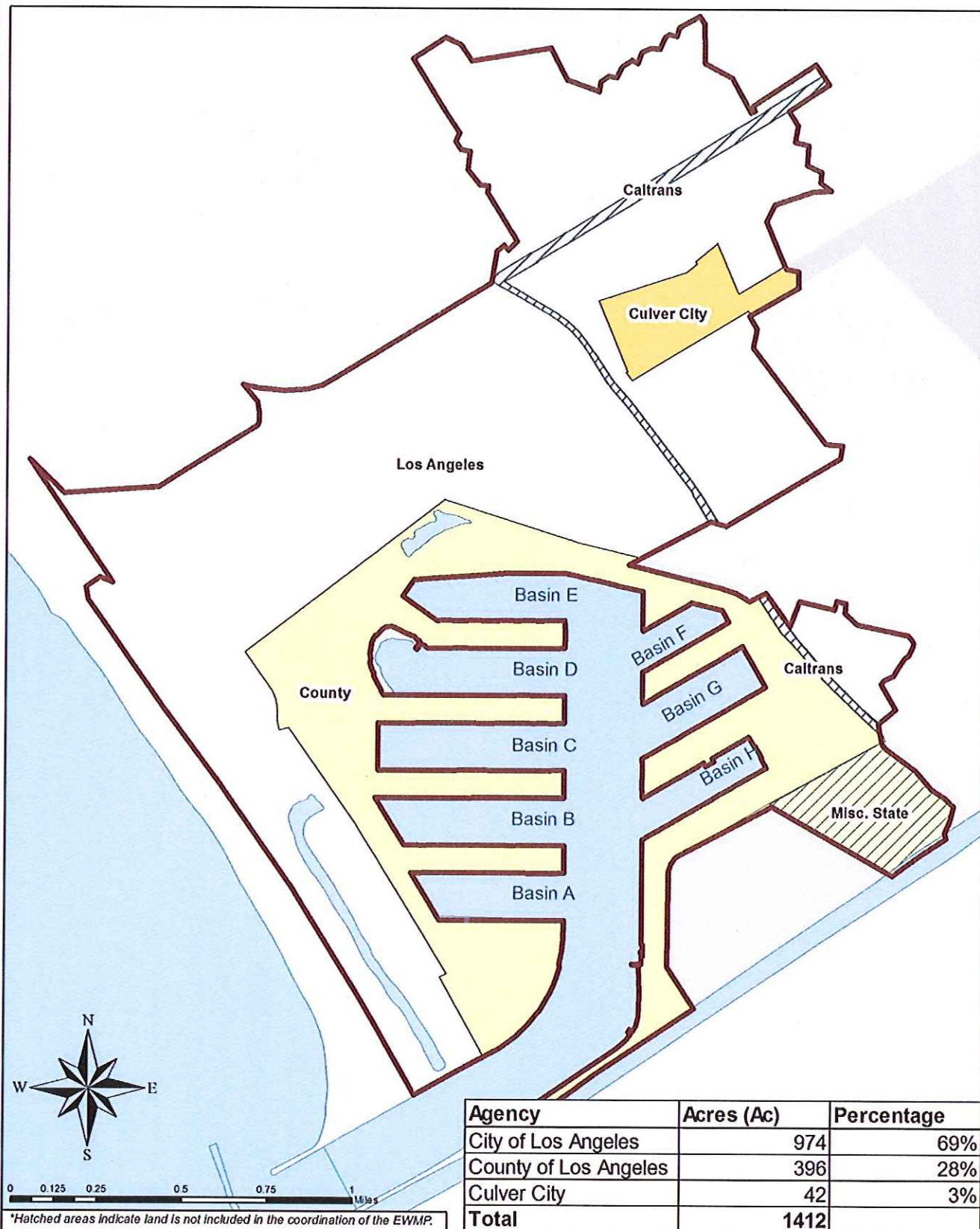
## SUMMARY

This Notice of Intent for the MdR EWMP was developed by the County, LACFCD, and cities of Culver City and Los Angeles. All MdR EWMP agencies have reviewed and agreed to this NOI as evidenced by each agency's letter of intent. We feel that this NOI satisfies the requirements of the MS4 Permit, and we look forward to developing the MdR EWMP in collaboration with the Technical Advisory Committee and other watershed stakeholders.

# ENCLOSURE A

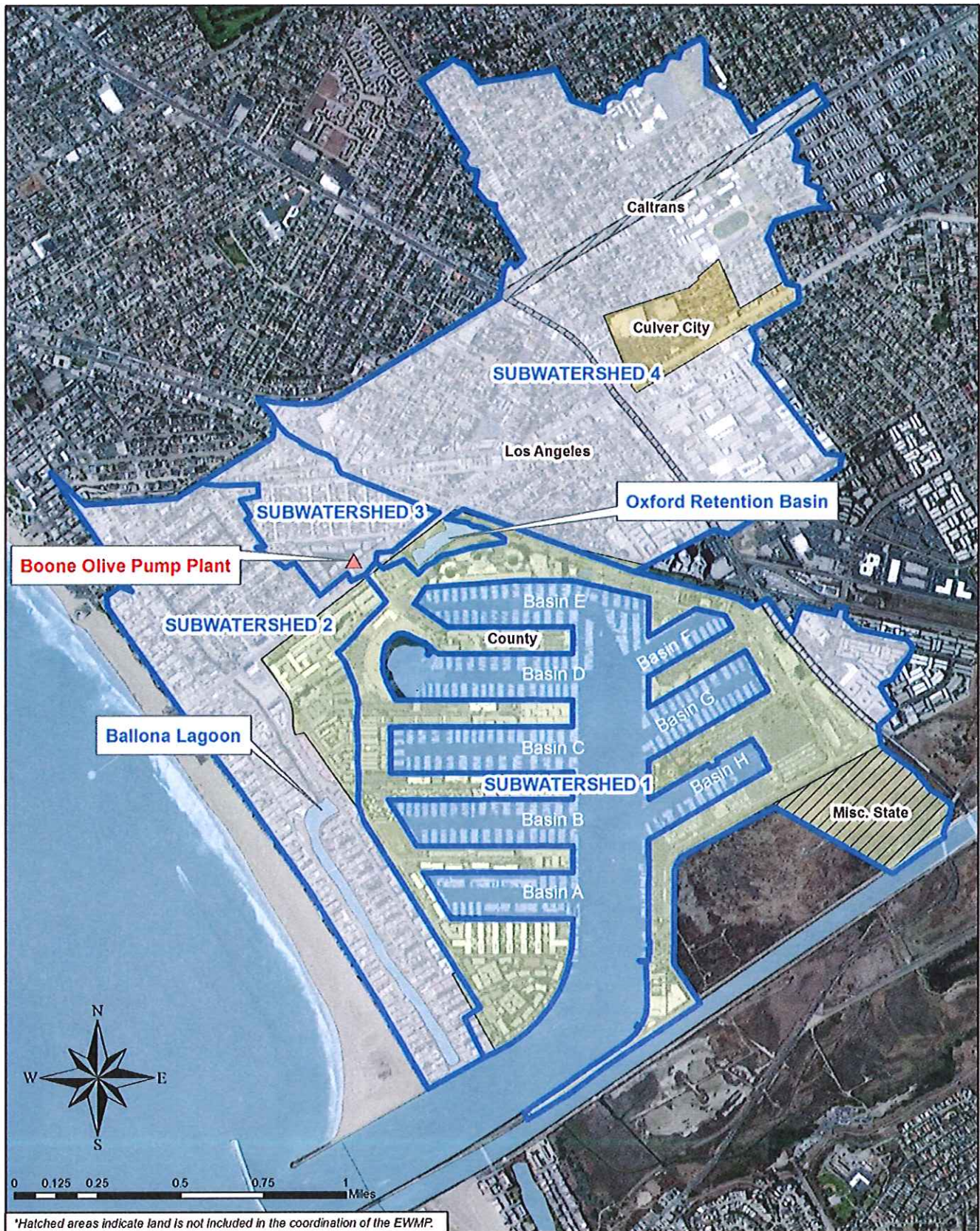
## MARINA DEL REY WATERSHED

### ENHANCED WATERSHED MANAGEMENT PROGRAM





# ENCLOSURE B MARINA DEL REY WATERSHED SUBWATERSHEDS





**ENCLOSURE C – DRAFT MEMORANDUM OF UNDERSTANDING**

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT,  
THE COUNTY OF LOS ANGELES, AND  
THE CITIES OF CULVER CITY AND LOS ANGELES**

**REGARDING THE ADMINISTRATION AND COST SHARING FOR DEVELOPMENT  
OF THE ENHANCED WATERSHED MANAGEMENT PROGRAM (EWMP) AND  
COORDINATED INTEGRATED MONITORING PROGRAM (CIMP)  
FOR THE MARINA DEL REY WATERSHED**

This Memorandum of Understanding (MOU), made and entered into as of the date of the last signature set forth below by and between the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT (LACFCD), a political subdivision of the State of California, the COUNTY OF LOS ANGELES (COUNTY), a political subdivision of the State of California, and the CITIES OF CULVER CITY AND LOS ANGELES (CITIES), municipal corporations. Collectively, these entities shall be known herein as "PARTIES" or individually as "PARTY."

**WITNESSETH**

WHEREAS, the Regional Water Quality Control Board, Los Angeles Region (Regional Board) adopted National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Permit Order No. R4-2012-0175 (MS4 Permit); and

WHEREAS, the MS4 Permit became effective on December 28, 2012, and requires that the LACFCD, the COUNTY, and 84 of the 88 cities (excluding Avalon, Long Beach, Palmdale, and Lancaster) within the County comply with the prescribed elements of the MS4 Permit; and

WHEREAS, the MS4 Permit identified the PARTIES as the MS4 permittees that are responsible for compliance with the MS4 Permit requirements pertaining to the Marina del Rey watershed in the Santa Monica Bay Watershed Management Area; and

WHEREAS, the PARTIES have agreed to collaborate in the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) for the Marina del Rey watershed to comply with of certain elements of the MS4 Permit; and

WHEREAS, the PARTIES collaboratively prepared a final Scope of Work and Request for Proposal to obtain a consultant (the Consultant) to assist the PARTIES with complying with certain elements of the MS4 Permit, and

WHEREAS, the PARTIES propose for the Consultant to prepare and deliver a Final Work Plan, Draft EWMP plan, CIMP, and the Final EWMP plan (collectively, PLANS) in compliance with certain elements of the MS4 Permit; and

WHEREAS, the PARTIES have determined that hiring the Consultant to prepare and deliver the PLANS will be beneficial to the PARTIES and they have agreed to contribute funds to the COUNTY who will contract with the Consultant for the preparation of the PLANS. The PARTIES desire to participate and will provide funding in accordance with the cost allocation formula shown in Table 3 of Exhibit A; and

WHEREAS, the PARTIES have agreed that the total cost for developing the PLANS shall not exceed \$438,421 including the project administration and project management cost but excluding 10 percent contingency; and

WHEREAS, the PARTIES agree each shall assume full and independent responsibility for ensuring its own compliance with the MS4 Permit despite the collaborative approach of the MOU; and

NOW, THEREFORE, in consideration of the mutual benefits to be derived by the PARTIES, and of the promises contained in this MOU, the PARTIES agree as follows:

Section 1. Recitals: The recitals set forth above are incorporated into this MOU.

Section 2. Purpose: The purpose of this MOU is to cooperatively fund the preparation of the PLANS and submittal of the PLANS to the Regional Board.

Section 3. Voluntary: This MOU is voluntarily entered into for the purpose of preparing the PLANS and submitting the PLANS to the Regional Board.

Section 4. Terms: This MOU shall become effective on the last date of execution by a PARTY or December 28, 2013, whichever comes first, and shall remain in effect until 1) the COUNTY has provided the PARTIES with an accounting as set forth in section 5(f), and 2) the PARTIES have paid all outstanding invoices.

Section 5. THE COUNTY AGREES:

- a. To solicit proposals for, award, and administer the Consultant contract for the preparation and delivery of the PLANS in accordance with the Scope of Work. The COUNTY will be compensated for the administration and management of the Consultant contract at a percentage of 5 percent of the total contract cost for development of the PLANS as described in Table 1 of Exhibit A.
- b. To invoice the PARTIES for their share in the cost for the preparation and delivery of the PLANS as described in Tables 3 and 4 of Exhibit A. The first invoice will be sent upon execution of this MOU or in January 2014, whichever



comes first. The second invoice will be sent in July 2014. The PARTIES shall pay the COUNTY the amount invoiced within sixty (60) days of receiving the invoice from the COUNTY.

- c. Contingency: The COUNTY will notify the PARTIES if actual expenditures are anticipated to exceed the cost estimates contained in Exhibit A and obtain approval of such expenditures from all PARTIES. Upon approval, the PARTIES agree to reimburse the COUNTY for their proportional share of these additional expenditures at an amount not to exceed 10 percent of the original cost estimate as shown in Table 4 of Exhibit A. This 10 percent contingency will not be invoiced, unless actual expenditures exceed the original cost estimate. Expenditures that exceed the 10 percent contingency will require an amendment of this MOU.
- d. To utilize the funds deposited by the PARTIES only for the administration of the Consultant contract, project management, and the preparation and completion of the PLANS.
- e. To provide the PARTIES with an electronic copy of the technical memos, draft PLANS, and the completed PLANS within 7 business days after receipt from the Consultant.
- f. To provide an accounting upon the early termination of this MOU pursuant to section 8, 60 days after the date the Regional Board gives final approval to the last outstanding portion of the PLANS, or June 20, 2016, whichever comes first. At the completion of the accounting, the COUNTY shall return the unused portion of all funds deposited with the COUNTY in accordance with the cost allocation formula set forth in Table 3 of Exhibit A.

#### Section 6. THE PARTIES FURTHER AGREE:

- a. To make a full faith effort to cooperate with one another to achieve the purposes of this MOU by providing information about project opportunities, reviewing deliverables in a timely manner, and informing their respective administration, agency heads, and/or governing body.
- b. To fund the cost of the preparation and delivery of the PLANS and to pay the COUNTY for the preparation and delivery of the PLANS based on the cost allocation set forth in Table 3 of Exhibit A.
- c. Each PARTY shall allow reasonable access and entry to the Consultant, on an as needed basis during the term of this MOU, to the PARTY'S storm drains, channels, catch basins, and similar properties (FACILITIES) to achieve the purposes of this MOU, provided, however, that prior to entering any of the

PARTY'S FACILITIES, the Consultant shall secure written notice 72 hours in advance of entry from the applicable PARTY.

#### Section 7. Indemnification

- a. Each PARTY shall indemnify, defend, and hold harmless each other PARTY, including its special districts, elected and appointed officers, employees, agents, attorneys, and designated volunteers from and against any and all liability, including, but not limited to demands, claims, actions, fees, costs, and expenses (including reasonable attorney's and expert witness fees), arising from or connected with the respective acts of each PARTY arising from or related to this MOU; provided, however, that no PARTY shall indemnify another PARTY for that PARTY'S own negligence or willful misconduct.
- b. In light of the provisions of Section 895.2 of the Government Code of the State of California imposing certain tort liability jointly upon public entities solely by reason of such entities being parties to an agreement (as defined in Section 895 of said Code), each of the PARTIES hereto, pursuant to the authorization contained in Section 895.4 and 895.6 of said Code, shall assume the full liability imposed upon it or any of its officers, agents, or employees, by law for injury caused by any act or omission occurring in the performance of this MOU to the same extent such liability would be imposed in the absence of Section 895.2 of said Code. To achieve the above stated purpose, each PARTY indemnifies, defends, and holds harmless each other PARTY for any liability, cost, or expense that may be imposed upon such other PARTY solely by virtue of said Section 895.2. The provisions of Section 2778 of the California Civil Code are made a part hereof as if incorporated herein.

#### Section 8. Termination

- a. This MOU may be terminated upon the express written agreement of all PARTIES. If this MOU is terminated, then all PARTIES must agree on the equitable redistribution of remaining funds deposited, if there are any, or payment of invoices due at the time of termination. Completed work shall be owned by all PARTIES. Rights to uncompleted work by the Consultant still under contract will be held by the PARTY or PARTIES who fund the completion of such work.
- b. If a PARTY fails to substantially comply with any of the terms or conditions of this MOU, then that PARTY shall forfeit its rights to work completed through this MOU, but no such forfeiture shall occur unless and until the defaulting PARTY has first been given notice of its default and a reasonable opportunity to cure the alleged default.

## Section 9. General Provisions

- a. Notices. Any notices, bills, invoices, or reports relating to this MOU, and any request, demand, statement, or other communication required or permitted hereunder shall be in writing and shall be delivered to the representatives of the PARTIES at the addresses set forth in Exhibit B attached hereto and incorporated herein by reference. Parties shall promptly notify each other of any change of contact information, including personnel changes, provided in Exhibit B. Written notice shall include notice delivered via e-mail or fax. A notice shall be deemed to have been received on (a) the date of delivery, if delivered by hand during regular business hours, or by confirmed facsimile or by e-mail; or (b) on the third (3) business day following mailing by registered or certified mail (return receipt requested) to the addresses set forth in Exhibit B.
- b. Administration. For the purposes of this MOU, the PARTIES hereby designate as their respective PARTY representatives the persons named in Exhibit B. The designated PARTY representatives, or their respective designees, shall administer the terms and conditions of this MOU on behalf of their respective PARTY. Each of the persons signing below on behalf of a PARTY represents and warrants that he or she is authorized to sign this MOU on behalf of such PARTY.
- c. Relationship of the Parties. The PARTIES are, and shall at all times remain as to each other, wholly independent entities. No PARTY to this MOU shall have power to incur any debt, obligation, or liability on behalf of any other PARTY unless expressly provided to the contrary by this MOU. No employee, agent, or officer of a PARTY shall be deemed for any purpose whatsoever to be an agent, employee, or officer of another PARTY.
- d. Binding Effect. This MOU shall be binding upon, and shall be to the benefit of the respective successors, heirs, and assigns of each PARTY; provided, however, no PARTY may assign its respective rights or obligations under this MOU without the prior written consent of the other PARTIES.
- e. Amendment. The terms and provisions of this MOU may not be amended, modified, or waived, except by an instrument in writing signed by all non-delinquent PARTIES. For the City of Los Angeles, the Director of the Bureau of Sanitation or his/her designee is authorized to execute such amendments.
- f. Law to Govern. This MOU is governed by, interpreted under, and construed and enforced in accordance with the laws of the State of California.
- g. Severability. If any provision of this MOU shall be determined by any court to be invalid, illegal, or unenforceable to any extent, then the remainder of this MOU

shall not be affected, and this MOU shall be construed as if the invalid, illegal, or unenforceable provision had never been contained in this MOU.

- h. Entire Agreement. This MOU constitutes the entire agreement of the PARTIES with respect to the subject matter hereof.
- i. Waiver. Waiver by any PARTY to this MOU of any term, condition, or covenant of this MOU shall not constitute a waiver of any other term, condition, or covenant. Waiver by any PARTY to any breach of the provisions of this MOU shall not constitute a waiver of any other provision, nor a waiver of any subsequent breach or violation of any provision of this MOU.
- j. Counterparts. This MOU may be executed in any number of counterparts, each of which shall be an original, but all of which taken together shall constitute but one and the same instrument, provided, however, that such counterparts shall have been delivered to all PARTIES to this MOU.
- k. All PARTIES have been represented by counsel in the preparation and negotiation of this MOU. Accordingly, this MOU shall be construed according to its fair language. Any ambiguities shall be resolved in a collaborative manner by the PARTIES and shall be rectified by amending this MOU as described in section 9(e).

IN WITNESS WHEREOF, the PARTIES hereto have caused this MOU to be executed by their duly authorized representatives and affixed as of the date of signature of the PARTIES:

COUNTY OF LOS ANGELES

By \_\_\_\_\_  
GAIL FARBER

\_\_\_\_\_  
Date

APPROVED AS TO FORM:

John F. Krattli  
County Counsel

By \_\_\_\_\_  
Deputy

LOS ANGELES COUNTY FLOOD CONTROL DISTRICT

By \_\_\_\_\_  
Chief Engineer

APPROVED AS TO FORM:

John F. Krattli  
County Counsel

By \_\_\_\_\_  
Deputy

\_\_\_\_\_  
Date



**CITY OF LOS ANGELES**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Capri W. Maddox, President  
Board of Public Works

ATTEST:

By: \_\_\_\_\_  
June Lagmay  
City Clerk

APPROVED AS TO FORM:

Carmen Trutanich  
City Attorney

By: \_\_\_\_\_  
John A. Carvalho  
Deputy City Attorney

**CITY OF CULVER CITY**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
John Nachbar  
City Manager

APPROVED AS TO CONTENT

\_\_\_\_\_  
Charles Herbertson,  
Public Works Director

APPROVED AS TO FINANCING:

\_\_\_\_\_  
Jeff Muir  
Chief Financial Officer

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Carol Schwab  
City Attorney

## EXHIBIT A

### Marina del Rey Watershed EWMP and CIMP Funding Contributions

**Table 1. Total Contract Costs**

<b>Deliverable</b>	<b>Cost</b>
Project Management	\$ 75,959
Work Plan	\$ 83,390
CIMP	\$ 69,515
Final EWMP	\$ 188,680
<b>Contract Cost</b>	<b>\$ 417,544</b>

**Table 2. Total Cost**

<b>Item</b>	<b>Total Cost</b>
Contract Cost	\$ 417,544
Management Fee (5 percent)	\$ 20,877
<b>Estimated Total Cost</b>	<b>\$ 438,421</b>
LACFCD Contribution (10 percent)	-\$ 43,842
<b>Cost for area based cost sharing</b>	<b>\$ 394,579</b>

**Table 3. Cost Allocation Formula**

<b>Party</b>	<b>Acres</b>	<b>Percent of Area</b>	<b>Total Cost</b>
County of Los Angeles	396	28	\$ 110,482
City of Los Angeles	974	69	\$ 272,260
City of Culver City	42	3	\$ 11,837
<b>Total</b>	<b>1412</b>	<b>100</b>	<b>\$ 394,579</b>

**Table 4. Invoicing Schedule**

<b>Party</b>	<b>January 2014</b>	<b>July 2014</b>	<b>Total Invoice Amount</b>	<b>Contingency (10 percent)<sup>1</sup></b>	<b>Total Cost including Contingency</b>
LACFCD	\$ 21,921	\$ 21,921	\$ 43,842	\$ 4,384	\$ 48,226
City of Los Angeles	\$ 136,130	\$136,130	\$ 272,260	\$ 27,226	\$ 299,486
City of Culver City	\$ 5,919	\$ 5,918	\$ 11,837	\$ 1,184	\$ 13,021

1 – Contingency is 10% of the total invoice amount. Contingency will not be invoiced unless there is a need for its expenditure as agreed by all PARTIES

## EXHIBIT B

### Marina del Rey Watershed EWMP Responsible Agencies Representatives

1. County of Los Angeles  
Department of Public Works  
Watershed Management Division, 11<sup>th</sup> Floor  
900 South Fremont Avenue  
Alhambra, CA 91803-1331  
Angela George  
E-mail: AGEORGE@dpw.lacounty.gov  
Phone: (626) 458-4325  
Fax: (626) 457-1526
2. Los Angeles County Flood Control District  
Department of Public Works  
Watershed Management Division, 11<sup>th</sup> Floor  
900 South Fremont Avenue  
Alhambra, CA 91803-1331  
Gary Hildebrand  
E-mail: GHILDEB@dpw.lacounty.gov  
Phone: (626) 458-4300  
Fax: (626) 457-1526
3. City of Los Angeles  
Department of Public Works  
Bureau of Sanitation, Watershed Protection Division  
1149 S. Broadway  
Los Angeles, CA 90015  
Party Representative: Shahram Kharaghani, Division Manager  
E-mail: Shahram.Kharaghani@Lacity.org  
Phone: (213) 485-0587  
Fax: (213) 485-3939
4. City of Culver City  
9770 Culver Blvd., 2<sup>nd</sup> Floor  
Culver City, CA 90232-0507  
Party Representative: Charles D. Herbertson, Director of Public Works/City Engineer  
charles.herbertson@culvercity.org  
Phone No.: (310) 253-5630  
Fax: (310) 253-5626

**ENCLOSURE D – LETTERS OF INTENT**



# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

GAIL FARBER, Director

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE  
REFER TO FILE: WM-7

June 24, 2013

Mr. Samuel Unger, P.E., Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – COUNTY OF LOS ANGELES  
MARINA DEL REY WATERSHED  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The County of Los Angeles (County) submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) for the Marina del Rey Watershed. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Marina del Rey EWMP agencies consist of the following: County as the coordinating agency for EWMP and CIMP development, Los Angeles County Flood Control District, and cities of Culver City and Los Angeles. The Marina del Rey EWMP agencies have included a final draft Memorandum of Understanding as Enclosure C of the Notice of Intent. The County intends to submit a final Memorandum of Understanding to its Board of Supervisors for approval prior to December 28, 2013.

If you have any questions, please contact Ms. Angela George at (626) 458-4325 or [ageorge@dpw.lacounty.gov](mailto:ageorge@dpw.lacounty.gov).

Very truly yours,

**GAIL FARBER**  
Director of Public Works

RP:jht

P:\wmpubl\Secretarial\2013 Documents\Letter\LOI MDR County.doc\13225

cc: City of Culver City  
City of Los Angeles





GAIL FARBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE  
REFER TO FILE: WM-7

June 24, 2013

Mr. Samuel Unger, P.E., Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – LOS ANGELES COUNTY FLOOD CONTROL DISTRICT  
MARINA DEL REY WATERSHED  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The Los Angeles County Flood Control District (LACFCD) submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) for the Marina del Rey Watershed. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Marina del Rey EWMP agencies consist of the following: County of Los Angeles as the coordinating agency for EWMP and CIMP development, LACFCD, and cities of Culver City and Los Angeles. The Marina del Rey EWMP agencies have included a final draft Memorandum of Understanding as Enclosure C of the Notice of Intent. The LACFCD intends to submit a final Memorandum of Understanding to the County of Los Angeles Board of Supervisors (which is the LACFCD's governing body) for approval prior to December 28, 2013.

If you have any questions, please contact Ms. Terri Grant at (626) 458-4309 or [tgrant@dpw.lacounty.gov](mailto:tgrant@dpw.lacounty.gov).

Very truly yours,

A handwritten signature in cursive script, appearing to read "Gail Farber".

GAIL FARBER

Chief Engineer of the Los Angeles County Flood Control District

RP:jht

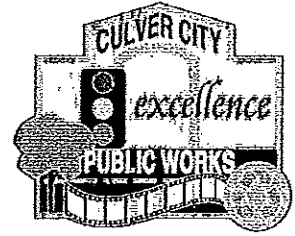
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cc: City of Culver City  
City of Los Angeles



# Culver CITY

PUBLIC WORKS DEPARTMENT  
ENVIRONMENTAL PROGRAMS & OPERATIONS DIVISION  
9505 Jefferson Boulevard, Culver City, California, 90232



Charles D. Herbertson, P.E., L.S.  
Public Works Director/City Engineer

(310) 253-6445  
FAX (310) 253-6430

Damian Skinner  
Environmental Programs & Operations  
Division Manager

June 3, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, CA 90013

ATTN: Renee Purdy

**CITY OF CULVER CITY'S COMMITMENT TO PARTICIPATE IN AND SHARE THE COST FOR DEVELOPMENT OF AN ENHANCED WATERSHED MANAGEMENT PROGRAM AND COORDINATED INTEGRATED MONITORING PROGRAM FOR THE MARINA DEL REY HARBOR WATERSHED**

Dear Mr. Unger,

The City of Culver City submits this Letter of Intent (LOI) with our commitment to participate in and share the cost for the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) for the Marina del Rey Harbor watershed as outlined in the Notice of Intent (NOI) submitted by the County of Los Angeles to meet the requirements of Part VI.C.4.b of the Municipal Separate Storm Sewer System Permit (MS4 Permit), Order No. R4-2012-0175, and the CIMP notification specified in Attachment E, Section IV.C.1.

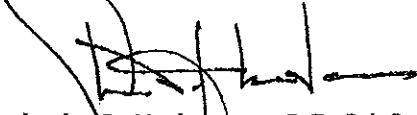
The Marina del Rey Harbor Watershed Group consists of the following MS4 Permittees:

- County of Los Angeles, lead agency for EWMP/CIMP development;
- Los Angeles County Flood Control District;
- Cities of Los Angeles and Culver City.

The final draft agreement to fund program development by the Marina del Rey Harbor Watershed Group has been included in the NOI and the City of Culver City is committed to execute this agreement prior to December 28, 2013.

Should you have any questions regarding this correspondence, please contact Damian Skinner at (310) 253-6421 or [damian.skinner@culvercity.org](mailto:damian.skinner@culvercity.org).

Sincerely,



Charles D. Herbertson, P.E., P.L.S.  
Director of Public Works & City Engineer

cc:

Renee Purdy, California Regional Water Quality Control Board, Los Angeles Region  
Ivar Ridgeway, California Regional Water Quality Control Board, Los Angeles Region  
Shahram Kharaghani, City of Los Angeles  
Gary Hildebrand, County of Los Angeles  
Daniel Cartagena, City of Beverly Hills  
Sharon Perlstein, City of West Hollywood  
Damian Skinner, City of Culver City  
Lauren Amimoto, City of Inglewood  
Rick Valte, City of Santa Monica

\* \* \* \* \*

*Culver City Employees take pride in effectively providing the highest levels of service to enrich the quality of life for the community by building on our tradition of more than seventy-five years of public services, by our present commitment, and by our dedication to meet the challenges of the future*

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ASSISTANT DIRECTORS

NEIL M. GUGLIELMO  
ACTING CHIEF FINANCIAL OFFICER

WATERSHED PROTECTION DIVISION  
1149 SOUTH BROADWAY, 10<sup>TH</sup> FLOOR  
LOS ANGELES, CA 90015  
TEL: (213) 485-0587  
FAX: (213) 485-3939

June 20, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

Dear Mr. Unger:

**CITY OF LOS ANGELES COMMITMENT TO PARTICIPATE IN AND SHARE THE COST FOR  
DEVELOPMENT OF ENHANCED WATERSHED MANAGEMENT PROGRAM AND  
COORDINATED INTEGRATED MONITORING PROGRAM FOR THE MARINA DEL REY  
WATERSHED**

The City of Los Angeles submits this letter of intent with our commitment to participate in and share the cost for the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) for the Marina del Rey watershed as outlined in the Notice of Intent submitted by the County of Los Angeles to meet the requirements of Part VI.C.4.b of the MS4 Permit (Order No. R4-2012-0175) and the CIMP notification requirements specified in Attachment E Section IV.C.1.

The Marina del Rey Watershed Group consists of the following MS4 Permittees: the County of Los Angeles as the coordinating agency for EWMP and CIMP development, the Cities of Los Angeles and Culver City, and the Los Angeles County Flood Control District. The Marina del Rey Watershed Group has included the final draft Memorandum of Understanding in the Notice of Intent and the City of Los Angeles is committed to execute this agreement prior to December 28, 2013.

Should you have any questions regarding this correspondence, please contact me at [Shahram.Kharaghani@lacity.org](mailto:Shahram.Kharaghani@lacity.org) or phone (213) 485-0587 or your staff may contact Huub Cox at [Hubertus.Cox@lacity.org](mailto:Hubertus.Cox@lacity.org) or phone (213) 485-3984.

Sincerely,

SHAHRAM KHARAGHANI, Ph.D., P.E., BCCE  
Program Manager

SK:HC:WD  
WPDCR9041



Mr. Samuel Unger, Executive Officer  
City of Los Angeles Letter of Intent for Marina del Rey Watershed  
June 20, 2013  
Page 2

cc: Renee Purdy, California Regional Water Quality Control Board, Los Angeles Region  
Ivar Ridgeway, California Regional Water Quality Control Board, Los Angeles Region  
Enrique Zaldivar, City of Los Angeles, BOS  
Adel Hagekhalil, City of Los Angeles, BOS  
Gary Hildebrand, County of Los Angeles  
Damian Skinner, City of Culver City

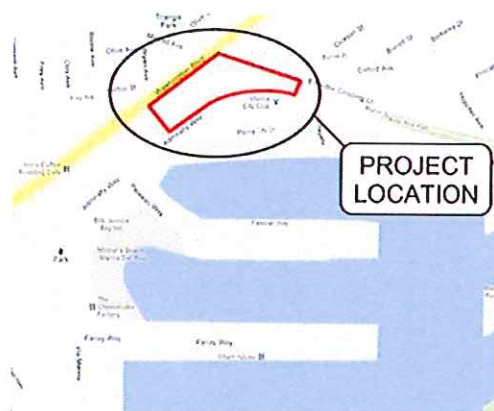


## OXFORD RETENTION BASIN MULTI-USE ENHANCEMENT PROJECT

Oxford Retention Basin is a facility owned by the County of Los Angeles and operated by the Los Angeles County Flood Control District (LACFCD) which occupies an area of approximately 10.7 acres in the unincorporated community of Marina del Rey, California. The proposed project is a multi-benefit enhancement project which will mitigate localized flooding, address water quality deficiencies, enhance native habitat, improve the site's aesthetics, and provide passive recreation features.

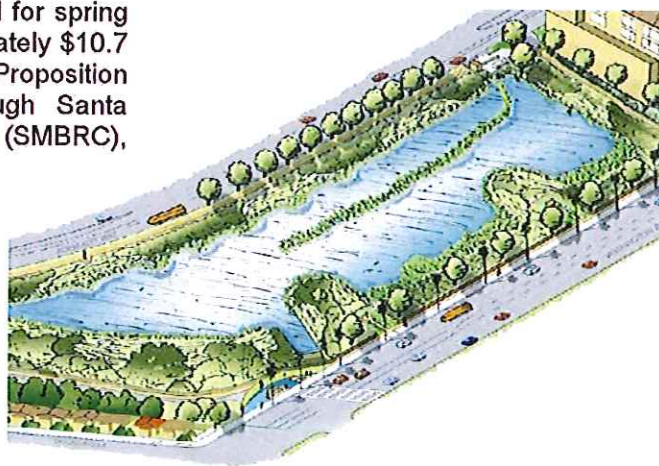
The project will enhance flood protection by adding an additional detention capacity through construction of a 24-inch parapet wall, as well as mitigating localized flooding by modifying the existing catch basins, nearby. The project will improve water quality by increasing circulation and dissolved oxygen levels of the water in the basin by constructing a circulation berm. The project will enhance habitat by increasing tidal exchange, removing non-native plants, removing contaminated soil, and establishing native vegetation. The new fencing, lighted walking path, gateway area, and six observation areas will improve the site's recreational value.

Construction of the project is scheduled for spring 2014 with total project cost of approximately \$10.7 million. The project will be funded by Proposition 84 grant funds administrated through Santa Monica Bay Restoration Commission (SMBRC), the Los Angeles County Supervisorial District 4, and the Los Angeles County Flood Control District.



### Key Project Elements:

- \* Flood Control Enhancements
- \* Replacement of tide gates
- \* Removal of accumulated sediment
- \* Circulation berm
- \* Native landscaping
- \* Lower, more attractive fencing
- \* Walking path and lighting
- \* Getaway area at Washington Blvd. and Oxford Ave.
- \* Observation areas with benches
- \* Wayfinding & interpretive signage



County of Los Angeles  
Department of Public Works  
Contact: Joshua Svensson  
jsvensson@dpw.lacounty.gov  
(626) 458-7157





# ATTACHMENT A

## Part 5

Notices of Intent

**CITY OF LOS ANGELES**  
CALIFORNIA



**ANTONIO R. VILLARAIGOSA**  
MAYOR

**BOARD OF  
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CHIEF OPERATING OFFICER

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**ADEL H. HAGEKHALIL**  
**ALEXANDER E. HELOU**  
ASSISTANT DIRECTORS

**NEIL M. GUGLIELMO**  
ACTING CHIEF FINANCIAL OFFICER

**WATERSHED PROTECTION DIVISION**  
1149 SOUTH BROADWAY, 10<sup>TH</sup> FLOOR  
LOS ANGELES, CA 90016  
TEL: (213) 485-0587  
FAX: (213) 485-3939

June 27, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

Dear Mr. Unger:

**SUBMITTAL OF NOTICE OF INTENT FOR DEVELOPMENT OF ENHANCED  
WATERSHED MANAGEMENT PROGRAM AND COORDINATED INTEGRATED  
MONITORING PROGRAM FOR THE SANTA MONICA BAY JURISDICTIONAL  
GROUPS TWO AND THREE, AND THE CITY OF LOS ANGELES AREA IN  
JURISDICTION GROUP SEVEN**

Please find attached the Notice of Intent (NOI) for the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) for the Jurisdictional Groups 2 and 3 (J2 & J3) of the Santa Monica Bay watershed. All MS4 permittees in these Jurisdictional Groups have agreed to a collaborative approach in meeting the requirements of the new MS4 Permit by Order No. R4-2012-0175. The City of Los Angeles as lead agency for the J2 & J3 of the Santa Monica Bay watershed has prepared this NOI on behalf of itself, the County of Los Angeles, the Los Angeles County Flood Control District, and the Cities of Santa Monica and El Segundo. All agencies have reviewed and approved this NOI, and we appreciate the collaboration by all MS4 co-permittees in the preparation of the NOI documents.

Additionally, this document includes the NOI provisions associated with the City of Los Angeles' land area within Jurisdictional Group 7 of the Santa Monica Bay watershed including the facilities owned by Los Angeles County Flood Control District. The City of Los Angeles and the Los Angeles County Flood Control District have agreed to a collaborative approach in meeting the requirements of the new MS4 Permit by Order No. R4-2012-0175 for the aforementioned area.

Mr. Samuel Unger, Executive Officer  
June 27, 2013  
Page 2

The attached document satisfies the requirements for submitting the NOI as provided by Section VI.C.4.b of the MS4 Permit and the CIMP notification requirements as provided by Attachment E Section IV.C.1. We look forward to continuing the process of plan developments for the J2 & J3 of the Santa Monica Bay watershed with the Technical Advisory Committee, the LARWQCB, and other watershed stakeholders. Should you have any questions about this submittal, please contact me at [Shahram.Kharaghani@lacity.org](mailto:Shahram.Kharaghani@lacity.org) or phone (213) 485-0587 or your staff may contact Huub Cox at [Hubertus.Cox@lacity.org](mailto:Hubertus.Cox@lacity.org) or phone (213) 485-3984 or Hamid Tadayon at [Hamid.Tadayon@lacity.org](mailto:Hamid.Tadayon@lacity.org) or phone (213) 485-3841.

Sincerely,



SHAHRAM KHARAGHANI, Ph.D., PE, BCEE  
Program Manager

SK:HC:HT  
WPD CR9048

Attachment

cc: Renee Purdy, California Regional Water Quality Control Board, Los Angeles Region  
Ivar Ridgeway, California Regional Water Quality Control Board, Los Angeles Region  
Enrique Zaldivar, City of Los Angeles, Bureau of Sanitation  
Adel Hagekhalil, City of Los Angeles, Bureau of Sanitation  
Gary Hildebrand, County of Los Angeles, Department of Public Works  
Rick Valte, City of Santa Monica  
Stephanie Katsouleas, City of El Segundo

# **NOTICE OF INTENT**

**Enhanced Watershed  
Management Program  
and  
Coordinated Integrated  
Monitoring Program**

**Santa Monica Bay  
Watershed  
(J2, J3) and Los Angeles  
Area in J7**

**City of Los Angeles  
County of Los Angeles  
Los Angeles County Flood Control  
District  
City of Santa Monica  
City of El Segundo**

**June 27, 2013**



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*(Table of Contents, Page 4 of 4)*



## Background

In 2002, the Los Angeles Regional Water Quality Control Board (LARWQCB) adopted the Santa Monica Bay Beaches Bacteria Total Maximum Daily Load (TMDL) to address the bacteriological water quality impairments that were found at 44 beaches along the Santa Monica Bay. Subsequently, in 2003, the Santa Monica Bay Beaches Bacteria TMDL became effective. The TMDL established seven jurisdictional groups responsible for water quality compliance along the Santa Monica Bay. The City of Los Angeles is the lead agency of Jurisdictional Group 2 (J2), and participating agencies of this group include the County of Los Angeles, City of Santa Monica, City of El Segundo, and Caltrans. The City of Santa Monica is the lead agency of Jurisdictional Group 3 (J3), and participating agencies of this group include the City of Los Angeles and Caltrans. The State of California Department of Parks and Recreation also owns land in both J2 and J3. In addition, the City of Los Angeles is a participating agency in Jurisdictional Group 7 (J7) within the San Pedro area.

Part A of the following Notice of Intent (NOI) will cover J2 and J3 while Part B will cover only the land area within J7 that is owned by the City of Los Angeles.

## A. Notice of Intent for EWMP and CIMP for Santa Monica Bay Jurisdictional Groups 2 and 3

### 1. Introduction

The Cities of Los Angeles, Santa Monica, El Segundo, the County of Los Angeles, and the Los Angeles County Flood Control District (LACFCD), collectively the Santa Monica Bay J2 & J3 Enhanced Watershed Management Program (EWMP) Agencies, respectfully submit this Notification of Intent (NOI) to develop an EWMP for J2 and J3 of the Santa Monica Bay Watershed per Part VI.C.4.b.i of Order No. R4-2012-0175 (MS4 Permit). Additionally, this NOI includes a statement of the J2 & J3 EWMP agencies' intent to follow a Coordinated Integrated Monitoring Program (CIMP) approach.

Although the City of Santa Monica is the lead agency in J3, the City of Los Angeles will act as the lead agency for developing the EWMP and CIMP for the J2 & J3 Watershed. Development of the EWMP Work Plan, CIMP, and Final EWMP will be a collaborative process between all J2 & J3 EWMP Agencies, coordinated with the Technical Advisory Committee as well as with watershed stakeholders.

The following sections satisfy the EWMP requirements for NOI submittal as provided by Section VI.C.4.b of the MS4 Permit and the CIMP notification requirements as provided by Attachment E Section IV.C.1. Additionally, the following sections provide the LARWQCB with information on the approach that the J2 & J3 EWMP Agencies intend to follow for EWMP development.

### 2. Notification of Intent (Section VI.C.4.b.i and Attachment E Section IV.C.1.)

The J2 & J3 EWMP Agencies notify the LARWQCB by this NOI of their intention to collaboratively develop an EWMP for J2 and J3 of the Santa Monica Bay Watershed,



and will submit a Final Work Plan no later than 18 months after the effective date of the MS4 Permit (June 28, 2014) and a Draft EWMP Plan no later than 30 months after the effective date of the MS4 Permit (June 28, 2015).

Additionally, the J2 & J3 EWMP Agencies notify the LARWQCB by this NOI of their intention to collaboratively develop a CIMP for J2 & J3 of the Santa Monica Bay watershed, and will submit a Draft CIMP no later than 18 months after the effective date of the MS4 Permit (June 28, 2014).

### 3. Interim and final TMDL compliance deadlines (Section VI.C.4.b.ii)

Table A.1 lists the TMDLs that have been developed for the Santa Monica Bay Watershed. The interim and final compliance deadline of Santa Monica Bay Nearshore and Offshore Debris TMDL and final compliance deadlines of other TMDLs occurring prior to the anticipated approval date of the EWMP (April 28, 2016) are included in Table A.2.

The watershed control measures that have been or will be implemented to meet the applicable interim and final trash water quality based effluent limitations (WQBELs) and other final WQBELs and receiving water limitations are described in more detail in Section 12 of this NOI submittal.

**Table A.1. TMDLs applicable to Santa Monica Bay watershed**

TMDL	LARWQCB Resolution Number	Effective Date and/or EPA Approval Date
Santa Monica Bay Beaches Dry Weather Bacteria TMDL (Summer and Winter Dry )	2002-004	7/15/2003
Santa Monica Bay Beaches Wet Weather Bacteria TMDL	2002-022	7/15/2003
Santa Monica Bay Nearshore and Offshore Debris TMDL	R10-010	03/20/2012
Santa Monica Bay DDTs and PCBs TMDL	NA	03/26/2012

**Table A.2. Interim (debris) and final TMDL compliance deadlines prior to EWMP approval**

TMDL	Milestone	Interim/Final	Deadline
Santa Monica Bay Beaches Dry Weather Bacteria TMDL	Compliance with allowable exceedance days during summer dry period	Final	07/15/2006
	Compliance with allowable exceedance days during winter dry period	Final	07/15/2009
Santa Monica Bay Nearshore and Offshore Debris TMDL	20% reduction from baseline load	Interim	03/20/2016

### 4. Geographical Scope (Section VI.C.4.b.iii.(1))

J2 and J3 are located in the central region of the Santa Monica Bay Watershed and are comprised of portions of the Cities of Los Angeles, Santa Monica, El Segundo, the County of Los Angeles, Caltrans, and the California State Park and Recreation. Attachment A.1 provides a map of the watershed boundaries and delineation of land areas of MS4 permittees and other entities within the watershed. Sub-watersheds within J2 and J3 include Castle Rock, Pulga Canyon, Temescal Canyon, and Santa Monica Canyon, which are mostly natural open space. In contrast, the Dockweiler and Santa



Monica subwatersheds are more urbanized with a large percentage of transportation, residential and commercial land uses.

All MS4 permittees in J2 and J3 have agreed to collectively develop the J2 & J3 EWMP which will cover all of the areas owned by the MS4 permittees within the watershed as shown in Table A.3. The MS4 permittees in J2 and J3 have no jurisdiction over the land that is owned by the State of California, Caltrans and the US Government. In addition, the area of the Chevron facility, which is located within the City of El Segundo, has also been excluded from the geographical scope of the J2 & J3 EWMP. The Chevron facility is responsible for compliance with its own NPDES permit through a comprehensive stormwater runoff implementation program and does not discharge to the MS4. All drainage infrastructures operated and maintained by the LACFCD within J2 and J3 of the Santa Monica Bay Watershed Management Area will be covered under this EWMP.

Table A.3. J2&J3 watershed land area distribution and EWMP participation

Agency	EWMP agency	Land area (acres)	% EWMP Area
City of Los Angeles	Yes	18,934.64	75.02%
County of Los Angeles	Yes	130.40	0.52%
City of Santa Monica	Yes	4,987.47	19.76%
City of El Segundo	Yes	1,185.63	4.70%
Los Angeles County Flood Control District	Yes	N/A	N/A
Area of EWMP agencies		25,238.14	100%
Caltrans	No	241.40	
Chevron	No	995.36	
State of California	No	7,885.12	
US Government	No	2.50	
Total area of J2&J3 of Santa Monica Bay watershed		34,362.52	

##### 5. Plan concept (Section VI.C.4.b.iii.(1))

The J2 & J3 EWMP Agencies of the Santa Monica Bay Watershed have collectively pursued an integrated water resources approach to develop an implementation plan that would represent the most cost-effective and efficient use of resources to address the Santa Monica Bay Bacteria TMDLs. This approach focuses on beneficial use of urban runoff including groundwater infiltration at multiple points throughout the watershed, addresses multiple pollutants by which Santa Monica Bay is impaired, and incorporates enhancement of other public goals, such as water supply, recycling and storage, environmental justice, parks, greenways, and environmental education opportunities. The total area of J2 and J3 is 34,362 acres, of which approximately 49% is pervious/open space. As shown in Attachment A.2, 93% of the open space area is located within the northern sub-watersheds and approximately 7% is located within the Dockweiler subwatershed. Utilizing this opportunity, several regional multi-benefit projects have already been completed such as the Grand Boulevard Tree Wells, the Imperial Highway Sunken Median Storm Water, and the Westminster Dog Park Storm Water Best Management Practices (BMPs). Several other multi-benefit projects are also near completion such as the Penmar Water Quality Improvement and the Temescal Canyon Storm Water BMPs. The J2 & J3 EWMP will build on the existing TMDL implementation plan and identify additional regional projects to maximize opportunities



for retaining all non-stormwater runoff and stormwater from the 85<sup>th</sup> percentile, 24-hour storm events as described in the MS4 permit, as well as identify additional watershed control measures for areas in the watershed that cannot be addressed by a regional project.

**6. Cost estimate (Section VI.C.4.b.iii.(2))**

The J2 & J3 EWMP Agencies collaboratively prepared a scope of work and cost estimate for developing the Work Plan, the CIMP and the EWMP for J2 and J3 of the Santa Monica Bay watershed. It is estimated that the cost for the Work Plan, the CIMP and the EWMP Plan development is approximately \$1M. Of that, \$182,000 is allocated for the Work Plan, \$148,000 for development of CIMP, \$436,000 for EWMP, and \$234,000 for project coordination and meetings. This estimate assumes that the CIMP and EWMP will, in part, be based on the existing TMDL Coordinated Monitoring Plans and Implementation Plans. In addition, the J2 & J3 EWMP Agencies will contribute several hundred thousands of dollars in the contract administration costs and to in-kind services.

**7. Memorandum of Understanding (Section VI.C.4.b.iii.(3))**

Attachment A.3 includes the final draft of the Memorandum of Understanding (MOU) between the City of Los Angeles as the lead agency and the other J2 & J3 EWMP Agencies. All agencies have committed to the execution of the MOU as indicated by the signed letters of intent (Attachment A.4). The MOU will be executed no later than December 28, 2013.

**8. Interim milestones and deadlines for plan development (section VI.C.4.b.iii.(4))**

Table A.4 summarizes the interim milestone and deadlines for Work Plan, CIMP, and EWMP Plan development, which is based on the scope of work for developing the Work Plan, CIMP, and EWMP as agreed to by the J2 & J3 EWMP Agencies. In addition to the monthly agency coordination meetings and, coordination meetings with the Technical Advisory Committee, the schedule in Table A.4 assumes one workshop with local watershed stakeholders for each plan. Interim milestones in Table A.4 are the expected due dates of draft Technical Memoranda that will summarize the information and approaches for development of the specified components of the final Work Plan, CIMP, and EWMP Plan. It is expected that the draft technical memos will not be finalized; rather, the information presented in the memos will be revised based on comments and presented in the Work Plan, CIMP, and EWMP Plan.

**Table A.4. Proposed interim milestones and deadlines for plan development**

Deliverable	Milestones and Deadlines
<b>Work Plan</b>	
Draft Technical memos <ul style="list-style-type: none"> <li>• Identification of water quality priorities</li> <li>• Existing and future watershed control measures, identification of potential regional projects</li> <li>• Reasonable assurance analysis approach</li> <li>• BMP selection approaches</li> </ul>	March 2014
Draft Work Plan	April 2014
Final Work Plan submitted to the LARWQCB	June 2014
<b>Coordinated Integrated Monitoring Program</b>	
Draft Technical memos <ul style="list-style-type: none"> <li>• Outfall and receiving water monitoring approach</li> <li>• Monitoring sites selection</li> <li>• New development and redevelopment effectiveness tracking</li> </ul>	March 2014
Draft CIMP	April 2014
Final Draft CIMP submitted to the LARWQCB	June 2014
<b>Enhanced Watershed Management Program</b>	
Draft Technical memos <ul style="list-style-type: none"> <li>• Approach to US EPA TMDLs, 303(d) listings, other exceedances of RWLs</li> <li>• Final selection of regional projects</li> <li>• Feasibility analyses of regional projects, customization of MCMs, identification of other BMPs</li> <li>• Project schedules and cost estimates</li> </ul>	April 2015
Draft EWMP	May 2015
Final Draft EWMP submitted to the LARWQCB	June 2015

**9. Structural BMP (Section VI.C.4.b.iii.(5))**

The J2 & J3 EWMP Agencies are committed to the implementation of Phase II of the Penmar Water Quality Improvement Project within 30 months after the effective date (June 28, 2015) of the MS4 permit. This is a regional project that is jointly implemented by the Cities of Los Angeles and Santa Monica for the purpose of reusing collected stormwater for irrigation. This project is funded by Proposition "O", a \$500M general bond program that was approved by the City of Los Angeles voters in 2004, the City of Santa Monica's Clean Beach special tax, and the State's Proposition 84. A detailed description of this project is presented in Attachment A.5.

**10. LID ordinance (Sections VI.C.4.b.iii.(6) and VI.C.4.c.iv. (1))**

Table A.5 summarizes the status of Low Impact Development (LID) ordinances by the J2 & J3 EWMP Agencies. As presented in Table A.5, greater than 50% of the land area addressed by the geographical scope of the EMWP is addressed by an LID ordinance that is in place.



Table A.5. Summary of percent EWMP area addressed by LID ordinances

EWMP agency	Status LID ordinance	% EWMP area addressed by LID ordinance
City of Los Angeles	In Place	75.02
County of Los Angeles	Draft Ordinance	0.52
City of El Segundo	In Development	-
City of Santa Monica	In place	19.76
LACFCD	N/A	N/A
Total EWMP Area covered by LID Ordinance		95.30

- In Place – Permittee has adopted an LID Ordinance that is in compliance with the requirements of the MS4 Permit for its portion in the watershed. For the City of Los Angeles: its LID Ordinance became operative on May 12, 2012. The City of Los Angeles is currently amending sections of the LID Ordinance, as well as its Stormwater and Urban Runoff Pollution Control Ordinance (L.A.M.C. Chapter VI, Article 4.4) to meet all the MS4 permit requirements
- Draft Ordinance – Permittee has completed or will complete by June 28, 2013 the development of a draft LID Ordinance that is in compliance with the MS4 Permit for its portion in the watershed.
- In Development – Permittee initiated development of an LID Ordinance that is in compliance with the requirements of the MS4 Permit for its portion in the watershed.

#### 11. Green street policies (Sections VI.C.4.b.iii.(6) and VI.C.4.c.iv. (2))

Table A.6 summarizes the status of green street policies by the various J2 & J3 EWMP Agencies. As presented in Table A.6, greater than 50% of the land area addressed by the geographical scope of the EMWP is addressed by green streets policies that are in place.

Table A.6. Summary of percent EWMP area addressed by Green Street Policies

EWMP agency	Status of Green Street Policy	% EWMP area addressed by Green Street Policy
City of Los Angeles	In place	75.02
County of Los Angeles	Draft Policy	0.52
City of El Segundo	In Development	-
City of Santa Monica	In place	19.76
LACFCD	N/A	N/A
Total EWMP Area covered by LID Ordinance		95.30

- In Place – Permittee has adopted a Green Street Policy that is in compliance with the requirements of the MS4 Permit for its portion in the watershed.
- Draft Policy – Permittee has completed or will complete by June 28, 2013 the development of a draft Green Street Policy that is in compliance with the MS4 Permit for its portion in the watershed.
- In Development – Permittee initiated development of a Green Street Policy that is in compliance with the requirements of the MS4 Permit for its portion in the watershed.

#### 12. Implementation of watershed control measures during plan development (Sections VI.C.4.b.ii)

The J2 & J3 EWMP Agencies have been collaborating since the development and adoption of the Santa Monica Bay Bacteria TMDLs by the LARWQCB to achieve the water quality objectives. In June 2005, the J2 & J3 EWMP Agencies submitted a comprehensive implementation plan to the LARWQCB, which included structural and institutional mitigation measures to meet the Bacteria TMDL requirements for dry and wet weather. Table A7 summarizes the control measures that have been implemented

to date for the dry weather bacteria TMDL, as well as the measures that are planned for meeting the 20% interim milestone of the Santa Monica Bay Nearshore Debris TMDL.

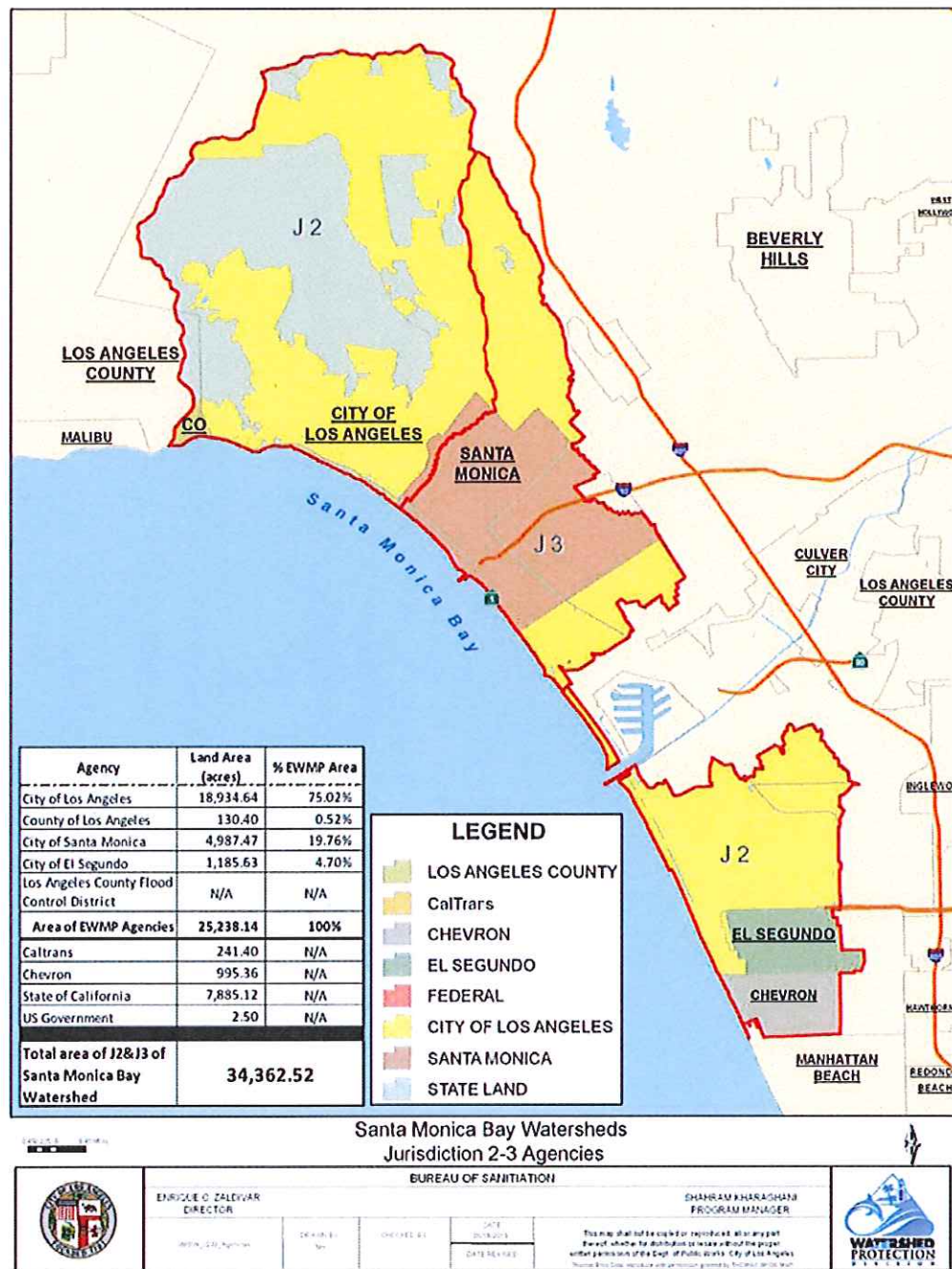
TableA. 7. Watershed Control Measures for J2 & J3 of the Santa Monica Bay watershed

TMDL	Agencies/Permittees	Implementation Plan and Status
Dry Weather Bacteria TMDL	City of Los Angeles, City of Santa Monica, and the Los Angeles County Flood Control District	Implemented 23 Low Flow Diversions (LFD) along the Santa Monica Bay shoreline in J2 & J3 (Attachment A.6). These LFDs have been operated during summer dry weather since July 2006, and year-round during dry weather since July 2009.
	City of Santa Monica	Constructed the Santa Monica Urban Run off Recycling Facility (SMURRF) in 2001, operating year-round during dry weather.
Santa Monica Bay Nearshore and Offshore Debris TMDL	City of Los Angeles	By September 2013, will submit Plastic Monitoring and Reporting Plan (PMRP) for plastic pellets. By March 2016, will retrofit 57 Catch Basins to achieve 20% trash reduction.
	County of Los Angeles	By September 2013, will submit PMRP for plastic pellets. By 2014, will retrofit 41 catch basins in unincorporated area to achieve 100% trash reduction
	City of Santa Monica	Retrofitted 100s of catch basin screens and inserts and installed 5 Continuous Deflection System (CDS) units. By 2015, will install additional 3 CDS units and retrofit dozens of full capture catch basin inserts for the Pico-Kenter sub-watershed

Aside from the above watershed control measures, the J2 & J3 EWMP Agencies have utilized a multi-pollutant and multi-benefit approach to develop the Bacteria TMDL Implementation Plan with structural and institutional watershed control measures, as well as timelines for implementation to meet the receiving water limitations of the Bacteria TMDL. This final plan was submitted on June 16, 2005 and developed by the following agencies: the City of Los Angeles, the County of Los Angeles, the City of Santa Monica, the City of El Segundo, and Caltrans.



Attachment A.1. J2 and J3 of the Santa Monica Bay watershed and MS4 permittees.





Attachment A.2. Open space in J2& J3 of the Santa Monica Bay watershed.



**Attachment A.3. Final Draft Memorandum of Understanding.**

MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE CITY OF LOS ANGELES, THE CITY OF SANTA MONICA, THE CITY OF  
ELSEGUNDO, LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, AND  
THE COUNTY OF LOS ANGELES

REGARDING THE ADMINISTRATION AND COST SHARING FOR  
DEVELOPMENT OF THE ENHANCED WATERSHED MANAGEMENT PROGRAM  
FOR THE JURISDICTIONAL GROUPS 2 & 3 OF THE SANTA MONICA BAY  
WATERSHED

This Memorandum of Understanding (MOU) is made and entered into as of the date of the last signature set forth below by and between the City of Los Angeles, a municipal corporation, the Los Angeles County Flood Control District (LACFCD), a political subdivision of the State of California, the County of Los Angeles, a political subdivision of the State of California, the City of Santa Monica, a municipal corporation, and the City of El Segundo, a municipal corporation. Collectively, these entities shall be known herein as "Parties" or individually as "Party."

WITNESSETH

WHEREAS, the Regional Water Quality Control Board, Los Angeles Region (Regional Board) adopted National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Permit Order No. R4-2012-0175 (MS4 Permit); and

WHEREAS, the MS4 Permit became effective on December 28, 2012 and requires that the LACFCD, County of Los Angeles, and 84 of the 88 cities (excluding Avalon, Long Beach, Palmdale, and Lancaster) within the County of Los Angeles comply with the prescribed elements of the MS4 Permit; and

WHEREAS, the MS4 Permit identified the Parties as the MS4 permittees that are responsible for compliance with the MS4 Permit requirements pertaining to Jurisdiction Groups 2 and 3 in the Santa Monica Bay Watershed Management Area; and

WHEREAS, the Parties have agreed to collaborate on the development of an Enhanced Watershed Management Program (EWMP) for Jurisdiction Groups 2 and 3 of the Santa Monica Bay Watershed Management Area to comply with certain elements of the MS4 Permit; and



WHEREAS, the PARTIES agree that each shall assume full and independent responsibility for ensuring its own compliance with the MS4 Permit despite the collaborative approach of this MOU; and WHEREAS, the development of an EWMP includes the preparation of a Work Plan, a draft and final Coordinated Integrated Monitoring Plan ("CIMP"), and a draft and final Enhanced Watershed Management Program ("EWMP Plan"), collectively referred to herein as "Plans"; and

WHEREAS, the Parties collaboratively prepared a final Scope of Work and Request for Proposal to obtain a Consultant for preparing the Plans that will satisfy the requirements of the MS4 Permit; and

WHEREAS, the PARTIES have determined that hiring a Consultant to prepare and deliver the PLANS will be beneficial to the PARTIES and they desire to participate and will provide funding in accordance with the cost allocation formula shown in Table (3) of Exhibit A; and

WHEREAS, the Parties have agreed that the total cost for developing the Plans shall not exceed \$1,050,000 including the project administration and management cost; and

WHEREAS, the Parties have agreed to retain the City of Los Angeles to coordinate the services of a Consultant to develop the Plans, the Parties have agreed to share in the cost and pay the City of Los Angeles for these consultant services as provided by Exhibit A of this MOU, and the City of Los Angeles has agreed to act on behalf of all Parties in the preparation of the Plans and the coordination of the consultant services;

NOW, THEREFORE, in consideration of the mutual benefits to be derived by the Parties, and of the promises contained in this MOU, the PARTIES agree as follows:

Section 1. Recitals: The recitals set forth above are incorporated into this MOU.

Section 2. Purpose: The purpose of this MOU is to cooperatively fund the preparation and submittal of the Plans to the Regional Board.

Section 3. Cooperation: The Parties shall fully cooperate with one another to attain the purpose of this MOU.

Section 4. Voluntary: This MOU is voluntarily entered into for the purpose of preparing and submitting the Plans to the Regional Board.

Section 5. Term: Term: This MOU shall become effective on the last date of execution by the Parties or December 28, 2013, whichever comes first, and shall remain and continue to remain in effect until June 30, 2016. If a Party does not execute this MOU by December 28, 2013, that Party shall be excluded from this MOU and this MOU shall become effective on December 28, 2013 by execution by the remaining Parties.

Section 6. Assessment for Proportional Cost: The Parties agree to pay the City of Los Angeles for preparation and delivery of the Plans in the amounts shown in Table (4) of Exhibit A, based on the total costs shown in Tables (1) and (2) and the cost allocation formula shown in Table (3) of Exhibit A, attached hereto and made part of this MOU by this reference. The City of Los Angeles will invoice the Parties in two installments upon execution of this MOU as shown in Table (4) of Exhibit A, based on the allocated costs for developing the Plan and the project administration and management costs at a percentage not to exceed 5% of the allocated costs for development of the Plan. At the end of each fiscal year, the City of Los Angeles will provide the Agencies with a statement with the actual expenditures. Unexpended funds at the termination of this MOU will be reimbursed to the Parties in accordance with the cost allocation formula set forth in Table (3) of Exhibit A

Section 7. City of Los Angeles agrees:

- a. To solicit proposals for, award and administer a Consultant contract for the preparation and delivery of the Plans. The City of Los Angeles will be compensated for the administration and management of the Consultant contract as described in Exhibit A.
- b. To utilize the funds deposited by the Parties only for the administration of the Consultant contract, project management, and the preparation and completion of the Plans.
- c. To provide the Parties with an electronic copy of the technical memos, draft Plans and completed Plans within 7 business days of receipt from the Consultant.
- d. To invoice the Parties in the amounts and according to the schedule shown in Table (4) of Exhibit A.
- e. To provide an accounting within 90 days at the termination of this MOU or within 90 days after the early termination of the MOU pursuant to Section 11. The City of Los Angeles shall return the unused portion of all funds deposited with the City of Los Angeles in accordance with the cost allocation formula set forth in table (3) of Exhibit A.



**Section 8. The Parties further agree:**

- a. To make a full faith effort to cooperate with one another to achieve the purposes of this MOU by providing information about project opportunities, reviewing deliverables in a timely manner, and informing administration, and/or governing body.
- b. To fund the cost of the preparation and delivery of the Plans and to pay the City of Los Angeles for the preparation and delivery of the Plans based on the cost allocation shown in Table (3) of Exhibit A. This includes the costs incurred by the City of Los Angeles for administering the Consultant services between awarding the Consultant contract and the execution of this MOU
- c. To grant access rights and entry to the City of Los Angeles and the Consultant during the terms of this MOU to the Parties' facilities (i.e. storm drains, channels, catch basins, properties, etc.) ("Facilities") to achieve the purposes of this MOU. Prior to exercising said right of entry, the City of Los Angeles or their Consultant shall provide written notice to the Parties at least 48 hours in advance. For the purposes of this provision, written notice shall include notice delivered via e-mail that has been delivered to the Parties' representatives identified in Exhibit B.

**Section 9. Invoice and Payment**

- a. **Payment:** The Parties shall pay the City of Los Angeles their proportional share of the cost for the preparation and delivery of the Plans and project administration and management as shown in Table (4) of Exhibit A. Payments are due within sixty (60) days of receiving the invoice from the City of Los Angeles.
- b. **Invoice:** The City of Los Angeles will invoice Parties in two installments in the amounts shown in Table (4) of Exhibit A. The first invoice will be sent upon execution of this MOU or in January 2014, whichever comes first. The second invoice will be sent in July 2014.
- c. **Contingency:** The City of Los Angeles will notify the Parties if actual expenditures are anticipated to exceed the cost estimates contained in Exhibits A and obtain approval of such expenditures from all Parties. Upon approval, the Parties agree to reimburse the City of Los Angeles for their proportional share of these additional expenditures at an amount not to exceed 10% of the original cost estimate as shown in Exhibit A. This 10% contingency will not be invoiced, unless actual expenditures exceed the original cost estimate. Expenditures that exceed the 10% contingency will require an amendment of this MOU.



**Section 10. Indemnification**

Each Party shall indemnify, defend, and hold harmless each other Party, including its special districts, elected and appointed officers, employees, and agents, from and against any and all liability, including but not limited to demands, claims, actions, fees, costs, and expenses (including attorney and expert witness fees), arising from or connected with the respective acts of each Party arising from or related to this MOU; provided, however, that no party shall indemnify another party for that party's own negligence or willful misconduct.

In light of the provisions of Section 895.2 of the Government Code of the State of California imposing certain tort liability jointly upon public entities solely by reason of such entities being parties to an agreement (as defined in Section 895 of said Code), each of the Parties hereto, pursuant to the authorization contained in Section 895.4 and 895.6 of said Code, shall assume the full liability imposed upon it or any of its officers, agents, or employees, by law for injury caused by any act or omission occurring in the performance of this MOU to the same extent that such liability would be imposed in the absence of Section 895.2 of said Code. To achieve the above stated purpose, each Party indemnifies, defends, and holds harmless each other Party for any liability, cost, or expense that may be imposed upon such other Party solely by virtue of said Section 895.2. The provisions of Section 2778 of the California Civil Code are made a part hereof as if incorporated herein.

**Section 11. Termination**

- a. This MOU may be terminated upon the express written agreement of all Parties. If this MOU is terminated, all Parties must agree on the equitable redistribution of remaining funds deposited, if there are any, or payment of invoices due at the time of termination. Completed work shall be owned by all Parties. Rights to uncompleted work by the Consultant still under contract will be held by the Party or Parties who fund the completion of such work.
- b. If a Party fails to comply with any of the terms or conditions of this MOU, that Party shall forfeit its rights to the work completed through this MOU, but no such forfeiture shall occur unless and until the defaulting PARTY has first been given notice of its default and a reasonable opportunity to cure the alleged default.

## Section 12. General Provisions

- a) Notices. Any notices, bills, invoices, or reports relating to this MOU, and any request, demand, statement or other communication required or permitted hereunder shall be in writing and shall be delivered to the Representative of the Party at the address set forth in Exhibit B. Parties shall promptly notify each other of any change of contact information, including personnel changes, provided in Exhibit B. Written notice shall include notice delivered via email or fax. A notice shall be deemed to have been received on (a) the date of delivery, if delivered by hand during regular business hours, or by confirmed facsimile or by email; or (b) on the third (3) business day following mailing by registered or certified mail (return receipt requested) to the addresses set forth in Exhibit B.
- b) Administration. For the purpose of this MOU, the parties hereby designate as their respective Party Representatives the persons named in Exhibit B. The designated Party Representatives, or their respective designees, shall administer the terms and conditions of this MOU on behalf of their respective Party. Each of the persons signing below on behalf of a Party represents and warrants that they are authorized to sign this MOU on behalf of such Party.
- c) Relationship of Parties. The Parties are and shall remain at all times as to each other, wholly independent entities. No Party to this MOU shall have power to incur any debt, obligation, or liability on behalf of another Party unless expressly provided to the contrary by this MOU. No employee, agent, or officer of a Party shall be deemed for any purpose whatsoever to be an agent, employee or officer of another Party.
- d) Binding Effect. This MOU shall be binding upon and inure to the benefit of each Party to this MOU and their respective heirs, administrators, representatives, successors and assigns.
- e) Amendment. The terms and provisions of this MOU may not be amended, modified, or waived, except by an instrument in writing signed by all the Parties. This section applies to, but is not limited to, amendments proposed to address regulatory changes in the MS4 permit, modifications to the Scope of Work, or changes in the number of Parties to this MOU. For the City of Los Angeles, the Director of Bureau of Sanitation or his/her designee is authorized to execute such amendments.
- f) Waiver. Waiver by any Party to this MOU of any term, condition, or covenant of this MOU shall not constitute a waiver of any other term, condition, or covenant. Waiver by any Party to any breach of the provisions of this MOU shall not constitute a waiver of any other provision, nor a waiver of any subsequent breach or violation of any provision of this MOU.



- g) Law to Govern; Venue. This MOU shall be interpreted, construed and governed according to the laws of the State of California. In the event of litigation between the Parties, venue in the state trial courts shall lie exclusively in the County of Los Angeles.
- h) No Presumption in Drafting. The Parties to this MOU agree that the general rule that an MOU is to be interpreted against the Party drafting it, or causing it to be prepared shall not apply.
- i) Entire Agreement. This MOU constitutes the entire agreement of the Parties with respect to the subject matter hereof and supersedes all prior or contemporaneous agreements, whether written or oral, with respect thereto.
- j) Severability. If any term, provision, condition or covenant of this MOU is declared or determined by any court or competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions of this MOU shall not be affected thereby and this MOU shall be read and constructed without the invalid, void, or unenforceable provision(s).
- k) Counterparts. This MOU may be executed in any number of counterparts, each of which shall be an original, but all of which taken together shall constitute but one and the same instrument, provided, however, that such counterparts shall have been delivered to all Parties to this MOU.
- l) All Parties have been represented by counsel in the preparation and negotiation of this MOU. Accordingly, this MOU shall be construed according to its fair language.

IN WITNESS WHEREOF, the Parties hereto have caused this MOU to be executed by their duly authorized representatives and affixed as of the date of signature of the Parties:

**CITY OF LOS ANGELES**

Date: \_\_\_\_\_

By: \_\_\_\_\_

Capri W. Maddox, President

Board of Public Works

ATTEST:

By: \_\_\_\_\_

June Lagmay

City Clerk

APPROVED AS TO FORM:

Carmen Trutanich

City Attorney

By: \_\_\_\_\_

John A. Carvalho

Deputy City Attorney

**COUNTY OF LOS ANGELES**

By \_\_\_\_\_  
GAIL FARBER

\_\_\_\_\_  
Date

APPROVED AS TO FORM:

John F. Krattli  
County Counsel

By \_\_\_\_\_  
Deputy

\_\_\_\_\_  
Date



**LOS ANGELES COUNTY FLOOD CONTROL DISTRICT**

By \_\_\_\_\_  
Chief Engineer

APPROVED AS TO FORM:

John F. Krattli  
County Counsel

By \_\_\_\_\_  
Deputy

\_\_\_\_\_  
Date

**CITY OF SANTA MONICA**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Rod Gould, City Manager

ATTEST:

By: \_\_\_\_\_  
Sarah P. Goran  
City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Marsha Jones Moutrie,  
City Attorney

**CITY OF EL SEGUNDO**

\_\_\_\_\_  
Greg Carpenter  
City Manager

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Tracy Weaver,  
City Clerk

APPROVED AS TO FORM:  
MARK D. HENSLEY, City Attorney

By: \_\_\_\_\_  
Karl H. Berger,  
Assistant City Attorney

# EXHIBIT A

## Santa Monica Bay Watershed Jurisdictional Groups 2&3 EWMP Funding Contributions

**Table 1. Consultant Contract Costs**

Deliverable	Deliverable Due Date	Cost
Work Plan	June 28, 2014	\$ 182,000
CIMP	June 28, 2014	\$ 148,000
EWMP Plan	June 28, 2015 (draft plan) April 28, 2016 (final plan)	\$ 436,000
Project Management Coordination & Meetings	On going	\$234,000
Contract Cost	-	\$ 1,000,000

**Table 2. Total Cost**

Item	Cost
Consultant Contract	\$1,000,000
Project Administration & Management (5%)*	\$50,000
<b>Total Cost</b>	<b>\$1,050,000</b>
Flood Control District Contribution (10%)	-\$105,000
<b>Cost for area cost sharing</b>	<b>\$945,000</b>

**Table 3. Cost Allocation Formula for Area Cost Sharing**

Party	Acres	Percent of Area <sup>(1)</sup>	Total Cost
County of Los Angeles	130.40	0.52%	\$4,914
City of Santa Monica	4,987.47	19.76%	\$186,732
City of El Segundo	1,185.63	4.70%	\$44,415
City of Los Angeles	18,934.64	75.02%	\$708,939
<b>Total</b>	<b>25,238.14</b>	<b>100%</b>	<b>\$945,000</b>

<sup>1</sup> Areas owned by Caltrans, State Parks, Chevron, and U.S. Government have been excluded from the total area of Jurisdictional Groups 2 and 3.

**Table 4. City of Los Angeles Invoicing Schedule and Invoice Amounts to Parties**

<b>Invoice Date<sup>1</sup></b>	<b>LACFCD Invoice</b>	<b>County of Los Angeles Invoice</b>	<b>City of Santa Monica Invoice</b>	<b>City of El Segundo Invoice</b>
January 2014	\$52,500	\$2,457	\$93,366	\$22,208
July 2014	\$52,500	\$2,457	\$93,366	\$23,208
<b>Total Invoice Amount<sup>1</sup></b>	<b>\$105,000</b>	<b>\$4,914</b>	<b>\$186,732</b>	<b>\$44,415</b>
10% Contingency	\$10,500	\$491	\$18,673	\$4,442
<b>Total including 10% contingency</b>	<b>\$115,500</b>	<b>\$5,405</b>	<b>\$205,405</b>	<b>\$48,857</b>

<sup>1</sup>Contingency is 10% of the total estimated cost. Contingency will not be invoiced unless there is a need for its expenditure as agreed by all Parties.



**EXHIBIT B**

Santa Monica Bay Watershed  
Jurisdictional Groups 2&3  
Responsible Agencies Representatives

1. City of Los Angeles  
Department of Public Works  
Bureau of Sanitation, Watershed Protection Division  
1149 S. Broadway  
Los Angeles, CA 90015

Shahram Kharaghani  
E-mail: Shahram.Kharaghani@Lacity.org  
Phone: (213) 485-0587  
Fax: (213) 485-3939

2. County of Los Angeles  
Department of Public Works  
Watershed Management Division, 11<sup>th</sup> Floor  
900 South Fremont Avenue  
Alhambra, CA 91803-1331

Gary Hildebrand  
E-mail: GHILDEB@dpw.lacounty.gov  
Phone: (626) 458-4300  
Fax: (626) 457-1526

3. Los Angeles County Flood Control District  
Department of Public Works  
Watershed Management Division, 11<sup>th</sup> Floor  
900 South Fremont Avenue  
Alhambra, CA 91803-1331

Gary Hildebrand  
E-mail: GHILDEB@dpw.lacounty.gov  
Phone: (626) 458-4300  
Fax: (626) 457-1526

4. City of Santa Monica  
Public Works Department  
Civil Engineering Division  
1437 4<sup>th</sup> Street, Suite 300  
Santa Monica, CA 90401

Rick Valte  
E-Mail: [rick.valte@smgov.net](mailto:rick.valte@smgov.net)  
Phone: (310)458-8234  
Fax: (310) 393-4425

5. City of El Segundo  
Department of Public Works  
350 Main Street  
El Segundo, CA 90245-3813

Stephanie Katsouleas  
E-mail: [skatsouleas@elsegundo.org](mailto:skatsouleas@elsegundo.org)  
Phone: (310)524-2356  
Fax: (310)640-0489

**Attachment A.4. Letters of Intent.**

BOARD OF  
**PUBLIC WORKS**  
—  
COMMISSIONERS  
—  
GARY W. MADDOX  
PRESIDENT  
VALERIE LYNN SHAW  
VICE PRESIDENT  
STEVEN T. NUTTER  
PRESIDENT PRO TEMPORE  
WARREN T. FURUTANI  
COMMISSIONER  
JERRY Y. L. HONG  
COMMISSIONER

**CITY OF LOS ANGELES**

CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

**BUREAU OF SANITATION**

ENRIQUE C. ZALDIVAR  
DIRECTOR

TRACI J. MINAMIDE  
CHIEF OPERATING OFFICER

VAROJJ S. ARKIAN  
ADEL H. HAGEKHALIL  
ALEXANDER E. HELOU  
ASSISTANT DIRECTORS

NEIL M. GUGLIEMO  
ACTING CHIEF FINANCIAL OFFICER

**WATERSHED PROTECTION DIVISION**  
1149 SOUTH BRADWAY, 12<sup>TH</sup> FLOOR  
LOS ANGELES, CA 90015  
TEL: (213) 485-0587  
FAX: (213) 485-3133

June 27, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

Dear Mr. Unger:

**CITY OF LOS ANGELES COMMITMENT TO PARTICIPATE IN AND SHARE THE COST FOR DEVELOPMENT OF ENHANCED WATERSHED MANAGEMENT PROGRAM AND COORDINATED INTEGRATED MONITORING PROGRAM FOR THE SANTA MONICA BAY WATERSHED (JURISDICTIONAL GROUPS 2 AND 3)**

The City of Los Angeles submits this letter of intent with our commitment to participate in and share the cost for the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) for Jurisdictional Groups 2 and 3 (J2 and J3) of the Santa Monica Bay watershed as outlined in the Notice of Intent submitted by the City of Los Angeles to meet the requirements of Part VI.C.4.b of the MS4 Permit (Order No. R4-2012-0175) and the CIMP notification requirements specified in Attachment E Section IV.C.1.

The J2 and J3 of the Santa Monica Bay Watershed Group consist of the following MS4 Permittees: the City of Los Angeles (lead agency for EWMP and CIMP development), the County of Los Angeles, Los Angeles County Flood Control District, the City of Santa Monica, and the City of El Segundo. The final draft agreement to fund program development by the Santa Monica Bay J2 and J3 Watershed Groups has been included in the Notice of Intent and the City of Los Angeles is committed to execute this agreement prior to December 28, 2013.

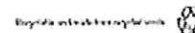
Should you have any questions regarding this correspondence, please contact me at [Shahram.Kharaghani@lacity.org](mailto:Shahram.Kharaghani@lacity.org) or phone (213) 485-0587 or your staff may contact Huub Cox at [Hubertus.Cox@lacity.org](mailto:Hubertus.Cox@lacity.org) or phone (213) 485-3984 or Hamid Tadayon at [Hamid.Tadayon@lacity.org](mailto:Hamid.Tadayon@lacity.org) or (213) 485-3841.

Sincerely,

  
SHAHRAM KHARAGHANI, Ph.D., P.E., BCEE  
Program Manager

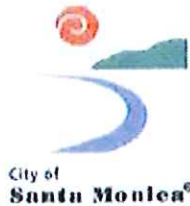
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AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER



Sam Unger, Executive Officer  
City of Los Angeles Letter of Intent for J2 and J3 Santa Monica Bay Watershed  
June 27, 2013  
Page 2

cc: Renee Purdy, California Regional Water Quality Control Board, Los Angeles Region  
Ivar Ridgeway, California Regional Water Quality Control Board, Los Angeles Region  
Enrique Zaldivar, City of Los Angeles, BOS  
Adel Hagekhalil, City of Los Angeles, BOS  
Gary Hildebrand, County of Los Angeles  
Rick Valte, City of Santa Monica  
Stephanie Katsouleas, City of El Segundo



Office of the City Manager  
1685 Main Street  
PO Box 2200  
Santa Monica, California 90407-2200

June 17, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

**CITY OF SANTA MONICA COMMITMENT TO PARTICIPATE IN AND SHARE THE COST FOR  
DEVELOPMENT OF ENHANCED WATERSHED MANAGEMENT PROGRAM AND COORDINATED  
INTEGRATED MONITORING PROGRAM FOR THE JURISDICTIONAL GROUPS 2 AND 3 (J2 and J3)  
OF THE SANTA MONICA BAY WATERSHED**

Dear Mr. Unger;

The CITY OF SANTA MONICA submits this letter of Intent with our commitment to participate in and share the cost for the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) for J2 and J3 of the Santa Monica Bay watershed as outlined in the Notice of Intent submitted by the City of Los Angeles to meet the requirements of Part VI.C.4.b of the MS4 Permit (Order No. R4-2012-0175) and the CIMP notification requirements specified in Attachment E Section IV.C.1.

The J2 and J3 of the Santa Monica Bay Watershed Group consists of the following MS4 Permittees: the City of Los Angeles (lead agency for EWMP and CIMP development), the County of Los Angeles, Los Angeles County Flood Control District, the City of Santa Monica, and the City of El Segundo. The final draft agreement to fund program development by J2 and J3 of the Santa Monica Bay Watershed Group has been included in the Notice of Intent and the CITY OF SANTA MONICA is committed to execute this agreement prior to December 28, 2013.

tel: 310 458-8301 • fax: 310 917-6640

Q:\5-2013-1567-01-00000-01-00000



Should you have any questions regarding this correspondence, please contact Rick Valte at (310) 458-8234.

Sincerely,



ROD GOULD  
City Manager

cc:

Renee Purdy, California Regional Water Quality Control Board, Los Angeles Region  
Ivar Ridgeway, California Regional Water Quality Control Board, Los Angeles Region  
Shahram Charaghani, City of Los Angeles  
Gary Hildebrand, County of Los Angeles  
Rick Valte, City of Santa Monica  
Stephanie Katsouleas, City of El Segundo



# City of El Segundo

Public Works Department  
Stephanie Katsouleas, Director

June 5, 2013

**Elected Officials:**

SWFisher  
Mayor  
Ced Jacobson  
Mayor Pro Tem  
Suzanne Fierres  
Council Member  
Dave Addison  
Council Member  
Mark Feltus  
Council Member  
Toney Warner  
City Clerk  
Crista Butler  
City Treasurer

**Appointed Officials:**

Greg Carpenter  
City Manager  
Mark D. Hensley  
City Attorney

**Department Directors:**

Debra's Cullen  
Human Resources  
Kevin Smith  
Fire Chief  
Debra Brington  
Library Services  
Sam Lee  
Planning and  
Building Safety  
Mitch Taylor  
Police Chief  
Stephanie Katsouleas  
Public Works  
Robert Cummings  
Recreation & Parks

[www.elsegundo.org](http://www.elsegundo.org)

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

**THE CITY OF EL SEGUNDO'S COMMITMENT TO PARTICIPATE IN AND SHARE THE COST FOR DEVELOPMENT OF ENHANCED WATERSHED MANAGEMENT PROGRAM AND COORDINATED INTEGRATED MONITORING PROGRAM FOR THE JURISDICTIONAL GROUPS 2 AND 3 (J2 and J3) OF THE SANTA MONICA BAY WATERSHED**

Dear Mr. Unger;

The City of El Segundo submits this letter of intent with our commitment to participate in and share the cost for the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) for J2 and J3 of the Santa Monica Bay watershed as outlined in the Notice of Intent. The NOI will be submitted by the City of Los Angeles to Regional Board to meet the requirements of Part VI.C.4.b of the MS4 Permit (Order No. R4-2012-0175) and the CIMP notification requirements specified in Attachment E Section IV.C.1.

The J2 and J3 watershed groups of the Santa Monica Bay watershed consists of the following MS4 Permittees: the City of Los Angeles (lead agency for EWMP and CIMP development), the County of Los Angeles, Los Angeles County Flood Control District, the City of Santa Monica, and the City of El Segundo. The final draft agreement to fund program development by J2 and J3 groups of the Santa Monica Bay watershed is included in the Notice of Intent. The City of El Segundo is committed to executing this agreement prior to December 28, 2013.

Should you have any questions, please contact me at (310)524-2356 or via email to [skatsouleas@elsegundo.org](mailto:skatsouleas@elsegundo.org), or Lifan Xu, of my staff, at (310)524-2368 or via email to [lxu@elsegundo.org](mailto:lxu@elsegundo.org).

Sincerely

Stephanie Katsouleas  
Director of Public Works

Cc: Greg Carpenter, City Manager

350 Main Street, El Segundo, California 90245-3813  
Phone (310)524-2300 Fax (310) 640-0489

Lifan Xu, Principal Civil Engineer  
Renee Purdy, California Regional Water Quality Control Board, Los Angeles Region  
Ivar Ridgeway, California Regional Water Quality Control Board, Los Angeles Region  
Shahram Kharaghani, City of Los Angeles, Department of Public Works  
Gary Hildebrand, County of Los Angeles, Department of Public Works  
Rick Valte, City of Santa Monica



GAIL FARBER, Director

## COUNTY OF LOS ANGELES

### DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpu.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

INITIALLY PLEASE  
REFER TO FILE **WM-7**

June 24, 2013

Mr. Samuel Unger, P.E.  
Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – COUNTY OF LOS ANGELES  
SANTA MONICA BAY WATERSHED JURISDICTIONAL GROUPS 2 AND 3  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

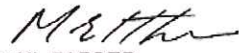
The County of Los Angeles (County) submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) for Jurisdictional Groups 2 and 3 of the Santa Monica Bay Watershed. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Santa Monica Bay Watershed Jurisdictional Groups 2 and 3 EWMP agencies consist of the following: City of Los Angeles as the coordinating agency for EWMP and CIMP development, County, Los Angeles County Flood Control District, and cities of El Segundo and Santa Monica. The Santa Monica Bay Watershed Jurisdictional Groups 2 and 3 EWMP agencies have included a final draft Memorandum of Understanding as Attachment A.3 of the Notice of Intent. The County intends to submit a final Memorandum of Understanding to its Board of Supervisors for approval prior to December 28, 2013.

Mr. Samuel Unger  
June 24, 2013  
Page 2

If you have any questions, please contact Ms. Angela George at (626) 458-4325 or  
ageorge@dpw.lacounty.gov.

Very truly yours,

  
GAIL FARBER  
Director of Public Works

RP:jht  
P:\wp\pub\Secretariat\2013 Documents\Letter\LOI Santa Monica Bay J283 County doc\013224

cc: City of El Segundo  
City of Los Angeles  
City of Santa Monica



Attachment A.5. Proposed Structural Project.

Penmar Water Quality Improvement Project

Project Description

This project is implemented in two phases.

Phase I consist of:

- A storm water diversion structure which taps into an 18 ft wide and 12 ft tall double box storm drain under Rose Ave.
- A pump station to lift and convey the storm water to a detention tank
- A 2.75 million gallon detention tank under the Penmar Park.
- Conveyance pipes and pumps to convey detained storm water to the sewer system for treatment at Hyperion Treatment Plant.

The dry weather storm water run off and first flush flow during the rain events is diverted into the detention tank at 11,000 gallon per minute for 4 hours where it is held for 72 hours prior to discharge into the sewer system.

Phase II includes of:

- An on site treatment system following the detention tank to disinfect and treat the harvested storm water to the required water quality standards for irrigation and reuse application
- An irrigation system to deliver the water to the City of Santa Monica near by Marin Park.



Project Location and Drainage Area

This project is located at Penmar Parks and recreation center, one mile from the beach at 1341 Lake Street within the Santa Monica Bay watershed. The Park features an attractive landscape with baseball diamonds tennis courts and children play area. The project captures dry and wet weather runoff from a drainage area of 1,500 acres from the City of Los Angeles, and the City of Santa Monica. The service area of the project is predominately light commercial, industrial, and high density single family land use.

Project Benefits

Project benefits include;

- Restoration of beneficial use of the Santa Monica Bay through bacteria removal from the run off
- Reduce incidents of Beach Closures
- Improve public health.
- Improve marine and aquatic habit
- Improve compliance with the Santa Monica Bay Bacteria TMDL

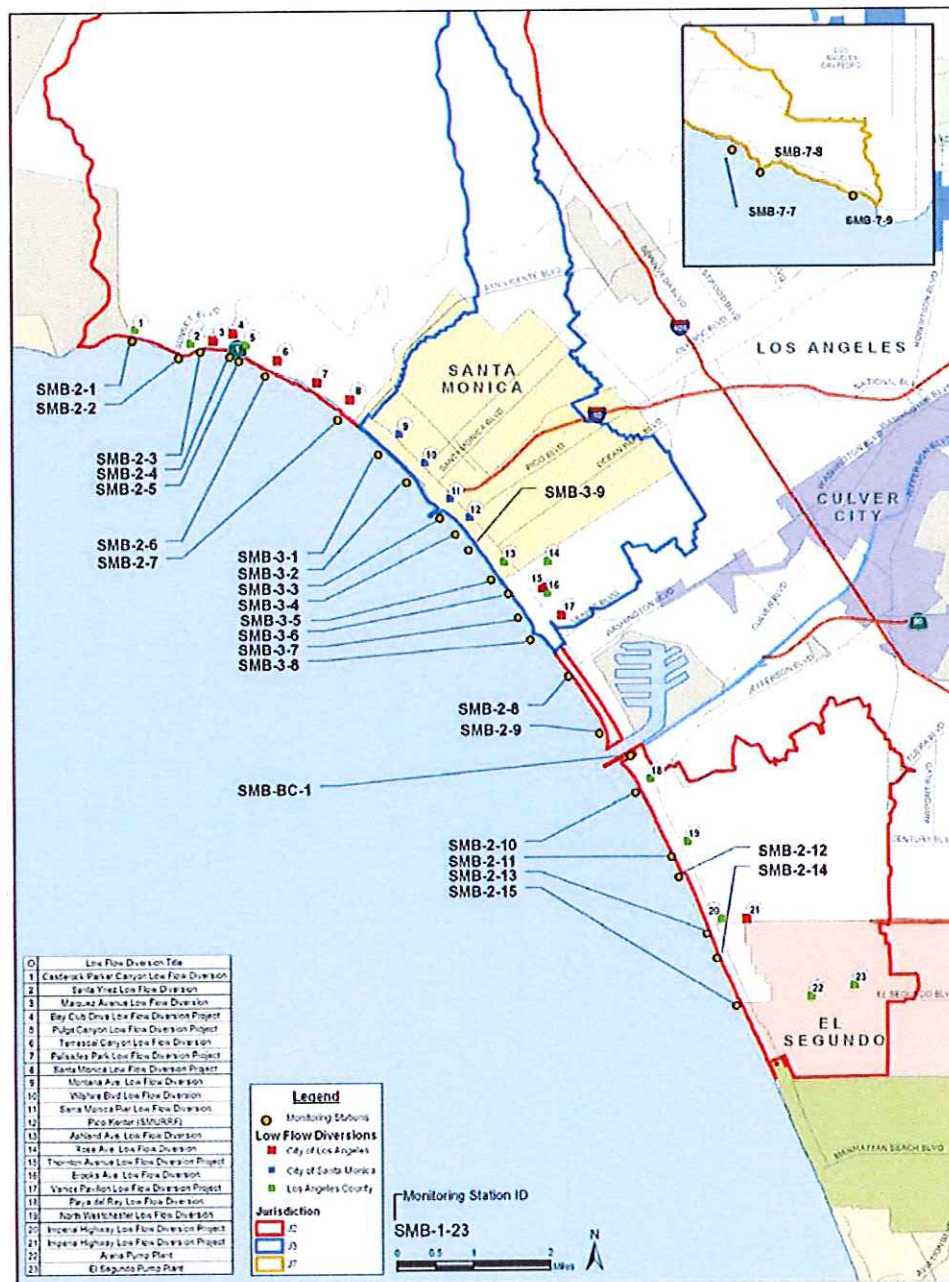
Schedule

Phase I – completed : Phase II – expected completion by Spring 2015

Project Funding

The estimated cost for design and construction of phase II is funded through Proposition "O", the City of Santa Monica's Clean Beach special tax, and the State's Proposition 84.

Attachment A.6. LFDs along the J2 & J3 Shoreline.



## **PART B**

### **City of Los Angeles Area In J7**

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## **B. Notice of Intent for EWMP and CIMP for City of Los Angeles Area in Santa Monica Bay Jurisdictional Group 7**

### **1. Introduction**

The City of Los Angeles has been a participating agency of Jurisdictional Group 7 (J7) of the Santa Monica Bay Watershed since the adoption of the Santa Monica Bay Beaches Bacteria TMDLs in 2003. However, for the purpose of developing the EWMP, the City of Los Angeles and the remaining MS4 permittees of this group have mutually agreed to develop separate programs. Therefore, the City of Los Angeles and the Los Angeles County Flood Control District (LACFCD) respectfully submit this Notification of Intent (NOI) to develop an EWMP for its area within J7 of the Santa Monica Bay watershed per Part VI.C.4.b.i of Order No. R4-2012-0175 (MS4 Permit). Additionally, this NOI includes a statement of the City of Los Angeles' and the LACFCD's intent to follow a Coordinated Integrated Monitoring Program (CIMP) approach. The City of Los Angeles will continue its collaboration with other Peninsula cities should there be opportunities during the development and implementation of EWMP and CIMP to ensure that the MS4 permit requirements are met most effectively.

Though geographically separated, J2 and J3 and J7 are located in the Santa Monica Bay Watershed Management Area and subject to the same water quality regulations. The approach that the City of Los Angeles and the LACFCD will follow for the development of the EWMP and CIMP for the City of Los Angeles' area in J7 will be the same as that outlined in Part A for J2 and J3. Accordingly, we are planning on the EWMP for the City of Los Angeles area in J7 being included as a separate chapter to the EWMP for J2 and J3. It should be emphasized that the other J2 & J3 EWMP Agencies (City of Santa Monica, County of Los Angeles, and City of El Segundo) are not responsible for the development of the EWMP and CIMP of the City of Los Angeles area in J7 or vice versa.

The following sections are intended to provide specific information related to the City of Los Angeles area in J7 of the Santa Monica Bay watershed. The remaining sections are similar to that of J2 & J3.

### **2. Notification of Intent (Section VI.C.4.b.i and Attachment E Section IV.C.1.)**

The City of Los Angeles and LACFCD notify the LARWQCB by this NOI of their intention to collaboratively develop an EWMP for the City of Los Angeles land area of J7 in the Santa Monica Bay Watershed, and will submit a Final Work Plan no later than 18 months after the effective date of the MS4 Permit (June 28, 2014) and a Draft EWMP Plan no later than 30 months after the effective date of the MS4 Permit (June 28, 2015).

Additionally, the City of Los Angeles and LACFCD notify the LARWQCB by this NOI of their intention to collaboratively develop a CIMP for the City of Los Angeles land area of J7 in the Santa Monica Bay Watershed, and will submit a Draft CIMP no later than 18 months after the effective date of the MS4 Permit (June 28, 2014).



### 3. Interim and final TDML compliance deadlines (Section VI.C.4.b.ii)

Table B.1 lists the TMDLs that have been developed for the Santa Monica Bay watershed. The interim and final compliance deadline of the Santa Monica Bay Nearshore and Offshore TMDL and final compliance deadline of other TMDLs occurring prior to the anticipated approval date of EWMP (April 28, 2016) are included in Table B.2.

The watershed control measures that have been or will be implemented to meet the applicable interim and final trash water quality based effluent limitations (WQBELs) and all other final WQBELs and receiving water limitations are described in more detail in Section 12 of this NOI submittal.

**Table B.1. TMDLs applicable to Santa Monica Bay watershed**

TMDL	LARWQCB Resolution Number	Effective Date and/or EPA Approval Date
Santa Monica Bay Beaches Dry Weather Bacteria TMDL (Summer and Winter Dry)	2002-004	7/15/2003
Santa Monica Bay Beaches Wet Weather Bacteria TMDL	2002-022	7/15/2003
Santa Monica Bay Nearshore and Offshore Debris TMDL	R10-010	03/20/2012
Santa Monica Bay DDTs and PCBs TMDL	NA	03/26/2012

**Table B.2. Interim (debris) and final TMDL compliance deadlines prior to EWMP approval**

TMDL	Milestone	Interim/Final	Deadline
Santa Monica Bay Beaches Dry Weather Bacteria TMDL	Compliance with allowable exceedance days during summer dry period	Final	07/15/2006
	Compliance with allowable exceedance days during winter dry period	Final	07/15/2009
Santa Monica Bay Nearshore and Offshore Debris TMDL	20% reduction from baseline load	Interim	03/20/2016

### 4. Geographical scope (Section VI.C.4.b.iii.(1))

J7 of the Santa Monica Bay watershed is comprised of the Cities of Rancho Palos Verdes, Palos Verdes Estate, Rolling Hills, and Rolling Hills Estate (collectively referred to as Peninsula Cities), and the City of Los Angeles. The City of Los Angeles area is approximately 976.61 acres, or 9.4% of the total area of J7 as shown in Attachment B.1. J7 has unique characteristics that differentiate it from other Santa Monica Bay Jurisdictional Groups. Many of the storm drains on Palos Verdes Peninsula have outfalls on steep bluffs that are up to hundred feet high; some of these outfalls are at rocky points locations without safe access to the shoreline.

The City of Los Angeles land area of J7 includes open space from the White Point Nature Preserve Wild Park featuring 102 acres of restored coastal sage scrub habitat, hiking and handicap accessible trails overlooking the ocean and Catalina Island. Currently, there are three active shoreline stations for bacteria monitoring within the City of Los Angeles area of J7 (SMB 7-6, SMB 7-8, and SMB 7-9), and one inactive station



(SMB 7-7), which is inaccessible and unsafe to enter due to a land slide in 2009 (Attachment B.2).

All drainage infrastructure operated and maintained by the LACFCD within the City of Los Angeles land area in J7 of the Santa Monica Bay Watershed Management Area will be covered under this EWMP.

**5. Plan concept (Section VI.C.4.b.iii.(2))**

The City of Los Angeles has pursued an integrated water resources approach to address urban runoff to take the most cost effective and efficient use of resources. The City of Los Angeles and LACFCD will evaluate the possibility of regional projects to maximize opportunities for retaining all non-stormwater runoff and stormwater from the 85<sup>th</sup> percentile, 24-hour storm event as described in the MS4 permit, as well as identifying additional watershed control measures for areas in the watershed that cannot be addressed by a regional project.

**6. Cost estimate (Section VI.C.4.b.iii.(2))**

The City of Los Angeles and the LACFCD collaboratively prepared a scope of work and cost estimate for developing the EWMP Work Plan, the CIMP and the Final EWMP for the City of Los Angeles' area in J7 of the Santa Monica Bay Watershed. It is estimated that the cost for the Work Plan, the CIMP and the EWMP Plan development for is approximately \$50,000. Of that, 20% is allocated for the CIP, and 80% for EWMP. This estimate assumes that the CIMP and EWMP will, in part, be based on the existing TMDL Coordinated Monitoring Plans and Implementation Plans.

**7. Memorandum of understanding (Section VI.C.4.b.iii.(3))**

Attachment B.3 includes the final draft of the Memorandum of Understanding (MOU) between the City of Los Angeles and the LACFCD. Both agencies have committed to the execution of the MOU as indicated by the signed letters of intent (Attachment B.4). The MOU shall be executed no later than December 28, 2013.

**8. Interim milestones and deadlines for plan development (section VI.C.4.b.iii.(4))**

Table B.4 summarizes the interim milestone and deadlines for Work Plan, CIMP, and EWMP Plan development, which is based on the scope of work for developing the Work Plan, CIMP, and EWMP as agreed to by the City of Los Angeles and the LACFCD. In addition to the monthly agency coordination meetings and coordination meetings with the Technical Advisory Committee, the schedule in Table B.4 assumes one workshop with local watershed stakeholders for each plan. Interim milestones in Table B.4 are the expected due dates of draft Technical Memoranda that will summarize the information and approaches for development of the specified components of the Work Plan, CIMP, and EWMP Plan. It is expected that the draft technical memos will not be finalized; rather, the information presented in the memos will be revised based on comments and presented in the Work Plan, CIMP, and EWMP Plan.

**Table B.4. Proposed interim milestones and deadlines for plan development**

Deliverable	Milestones and Deadlines
<b>Work Plan</b>	
Draft Technical memos <ul style="list-style-type: none"> <li>• Identification of water quality priorities</li> <li>• Existing and future watershed control measures, identification of potential regional projects</li> <li>• Reasonable assurance analysis approach</li> <li>• BMP selection approaches</li> </ul>	March 2014
Draft Work Plan	April 2014
Final Work Plan submitted to the LARWQCB	June 2014
<b>Coordinated Integrated Monitoring Program</b>	
Draft Technical memos <ul style="list-style-type: none"> <li>• Outfall and receiving water monitoring approach</li> <li>• Monitoring sites selection</li> <li>• New development and redevelopment effectiveness tracking</li> </ul>	March 2014
Draft CIMP	April 2014
Final Draft CIMP submitted to the LARWQCB	June 2014
<b>Enhanced Watershed Management Program</b>	
Draft Technical memos <ul style="list-style-type: none"> <li>• Approach to US EPA TMDLs, 303(d) listings, other exceedances of RWLs</li> <li>• Final selection of regional projects</li> <li>• Feasibility analyses of regional projects, customization of MCMs, identification of other BMPs</li> <li>• Project schedules and cost estimates</li> </ul>	April 2015
Draft EWMP	May 2015
Final Draft EWMP submitted to the LARWQCB	June 2015

**9. Structural BMP (Section VI.C.4.b.iii.(5))**

The City of Los Angeles is committed to retrofit 50 catch basins within the City owned portion of J7 before June of 2015. This will provide for over 20% trash reduction in compliance with the Santa Monica Bay Nearshore and Offshore Debris TMDL.

**10. LID ordinance (Sections VI.C.4.b.iii.(6) and VI.C.4.c.iv. (1))**

Table B.5 summarizes the status of Low Impact Development (LID) ordinances by the City of Los Angeles and LACFCD. As presented in Table B.5, greater than 50% of the land area addressed by the geographical scope of the EMWP is addressed by an LID ordinance that is in place.

**Table B.5. Summary of percent EWMP area addressed by LID ordinances**

EWMP agency	Status LID ordinance	% EWMP area addressed by LID ordinance
City of Los Angeles	In place	100%
LACFCD	N/A	N/A
Total EWMP Area covered by LID Ordinance		100%



In Place – Permittee has adopted an LID Ordinance that is in compliance with the requirements of the MS4 Permit for its portion in the watershed. For the City of Los Angeles: its LID Ordinance became operative on May 12, 2012. The City of Los Angeles is currently amending sections of the LID Ordinance, as well as its Stormwater and Urban Runoff Pollution Control Ordinance (L.A.M.C. Chapter VI, Article 4.4) to meet all the MS4 permit requirements.

**11. Green street policies (Sections VI.C.4.b.iii.(6) and VI.C.4.c.iv. (2))**

Table B.6 summarizes the status of green street policies by the City of Los Angeles and the LACFCD. As presented in Table B.6, greater than 50% of the land area addressed by the geographical scope of the EMWP is addressed by green streets policies that are in place.

**Table B. 6. Summary of percent EWMP area addressed by Green Street Policies**

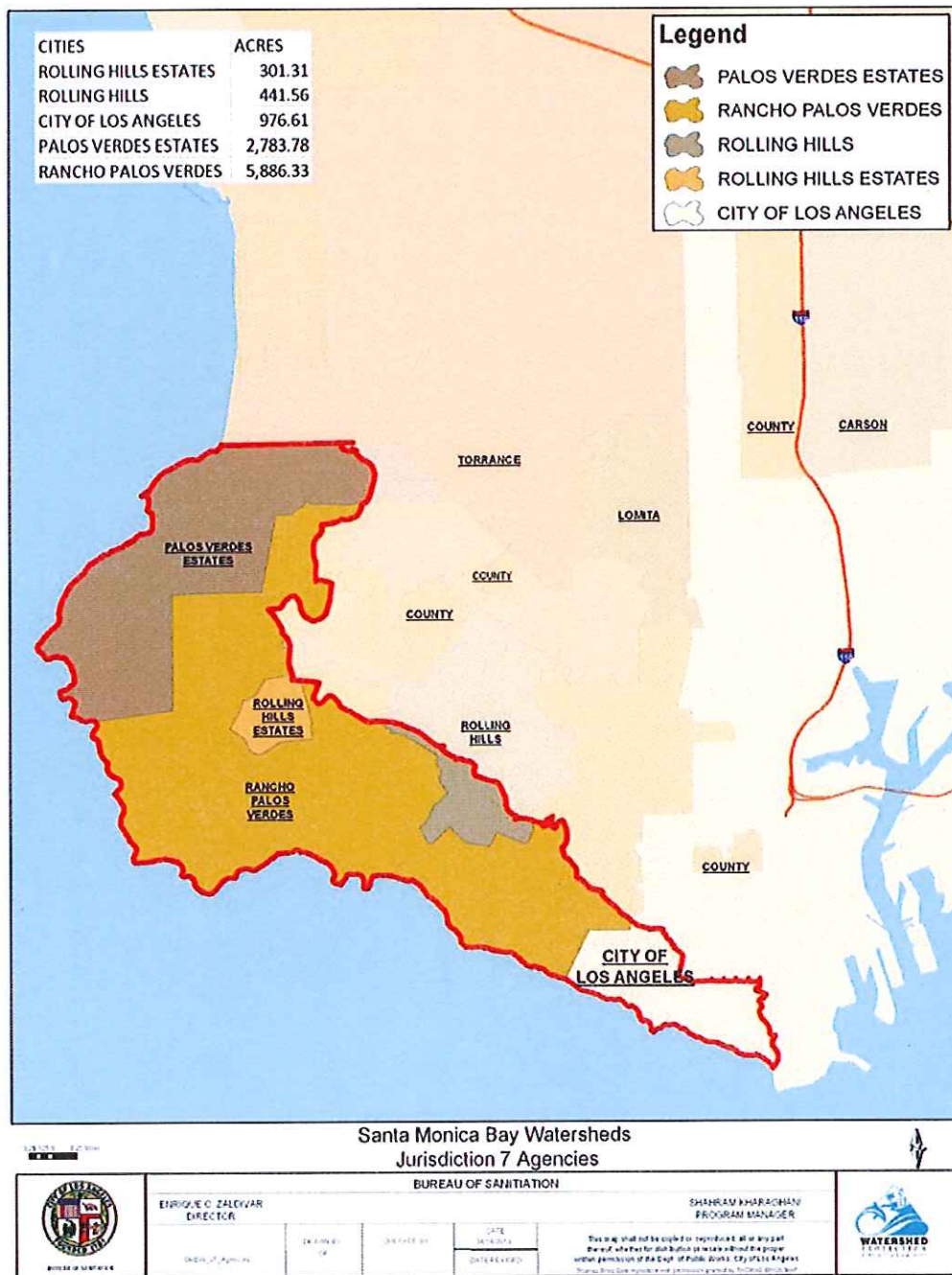
EWMP agency	Status of Green Street Policy	% EWMP area addressed by Green Street Policy
City of Los Angeles	In place	100%
LACFCD	N/A	N/A
<b>Total EWMP Area covered by LID Ordinance</b>		<b>100%</b>

In Place – Permittee has adopted a Green Street Policy that is in compliance with the requirements of the MS4 Permit for its portion in the watershed.

**12. Implementation of watershed control measures during plan development (Sections VI.C.4.b.ii)**

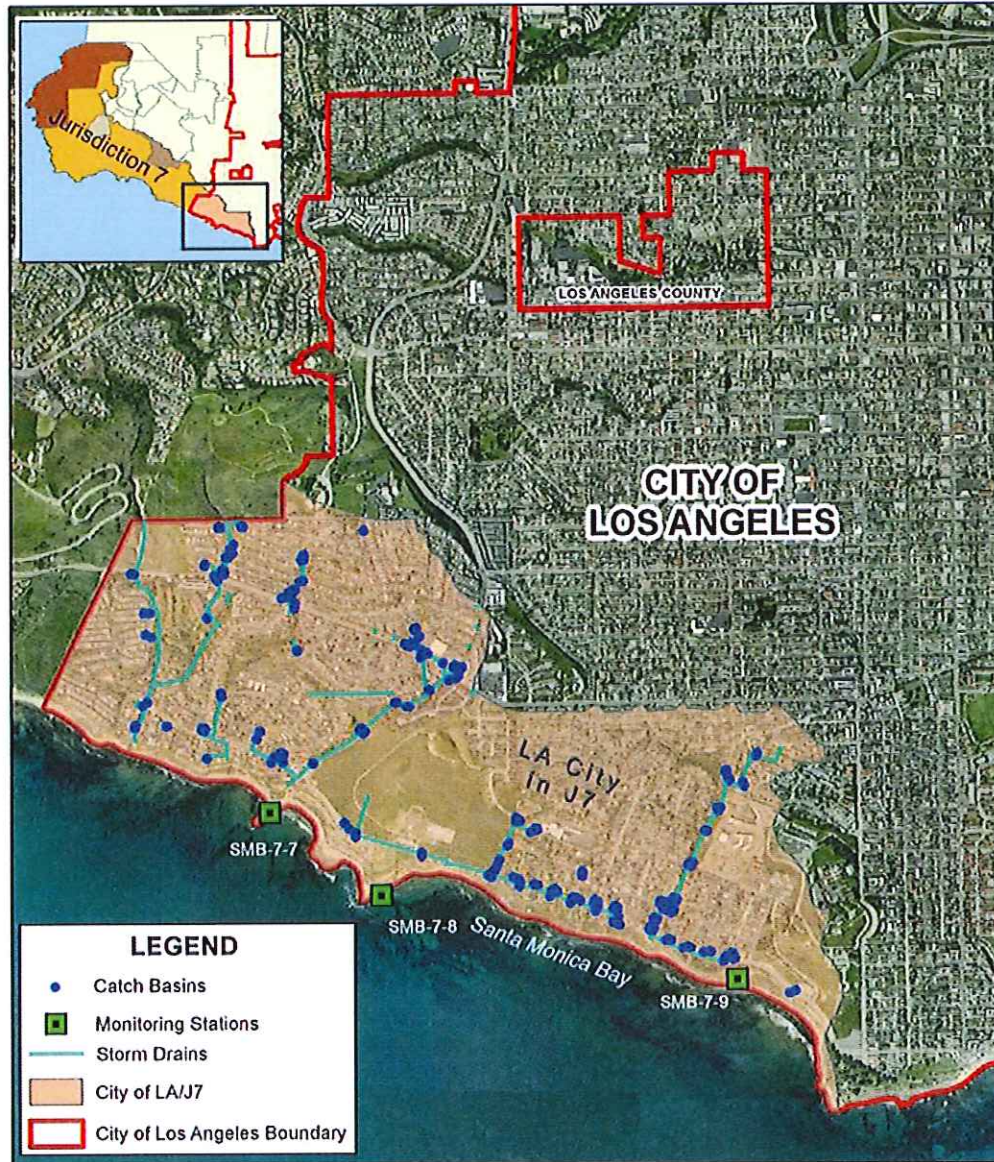
The City of Los Angeles has implemented an extensive program of institutional measures (street sweeping, catch basin cleaning, public education, etc.) for pollution source control that supports reduction of bacteria discharges from the City of Los Angeles land area in J7 of the Santa Monica Bay watershed. In addition, the City will retrofit 50 catch basins with screens and/or inserts within its area to satisfy the 20% compliance milestone of the Santa Monica Bay Nearshore and Offshore Debris TMDL by March 2016.

Attachment B.1. The City of Los Angeles land area within J7 of the Santa Monica Bay Watershed.





Attachment B.2. The City of Los Angeles detailed land area within J7 of the Santa Monica Bay Watershed.



**Santa Monica Bay Watersheds**  
**City of Los Angeles in Jurisdiction 7**

BUREAU OF SANITATION

	ENRIQUE C. ZALDIVAR DIRECTOR	DESIGNED BY TSA	DRAWN BY TSA	DATE JULY 2013	SHAHAM KHARAGHANI PROGRAM MANAGER	
	APPROVED BY TSA	CHECKED BY TSA	DATE JULY 2013	DATE JULY 2013	<p>This map and its contents are the property of the City of Los Angeles. It is to be used for the purpose of the project only and is not to be distributed or reproduced without the written permission of the City of Los Angeles.</p> <p>Revised from previous version with permission granted by the City of Los Angeles.</p>	



**Attachment B.3. Final Draft Memorandum of Understanding.**

MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE CITY OF LOS ANGELES AND THE LOS ANGELES COUNTY FLOOD  
CONTROL DISTRICT

REGARDING THE ADMINISTRATION AND COST SHARING FOR  
DEVELOPMENT OF THE ENHANCED WATERSHED MANAGEMENT PROGRAM  
FOR THE CITY OF LOS ANGELES AREA OF JURISDICTION GROUP 7 OF THE  
SANTA MONICA BAY WATERSHED

This Memorandum of Understanding (MOU) is made and entered into as of the date of the last signature set forth below by and between the City of Los Angeles, a municipal corporation, and the Los Angeles County Flood Control District (LACFCD), a political subdivision of the State of California. Collectively, these entities shall be known herein as "PARTIES" or individually as "PARTY."

WITNESSETH

WHEREAS, the Regional Water Quality Control Board, Los Angeles Region (Regional Board) adopted National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Permit Order No. R4-2012-0175 (MS4 Permit); and

WHEREAS, the MS4 Permit became effective on December 28, 2012 and requires that the LACFCD, County of Los Angeles, and 84 of the 88 cities (excluding Avalon, Long Beach, Palmdale, and Lancaster) within the County of Los Angeles comply with the prescribed elements of the MS4 Permit; and

WHEREAS, the MS4 Permit identified the Parties as the MS4 permittees that are responsible for compliance with the MS4 Permit requirements pertaining to Jurisdiction Groups 7 in the Santa Monica Bay Watershed Management Area; and

WHEREAS, the Parties have agreed to collaborate on the development of an Enhanced Watershed Management Program (EWMP) for the City of Los Angeles area within Jurisdictional Group 7 of the Santa Monica Bay Watershed Management Area (CLA in J7) to comply with certain elements of the MS4 Permit; and

WHEREAS, for the purpose of developing the Enhanced Watershed Management Programs, the City of Los Angeles and the other MS4 permittees of the Jurisdictional Group 7 of the Santa Monica Bay Watershed, (Except for the Los Angeles County Flood Control District), have mutually agreed to develop separate programs

WHEREAS, the PARTIES agree that each shall assume full and independent responsibility for ensuring its own compliance with the MS4 Permit despite the collaborative approach of this MOU; and

WHEREAS, the development of an EWMP includes the preparation of a Work Plan, a draft and final Coordinated Integrated Monitoring Plan ("CIMP"), and a draft and final Enhanced Watershed Management Program Plan ("EWMP Plan"), collectively referred to herein as "Plans"; and

WHEREAS, the Parties collaboratively prepared a final Scope of Work and Request for Proposal to obtain a Consultant for preparing the Plans that will satisfy the requirements of the MS4 Permit; and

WHEREAS, the PARTIES have determined that hiring a Consultant to prepare and deliver the PLANS will be beneficial to the PARTIES and they desire to participate and will provide funding in accordance with the cost allocation formula shown in Table (3) of Exhibit A; and

WHEREAS, the Parties have agreed that the total cost for developing the Plans shall not exceed \$52,500 including the project administration and management cost; and

WHEREAS, the Parties have agreed to retain the City of Los Angeles to coordinate the services of a Consultant to develop the Plans, the Parties have agreed to share in the cost and pay the City of Los Angeles for these consultant services as provided by Exhibit A of this MOU, and the City of Los Angeles has agreed to act on behalf of all Parties in the preparation of the Plans and the coordination of the consultant services;

NOW, THEREFORE, in consideration of the mutual benefits to be derived by the Parties, and of the promises contained in this MOU, the PARTIES agree as follows:

Section 1. Recitals: The recitals set forth above are incorporated into this MOU.

Section 2. Purpose: The purpose of this MOU is to cooperatively fund the preparation and submittal of the Plans to the Regional Board.

Section 3. Cooperation: The Parties shall fully cooperate with one another to attain the purpose of this MOU.

Section 4. Voluntary: This MOU is voluntarily entered into for the purpose of preparing and submitting the Plans to the Regional Board.

Section 5. Term: Term: This MOU shall become effective on the last date of execution by the Parties or December 28, 2013, whichever comes first, and shall remain and continue to remain in effect until June 30, 2016. If a Party does not execute this MOU by



December 28, 2013, that Party shall be excluded from this MOU and this MOU shall become effective on December 28, 2013 by execution by the remaining Parties.

Section 6. Assessment for Proportional Cost: The LACFCD agree to pay the City of Los Angeles for preparation and delivery of the Plans in the amounts shown in Table (4) of Exhibit A, based on the total costs shown in Tables (1) and (2) and the cost allocation formula shown in Table (3) of Exhibit A, attached hereto and made part of this MOU by this reference. The City of Los Angeles will invoice the LACFCD in two installments upon execution of this MOU as shown in Table (4) of Exhibit A, based on the allocated costs for developing the Plan and the project administration and management costs at a percentage not to exceed 5% of the allocated costs for development of the Plan. At the end of each fiscal year, the City of Los Angeles will provide the LACFCD with a statement with the actual expenditures. Unexpended funds at the termination of this MOU will be reimbursed to the LACFCD in accordance with the cost allocation formula set forth in Table (3) of Exhibit A

Section 7. City of Los Angeles agrees:

- a. To solicit proposals for, award and administer a Consultant contract for the preparation and delivery of the Plans. The City of Los Angeles will be compensated for the administration and management of the Consultant contract as described in Exhibit A.
- b. To utilize the funds deposited by the Parties only for the administration of the Consultant contract, project management, and the preparation and completion of the Plans.
- c. To provide the Parties with an electronic copy of the technical memos, draft Plans and completed Plans within 7 business days of receipt from the Consultant.
- d. To invoice the Parties in the amounts and according to the schedule shown in Table (4) of Exhibit A.
- e. To provide an accounting within 90 days at the termination of this MOU or within 90 days after the early termination of the MOU pursuant to Section 11. The City of Los Angeles shall return the unused portion of all funds deposited with the City of Los Angeles in accordance with the cost allocation formula set forth in table (3) of Exhibit A.

Section 8. The Parties further agree:

- a. To make a full faith effort to cooperate with one another to achieve the purposes of this MOU by providing information about project opportunities, reviewing

deliverables in a timely manner, and informing administration, and/or governing body.

- b. To fund the cost of the preparation and delivery of the Plans and to pay the City of Los Angeles for the preparation and delivery of the Plans based on the cost allocation shown in Table (3) of Exhibit A. This includes the costs incurred by the City of Los Angeles for administering the Consultant services between awarding the Consultant contract and the execution of this MOU
- c. To grant access rights and entry to the City of Los Angeles and the Consultant during the terms of this MOU to the Parties' facilities (i.e. storm drains, channels, catch basins, properties, etc.) ("Facilities") to achieve the purposes of this MOU. Prior to exercising said right of entry, the City of Los Angeles or their Consultant shall provide written notice to the Parties at least 72 hours in advance. For the purposes of this provision, written notice shall include notice delivered via e-mail that has been delivered to the Parties' representatives identified in Exhibit B.

#### Section 9. Invoice and Payment

- a. Payment: The Parties shall pay the City of Los Angeles their proportional share of the cost for the preparation and delivery of the Plans and project administration and management as shown in Table (4) of Exhibit A. Payments are due within sixty (60) days of receiving the invoice from the City of Los Angeles.
- b. Invoice: The City of Los Angeles will invoice Parties in two installments in the amounts shown in Table (4) of Exhibit A. The first invoice will be sent upon execution of this MOU or in January 2014, whichever comes first. The second invoice will be sent in July 2014.
- c. Contingency: The City of Los Angeles will notify the Parties if actual expenditures are anticipated to exceed the cost estimates contained in Exhibits A and obtain approval of such expenditures from all Parties. Upon approval, the Parties agree to reimburse the City of Los Angeles for their proportional share of these additional expenditures at an amount not to exceed 10% of the original cost estimate as shown in Exhibit A. This 10% contingency will not be invoiced, unless actual expenditures exceed the original cost estimate. Expenditures that exceed the 10% contingency will require an amendment of this MOU.



**Section 10. Indemnification**

Each Party shall indemnify, defend, and hold harmless each other Party, including its special districts, elected and appointed officers, employees, and agents, from and against any and all liability, including but not limited to demands, claims, actions, fees, costs, and expenses (including attorney and expert witness fees), arising from or connected with the respective acts of each Party arising from or related to this MOU; provided, however, that no party shall indemnify another party for that party's own negligence or willful misconduct.

In light of the provisions of Section 895.2 of the Government Code of the State of California imposing certain tort liability jointly upon public entities solely by reason of such entities being parties to an agreement (as defined in Section 895 of said Code), each of the Parties hereto, pursuant to the authorization contained in Section 895.4 and 895.6 of said Code, shall assume the full liability imposed upon it or any of its officers, agents, or employees, by law for injury caused by any act or omission occurring in the performance of this MOU to the same extent that such liability would be imposed in the absence of Section 895.2 of said Code. To achieve the above stated purpose, each Party indemnifies, defends, and holds harmless each other Party for any liability, cost, or expense that may be imposed upon such other Party solely by virtue of said Section 895.2. The provisions of Section 2778 of the California Civil Code are made a part hereof as if incorporated herein.

**Section 11. Termination**

- a. This MOU may be terminated upon the express written agreement of all Parties. If this MOU is terminated, all Parties must agree on the equitable redistribution of remaining funds deposited, if there are any, or payment of invoices due at the time of termination. Completed work shall be owned by all Parties. Rights to uncompleted work by the Consultant still under contract will be held by the Party or Parties who fund the completion of such work.
- b. If a Party fails to comply with any of the terms or conditions of this MOU, that Party shall forfeit its rights to the work completed through this MOU, but no such forfeiture shall occur unless and until the defaulting PARTY has first been given notice of its default and a reasonable opportunity to cure the alleged default.

## Section 12. General Provisions

- a) Notices. Any notices, bills, invoices, or reports relating to this MOU, and any request, demand, statement or other communication required or permitted hereunder shall be in writing and shall be delivered to the Representative of the Party at the address set forth in Exhibit B. Parties shall promptly notify each other of any change of contact information, including personnel changes, provided in Exhibit B. Written notice shall include notice delivered via email or fax. A notice shall be deemed to have been received on (a) the date of delivery, if delivered by hand during regular business hours, or by confirmed facsimile or by email; or (b) on the third (3) business day following mailing by registered or certified mail (return receipt requested) to the addresses set forth in Exhibit B.
- b) Administration. For the purpose of this MOU, the parties hereby designate as their respective Party Representatives the persons named in Exhibit B. The designated Party Representatives, or their respective designees, shall administer the terms and conditions of this MOU on behalf of their respective Party. Each of the persons signing below on behalf of a Party represents and warrants that they are authorized to sign this MOU on behalf of such Party.
- c) Relationship of Parties. The Parties are and shall remain at all times as to each other, wholly independent entities. No Party to this MOU shall have power to incur any debt, obligation, or liability on behalf of another Party unless expressly provided to the contrary by this MOU. No employee, agent, or officer of a Party shall be deemed for any purpose whatsoever to be an agent, employee or officer of another Party.
- d) Binding Effect. This MOU shall be binding upon and inure to the benefit of each Party to this MOU and their respective heirs, administrators, representatives, successors and assigns.
- e) Amendment. The terms and provisions of this MOU may not be amended, modified, or waived, except by an instrument in writing signed by all the Parties. This section applies to, but is not limited to, amendments proposed to address regulatory changes in the MS4 permit, modifications to the Scope of Work, or changes in the number of Parties to this MOU. For the City of Los Angeles, the Director of Bureau of Sanitation or his/her designee is authorized to execute such amendments.
- f) Waiver. Waiver by any Party to this MOU of any term, condition, or covenant of this MOU shall not constitute a waiver of any other term, condition, or covenant. Waiver by any Party to any breach of the provisions of this MOU shall not constitute a waiver of any other provision, nor a waiver of any subsequent breach or violation of any provision of this MOU.



- g) Law to Govern; Venue. This MOU shall be interpreted, construed and governed according to the laws of the State of California. In the event of litigation between the Parties, venue in the state trial courts shall lie exclusively in the County of Los Angeles.
- h) No Presumption in Drafting. The Parties to this MOU agree that the general rule that an MOU is to be interpreted against the Party drafting it, or causing it to be prepared shall not apply.
- i) Entire Agreement. This MOU constitutes the entire agreement of the Parties with respect to the subject matter hereof and supersedes all prior or contemporaneous agreements, whether written or oral, with respect thereto.
- j) Severability. If any term, provision, condition or covenant of this MOU is declared or determined by any court or competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions of this MOU shall not be affected thereby and this MOU shall be read and constructed without the invalid, void, or unenforceable provision(s).
- k) Counterparts. This MOU may be executed in any number of counterparts, each of which shall be an original, but all of which taken together shall constitute but one and the same instrument, provided, however, that such counterparts shall have been delivered to all Parties to this MOU.
- l) All Parties have been represented by counsel in the preparation and negotiation of this MOU. Accordingly, this MOU shall be construed according to its fair language.

IN WITNESS WHEREOF, the Parties hereto have caused this MOU to be executed by their duly authorized representatives and affixed as of the date of signature of the Parties:

**CITY OF LOS ANGELES**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Capri W. Maddox, President  
Board of Public Works

ATTEST:

By: \_\_\_\_\_  
June Lagmay  
City Clerk

APPROVED AS TO FORM:

Carmen Trutanich  
City Attorney

By: \_\_\_\_\_  
John A. Carvalho  
Deputy City Attorney

**LOS ANGELES COUNTY FLOOD CONTROL DISTRICT**

By \_\_\_\_\_  
Chief Engineer

APPROVED AS TO FORM:

John F. Krattli  
County Counsel

By \_\_\_\_\_  
Deputy

\_\_\_\_\_  
Date



**EXHIBIT A**

**Santa Monica Bay Watershed**  
**Jurisdictional Groups 2&3**  
**EWMP**  
**Funding Contributions**

**Table 1. Consultant Contract Costs**

Deliverable	Deliverable Due Date	Cost
Work Plan	June 28, 2014	\$ 9000
CIMP	June 28, 2014	\$ 7,500
EWMP Plan	June 28, 2015 (draft plan) April 28, 2016 (final plan)	\$ 22,000
Project Management Coordination & Meetings	On going	\$11,500
Contract Cost	-	\$ 50,000

**Table 2. Total Cost**

Item	Cost
Consultant Contract	\$50,000
Project Administration & Management (5%)*	\$2,500
<b>Total Cost</b>	<b>\$52,500</b>
Flood Control District Contribution (10%)	-\$5,250
<b>Cost for area cost sharing</b>	<b>\$47,250</b>

**Table 3. Cost Allocation Formula for Area Cost Sharing**

Party	Acres	Percent of Area <sup>(1)</sup>	Total Cost
City of Los Angeles		100%	\$47,250
<b>Total</b>		<b>100%</b>	<b>\$47,250</b>

**Table 4. City of Los Angeles Invoicing Schedule and Invoice Amounts to Parties**

Invoice Date <sup>1</sup>	LACFCD Invoice
January 2014	\$2,625
July 2014	\$2,625
<b>Total Invoice Amount<sup>1</sup></b>	<b>\$5,250</b>
10% Contingency	\$525
<b>Total including 10% contingency</b>	<b>\$5,775</b>

<sup>1</sup>Contingency is 10% of the total estimated cost. Contingency will not be invoiced unless there is a need for its expenditure as agreed by all Parties.

**EXHIBIT B**

Santa Monica Bay Watershed  
Jurisdictional Groups 2&3  
Responsible Agencies Representatives

1. City of Los Angeles  
Department of Public Works  
Bureau of Sanitation, Watershed Protection Division  
1149 S. Broadway  
Los Angeles, CA 90015

Shahram Kharaghani  
E-mail: Shahram.Kharaghani@Lacity.org  
Phone: (213) 485-0587  
Fax: (213) 485-3939

2. Los Angeles County Flood Control District  
Department of Public Works  
Watershed Management Division, 11<sup>th</sup> Floor  
900 South Fremont Avenue  
Alhambra, CA 91803-1331

Gary Hildebrand  
E-mail: GHILDEB@dpw.lacounty.gov  
Phone: (626) 458-4300  
Fax: (626) 457-1526

Attachment B.4. Letter of Intent.

BOARD OF  
PUBLIC WORKS  
—  
COMMISSIONERS  
—  
CAPRI W. MAUDUX  
PRESIDENT  
VALERIE LYNN SHAW  
VICE PRESIDENT  
STEVEN T. NUTTER  
PRESIDENT PRO TEMPORE  
WARREN T. FURUTANI  
COMMISSIONER  
JERLYN LÓPEZ-MENDOZA  
COMMISSIONER

CITY OF LOS ANGELES  
CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

BUREAU OF SANITATION

ENRIQUE C. ZALDIVAR  
DIRECTOR

TRACI J. MINAMIDE  
CHIEF OPERATING OFFICER

VAROJ S. ABKIAN  
ADEL H. HAGEKHALIL  
ALEXANDER E. JELOU  
ASSISTANT DIRECTORS

NEIL M. GUGLIEMO  
ACTING CHIEF FINANCIAL OFFICER

WATERSHED PROTECTION DIVISION  
1149 SOUTH BROADWAY, 12TH FLOOR  
LOS ANGELES, CA 90015  
TEL: (213) 485-0587  
FAX: (213) 485-3339

June 20, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

Dear Mr. Unger:

**CITY OF LOS ANGELES COMMITMENT TO PARTICIPATE IN AND SHARE THE COST FOR DEVELOPMENT OF ENHANCED WATERSHED MANAGEMENT PROGRAM AND COORDINATED INTEGRATED MONITORING PROGRAM FOR THE CITY AREA IN JURISDICTIONAL GROUP 7 OF THE SANTA MONICA BAY WATERSHED**

The City of Los Angeles submits this letter of intent with our commitment to participate in and share the cost for the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) for the City area in Jurisdiction 7 of the Santa Monica Bay Watershed and all drainage infrastructure owned and maintained by the Los Angeles County Flood Control District (LACFCD) within this area, as outlined in the Notice of Intent submitted by the City of Los Angeles to meet the requirements of Part VI.C.4.b of the MS4 Permit (Order No. R4-2012-0175) and the CIMP notification requirements specified in Attachment E Section IV.C.1.

The City of Los Angeles (lead agency for EWMP and CIMP development) and LACFCD are the MS4 permittees for this EWMP and CIMP. The final draft agreement to fund program development by the City of Los Angeles and LACFCD for this watershed has been included in the Notice of Intent and the City of Los Angeles is committed to execute this agreement prior to December 28, 2013.

Should you have any questions regarding this correspondence, please contact me at [Shahram.Kharaghani@lacity.org](mailto:Shahram.Kharaghani@lacity.org) or phone (213) 485-0587 or your staff may contact Huub Cox at [Hubertus.Cox@lacity.org](mailto:Hubertus.Cox@lacity.org) or phone (213) 485-3984 or Hamid Tadayon at [Hamid.Tadayon@lacity.org](mailto:Hamid.Tadayon@lacity.org) or (213) 485-3841.

Sincerely,

  
SHAHRAM KHARAGHANI, Ph.D., P.E., BCEE  
Program Manager

SK:HC:HT  
WPDCR9043

AN EQUAL EMPLOYMENT OPPORTUNITY • AFFIRMATIVE ACTION EMPLOYER

Recycling and waste management logo

Sam Unger, Executive Officer  
City of Los Angeles Letter of Intent for J7 Santa Monica Bay Watershed  
June 20, 2013  
Page 2

cc: Rence Purdy, California Regional Water Quality Control Board, Los Angeles Region  
Ivar Ridgeway, California Regional Water Quality Control Board, Los Angeles Region  
Enrique Zaldivar, City of Los Angeles, Bureau of Sanitation  
Adel Hagekhalil, City of Los Angeles, Bureau of Sanitation  
Gary Hildebrand, County of Los Angeles





GAIL FARRER, Director

## COUNTY OF LOS ANGELES

### DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

901 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91801-1311  
Telephone (626) 451-5160  
<http://dpm.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE  
REFER TO FILE **WM-7**

June 24, 2013

Mr. Samuel Unger, P.E.  
Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – LOS ANGELES COUNTY FLOOD CONTROL DISTRICT  
SANTA MONICA BAY WATERSHED JURISDICTIONAL GROUP 7 WITHIN THE  
CITY OF LOS ANGELES  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The Los Angeles County Flood Control District (LACFCD) submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) for the Santa Monica Bay Watershed Jurisdictional Group 7 within the City of Los Angeles. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

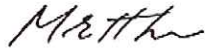
The Santa Monica Bay Watershed Jurisdictional Group 7 within the City of Los Angeles consists of the following agencies: City of Los Angeles as the coordinating agency for EWMP and CIMP development and LACFCD. The Santa Monica Bay Watershed Jurisdictional Group 7 within the City of Los Angeles has included a final draft Memorandum of Understanding as Attachment B.3. The LACFCD intends to submit a final Memorandum of Understanding to the County of Los Angeles Board of Supervisors (which is the LACFCD's governing body) for approval prior to December 28, 2013.



Mr. Samuel Unger  
June 24, 2013  
Page 2

If you have any questions, please contact Ms. Terri Grant at (626) 458-4309 or  
tgrant@dpw.lacounty.gov.

Very truly yours,



*for* GAIL FARBER  
Chief Engineer of the Los Angeles County Flood Control District

RP:jhl

P:\mmpub\Secretariat\2013 Documents\Letter\LOI SMB J7 LACFC0.doc\13234

cc: City of Los Angeles



Public Works Department  
Engineering Services  
Division

415 Diamond Street, P.O. Box 270  
Redondo Beach, California 90277-0270  
[www.redondo.org](http://www.redondo.org)

Engineering 310 318-0661  
fax 310 374-4828

June 28, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

**Submittal of the Notice of Intent for the Development of an Enhanced Watershed Management Program and Coordinated Integrated Monitoring Program for the Beach Cities Watershed Management Group**

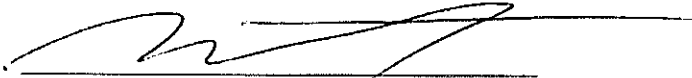
Dear Mr. Unger;

Please find attached the Notice of Intent (NOI) for the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) for the Beach Cities Watershed Management Group. The Beach Cities Watershed Management Group includes the following agencies: the City of Redondo Beach, the City of Manhattan Beach, the City of Hermosa Beach, the City of Torrance and the Los Angeles County Flood Control District. All members of the Beach Cities Watershed Management Group have agreed to a collaborative approach in meeting the requirements of the new MS4 Permit by Order No. R4-2012-0175. The City of Redondo Beach (City), as lead agency for the Beach Cities Watershed Management Group, has prepared the Notice of Intent on behalf of the Beach Cities Watershed Management Group. All agencies have reviewed and approved this NOI for its submission to your Board.

The attached document satisfies the requirements for submitting the NOI as provided by Section VI.C.4.b of the MS4 Permit and the CIMP notification requirements as provided by Attachment E Section IV.C.1. We look forward to continuing the process of plan developments for the Beach Cities Watershed Management Group with the Technical Advisory Committee, the Los Angeles Regional Water Quality Control Board, and other watershed stakeholders.

Should you have any questions about this submittal, please contact me at [mike.witzansky@redondo.org](mailto:mike.witzansky@redondo.org) or at (310) 318-0686, extension 4172 or Brad Lindahl, of my staff, at [brad.lindahl@redondo.org](mailto:brad.lindahl@redondo.org) or at (310) 318-0661, extension 2286.

Sincerely,



Mike Witzansky, Public Works Director

MW/BL:bl

Attachment

cc:

Renee Purdy, California Regional Water Quality Control Board, Los Angeles Region  
Rebecca Christmann, California Regional Water Quality Control Board, Los Angeles Region

Gail Farber, Los Angeles County Flood Control District

Gary Hildebrand, Los Angeles County Flood Control District

David N. Carmany, City of Manhattan Beach

Vince Mastrosimone, City of Manhattan Beach

Tom Bakaly, City of Hermosa Beach

Frank Senteno, City of Hermosa Beach

LeRoy Jackson, City of Torrance

Robert Beste, City of Torrance

# **NOTICE OF INTENT**

## **Enhanced Watershed Management Program & Coordinated Integrated Monitoring Program**

**June 28, 2013**

### **Beach Cities**

### **Watershed Management Group**

**City of Redondo Beach**

**City of Manhattan Beach**

**City of Hermosa Beach**

**City of Torrance**

**Los Angeles County Flood Control District**



### 1. Introduction

The Cities of Redondo Beach, Manhattan Beach, Hermosa Beach, and Torrance and the Los Angeles County Flood Control District (LACFCD), collectively the Beach Cities Watershed Management Group (Beach Cities WMG), respectfully submit this Notification of Intent (NOI) to develop an Enhanced Watershed Management Program (EWMP) per Part VI.C.4.b. of Order No. R4-2012-0175 (MS4 Permit). Additionally, this NOI includes a statement of the Beach Cities WMG agencies' intent to follow a Coordinated Integrated Monitoring Program (CIMP) approach.

The Beach Cities WMG has determined to jointly develop an EWMP and CIMP to address both the Santa Monica Bay and Dominguez Channel Watershed areas within their jurisdictions. The development of the Work Plan, CIMP, and EWMP will be a collaborative process between the Beach Cities WMG agencies, coordinated with the Technical Advisory Committee as well as with Beach Cities watershed stakeholders.

The information provided in the following sections satisfies the EWMP requirements for NOI submittal as provided by Section VI.C.4.b of the MS4 Permit and the CIMP notification requirement as provided by Attachment E Section IV.C.1. Each of the following section headings includes the permit reference to the NOI requirement being addressed by that particular section.

### 2. Notification of Intent (Section VI.C.4.b.i and Attachment E Section IV.C.1.)

The Beach Cities WMG hereby notifies the Los Angeles Regional Water Quality Control Board (LARWQCB) of its intention to collaboratively develop an EWMP for the Santa Monica Bay and Dominguez Channel Watershed areas within their jurisdictions, and request submittal of the final Work Plan no later than 18 months after the effective date of the MS4 Permit (June 28, 2014) and submittal of the draft EWMP Plan no later than 30 months after the effective date of the MS4 Permit (June 28, 2015).

Additionally, the Beach Cities WMG agencies hereby notify the LARWQCB by this NOI of their intention to collaboratively develop a CIMP to address all of the monitoring elements required by the MS4 Permit for its jurisdictions and request submittal of the Draft CIMP 18 months after the effective date of the MS4 Permit (no later than June 28, 2014).

### 3. Interim and final TDML compliance deadlines (Section VI.C.4.b.ii)

Table 1 lists the TMDLs that are applicable within the Beach Cities WMG EWMP.

Table 1. TMDLs applicable within Beach Cities WMG.

TMDL	LARWQCB Resolution Number	Effective Date
Santa Monica Bay Beaches Bacteria TMDL	2002-004 and 2002-022 amended by R12-007	07/15/2003 R12-007 not yet effective
Machado Lake Trash TMDL [1]	2007-006	03/06/2008
Machado Lake Nutrient TMDL [2]	2008-006	03/11/2009
Machado Lake Toxics TMDL [3]	R10-008	03/20/2012
Los Angeles and Long Beach Harbors Toxics & Metals TMDL [4]	R11-008	03/23/2012
Santa Monica Bay Nearshore Debris TMDL [5]	R10-010	03/20/2012
Santa Monica Bay DDT and PCB TMDLs [6]	USEPA Region IX	03/26/2012



- [1] Responsible agencies: Redondo Beach, Torrance, LACFCD  
 [2] Responsible agencies: Redondo Beach, Torrance, LACFCD  
 [3] Responsible agencies: Redondo Beach, Torrance, LACFCD  
 [4] Responsible agencies: Redondo Beach, Torrance, LACFCD, Manhattan Beach  
 [5] Responsible agencies: Redondo Beach, Torrance, LACFCD, Manhattan Beach, Hermosa Beach  
 [6] Responsible agencies: Redondo Beach, Torrance, LACFCD, Manhattan Beach, Hermosa Beach

Interim and final trash TMDL deadlines and final TMDL deadlines occurring prior to the anticipated approval date of the EWMP (April 28, 2016) are included in Table 2.

**Table 2. Interim (trash) and final TMDL compliance deadlines prior to EWMP approval**

TMDL	Milestone	Interim/Final	Deadline
Santa Monica Bay Beaches Bacteria Summer Dry Weather TMDLs	WLAs	Final	07/15/2006
Santa Monica Bay Beaches Bacteria Winter Dry Weather TMDLs	WLAs	Final	07/15/2009
Santa Monica Bay Nearshore Debris TMDL	20% of baseline load	Interim	3/20/2016
Machado Lake Trash TMDL	20% reduction of baseline load	Interim	03/06/2012
	40% reduction of baseline load	Interim	03/06/2013
	60% reduction of baseline load	Interim	03/06/2014
	80% reduction of baseline load	Interim	03/06/2015
	100% reduction of baseline load	Final	03/06/2016

The Beach Cities WMG will continue the implementation of watershed control measures concurrently with the EWMP development to meet these interim and/or final milestones. These control measures being implemented to meet the requirements of the interim and final trash water quality based effluent limits (WQBELs) and all other final WQBELs include but are not limited to the following:

**Santa Monica Bay Beaches Bacteria TMDL – Dry Weather**

All storm drains discharging at point zero shoreline monitoring locations within the Beach Cities EWMP subwatersheds have been diverted through cooperation with LACFCD and the Sanitation Districts of Los Angeles. A total of seven low flow diversions are operational within the subwatersheds as follows:

- Two low flow diversions operated by the LACFCD within the 28<sup>th</sup> Street storm drain system which outfalls at the zero point of SMB 5-2—one of the diversions is at the outfall, and the other is on a major catchment within the City of Manhattan Beach.
- A low flow diversion is operated at the outfall of the Manhattan Beach Pier drain by the City of Manhattan Beach and serves SMB 5-3.
- Hermosa Strand Infiltration Trench, a joint project of the City of Hermosa Beach and LACFCD started up in April 2010 and has been diverting both dry weather and wet weather flows from the Pier Avenue storm drain in Hermosa Beach and serves SMB 5-5.
- Herondo low flow diversion installed by the LACFCD diverts runoff from the Herondo storm drain which outfalls at the zero point of SMB 6-1.

- A low flow diversion installed by the City of Redondo Beach on the outlet to SMB-6-3 diverts dry weather flow to a biofiltration system before being infiltrated into the ground.
- A low flow diversion installed by the LACFCD on the outlet to SMB-6-5 diverts dry weather flows to the sanitary sewer system.

#### **Santa Monica Bay Nearshore and Offshore Debris TMDL**

Each of the Beach Cities WMG incorporated cities has individually submitted a Trash Monitoring and Reporting Plan to the LARWQCB describing an approach and schedule for meeting the interim and final deadlines for reductions in trash waste load allocation from baseline for point source discharges from the MS4. The Beach Cities WMG agencies are individually responsible for meeting those deadlines for point source discharges from the MS4.

#### **Machado Lake Trash TMDL TMRPs**

Only the cities of Redondo Beach and Torrance within the Beach Cities WMG are tributary to the Machado Lake subwatershed within the Dominguez Channel Watershed. The City of Redondo Beach accounts for only 0.02% of the Machado Lake Watershed and there are no catch basins within the City of Redondo Beach tributary to Machado Lake—the first catch basin which receives runoff for that area of Redondo Beach is in the City of Torrance. Therefore, the City of Torrance's plans to address the Machado Lake TMDLs are inclusive of the City of Redondo Beach. The City of Torrance submitted a Trash Monitoring and Reporting Plan to describe the approach and schedule for meeting the interim and final deadlines for reductions in trash waste load allocations from baseline for point source discharges from the MS4.

#### **4. Geographic Scope (Section VI.C.4.b.iii.(1))**

The geographic scope of the Beach Cities WMG EWMP encompasses all of the incorporated areas of the cities of Redondo Beach, Manhattan Beach, Hermosa Beach and Torrance and includes the infrastructure of the LACFCD within those jurisdictions. Attachment 1 provides a map of the watershed boundaries and the delineations of the land areas of the incorporated cities within the watershed. The breakdown of the Beach Cities WMG EWMP area by watershed and incorporated city is provided in Table 3.

**Table 3. Beach Cities WMG EWMP watershed land area distribution and EWMP participation**

Participation Agency	Santa Monica Bay Watershed Management area (acres)	Dominguez Channel Watershed Management area (acres)	Total EWMP Area (acres)	Total EWMP Percentage
City of Redondo Beach	2,613.50	1,217.61	3,831.11	19%
City of Manhattan Beach	2,078.37	350.07	2,428.44	12%
City of Hermosa Beach	831.51	0	831.51	4%
City of Torrance	2,313.76	11,056.79	13,370.55	65%
LACFCD	N/A	N/A		N/A
<b>Area of Beach Cities WMG EWMP:</b>	<b>7,837.14</b>	<b>12,624.47</b>	<b>20,461.61</b>	<b>100%</b>



**5. Plan Concept (Section VI.C.4.b.iii.(1))**

Based on studies and work done to date, the Beach Cities WMG has previously identified opportunities for regional projects within two high priority subwatersheds and anticipates that significant opportunities exist within the collective jurisdictional areas for collaboration on additional multi-benefit projects that will meet the intent of the EWMP approach. The Beach Cities WMG strong preference is to address both watersheds to which they are tributary within one EWMP.

**Santa Monica Bay Watershed**

The agencies of the Beach Cities have been working together since 2004 to implement the previously developed Jurisdictional Groups 5 and 6 Implementation Plan for the Santa Monica Bay Beaches Bacteria Total Maximum Daily Load (TMDL), including a Structural Best Management Practice (BMP) Siting Study and Dry Weather Source Characterization and Control Study for two high priority subwatersheds, along with joint implementation of programmatic solutions. Since 2004 the Beach Cities have also been jointly funding receiving water monitoring consistent with the Coordinated Shoreline Monitoring Plan for the Santa Monica Bay Beaches Bacteria (SMBBB) TMDL along the shoreline of the Beach Cities WMG. These ongoing efforts by the Beach Cities WMG to comply with the SMBBB TMDL will provide an effective springboard for the development of an EWMP.

Additionally, the agencies have submitted individual Trash Monitoring and Reporting Plans (TMRPs) for the Santa Monica Bay Debris TMDL.

**Dominguez Channel Watershed**

The cities of Redondo Beach, Manhattan Beach, Torrance and the LACFCD facilities within these cities are also tributary to the Dominguez Channel watershed. With the exception of the development of the City of Torrance Stormwater Quality Master Plan, there has not been extensive work to address the pollutants of the Dominguez Channel primarily because the TMDLs for Dominguez Channel were only recently approved by the State Water Resources Control Board. The EWMP for the Beach Cities WMG will leverage elements of the City of Torrance Stormwater Quality Master Plan to address the Dominguez Channel Watershed aspects of the Beach Cities EWMP. Due to the strong working relationship established among these agencies to implement the Santa Monica Bay Beaches Bacteria TMDLs, collaboration among these agencies to develop an EWMP that also addresses the Dominguez Channel Watershed is likely to yield a successful partnership.

The cities of Redondo Beach, Torrance and the LACFCD facilities within the Beach Cities Watershed Management Group are also tributary to the Machado Lake watershed within the Dominguez Channel Watershed. The City of Redondo Beach accounts for only 0.02% of the Machado Lake Watershed and storm drains within the City of Torrance receive runoff from this small area of Redondo Beach. Therefore, the City of Torrance's plans to address the Machado Lake TMDLs are inclusive of the City of Redondo Beach. To date, the City of Torrance has submitted a Special Study #3 Report for Machado Lake Nutrient TMDL monitoring. The City of Torrance is also preparing a BMP Implementation Plan to address Machado Lake Nutrient and Toxics TMDLs. The LACFCD has also submitted the "Machado Lake Nutrient & Toxics TMDL Monitoring & Reporting Plan. The Beach Cities WMG EWMP will incorporate the

Machado Lake BMP Implementation Plans prepared by the City of Torrance and LACFCD as an appendix to the EWMP.

#### **6. Cost estimate for plan development (Section VI.C.4.b.iii.(2))**

The Beach Cities WMG agencies collaboratively prepared a scope of work and requested proposals for development of the EWMP Work Plan, the CIMP and the draft and final EWMP. Based on the response to the request for proposals, the Beach Cities WMG is developing a cost sharing agreement for the memorandum of agreement based on an estimate of \$760,000 which includes \$90,000 for the Work Plan, \$155,000 for the CIMP, and \$439,000 for the EWMP with an additional allocation of \$76,000 for project administration by the lead agency. This estimate is based on a number of assumptions including that the CIMP and EWMP will leverage the existing Santa Monica Bay Beaches Bacteria TMDL Implementation Plan and Coordinated Shoreline Monitoring Plan work to-date. An additional key assumption for this cost estimate is that the City of Torrance Machado Lake TMDL Monitoring and Implementation Plans will be incorporated as stand-alone appendices to the EWMP and CIMP so that effort for the Machado Lake subwatershed of the Dominguez Channel is excluded from the cost estimate since it is being borne individually by the City of Torrance. In addition, the Beach Cities WMG agencies will contribute several hundred thousand of dollars in staff time and in-kind services.

#### **7. Memorandum of Understanding (Section VI.C.4.b.iii.(3))**

Attachment 2 includes the final drafts of the Memoranda of Understanding between the City of Redondo Beach, as the lead agency, and the other Beach Cities WMG agencies. All agencies have committed to the execution of the agreement as indicated by the signed letters of intent (Attachment 3). The agreement will be executed no later than December 28, 2013.

#### **8. Interim milestones and deadlines for plan development (section VI.C.4.b.iii.(4))**

Table 4 summarizes the interim milestone and deadlines for Work Plan, CIMP, and EWMP Plan development which are based on the scope of work for developing the Work Plan, CIMP, and EWMP prepared by the Beach Cities WMG. Technical memoranda supporting the development of the plans are utilized as milestones. It is expected that the draft technical memos will not be finalized; rather, the information presented in the memos will be revised based on comments and presented in the Work Plan, CIMP, and EWMP Plan.

Table 4. Proposed interim milestones and deadlines for plan development

	• Milestones Deadlines
<b>Work Plan</b>	
<b>Draft Workplan Elements/Approach</b>	• March 2014
• Identification of Water Quality Priorities	
• Existing and Potential Control Measures	
• Reasonable Assurance Analysis Approach	
<b>Draft Work Plan</b>	• April 2014
<b>Final Work Plan submitted to the LARWQCB</b>	<b>June 2014</b>
<b>Coordinated Integrated Monitoring Plan</b>	
<b>Draft Technical memos</b>	



<ul style="list-style-type: none"> <li>• Outfall and receiving water monitoring approach</li> <li>• Monitoring sites selection</li> <li>• New development and redevelopment effectiveness tracking</li> </ul>	<ul style="list-style-type: none"> <li>• March 2014</li> </ul>
Draft CIMP	<ul style="list-style-type: none"> <li>• April 2014</li> </ul>
Final Draft CIMP submitted to the LARWQCB	June 2014
Enhanced Watershed Management Program	
Draft Technical memos	
<ul style="list-style-type: none"> <li>• Approach to US EPA TMDLs, 303(d) listings, other exceedances of RWLs</li> <li>• Initial list and screening of regional projects</li> <li>• Identify Selected Watershed Control Measures and Conduct Reasonable Assurance Analysis</li> <li>• Project schedules and cost estimates</li> </ul>	<ul style="list-style-type: none"> <li>• March 2015</li> </ul>
Draft EWMP	<ul style="list-style-type: none"> <li>• May 2015</li> </ul>
Final Draft EWMP submitted to the LARWQCB	June 2015
Final EWMP submitted to the LARWQCB	January 2016
Approval of final EWMP by LARWQCB	April 2016

### 9. Structural BMP Implementation (Section VI.C.4.b.iii.(5))

The Beach Cities WMG commits to implement the following structural BMPs or suite of BMPs to provide meaningful water quality improvement within each watershed within 30 months of the effective date of the MS4 Permit, that is, between the MS4 Permit effective date of December 28, 2013 and the deadline for EWMP submittal on June 28, 2015. The Beach Cities WMG plans to implement the following structural BMPs or suite of BMPs:

#### Manhattan Beach Greenbelt Infiltration System

The Manhattan Beach Greenbelt Infiltration project was designed to utilize the linear greenbelt parkland which runs through the City of Manhattan Beach to intercept and infiltrate dry weather and wet weather low flows from existing storm drains that cross or abut the parkway. Low flows from a 50-acre drainage area are screened to remove trash and gross solids before flowing by gravity to a subsurface infiltration system which also provides limited storage of storm flows for subsequent percolation into the sandy soils below the greenbelt. The Greenbelt Low Flow Infiltration system was designed to effectively divert dry-weather and wet-weather low flows from the storm drain system year round. The project construction was recently completed on February 19, 2013, within the 30 month period required as discussed in Section VI.C.4.b.iii of the MS4 Permit. Monitoring of project effectiveness is currently underway and a final report on this project will be available in advance of the EWMP submittal deadline.

#### Torrance Stormwater Basin Recharge and Enhancement Project

The Torrance Stormwater Basin Recharge and Enhancement Project will retrofit three existing detention basins serving 1,453 acres of drainage area in total within the City of Torrance. The project will utilize a number of BMPs in order to conserve water, recharge the aquifer, create critical habitat, and improve stormwater quality that discharges into the Santa Monica Bay, and eliminate non-stormwater discharges to the Dominguez Channel. Historically, the basins have provided temporary detention for stormwater



and urban runoff—during the winter period discharge from this system has been pumped to the Herondo Storm Drain which discharges to the Santa Monica Bay, while the summer period flows from the system have been pumped to a storm drain discharging to the Dominguez Channel. This Stormwater Basin Recharge and Enhancement project proposes significant advances over the current system by providing wetland treatment of stormwater and non-stormwater runoff at the detention basins, recharging vitally needed groundwater supplies, and sustaining wetland habitat during the dry season in the basins. The project will enable the elimination of discharges to Dominguez Channel and will reduce the winter wet weather discharge to the Santa Monica Bay from this system. The project budget is \$4.4 million and construction is scheduled for Summer 2013.

The scope of the project includes:

**Amie Basin [463 acre tributary area]:**

1. Construction of a 2-acre wetland for storm water treatment. Clearing and grubbing of non-native plants and re-planting with native and wetland-suitable plants and trees.
2. Installation of a one-horsepower, energy-efficient submersible sump pump and 500 linear feet of irrigation pipelines to circulate and oxidize the storm water, provide UV exposure to eliminate bacteria, and promote wetland growth.
3. Installation of trash screens on all catch basins in the watershed to trap and remove solid waste from flowing into the basins from the stormwater inlets.
4. Replacement of pumps and controls for the Amie Basin Pump Station.

**Henrietta Basin [594 acre tributary area]:**

1. The construction of a 1.5-acre wetland for storm water treatment. Clearing and grubbing of non-native plants and re-planting with native and wetland-suitable plants and trees.
2. Construction of a 1.5 acre infiltration area which will be located at the south end of the basin.
3. Installation of an energy-efficient, one-horsepower submersible sump pump and 500 linear feet of irrigation pipelines to circulate and oxidize the water, provide UV exposure to eliminate bacteria, and promote wetland growth.
4. Installation of trash screens on all catch basins in the watershed to trap and remove solid waste from flowing into the basin from the stormwater inlets.

**Entradero Basin [463 acre tributary area]:**

1. The construction of a 15,031-square-foot infiltration area.

2. Installation of trash screens on all catch basins in the watershed to trap and remove solid waste from flowing into the basin from the stormwater inlets.
3. Installation of the new biofiltration swale next to the dog training area to capture and treat runoff from this specific area of the public park site and pet waste stations at trail heads.
4. Installation of 1,800 linear feet of irrigation pipeline and fittings to provide recycled water irrigation to the ball fields and native landscaped areas.

#### Accelerated Implementation of Machado Lake Trash TMDL

The City of Torrance is conducting accelerated implementation of the Machado Lake Trash TMDL by installing 631 Automatic Retractable Screens and 2,000 'no parking' signs as well as a program of outreach and education. The screens will prevent trash from being carried into Machado Lake from urban runoff and storm drain flows, and the 'no parking' signs are to improve the effectiveness of street sweeping operations and the effectiveness of the Automatic Retractable Screens. The project will have multiple benefits because eliminating trash and plant debris from the storm drains will reduce the growth of bacteria and enhanced street sweeping will reduce sediment and nutrients bound in plant debris from being transported through the storm drains. The project is scheduled for construction in Fall of 2013 which is 2.5 years in advance of the March 2016 deadline for achieving zero trash discharge to Machado Lake.

#### 10. LID ordinance (Sections VI.C.4.b.iii.(6) and VI.C.4.c.iv. (1))

Table 5 summarizes the status of Low Impact Development (LID) ordinances by the various Beach Cities WMG agencies. As presented in Table 5, greater than 50% of the land area within the geographic scope of the EMWP is addressed by LID ordinances that are in draft.

Table 5. Summary of percent EWMP area addressed by LID ordinances

EWMP agency	% EWMP area	Status LID ordinance
City of Redondo Beach	19	Draft LID Ordinance
City of Manhattan Beach	12	Draft LID Ordinance
City of Hermosa Beach	4	Draft LID Ordinance
City of Torrance	65	Draft LID Ordinance
LACFCD	N/A	N/A
Total	100	

#### Status Descriptions:

- Draft Ordinance – Permittee has completed or will complete by June 28, 2013 the development of a draft LID Ordinance that is in compliance with the MS4 Permit for its portion in the watershed.

#### 11. Green street policies (Sections VI.C.4.b.iii.(6) and VI.C.4.c.iv. (2))

Table 6 summarizes the status of green street policies by the various Beach Cities WMG agencies. As presented in Table 6, greater than 50% of the land area within the geographic scope of the EMWP is addressed by green streets policies that are in place or in draft.

Table 6. Summary of percent EWMP area addressed by Green Street policies

EWMP agency	% EWMP area	Status Green Street Policies
City of Redondo Beach	19	Draft policy
City of Manhattan Beach	12	Draft policy
City of Hermosa Beach	4	In Place
City of Torrance	65	Draft policy
LACFCD	N/A	N/A
<b>Total</b>	<b>100</b>	

**Status Descriptions:**

- In Place – Permittee has an existing policy for its portion of the watershed.
- Draft Policy – Permittee has completed or will complete by June 28, 2013 the development of a draft Green Street Policy that is in compliance with the MS4 Permit for its portion in the watershed.

**Attachment 1. Beach Cities WMG EWMP Boundary and Watershed Delineation****Attachment 2. Draft Memorandum of Understanding****Attachment 3. Letters of Intent**

## ATTACHMENT 1



Agency	Acres	% Area
RB	3831.11	19%
HB	831.51	4.10%
MB	2428.44	12.10%
Torr	13059.33	64.80%
LACFCD	N/A	N/A

MANHATTAN BEACH

HERMOSA  
BEACH

REDONDO BEACH

TORRANCE



**Attachment 1**  
**Beach Cities WMG EWMP Boundary & Watershed Delineation**

-  WMG Beach Cities
-  WMG Dominguez Channel Watershed Area
-  WMG Santa Monica Bay Watershed Area





## ATTACHMENT 2

MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE CITY OF REDONDO BEACH, THE CITY OF HERMOSA BEACH, THE CITY OF  
MANHATTAN BEACH, THE CITY OF TORRANCE, AND THE LOS ANGELES COUNTY  
FLOOD CONTROL DISTRICT

REGARDING THE ADMINISTRATION AND COST SHARING FOR DEVELOPMENT OF THE  
ENHANCED WATERSHED MANAGEMENT PROGRAM AND THE COORDINATED  
INTEGRATED MONITORING PROGRAM FOR THE SANTA MONICA BAY WATERSHED  
AND THE DOMINGUEZ CHANNEL WATERSHED

This Memorandum of Understanding (MOU), is made and entered into as of the date of the last signature set forth below by and between the CITY OF REDONDO BEACH, a body corporate and politic, THE CITY OF HERMOSA BEACH, a body corporate and politic, THE CITY OF MANHATTAN BEACH, a body and politic, THE CITY OF TORRANCE, a municipal corporation, THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT (LACFCD), a political subdivision of the State of California. Collectively, these entities shall be known herein as "PARTIES" or individually as "PARTY."

WITNESSETH

WHEREAS, the Regional Water Quality Control Board, Los Angeles Region (Regional Board) adopted the National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Permit Order No. R4-2012-0175 Municipal Separate Storm Sewer System (MS4 Permit); and

WHEREAS, the MS4 Permit became effective on December 28, 2012 and requires that the LACFCD, LA COUNTY, and 84 of the 88 cities (excluding Avalon, Long Beach, Palmdale, and Lancaster) within the County of Los Angeles comply with the prescribed elements of the MS4 Permit; and

WHEREAS, the City of Redondo Beach, the City of Hermosa Beach, the City of Manhattan Beach, the City of Torrance, and the LACFCD hereto and made part of the MOU, have agreed to collaborate on the compliance of certain elements of the MS4 Permit; and

WHEREAS, the PARTIES collaboratively prepared a final Scope of Work and Request for Proposal to obtain a Consultant to assist the PARTIES with compliance with certain elements of the MS4 Permit; and

WHEREAS, the PARTIES propose for the Consultant to prepare and deliver a Final Work Plan, Draft Enhanced Watershed Management Program (EWMP) plan, Draft and Final Coordinated Integrated Monitoring Plan (CIMP), and the Final EWMP plan (All of the aforementioned are herein referred to as PLANS) in compliance with certain elements of the MS4 Permit, at a total cost of \$760,000; and

WHEREAS, the PARTIES have determined that hiring a Consultant to prepare and deliver the PLANS will be beneficial to the PARTIES and they desire to participate and will provide funding in accordance with the cost allocation on Exhibit A; and

WHEREAS, the CITY OF REDONDO BEACH will act on behalf of the PARTIES in the preparation of the PLANS; and

WHEREAS, the PARTIES agree that each shall assume full and independent responsibility for ensuring its own compliance with the MS4 Permit despite the collaborative approach of the MOU.

NOW, THEREFORE, in consideration of the mutual benefits to be derived by the PARTIES, and of the promises herein contained, it is hereby agreed as follows:

Section 1. Recitals: The recitals set forth above are fully incorporated as part of this MOU.

Section 2. Purpose: The purpose of this MOU is to cooperatively fund the preparation and submittal, to the Regional Board, of the PLANS.

Section 3. Cooperation: The PARTIES shall fully cooperate with one another to attain the purpose of this MOU.

Section 4. Voluntary: This MOU is a voluntary entered into for the purpose of preparing and submitting to the Regional Board the PLANS.

Section 5. Terms: This MOU shall become effective on the date of the final execution by the PARTIES or December 28, 2013, whichever comes first, and shall remain and continue to remain in effect until the Regional Board's final approval date of the last outstanding portion of the PLANS.

Section 6. Assessment for Proportional Cost for PLANS. The PARTIES agree to pay the City of Redondo Beach for preparation and delivery of the PLANS in the amounts shown in Table (1a), Table (1b) and Table (1c) of Exhibit A, based on the cost allocation formula shown in Table (2) of Exhibit A, attached hereto and made part of this MOU by this reference. The City of Redondo Beach will annually invoice the PARTIES upon execution of this MOU as shown in Table (3) of Exhibit A, based on the allocated cost for developing the Plan and the project administration and management costs at a percentage not to exceed 10% of the allocated costs for development of the Plan. At the end of each fiscal year, the City of Redondo Beach will provide the Agencies with a Statement with the actual expenditures. Unexpended cost at the termination of this MOU will be reimbursed to the PARTIES. All funding shall apply to the PLANS, and shall not be used for any activities not included in the PLANS. Any cost to be invoiced above this sum will require an amendment to this MOU. If for any reason certain aspects of the PLANS are not implemented, the cost sharing formula shall be proportionately adjusted to reduce the fund contribution of the Party or Parties that otherwise would have contributed an amount in connection with the work that would have been completed.

Section 7. City of Redondo Beach Agrees:

- a. To solicit proposals for, award and administer a Consultant contract for the preparation and delivery of the PLANS. The CITY OF REDONDO BEACH will be compensated for the administration and management of the Consultant contract as described in Exhibit A.
- b. To utilize the funds deposited by the PARTIES only for the administration of the Consultant contract, project management, and the preparation and completion of the PLANS.

- c. To provide the PARTIES with an electronic copy and one hard copy of the completed PLANS.
- d. To provide an accounting at the termination of the MOU or cancellation thereof and return the unused portion of all funds deposited with the CITY OF REDONDO BEACH using the cost allocated formulas used in Exhibit A.
- e. To notify the PARTIES if the actual cost of the preparation of the PLANS will exceed the cost estimates shown on Exhibit A and obtain approval of the increase from the PARTIES prior to executing extra work, or work associated with a changed Scope of Work. Upon approval of the cost increase by the PARTIES, the CITY OF REDONDO BEACH will invoice the PARTIES per cost allocation formulas on Exhibit A.

Section 8. THE PARTIES Further Agree:

- a. To make a full faith effort to cooperate with one another to achieve the purposes of this MOU by providing information about project opportunities, reviewing deliverables in a timely manner, informing administration and council.
- b. To fund the cost of the preparation and delivery of the PLANS and to pay the CITY OF REDONDO BEACH for the preparation and delivery of the PLANS based on the cost allocation shown on Exhibit A.
- c. To grant access rights and entry to the Consultant, on an as-needed basis during the terms of this MOU to the PARTY'S facilities (i.e., storm drains, channels, catch basins, properties, etc.) (FACILITIES) to achieve the purpose of this MOU. Prior to exercising said right of entry, the CITY OF REDONDO BEACH or their Consultant shall provide written notice to the PARTIES at least 72 hours in advance. For the purpose of this provision, written notice shall include notice delivered via e-mail that has been delivered to the PARTIES' representative identified in Exhibit B. The PARTIES are, and shall at all times remain as to each other, wholly independent entities.
- d. Any notices, bills invoices, or reports relating to this MOU, and any request, demand, statement, or other communication required or permitted hereunder shall be in writing and shall be delivered to the representatives of the PARTIES at the addresses set forth in Exhibit B attached hereto and incorporated herein by reference.
- e. This MOU shall be binding upon, and shall be to the benefit of the respective successors, heirs, and assigns of each PARTY; provided, however, no PARTY may assign its respective rights or obligations under this MOU without the prior written consent of the other PARTIES.
- f. This MOU is governed by, interpreted under, and construed and enforced in accordance with the laws of the State of California.
- g. In any portion of this MOU shall be determined by any court to be invalid, illegal, or unenforceable to any extent, the remainder of this MOU shall not be affected, and this MOU shall be construed as if the invalid, illegal, or unenforceable provision had never been contained in this MOU.
- h. All PARTIES have been represented by counsel in the preparation and negotiation of this MOU. Accordingly, this MOU shall be construed according to its fair language. Any ambiguities shall be resolved in a collaborative manner by the PARTIES and shall be rectified by amending this MOU as described in Section 3.
- i. Each of the persons signing below on behalf of a PARTY represents and warrants that he or she is authorized to sign this MOU on behalf of such PARTY.

- j. Each PARTY shall have no financial obligation to the other PARTIES of this MOU, except as herein expressly provided.

#### Section 9. Invoice and Payment

- a. Payment: The PARTIES shall reimburse the CITY OF REDONDO BEACH for their proportional share cost preparation and delivery of PLANS and project administration and management cost as shown in Table (1b) and Table (1c) of Exhibit A within thirty (30) days of the invoice from the CITY OF REDONDO BEACH.
- b. Invoice: The CITY OF REDONDO BEACH will invoice PARTIES as shown in Table (3) of Exhibit A.
- c. Late Payment Penalty: Any payment that is late shall be subject to interest on the original amount due from the date that the payment first became due. The interest rate shall be equal to the Prime Rate in effect when the payment first became due plus one percent for any payment that is made from 30 days after the due date. The Prime Rate in effect when the payment first became due plus five (5) percent shall apply for any payment that is made from 31 to 60 days after the due date. The Prime Rate in effect when the payment first became due plus ten (10) percent shall apply for any payment that is made more than 60 days after the due date. The rates shall, nevertheless, not exceed the maximum by law.

#### Section 10. Indemnification

To the fullest extent permitted by law, the CITY OF HERMOSA BEACH, the CITY OF MANHATTAN BEACH, the CITY OF TORRANCE, the LACFCD and the CITY OF REDONDO BEACH agree to save, indemnify, defend, and hold harmless each other from any and all liability, claims, suits, actions, arbitration proceedings, administrative proceedings, and regulatory proceedings, losses, expenses, or any injury or damage of any kind whatsoever, whether actual, alleged or threatened, attorney fees, court costs, and any other costs of any nature without restriction incurred in relation to, as a consequence of, or arising out of, the performance of this Agreement, and attributable to the fault of the other. Following a determination of the percentage of fault and or liability by MOU between the PARTIES or a court of competent jurisdiction, the PARTY responsible for liability to the other will indemnify the other PARTY to this MOU for the percentage of liability determined.

In light of the provisions of Section 895.2 of the Government Code of the State of California imposing certain tort liability jointly upon public entities solely by reason of such entities being parties to an agreement (as defined in Section 895 of said Code), each of the Parties hereto, pursuant to the authorization contained in Section 895.4 and 895.6 of said Code, shall assume the full liability imposed upon it or any of its officers, agents, or employees by law for injury caused by any act of omission occurring in the performance of this Agreement to the same extent that such liability would be imposed in the absence of Section 895.2 of said code. To achieve the above stated purpose, each of the PARTIES indemnifies, defends, and holds harmless each other PARTY for any liability, cost, or expense that may be imposed upon such other PARTY solely by virtue of said Section 895.2. The provisions of Section 2778 of the California Civil Code are made a part hereof as if incorporated herein.

#### Section 11. Termination or Amendment

- a. This MOU may be terminated by a PART(IES) pursuant to the mutual agreement of all PARTIES. If the MOU is terminated, all PARTIES must agree on the equitable



redistribution of remaining funds deposited, if there are any, or payment of invoices due at the time of termination. Completed work shall be owned by all PARTIES. Rights to uncompleted work by the Consultant still under contract will be held by the PARTY or PARTIES who fund the completion of such work.

- b. If a substantial change is made to the MS4 Permit with regards to compliance through EWMP or CIMP, this MOU may be amended through mutual agreement of all PARTIES, in the manner of original execution.
- c. If a PARTY fails to comply with any of the terms of conditions of this MOU that PARTY shall have rights to work completed through the MOU up to the time in which the PARTY'S non-compliance is known and forfeit its rights to work completed after the point of non-compliance.

## Section 12. General Provisions

- a. Notices. Any notices bills, invoices, or reports relating to this MOU, and any request, demand, statement or other communication required or permitted hereunder shall be in writing and shall be delivered to the Representative of the PARTY at the address set forth in Exhibit B. PARTIES shall promptly notify each other of any change of contact information, including personnel changes, provided in Exhibit B. Written notice shall include notice delivered via email or fax. A notice shall be deemed to have been received on (1) the date of delivery, if delivered by hand during regular business hours, or by confirmed facsimile or by email; or (2) on the third (3<sup>rd</sup>) business day following mailing by registered or certified mail (return receipt requested) to the addresses set forth in Exhibit B.
- b. Administration. For the purpose of this MOU, the PARTIES hereby designate as their respective Party Representatives the persons named in Exhibit B. The designated Party Representatives, or their respective designees, shall administer the terms and conditions of this MOU on behalf of their respective Party. Each of the persons signing below on behalf of a Party represents and warrants that they are authorized to sign this MOU on behalf of such Party.
- c. Relationship to PARTIES. The PARTIES are and shall remain at all times as to each other, wholly independent entities. No PARTY to this MOU shall have power to incur any debt, obligations, or liability on behalf of another PARTY unless expressly provided to the contrary by this MOU. No employee, agent, or officer of a PARTY shall be deemed for any purpose whatsoever to be an agent, employee or officer of another PARTY.
- d. Binding Effect. This MOU shall be binding upon and inure to the benefit of each PARTY to this MOU and their respective heirs, administrators, representatives, successors and assigns.
- e. Amendment. The terms and provisions of this MOU may not be amended, modified or waived, except by an instrument in writing signed by all the PARTIES.
- f. Waiver. Waiver by any PARTY to this MOU of any term, condition, or covenant of this MOU shall not constitute a waiver of any other term, condition, or covenant. Waiver by any PARTY to any breach of the provisions of this MOU shall not constitute a waiver of any other provision, nor a waiver of any subsequent breach or violation of any provision of this MOU.
- g. Law to Govern; Venue. This MOU shall be interpreted, construed and governed according to the laws of the State of California. In the event of litigation between the PARTIES, venue in the state trial courts shall lie exclusively in the County of Los Angeles.

- h. No Presumption in Drafting. The PARTIES to this MOU agree that the general rule that an MOU is to be interpreted against the PARTY drafting it, or causing it to be prepared shall not apply.
- i. Entire MOU. This MOU constitutes the entire MOU of the PARTIES with respect to the subject matter hereof and supersedes all prior contemporaneous agreements, whether written or oral, with respect hereto.
- j. Severability. If any term, provision, condition or covenant of this MOU is declared or determined by any court or competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions of this MOU shall be not be affected thereby and this MOU shall be read and constructed without the invalid, void, or unenforceable provision(s).
- k. Counterparts. This MOU may be executed in any number of counterparts, each of which shall be an original, but all of which taken together shall constitute but one and the same instrument, provided, however, that such counterparts shall have been delivered to all PARTIES to this MOU.
- l. All PARTIES have been represented by counsel in the preparation and negotiation of this MOU. Accordingly, this MOU shall be construed according to its fair language.

IN WITNESS WHEREOF, the PARTIES hereto have caused this MOU to be executed by their duly authorized representative and affixed as of the date of signature of the PARTIES:

**CITY OF REDONDO BEACH**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Steve Aspel, Mayor

ATTEST:

By: \_\_\_\_\_  
Elenore Manzano, City Clerk

APPROVED AS TO FORM

By: \_\_\_\_\_  
Mike Webb, City Attorney

**CITY OF HERMOSA BEACH**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Patrick Bobko, Mayor

ATTEST:

By: \_\_\_\_\_  
Elaine Doerfling, City Clerk

APPROVED AS TO FORM

By: \_\_\_\_\_  
Michael Jenkins, City Attorney

**CITY OF MANHATTAN BEACH**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
[INSERT NAME], Mayor

ATTEST:

By: \_\_\_\_\_  
[INSERT NAME], City Clerk

APPROVED AS TO FORM

By: \_\_\_\_\_  
[INSERT NAME], City Attorney



**CITY OF TORRANCE**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Frank Scotto, Mayor

ATTEST:

By: \_\_\_\_\_  
[INSERT NAME], City Clerk

APPROVED AS TO FORM

By: \_\_\_\_\_  
[INSERT NAME], City Attorney

LOS ANGELES COUNTY FLOOD CONTROL DISTRICT

By: \_\_\_\_\_  
Chief Engineer

APPROVED AS TO FORM:

By: \_\_\_\_\_  
John F. Krattli, County Counsel

By: \_\_\_\_\_  
Deputy

Date: \_\_\_\_\_

DRAFT

## EXHIBIT A

**BEACH CITIES  
EWMP/CIMP GROUP  
Funding Contributions**

**DRAFT****TABLE 1a. TOTAL COST**

Item		Total Cost
Contract Cost	(a)	\$760,000
RB Contract Management Fee (10%)	(b)	\$76,000
Sub-Total Cost	(a) + (b) = ( c )	<b>\$836,000</b>
LACFCD Allocation (10%) [1]	( c ) x 10% = (d)	\$83,600
<b>TOTAL COST TO BE DISTRIBUTED</b>	<b>( c ) - (d) = ( e )</b>	<b>\$752,400</b>
<b>Santa Monica Watershed [2]</b>		<b>\$376,200</b>
<b>Dominguez Channel Watershed [2]</b>		<b>\$376,200</b>

**Notes:**

[1] The Los Angeles County Flood Control District (LACFCD) has committed to contributing 10% of the Total Cost for their share in the development of the plans.

[2] Using tributary land areas, the two watersheds were estimated to have an even split.

**TABLE 1b. DISTRIBUTION OF TOTAL COST AMONG PARTICIPATING AGENCIES**

<b>Santa Monica Bay Watershed</b>				
Agency	Acres	Adjustment [3]	Percent of Area	Distributed Total Cost
City of Redondo Beach [3]	2,613.50	2,540.90	33%	\$124,146.00
City of Hermosa Beach	831.51	811.46	11%	\$41,382.00
City of Manhattan Beach [3]	2,078.37	2,040.02	26%	\$97,812.00
City of Torrance	2,313.76	2,313.76	30%	\$112,860.00
<b>TOTAL</b>	<b>7,837.14</b>	<b>7,706.14</b>	<b>100%</b>	<b>\$376,200.00</b>

**Notes:**

[3] Adjustments were made to Redondo Beach and Manhattan Beach to subtract the acreage of the Wylie Sump.

**TABLE 1c. DISTRIBUTION OF TOTAL COST AMONG PARTICIPATING AGENCIES**

<b>Dominguez Channel Watershed</b>				
Agency	Acres	Adjustment [4] [5]	Percent of Area	Distributed Total Cost
City of Redondo Beach	1,217.61	1,215.97	17%	\$63,954.00
City of Hermosa Beach	0.00	0.00	0%	\$0.00
City of Manhattan Beach	350.07	350.07	5%	\$18,433.80
City of Torrance	11,056.79	5,578.31	78%	\$293,812.20
<b>TOTAL</b>	<b>12,624.47</b>	<b>7,144.35</b>	<b>100%</b>	<b>\$376,200.00</b>

**Notes:**

[4] Adjustments were made to Redondo Beach and Torrance to subtract the acreage of Machado Lake.

[5] Adjustment was made to Torrance to subtract the acreage of the Ocean and Bishop Montgomery basins.

**TABLE 1d. DISTRIBUTION OF TOTAL COST AMONG PARTICIPATING AGENCIES**

<b>Combined Santa Monica Bay and Dominguez Channel Watershed</b>				
Agency	Acres	Adjusted Acres	Percent of Area	Distributed Total Cost
City of Redondo Beach	3,831.11	3,756.87	19%	\$188,100.00
City of Hermosa Beach	831.51	811.46	4%	\$41,382.00
City of Manhattan Beach	2,428.44	2,390.09	12%	\$116,245.80
City of Torrance	13,370.55	7,892.07	65%	\$406,672.20
LACFCD	N/A	N/A		\$83,600.00
<b>TOTAL</b>	<b>20,461.61</b>	<b>14,850.49</b>	<b>100%</b>	<b>\$836,000.00</b>

EXHIBIT A  
BEACH CITIES  
EWMP/CIMP GROUP  
Funding Contributions

DRAFT

Table 2. Cost Allocation Formula

$\text{AGENCY Cost} = \text{Total EWMP\&CIMP Cost} \times \text{Agency Percent of Area}$
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EXHIBIT A  
  
BEACH CITIES  
EWMP/CIMP GROUP  
Funding Contributions

DRAFT

Table 3. Invoice Schedule

Agency	Agency Cost	Deposit Schedule	
	Total Cost	Jan 1, 2014	Jan 1, 2015
City of Redondo Beach	188,100.00	94,050.00	\$94,050.00
City of Hermosa Beach	41,382.00	20,691.00	\$20,691.00
City of Manhattan Beach	116,245.80	58,122.90	\$58,122.90
City of Torrance	406,672.20	203,336.10	\$203,336.10
LACFCD	83,600.00	41,800.00	\$41,800.00
<b>TOTAL</b>	<b>836,000.00</b>	<b>418,000.00</b>	<b>\$418,000.00</b>



## EXHIBIT B

### BEACH CITIES WMG EWMP/CIMP GROUP Responsible Agencies Representative

1. City of Redondo Beach  
Department of Public Works, Engineering Division  
415 Diamond Street  
Redondo Beach, CA 90266

Elaine Jeng, P.E.  
E-mail: [elaine.jeng@redondo.org](mailto:elaine.jeng@redondo.org)  
Phone: (310) 318-0661 x2279  
Fax: (310) 374-4828

2. City of Hermosa Beach  
Department of Public Works  
1315 Valley Drive  
Hermosa Beach, CA 90254

Frank Senteno, P.E.  
E-mail: [fsenteno@hermosabch.org](mailto:fsenteno@hermosabch.org)  
Phone: (310) 318--0238  
Fax: (310) 937-5015

3. City of Manhattan Beach  
Department of Public Works  
1400 Highland Avenue  
Manhattan Beach, CA 90266

Raul Saenz  
E-mail: [rsaenz@citymb.info](mailto:rsaenz@citymb.info)  
Phone: (310) 802-5315  
Fax: (310) 802-5314

4. City of Torrance  
Department of Public Works  
20500 Madronna Avenue  
Torrance, CA 90503

John C. Dettle, P.E.  
E-mail: [jdettle@TorranceCA.gov](mailto:jdettle@TorranceCA.gov)  
Phone: (310) 618-3059  
Fax: (310) 781-6902

5. Los Angeles County Flood Control District  
Department of Public Works  
Watershed Management Division, 11<sup>th</sup> Floor  
900 South Fremont Avenue

Alhambra, CA 91803

Gary Hildebrand

E-mail: [ghildeb@dpw.lacounty.gov](mailto:ghildeb@dpw.lacounty.gov)

Phone: (626) 458-4300

Fax: (626) 457-1526

DRAFT

## ATTACHMENT 3



GAIL FARBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

June 24, 2013

IN REPLY PLEASE  
REFER TO FILE: WM-7

Mr. Samuel Unger, P.E., Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – LOS ANGELES COUNTY FLOOD CONTROL DISTRICT  
SANTA MONICA BAY WATERSHED JURISDICTIONAL GROUPS 5 AND 6 AND  
THE DOMINGUEZ CHANNEL WATERSHED WITHIN THE CITIES OF  
MANHATTAN BEACH, REDONDO BEACH, AND TORRANCE  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The Los Angeles County Flood Control District (LACFCD) submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) for Jurisdictional Groups 5 and 6 within the Santa Monica Bay Watershed and the Dominguez Channel Watershed within cities of Manhattan Beach, Redondo Beach, and Torrance, collectively the Beach Cities Watershed Management Group. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Beach Cities Watershed Management Group consists of the following agencies: City of Redondo Beach as the coordinating agency for EWMP and CIMP development, LACFCD, and cities of Hermosa Beach, Manhattan Beach, and Torrance. The Beach Cities Watershed Management Group has included a final draft Memorandum of Understanding as Attachment 2 of the Notice of Intent. The LACFCD intends to submit a final Memorandum of Understanding to the County of Los Angeles Board of Supervisors (which is the LACFCD's governing body) for approval prior to December 28, 2013.

Mr. Samuel Unger  
June 24, 2013  
Page 2

If you have any questions, please contact Ms. Terri Grant at (626) 458-4309 or [tgrant@dpw.lacounty.gov](mailto:tgrant@dpw.lacounty.gov).

Very truly yours,



*A/* GAIL FARBER

Chief Engineer of the Los Angeles County Flood Control District

RP:jht

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cc: City of Hermosa Beach  
City of Manhattan Beach  
City of Redondo Beach  
City of Torrance



**CITY OF HERMOSA BEACH**  
CALIFORNIA



June 28, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

**Letter of Intent to Develop an Enhanced Watershed Management Program and Coordinated Integrated Monitoring Program in Collaboration with the Beach Cities Watershed Management Group**

Dear Mr. Unger;

The City of Hermosa Beach, with this letter, commits to collaborate with the Beach Cities Watershed Management Group in the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program in accordance with the new MS4 Permit by Order No. R4-2012-0175 for submission to your Board. The Beach Cities Watershed Management Group includes: the City of Redondo Beach, the City of Manhattan Beach, the City of Hermosa Beach, the City of Torrance and the Los Angeles County Flood Control District. The CIMP will address all of the required monitoring elements in the MS4 Permit for each of the watersheds to which the City is tributary.

The City of Hermosa Beach further commits to cost share the development of both the Enhanced Watershed Management Program (EWMP) and the Coordinated Integrated Monitoring Program (CIMP). A draft memorandum of agreement has been negotiated among participating representatives of the Group. A final MOU will be presented to the City Council for approval and execution prior to the due date of December 28, 2013.

Should you have any questions, please contact me at (310) 318-0216 or [tbakaly@hermosabch.org](mailto:tbakaly@hermosabch.org).

Sincerely,

Tom Bakaly  
City Manager



## City of Manhattan Beach Management Services

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Phone: (310) 802-5050

FAX: (310) 802-5051

TDD: (310) 546-3501

June 25, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

### **Letter of Intent to Develop an Enhanced Watershed Management Program and Coordinated Integrated Monitoring Program in Collaboration with the Beach Cities Watershed Management Group**

Dear Mr. Unger;

The City of Manhattan Beach, with this letter, commits to collaborate with the Beach Cities Watershed Management Group in the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program in accordance with the new MS4 Permit by Order No. R4-2012-0175 for submission to your Board. The Beach Cities Watershed Management Group includes: the City of Redondo Beach, the City of Manhattan Beach, the City of Hermosa Beach, the City of Torrance and the Los Angeles County Flood Control District. The CIMP will address all of the required monitoring elements in the MS4 Permit for each of the watersheds to which the City is tributary.

The City of Manhattan Beach further commits to cost share the development of both the Enhanced Watershed Management Program (EWMP) and the Coordinated Integrated Monitoring Program. A cost sharing formula and draft memorandum of agreement has been negotiated among participating representatives of the Group as to the equitable distribution of costs and responsibilities.

Should you have any questions, please contact Raul Saenz at (310) 802-5315.

Sincerely,

David N. Carmany  
City Manager



Steve Aspel  
Mayor

415 Diamond Street, P.O. Box 270  
Redondo Beach, California 90277-0270  
[www.redondo.org](http://www.redondo.org)

tel 310 937-6619  
fax 310 379-9268

June 28, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

**Letter of Intent to Develop an Enhanced Watershed Management Program and  
Coordinated Integrated Monitoring Program in Collaboration with the Beach Cities  
Watershed Management Group**

Dear Mr. Unger;

The City of Redondo Beach, with this letter, commits to collaborate with the Beach Cities Watershed Management Group in the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program in accordance with the new MS4 Permit by Order No. R4-2012-0175 for submission to your Board. The Beach Cities Watershed Management Group includes: the City of Redondo Beach, the City of Manhattan Beach, the City of Hermosa Beach, the City of Torrance and the Los Angeles County Flood Control District. The CIMP will address all of the required monitoring elements in the MS4 Permit for each of the watersheds to which the City is tributary.

The City of Redondo Beach further commits to cost share the development of both the Enhanced Watershed Management Program (EWMP) and the Coordinated Integrated Monitoring Program. A cost sharing formula and draft memorandum of agreement has been negotiated among participating representatives of the Group as to the equitable distribution of costs and responsibilities.

Should you have any questions, please contact me via email at [steve.aspel@redondo.org](mailto:steve.aspel@redondo.org) or via telephone at (310) 372-1171, ext. 2260.

Sincerely,

Steve Aspel



FRANK SCOTTO  
MAYOR

## CITY OF TORRANCE

June 19, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

**SUBJECT: Letter of Intent to Develop an Enhanced Watershed Management Program and Coordinated Integrated Monitoring Program in Collaboration with the South Bay Cities Watershed Management Group**

Dear Mr. Unger:

The City of Torrance commits to collaborate with the South Bay Cities Watershed Management Group in the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Plan (CIMP) in accordance with the new MS4 Permit by Order No. R4-2012-0175. The South Bay Cities Watershed Management Group includes the following: the City of Redondo Beach, the City of Manhattan Beach, the City of Hermosa Beach, the City of Torrance and the Los Angeles County Flood Control District.

The City of Torrance further commits to sharing costs for the development of both the EWMP and the CIMP with the South Bay Cities Watershed Management Group. An equitable cost sharing formula has been agreed upon by all participating members of the Group.

Should you have any questions, please contact John Dettle, Engineering Manager of the City of Torrance Public Works Department, at (310) 618-3059.

Sincerely,

FRANK SCOTTO  
Mayor

/maw

cc: Torrance City Council Members  
LeRoy Jackson, City Manager  
Robert Beste, Public Works Director  
John Dettle, Engineering Manager



Transmittal



To: losangeles@waterboards.ca.gov

PUBLIC WORKS DEPARTMENT

Sam Unger, Executive Officer  
Regional Water Quality Control Board, Los Angeles Region  
320 4<sup>th</sup> Street Suite 200  
Los Angeles, California 90013

Attention: Rene Purdy

**SUBMITTAL OF THE NOTICE OF INTENT FOR DEVELOPMENT OF AN ENHANCED WATERSHED MANAGEMENT PROGRAM FOR THE PENINSULA WATERSHED EWMP AGENCIES.**

Attached:

Please find the attached Notice of Intent (NOI) to develop an Enhanced Watershed Management Program (EWMP) for the cities and agencies comprising the Palos Verdes Peninsula Watershed (Peninsula EWMP Agencies). This NOI is prepared on behalf of the Cities of Rancho Palos Verdes, Palos Verdes Estates, and Rolling Hills Estates, the County of Los Angeles, and the Los Angeles County Flood Control District. All agencies have approved this NOI for submission to the Regional Water Quality Control Board, Los Angeles Region. We look forward to working with your staff during the upcoming year in the development of the Enhanced Watershed Management Program.

Please contact me at AndyW@rpv.com or (310)-544-5249 if you have any questions.

Thank you

  
Andy Winje  
Program Chair

Attachment:

Cc:

Renee Purdy, California Regional Water Quality Control Board, Los Angeles Region  
Ivar Ridgeway, California Regional Water Quality Control Board, Los Angeles Region  
William Johnson, Los Angeles County Department of Public Works  
Andy Winje, City of Rancho Palos Verdes  
Allan Rigg, City of Palos Verdes Estates  
Greg Grammer, City of Rolling Hills Estates  
John Hunter, John L. Hunter and Associates  
Kathleen McGowan, Geosyntec



# Notice of Intent

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## Peninsula Enhanced Watershed Management Plan (EWMP)

City of Rancho Palos Verdes

City of Palos Verdes Estates

City of Rolling Hills Estates

County of Los Angeles

Los Angeles County Flood Control District

# Notice of Intent

## Peninsula

### Enhanced Watershed Management Program (EWMP)

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#### SECTION 1. PROGRAM TYPE AND PERMITTEES

The Cities of Rancho Palos Verdes, Palos Verdes Estates, Rolling Hills Estates, the County of Los Angeles, and the Los Angeles County Flood Control District (Peninsula EWMP Agencies) are parties to this Notice of Intent (NOI) and are hereby notifying the Los Angeles Regional Water Quality Control Board (Regional Water Board) of their intent to develop an Enhanced Watershed Management Plan (EWMP) for the Peninsula Watershed. This NOI is being submitted in accordance with Part VI.C.4.b.i of Order R4-2012-0175. In accordance with Order R4-2012-0175, the Peninsula EWMP Agencies meet the LID and Green Street conditions and will submit a Work Plan within 18 months of the effective date of the Order (June 28, 2014) and will submit the Draft EWMP within 30 months of the effective date of Order (June 28, 2015). See Table 1 for milestone dates associated with the proposed EWMP.

Table 1: Planning Dates: EWMP Initial Submittals, Revisions, and Approval Dates.

Permit Milestone	Milestone Date	Task
Effective Date of Order	December 28, 2012	-
60 Days from Effective Date	February 26, 2013	Initiate LID Ordinance and Green Streets Policy development
6 months from Effective Date	June 28, 2013	Complete draft of LID Ordinance and Green Streets Policy
18 months from Effective Date	June 28, 2014	Submit EWMP Work Plans
30 months from Effective Date	June 28, 2015	Submit Draft EWMPs
4 months from Draft EWMP	October 2015	Regional Water Board comments on EWMP
3 months from Regional Board Comments	January 2016	Submit Final EWMP
3 months from submission of Final EWMP	April 2016	Regional Board approval of EWMP Begin implementing EWMP

## SECTION 2. TOTAL MAXIMUM DAILY LOADS ESTABLISHED WATER QUALITY BASED EFFLUENT LIMITATIONS:

The Peninsula EWMP Agencies are responsible for eight TMDLs. Table 2 lists all applicable TMDLs. Table 3 lists all applicable interim and final trash Water Quality Based Effluent Limitations (WQBELs) and all other final WQBELs occurring prior to EWMP approval.

Table 2: List of TMDLs applicable to the Peninsula EWMP Agencies.

<b>TMDL</b>	<b>LARWQCB Resolution Number</b>	<b>Effective Date and/or Environmental Protection Agency (EPA) Approval Date</b>
<b>Santa Monica Bay Beaches Wet Weather Bacteria TMDL – Group 7</b>	2002-022 Amended by R12-007	July 15, 2003 R12-007 not yet effective
<b>Santa Monica Bay Beaches Dry Weather Bacteria TMDL – Group 7</b>	2002-004 Amended by R12-007	July 15, 2003 R12-007 not yet effective
<b>Santa Monica Bay Nearshore and Offshore Debris TMDL</b>	R10-010	March 20, 2012
<b>Machado Lake Trash TMDL</b>	2007-006	March 6, 2008
<b>Machado Lake Nutrient TMDL</b>	2008-006	March 11, 2009
<b>Machado Lake Pesticides and PCBs (Toxics) TMDL</b>	R10-008	March 20, 2012
<b>Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL</b>	R11-008	March 23, 2012
<b>Santa Monica Bay TMDL for DDTs and PCBs</b>	EPA Established	March 26, 2012

Table 3: Applicable Interim and Final Trash WQBELs and all other Final WQBELs and Receiving Water Limitations Occurring Before EWMP Approval (April 2016).

TMDL Order	WQBEL	Interim /Final	Compliance Date
Santa Monica Bay Beaches Dry Weather Bacteria TMDL – Group 7	Compliance with total allowable exceedance days for summer -weather	Final	July 15, 2006
	Compliance with total allowable exceedance days for winter dry-weather	Final	July 15, 2009
Santa Monica Bay Nearshore and Offshore Debris TMDL	Reduce baseline by 20%	Interim	March 20, 2016
Machado Lake Trash TMDL	Reduce baseline by 20%	Interim	March 6, 2012
	Reduce baseline by 40%	Interim	March 6, 2013
	Reduce baseline by 60%	Interim	March 6, 2014
	Reduce baseline by 80%	Interim	March 6, 2015
	Zero Trash	Final	March 6, 2016



### SECTION 3. IDENTIFY TMDL CONTROL MEASURES:

The Peninsula EWMP Agencies are responsible for three TMDLs that have interim (trash only) and final WQBELs that occur prior to the anticipated approval of the Program. Table 4 identifies the implementation plans along with the status of those plans. The Peninsula EWMP Agencies will continue their efforts to implement the actions of the TMDL Implementation Plans and develop additional plans.

Table 4: Implementation Plans for Peninsula Watershed TMDLs.

Implementation Plan	Plan status
Santa Monica Bay Beaches Wet Weather Bacteria TMDL Implementation Plan for JG7	Final plan submitted July 15, 2005
Santa Monica Bay Beaches Bacterial TMDLs Coordinated Shoreline Monitoring Plan	Final plan submitted April 7, 2004

In addition to the implementation plans described above, full capture trash systems will be installed to comply with the Machado Lake Trash TMDL and the Santa Monica Bay Nearshore and Offshore Debris TMDL. See Table 5 for the implementation schedule.

Table 5: Full Capture System Implementation Schedule.

TMDL	Implementation Plan and Control Measures	Status of Implementation
Machado Lake Trash TMDL	Install certified Full Capture Systems to reduce baseline by 60%	Completed
	Install certified Full Capture Systems to reduce baseline by 100%	Completion anticipated by June 2014
Santa Monica Bay Nearshore and Offshore Debris TMDL	Install certified Full Capture Systems to reduce baseline by 20%	Completion anticipated by March 2016

#### *Section 3.1 – Machado Lake Catch Basin Inserts*

All city-owned catch basins within the Machado Lake Watershed are planned to be retrofitted with Full Capture Systems to comply with the Machado Lake Trash TMDL. The cities of Rancho Palos Verdes, Palos Verdes Estates, and Rolling Hills Estates have proactively retrofitted approximately 60% of these catch basins within the Peninsula EWMP Agencies' jurisdiction. The remaining 40% of Machado Lake city-owned catch basins will be retrofitted within the 2013-2014 fiscal year using funding provided by the Proposition 84 Round 1 Grant "Machado Lake Trash TMDL" awarded to the city of Torrance.

#### *Section 3.2 – Santa Monica Bay Catch Basin Inserts*

The Santa Monica Bay Nearshore and Offshore Debris TMDL requires for the baseline load to be reduced by 20% by March 20, 2016. Each of the involved Peninsula EWMP Agencies plan to install certified Full Capture Systems to address drainage areas within the Santa Monica Bay Watershed to effectively reduce the baseline load by 20% within the required timeline.



#### SECTION 4. DEMONSTRATION OF MEETING LID ORDINANCE AND GREEN STREET POLICY REQUIREMENTS:

The Peninsula EWMP Agencies have LID ordinances and Green Streets policies in development. Table 6 summarizes the status of the Permittees' LID ordinances and Table 7 summarizes the status of the Peninsula EWMP Agencies' Green Streets policies. More than 50% of the MS4 watershed area that will be addressed by the EWMP is covered by LID ordinances and Green Streets policies.

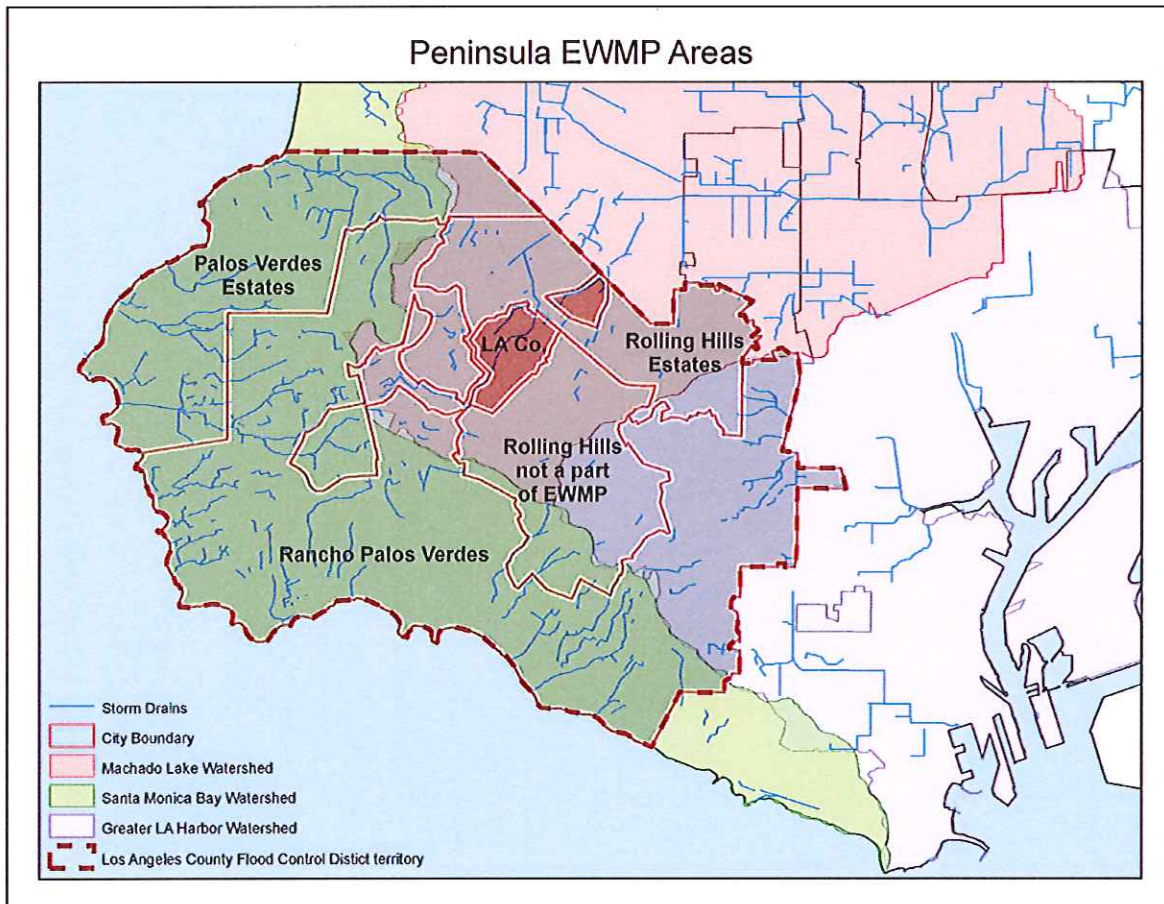
Table 6: Status of LID Ordinance Coverage of the Peninsula EWMP Agencies.

Permittee	LID Ordinance Status	MS4 Watershed Area for which Permittee is Responsible [square miles]	Percentage of Watershed Area
Rancho Palos Verdes	Draft Ordinance	13.5	60%
Palos Verdes Estates	Draft Ordinance	4.8	21%
Rolling Hills Estates	Draft Ordinance*	3.6	16%
County of Los Angeles	Draft Ordinance	0.7	3%
Los Angeles County Flood Control District	-	-	-
Total MS4 Watershed Area Covered by LID Ordinances		22.6	-
% of MS4 Watershed Area Covered by LID Ordinance)			100%
<p>* City of Rolling Hills Estates utilizes County of Los Angeles contract services and the County's draft LID Ordinance serves as the City's draft LID Ordinance.</p> <p><b>Status Descriptions:</b></p> <ul style="list-style-type: none"> <li>Draft Ordinance – Permittee has completed, or will complete by June 28, 2013, the development of a draft LID Ordinance that is in compliance with the requirements of Order R4-2012-0175 for its portion of the MS4 watershed.</li> </ul>			

Table 7: Status of Green Street Policy Coverage of the Peninsula EWMP Agencies.

Permittee	Green Street Policy Status	MS4 Watershed Area for which Permittee is Responsible [square miles]	Percentage of Watershed Area
Rancho Palos Verdes	Draft Policy	13.5	60%
Palos Verdes Estates	Draft Policy	4.8	21%
Rolling Hills Estates	Draft Policy	3.6	16%
County of Los Angeles	Draft Policy	0.7	3%
Los Angeles County Flood Control District	-	-	-
Total MS4 Watershed Area Covered by LID Ordinances		22.6	-
% of MS4 Watershed Area Covered by LID Ordinance)			100%
<p><u>Status Descriptions:</u></p> <ul style="list-style-type: none"> <li>Draft Policy – Permittee has completed, or will complete by June 28, 2013, the development of a draft Green Street Policy that is in compliance with the requirements of Order R4-2012-0175 for its portion of the MS4 watershed.</li> </ul>			

## SECTION 5. GEOGRAPHIC SCOPE OF ENHANCED WATERSHED MANAGEMENT PROGRAM:



**Figure 1: Watershed and Permittee Area Representation.**

The geographic scope of the Peninsula EWMP comprises the incorporated Cities of Rancho Palos Verdes, Palos Verdes Estates and Rolling Hills Estates and unincorporated areas of the County of Los Angeles. The Palos Verdes Peninsula is situated in the southwestern portion of Los Angeles County atop the Palos Verdes Hills, which are bounded to the north by Torrance, to the east by the City of Los Angeles, and to the south and west by the Pacific Ocean. The Palos Verdes Peninsula is distinct in topography and land usage when compared with much more densely developed, low-lying neighboring areas. The major land use designation on the Peninsula is residential with significant portions of open space and soft bottom canyons.

A drainage divide dissects the Peninsula from the northeast to the southwest with the westerly portion draining into the Santa Monica Bay and the easterly portion draining to two sub-watersheds within the Dominguez Channel Watershed; the Machado Lake and the Greater LA Harbor sub-watersheds. Drainage from the Peninsula Cities is conveyed via the natural soft bottom canyon systems in conjunction with structured storm drain systems. These systems are intertwined and cross-connected warranting a Peninsula-wide coordinated approach to monitoring and implementation efforts.

The City of Rolling Hills is not currently intending to participate in the EWMP, but will be participating in the Coordinated Integrated Monitoring Program (CIMP) along with the members of the Peninsula EWMP.



Due to the City's unique character and topographic features, the City is developed with single family residences on large estate like lots where low impact development measures are regularly implemented. Therefore, the City has determined that there is no reasonable opportunity for regional or distributed BMPs within the City other than LID implemented on private property; therefore, the City of Rolling Hills has determined to implement the minimum control measures and utilize source control and institutional controls to meet the Permit requirements.

Figure 1 provides a map of the watershed boundaries and notes the jurisdictional boundaries of the Permittees. Although the Peninsula EWMP does not include all jurisdictions within the Palos Verdes Peninsula, all drainage infrastructure operated and maintained by the Los Angeles County Flood Control District within the boundaries shown in Figure 1 will be covered under the EWMP.

Permittees do not have jurisdiction over lands owned by school districts, the State of California, or the Federal government. The Peninsula EWMP area identified by watershed and Permittee is provided in Table 8.

**Table 8: Santa Monica Bay Watershed Land Area by Peninsula EWMP Agency.**

<b>Permittee</b>	<b>Land Area within Santa Monica Bay Watershed (Square Miles)</b>	<b>Land Area within Machado Lake Watershed (Square Miles)</b>	<b>Land Area within Greater LA Harbor Watershed (Square Miles)</b>	<b>Total EWMP Area</b>
Rancho Palos Verdes	9.35	1.07	3.02	13.5
Palos Verdes Estates	4.35	0.39	0	4.8
Rolling Hills Estates	0.46	2.78	0.34	3.6
County of Los Angeles	0	0.70	0	0.7
Los Angeles County Flood Control District	N/A	N/A	N/A	0
<b>Total</b>	<b>14.2</b>	<b>4.9</b>	<b>3.4</b>	<b>22.6</b>

## SECTION 6. PLAN CONCEPT AND INTERIM MILESTONES AND DEADLINES:

The Peninsula EWMP Agencies have collectively developed Implementation and Monitoring Plans with strategies to comply with the area's TMDLs. The Peninsula EWMP Agencies will continue to apply strategies set forth by the developed plans as well as build upon the current plans. In addition, the Peninsula EWMP Agencies will re-evaluate the proposed watershed control measures, identify additional regional projects to maximize opportunities for retaining all non-stormwater runoff and stormwater from the 85th percentile, 24-hour storm event, and identify additional watershed control measures for those areas in the watershed that cannot be addressed by a regional project.

The Peninsula EWMP Agencies are comprised mostly of residential land use areas with a geographical setting of multiple hills. The hills in this area pose the greatest challenge in finding an area to implement a regional project, however they also allow for a greater opportunity in a project being fed by gravity rather than pumping water to an infiltration project. For example, the Chandler Quarry pit collects flows from a 707 acre tributary area and has the capacity to retain and infiltrate up to the 50-year storm before discharging to the nearby Project 77 storm drain. This benefit allows for a less expensive, more sustainable regional project.

Table 9 lists interim milestones and deadlines for the Peninsula EWMP.

**Table 9: Enhanced Watershed Management Program Interim Milestones and Deadlines.**

<b>Milestone</b>	<b>Deadline</b>
Complete draft CIMP	December 2013
Complete internal draft of EWMP Work Plan	March 2014
Compile technical memorandum of water quality priorities	March 2014
Submit final EWMP Work Plan	June 2014
Develop interim numeric milestones for EPA developed TMDLs	August 2014
Conduct initial RAA based on selected watershed control measures	December 2015
Complete internal draft of EWMP	May 2015
Submit draft EWMP to Regional Water Board	June 2015
Submit Final EWMP to Regional Water Board (revised based on Regional Water Board comments)	January 2016

## SECTION 7. COST ESTIMATE:

It is estimated that the cost for the Peninsula Watershed EWMP development is \$600,000. In addition, the Peninsula EWMP Agencies will contribute approximately \$18,000 in contract administration costs and thousands of dollars to in-kind services. The additional cost beyond the consultant contractual amount to prepare the EWMP has not been evaluated as it may vary for each participating agency.

## SECTION 8. PERMITTEE MEMORANDA OF UNDERSTANDING:

A copy of the final draft Memoranda of Understanding (MOU) between the Cities of Rancho Palos Verdes, Palos Verdes Estates, Rolling Hills Estates, the County of Los Angeles, and the Los Angeles County Flood Control District is included in Attachment A. All agencies have committed to participation in the EWMP through signed letters of intent located in Attachment B. The agreement will be executed before December 28, 2013.



## SECTION 9. COMMITMENT TO IMPLEMENT A STRUCTURAL BMP OR SUITE OF BMPS:

The Permittees listed in Table 10 will implement the identified structural BMP or suite of BMPs to fulfill the obligations under Part VI.C.b.iii.

Table 10: Structural BMPs to be Implemented in the Peninsula EWMP Watersheds.

Watershed	Structural BMP or Suite of BMPs to be Implemented	Planned Implementation Date
Dominguez Channel Watershed	Model Equestrian Center	Completion anticipated by June 2015
Santa Monica Bay Watershed	San Ramon Canyon Stormwater Flood Reduction Project	Completion anticipated by June 2015

### *Section 9.1 – Model Equestrian Center*

The Model Equestrian Center project will use the existing municipal Peter Weber Equestrian Center, a seven and one-half (7.5) acre facility that houses 116 horses, to create a public demonstration site for environmentally sustainable horse-keeping practices while improving the quality of stormwater and other runoff. This project will be divided into two parts.

Part A of this project will involve retrofits of existing facilities. The existing equestrian facilities will be retrofitted to improve drainage and stormwater runoff quality. These retrofits will include downspout redirection, drainage correction from existing horse stalls, bioswale or similar water quality treatment system installation, cover for daily manure storage, and drainage improvements to existing arenas and the overall site. Water quality will be improved by providing a permanent cover for daily manure storage, directing runoff away from areas where horses are kept, and bioswales will provide stormwater treatment by filtering large particles in the swale and removing smaller particles and associated contaminants through the bioretention portion provided by the vegetation.

Part B of this project involves new construction. A new 15,000 square-foot barn and associated improvements will be constructed on the 2.5 acre northwest portion of the site. Key water quality features will include a covered horse wash area with wash water captured and reused for subsurface irrigation to maintain appearance of habitat buffers and treatment bioswales, manure management to control vectors, odors and runoff, and a cistern or rain barrels to collect rainfall from the barn roof for use in irrigation. In addition, the facility will utilize Low Impact Development (LID) and green building techniques, integrated pest management through structural design, and equine-safe native and drought-proof plant buffers.

Both parts of the project, the new facility and the retrofit, will be designed to demonstrate BMPs that can be easily replicated at private stables. Interpretive signage will demonstrate and educate the equestrian community on how the BMPs protect and improve stormwater quality. This signage will be installed to educate horse boarders and visitors on the specific BMPs integrated into the facilities and on the site.

### *Section 9.2 – San Ramon Canyon Stormwater Flood Reduction Project*

The San Ramon Canyon is located in the southeastern corner of the city of Rancho Palos Verdes. The canyon provides a natural drainage course for areas near Palos Verdes Drive East. Due to the geographical characteristics of the canyon, landslide induced rock and soil deposits in the canyon bottom are transported during heavy rainfall events. This creates flooding of the roadway, overwhelming existing drainage facilities, endangering nearby roadway integrity and threatening downstream residents. The San

Ramon Canyon Stormwater Flood Reduction Project, estimated to cost approximately twenty million dollars (\$20,000,000), involves significant drainage restoration work to stabilize Palos Verdes Drive East and Palos Verdes Drive South.

According to the Project Study Report for the San Ramon Canyon project, the canyon is capable of producing over 5,400 cubic yards of debris and sediment. The effects of sediment in stormwater runoff on receiving water quality are both environmentally and economically costly. Sediment laden runoff can adversely affect water quality physically, chemically, and biologically. The sediment that is transported by stormwater runoff can carry organic matter, animal wastes, heavy metals, nutrients and pesticides. All of these pollutants bind to sediment particles and can pose significant threats to the quality of downstream waters. Substantial impacts from heavy sediment loading can range from direct effects on aquatic ecosystems such as increased turbidity and algal blooms, to indirect threats to human health from toxic materials accumulating in fish tissue. The myriad of effects on water quality from sediment-laden runoff can introduce aquatic biota and public health concerns resulting in substantial impacts for municipalities. The San Ramon Canyon Stormwater Flood Reduction Project will help alleviate environmental consequences by reducing the amount of sediment and associated pollutants to the Santa Monica Bay and Pacific Ocean. The San Ramon Canyon Stormwater Flood Reduction Project is anticipated to be completed by June 2015.

## **Attachment A**

### **Memoranda of Understanding (MOU)**

MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE CITY OF RANCHO PALOS VERDES, THE CITY OF PALOS VERDES ESTATES,  
THE CITY OF ROLLING HILLS ESTATES, THE LOS ANGELES COUNTY FLOOD  
CONTROL DISTRICT, AND THE COUNTY OF LOS ANGELES  
REGARDING THE ADMINISTRATION AND COST SHARING FOR DEVELOPMENT  
OF THE ENHANCED WATERSHED MANAGEMENT PROGRAM FOR THE  
PENINSULA EWMP AGENCIES

This Memorandum of Understanding (MOU), is made and entered into as of the date of the last signature set forth below by and between THE CITY OF RANCHO PALOS VERDES, a body corporate and politic, THE CITY OF PALOS VERDES ESTATES, a body corporate and politic, and THE CITY OF ROLLING HILLS ESTATES, a body corporate and politic, a body corporate and politic, LOS ANGELES COUNTY FLOOD CONTROL DISTRICT (LACFCD), a political subdivision of the State of California, and THE COUNTY OF LOS ANGELES (LA County), a political subdivision of the State of California. Collectively, these entities shall be known herein as "PARTIES" or individually as "PARTY."

WITNESSETH

WHEREAS, the Regional Water Quality Control Board, Los Angeles Region (Regional Board) adopted the National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Permit Order No. R4-2012-0175 (MS4 Permit); and

WHEREAS, the MS4 Permit became effective on December 28, 2012 and requires that the LACFCD, LA COUNTY, and 84 of the 88 cities (excluding Avalon, Lancaster, Long Beach, and Palmdale) within the County of Los Angeles comply with the prescribed elements of the MS4 Permit; and

WHEREAS, the PARTIES, have agreed to collaborate on the compliance of certain elements of the MS4 Permit; and

WHEREAS, the PARTIES collaboratively prepared a final Scope of Work as shown in Exhibit D and Request for Proposal to obtain a Consultant to assist the PARTIES with compliance with certain elements of the MS4 Permit; and

WHEREAS, the PARTIES propose for the Consultant to prepare and deliver a Final Work Plan, Draft and Final Enhanced Watershed Management Program (EWMP) in compliance with certain elements of the MS4 Permit, at a total cost of approximately six hundred thousand dollars (\$600,000) as shown in Table 1 of Exhibit A; and

WHEREAS, the PARTIES have determined that hiring a Consultant to prepare and deliver the EWMP will be beneficial to the PARTIES and they desire to participate and will provide funding in accordance with the cost allocation in Table 3 of Exhibit A; and

WHEREAS, the CITY OF RANCHO PALOS VERDES will act on behalf of the PARTIES in the administration of the consultant service agreement for the preparation of the EWMP; and

WHEREAS, the PARTIES have agreed to establish a EWMP working group (comprised of designated staff from each PARTY) to provide technical oversight and project management for the development of the PLANS, and

WHEREAS, the PARTIES agree that each shall assume full and independent responsibility for ensuring its own compliance with the MS4 Permit despite the collaborative approach of the MOU.

NOW, THEREFORE, in consideration of the mutual benefits to be derived by the PARTIES, and of the promises contained in this MOU, it is hereby agreed as follows:

Section 1. Recitals: The recitals set forth above are fully incorporated as part of this MOU.

Section 2. Purpose: The purpose of this MOU is to cooperatively fund the preparation and submittal, to the Regional Board, of the EWMP.

Section 3. Cooperation: The PARTIES shall fully cooperate with one another to attain the purpose of this MOU.

Section 4. Voluntary: this MOU is voluntarily entered into for the purpose of preparing and submitting to the Regional Board the EWMP.

Section 5. Terms: This MOU shall become effective on the latest date of execution by a PARTY or December 28, 2013 and shall remain in effect until the Regional Board's final approval date of the last outstanding portion of the EWMP, or until the CITY OF RANCHO PALOS VERDES has provided written notice of completion of the scope of work described hereto, and payment by all PARTIES of their allocated pro-rata share hereunder.

Section 6. Assessment for Proportional Cost for EWMP: The PARTIES agree to pay the CITY OF RANCHO PALOS VERDES for preparation and delivery of the EWMP in the amounts shown in Table 3 of Exhibit A, based on the cost allocation formula shown in Table 2 of Exhibit A, attached hereto and made part of this MOU by this reference. The CITY OF RANCHO PALOS VERDES will invoice the PARTIES upon execution of this MOU as shown in Table 4 of Exhibit A, based on the allocated costs for developing the



Plan and the project administration and management costs at a percentage of 3% of the allocated costs for development of the Plan. At the end of each fiscal year, the CITY OF RANCHO PALOS VERDES will provide the Agencies with a statement with the actual contracted expenditures. Unexpended cost at the termination of this MOU will be reimbursed to the PARTIES.

Section 7. CITY OF RANCHO PALOS VERDES Agrees:

- a. To utilize the funds deposited by the PARTIES only for the administration of the Consultant contract, project management, and the preparation and completion of the EWMP.
- b. To provide the PARTIES with an electronic copy of the draft and final EWMP as submitted to the Regional Board within 5 business days of receipt from the Consultant.
- c. To provide an accounting at the termination of the MOU or cancellation thereof and return the unused portion of all funds deposited with the CITY OF RANCHO PALOS VERDES using the cost allocation formula in Table 2 of Exhibit A.
- d. To notify the PARTIES if the actual cost of the preparation of the EWMP will exceed the cost estimates shown in Exhibit A and obtain approval of the increase from the PARTIES. Upon approval of the cost increase by the PARTIES, the CITY OF RANCHO PALOS VERDES will invoice the PARTIES per the cost allocation formula in Table 2 of Exhibit A. The PARTIES shall have 30 days from receipt of the invoice to provide the payment to RANCHO PALOS VERDES.

Section 8. THE PARTIES Further Agree:

- a. To make a full faith effort to cooperate with one another to achieve the purposes of this MOU by providing information about project opportunities, reviewing deliverables in a timely manner, and informing their respective administration, agency heads, and/or governing body.
- b. To fund the cost of the preparation and delivery of the EWMP and to pay the CITY OF RANCHO PALOS VERDES for the preparation and delivery of the EWMP based on the cost allocation shown in Table 2 of Exhibit A within 60 days of receiving an invoice.
- c. To grant reasonable access rights and entry to the Consultant, on an as-needed basis during the terms of this MOU to the PARTY'S facilities (i.e. storm drains, channels, catch basins, properties, etc.) (FACILITIES) to

achieve the purposes of this MOU, provided, however that prior to entering any PARTY'S facilities, the CITY OF RANCHO PALOS VERDES or their Consultant shall provide written notice to the PARTIES at least 72 hours in advance. For the purposes of this provision, written notice shall include notice delivered via e-mail that has been delivered to the PARTIES' representative identified on Exhibit B. The CITY OF RANCHO PALOS VERDES shall require the consultant retained pursuant to this MOU to agree to indemnify, defend and hold harmless each PARTY, its special districts, their elected and appointed officers, employees, and agents, from and against any and all liability, including but not limited to demands, claims, actions, fees, costs, and expenses (including attorney and expert fees), arising from or connected with the Consultant's performance of its agreement with the CITY OF RANCHO PALOS VERDES. In addition, the CITY OF RANCHO PALOS VERDES shall require the Consultant to carry, maintain, and keep in full force and effect an insurance policy or policies, and each PARTY, its officers, employees, attorneys, and designated volunteers shall be named as additional insureds on the policy(ies) with respect to liabilities arising out of the Consultant's work. These requirements will also apply to any subcontractors hired by the Consultant. This indemnification is in addition to the other indemnities made herein.

- d. The PARTIES are, and shall at all times remain as to each other, wholly independent entities.
- e. Any notices, bills, invoices, or reports relating to this MOU, and any request, demand, statement, or other communication required or permitted hereunder shall be in writing and shall be delivered to the representatives of the PARTIES at the addresses set forth in Exhibit B attached hereto and incorporated herein by reference,
- f. This MOU shall be binding upon, and shall be to the benefit of the respective successors, heirs, and assigns of each PARTY; provided, however, neither PARTY may assign its respective rights or obligations under this MOU without the prior written consent of the other PARTIES.
- g. This MOU is governed by, interpreted under, and construed and enforced in accordance with the laws of the State of California.
- h. If any provision of this MOU shall be determined by any court to be invalid, illegal, or unenforceable to any extent, the remainder of this Agreement shall not be affected, and this MOU shall be construed as if the invalid, illegal, or unenforceable provision had never been contained in this MOU.
- i. All PARTIES have been represented by counsel in the preparation and negotiation of this MOU. Accordingly, this Agreement shall be construed

according to its fair language. Any ambiguities shall be resolved in a collaborative manner by the PARTIES and shall be rectified by amending this MOU as specified in section 12(e).

- j. Each of the persons signing below on behalf of a PARTY represents and warrants that he or she is authorized to sign this MOU on behalf of such PARTY.
- k. Each PARTY shall have no financial obligation to the other PARTIES of this MOU, except as herein expressly provided.

#### Section 9. Invoice and Payment

- a. Payment: The PARTIES shall reimburse the CITY OF RANCHO PALOS VERDES for their proportional share cost for preparation and delivery of EWMP and project administration and management cost as shown in Table 4 of Exhibit A within thirty (30) days of the invoice from the CITY OF RANCHO PALOS VERDES.

Invoice: The CITY OF RANCHO PALOS VERDES will invoice PARTIES as shown in Table 4 of Exhibit A.

- b. Late Payment Penalty: Any payment that is late shall be subject to interest on the original amount due from the date that the payment first became due. The interest rate shall be equal to the Prime Rate in effect when the payment first became due plus one percent for any payment that is made from 1 to 30 days after the due date. The Prime Rate in effect when the payment first became due plus five (5) percent shall apply for any payment that is made from 31 to 60 days after the due date. The Prime Rate in effect when the payment first became due plus ten (10) percent shall apply for any payment that is made more than 60 days after the due date. The rates shall, nevertheless, not exceed the maximum allowed by law. If the PARTY or PARTIES remain delinquent after the above procedures, then the CITY OF RANCHO PALOS VERDES may notify the Regional Board that the delinquent PARTY OR PARTIES are no longer a participating member of the PLANS, and said PARTY or PARTIES shall then be deemed to have terminated its participation as a PARTY to this MOU ("EXCLUDED PARTY") and their name(s) may be removed from the PLANS. Any EXCLUDED PARTY'S delinquent amount(s) will be paid in accordance with the remaining PARTIES pro-rata share pursuant to Table 3 of Exhibit A, as adjusted to remove the EXCLUDED PARTY from the allocation. The CITY OF RANCHO PALOS VERDES will revise Table 3 of Exhibit A to show the recalculated costs for each remaining participating PARTY; these revised exhibits will be included with the next invoice to the PARTIES. The PARTIES shall retain all contractual, legal, and equitable rights and causes of action to recover any delinquent amounts paid

that were owed by an EXCLUDED PARTY or PARTIES who failed to make such payments.

#### Section 10: Indemnification

- a. To the fullest extent permitted by law, each PARTY shall indemnify, defend, and hold harmless each other PARTY, including its special districts, elected and appointed officers, employees, agents, attorneys, and designated volunteers from and against any and all liability, including, but not limited to demands, claims, actions, fees, costs, and expenses (including reasonable attorney's and expert witness fees), arising from or connected with the respective acts of each PARTY arising from or related to this MOU; provided, however, that no PARTY shall indemnify another PARTY for that PARTY'S own negligence or willful misconduct.
- b. In light of the provisions of Section 895.2 of the Government Code of the State of California imposing certain tort liability jointly upon public entities solely by reason of such entities being parties to an agreement (as defined in Section 895 of said Code), each of the PARTIES hereto, pursuant to the authorization contained in Section 895.4 and 895.6 of said Code, shall assume the full liability imposed upon it or any of its officers, agents, or employees, by law for injury caused by any act or omission occurring in the performance of this MOU to the same extent such liability would be imposed in the absence of Section 895.2 of said Code. To achieve the above stated purpose, each PARTY indemnifies, defends, and holds harmless each other PARTY for any liability, cost, or expense that may be imposed upon such other PARTY solely by virtue of said Section 895.2. The provisions of Section 2778 of the California Civil Code are made a part hereof as if incorporated herein.

#### Section 11. Termination or Amendment

- a. A PARTY may withdraw from this MOU upon 60 days written notice to the other parties, subject to payment of any invoice received from CITY OF RANCHO PALOS VERDES prior to or during the 60-day notice period for its share of the cost of the work completed as of the date of its notice of withdrawal, calculated in accordance with the cost-sharing percentages set forth in Table 3 of Exhibit A. The effective withdrawal date shall be the sixtieth (60th) day after CITY OF RANCHO PALOS VERDES receives the withdrawing PARTY's notice to withdraw from this MOU. CITY OF RANCHO PALOS VERDES shall refund to the withdrawing PARTY any uncommitted and unused funds paid by the withdrawing PARTY's effective withdrawal date. All PARTIES understand, acknowledge, and agree that withdrawal from this MOU will terminate any responsibility, liability, or obligation of the

withdrawing PARTY under this MOU commencing on the effective withdrawal date and that the withdrawing PARTY shall remain liable for its share of any loss, debt or liability incurred prior to the withdrawal date, and for any work which could not be suspended. Withdrawal from this MOU does not release any PARTY from the obligations set forth in MS4 Permit.

- b. If a substantial change is made to the MS4 PERMIT with regards to compliance through EWMP or other circumstances necessitate an amendment, this MOU may be amended through mutual agreement of all PARTIES specified in section 12(e).
- c. If a PARTY fails to substantially comply with any of the terms or conditions of this MOU, that PARTY shall forfeit its rights to work completed through this MOU, but no such forfeiture shall occur unless and until the defaulting PARTY has first been given notice of its default and a reasonable opportunity to cure the alleged default.

## Section 12. General Provisions

- a. Notices. Any notices, bills, invoices, or reports relating to this MOU, and any request, demand, statement or other communication required or permitted hereunder shall be in writing and shall be delivered to the Representative of the Party at the address set forth in Exhibit B. Parties shall promptly notify each other of any change of contact information, including personnel changes, provided in Exhibit B. Written notice shall include notice delivered via email or fax. A notice shall be deemed to have been received on (a) the date of delivery, if delivered by hand during regular business hours, or by confirmed facsimile or by email; or (b) on the third (3) business day following mailing by registered or certified mail (return receipt requested) to the addresses set forth in Exhibit B.
- b. Administration. For the purpose of this MOU, the parties hereby designate as their respective Party Representatives the persons named in Exhibit B. The designated Party Representatives, or their respective designees, shall administer the terms and conditions of this MOU on behalf of their respective Party. Each of the persons signing below on behalf of a Party represents and warrants that they are authorized to sign this MOU on behalf of such Party.
- c. Relationship of Parties. The Parties are and shall remain at all times as to each other, wholly independent entities. No Party to this MOU shall have power to incur any debt, obligation, or liability on behalf of another Party unless expressly provided to the contrary by this MOU. No employee, agent, or officer of a Party shall be deemed for any purpose whatsoever to be an agent, employee or officer of another Party.



- d. Binding Effect. This MOU shall be binding upon and inure to the benefit of each Party to this MOU and their respective heirs, administrators, representatives, successors and assigns.
- e. Amendment. The terms and provisions of this MOU may not be amended, modified or waived, except by an instrument in writing signed by all the Parties.
- f. Waiver. Waiver by any Party to this MOU of any term, condition, or covenant of this MOU shall not constitute a waiver of any other term, condition, or covenant. Waiver by any Party to any breach of the provisions of this MOU shall not constitute a waiver of any other provision, nor a waiver of any subsequent breach or violation of any provision of this MOU.
- g. Law to Govern; Venue. This MOU shall be interpreted, construed and governed according to the laws of the State of California. In the event of litigation between the Parties, venue in the state trial courts shall lie exclusively in the County of Los Angeles.
- h. No Presumption in Drafting. The Parties to this MOU agree that the general rule that an MOU is to be interpreted against the Party drafting it, or causing it to be prepared shall not apply.
- i. Entire MOU. This MOU constitutes the entire agreement of the Parties with respect to the subject matter hereof and supersedes all prior or contemporaneous agreements, whether written or oral, with respect thereto.
- j. Severability. If any term, provision, condition or covenant of this MOU is declared or determined by any court or competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions of this Agreement shall not be affected thereby and this MOU shall be read and constructed without the invalid, void, or unenforceable provision(s).
- k. Counterparts. This MOU may be executed in any number of counterparts, each of which shall be an original, but all of which taken together shall constitute but one and the same instrument, provided, however, that such counterparts shall have been delivered to all Parties to this MOU.
- l. All Parties have been represented by counsel in the preparation and negotiation of this MOU. Accordingly, this MOU shall be construed according to its fair language.

IN WITNESS WHEREOF, the PARTIES hereto have caused this MOU to be executed by their duly authorized representatives and affixed as of the date of signature of the PARTIES:

**CITY OF RANCHO PALOS VERDES**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Carolyn Lehr  
City Manager

ATTEST:

By: \_\_\_\_\_  
Carla Morreale  
City Clerk

APPROVED AS TO FORM:

.....  
Deputy City Attorney

By: \_\_\_\_\_

**CITY OF PALOS VERDES ESTATES**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_  
Anton Dahierbruch  
City Clerk

APPROVED AS TO FORM:

.....  
Deputy City Attorney

By: \_\_\_\_\_

**CITY OF ROLLING HILLS ESTATES**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_  
Douglas R. Prichard  
City Clerk

APPROVED AS TO FORM:

.....  
Deputy City Attorney

By: \_\_\_\_\_

LOS ANGELES COUNTY FLOOD CONTROL DISTRICT

By \_\_\_\_\_  
Chief Engineer

APPROVED AS TO FORM:

County Counsel                      John F. Krattli

By \_\_\_\_\_  
Deputy    Date

FINAL DRAFT



COUNTY OF LOS ANGELES

By \_\_\_\_\_  
GAIL FARBER

\_\_\_\_\_  
Date

APPROVED AS TO FORM:

John F. Krattli  
County Counsel

By \_\_\_\_\_  
Deputy

\_\_\_\_\_  
Date

FINAL DRAFT

**EXHIBIT A**  
**PENINSULA EWMP AGENCIES**  
**Funding Contributions**

**Table 1: Total Cost Estimate.**

Item	Total Cost
Estimated Contract Cost	\$600,000
Administration Cost (3%) <sup>1</sup>	\$18,000
LACFCD Allocation (10%) <sup>2</sup>	\$61,800
<b>TOTAL COST TO BE DISTRIBUTED BY AREA</b>	<b>\$556,200</b>

<sup>1</sup> Administration costs are estimated to be 3% of the Distributed Total Cost for each Peninsula EWMP Agency.

<sup>2</sup> The Los Angeles County Flood Control District (LACFCD) has committed to contributing 10% of the Total Cost for their share in the development of the EWMP.

**Table 2: Cost Allocation Formula.**

$\text{Total Cost to be Distributed by Area} = \text{Contract Cost} - \text{LACFCD Allocation}$ $\text{Distributed Total Cost} = (\text{Total Cost} + \text{Administration Cost}) \times \text{Agency Percent of Total Area}$
---

**Table 3: Distributed Cost Among Peninsula EWMP Agencies.**

Agency	Area (Square Miles)	Agency Percent of Total Area	Distributed Total Cost
RANCHO PALOS VERDES	13.5	60%	\$332,243
Palos Verdes Estates	4.8	21%	\$118,131
Rolling Hills Estates	3.6	16%	\$88,598
The County of Los Angeles	0.7	3%	\$17,227
<b>TOTAL</b>	<b>22.6</b>	<b>100%</b>	<b>\$556,200</b>

**Table 4: Invoice Schedule.**

Agency	Total Cost	Invoice Schedule	
		November 1, 2013	July 1, 2014
RANCHO PALOS VERDES	\$332,244	\$166,122	\$166,122
Palos Verdes Estates	\$118,130	\$59,065	\$59,065
Rolling Hills Estates	\$88,598	\$44,299	\$44,299
The County of Los Angeles	\$17,228	\$8,614	\$8,614
LACFCD	\$61,800	\$30,900	\$30,900
<b>TOTAL</b>	<b>\$618,000</b>	<b>\$309,000</b>	<b>\$309,000</b>

## **EXHIBIT B**

### **PENINSULA EWMP AGENCIES**

#### **Agencies Representatives – EWMP Working Group**

1. City of Rancho Palos Verdes  
Department of Public Works  
30940 Hawthorne Boulevard  
Rancho Palos Verdes, CA 90275  
  
Party Representative: Andy Winje  
E-mail: andyw@rpv.com  
Phone: (310) 544-5249  
Fax: (310) 544-5292
2. City of Palos Verdes Estates  
Department of Public Works  
340 Palos Verdes Drive West  
Palos Verdes Estates, CA 90274  
  
Party Representative: Allan Rigg  
E-mail: arigg@pvestates.org  
Phone: (310) 378-0383  
Fax: (310) 375-5918
3. City of Rolling Hills Estates  
Department of Public Works  
4045 Palos Verdes Drive North  
Rolling Hills Estates, CA 90274  
  
Party Representative: Greg Grammer  
E-mail: gregg@ci.rolling-hills-estates.ca.us  
Phone: 310-377-1577 x-107  
Fax: (310) 377-4468
4. Los Angeles County Flood Control District  
Department of Public Works  
Watershed Management Division, 11<sup>th</sup> Floor  
900 South Fremont Avenue  
Alhambra, CA 91803-1331  
  
Party Representative: Gary Hildebrand  
E-mail: GHILDEB@dpw.lacounty.gov  
Phone: (626) 458-4300  
Fax: (626) 457-1526

5. County of Los Angeles  
Department of Public Works  
Watershed Management Division, 11<sup>th</sup> Floor  
900 South Fremont Avenue  
Alhambra, CA 91803-1331

Party Representative: Angela George  
E-mail: AGEORGE@dpw.lacounty.gov  
Phone: (626) 458-4304  
Fax: (626) 457-1526

FINAL DRAFT

**EXHIBIT C**  
**PENINSULA EWMP AGENCIES**

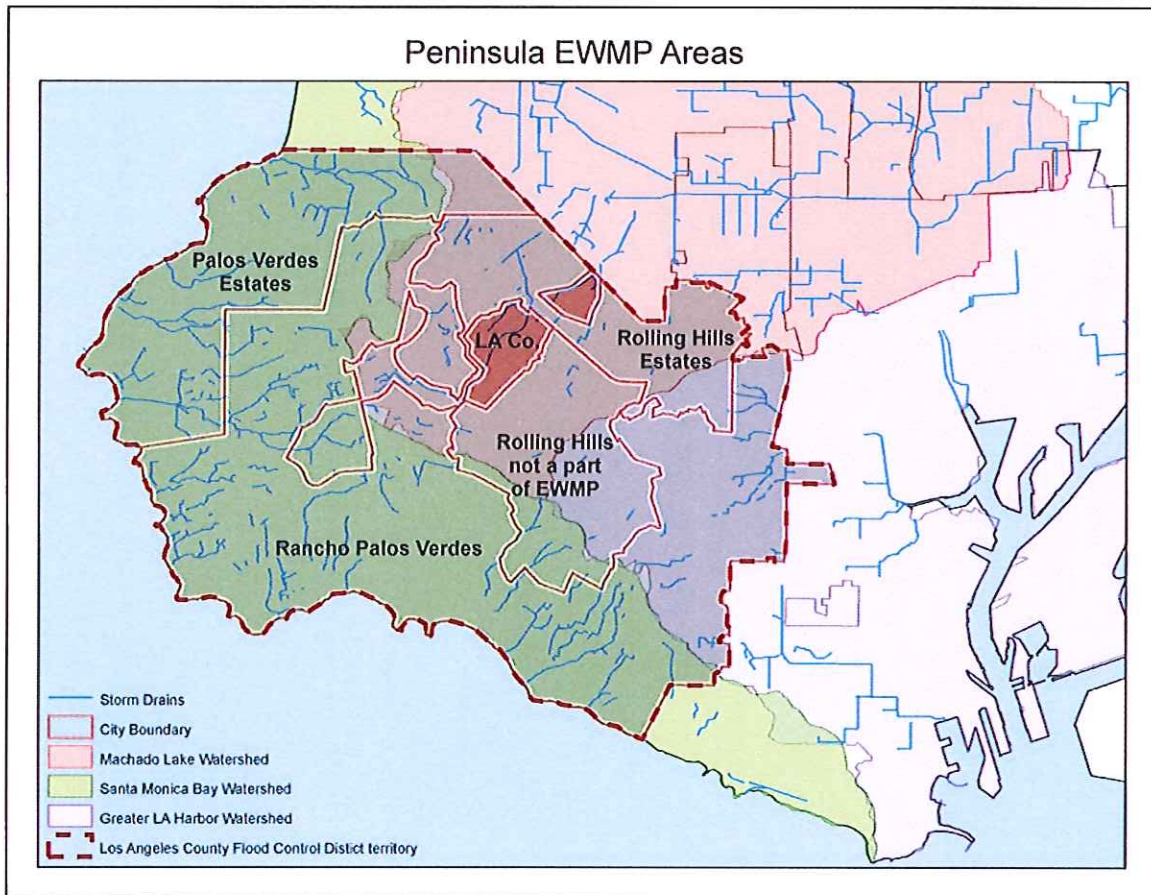


Figure 1: Peninsula EWMP Agencies Map.



**EXHIBIT D**  
**PENINSULA EWMP SCOPE OF WORK**

---

*In Development – to be included in Final MOU*

FINAL DRAFT

## **Attachment B**

### **Signed Letters of Intent**



June 27, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

**LETTER OF INTENT TO PARTICIPATE IN THE DEVELOPMENT OF AN ENHANCED  
WATERSHED MANAGEMENT PROGRAM IN COLLABORATION WITH THE PALOS  
VERDES PENINSULA WATERSHED AGENCIES**

Dear Mr. Unger;

The City of Rancho Palos Verdes, with this letter, states its intent to collaborate with the Palos Verdes Peninsula Watershed Group (Group) in the development of an Enhanced Watershed Management Program (EWMP) in accordance with the new MS4 Permit by Order No. R4-2012-0175 for submission to your Board. The EWMP will address all of the required elements in the MS4 Permit for each of the watersheds to which the City is tributary. The Palos Verdes Peninsula Watershed Group includes only the following agencies: the City of Rancho Palos Verdes, the City of Palos Verdes Estates, the City of Rolling Hills Estates, the County of Los Angeles, and Los Angeles Flood Control District.

The City of Rancho Palos Verdes further intends to cost share in the development cost of an Enhanced Watershed Management Program (EWMP). A cost sharing formula has been negotiated among participating representatives of the Group as to the equitable distribution of costs.

Should you have any questions, please contact me or Andy Winje at 310-544-5252.

Sincerely,

Carolyn Lehr  
City Manager



CITY OF  
*Palos Verdes Estates*

OFFICE OF  
THE CITY MANAGER

June 20, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

**LETTER OF INTENT TO PARTICIPATE IN THE DEVELOPMENT OF AN ENHANCED  
WATERSHED MANAGEMENT PLAN IN COLLABORATION WITH THE PALOS  
VERDES PENINSULA WATERSHED AGENCIES**

Dear Mr. Unger:

I am writing to express our intent to collaborate with the Palos Verdes Peninsula Watershed Group (Group) in the development of an Enhanced Watershed Management Program (EWMP) in accordance with the new MS4 Permit by Order No.R4-2012-0175 for submission to your Board.

The City Council was provided an overview of the MS4 Permit requirements and, accordingly, we will be presenting a Memorandum of Understanding (MOU) to the City Council for formal consideration by the due date of December 28, 2013. The MOU for the EWMP will address all of the coordination of compliance with the MS4 Permit for each of the watersheds to which the City is tributary. Moreover, the MOU will address the cost allocation for the EWMP.

The Palos Verdes Peninsula Watershed Group includes only the following agencies: the City of Rancho Palos Verdes, the City of Palos Verdes Estates, the City of Rolling Hills Estates, the County of Los Angeles, and Los Angeles Flood Control District.

Should you have any questions, please contact Allan Rigg at 310.378.0383.

Sincerely,

  
Anton Dahlerbruch  
City Manager

FRANK V. ZERUNYAN  
*Mayor*

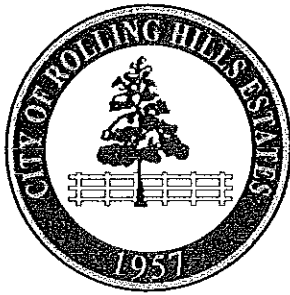
JUDY MITCHELL  
*Mayor Pro Tem*

JOHN C. ADDLEMAN  
*Council Member*

SUSAN SEAMANS  
*Council Member*

STEVEN ZUCKERMAN  
*Council Member*

DOUGLAS R. PRICHARD  
*City Manager*



CITY OF

## ROLLING HILLS ESTATES

4045 PALOS VERDES DRIVE NORTH • ROLLING HILLS ESTATES, CA 90274  
TELEPHONE 310.377.1577 FAX 310.377.4468  
[www.ci.Rolling-Hills-Estates.ca.us](http://www.ci.Rolling-Hills-Estates.ca.us)

June 25, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

### LETTER OF INTENT TO PARTICIPATE IN THE DEVELOPMENT OF AN ENHANCED WATERSHED MANAGEMENT IN COLLABORATION WITH THE PALOS VERDES PENINSULA WATERSHED AGENCIES

Dear Mr. Unger:

The City of Rolling Hills Estates, with this letter, states its intent to collaborate with the Palos Verdes Peninsula Watershed Group (Group) in the development of an Enhanced Watershed Management Program (EWMP) in accordance with the new MS4 Permit by Order No. R4-2012-0175, for submission to your Board. The EWMP will address all of the required elements in the MS4 Permit for each of the watersheds to which the City is tributary. The Palos Verdes Peninsula Watershed Group includes only the following agencies: the City of Rancho Palos Verdes, the City of Palos Verdes Estates, the City of Rolling Hills Estates, the County of Los Angeles, and Los Angeles Flood Control District.

The City of Rolling Hills Estates further intends to cost share in the development cost of an Enhanced Watershed Management Program (EWMP). A cost sharing formula has been negotiated among participating representatives of the Group as to the equitable distribution of costs.

Should you have any questions, please contact Assistant City Manager Greg Grammer, (310) 377-1577 ext. 107, [gregg@ci.rolling-hills-estates.ca.us](mailto:gregg@ci.rolling-hills-estates.ca.us).

Sincerely,

A handwritten signature in dark ink, appearing to read "Douglas R. Prichard".

Douglas R. Prichard  
City Manager

adm/ltrunger-enhanced watershed





GAIL FARBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE  
REFER TO FILE: WM-7

June 24, 2013

Mr. Samuel Unger, P.E., Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – COUNTY OF LOS ANGELES  
PALOS VERDES PENINSULA  
ENHANCED WATERSHED MANAGEMENT PROGRAM**

The County of Los Angeles (County) submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) with the Peninsula EWMP Agencies. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175.

The Peninsula EWMP Agencies consist of the following agencies: City of Rancho Palos Verdes as the coordinating agency for EWMP development, County, Los Angeles County Flood Control District, and cities of Palos Verdes Estates and Rolling Hills Estates. The Peninsula EWMP Agencies have included a final draft Memorandum of Understanding as Attachment A of the Notice of Intent. The County intends to submit a final Memorandum of Understanding to its Board of Supervisors for approval prior to December 28, 2013.

If you have any questions, please contact Ms. Angela George at (626) 458-4325 or [ageorge@dpw.lacounty.gov](mailto:ageorge@dpw.lacounty.gov).

Very truly yours,

A/ GAIL FARBER  
Director of Public Works

JD:jht

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cc: City of Palos Verdes Estates  
City of Rancho Palos Verdes  
City of Rolling Hills Estates



GAIL FARBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE  
REFER TO FILE: WM-7

June 24, 2013

Mr. Samuel Unger, P.E., Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

### LETTER OF INTENT – LOS ANGELES COUNTY FLOOD CONTROL DISTRICT PALOS VERDES PENINSULA ENHANCED WATERSHED MANAGEMENT PROGRAM

The Los Angeles County Flood Control District (LACFCD) submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) with the Peninsula EWMP Agencies. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175.

The Peninsula EWMP Agencies consist of the following agencies: City of Rancho Palos Verdes as the coordinating agency for EWMP development, County of Los Angeles, LACFCD, and cities of Palos Verdes Estates and Rolling Hills Estates. The Peninsula EWMP Agencies have included a final draft Memorandum of Understanding as Attachment A of the Notice of Intent. The LACFCD intends to submit a final Memorandum of Understanding to County of Los Angeles Board of Supervisors (which is the LACFCD's governing body) for approval prior to December 28, 2013.

If you have any questions, please contact Ms. Terri Grant at (626) 458-4309 or [tgrant@dpw.lacounty.gov](mailto:tgrant@dpw.lacounty.gov).

Very truly yours,

*MF*  
GAIL FARBER  
Chief Engineer of the Los Angeles County Flood Control District

JD:jht  
P:\wmpub\Secretarial\2013 Documents\Letter\LOI Peninsula EWMP LACFCD.doc\13212

cc: City of Palos Verdes Estates  
City of Rancho Palos Verdes  
City of Rolling Hills Estates

# ATTACHMENT A

## Part 6

Notices of Intent

BOARD OF  
PUBLIC WORKS

COMMISSIONERS

CAPRI W. MADDOX  
PRESIDENT

VALERIE LYNNE SHAW  
VICE PRESIDENT

STEVEN T. NUTTER  
PRESIDENT PRO TEMPORE

WARREN T. FURUTANI  
COMMISSIONER

JERILYN LÓPEZ-MENDOZA  
COMMISSIONER

CITY OF LOS ANGELES  
CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

BUREAU OF SANITATION

ENRIQUE C. ZALDIVAR  
DIRECTOR

TRACI J. MINAMIDE  
CHIEF OPERATING OFFICER

VAROUJ S. ABKIAN  
ADEL H. HAGEKHALIL  
ALEXANDER E. HELOU  
ASSISTANT DIRECTORS

NEIL M. GUGLIELMO  
ACTING CHIEF FINANCIAL OFFICER

WATERSHED PROTECTION DIVISION  
1149 SOUTH BROADWAY, 10<sup>TH</sup> FLOOR  
LOS ANGELES, CA 90015  
TEL: (213) 485-0587  
FAX: (213) 485-3939

June 27, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

Dear Mr. Unger:

**SUBMITTAL OF NOTICE OF INTENT FOR DEVELOPMENT OF ENHANCED WATERSHED  
MANAGEMENT PROGRAM AND COORDINATED INTEGRATED MONITORING PROGRAM FOR  
THE BALLONA CREEK WATERSHED**

Please find attached the Notice of Intent (NOI) for the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) for the Ballona Creek watershed. All MS4 permittees in the Ballona Creek watershed have agreed to a collaborative approach in meeting the requirements of the new MS4 Permit by Order No.R4-2012-0175. The City of Los Angeles, as lead agency for the Ballona Creek watershed, has prepared this Notice of Intent on behalf of itself, the County of Los Angeles and Los Angeles County Flood Control District, and the Cities of Culver City, Beverly Hills, West Hollywood, Inglewood, and Santa Monica. All agencies have reviewed and approved this NOI for submission to your Board, and we appreciate the collaboration by all MS4 co-permittees in the preparation of the NOI materials.

The attached document satisfies the requirements for submitting the NOI as provided by Part VI.C.4.b of the MS4 Permit and the CIMP notification requirements as provided by Attachment E Section IV.C.1. We look forward to continuing the process of plan developments for the Ballona Creek watershed with the Technical Advisory Committee, the Los Angeles Regional Water Quality Control Board, and other watershed stakeholders. Should you have any questions about this submittal, please contact me at [Shahram.Kharaghani@lacity.org](mailto:Shahram.Kharaghani@lacity.org) or phone (213) 485-0587 or your staff may contact Hubertus Cox at [Hubertus.Cox@lacity.org](mailto:Hubertus.Cox@lacity.org) or phone (213) 485-3984.

Sincerely

  
SHAHRAM KHARAGHANI, Ph.D., PE, BCEE  
Program Manager

SK:HC:RT  
WPDCR9045

Attachment

AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER

Recyclable and made from recycled waste



Mr. Samuel Unger, Executive Officer

June 27, 2013

Page 2

cc: Renee Purdy, California Regional Water Quality Control Board, Los Angeles Region  
Ivar Ridgeway, California Regional Water Quality Control Board, Los Angeles Region  
Enrique Zaldivar, City of Los Angeles, Bureau of Sanitation  
Adel Hagekhalil, City of Los Angeles, Bureau of Sanitation  
Gary Hildebrand, County of Los Angeles, Department of Public Works  
Daniel Cartagena, City of Beverly Hills  
Sharon Perlstein, City of West Hollywood  
Damian Skinner, City of Culver City  
Lauren Amimoto, City of Inglewood  
Rick Valte, City of Santa Monica



# **NOTICE OF INTENT**

## **Enhanced Watershed Management Program and Coordinated Integrated Monitoring Program**

### **Ballona Creek Watershed**

City of Los Angeles  
County of Los Angeles  
Los Angeles County Flood Control District  
City of Beverly Hills  
City of West Hollywood  
City of Culver City  
City of Inglewood  
City of Santa Monica

**June 27, 2013**

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## 1. Introduction

The Cities of Los Angeles, Culver City, Beverly Hills, West Hollywood, Inglewood, and Santa Monica, the County of Los Angeles, and the Los Angeles County Flood Control District, collectively the Ballona Creek Enhanced Watershed Management Program (EWMP) agencies, respectfully submit this Notification of Intent (NOI) to develop an EWMP for the Ballona Creek watershed per Part VI.C.4.b.i of Order No. R4-2012-0175 (MS4 Permit). Additionally, this NOI includes a statement of the Ballona Creek EWMP agencies' intent to follow a Coordinated Integrated Monitoring Program (CIMP) approach.

The Ballona Creek watershed is the largest sub-watershed in the Santa Monica Bay Watershed Management Area, encompassing approximately 128 square miles. The 303(d) List has identified Ballona Creek and Ballona Estuary as being impaired by several pollutants. Accordingly, the California Regional Water Quality Control Board, Los Angeles Region (LARWQCB) and the U.S. Environmental Protection Agency (USEPA) have adopted and/or established several TMDLs for the receiving waters in the Ballona Creek watershed. The Ballona Creek EWMP agencies propose the development of an EWMP specifically for the Ballona Creek watershed as the most effective approach to utilize opportunities to retain and reuse runoff and to address the unique challenges of the watershed.

The Ballona Creek EWMP agencies have been collaborating as one watershed since the first Ballona Creek TMDLs were adopted by the LARWQCB. The TMDL monitoring in Ballona Creek and Estuary have been implemented in a coordinated manner and is being cost-shared by all Ballona Creek EWMP agencies as well as Caltrans. The City of Los Angeles will be the lead agency for developing the EWMP and CIMP. Development of the EWMP Work Plan, CIMP, and EWMP Plan will be a collaborative process between all Ballona Creek EWMP agencies, coordinated with the Technical Advisory Committee as well as with watershed stakeholders.

The following sections satisfy the EWMP requirements for NOI submittal as provided by Section VI.C.4.b of the MS4 Permit and the CIMP notification requirements as provided by Attachment E Section IV.C.1. Additionally, the following sections provide the LARWQCB with information on the approach that the Ballona Creek EWMP agencies intend to follow for EWMP development.

## 2. Notification of Intent (Section VI.C.4.b.i and Attachment E Section IV.C.1.)

The Ballona Creek EWMP agencies notify the LARWQCB by this NOI of their intention to collaboratively develop an EWMP for the Ballona Creek watershed, and request submittal of the final work plan by 18 months after the effective date of the MS4 Permit (June 28, 2014) and submittal of the draft EWMP Plan by 30 months after the effective date of the MS4 Permit (June 28, 2015).

Additionally, the Ballona Creek EWMP agencies notify the LARWQCB by this NOI of their intention to collaboratively develop an CIMP for the Ballona Creek watershed, and request submittal of the Draft CIMP 18 months after the effective date of the MS4 Permit (June 28, 2014).

## 3. Interim and final TMDL compliance deadlines (Section VI.C.4.b.ii)

Table 1 lists the TMDLs that have specifically been developed for the Ballona Creek watershed and the TMDLs that apply to the Ballona Creek watershed as a subwatershed in the Santa Monica Bay Watershed Management Area. Interim and final compliance deadlines of the Ballona Creek Trash and Santa Monica Bay Debris TMDLs and final



compliance deadlines of other TMDLs occurring prior to the anticipated approval date of the EWMP (April 28, 2016) are included in Table 2. Tables 1 and 2 do not include the Santa Monica Bay Beaches Bacteria TMDLs because the waste load allocations of these TMDLs for the receiving waters in the Ballona Creek watershed are provided by the Ballona Creek, Ballona Estuary, and Sepulveda Channel Bacteria TMDL.

The watershed control measures that will be implemented to meet the requirements of the interim and final trash water quality based effluent limits (WQBELs) and all other final WQBELs are described in more detail in Section 12 of this NOI submittal.

**Table 1. TMDLs applicable to Ballona Creek watershed.**

TMDL	LARWQCB Resolution Number	Effective Date and/or EPA Approval Date
Ballona Creek Trash TMDL	2004-023	08/11/2005
Ballona Creek Estuary Toxic Pollutants TMDL	2006-011	01/11/2006
Ballona Creek, Ballona Estuary, and Sepulveda Channel Bacteria TMDL	2007-015	04/27/2007
Ballona Creek Metals TMDL	2007-015	10/29/2008
Santa Monica Bay Nearshore and Offshore Debris TMDL	R10-010	03/20/2012
Santa Monica Bay DDTs and PCBs TMDL	NA	03/26/2012
Ballona Creek Wetlands TMDL for Sediment and Invasive Exotic Vegetation	NA	03/26/2012

**Table 2. Interim (trash) and final TMDL compliance deadlines prior to EWMP approval**

TMDL	Milestone	Interim/Final	Deadline
Ballona Creek Trash TMDL	20% reduction of baseline load	Interim	09/30/2006
	30% reduction of baseline load	Interim	09/30/2007
	40% reduction of baseline load	Interim	09/30/2008
	50% reduction of baseline load	Interim	09/30/2009
	60% reduction of baseline load	Interim	09/30/2010
	70% reduction of baseline load	Interim	09/30/2011
	80% reduction of baseline load	Interim	09/30/2012
	90% reduction of baseline load	Interim	09/30/2013
	96.7% reduction of baseline load	Interim	09/30/2014
	100% reduction of baseline load	Final	09/30/2015
Ballona Creek, Ballona Estuary, and Sepulveda Channel Bacteria TMDL	Compliance with allowable exceedance days for summer and winter dry weather	Final	04/27/2013
Ballona Creek Metals TMDL	100% of MS4 drainage area complies with dry-weather waste load allocations	Final	01/11/2016
Santa Monica Bay Nearshore and Offshore Debris TMDL	20% reduction from baseline load	Interim	03/20/2016

#### 4. Geographical scope (Section VI.C.4.b.iii.(1))

The Ballona Creek watershed is approximately 128 square miles and comprised of the Cities of Beverly Hills and West Hollywood, and portions of the Cities of Los Angeles, Inglewood, Culver City, and Santa Monica as well as unincorporated areas of the County of Los Angeles. Attachment 1 provides a map of the watershed boundaries and the delineations of the land areas of the MS4 permittees and other entities within the watershed.

Ballona Creek and Estuary are collectively approximately 9.5 miles long and divided in three hydrological units:

- Ballona Creek Reach 1 is approximately 2 miles long from Cochran Avenue to National Boulevard. This portion of the creek is channelized with vertical concrete walls.
- Ballona Creek Reach 2 is approximately 4 miles long between National Boulevard and Centinela Avenue where Ballona Estuary starts. Reach 2 is also channelized for the most part with trapezoidal walls.
- Ballona Estuary starts at Centinela Creek and continues to the Pacific Ocean. This portion is approximately 3.5 miles, under tidal influence and channelized, but with a soft bottom.

Major tributaries to Ballona Creek include Benedict Canyon Channel (Reach 2), Sepulveda Canyon Channel (Reach 2), and Centinela Creek (Ballona Estuary). Other water bodies in the watershed include Del Rey Lagoon and Ballona Wetlands, which are both connected to the Ballona Estuary through tide gates. The City of Los Angeles is the responsible agency for Del Rey Lagoon whose tributary area is approximately 25 acres. The Ballona Wetlands encompass approximately 626 acres (541 acres of natural wetlands area and 85 acres of roads, parking lots, levees and other structures). Approximately 460 acres of the Ballona Wetlands are located within the Ballona Creek watershed whereas the remaining portion is located in the Marina del Rey watershed. The Ballona Wetlands are owned and/or managed by the California Department of Fish and Wildlife and the State Land Commission.

All Ballona Creek EWMP agencies have agreed to collectively develop the Ballona Creek EWMP. Therefore, the Ballona Creek EWMP will cover all of the areas owned by the MS4 permittees within the watershed as shown in Attachment 2. The total area of the Ballona Creek watershed is 128 square miles and a breakdown of the area by MS4 permittee and other agencies is provided in Table 4. Collectively, the MS4 permittees in the Ballona Creek watershed have jurisdiction over 123 square miles or 96% of the total watershed area. The Ballona Creek EWMP agencies have no jurisdiction over the land that is owned by the State of California (i.e., California Department of Fish and Wildlife, the State Lands Commission, and Caltrans) and the US Government, but the MS4 permittees will seek collaboration with these agencies in the development of the Ballona Creek EWMP. All drainage infrastructure operated and maintained by the LACFCD within the Ballona Creek Watershed Management Area will be covered under this EWMP.



Table 4. Ballona Creek watershed land area distribution and EWMP participation

Agency	EWMP agency	Land area (acres)	% of EWMP area
City of Los Angeles	Yes	65,272.89	83.21
County of Los Angeles	Yes	3,164.76	4.03
Los Angeles County Flood Control District	Yes	NA	
City of Beverly Hills	Yes	3,618.95	4.61
City of Culver City	Yes	3,125.00	3.98
City of Inglewood	Yes	1,907.72	2.43
City of West Hollywood	Yes	1,135.00	1.45
City of Santa Monica	Yes	217.31	0.28
Area of EWMP agencies		<b>78,441.63</b>	<b>100</b>
Caltrans	No	1,651.33	
State of California	No	909.34	
US Government	No	674.49	
Total Ballona Creek watershed area		<b>81,676.79</b>	

### 5. Plan concept (Section VI.C.4.b.iii.(1))

The Ballona Creek EWMP agencies have collectively developed several Implementation Plans with strategies for compliance with the Ballona Creek/Estuary Bacteria, Toxic Pollutants and Metals TMDLs. These implementation and compliance strategies are based on a multi-pollutant approach with a focus on green infrastructure BMPs that maximize the retention and use of urban runoff as a resource for recharging aquifers and for irrigation and other uses. Many of the green infrastructure projects proposed in the TMDL Implementation Plans, both distributed and regional, were identified by Ballona Creek watershed stakeholders. The Ballona Creek EWMP will build on the TMDL implementation plans, re-evaluate the proposed watershed control measures, identify additional regional projects to maximize opportunities for retaining all non-stormwater runoff and stormwater from the 85<sup>th</sup> percentile, 24-hour storm event, and identify additional watershed control measures for those areas in the watershed that cannot be addressed by a regional project.

The Ballona Creek watershed is highly urbanized with single-family residential and multi-family residential as the largest land use categories (37 and 22% of the total area, respectively). It is estimated that 49% of watershed is impervious area consisting of roof tops, road and other impermeable surfaces. These numbers illustrate the challenges for urban runoff management in the Ballona Creek watershed in general but, at the same time, they illustrate the potential for improving the water quality and beneficially using urban runoff by developing and implementing an EWMP. Despite the built-out environment, the Ballona Creek watershed provides many opportunities for regional and multi-benefit projects:

- Open space accounts for approximately 17% of the watershed area, and is predominantly available in the northern part of the watershed and in the Baldwin Hills area (Attachment 2). These areas may be used for locating regional projects, in addition to the many parks which predominantly located in the central portion of the watershed;

- Groundwater levels in the Ballona Creek watershed are at least 20 ft below ground level (Attachment 3) in most areas, thereby not restricting the use of infiltration BMPs; and
- The majority of the watershed has soils with infiltration rates that allow the use of green infrastructure BMPs with infiltration (Attachment 4).

Based on the available information, the Ballona Creek EWMP agencies believe that opportunities exist, within the agencies' collective jurisdictional areas, for collaboration on multi-benefit projects that will meet the intent of the EWMP approach. A typical example of a regional, multi-benefit project that was included in the Ballona Creek TMDL Implementation Plans is the Rancho Cienega Sports Complex Regional Best Management Practices Project. This project proposes to divert dry weather runoff and stormwater from a storm drain as well as on-site runoff for treatment in an underground cistern, pervious pavement, and a bioretention basin. The drainage area tributary to the project is approximately 8,000 acres and the estimated volume of captured runoff for infiltration is 75-125 acre-feet/year.

#### **6. Cost estimate (Section VI.C.4.b.iii.(2))**

The Ballona Creek EWMP agencies collaboratively prepared a scope of work and cost estimate for developing the Work Plan, the CIMP and the EWMP for the Ballona Creek watershed. It is estimated that the cost for the development of the plans is approximately \$1.32M. This estimate includes \$269k for the Work Plan, \$154k for the CIMP, \$660k for the EWMP Plan, and \$234k for project coordination and meetings. This estimate assumes that the CIMP and EWMP will, in part, be based on the existing TMDL Coordinated Monitoring Plans and Implementation Plans. In addition, the Ballona Creek EWMP agencies will contribute several hundred thousands of dollars in the contract administration costs and to in-kind services.

#### **7. Memorandum of Understanding (Section VI.C.4.b.iii.(3))**

Attachment 5 includes the final draft of the Memorandum of Understanding between the City of Los Angeles as the lead agency and the other Ballona Creek EWMP agencies. All agencies have committed to the execution of the agreement as indicated by the signed letters of intent (Attachment 6). The agreement will be executed before December 28, 2013.

#### **8. Interim milestones and deadlines for plan development (section VI.C.4.b.iii.(4))**

Table 5 summarizes the interim milestone and deadlines for Work Plan, CIMP, and EWMP Plan development which is based on the scope of work for developing the Work Plan, CIMP, and EWMP as agreed to by the Ballona Creek EWMP agencies. In addition to the bimonthly agency coordination meetings and coordination meetings with the Technical Advisory Committee, the schedule in Table 5 assumes one workshop with local watershed stakeholders for each plan (Work Plan, CIMP, and EWMP). Interim milestones in Table 5 are the expected due dates of draft Technical Memoranda that will summarize the information and approaches for development of the specified components of the final Work Plan, CIMP, and EWMP Plan. It is expected that the draft technical memos will not be finalized, per se, rather the information presented in the memos will be revised based on comments and presented in the Work Plan, CIMP, and EWMP Plan.



Table 5. Proposed interim milestones and deadlines for plan development

Deliverable	Milestones and Deadlines
<b>Work Plan</b>	
Draft Technical memos <ul style="list-style-type: none"> <li>• Identification of water quality priorities</li> <li>• Existing and future watershed control measures, identification of potential regional projects</li> <li>• Reasonable assurance analysis approach</li> <li>• BMP selection approaches</li> </ul>	December 2013 – March 2014
Draft Work Plan	April 2014
Final Work Plan submitted to the LARWQCB	June 2014
<b>Coordinated Integrated Monitoring Plan</b>	
Draft Technical memos <ul style="list-style-type: none"> <li>• Outfall and receiving water monitoring approach</li> <li>• Monitoring sites selection</li> <li>• New development and redevelopment effectiveness tracking</li> </ul>	March 2014
Draft CIMP	April 2014
Final Draft CIMP submitted to the LARWQCB	June 2014
<b>Enhanced Watershed Management Program</b>	
Draft Technical memos <ul style="list-style-type: none"> <li>• Approach to US EPA TMDLs, 303(d) listings, other exceedances of RWLs</li> <li>• Final selection of regional projects</li> <li>• Feasibility analyses of regional projects, customization of MCMs, identification of other BMPs</li> <li>• Project schedules and cost estimates</li> </ul>	December 2014 – March 2015
Draft EWMP	April 2015
Final Draft EWMP submitted to the LARWQCB	June 2015
Final EWMP submitted to the LARWQCB	January 2016
Approval of final EWMP by LARWQCB	April 2016

## 9. Structural BMP (Section VI.C.4.b.iii.(5))

In accordance to Section VI.C.4.b.iii.(5), the Ballona Creek EWMP agencies commit to implementing one structural BMP project that provides meaningful water quality improvement within 30 months of the effective date (June 28, 2015). The City of Los Angeles plans to implement Phase II of the Mar Vista Recreation Center Stormwater Best Management Practices Project to fulfill this requirement for the Ballona Creek EWMP. More information on this project can be found in Attachment 7.



**10. LID ordinance (Sections VI.C.4.b.iii.(6) and VI.C.4.c.iv. (1))**

Table 6 summarizes the status of Low Impact Development (LID) ordinances by the various BC EWMP agencies. As presented in Table 6, greater than 50% of the land area addressed by the geographical scope of the EMWP is addressed by an LID ordinance that is in place or under development.

**Table 6. Summary of percent EWMP area addressed by LID ordinances**

EWMP agency	Status LID Ordinance	% Area addressed by LID Ordinance
City of Los Angeles	In Place	83.21
County of Los Angeles	Draft Ordinance	4.03
LACFCD	NA	
City of Beverly Hills	Draft Ordinance	4.61
City of Culver City	Draft Ordinance	3.98
City of Inglewood	Draft Ordinance	2.43
City of West Hollywood	Draft Ordinance	1.45
City of Santa Monica	In Place	0.28
Total EWMP Area covered by LID ordinance		100

**Status Descriptions:**

- In Place – Permittee has adopted an LID Ordinance that is in compliance with the requirements of the MS4 Permit for its portion in the watershed. For the City of Los Angeles: its LID Ordinance became operative on May 12, 2012. The City of Los Angeles is currently amending sections of the LID Ordinance, as well as its Stormwater and Urban Runoff Pollution Control Ordinance (L.A.M.C. Chapter VI, Article 4.4) to meet all the MS4 permit requirements.
- Draft Ordinance – Permittee has completed or will complete by June 28, 2013 the development of a draft LID Ordinance that is in compliance with the MS4 Permit for its portion in the watershed.

**11. Green street policies (Sections VI.C.4.b.iii.(6) and VI.C.4.c.iv. (2))**

Table 7 summarizes the status of green street policies by the various BC EWMP agencies. As presented in Table 7, greater than 50% of the land area addressed by the geographical scope of the EMWP is addressed by green streets policies that are in place or under development.

**Table 7. Summary of percent EWMP area addressed by Green Street policies**

EWMP agency	Status green street policies	% EWMP area
City of Los Angeles	In Place	83.21
County of Los Angeles	Draft Policy	4.03
LACFCD	NA	
City of Beverly Hills	Draft Policy	4.61
City of Culver City	Draft Policy	3.98
City of Inglewood	Draft Policy	2.43
City of West Hollywood	Draft Policy	1.45
City of Santa Monica	In Place	0.28
Total EWMP Area covered by Green Street Policies		100

**Status Descriptions:**

- In Place – Permittee has adopted a Green Street Policy that is in compliance with the requirements of the MS4 Permit for its portion in the watershed.
- Draft Policy – Permittee has completed or will complete by June 28, 2013 the development of a draft Green Street Policy that is in compliance with the MS4 Permit for its portion in the watershed.

## 12. Implementation of watershed control measures during plan development (Sections VI.C.4.b.ii)

The Ballona Creek EWMP agencies have developed several TMDL Implementations with structural and institutional watershed control measures for a multi-pollutant and multi-benefit approach, as well as the timelines for implementation to meet the WQBELs and/or receiving water limitations of the various TMDLs. Table 8 summarizes the TMDL Implementation Plans that have been developed to date. The Ballona Creek EWMP agencies will continue their efforts to implement the actions of the TMDL Implementation Plans concurrently with the development of the Ballona Creek watershed EWMP.

**Table 8. Implementation Plans for Ballona Creek watershed TMDLs**

Implementation Plan	Agencies	Plan status
Implementation Plan for Ballona Creek Bacteria TMDL	Cities of Los Angeles, Culver City, Beverly Hills, West Hollywood, Inglewood, and Santa Monica; Caltrans	Draft plan submitted 11/25/2009 for LARWQCB review
Implementation Plan for Ballona Creek Metals TMDL	Cities of Los Angeles, Culver City, Beverly Hills, West Hollywood, Inglewood, and Santa Monica; Caltrans	Final plan submitted 10/07/2010
Implementation Plan for Ballona Estuary Toxic Pollutants TMDL	Cities of Los Angeles, Culver City, Beverly Hills, West Hollywood, Inglewood, and Santa Monica; Caltrans	Final plan submitted 06/13/2012
Multi-Pollutant TMDL Implementation Plan for the Unincorporated Area of Ballona Creek	County of Los Angeles	Final plan submitted 10/5/2010 (for Metals TMDL) and 11/14/2012 (for Toxics TMDL); Draft plan (Bacteria TMDL) submitted for LARWQCB review 10/26/2009

Four TMDLs have interim and/or final compliance milestones prior to the final approval of the EWMP by April 28, 2016 as summarized in Table 2. The Ballona Creek EWMP agencies will continue the implementation of watershed control measures concurrently with EWMP Plan development to ensure compliance with these interim and/or final milestones, as follows:

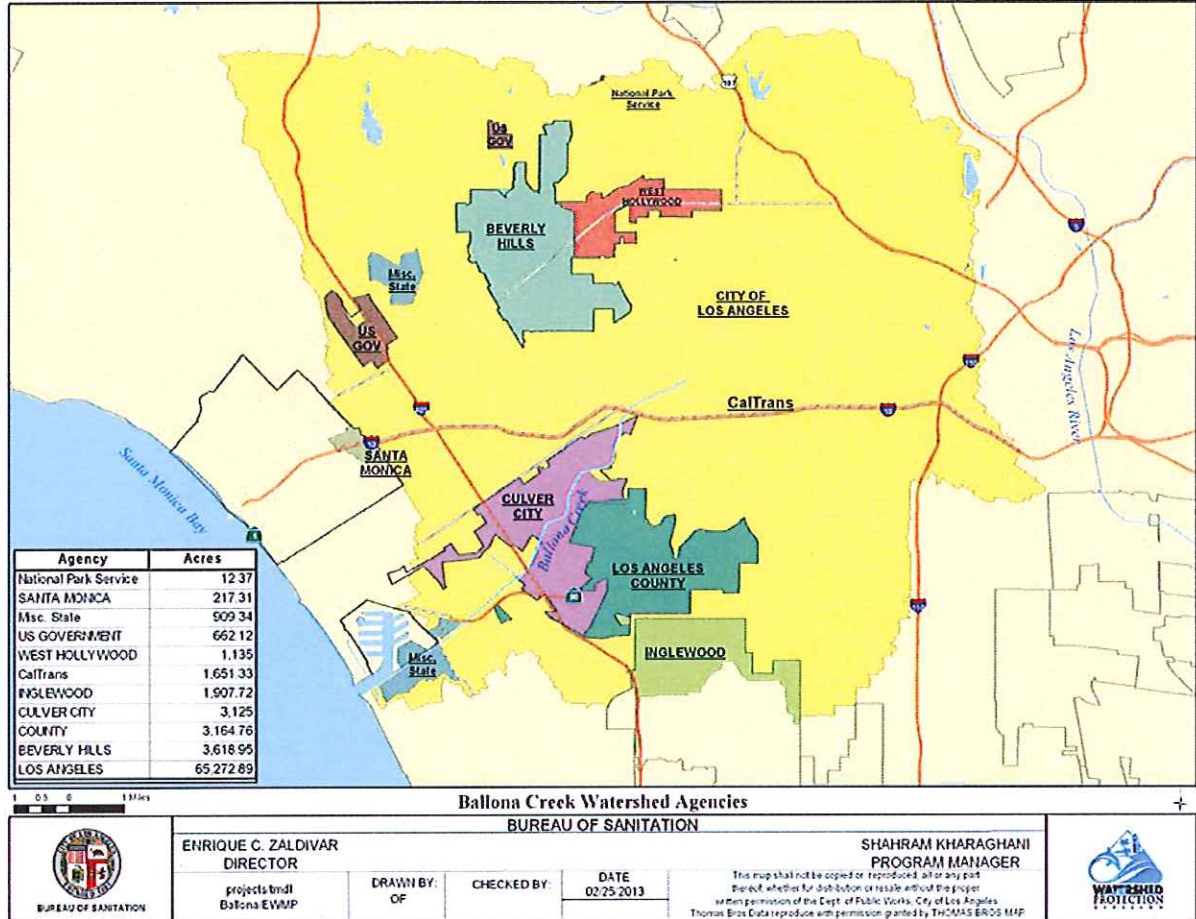
- **Interim and final milestones of the Ballona Creek Trash TMDL:** Each EWMP agency has developed its own program for compliance with this TMDL. Agency-specific programs and the status of implementation and compliance are provided in Attachment 8.
- **Final dry weather milestone of the Ballona Creek, Ballona Estuary, and Sepulveda Channel Bacteria TMDL:** The following EWMP agencies have submitted Time Schedule Order requests for this compliance milestone to the LARWQCB in April 2013: City of Los Angeles, County of Los Angeles, City of Culver City,

City of West Hollywood, City of Beverly Hills, and City of Inglewood. The requests provide for detailed action plans that the agencies collectively and individually will take to ensure compliance with their respective Time Schedule Orders. The City of Santa Monica did not submit a TSO request as all of its dry weather runoff to Ballona Creek is captured and treated by the Westside Water Quality Improvement Project.

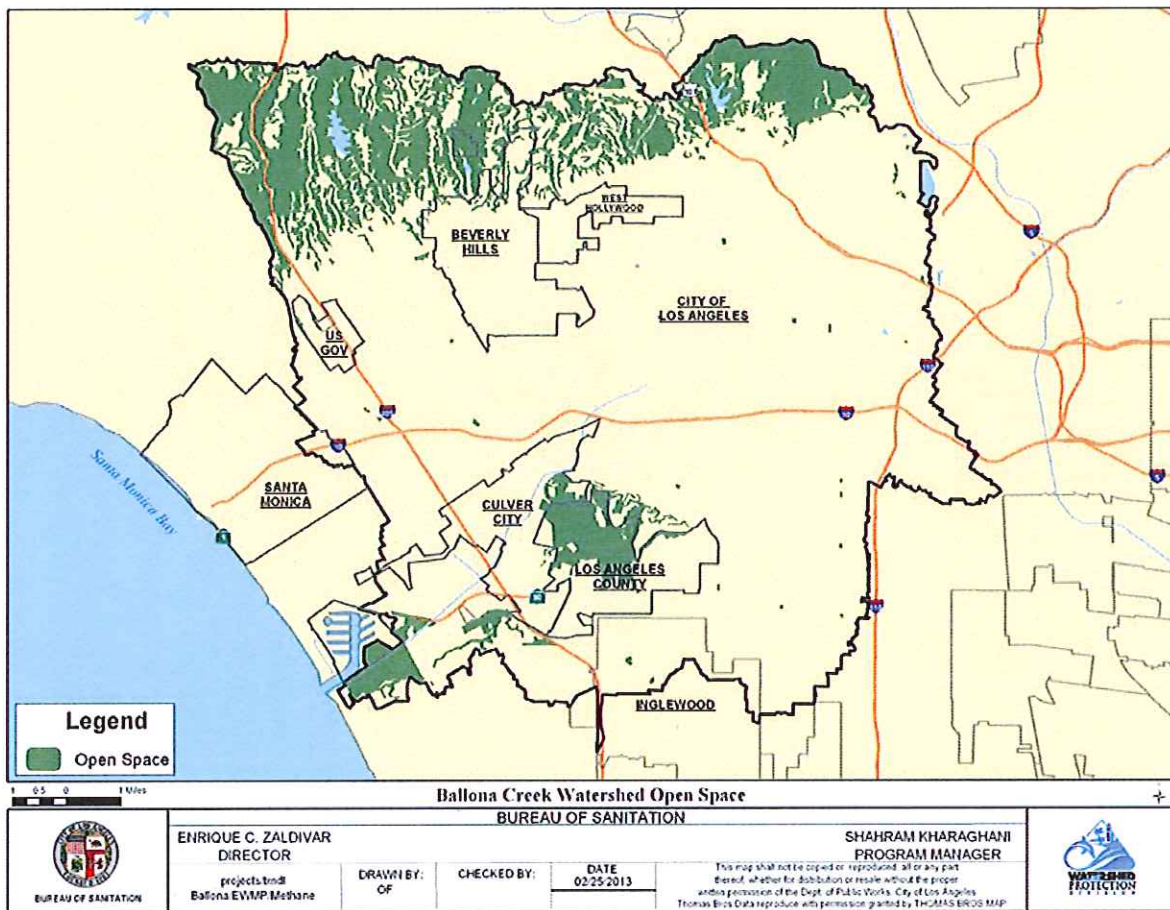
- **Final dry weather compliance milestone of the Ballona Creek Metals TMDL:** The final compliance milestone date is January 11, 2016. As included in Attachment 9, monthly monitoring of Ballona Creek has indicated that the concentrations of copper, lead, zinc and selenium during dry weather consistently meet the TMDL receiving water limitations due to the implementation of our current watershed control measures. As such, the Ballona Creek EWMP agencies are on schedule with meeting the dry weather milestones.
- **Interim milestone for the Santa Monica Bay Debris TMDL:** The interim milestone of a 20% reduction from the trash baseline load by March 2016, is already being met through compliance with the Ballona Creek Trash TMDL requirements.



## Attachment 1. Ballona Creek watershed and MS4 permittees.

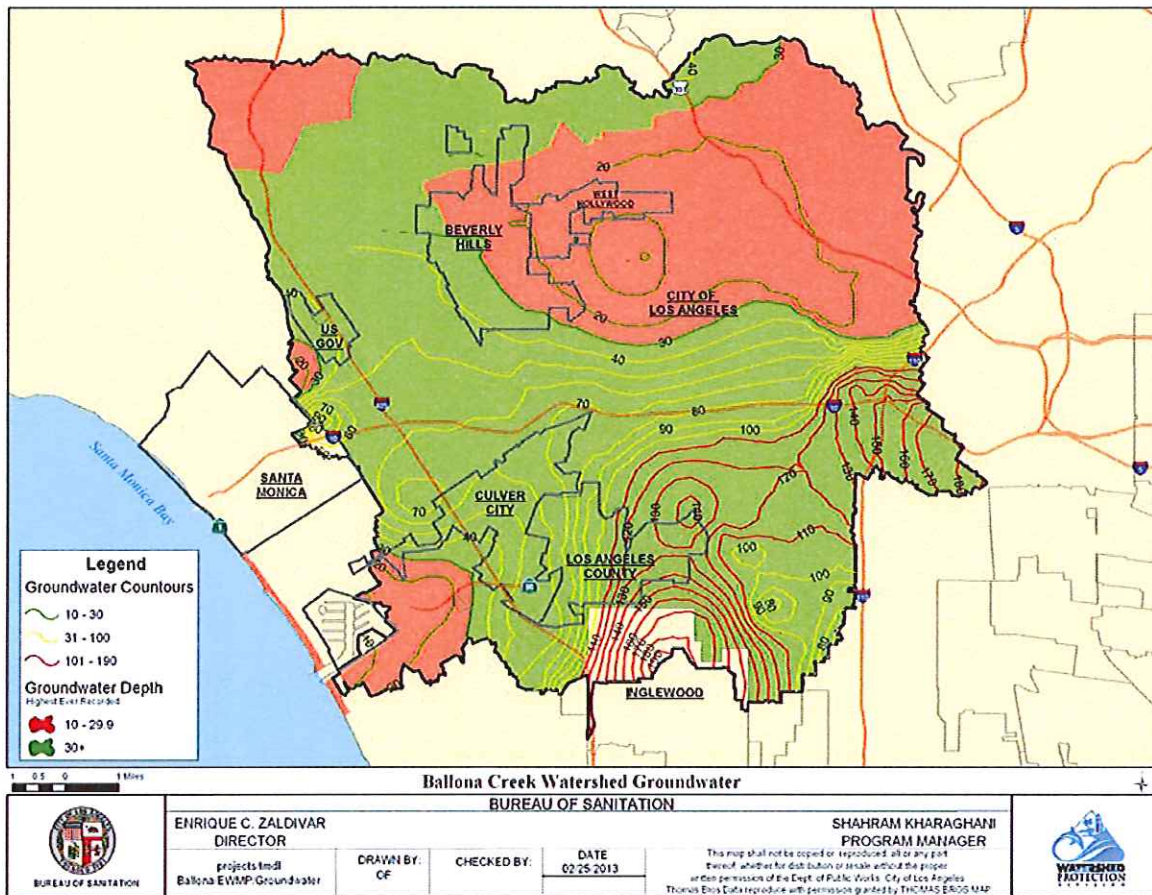


Attachment 2. Open space in Ballona Creek watershed.

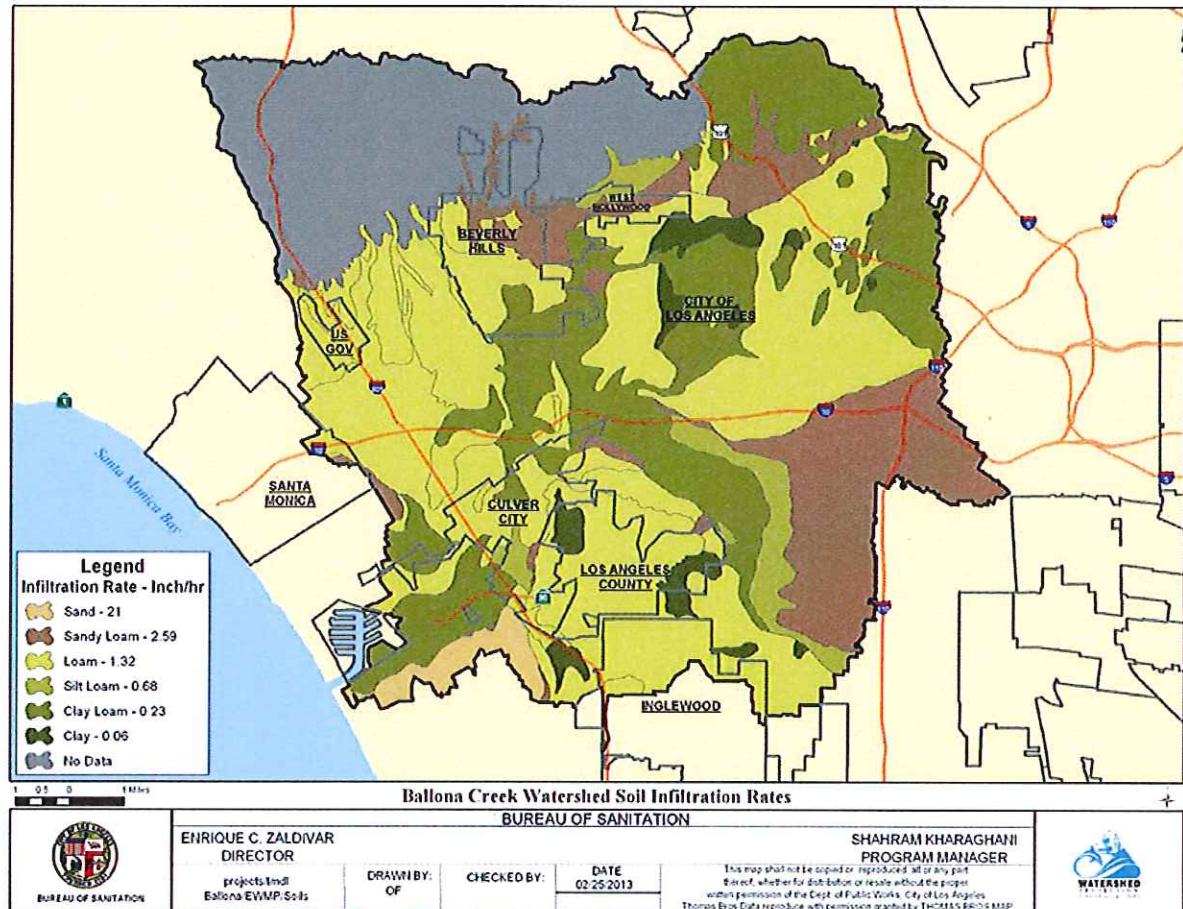




Attachment 3. Groundwater level in Ballona Creek watershed.



Attachment 4. Soils and infiltration rates in Ballona Creek watershed.





**Attachment 5. Final Draft Memorandum of Understanding for cost sharing of plan development.**

MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE CITY OF LOS ANGELES, THE CITY OF BEVERLY HILLS, THE CITY OF CULVER CITY,  
THE CITY OF INGLEWOOD, THE CITY OF SANTA MONICA, THE CITY OF WEST  
HOLLYWOOD, THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, AND THE  
COUNTY OF LOS ANGELES

REGARDING THE ADMINISTRATION AND COST SHARING FOR DEVELOPMENT OF THE  
ENHANCED WATERSHED MANAGEMENT PROGRAM FOR THE BALLONA CREEK  
WATERSHED

This Memorandum of Understanding (MOU) is made and entered into as of the date of the last signature set forth below by and between: the City of Los Angeles, a municipal corporation; the City of Beverly Hills, a municipal corporation; the City of Culver City, a municipal corporation; the City of Inglewood, a municipal corporation; the City of Santa Monica, a municipal corporation; the City of West Hollywood, a municipal corporation; the Los Angeles County Flood Control District (LACFCD), a political subdivision of the State of California; and the County of Los Angeles, a political subdivision of the State of California. Collectively, these entities shall be known herein as "Parties" or individually as "Party."

WITNESSETH

WHEREAS, the Regional Water Quality Control Board, Los Angeles Region ("Regional Board") adopted National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Permit Order No. R4-2012-0175 ("MS4 Permit"); and

WHEREAS, the MS4 Permit became effective on December 28, 2012 and requires that the LACFCD, County of Los Angeles, and 84 of the 88 cities (excluding Avalon, Long Beach, Palmdale, and Lancaster) within the County of Los Angeles comply with the prescribed elements of the MS4 Permit; and

WHEREAS, the MS4 Permit identified the Parties as the MS4 permittees that are responsible for compliance with the MS4 Permit requirements pertaining to the Ballona Creek watershed in the Santa Monica Bay Watershed Management Area; and

WHEREAS, the Parties have agreed to collaborate on the development of an Enhanced Watershed Management Program (EWMP) for the Ballona Creek watershed of the Santa Monica Bay Watershed Management Area to comply with certain elements of the MS4 Permit; and

WHEREAS, the Parties agree that each shall assume full and independent responsibility for ensuring its own compliance with the MS4 Permit despite the collaborative approach of the MOU; and

WHEREAS, the development of an EWMP includes the preparation of a Work Plan, a draft and final Coordinated Integrated Monitoring Program ("CIMP"), and a draft and final Enhanced Watershed Management Program Plan ("EWMP Plan"), collectively referred to herein as "Plans"; and

WHEREAS, the Parties collaboratively prepared a final Scope of Work and Request for Proposal to obtain a Consultant for preparing the Plans that will satisfy the requirements of the MS4 Permit; and

WHEREAS, the Parties have determined that hiring a Consultant to prepare and deliver the Plans will be beneficial to the Parties and they desire to participate and will provide funding in accordance with the cost allocation on Exhibit A; and

WHEREAS, the Parties have agreed that the total cost for developing the Plans shall not exceed \$1,382,903 including the project administration and management cost but excluding 10% contingency; and

WHEREAS, the Parties have agreed to retain the City of Los Angeles to coordinate the services of a Consultant to develop the Plans, the Parties have agreed to share in the cost and pay the City of Los Angeles for these consultant services as provided by Exhibit A of this MOU, and the City of Los Angeles has agreed to act on behalf of all Parties in the preparation of the Plans and the coordination of the consultant services;

NOW, THEREFORE, in consideration of the mutual benefits to be derived by the Parties, and of the promises contained in this MOU, the Parties agree as follows:

Section 1. Recitals: The recitals set forth above are fully incorporated into this MOU.

Section 2. Purpose: The purpose of this MOU is to cooperatively fund the preparation and submittal of the Plans to the Regional Board.

Section 3. Cooperation: The Parties shall fully cooperate with one another to attain the purpose of this MOU.



Section 4. Voluntary: This MOU is voluntarily entered into for the purpose of preparing and submitting the Plans to the Regional Board.

Section 5. Term: This MOU shall become effective on the last date of execution by the Parties or December 28, 2013, whichever comes first, and shall remain and continue to remain in effect until June 30, 2016. If a Party does not execute this MOU by December 28, 2013, that Party shall be excluded from this MOU and this MOU shall become effective on December 28, 2013 by execution by the remaining Parties.

Section 6. Assessment for Proportional Cost: The Parties agree to pay the City of Los Angeles for preparation and delivery of the Plans in the amounts shown in Table (4) of Exhibit A, based on the total costs shown in Tables (1) and (2) and the cost allocation formula shown in Table (3) of Exhibit A, attached hereto and made part of this MOU by this reference. The City of Los Angeles will invoice the Parties in two installments upon execution of this MOU as shown in Table (4) of Exhibit A, based on the allocated costs for developing the Plans by the Consultant and the project administration and management costs at a percentage of 5% of the allocated costs for development of the Plans. At the end of each fiscal year, the City of Los Angeles will provide the Agencies with a statement with the actual expenditures. Unexpended funds at the termination of this MOU will be returned to the Parties in accordance with the cost allocation formula set forth in Table (3) of Exhibit A.

Section 7. City of Los Angeles agrees:

- a. To solicit proposals for, award and administer a Consultant contract for the preparation and delivery of the Plans. The City of Los Angeles will be compensated for the administration and management of the Consultant contract as described in Exhibit A.
- b. To utilize the funds deposited by the Parties only for the administration of the Consultant contract, project management, and the preparation and completion of the Plans.
- c. To provide the Parties with an electronic copy of the technical memos, draft Plans and completed Plans within 7 business days of receipt from the Consultant.
- d. To invoice the Parties in the amounts and according to the schedule shown in Table (4) of Exhibit A.



- e. To provide an accounting within 90 days after the termination of the MOU or within 90 days after the early termination of the MOU pursuant to Section 11. The City of Los Angeles shall return the unused portion of all funds deposited with the City of Los Angeles in accordance with the cost allocation formula set forth in Table (3) in Exhibit A.

**Section 8. The Parties further agree:**

- a. To make a full faith effort to cooperate with one another to achieve the purposes of this MOU by providing information about project opportunities, reviewing deliverables in a timely manner, informing administration and council.
- b. To fund the cost of the preparation and delivery of the Plans and to pay the City of Los Angeles for the preparation and delivery of the Plans based on the cost allocation shown in Exhibit A. This includes the costs incurred by the City of Los Angeles for administering the Consultant services between awarding the Consultant contract and the execution of this MOU.
- c. To grant access rights and entry to the City of Los Angeles and the Consultant during the terms of this MOU to the Parties' facilities (i.e. storm drains, channels, catch basins, properties, etc.) ("Facilities") to achieve the purposes of this MOU. Prior to exercising said right of entry, the City of Los Angeles or their Consultant shall provide written notice to the Parties at least 72 hours in advance. For the purposes of this provision, written notice shall include notice delivered via e-mail that has been delivered to the Parties' representatives identified in Exhibit B.

**Section 9. Invoice and Payment**

- a. **Payment:** The Parties shall pay the City of Los Angeles their proportional share of the cost for the preparation and delivery of the Plans and project administration and management as shown in Table (4) of Exhibit A. Payments are due within sixty (60) days of receiving the invoice from the City of Los Angeles.
- b. **Invoice:** The City of Los Angeles will invoice Parties in two installments in the amounts shown in Table (4) of Exhibit A. The first invoice will be sent upon execution of this MOU or in January 2014, whichever comes first. The second invoice will be sent in July 2014.
- c. **Contingency:** The City of Los Angeles will notify the Parties if actual expenditures are anticipated to exceed the cost estimates contained in Exhibits A and obtain approval of such

expenditures from all Parties. Upon approval, the Parties agree to reimburse the City of Los Angeles for their proportional share of these additional expenditures at an amount not to exceed 10% of the original cost estimate as shown in Exhibit A. This 10% contingency will not be invoiced, unless actual expenditures exceed the original cost estimate. Expenditures that exceed the 10% contingency will require an amendment of this MOU.

#### Section 10. Indemnification

Each Party shall indemnify, defend, and hold harmless each other Party, including its special districts, elected and appointed officers, employees, and agents, from and against any and all liability, including but not limited to demands, claims, actions, fees, costs, and expenses (including attorney and expert witness fees), arising from or connected with the respective acts of each Party arising from or related to this MOU; provided, however, that no party shall indemnify another party for that party's own negligence or willful misconduct.

In light of the provisions of Section 895.2 of the Government Code of the State of California imposing certain tort liability jointly upon public entities solely by reason of such entities being parties to an agreement (as defined in Section 895 of said Code), each of the Parties hereto, pursuant to the authorization contained in Section 895.4 and 895.6 of said Code, shall assume the full liability imposed upon it or any of its officers, agents, or employees, by law for injury caused by any act or omission occurring in the performance of this MOU to the same extent that such liability would be imposed in the absence of Section 895.2 of said Code. To achieve the above stated purpose, each Party indemnifies, defends, and holds harmless each other Party for any liability, cost, or expense that may be imposed upon such other Party solely by virtue of said Section 895.2. The provisions of Section 2778 of the California Civil Code are made a part hereof as if incorporated herein.

#### Section 11. Termination

- a. This MOU may be terminated upon the express written agreement of all Parties. If this MOU is terminated, all Parties must agree on the equitable redistribution of remaining funds deposited, if there are any, or payment of invoices due at the time of termination. Completed work shall be owned by all Parties. Rights to uncompleted work by the Consultant still under contract will be held by the Party or Parties who fund the completion of such work.
- b. If a Party fails to substantially comply with any of the terms or conditions of this MOU, that Party shall forfeit its rights to work completed through this MOU, but no such forfeiture shall



occur unless and until the defaulting Party has first been given notice of its default and a reasonable opportunity to cure the alleged default.

#### Section 12. General Provisions

- a) Notices. Any notices, bills, invoices, or reports relating to this MOU, and any request, demand, statement or other communication required or permitted hereunder shall be in writing and shall be delivered to the Representative of the Party at the address set forth in Exhibit B. Parties shall promptly notify each other of any change of contact information, including personnel changes, provided in Exhibit B. Written notice shall include notice delivered via email or fax. A notice shall be deemed to have been received on (a) the date of delivery, if delivered by hand during regular business hours, or by confirmed facsimile or by email; or (b) on the third (3) business day following mailing by registered or certified mail (return receipt requested) to the addresses set forth in Exhibit B.
- b) Administration. For the purpose of this MOU, the parties hereby designate as their respective Party Representatives the persons named in Exhibit B. The designated Party Representatives, or their respective designees, shall administer the terms and conditions of this MOU on behalf of their respective Party. Each of the persons signing below on behalf of a Party represents and warrants that they are authorized to sign this MOU on behalf of such Party.
- c) Relationship of Parties. The Parties are and shall remain at all times as to each other, wholly independent entities. No Party to this MOU shall have power to incur any debt, obligation, or liability on behalf of another Party unless expressly provided to the contrary by this MOU. No employee, agent, or officer of a Party shall be deemed for any purpose whatsoever to be an agent, employee or officer of another Party.
- d) Binding Effect. This MOU shall be binding upon and inure to the benefit of each Party to this MOU and their respective heirs, administrators, representatives, successors and assigns.
- e) Amendment. The terms and provisions of this MOU may not be amended, modified or waived, except by an instrument in writing signed by all the Parties. This section applies to, but is not limited to, amendments proposed to address regulatory changes in the MS4 permit, modifications to the Scope of Work, or changes in the number of Parties to this MOU. For the City of Los Angeles, the Director of Bureau of Sanitation or his/her designee is authorized to execute such amendments.

- f) Waiver. Waiver by any Party to this MOU of any term, condition, or covenant of this MOU shall not constitute a waiver of any other term, condition, or covenant. Waiver by any Party to any breach of the provisions of this MOU shall not constitute a waiver of any other provision, nor a waiver of any subsequent breach or violation of any provision of this MOU.
- g) Law to Govern; Venue. This MOU shall be interpreted, construed and governed according to the laws of the State of California. In the event of litigation between the Parties, venue in the state trial courts shall lie exclusively in the County of Los Angeles.
- h) No Presumption in Drafting. The Parties to this MOU agree that the general rule that an MOU is to be interpreted against the Party drafting it, or causing it to be prepared shall not apply.
- i) Entire Agreement. This MOU constitutes the entire agreement of the Parties with respect to the subject matter hereof and supersedes all prior or contemporaneous agreements, whether written or oral, with respect thereto.
- j) Severability. If any term, provision, condition or covenant of this MOU is declared or determined by any court or competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions of this MOU shall not be affected thereby and this MOU shall be read and constructed without the invalid, void, or unenforceable provision(s).
- k) Counterparts. This MOU may be executed in any number of counterparts, each of which shall be an original, but all of which taken together shall constitute but one and the same instrument, provided, however, that such counterparts shall have been delivered to all Parties to this MOU.
- l) All Parties have been represented by counsel in the preparation and negotiation of this MOU. Accordingly, this MOU shall be construed according to its fair language.

IN WITNESS WHEREOF, the Parties hereto have caused this MOU to be executed by their duly authorized representatives and affixed as of the date of signature of the Parties:

**CITY OF LOS ANGELES**

Date: \_\_\_\_\_

By: \_\_\_\_\_

Capri W. Maddox, President

Board of Public Works

ATTEST:

By: \_\_\_\_\_

June Lagmay

City Clerk

APPROVED AS TO FORM:

Michael N. Feuer

City Attorney

By: \_\_\_\_\_

John A. Carvalho



Deputy City Attorney

**CITY OF BEVERLY HILLS**

Date: \_\_\_\_\_

By: \_\_\_\_\_

Jeffrey C. Kolin, City Manager

ATTEST:

\_\_\_\_\_  
Mahdi Aluzri

Acting Director of Public

Works & Transportation

APPROVED AS TO FORM:

By: \_\_\_\_\_

Laurence Wiener

City Attorney

**CITY OF CULVER CITY**

Date: \_\_\_\_\_

By: \_\_\_\_\_

P. Lamont Ewell

City Manager

APPROVED AS TO CONTENT

\_\_\_\_\_

Charles Herbertson,

Public Works Director

APPROVED AS TO FINANCING:

\_\_\_\_\_

Chief Financial Officer

APPROVED AS TO FORM:

By: \_\_\_\_\_

Carol Schwab

City Attorney

**CITY OF INGLEWOOD**

Date: \_\_\_\_\_

By: \_\_\_\_\_

Roosevelt F. Dorn

Mayor

ATTEST:

By: \_\_\_\_\_

Yvonne Horton

City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_

Cal Saunders

City Attorney

**CITY OF SANTA MONICA**

Date: \_\_\_\_\_

By: \_\_\_\_\_

Rod Gould, City Manager

ATTEST:

By: \_\_\_\_\_

Sarah P. Gorman

City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_

Marsha Jones Moutrie,

City Attorney

**CITY OF WEST HOLLYWOOD**

Date: \_\_\_\_\_

By: \_\_\_\_\_

Paul Arevalo

City Manager

ATTEST:

By: \_\_\_\_\_

APPROVED AS TO FORM:

By: \_\_\_\_\_

Michael Jenkins

City Attorney



**LOS ANGELES COUNTY FLOOD CONTROL DISTRICT**

By \_\_\_\_\_

Chief Engineer

APPROVED AS TO FORM:

John F. Krattli

County Counsel

By

\_\_\_\_\_  
Deputy

\_\_\_\_\_  
Date

COUNTY OF LOS ANGELES

By

\_\_\_\_\_  
GAIL FARBER

\_\_\_\_\_  
Date

APPROVED AS TO FORM:

John F. Krattli

County Counsel

By

\_\_\_\_\_  
Deputy

\_\_\_\_\_  
Date

## EXHIBIT A

Total estimated cost, cost-sharing and City of Los Angeles invoicing for Ballona Creek Enhanced Watershed Management Program: development of Work Plan, Coordinated Integrated Monitoring Program, EWMP Plan

**Table 1. Estimated Consultant Contract Cost**

Deliverable	Due Date	Estimated Cost
Work Plan	June 28, 2014	\$269,300
CIMP	June 28, 2014	\$154,045
EWMP Plan	June 28, 2015 (draft plan) January 28, 2016 (final plan)	\$659,495
Project Management, Coordination & Meetings	Ongoing	\$234,210
<b>Estimated Contract Cost</b>	-	<b>\$ 1,317,050</b>

**Table 2. Estimated Total Cost and LACFCD Contribution**

Item	Estimated Cost
Contract	\$1,317,050
Project Administration & Management (5%)	\$65,853
<b>Estimated Total Cost</b>	<b>\$1,382,903</b>
LACFCD Contribution (10%)	-\$138,290
<b>Cost for area cost sharing</b>	<b>\$1,244,613</b>

**Table 3. Cost Allocation Formula for Area Cost Sharing and Estimated Total Cost by Party**

Party	Acres	Percent of Area <sup>(1)</sup> (%)	Total Cost
City of Los Angeles	65,272.89	83.21	\$1,035,642
City of Beverly Hills	3,618.95	4.62	\$57,501
City of Culver City	3,125.00	3.98	\$49,536
City of Inglewood	1,907.72	2.43	\$30,244
City of Santa Monica	217.31	0.28	\$3,485
City of West Hollywood	1,135.00	1.45	\$18,047
County of Los Angeles	3,164.76	4.03	\$50,158
LACFCD	NA	NA	\$138,290
<b>Total</b>	<b>78,441.63</b>	<b>100</b>	<b>\$1,382,903</b>

<sup>1</sup> Areas owned by Caltrans, State Parks, and U.S. Government have been excluded from the total area of the Ballona Creek watershed.

**Table 4. City of Los Angeles Invoicing Schedule and Invoice Amounts to Parties**

Party	First Invoice (Jan 2014)	Second Invoice (Jul 2014)	Total Invoice Amount	Contingency (10%) <sup>1</sup>	Total Cost including Contingency
City of Beverly Hills	\$28,750.50	\$28,750.50	\$57,501.00	\$5,750.10	\$63,251.10
City of Culver City	\$24,768.00	\$24,768.00	\$49,536.00	\$4,953.60	\$54,489.60
City of Inglewood	\$15,122.00	\$15,122.00	\$30,244.00	\$3,024.40	\$33,268.40
City of Santa Monica	\$1,742.50	\$1,742.50	\$3,485.00	\$348.50	\$3,833.50
City of West Hollywood	\$9,023.50	\$9,023.50	\$18,047.00	\$1,804.70	\$19,851.70
County of Los Angeles	\$25,079.00	\$25,079.00	\$50,158.00	\$5,015.80	\$55,273.80
LACFCD	\$69,145.00	\$69,145.00	\$138,290.00	\$13,829.00	\$152,119.00

<sup>1</sup>Contingency is 10% of the total invoice amount. Contingency will not be invoiced unless there is a need for its expenditure as agreed by all Parties.

**EXHIBIT B**

## Ballona Creek Watershed Party Representatives

1. City of Los Angeles  
Department of Public Works  
Bureau of Sanitation, Watershed Protection Division  
1149 S. Broadway  
Los Angeles, CA 90015  
Party Representative: Shahram Kharaghani, Division Manager  
E-mail: [Shahram.Kharaghani@Lacity.org](mailto:Shahram.Kharaghani@Lacity.org)  
Phone: (213) 485-0587  
Fax: (213) 485-3939
  
2. City of Beverly Hills  
455 North Rexford Drive  
Beverly Hills, CA 90210  
Party Representative: Daniel Cartagena, Senior Management Analyst  
[dcartagena@beverlyhills.org](mailto:dcartagena@beverlyhills.org)  
Phone No.: (310) 285-1189  
Fax: (310) 278-1838
  
3. City of Culver City  
9770 Culver Blvd., 2<sup>nd</sup> Floor  
Culver City, CA 90232-0507  
Party Representative: Charles D. Herbertson, Director of Public Works/City Engineer  
[charles.herbertson@culvercity.org](mailto:charles.herbertson@culvercity.org)  
Phone No.: (310) 253-5630  
Fax: (310) 253-5626



4. City of Inglewood  
Public Works Department  
1 Manchester Blvd.  
Inglewood, CA90301  
Party Representative: Lauren Amimoto, Senior Administrative Analyst  
[lamimoto@cityofinglewood.org](mailto:lamimoto@cityofinglewood.org)  
Phone No.: (310) 412-5192  
Fax: (310) 412-5552
  
5. City of Santa Monica  
Public Works Department  
Civil Engineering Division  
1437 4<sup>th</sup> Street, Suite 300  
Santa Monica, CA90401  
Rick Valte  
[Email: rick.valte@smgov.net](mailto:rick.valte@smgov.net)  
Phone No.: (310) 458-8234  
Fax: (310) 393-4425
  
6. City of West Hollywood  
Department of Transportation and Public Works  
8300 Santa Monica Blvd.  
West Hollywood, CA 90069-6216  
Party Representative: Sharon Perlstein, City Engineer  
[Sperlstein@weho.org](mailto:Sperlstein@weho.org)  
Phone No.: (323) 848-6368  
Fax: (323) 848-6564

7. County of Los Angeles  
Department of Public Works  
Watershed Management Division, 11<sup>th</sup> Floor  
900 South Fremont Avenue  
Alhambra, CA 91803-1331  
Party Representative: Gary Hildebrand  
E-mail: GHILDEB@dpw.lacounty.gov  
Phone: (626) 458-4300  
Fax: (626) 457-1526
  
8. Los Angeles County Flood Control District  
Department of Public Works  
Watershed Management Division, 11<sup>th</sup> Floor  
900 South Fremont Avenue  
Alhambra, CA 91803-1331  
Party Representative: Gary Hildebrand  
E-mail: GHILDEB@dpw.lacounty.gov  
Phone: (626) 458-4300  
Fax: (626) 457-1526

## Attachment 6. Letters of intent by Ballona Creek EWMP agencies.

BOARD OF  
PUBLIC WORKS  
—  
COMMISSIONERS  
—  
CAPRI W. MADDOX  
PRESIDENT  
—  
VALERIE LYNNE SHAW  
VICE PRESIDENT  
—  
STEVEN T. NUTTER  
PRESIDENT PRO TEMPORE  
—  
WARREN T. FURUTANI  
COMMISSIONER  
—  
JERLYN LÓPEZ-MENDOZA  
COMMISSIONER

CITY OF LOS ANGELES  
CALIFORNIA

ANTONIO R. VILLARAIGOSA  
MAYOR

## BUREAU OF SANITATION

ENRIQUE C. ZALDIVAR  
DIRECTOR

TRACI J. DINAMDE  
CHIEF OPERATING OFFICER

VAROUI S. ABKIAN  
ADEL H. HAGEKHALIL  
ALEXANDER E. HELOU  
ASSISTANT DIRECTORS

NEIL M. GUGUENLO  
ACTING CHIEF FINANCIAL OFFICER

WATERSHED PROTECTION DIVISION  
1142 SOUTH BROADWAY, 12<sup>TH</sup> FLOOR  
LOS ANGELES, CA 90015  
TEL: (213) 485-9337  
FAX: (213) 485-3359

June 20, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Rence Purdy

Dear Mr. Unger:

**CITY OF LOS ANGELES COMMITMENT TO PARTICIPATE IN AND SHARE THE COST FOR  
DEVELOPMENT OF ENHANCED WATERSHED MANAGEMENT PROGRAM AND COORDINATED  
INTEGRATED MONITORING PROGRAM FOR THE BALLONA CREEK WATERSHED**

The City of Los Angeles submits this letter of intent with our commitment to participate in and share the cost for the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) for the Ballona Creek watershed as outlined in the Notice of Intent submitted by the City of Los Angeles to meet the requirements of Part VI.C.4.b of the MS4 Permit (Order No. R4-2012-0175) and the CIMP notification requirements specified in Attachment E Section IV.C.1.

The Ballona Creek Watershed Group consists of the following MS4 Permittees: the City of Los Angeles (lead agency for EWMP and CIMP development), the County of Los Angeles, Los Angeles County Flood Control District, the City of Beverly Hills, the City of Culver City, the City of Inglewood, the City of Santa Monica, and the City of West Hollywood. The final draft agreement to fund program development by the Ballona Creek Watershed Group has been included in the Notice of Intent and the City of Los Angeles is committed to execute this agreement prior to December 28, 2013.

Should you have any questions regarding this correspondence, please contact me at [shahram.kharaghani@lacity.org](mailto:shahram.kharaghani@lacity.org) or phone (213) 485-0587 or your staff may contact Huub Cox at [huubtus.cox@lacity.org](mailto:huubtus.cox@lacity.org) or phone (213) 485-3984.

Sincerely,

  
SHAHRAM KHARAGHANI, Ph.D., P.E., RCEE  
Program Manager

SK:HC:RT  
WPDCR9638

AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER

Recycled and recycled paper products



Mr. Sam Unger  
City of Los Angeles Letter of Intent for Ballona Creek Watershed  
June 20, 2013  
Page 2

cc: Renee Purdy, California Regional Water Quality Control Board, Los Angeles Region  
Ivar Ridgeway, California Regional Water Quality Control Board, Los Angeles Region  
Enrique Zaldivar, City of Los Angeles, BOS  
Adel Hagekhalil, City of Los Angeles, BOS  
Gary Hildebrand, County of Los Angeles  
Daniel Cartagena, City of Beverly Hills  
Sharon Perlstein, City of West Hollywood  
Damian Skinner, City of Culver City  
Lauren Amlmoto, City of Inglewood  
Rick Valte, City of Santa Monica



GAIL FARBER, Director

**COUNTY OF LOS ANGELES****DEPARTMENT OF PUBLIC WORKS***"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91801-1331  
Telephone: (626) 438-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE  
REFER TO FILE **WM-7**

June 24, 2013

Mr. Samuel Unger, P.E.  
Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – LOS ANGELES COUNTY FLOOD CONTROL DISTRICT  
BALLONA CREEK WATERSHED  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The Los Angeles County Flood Control District (LACFCD) submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) for the Ballona Creek Watershed. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Ballona Creek EWMP agencies consist of the following: City of Los Angeles as the coordinating agency for EWMP and CIMP development, County of Los Angeles, LACFCD, and cities of Beverly Hills, Culver City, Inglewood, Santa Monica, and West Hollywood. The Ballona Creek EWMP agencies have included a final draft Memorandum of Understanding as Attachment 5 of the Notice of Intent. The LACFCD intends to submit a final Memorandum of Understanding to the County of Los Angeles Board of Supervisors (which is the LACFCD's governing body) for approval prior to December 28, 2013.



Mr. Samuel Unger  
June 24, 2013  
Page 2

If you have any questions, please contact Ms. Terri Grant at (626) 458-4309 or [tgrant@dpw.lacounty.gov](mailto:tgrant@dpw.lacounty.gov).

Very truly yours,



*~* GAIL FARBER  
Chief Engineer of the Los Angeles County Flood Control District

RP:jht

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cc: City of Beverly Hills  
City of Culver City  
City of Inglewood  
City of Los Angeles  
City of Santa Monica  
City of West Hollywood



GAIL FARBER, Director

**COUNTY OF LOS ANGELES****DEPARTMENT OF PUBLIC WORKS***"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1311  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91801-1460

IN REPLY PLEASE  
REFER TO FILE: WM-7

June 24, 2013

Mr. Samuel Unger, P.E., Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – COUNTY OF LOS ANGELES  
BALLONA CREEK WATERSHED  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The County of Los Angeles (County) submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) for the Ballona Creek Watershed. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Ballona Creek EWMP agencies consist of the following: City of Los Angeles as the coordinating agency for EWMP and CIMP development, County, Los Angeles County Flood Control District, and cities of Beverly Hills, Culver City, Inglewood, Santa Monica, and West Hollywood. The Ballona Creek EWMP agencies have included a final draft Memorandum of Understanding as Attachment 5 of the Notice of Intent. The County intends to submit a final Memorandum of Understanding to its Board of Supervisors for approval prior to December 28, 2013.

Mr. Samuel Unger  
June 24, 2013  
Page 2

If you have any questions, please contact Ms. Angela George at (626) 458-4325 or [ageorge@dpw.lacounty.gov](mailto:ageorge@dpw.lacounty.gov).

Very truly yours,



*RF*  
GAIL FARBER  
Director of Public Works

RP:jht

P:\wmpub\Secretariat\2013 Documents\Letter\LOI Ballona Creek County.doc\CI13223

cc: City of Beverly Hills  
City of Culver City  
City of Inglewood  
City of Los Angeles  
City of Santa Monica  
City of West Hollywood



Jeffrey Kolln, City Manager

June 3, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

**CITY OF BEVERLY HILLS COMMITMENT TO PARTICIPATE IN AND SHARE THE COST FOR  
DEVELOPMENT OF ENHANCED WATERSHED MANAGEMENT PROGRAM AND COORDINATED  
INTEGRATED MONITORING PROGRAM FOR THE BALLONA CREEK WATERSHED**

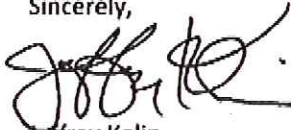
Dear Mr. Unger,

The City of Beverly Hills submits this letter of intent with our commitment to participate in and share the cost for the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) for the Ballona Creek watershed as outlined in the Notice of Intent submitted by the City of Los Angeles to meet the requirements of Part VI.C.4.b of the MS4 Permit (Order No. R4-2012-0175) and the CIMP notification requirements specified in Attachment E Section IV.C.1.

The Ballona Creek Watershed Group consists of the following MS4 Permittees: the City of Los Angeles (lead agency for EWMP and CIMP development), the County of Los Angeles, Los Angeles County Flood Control District, the City of Beverly Hills, the City of Culver City, the City of Inglewood, the City of Santa Monica, and the City of West Hollywood. The final draft agreement to fund program development by the Ballona Creek Watershed Group has been included in the Notice of Intent and the City of Beverly Hills is committed to execute this agreement prior to December 28, 2013.

Should you have any questions regarding this correspondence, please contact Daniel E. Cartagena at 310.285.1189 or [dcartagena@beverlyhills.org](mailto:dcartagena@beverlyhills.org).

Sincerely,



Jeffrey Kolin  
City Manager,  
City of Beverly Hills

cc: Renee Purdy, California Regional Water Quality Control Board, Los Angeles Region  
Ivar Ridgeway, California Regional Water Quality Control Board, Los Angeles Region  
Shahram Kharaghani, City of Los Angeles  
Gary Hildebrand, County of Los Angeles  
Daniel Cartagena, City of Beverly Hills  
Sharon Perlstein, City of West Hollywood  
Damian Skinner, City of Culver City  
Lauren Amimoto, City of Inglewood  
Rick Valte, City of Santa Monica





CITY OF  
WEST HOLLYWOOD

CITY HALL  
300 S. GLEN BEACH BLVD.  
WEST HOLLYWOOD, CA  
90069-6216  
TEL: (323) 848-6498  
FAX: (323) 848-6562

TTY: For hearing impaired  
(323) 848-6498

OFFICE OF THE  
CITY MANAGER

PAUL AREVALO  
CITY MANAGER

May 30, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

**CITY OF WEST HOLLYWOOD COMMITMENT TO PARTICIPATE IN  
AND SHARE THE COST FOR DEVELOPMENT OF AN ENHANCED  
WATERSHED MANAGEMENT PROGRAM AND COORDINATED  
INTEGRATED MONITORING PROGRAM FOR THE BALLONA CREEK  
WATERSHED**

Dear Mr. Unger;

The City of West Hollywood submits this letter of intent with our commitment to participate in and share the cost for the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) for the Ballona Creek watershed as outlined in the Notice of Intent submitted by the City of Los Angeles to meet the requirements of Part VI.C.4.b of the MS4 Permit (Order No. R4-2012-0175) and the CIMP notification requirements specified in Attachment E Section IV.C.1.

The Ballona Creek Watershed Group consists of the following MS4 Permittees: the City of Los Angeles (lead agency for EWMP and CIMP development), the County of Los Angeles, Los Angeles County Flood Control District, the City of Beverly Hills, the City of Culver City, the City of Inglewood, the City of Santa Monica, and the City of West Hollywood. The final draft agreement to fund program development by the Ballona Creek Watershed Group has been included in the Notice of Intent and the City of West Hollywood is committed to execute this agreement prior to December 28, 2013.

Should you have any questions regarding this correspondence, please contact Sharon Perlstein, City Engineer, at (323) 848 6383.

Sincerely,

A handwritten signature of Paul Arevalo in black ink.

Paul Arevalo  
City Manager



CITY OF  
WEST HOLLYWOOD

CC:

Renee Purdy, California Regional Water Quality Control Board, Los Angeles Region

Ivar Ridgeway, California Regional Water Quality Control Board, Los Angeles Region

Shahram Kharaghani, City of Los Angeles

Gary Hildebrand, County of Los Angeles

Daniel Cartagena, City of Beverly Hills

Sharon Perlstein, City of West Hollywood

Damian Skinner, City of Culver City

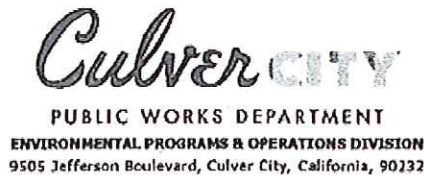
Lauren Amimoto, City of Inglewood

Rick Valle, City of Santa Monica



Charles D. Herberichson, P.E., L.S.  
Public Works Director/City Engineer

Damian Skinner  
Environmental Programs & Operations  
Division Manager



(310) 253-6445  
FAX (310) 253-6430

June 3, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, CA 90013

ATTN: Renee Purdy

**CITY OF CULVER CITY'S COMMITMENT TO PARTICIPATE IN AND SHARE THE COST FOR  
DEVELOPMENT OF AN ENHANCED WATERSHED MANAGEMENT PROGRAM AND  
COORDINATED INTEGRATED MONITORING PROGRAM FOR THE BALLONA CREEK WATERSHED**

Dear Mr. Unger,

The City of Culver City submits this Letter of Intent (LOI) with our commitment to participate in and share the cost for the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) for the Ballona Creek watershed as outlined in the Notice of Intent (NOI) submitted by the City of Los Angeles to meet the requirements of Part VI.C.4.b of the Municipal Separate Storm Sewer System Permit (MS4 Permit), Order No. R4-2012-0175, and the CIMP notification specified in Attachment E, Section IV.C.1.

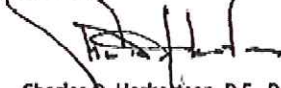
The Ballona Creek Watershed Group consists of the following MS4 Permittees:

- City of Los Angeles, lead agency for EWMP/CIMP development;
- County of Los Angeles and Los Angeles County Flood Control District;
- Cities of Beverly Hills, Culver City, Inglewood, Santa Monica and West Hollywood.

The final draft agreement to fund program development by the Ballona Creek Watershed Group has been included in the NOI and the City of Culver City is committed to execute this agreement prior to December 28, 2013.

Should you have any questions regarding this correspondence, please contact Damian Skinner at (310) 253-6421 or [damian.skinner@culvercity.org](mailto:damian.skinner@culvercity.org).

Sincerely,



Charles D. Herbetson, P.E., P.L.S.  
Director of Public Works & City Engineer

cc:

Renee Purdy, California Regional Water Quality Control Board, Los Angeles Region  
Ivar Ridgeway, California Regional Water Quality Control Board, Los Angeles Region  
Shahram Kharaghani, City of Los Angeles  
Gary Hildebrand, County of Los Angeles  
Daniel Cartagena, City of Beverly Hills  
Sharon Perlstein, City of West Hollywood  
Damian Skinner, City of Culver City  
Lauren Amimoto, City of Inglewood  
Rick Valte, City of Santa Monica

*Culver City Employees take pride in effectively providing the highest levels of service to enrich the quality of life for the community by building on our tradition of more than seventy-five years of public services, by our present commitment, and by our dedication to meet the challenges of the future*

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Inglewood



California

Public Works Department  
ONE MANCHESTER BOULEVARD / INGLEWOOD, CA. 90301 / P.O. BOX 6500 / INGLEWOOD, CA. 90312  
Telephone (310) 412-5333 / Fax (310) 412-5552  
[www.cityofinglewood.org](http://www.cityofinglewood.org)

LOUIS A. ATWELL, P.E.  
PUBLIC WORKS DIRECTOR

June 11, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

**CITY OF INGLEWOOD'S COMMITMENT TO PARTICIPATE IN AND SHARE THE  
COST OF DEVELOPMENT OF ENHANCED WATERSHED MANAGEMENT  
PROGRAM AND COORDINATED INTEGRATED MONITORING PROGRAM FOR  
BALLONA CREEK WATERSHED**

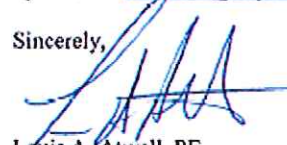
Dear Mr. Unger;

The City of Inglewood (City) submits this letter of intent with our commitment to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) for the Ballona Creek watershed by the Ballona Creek Watershed Group as outlined in the Notice of Intent submitted by the City of Los Angeles to meet the requirements of Part VI.C.4.b of the MS4 Permit (Order No. R4-2012-0175) and the CIMP notification requirements as provided by Attachment E Section IV.C.1. The Ballona Creek Watershed Group consists of the following MS4 Permittees: the City of Los Angeles (lead agency for EWMP and CIMP development), the County of Los Angeles, Los Angeles County Flood Control District, the City of Beverly Hills, the City of Culver City, the City of Inglewood, the City of Santa Monica, and the City of West Hollywood. This letter of intent is also to satisfy the requirements of Part VI.C.4.b.iii.(3) in the new MS4 Permit. The final draft agreement to fund plan development by the Ballona Creek Watershed Group has been included in the Notice of Intent and the City is committed to execute this agreement prior to December 28, 2013.



Should you have any questions regarding this correspondence, please contact Lauren Aminoto, Senior Administrative Analyst at (310) 412-5192 or by email at [lamimoto@cityofinglewood.org](mailto:lamimoto@cityofinglewood.org)

Sincerely,



Louis A. Atwell, PE  
Director of Public Works

cc:

Renee Purdy, California Regional Water Quality Control Board, Los Angeles Region  
Ivar Ridgeway, California Regional Water Quality Control Board, Los Angeles Region  
Shahram Kharaghani, City of Los Angeles  
Gary Hildebrand, County of Los Angeles  
Daniel Cartagena, City of Beverly Hills  
Sharon Perlstein, City of West Hollywood  
Damian Skinner, City of Culver City  
Lauren Aminoto, City of Inglewood  
Rick Valte, City of Santa Monica



Office of the City Manager  
1685 Main Street  
PO Box 2200  
Santa Monica, California 90407-2200

June 17, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

**CITY OF SANTA MONICA COMMITMENT TO PARTICIPATE IN AND SHARE THE COST FOR DEVELOPMENT OF ENHANCED WATERSHED MANAGEMENT PROGRAM AND COORDINATED INTEGRATED MONITORING PROGRAM FOR THE JURISDICTIONAL GROUPS 2 AND 3 (J2 and J3) OF THE SANTA MONICA BAY WATERSHED**

Dear Mr. Unger;

The CITY OF SANTA MONICA submits this letter of intent with our commitment to participate in and share the cost for the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) for J2 and J3 of the Santa Monica Bay watershed as outlined in the Notice of Intent submitted by the City of Los Angeles to meet the requirements of Part VI.C.4.b of the MS4 Permit (Order No. R4-2012-0175) and the CIMP notification requirements specified in Attachment E Section IV.C.1.

The J2 and J3 of the Santa Monica Bay Watershed Group consists of the following MS4 Permittees: the City of Los Angeles (lead agency for EWMP and CIMP development), the County of Los Angeles, Los Angeles County Flood Control District, the City of Santa Monica, and the City of El Segundo. The final draft agreement to fund program development by J2 and J3 of the Santa Monica Bay Watershed Group has been included in the Notice of Intent and the CITY OF SANTA MONICA is committed to execute this agreement prior to December 28, 2013.

tel: 310 458-8301 • fax: 310 917-6640

Should you have any questions regarding this correspondence, please contact Rick Valte at (310) 458-8234.

Sincerely,



ROD GOULD  
City Manager

cc:

Renee Purdy, California Regional Water Quality Control Board, Los Angeles Region  
Ivar Ridgeway, California Regional Water Quality Control Board, Los Angeles Region  
Shahram Kharaghani, City of Los Angeles  
Gary Hildebrand, County of Los Angeles  
Rick Valte, City of Santa Monica  
Stephanie Katsouleas, City of El Segundo

## Attachment 7. Fact sheet Mar Vista Recreation Center Stormwater BMP Project.

### *Mar Vista Recreation Center Stormwater Best Management Practices Project*

**Project Description**

This project involves construction in two phases to clean urban runoff from an existing 78-inch storm drain in Sawtelle Blvd. and to use the water for irrigation in Mar Vista Park. Phase I facilities include: 1) storm drain diversion structure; 2) trash maintenance hole; 3) stormwater lift station; 4) hydrodynamic separator; 5) 270,000-gallon underground detention tank; 6) disinfection facility; 7) overflow/return piping; and 8) pump and control systems. Phase I was completed by the end of 2010 and the project is currently operated at limited capacity as a treat & release facility. The objective of Phase II is to include an irrigation system to beneficially use the treated water at the park, to increase the treatment capacity of the facility and associated pollutant load reductions, and to conduct a facility optimization project to fine-tune the grey and green infrastructure components of the project and optimize overall performance of the facility.

**Project Location**

The project is located at the Mar Vista Recreation Center in the 11th Council District. The park, located west of the 405 Freeway at the corner of Sawtelle Blvd and Palms Blvd, is owned and operated by the City of Los Angeles Department of Recreation and Parks. The project will capture dry and wet weather runoff from a 243-acre drainage area that is predominantly made up of high-density residential neighborhoods and transportation corridors within the Ballona Creek watershed.

**Targeted Pollutants & Other Project Benefits**

The primary objective of the project is to remove bacteria from urban runoff in the Mar Vista subwatershed, but the project will also capture other pollutants of concern, such as trash, oil & grease, suspended sediments, and heavy metals. Whereas Phase I of the project will treat and return the runoff to the storm drain system, Phase II of the project will treat and retain the runoff for on-site uses thereby increasing the volumetric capacity of the facility and increasing the pollutant load reductions of, in particular, metals and toxics. Collectively, Phases I and II of the Mar Vista Recreation Center Stormwater BMP Project will assist the watershed to comply with the Ballona Creek TMDL regulations for indicator bacteria and metals, and the Ballona Estuary TMDL for toxic pollutants. In addition, the project will also support local water conservation efforts by using the cleaned water for irrigation.

**Schedule & Project Funding**

Phase I has been completed. The estimated total cost to design and construct Phase II is approximately \$1.5 million. Phase II is expected to be completed by December 2014.





**Attachment 8. Specific actions and status of compliance by EWMP agencies for compliance with interim and final milestones of the Ballona Creek Trash TMDL.**

EWMP agency	Implementation status Ballona Creek Trash TMDL
City of Los Angeles	As of December 2012, City has retrofitted approximately 28,700 catch basins with screens, installed 3 mainline hydrodynamic devices and 10 netting systems and is on target for the 90% interim milestone. 100% compliance will be demonstrated through the City's Trash TMDL Quantification Study of Institutional Measures.
County of Los Angeles	319 out of a total of 399 catch basins have been retrofitted with full capture devices. The remaining 80 catch basins will be retrofitted by 2014 to meet the 100% milestone.
LACFCD	NA
City of Beverly Hills	TBD
City of Culver City	On schedule for interim milestones through institutional measures including street sweeping, trash receptacles, and catch basin cleaning. Currently, two CDS units have been installed (serving 54 catch basins), 206 catch basins have been equipped with ARS and 152 catch basins with CPS. Remaining catch basins will be retrofitted by end of 2013.
City of Inglewood	On schedule for interim milestones through institutional measures including street sweeping, trash receptacles, and catch basin cleaning. Currently, 205 city owned catch basins are being retrofitted with a Connector Pipe Screen (CPS) devices and the city is in the process of obtaining a permit from Los Angeles County to retrofit an additional 200 county owned catch basins with CPS.
City of West Hollywood	On schedule with interim and final TMDL milestones through implementation of multiple of institutional measures including street sweeping, trash collection, catch basin cleaning, outreach, and enforcement. As of December 2012, 150 catch basins have been retrofitted with screens or inserts.
City of Santa Monica	A full-capture trash BMP at the Westside Water Quality Improvement Project has been installed to remove trash from all runoff from City of Santa Monica to Ballona Creek.



**Attachment 9. Summary of Ballona Creek Metals TMDL monitoring.**

The following table provides the percentage of the watershed area that meets the dry weather waste load allocations for total metals. Total metals were determined on a monthly basis at four sampling locations along Ballona Creek as specified in the Coordinated Monitoring Plan for the Ballona Creek Metals TMDL.

Sampling Date	Percent Area Meeting WLA			
	Total Copper	Total Lead	Total Selenium	Total Zinc
02/05/2009	100%	100%	100%	100%
03/12/2009	100%	100%	100%	100%
04/29/2009	100%	100%	100%	100%
05/14/2009	98%	100%	100%	100%
06/04/2009	58%	100%	100%	100%
07/14/2009	98%	100%	100%	100%
08/11/2009	80%	100%	100%	100%
09/01/2009	100%	100%	100%	100%
10/06/2009	38%	100%	100%	100%
11/10/2009	100%	100%	100%	100%
12/21/2009	100%	100%	100%	100%
1/25/2010	100%	100%	100%	100%
2/17/2010	100%	100%	100%	100%
3/9/2010	100%	100%	100%	100%
4/7/2010	100%	100%	100%	100%
5/17/2010	62%	100%	100%	100%
6/28/2010	100%	100%	100%	100%
7/13/2010	100%	100%	100%	100%
8/10/2010	100%	100%	100%	100%
9/13/2010	80%	100%	100%	100%
04/25/2011	100%	100%	100%	100%
06/14/2011	100%	100%	100%	100%
07/12/2011	100%	100%	100%	100%
08/23/2011	100%	100%	100%	100%
09/13/2011	100%	100%	100%	100%
2/22/2012	100%	100%	100%	100%
5/15/2012	100%	100%	100%	100%

**--- END OF DOCUMENT ---**

**CITY OF LOS ANGELES**  
CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

BOARD OF  
**PUBLIC WORKS**

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ALEXANDER E. HELOU  
ASSISTANT DIRECTORS

NEIL M. GUGLIEMO  
ACTING CHIEF FINANCIAL OFFICER

**WATERSHED PROTECTION DIVISION**  
1149 SOUTH BROADWAY, 10<sup>TH</sup> FLOOR  
LOS ANGELES, CA 90015  
TEL: (213) 485-0587  
FAX: (213) 485-3939

June 27, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

Dear Mr. Unger:

**SUBMITTAL OF NOTICE OF INTENT FOR DEVELOPMENT OF ENHANCED  
WATERSHED MANAGEMENT PROGRAM AND COORDINATED INTEGRATED  
MONITORING PROGRAM FOR THE DOMINGUEZ CHANNEL WATERSHED  
MANAGEMENT AREA GROUP**

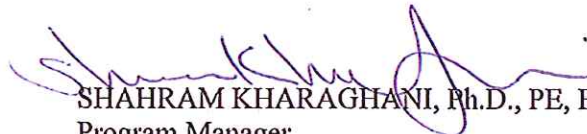
Please find attached the Notice of Intent (NOI) for the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) for the Dominguez Channel Watershed Management Area Group (DCWMA Group). The participating permittees of the DCWMA Group have mutually agreed to a collaborative approach in meeting the requirements of the new MS4 Permit (Order No. R4-2012-0175). Please note that the DCWMA Group does not have all MS4 permittees in the Dominguez Channel watershed participating as some have opted to develop their own strategy in complying with the MS4 Permit. The City of Los Angeles, as lead agency for the DCWMA Group, has prepared this Notice of Intent on behalf of itself, the County of Los Angeles and Los Angeles County Flood Control District, and the Cities of El Segundo, Hawthorne, and Inglewood. All agencies have reviewed and approved this NOI for submission to your Board, and we appreciate the collaboration by the participating MS4 co-permittees in the preparation of the NOI materials.

The attached document satisfies the requirements for submitting the NOI as provided by Part VI.C.4.b of the MS4 Permit and the CIMP notification requirements as provided by Attachment E Section IV.C.1. We look forward to continuing the process of plan developments for the DCWMA Group with the Technical Advisory Committee, the Los Angeles Regional Water Quality Control Board, and other watershed stakeholders.

Mr. Samuel Unger, Executive Officer  
June 27, 2013  
Page 2

Should you have any questions about this submittal, please contact me at [Shahram.Kharaghani@lacity.org](mailto:Shahram.Kharaghani@lacity.org) or phone (213) 485-0587 or your staff may contact Alfredo Magallanes at [Alfredo.Magallanes@lacity.org](mailto:Alfredo.Magallanes@lacity.org) or phone (213) 485-3958.

Sincerely

  
SHAHRAM KHARAGHANI, Ph.D., PE, BCEE  
Program Manager

SK:AM  
WPDCR9046

Attachment

cc: Renee Purdy, California Regional Water Quality Control Board, Los Angeles Region  
Ivar Ridgeway, California Regional Water Quality Control Board, Los Angeles Region  
Enrique Zaldivar, City of Los Angeles, Bureau of Sanitation  
Adel Hagekhalil, City of Los Angeles, Bureau of Sanitation  
Gary Hildebrand, County of Los Angeles, Department of Public Works  
Jolene Guererro, County of Los Angeles, Department of Public Works  
Lifan Xu, City of El Segundo  
Doug Krauss, City of Hawthorne  
Lauren Amimoto, City of Inglewood



# NOTICE OF INTENT

## Enhanced Watershed Management Program and Coordinated Integrated Monitoring Program

Submitted by the:

### **Dominguez Channel Watershed Management Area Group**

City of Los Angeles

County of Los Angeles

Los Angeles County Flood Control District

City of El Segundo

City of Hawthorne

City of Inglewood

June 28, 2013



## 1. Introduction

The Dominguez Channel Watershed Management Area (WMA) includes the drainage area of the Dominguez Channel, Machado Lake, and the Los Angeles/Long Beach (LA/LB) Harbors watersheds. The Dominguez Channel WMA is an important industrial, commercial, and residential area with unique and important historical and environmental resources, encompassing approximately 133 square miles (including the water area of the LA/LB Harbors). The entire WMA is comprised of the Cities of Gardena, Hawthorne, Lawndale, and Lomita, and portions of the Cities of Carson, Compton, El Segundo, Inglewood, Los Angeles, Long Beach, Manhattan Beach, Palos Verdes Estates, Redondo Beach, Rolling Hills Estates, Rolling Hills, Rancho Palos Verdes, Torrance, and the unincorporated areas of the County of Los Angeles; however, not all of these jurisdictions have agreed to participate in the development of this Enhanced Watershed Management Program. The Cities of El Segundo, Hawthorne, Inglewood, and Los Angeles, the County of Los Angeles, and the Los Angeles County Flood Control District (LACFCD), collectively the Dominguez Channel Watershed Management Area Group (Dominguez Channel WMA Group), respectfully submit this Notification of Intent (NOI) to develop an Enhanced Watershed Management Plan (EWMP) for the Dominguez Channel WMA per Part VI.C.4.b.i of Order No. R4-2012-0175 (MS4 Permit). Additionally, this NOI includes a statement of the Dominguez Channel WMA Group's intent to follow a Coordinated Integrated Monitoring Program (CIMP) approach.

The 303(d) List has identified water bodies in the Dominguez Channel WMA as impaired by several pollutants. Accordingly, the California Regional Water Quality Control Board, Los Angeles Region (LARWQCB) and the U.S. Environmental Protection Agency (USEPA) have adopted and/or established several total maximum daily loads (TMDLs) for the Dominguez Channel WMA. The Dominguez Channel WMA Group proposes the development of an EWMP specifically for the Dominguez Channel WMA as the most effective approach to utilize opportunities to retain and reuse runoff and to address the unique challenges of the watershed. While the Dominguez Channel WMA Group does not include all jurisdictions within the Dominguez Channel WMA, it does include all drainage infrastructure operated and maintained by the LACFCD within the boundaries shown in Attachment 1. This figure also delineates the areas of the Dominguez Channel WMA that will be covered under this proposed EWMP and CIMP.

It should be noted that the participating cities of El Segundo, Hawthorne, and Inglewood are not listed for all the TMDLs in the Dominguez Channel WMA, in particular those for the Machado Lake Watershed. Consequently, the EWMP and CIMP will be developed with approaches applicable to those TMDLs impacting these cities and not associated with those impacting the Machado Lake Watershed.

The City of Los Angeles will be the lead agency for developing the EWMP and CIMP. Development of the Work Plan, CIMP, and EWMP Plan will be a collaborative process between all agencies in the Dominguez Channel WMA Group, coordinated with the Technical Advisory Committee as well as with watershed stakeholders.

The following sections:

- a) Satisfy the EWMP requirements for NOI submittal as provided by Section VI.C.4.b of the MS4 Permit;
- b) Satisfy the CIMP notification requirements as provided by Attachment E Section IV.C.1.; and
- c) Provide the LARWQCB with additional information on the approach that the Dominguez Channel WMA Group intends to follow for EWMP development.

## 2. Notification of Intent (Section VI.C.4.b.i and Attachment E Section IV.C.1.)

With this NOI, the Dominguez Channel WMA Group hereby notifies the LARWQCB of their intention to collaboratively develop an EWMP for their portion of the Dominguez Channel WMA. This EWMP will only cover the areas under jurisdiction of the participating MS4 Permittees. The Dominguez Channel WMA Group intends to submit a Work Plan 18 months after the effective date of the MS4 Permit (June 28, 2014) and a draft EWMP Plan due date of 30 months after the effective date of the MS4 Permit (June 28, 2015).



Additionally, with this NOI, the Dominguez Channel WMA Group notifies the LARWQCB of their intention to collaboratively develop a CIMP for their portion of the Dominguez Channel WMA. This CIMP will only cover the areas under jurisdiction of the participating MS4 Permittees. The Dominguez Channel WMA Group intends to submit a draft CIMP due date of 18 months after the effective date of the MS4 Permit (June 28, 2014).

### 3. Interim and Final TMDL Compliance Deadlines (Section VI.C.4.b.ii)

Table 1 lists the TMDLs that have been specifically developed for the Dominguez Channel WMA, which includes the Dominguez Channel, Machado Lake, and the LA/LB Harbors watersheds. Interim TMDL allocation deadlines for the Dominguez Channel WMA occurring prior to the anticipated approval date of the EWMP (April 28, 2016) are included in Table 2.

The participating cities of El Segundo, Hawthorne, and Inglewood are not listed for all the TMDLs in the Dominguez Channel WMA, in particular those for the Machado Lake Watershed. Consequently the El Segundo, Hawthorne, and Inglewood will meet interim and final TMDL compliance deadlines as assigned.

The watershed control measures that will be implemented to meet the requirements of the interim and final trash water quality based effluent limits (WQBELs) and all other final WQBELs are described in more detail in Section 12 of this NOI submittal.

**Table 1. TMDLs Applicable to the Dominguez Channel WMA**

TMDL	LARWQCB Resolution Number	Effective Date	EPA Approval Date
<b>LA/LB Harbors Watershed</b>			
Los Angeles Harbor Bacteria TMDL (Inner Cabrillo Beach and Main Ship Channel)	2004-011	03/10/2005	03/01/2005
<b>Machado Lake Watershed</b>			
Machado Lake Trash TMDL	2007-006	03/06/2008	02/27/2008
Machado Lake Nutrient TMDL	2008-006	03/11/2009	03/11/2009
Machado Lake Pesticides and PCBs TMDL	R10-008	03/20/2012	03/20/2012
<b>Dominguez Channel Watershed</b>			
Dominguez Channel and Greater Los Angeles and Long Beach Harbor Water Toxic Pollutants TMDL	R11-008	03/23/2012	03/22/2012

**Table 2. Interim and Final Trash TMDL Compliance Deadlines Prior to EWMP Approval**

TMDL	Milestone	Interim/Final	Deadline
Machado Lake Trash TMDL	20% reduction of baseline load	Interim	03/06/2012
	40% reduction of baseline load	Interim	03/06/2013
	60% reduction of baseline load	Interim	03/06/2014
	80% reduction of baseline load	Interim	03/06/2015
	100% reduction of baseline load	Final	03/06/2016

### 4. Geographical Scope (Section VI.C.4.b.iii.(1))

The Dominguez Channel WMA is approximately 133 square miles (including the water area of the LA/LB Harbors) and is comprised of the Cities of Gardena, Hawthorne, Lawndale, and Lomita, and portions of the Cities of Carson, Compton, El Segundo, Inglewood, Los Angeles, Long Beach, Manhattan Beach, Palos Verdes Estates, Redondo Beach, Rolling Hills Estates, Rolling Hills, Rancho Palos Verdes, Torrance, and the unincorporated areas of the County of Los Angeles. Not all MS4 Permittees in the Dominguez Channel WMA have agreed to participate in the development of this EWMP. Therefore, this Dominguez Channel WMA EWMP shall only cover the areas under jurisdiction of participating MS4 Permittees within the WMA: the Cities of El Segundo, Hawthorne, Inglewood, and



Los Angeles, and the County of Los Angeles. Attachment 1 provides a map of the watershed boundaries and the delineations of the land areas of the MS4 Permittees within the Dominguez Channel WMA.

The Dominguez Channel WMA covers a total of approximately 120 square miles of land and is located in the southern portion of the Los Angeles Basin. Approximately 72 square miles of the watershed drains directly to the 15.7-mile long Dominguez Channel which begins in the City of Hawthorne and discharges into the east basin of the Los Angeles Harbor. The remaining approximately 48 square miles includes areas tributary to Machado Lake, as well as areas directly draining to the LA/LB Harbors.

This Dominguez Channel WMA EWMP shall only address approximately 36,410 acres, or 47.45% of the total 133-square-mile WMA. The areas covered by this Dominguez Channel WMA EWMP which the MS4 Permittees in the Dominguez Channel WMA have jurisdiction over is summarized in Table 3. Additionally, the Dominguez Channel WMA EWMP will cover the drainage infrastructure operated and maintained by the LACFCD within the boundaries shown in Attachment 1. The Dominguez Channel WMA Group does not have jurisdiction over the land that is owned by the State of California (i.e., California Department of Fish and Wildlife, the State Lands Commission, and Caltrans) and the US Government.

**Table 3. Dominguez Channel WMA Group Land Area Distribution**

Agency	Area in Machado Lake Watershed (acres)	Area in Dominguez Channel Watershed (acres)	Area in LA/LB Harbors Watershed (acres)	Total Area in EWMP (acres)	Total EWMP Percentage
City of Los Angeles	1,998.42	5,986.66	11,258.12	19,243.20	52.85%
County of Los Angeles	1,250.87	6,755.77	134.23	8,140.87	22.36%
LACFCD	NA	NA	NA	NA	NA
City of El Segundo	0.00	1,252.18	0.00	1,252.18	3.44%
City of Inglewood	0.00	3,884.27	0.00	3,884.27	10.67%
City of Hawthorne	0.00	3,891.91	0.00	3,891.91	10.69%

## 5. Plan Concept (Section VI.C.4.b.iii.(1))

Based on available information, the Dominguez Channel WMA Group believes that opportunities exist within the agencies' collective jurisdictional areas for collaboration on multi-benefit projects that will meet the intent of the EWMP approach. The Dominguez Channel WMA Group will collectively develop a program with strategies for compliance to meet water quality objectives within the Dominguez Channel WMA. These implementation and compliance strategies will be based on a multi-pollutant approach that maximizes the retention and use of urban runoff as a resource for recharging aquifers, irrigation, and other uses through distributed and regional BMPs. The Dominguez Channel WMA EWMP will enhance existing watershed water quality plans, re-evaluate the existing watershed control measures, identify regional projects to maximize opportunities for retaining all non-stormwater runoff as well as stormwater runoff from the 85<sup>th</sup> percentile, 24-hour storm event, and identify watershed control measures for those areas in the watershed that cannot be addressed by a regional project.

In order to meet the requirements of the MS4 Permit, the Dominguez Channel WMA Group will develop the following documents:

- A Work Plan for submittal to the LARWQCB by June 28, 2014. The Work Plan will meet the requirements of the MS4 Permit and will provide an update of the progress of the Dominguez Channel WMA Group and outline future development.



- A CIMP for submittal to the LARWQCB by June 28, 2014. The CIMP will address all TMDL monitoring requirements applicable to the Dominguez Channel WMA and all five monitoring elements of the MS4 Permit Monitoring and Reporting Program (MRP).
- An EWMP Plan for draft submittal to the LARWQCB by June 28, 2015 and final submittal by January 28, 2016. Using the information developed for the Work Plan, the EWMP will meet the requirements of the MS4 Permit.

#### 6. Cost Estimate (Section VI.C.4.b.iii.(2))

The Dominguez Channel WMA Group collaboratively prepared a scope of work and cost estimate for developing the Work Plan, the CIMP, and the EWMP for the portion of the Dominguez Channel WMA covered in this EWMP. It is estimated that the cost for the development of the plans is approximately \$1.5 million. This estimate assumes that the CIMP and EWMP will, in part, be based on existing TMDL Monitoring and Implementation Plans. In addition, the Dominguez Channel WMA Group will contribute several hundred thousands of dollars in in-kind services and contract administration costs.

#### 7. Memorandum of Agreement (Section VI.C.4.b.iii.(3))

Attachment 2 includes the final draft of the Memoranda of Agreement between the City of Los Angeles, as the lead agency, and the other participating agencies in the Dominguez Channel WMA Group. All agencies have committed to the execution of these agreements as indicated by the signed letters of intent (Attachment 3). The agreements will be executed before December 28, 2013.

#### 8. Interim Milestones and Deadlines for Plan Development (Section VI.C.4.b.iii.(4))

Table 4 summarizes the expected project timeline for developing the Work Plan, CIMP, and EWMP Plan based on the scope of work agreed to by the Dominguez Channel WMA Group. Both interim milestones and final deadlines are noted in the proposed schedule. In addition to the monthly agency coordination meetings and coordination meetings with the Technical Advisory Committee, the schedule in Table 4 assumes one workshop with local watershed stakeholders for each plan (Work Plan, CIMP, and EWMP). Technical memoranda summarizing information and approaches to support the group's development of the Work Plan, CIMP, and EWMP will be utilized as interim milestones. It is expected that the draft technical memos will not be finalized; rather the information presented in the memos will be revised based on comments and presented in the final Work Plan, CIMP, and EWMP.

**Table 4. Proposed Interim Milestones and Deadlines for Plan Development**

Deliverable	Milestones and Deadlines
<b>Work Plan</b>	
Draft Technical Memos <ul style="list-style-type: none"> <li>• Identification of water quality priorities</li> <li>• Existing and future watershed control measures, identification of potential regional projects</li> <li>• Reasonable assurance analysis approach</li> <li>• BMP selection approaches</li> </ul>	March 2014
Draft Work Plan	April 2014
Final Work Plan Submitted to the LARWQCB	June 2014
<b>Coordinated Integrated Monitoring Plan</b>	
Draft Technical Memos <ul style="list-style-type: none"> <li>• Outfall and receiving water monitoring approach</li> <li>• Monitoring sites selection</li> <li>• New development and redevelopment effectiveness tracking</li> </ul>	March 2014
Draft CIMP	April 2014
Final Draft CIMP Submitted to the LARWQCB	June 2014

## Enhanced Watershed Management Program

Draft Technical Memos <ul style="list-style-type: none"> <li>Approach to USEPA TMDLs, 303(d) listings, other exceedances of RWLs</li> <li>Final selection of regional projects</li> <li>Feasibility analyses of regional projects, customization of MCMs, identification of other BMPs</li> <li>Project schedules and cost estimates</li> </ul>	April 2015
Draft EWMP	May 2015
Final Draft EWMP Submitted to the LARWQCB	June 2015

**9. Structural BMP (Section VI.C.4.b.iii.(5))**

In accordance with Section VI.C.4.b.iii.(5), the Dominguez Channel WMA Group is committing to implement one structural BMP project that provides meaningful water quality improvement within 30 months of the effective date (June 28, 2015) of the MS4 Permit. To fulfill this requirement, the City of Los Angeles plans to construct the Phase IV - TRASH TMDL Implementation project. More information on this project can be found in Attachment 4.

**10. LID Ordinance (Sections VI.C.4.b.iii.(6) and VI.C.4.c.iv.(1))**

Table 5 summarizes the Dominguez Channel WMA Group's Low Impact Development (LID) ordinance status. As presented in Table 5, greater than 50% of the land area included in the geographical scope of the Dominguez Channel WMA EWMP is currently addressed by an LID ordinance.

Table 5. Dominguez Channel WMA Group EWMP Area Percentage Addressed by LID Ordinances

Agency	Percent of EWMP Area	Status LID Ordinance SEE NOTE BELOW
City of Los Angeles	52.85%	Revising Ordinance
County of Los Angeles	22.36%	Draft Ordinance
LACFCD	NA	NA
City of El Segundo	3.44%	In Development
City of Inglewood	10.67%	In Development
City of Hawthorne	10.69%	In Development

## Note:

- Revising Ordinance.** The City of Los Angeles LID Ordinance became effective on May 12, 2012. The City is currently amending sections of the LID Ordinance, as well as its Stormwater and Urban Runoff Pollution Control Ordinance (L.A.M.C. Chapter VI, Article 4.4) to meet all the MS4 Permit requirements.
- Draft Ordinance.** Permittee has completed or will complete by June 28, 2013 the development of a draft LID Ordinance that is in compliance with the MS4 Permit for its portion of the watershed.
- In Development.** Permittee initiated development of an LID Ordinance that is in compliance with the requirements of the MS4 Permit for its portion of the watershed.

**11. Green Street Policies (Sections VI.C.4.b.iii.(6) and VI.C.4.c.iv.(2))**

Table 6 summarizes the Dominguez Channel WMA Group's green street policy status. As presented in Table 6, greater than 50% of the land area included in the geographical scope of the Dominguez Channel WMA EMWP is currently addressed by green streets policies.

Table 6. Dominguez Channel WMA Group EWMP Area Percentage Addressed by Green Street Policies

Agency	Percent of EWMP Area	Status Green Street Policies SEE NOTE BELOW
City of Los Angeles	52.85%	In Effect
County of Los Angeles	22.36%	Draft Policy



LACFCD	NA	NA
City of El Segundo	3.44%	In Development
City of Inglewood	10.67%	In Development
City of Hawthorne	10.69%	In Development

## Note:

1. **In Effect.** Permittee has adopted a Green Street Policy that is in compliance with the requirements of the MS4 Permit for its portion of the watershed.
2. **Draft Policy.** Permittee has completed or will complete by June 28, 2013 the development of a draft Green Street Policy that is in compliance with the MS4 Permit for its portion of the watershed.
3. **In Development.** Permittee initiated development of a Green Street Policy that is in compliance with the requirements of the MS4 Permit for its portion of the watershed.

## 12. Implementation of Watershed Control Measures during Plan Development (Section VI.C.4.b.ii)

The Dominguez Channel WMA Group has developed TMDL implementation plans incorporating structural and institutional watershed control measures for a multi-pollutant and multi-benefit approach, as well as the timelines for implementation, to meet the water quality limitations of the various TMDLs. Table 7 summarizes the TMDL implementation plans that have been developed to date. Agency-specific programs and the status of implementation and compliance are provided in Attachment 5.

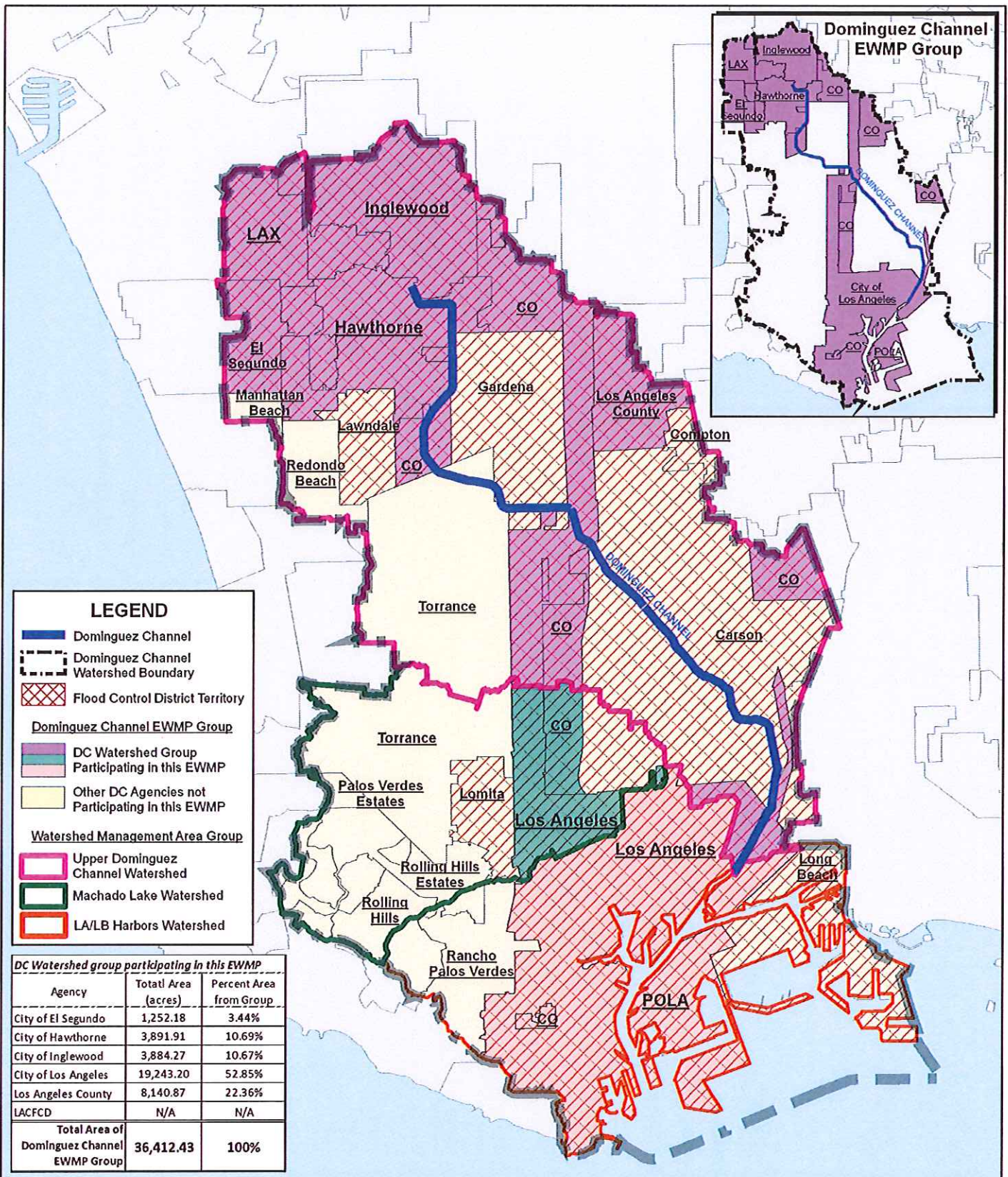
The Dominguez Channel WMA Group will continue their efforts to implement the actions of the TMDL implementation plans concurrently with the development of the Dominguez Channel WMA EWMP. TMDL interim milestones (see Table 2) will be met through the continued implementation efforts as outlined in the implementation plans.

**Table 7. Implementation Plans for Dominguez Channel WMA TMDLs**

Implementation Plan	Agency(ies)	Plan Status
Port of Los Angeles Los Angeles Harbor Bacteria TMDL Main Ship Channel Implementation Work Plan	City of Los Angeles, County of Los Angeles	Final Plan submitted 09/7/2007
Machado Lake Water Quality Management Plan - Nutrient TMDL	City of Los Angeles	Final plan approved RB 02/14/2011
Machado Lake Water Quality Management Plan - Toxic TMDL	City of Los Angeles	Final plan to be submitted 09/20/2013
Multi-pollutant TMDL Implementation Plan for the County of Los Angeles Unincorporated Area of the Machado Lake Watershed	County of Los Angeles	Final plan submitted 9/12/2011 Conditional Approval of Nutrients Portion by LARWQCB on 9/12/2012

**Attachment 1 - Dominguez Channel WMA Group Map**





1 0.5 0 1 Miles

## Dominguez Channel Watershed Management Area Group



	BUREAU OF SANITATION				
	ENRIQUE C. ZALDIVAR DIRECTOR		SHAHRAM KHARAGHANI PROGRAM MANAGER		
	DCWAgencies_ EWMP_WMA	DRAWN BY: NH	CHECKED BY:	DATE 6/18/13 DATE REVISED 6/21/13 <small>This map shall not be copied or reproduced, all or any part thereof, whether for distribution or resale, without the proper written permission of the Dept. of Public Works, City of Los Angeles Thomas Eros Data reproduce with permission granted by THOMAS BROS MAP</small>	

Attachment 2 – Draft Memorandum of Agreement

MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE CITY OF LOS ANGELES, THE CITY OF EL SEGUNDO, THE CITY OF  
HAWTHORNE, THE CITY OF INGLEWOOD, LOS ANGELES COUNTY FLOOD  
CONTROL DISTRICT, AND THE COUNTY OF LOS ANGELES

REGARDING THE ADMINISTRATION AND COST SHARING FOR DEVELOPMENT OF  
THE ENHANCED WATERSHED MANAGEMENT PROGRAM AND THE COORDINATED  
INTEGRATED MONITORING PROGRAM FOR THE DOMINGUEZ CHANNEL  
WATERSHED

This Memorandum of Understanding (MOU) is made and entered into as of the date of the last signature set forth below by and between: the City of Los Angeles, a municipal corporation; the City of El Segundo, a municipal corporation; the City of Hawthorne, a municipal corporation; the City of Inglewood, a municipal corporation; the Los Angeles County Flood Control District (LACFCD), a political subdivision of the State of California; and the County of Los Angeles, a political subdivision of the State of California. Collectively, these entities shall be known herein as "Parties" or individually as "Party."

WITNESSETH

WHEREAS, the Regional Water Quality Control Board, Los Angeles Region ("Regional Board") adopted National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Permit Order No. R4-2012-0175 ("MS4 Permit"); and

WHEREAS, the MS4 Permit became effective on December 28, 2012 and requires that the LACFCD, County of Los Angeles, and 84 of the 88 cities (excluding Avalon, Long Beach, Palmdale, and Lancaster) within the County of Los Angeles comply with the prescribed elements of the MS4 Permit; and

WHEREAS, the MS4 Permit identified the Parties as the MS4 permittees that are responsible for compliance with the MS4 Permit requirements pertaining to the Dominguez Channel Watershed Management Area; and

WHEREAS, the Parties have agreed to collaborate on the development of an Enhanced Watershed Management Program (EWMP) for the Dominguez Channel Watershed Management Area to comply with certain elements of the MS4 Permit; and

WHEREAS, the Parties agree that each shall assume full and independent responsibility for ensuring its own compliance with the MS4 Permit despite the collaborative approach of the MOU; and



WHEREAS, the development of an EWMP includes the preparation of a Work Plan, a draft and final Coordinated Integrated Monitoring Plan ("CIMP"), and a draft and final EWMP Plan, collectively referred to herein as "Plans"; and

WHEREAS, the Parties collaboratively prepared a final Scope of Work and Request for Proposal to obtain a Consultant for preparing the Plans that will satisfy the requirements of the MS4 Permit; and

WHEREAS, the Parties have determined that hiring a Consultant to prepare and deliver the Plans will be beneficial to the Parties and they desire to participate and will provide funding in accordance with the cost allocation on Exhibit A; and

WHEREAS, the Parties have agreed that the total cost for developing the Plans shall not exceed \$1,520,982.77 including the project administration and management cost but excluding 10% contingency; and

WHEREAS, the Parties have agreed to retain the City of Los Angeles to coordinate the services of a Consultant to develop the Plans, the Parties have agreed to share in the cost and pay the City of Los Angeles for these consultant services as provided by Exhibit A of this MOU, and the City of Los Angeles has agreed to act on behalf of all Parties in the preparation of the Plans and the coordination of the consultant services;

NOW, THEREFORE, in consideration of the mutual benefits to be derived by the Parties, and of the promises contained in this MOU, the Parties agree as follows:

Section 1. Recitals: The recitals set forth above are fully incorporated into this MOU.

Section 2. Purpose: The purpose of this MOU is to cooperatively fund the preparation and submittal of the Plans to the Regional Board.

Section 3. Cooperation: The Parties shall fully cooperate with one another to attain the purpose of this MOU.

Section 4. Voluntary: This MOU is voluntarily entered into for the purpose of preparing and submitting the Plans to the Regional Board.

Section 5. Term: This MOU shall become effective on the last date of execution by the Parties or December 28, 2013, whichever comes first, and shall remain and continue to remain in effect until June 30, 2016. If a Party does not execute this MOU by December 28, 2013, that Party shall be excluded from this MOU and this MOU shall become effective on December 28, 2013 by execution by the remaining Parties.

Section 6. Assessment for Proportional Cost: The Parties agree to pay the City of Los Angeles for preparation and delivery of the Plans in the amounts shown in Table (4) of Exhibit A, based

on the total costs shown in Tables (1) and (2) and the cost allocation formula shown in Table (3) of Exhibit A, attached hereto and made part of this MOU by this reference. The City of Los Angeles will invoice the Parties in two installments upon execution of this MOU as shown in Table (4) of Exhibit A, based on the allocated costs for developing the Plans by the Consultant and the project administration and management costs at a percentage of 5% of the allocated costs for development of the Plans. At the end of each fiscal year, the City of Los Angeles will provide the Agencies with a statement with the actual expenditures. Unexpended funds at the termination of this MOU will be returned to the Parties in accordance with the cost allocation formula set forth in Table (3) of Exhibit A.

Section 7. City of Los Angeles agrees:

- a. To solicit proposals for, award and administer a Consultant contract for the preparation and delivery of the Plans. The City of Los Angeles will be compensated for the administration and management of the Consultant contract as described in Exhibit A.
- b. To utilize the funds deposited by the Parties only for the administration of the Consultant contract, project management, and the preparation and completion of the Plans.
- c. To provide the Parties with an electronic copy of the technical memos, draft Plans and completed Plans within 7 business days of receipt from the Consultant.
- d. To invoice the Parties in the amounts and according to the schedule shown in Table (4) of Exhibit A.
- e. To provide an accounting within 90 days after at the termination of the MOU or within 90 after the early termination of the MOU pursuant to Section 11. The City of Los Angeles shall return the unused portion of all funds deposited with the City of Los Angeles in accordance with the cost allocation formula set forth in Table 3 in Exhibit A.

Section 8. The Parties further agree:

- a. To make a full faith effort to cooperate with one another to achieve the purposes of this MOU by providing information about project opportunities, reviewing deliverables in a timely manner, informing administration and council.
- b. To fund the cost of the preparation and delivery of the Plans and to pay the City of Los Angeles for the preparation and delivery of the Plans based on the cost allocation shown in Exhibit A. This includes the costs incurred by the City of Los Angeles for administering the Consultant services between awarding the Consultant contract and the execution of this MOU.

- c. To grant access rights and entry to the City of Los Angeles and the Consultant during the terms of this MOU to the Parties' facilities (i.e. storm drains, channels, catch basins, properties, etc.) ("Facilities") to achieve the purposes of this MOU. Prior to exercising said right of entry, the City of Los Angeles or their Consultant shall provide written notice to the Parties at least 72 hours in advance. For the purposes of this provision, written notice shall include notice delivered via e-mail that has been delivered to the Parties' representatives identified in Exhibit B.

#### Section 9. Invoice and Payment

- a. Payment: The Parties shall pay the City of Los Angeles their proportional share of the cost for the preparation and delivery of the Plans and project administration and management as shown in Table 4 of Exhibit A. Payments are due within sixty (60) days of receiving the invoice from the City of Los Angeles.
- b. Invoice: The City of Los Angeles will invoice Parties in two installments in the amounts shown in Table 4 of Exhibit A. The first invoice will be sent upon execution of this MOU or in January 2014, whichever comes first. The second invoice will be sent in July 2014.
- c. Contingency: The City of Los Angeles will notify the Parties if actual expenditures are anticipated to exceed the cost estimates contained in Exhibits A and obtain approval of such expenditures from all Parties. Upon approval, the Parties agree to reimburse the City of Los Angeles for their proportional share of these additional expenditures at an amount not to exceed 10% of the original cost estimate as shown in Exhibit A. This 10% contingency will not be invoiced, unless actual expenditures exceed the original cost estimate. Expenditures that exceed the 10% contingency will require an amendment of this MOU.

#### Section 10. Indemnification

- a. Each Party shall indemnify, defend, and hold harmless each other Party, including its special districts, elected and appointed officers, employees, and agents, from and against any and all liability, including but not limited to demands, claims, actions, fees, costs, and expenses (including attorney and expert witness fees), arising from or connected with the respective acts of each Party arising from or related to this MOU; provided, however, that no party shall indemnify another party for that party's own negligence or willful misconduct.
- b. In light of the provisions of Section 895.2 of the Government Code of the State of California imposing certain tort liability jointly upon public entities solely by reason of such entities being parties to an agreement (as defined in Section 895 of said Code), each of the Parties hereto, pursuant to the authorization contained in Section

895.4 and 895.6 of said Code, shall assume the full liability imposed upon it or any of its officers, agents, or employees, by law for injury caused by any act or omission occurring in the performance of this MOU to the same extent that such liability would be imposed in the absence of Section 895.2 of said Code.

- c. To achieve the above stated purpose, each Party indemnifies, defends, and holds harmless each other Party for any liability, cost, or expense that may be imposed upon such other Party solely by virtue of said Section 895.2. The provisions of Section 2778 of the California Civil Code are made a part hereof as if incorporated herein.

#### Section 11. Termination

- a. This MOU may be terminated upon the express written agreement of all Parties. If this MOU is terminated, all Parties must agree on the equitable redistribution of remaining funds deposited, if there are any, or payment of invoices due at the time of termination. Completed work shall be owned by all Parties. Rights to uncompleted work by the Consultant still under contract will be held by the Party or Parties who fund the completion of such work.
- b. If a Party fails to comply with any of the terms or conditions of this MOU, that Party shall forfeit its rights to the work completed through this MOU.

#### Section 12. General Provisions

- a) Notices. Any notices, bills, invoices, or reports relating to this MOU, and any request, demand, statement or other communication required or permitted hereunder shall be in writing and shall be delivered to the Representative of the Party at the address set forth in Exhibit B. Parties shall promptly notify each other of any change of contact information, including personnel changes, provided in Exhibit B. Written notice shall include notice delivered via email or fax. A notice shall be deemed to have been received on (a) the date of delivery, if delivered by hand during regular business hours, or by confirmed facsimile or by email; or (b) on the third (3) business day following mailing by registered or certified mail (return receipt requested) to the addresses set forth in Exhibit B.
- b) Administration. For the purpose of this MOU, the parties hereby designate as their respective Party Representatives the persons named in Exhibit B. The designated Party Representatives, or their respective designees, shall administer the terms and conditions of this MOU on behalf of their respective Party. Each of the persons signing below on behalf of a Party represents and warrants that they are authorized to sign this MOU on behalf of such Party.
- c) Relationship of Parties. The Parties are and shall remain at all times as to each other, wholly independent entities. No Party to this MOU shall have power to incur any

debt, obligation, or liability on behalf of another Party unless expressly provided to the contrary by this MOU. No employee, agent, or officer of a Party shall be deemed for any purpose whatsoever to be an agent, employee or officer of another Party.

- d) Binding Effect. This MOU shall be binding upon and inure to the benefit of each Party to this MOU and their respective heirs, administrators, representatives, successors and assigns.
- e) Amendment. The terms and provisions of this MOU may not be amended, modified or waived, except by an instrument in writing signed by all the Parties. This section applies to, but is not limited to, amendments proposed to address regulatory changes in the MS4 permit, modifications to the Scope of Work, or changes in the number of Parties to this MOU. For the City of Los Angeles, the Director of Bureau of Sanitation or his/her designee is authorized to execute such amendments.
- f) Waiver. Waiver by any Party to this MOU of any term, condition, or covenant of this MOU shall not constitute a waiver of any other term, condition, or covenant. Waiver by any Party to any breach of the provisions of this MOU shall not constitute a waiver of any other provision, nor a waiver of any subsequent breach or violation of any provision of this MOU.
- g) Law to Govern; Venue. This MOU shall be interpreted, construed and governed according to the laws of the State of California. In the event of litigation between the Parties, venue in the state trial courts shall lie exclusively in the County of Los Angeles.
- h) No Presumption in Drafting. The Parties to this MOU agree that the general rule that an MOU is to be interpreted against the Party drafting it, or causing it to be prepared shall not apply.
- i) Entire Agreement. This MOU constitutes the entire agreement of the Parties with respect to the subject matter hereof and supersedes all prior or contemporaneous agreements, whether written or oral, with respect thereto.
- j) Severability. If any term, provision, condition or covenant of this MOU is declared or determined by any court or competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions of this MOU shall not be affected thereby and this MOU shall be read and constructed without the invalid, void, or unenforceable provision(s).
- k) Counterparts. This MOU may be executed in any number of counterparts, each of which shall be an original, but all of which taken together shall constitute but one and the same instrument, provided, however, that such counterparts shall have been delivered to all Parties to this MOU.



- l) All Parties have been represented by counsel in the preparation and negotiation of this MOU. Accordingly, this MOU shall be construed according to its fair language.

IN WITNESS WHEREOF, the Parties hereto have caused this MOU to be executed by their duly authorized representatives and affixed as of the date of signature of the Parties:

**CITY OF LOS ANGELES**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Capri W. Maddox, President  
Board of Public Works

ATTEST:

By: \_\_\_\_\_  
June Lagmay  
City Clerk

APPROVED AS TO FORM:

Carmen Trutanich  
City Attorney

By: \_\_\_\_\_  
John A. Carvalho  
Deputy City Attorney

**CITY OF EL SEGUNDO**

\_\_\_\_\_  
Greg Carpenter  
City Manager

ATTEST:

\_\_\_\_\_  
Tracy Weaver,  
City Clerk

APPROVED AS TO FORM:  
MARK D. HENSLEY,  
City Attorney

By: \_\_\_\_\_  
Karl H. Berger,  
Assistant City Attorney

**CITY OF HAWTHORNE**

---

**MICHAELGOODSON,**  
City Manager  
City of Hawthorne, California

**CITY OF INGLEWOOD**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Roosevelt F. Dorn  
Mayor

ATTEST:

By: \_\_\_\_\_  
Yvonne Horton  
City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Cal Saunders  
City Attorney



**LOS ANGELES COUNTY FLOOD CONTROL DISTRICT**

By \_\_\_\_\_  
Chief Engineer

APPROVED AS TO FORM:

John F. Krattli  
County Counsel

By \_\_\_\_\_  
Deputy

\_\_\_\_\_  
Date

**COUNTY OF LOS ANGELES**

By \_\_\_\_\_  
GAIL FARBER

\_\_\_\_\_  
Date

APPROVED AS TO FORM:

John F. Krattli  
County Counsel

By \_\_\_\_\_  
Deputy

\_\_\_\_\_  
Date

## EXHIBIT A

**Table 1. Estimated Consultant Contract Cost**

Item		Total Cost
Contract Cost	(a)	\$ 1,448,555.00
City of Los Angeles Contract Management Fee (5%)	(a) X 5% = (b)	\$ 72,427.75
<b>SUB-TOTAL COST</b>	<b>(a)+(b)=(c)</b>	<b>\$1,520,982.75</b>
LAFCD Allocation (10%) <sup>1</sup>	(c) x 10% = (d)	\$152,098.28
<b>TOTAL COST TO BE DISTRIBUTED</b>	<b>(c)-(d)=(e)</b>	<b>\$1,368,884.50</b>

Note:

1. The Los Angeles Flood Control District (LAFCD) has committed to contributing 10% of the Total Cost, including contract management fee, as their allocation in the development of the plans.

**Table 2. Distribution of Estimated Total Cost**

Agency	Acres <sup>1,2</sup>	Percent of Area <sup>3</sup>	Distributed Total Cost <sup>4</sup>
City of Los Angeles	19,243.20	52.85%	\$723,426.54
County of Los Angeles (LAC)	8,140.87	22.36%	\$306,046.88
City of Hawthorne	3,891.91	10.69%	\$146,311.99
City of Inglewood	3,884.27	10.67%	\$146,024.78
City of El Segundo	1,252.18	3.44%	\$47,074.30
<b>TOTAL</b>	<b>36,412.43</b>	<b>100%</b>	<b>\$1,368,884.50</b>

Note:

1. The areas owned by Caltrans, State Parks, and U.S. Government have been excluded from the total area of the Dominguez Channel watershed.
2. Area (acres) determined by GIS analysis as shown in EXHIBIT C
3. Percent Area = Agency Area / Total Area
4. Total Cost = \$1,368,884.50 X Agency Percent of Area

**Table 3. Cost Allocation Formula**

<i>Distributed Total Cost = Total Cost X Agency Percent of Area</i>
---

**Table 4. City of Los Angeles Invoicing Schedule and Invoice Amounts to Parties**

Agency	Invoice Schedule		Distributed Total Cost (a)+(b)=(c)	Contingency (10%) <sup>1</sup> (c)x0.1=(d)	TOTAL COST INCLUDING CONTINGENCY (c)+(d)=(e)
	Jan. 2014 (a)	Jan. 2015 (b)			
City of Los Angeles	\$361,713.26	\$361,713.27	\$723,426.53	\$72,342.65	\$ 795,769.19
LAFCO	\$76,049.14	\$76,049.14	\$152,098.28	\$15,209.83	\$167,308.11
County of Los Angeles (LAC)	\$153,023.44	\$153,023.44	\$306,046.88	\$22,907.26	\$251,979.84
City of Hawthorne	\$73,155.99	\$73,156.00	\$146,311.99	\$14,631.20	\$160,943.19
City of Inglewood	\$73,012.38	\$73,012.39	\$146,024.78	\$14,602.48	\$160,627.26
City of El Segundo	\$23,537.15	\$23,537.15	\$47,074.30	\$4,707.43	\$51,781.73
<b>TOTAL</b>			<b>\$1,520,982.75</b>	<b>\$152,098.27</b>	<b>\$1,673,081.02</b>

Note:

1. Contingency is 10% of the total invoice amount. Contingency will not be invoiced unless there is a need for its expenditure as agreed by all Parties.

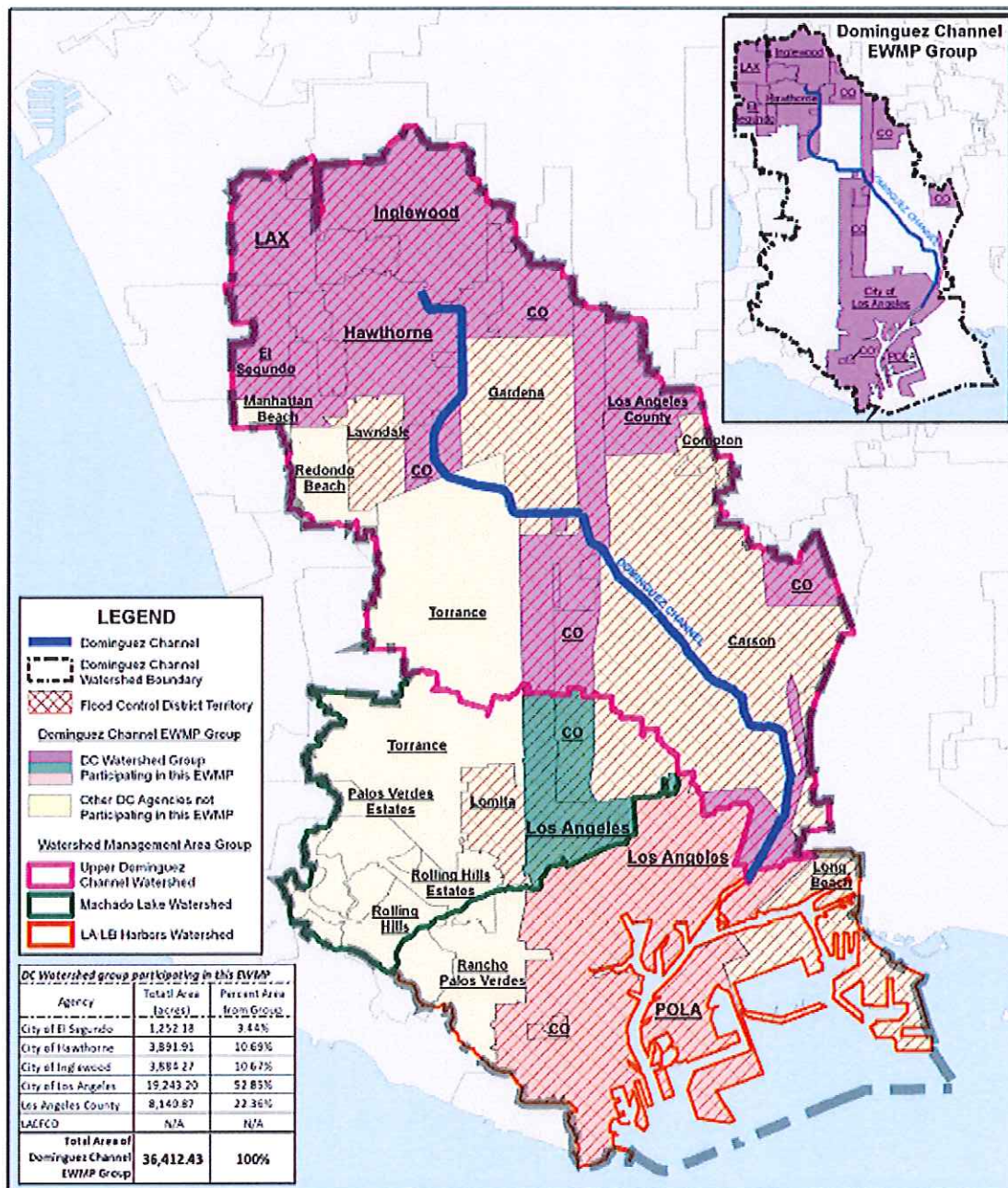
## EXHIBIT B

### DOMINGUEZ CHANNEL WATERSHED WMP/CIMP GROUP Responsible Agencies Representatives

Agency Address	Agency Contact
City of Los Angeles Department of Public Works Bureau of Sanitation, Watershed Protection Division 1149 S. Broadway Los Angeles, CA 90015	Shahram Kharaghani E-mail: Shahram.Kharaghani@Lacity.org Phone: (213) 485-0587 Fax: (213) 485-3939
County of Los Angeles Department of Public Works Watershed Management Division, 11 <sup>th</sup> Floor 900 South Fremont Avenue Alhambra, CA 91803-1331	Angela George E-mail: AGEORGE@dpw.lacounty.gov Phone: (626) 458-4304 Fax: (626) 457-1526
Los Angeles County Flood Control District Department of Public Works Watershed Management Division, 11 <sup>th</sup> Floor 900 South Fremont Avenue Alhambra, CA 91803-1331	Gary Hildebrand E-mail: GHILDEB@dpw.lacounty.gov Phone: (626) 458-4300 Fax: (626) 457-1526
City of El Segundo 350 Main Street El Segundo, CA 90245-3895	LiFan Xu E-mail: lxu@elsegundo.org Phone: (310) 524-2368
City of Hawthorne 4455 West 126 <sup>th</sup> Street Hawthorne, CA 90250-4482	Doug Krauss E-mail: dkrauss@cityofhawthorne.org Phone: (310) 524-2368
City of Inglewood 1 W. Manchester Blvd, 3 <sup>rd</sup> Floor Inglewood, Ca 90301-1750	Lauren Amimoto E-mail: lamimoto@cityofinglewood.org Phone: (310) 412-5192 FAX: (310) 412-5552




**EXHIBIT C**  
**DOMINGUEZ CHANNEL WATERSHED MAP**



1 0.5 1 Miles

## Dominguez Channel Watershed Management Area Group

BUREAU OF SANITATION			
		ENRIQUE C. ZALDIVAR DIRECTOR	
COWAGencia_ EWMP_WMA	CRAWLEY TH	CHECKED BY	DATE 6/15/13 DATE RECEIVED 6/21/13
SHARAH K. KHARAGHAB PROGRAM MANAGER		This map shall not be copied or reproduced, all or any part thereof, without the written permission of the Dept. of Public Works, City of Los Angeles. No part of this map shall be reproduced without the written permission of the City of Los Angeles.	



**Attachment 3 - Letters of Intent**

BOARD OF  
PUBLIC WORKS

COMMISSIONERS

CAPRI W. MADDOX  
PRESIDENT

VALERIE LYNNE SHAW  
VICE PRESIDENT

STEVEN T. NUTTER  
PRESIDENT PRO TEMPORE

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COMMISSIONER

JERILYN LÓPEZ-MENDOZA  
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CITY OF LOS ANGELES  
CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

BUREAU OF SANITATION

ENRIQUE C. ZALDIVAR  
DIRECTOR

TRACI J. MINAMIDE  
CHIEF OPERATING OFFICER

VAROUJ S. ABKIAN  
ADEL H. HAGEKHALIL  
ALEXANDER E. HELOU  
ASSISTANT DIRECTORS

NEIL M. GUGLIELMO  
ACTING CHIEF FINANCIAL OFFICER

WATERSHED PROTECTION DIVISION  
1149 SOUTH BROADWAY, 10<sup>TH</sup> FLOOR  
LOS ANGELES, CA 90015  
TEL: (213) 485-0587  
FAX: (213) 485-3939

June 20, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

Dear Mr. Unger:

**CITY OF LOS ANGELES COMMITMENT TO PARTICIPATE IN AND SHARE THE COST FOR  
DEVELOPMENT OF ENHANCED WATERSHED MANAGEMENT PROGRAM AND  
COORDINATED INTEGRATED MONITORING PROGRAM FOR THE DOMINGUEZ CHANNEL  
WATERSHED**

The City of Los Angeles submits this letter of intent with our commitment to participate in and share the cost for the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) for the Dominguez Channel watershed as outlined in the Notice of Intent submitted by the City of Los Angeles to meet the requirements of Part VI.C.4.b of the MS4 Permit (Order No. R4-2012-0175) and the CIMP notification requirements specified in Attachment E Section IV.C.1.

The Dominguez Channel Watershed Group consists of the following MS4 Permittees: the City of Los Angeles (lead agency for EWMP and CIMP development), the County of Los Angeles, Los Angeles County Flood Control District, the City of El Segundo, the City of Inglewood, and the City of Hawthorne. The final draft agreement to fund program development by the Dominguez Channel Watershed Group has been included in the Notice of Intent and the City of Los Angeles is committed to execute this agreement prior to December 28, 2013.

Should you have any questions regarding this correspondence, please contact me at [shahram.kharaghani@lacity.org](mailto:shahram.kharaghani@lacity.org) or phone (213) 485-0587 or your staff may contact Alfredo Magallanes at [alfredo.magallanes@lacity.org](mailto:alfredo.magallanes@lacity.org) or phone (213) 485-3958.

Sincerely,

SHAHRAM KHARAGHANI, Ph.D., P.E., BCEE  
Program Manager

SK:AM:MC  
WPDCR 9039

AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER

Recyclable and made from recycled waste





Mr. Sam Unger, Executive Officer  
City of Los Angeles Letter of Intent for Dominguez Channel Watershed  
June 20, 2013  
Page 2

cc: Renee Purdy, California Regional Water Quality Control Board, Los Angeles Region  
Ivar Ridgeway, California Regional Water Quality Control Board, Los Angeles Region  
Enrique Zaldivar, City of Los Angeles, Bureau of Sanitation  
Adel Hagekhalil, City of Los Angeles, Bureau of Sanitation  
Gary Hildebrand, County of Los Angeles  
Lifan Xu, City of El Segundo  
Doug Krauss, City of Hawthorne  
Lauren Amimoto, City of Inglewood





# City of El Segundo

## Public Works Department Stephanie Katsouleas, Director

June 4, 2013

**Elected Officials:**

Bill Fisher,  
Mayor  
Carl Jacobson,  
Mayor Pro Tem  
Suzanne Fuentes,  
Council Member  
Dave Atkinson,  
Council Member  
Mario Felthauer,  
Council Member  
Tracy Weaver,  
City Clerk  
Crista Binder,  
City Treasurer

**Appointed Officials:**

Greg Carpenter,  
City Manager  
Mark D. Hensley,  
City Attorney

**Department Directors:**

Deborah Cullen,  
Finance/Human Resources  
Kevin Smith,  
Fire Chief  
Debra Brighton,  
Library Services  
Sam Lee,  
Planning and  
Building Safety  
Mitch Tavera,  
Police Chief  
Stephanie Katsouleas,  
Public Works  
Robert Cummings,  
Recreation & Parks

[www.elsegundo.org](http://www.elsegundo.org)

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

### LETTER OF INTENT PLEDGING COMMITMENT IN THE DEVELOPMENT OF AN ENHANCED WATERSHED MANAGEMENT PROGRAM AND COORDINATED INTEGRATED MONITORING PROGRAM IN COLLABORATION WITH THE DOMINGUEZ CHANNEL WATERSHED GROUP

Dear Mr. Unger;

The City of El Segundo, with this letter, pledges to cooperate with the Dominguez Channel Watershed Group (Group) in the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) in accordance with the new MS4 Permit by Order No. R4-2012-0175 for submission to your Board. The Dominguez Channel Watershed Group includes the following agencies: the City of Los Angeles, the County of Los Angeles, Los Angeles County Flood Control District, and the Cities of El Segundo, Hawthorne, and Inglewood.

The City of El Segundo further pledges to share in the cost of developing both the Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP). A cost sharing formula was agreed by all participating members of the Group as to the equitable distribution of costs.

Should you have any questions, please contact me at (310)524-2356 or via email to [skatsouleas@elsegundo.org](mailto:skatsouleas@elsegundo.org), or Lifan Xu, of my staff, at (310)524-2368 or via email to [lxu@elsegundo.org](mailto:lxu@elsegundo.org).

Sincerely

Stephanie Katsouleas  
Director of Public Works

Cc: Greg Carpenter, City Manager  
Lifan Xu, Principal Civil Engineer

350 Main Street, El Segundo, California 90245-3813  
Phone (310)524-2300 Fax (310) 640-0489

Cc:

Renee Purdy, California Regional Water Quality Control Board, Los Angeles Region

Ivar Ridgeway, California Regional Water Quality Control Board, Los Angeles  
Region

Shahram Kharaghani, City of Los Angeles, Department of Public Works

Enrique Zaldivar, City of Los Angeles, Bureau of Sanitation

Adel Hagekhalil, City of Los Angeles, Bureau of Sanitation

Gary Hildebrand, County of Los Angeles, Department of Public Works

Doug Krauss, City of Hawthorne

Lauren Amimoto, City of Inglewood

# CITY OF HAWTHORNE



4455 West 126th Street • Hawthorne, California 90250-4482

Department of Public Works, Engineering Division  
Office: (310) 349-2980 / Fax: (310) 978-9862

June 6, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013  
**Attention: Renee Purdy**

**LETTER OF INTENT PLEDGING COMMITMENT IN THE DEVELOPMENT  
OF AN ENHANCED WATERSHED MANAGEMENT PROGRAM AND  
COORDINATED INTEGRATED MONITORING PROGRAM IN  
COLLABORATION WITH THE DOMINGUEZ CHANNEL WATERSHED  
GROUP**

Dear Mr. Unger,

The City of Hawthorne, with this letter, pledges to collaborate with Dominguez Channel Watershed Group (Group) in the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) in accordance with the new MS4 Permit by Order No., R4-2012-0175 for submission to your Board. The Dominguez Channel Watershed Group includes only the following agencies: the City of Los Angeles, the County of Los Angeles, Los Angeles County Flood Control District, the City of El Segundo, the City of Hawthorne, and the City of Inglewood.

The City of Hawthorne further pledges to cost share the development cost of both the Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP). A cost sharing formula has been agreed by all participating of the Group as to the equitable distribution of costs.

Should you have any questions, please contact me at [ashadbehr@cityofhawthorne.org](mailto:ashadbehr@cityofhawthorne.org) and 310-349-2985, or Doug Krauss of my staff at [dkrauss@cityofhawthorne.org](mailto:dkrauss@cityofhawthorne.org) and 310-349-2987.

ARNOLD SHADBEHR, P.E.  
Director of Public Works / City Engineer



# Inglewood



# California

Public Works Department

ONE MANCHESTER BOULEVARD / INGLEWOOD, CA. 90301 / P.O. BOX 6500 / INGLEWOOD, CA. 90312

Telephone (310) 412-5333 / Fax (310) 412-5552

[www.cityofinglewood.org](http://www.cityofinglewood.org)

LOUIS A. ATWELL, P.E.  
PUBLIC WORKS DIRECTOR

June 11, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

**CITY OF INGLEWOOD'S LETTER OF INTENT PLEDGING COMMITMENT IN THE  
DEVELOPMENT OF AN ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM IN  
COLLABORATION WITH THE DOMINGUEZ CHANNEL WATERSHED GROUP**

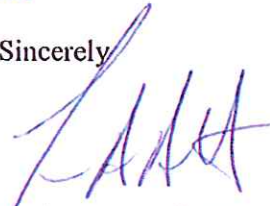
Dear Mr. Unger;

The City of Inglewood (City), with this letter, pledges to collaborate with the Dominguez Channel Watershed Group (Group) in the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) in accordance with the new MS4 Permit by Order No. R4-2012-0175 for submission to your Board. The Dominguez Channel Watershed Group includes only the following agencies: the City of Los Angeles, the County of Los Angeles, Los Angeles County Flood Control District, the City of El Segundo, the City of Hawthorne, and the City of Inglewood

The City of Inglewood further pledges to cost share the development cost of both the Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP). A cost sharing formula has been agreed by all participating members of the Group as to the equitable distribution of costs.

Should you have any questions, please contact Lauren Amimoto, Senior Administrative Analyst at (310) 412-5192 or at [lamimoto@cityofinglewood.org](mailto:lamimoto@cityofinglewood.org)

Sincerely,



Louis A. Atwell, PE  
Director of Public Works

cc:

Renee Purdy, California Regional Water Quality Control Board, Los Angeles Region  
Ivar Ridgeway, California Regional Water Quality Control Board, Los Angeles Region  
Enrique Zaldivar, City of Los Angeles, Bureau of Sanitation  
Adel Hagekhalil, City of Los Angeles, Bureau of Sanitation  
Gary Hildebrand, County of Los Angeles, Department of Public Works  
Lifan Xu, City of El Segundo  
Doug Krauss, City of Hawthorne  
Lauren Amimoto, City of Inglewood





GAIL FARBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

June 24, 2013

IN REPLY PLEASE  
REFER TO FILE: WM-7

Mr. Samuel Unger, P.E.  
Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – LOS ANGELES COUNTY FLOOD CONTROL DISTRICT  
DOMINGUEZ CHANNEL WATERSHED MANAGEMENT GROUP  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

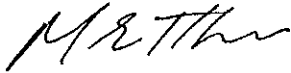
The Los Angeles County Flood Control District (LACFCD) submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Dominguez Channel Watershed Management Area Group. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Dominguez Channel Watershed Management Area Group consists of the following agencies: City of Los Angeles as the coordinating agency for EWMP and CIMP development, County of Los Angeles, LACFCD, and cities of El Segundo, Hawthorne, and Inglewood. The Dominguez Channel Watershed Management Area Group has included a final draft Memorandum of Understanding as Attachment 2 of the Notice of Intent. The LACFCD intends to submit a final Memorandum of Understanding to the County of Los Angeles Board of Supervisors (which is the LACFCD's governing body) for approval prior to December 28, 2013.

Mr. Samuel Unger  
June 24, 2013  
Page 2

If you have any questions, please contact Ms. Terri Grant at (626) 458-4309 or [tgrant@dpw.lacounty.gov](mailto:tgrant@dpw.lacounty.gov).

Very truly yours,



*for* GAIL FARBER  
Chief Engineer of the Los Angeles County Flood Control District

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cc: City of El Segundo  
City of Hawthorne  
City of Inglewood  
City of Los Angeles



GAHL FARBBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

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Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE  
REFER TO FILE: WM-7

June 24, 2013

Mr. Samuel Unger, P.E.  
Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – COUNTY OF LOS ANGELES  
DOMINGUEZ CHANNEL WATERSHED MANAGEMENT AREA  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**


The County of Los Angeles (County) submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Dominguez Channel Watershed Management Area Group. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Dominguez Channel Watershed Management Area Group consists of the following agencies: City of Los Angeles as the coordinating agency for EWMP and CIMP development, County, Los Angeles County Flood Control District, and cities of El Segundo, Hawthorne, and Inglewood. The Dominguez Channel Watershed Management Area Group has included a final draft Memorandum of Understanding as Attachment 2 of the Notice of Intent. The County intends to submit a final Memorandum of Understanding to its Board of Supervisors for approval prior to December 28, 2013.

Mr. Samuel Unger  
June 24, 2013  
Page 2

If you have any questions, please contact Ms. Angela George at (626) 458-4325 or [ageorge@dpw.lacounty.gov](mailto:ageorge@dpw.lacounty.gov).

Very truly yours,



*sf* GAIL FARBER  
Director of Public Works

WJ:jht  
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cc: City of El Segundo  
City of Hawthorne  
City of Inglewood  
City of Los Angeles

**Attachment 4 – Structural BMP Fact Sheet**



# PHASE IV - TRASH TMDL IMPLEMENTATION

Santa Monica Bay Debris & Plastic Pellet TMDL / Machado Lake Trash TMDL / Dominguez Channel Watershed MS4 Trash Requirements  
March 2013



## FACT SHEET

### REGULATORY BACKGROUND

#### Santa Monica Bay Debris & Pellet TMDL

Effective: March 20, 2012  
1<sup>st</sup> Compliance Milestone: March 2016  
Final Compliance: March 2020

#### Machado Lake Trash TMDL

Effective: March 6, 2008  
1<sup>st</sup> Compliance Milestone: March 2012  
Final Compliance: March 2016

#### Dominguez Channel Watershed MS4 Trash Requirements

Effective: December 28, 2012  
Final Compliance: December 28, 2016

### PROJECT DESCRIPTION

#### ENVIRONMENTAL BENEFITS

Trash in waterways causes significant water quality problems. Small and large floatables can inhibit the growth of aquatic vegetation, decreasing spawning areas and habitats for fish and other living organisms. Wildlife living in the rivers and riparian areas can be harmed by ingesting or becoming entangled in floating trash. By preventing trash and debris from entering the storm drain system and eventually into the Santa Monica Bay, Machado Lake, and Dominguez Channel watersheds, this project will improve the water quality and protect the aquatic life and habitat.

#### DESCRIPTION OF BMP

This project primarily proposes the installation of catch basin (CB) opening screen covers and inserts in those structures found in the Santa Monica Bay, Machado Lake, and Dominguez Channel watersheds of the City. The CB opening screen covers are coarse screens that are installed in the CB openings and prevent trash from entering the City storm drain system. Each CB opening screen cover has a self-opening device activated by a predetermined street gutter flow to disengage its locking mechanism. The CB inserts are perforated screens that are installed inside the CB in front of the outlet pipe of the catch basin.



Watershed Protection Division  
Bureau of Sanitation

### PROJECT SCHEDULE AND COST

#### SCHEDULE

With the approval of this project, WPD will establish a new procurement and installation contract through the advertisement, bid and award process of the Board of Public Works. Installation of CB covers may begin as early as the Summer of 2013. No construction permits, land acquisition, or NEPA/CEQA documents are required for this project. The Project Schedule is shown below. The subsequent Table shows number of CBs to be retrofitted with a BMP by Council District throughout the project duration. The contract duration is 3 years.

#### Project Schedule

	2013	2014	2015	2016
Construction				
Post-Construction				

#### COST

To ensure compliance with the upcoming trash reduction milestones, WPD requests \$6.2 million of Prop O funds for the retrofit of approximately 4,400 catch basins in the Santa Monica Bay, Machado Lake, and Dominguez Channel watersheds with trash BMPs.

#### Distribution of Catch Basin Retrofits

Element	Catch Basin Distribution
Santa Monica Bay Debris and Plastic Pellet TMDL (Council District 11)	988
Machado Lake Trash TMDL (Council District 15)	277
Dominguez Channel Watershed MS4 Trash Requirements (Council District 15)	3,151
<b>TOTAL</b>	<b>4,416</b>

The total cost of \$6,160,000 dollars for this project is being requested from Prop O funds, which includes administration, design and construction management, construction, and installation costs of approximately 4,400 catch basin trash BMPs. This project is not projected to result in any increase in operation and maintenance of the City storm drain system; the Wastewater Collection System Division of the Bureau of Sanitation currently provides the regular maintenance of the City catch basins.

#### Project Cost Distribution

Element	Required Funding Amount
Administration Cost	\$10,000
Planning/Design/Bid and Award	\$28,000
Construction Management	\$308,000
Construction	\$5,814,000
<b>TOTAL</b>	<b>\$6,160,000</b>

Department of Public Works  
City of Los Angeles

**Attachment 5 – Specific Actions and Status of Compliance by EWMP Agencies for Compliance with Interim and Final Milestones of the Machado Lake Trash TMDL**

EWMP agency	Implementation status Machado Lake Trash TMDL
City of Los Angeles	As of February 2013, the City had attained the 40% compliance milestone of the Trash TMDL. The City will fully comply with the 100% compliance milestone by the use of full and partial capture devices in the remaining catch basins as well through institutional measures.
County of Los Angeles	Within the area of the Machado Lake watershed covered by the Dominguez Channel WMA, the County of Los Angeles has retrofitted 89% of catch basins with full capture devices. The remaining catch basins will be retrofitted by 2016 to meet the 100% milestone.
LACFCD	NA



GAIL FARBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE  
REFER TO FILE: **WM-6**

June 24, 2013

Mr. Samuel Unger, P.E.  
Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, California 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**NOTICE OF INTENT FOR THE DEVELOPMENT OF A  
WATERSHED MANAGEMENT PROGRAM AND  
COORDINATED INTEGRATED MONITORING PROGRAM FOR THE  
ALAMITOS BAY/LOS CERRITOS CHANNEL WATERSHED MANAGEMENT AREA**

The County of Los Angeles and Los Angeles County Flood Control District, collectively the Alamitos Bay/Los Cerritos Channel Group (Alamitos Bay/LCC Group), is submitting the enclosed Notice of Intent to notify the California Regional Water Quality Control Board of the Alamitos Bay/LCC Group's commitment to develop a Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP). The Alamitos Bay/LCC Group agrees to this approach in fulfilling the requirements of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System (MS4) Permit).

The enclosed Notice of Intent fulfills the WMP notifications requirements provided in Section VI.C.4.b of the MS4 Permit and the CIMP notification requirements provided in Attachment E Section IV.C.1 of the MS4 Permit. The Alamitos Bay/LCC Group looks forward to developing the WMP and CIMP in collaboration with the Technical Advisory Committee and other stakeholders within the Alamitos Bay and Los Cerritos Channel Watershed Management Area.

Mr. Samuel Unger  
June 24, 2013  
Page 2

If you have any questions, please contact me at (626) 458-4300 or ghildeb@dpw.lacounty.gov or your staff may contact Ms. Angela George at (626) 458-4325 or ageorge@dpw.lacounty.gov.

Very truly yours,

GAIL FARBER  
Director of Public Works



GARY HILDEBRAND  
Assistant Deputy Director  
Watershed Management Division

JD:jht  
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Enc.



# NOTICE OF INTENT

## Alamitos Bay/Los Cerritos Channel Watershed Management Area Watershed Management Program and Coordinated Integrated Monitoring Program

---

### *Submitted to:*

California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

### *Submitted by:*

County of Los Angeles  
Los Angeles County Flood Control District

*June 28, 2013*





## 1. Introduction

The County of Los Angeles (County) and the Los Angeles County Flood Control District (LACFCD), collectively the Alamitos Bay/Los Cerritos Channel Group (Alamitos Bay/LCC Group), respectfully submit this Notification of Intent (NOI) to develop a Watershed Management Program (WMP) for certain portions of the Alamitos Bay and Los Cerritos Channel Watershed Management Area (Alamitos Bay/LCC WMA) per Section VI.C.4.b.i of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System (MS4) Permit). Additionally, the Alamitos Bay/LCC Group submits this NOI to develop a Coordinated Integrated Monitoring Program (CIMP).

The following sections are to satisfy the requirements for NOI submittal as provided by Section VI.C.4.b of the MS4 Permit and to provide the California Regional Water Quality Control Board, Los Angeles Region (LARWQCB) with additional information on the approach that the Alamitos Bay/LCC Group intends to follow for the WMP development. The Alamitos Bay/LCC Group is committed to coordinating with adjacent agencies throughout the preparation and implementation of the WMP and CIMP.

## 2. NOI (Section VI.C.4.b.i and Attachment E Section IV.C.1.)

The Alamitos Bay/LCC Group hereby notifies the LARWQCB by this NOI of its intention to develop a WMP for certain portions of the Alamitos Bay/LCC WMA, and to submit the draft WMP no later than 18 months after the effective date of the MS4 Permit (June 28, 2014).

In addition, the Alamitos Bay/LCC Group also notifies the LARWQCB by this NOI of its intention to develop a CIMP for certain portions of the Alamitos Bay/LCC WMA, and to submit the draft CIMP no later than 18 months after the effective date of the MS4 Permit (June 28, 2014).

## 3. Interim and Final TMDL Compliance Deadlines (Section VI.C.4.b.ii)

Table 1 lists Total Maximum Daily Loads (TMDLs) that apply to the Alamitos Bay/LCC WMA. There are no trash TMDLs associated with the Alamitos Bay/LCC WMA, and there are no final compliance milestones or deadlines of other TMDLs occurring prior to the anticipated approval date of the WMP (April 28, 2015).

Table 1. TMDLs applicable to the Alamitos Bay/Los Cerritos Channel WMA

TMDL	Resolution Number	Effective Date	EPA Approval Date
Los Cerritos Channel Metals TMDL	NA	NA	3/17/2010
Colorado Lagoon OC Pesticides, PCBs, Sediment Toxicity, PAHs, and Metals TMDL <sup>1</sup>	R09-005	7/28/2011	6/14/2011
Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL	R11-008	3/23/2012	3/23/2012

<sup>1</sup> Although the Colorado Lagoon OC Pesticides, PCBs, Sediment Toxicity, PAHs, and Metals TMDL applies to the Alamitos Bay/Los Cerritos Channel WMA, the County of Los Angeles is not designated as responsible for this TMDL per Table K-7 of the MS4 Permit

#### 4. Geographical Scope

The Alamitos Bay/LCC WMA is approximately 24,000 acres (37.5 square miles) and consists of portions of the cities of Bellflower, Cerritos, Downey, Lakewood, Long Beach, Paramount, and Signal Hill, as well as the unincorporated County. As shown in Enclosure A, the Alamitos Bay/LCC WMA can be divided into three subwatersheds: the Los Cerritos Channel Freshwater watershed, the Los Cerritos Channel Estuary watershed, and the Alamitos Bay watershed. The LACFCD has facilities throughout the entire Alamitos Bay/LCC WMA. The unincorporated County area in the WMA comprises of one island near the middle of the Los Cerritos Channel Freshwater watershed. This unincorporated County island totals 95 acres (0.7 square miles) of the WMA and is completely surrounded by the City of Long Beach. The majority (91 percent) of the island's land use is high density, single-family residential, as shown in Enclosure B.

The Alamitos Bay/LCC Group will develop a WMP for certain portions of the Alamitos Bay/LCC WMA. The areas that will be included in this WMP are the unincorporated County island, the LACFCD facilities within the unincorporated County island, the LACFCD facilities within the Los Cerritos Channel Estuary watershed, and the LACFCD facilities within the Alamitos Bay watershed. There is no unincorporated County area in the Alamitos Bay watershed or Los Cerritos Channel Estuary watershed.

#### 5. Cost Estimate

It is estimated that the cost will be \$80,000 for the development of the CIMP and WMP.

#### 6. Low Impact Development Ordinance (Section VI.C.4.b.iii.(6) and VI.C.4.c.ii.(1))

Table 2 summarizes the Alamitos Bay/LCC Group's Low Impact Development (LID) Ordinance status. As Table 2 shows, more than 50 percent of the land area within the Alamitos Bay/LCC WMA WMP Group is addressed by an LID ordinance.



Table 2. LID Ordinances

WMP Agency	Percent WMP Area	Status LID Ordinance
County	100 percent	Draft Ordinance
LACFCD	NA	NA
<b>Total MS4 Watershed Area Covered by LID Ordinances</b>	<b>100 percent</b>	

**Status Description:**

- Draft Ordinance – Permittee has completed or will complete by June 28, 2013, the development of a draft LID Ordinance that is in compliance with the MS4 Permit for its portion in the watershed.

**7. Green Street Policy (Section VI.C.4.b.iii.(6) and VI.C.4.c.ii.(2))**

Table 3 summarizes the Alamitos Bay/LCC Group's Green Street Policy status. As Table 3 shows, more than 50 percent of the land area within the Alamitos Bay/LCC WMA WMP Group is addressed by a Green Street Policy that is in place or under development.

Table 3. Green Street Policy

WMP Agency	Percent WMP Area	Status Green Street Policy
County	100 percent	Draft Policy
LACFCD	NA	NA
<b>Total MS4 Watershed Area Covered by Green Street Policy</b>	<b>100 percent</b>	

**Status Description:**

- Draft Policy – Permittee has completed or will complete by June 28, 2013, the development of a draft Green Street Policy that is in compliance with the MS4 Permit for its portion in the watershed.

**8. Implementation of Watershed Control Measures During Plan Development (Section VI.C.4.b.ii and VI.C.4.d)**

No TMDLs have interim and/or final compliance milestones prior to the final approval of the WMP (April 28, 2015), and no TMDL Implementation Plans have been developed to date for the Alamitos Bay/LCC WMA.

**SUMMARY**

This NOI for the Alamitos Bay/LCC Group WMP was developed by the County and LACFCD. Both agencies have reviewed and agreed to this NOI as evidenced by each agency's Letter of Intent. The Alamitos Bay/LCC Group believes that this NOI satisfies the requirements of the MS4 Permit, and we look forward to developing the

Alamitos Bay/LCC WMA WMP in collaboration with the Technical Advisory Committee and other watershed stakeholders.

**ENCLOSURE A –  
GEOGRAPHICAL SCOPE OF  
THE COUNTY OF LOS ANGELES AND LACFCD IN THE  
ALAMITOS BAY/LCC WMA WMP**



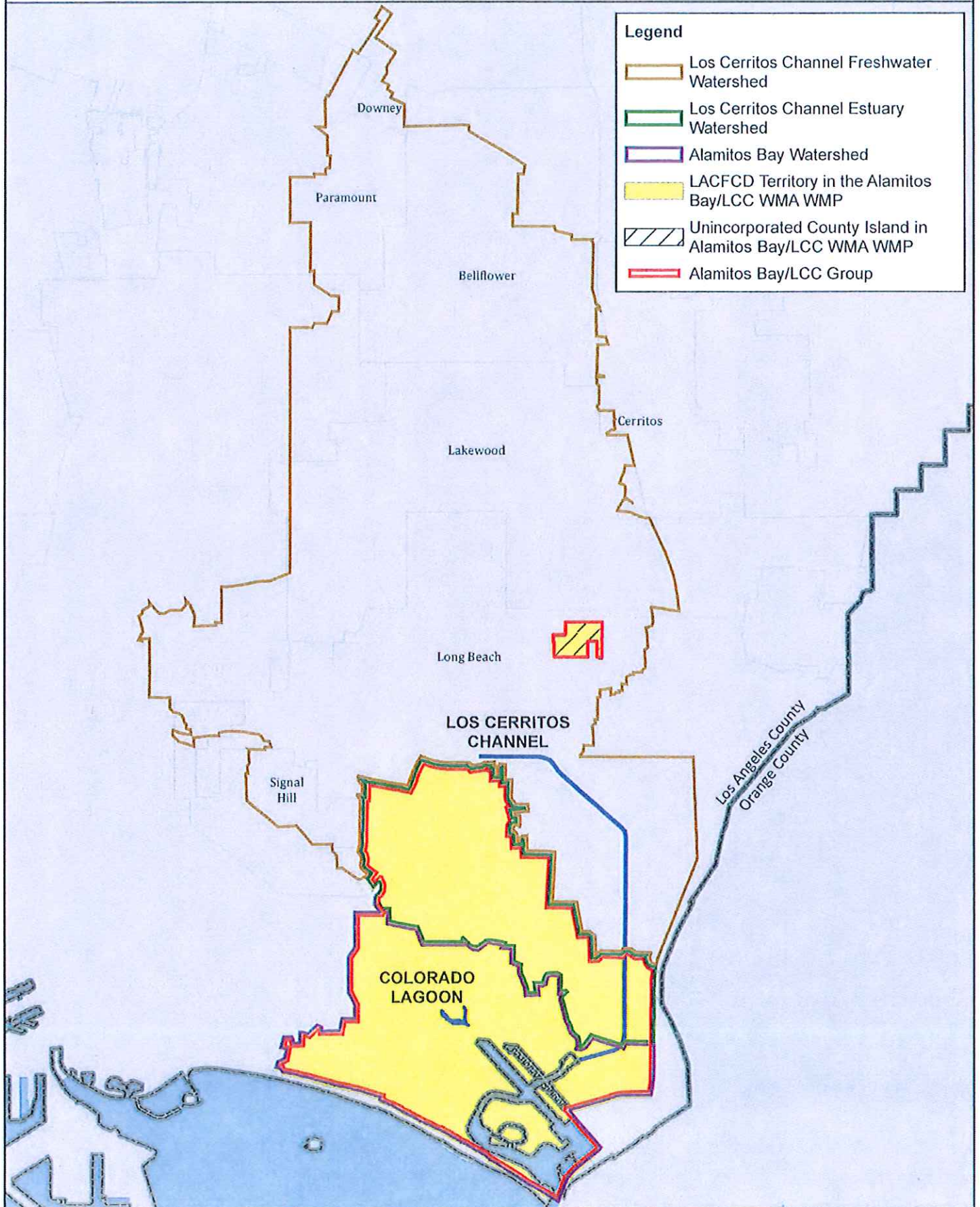


**ENCLOSURE A**  
**Geographical Scope of the County of Los Angeles and LACFCD**  
**in the Alamitos Bay/LCC WMA**

0 0.5 1 Miles

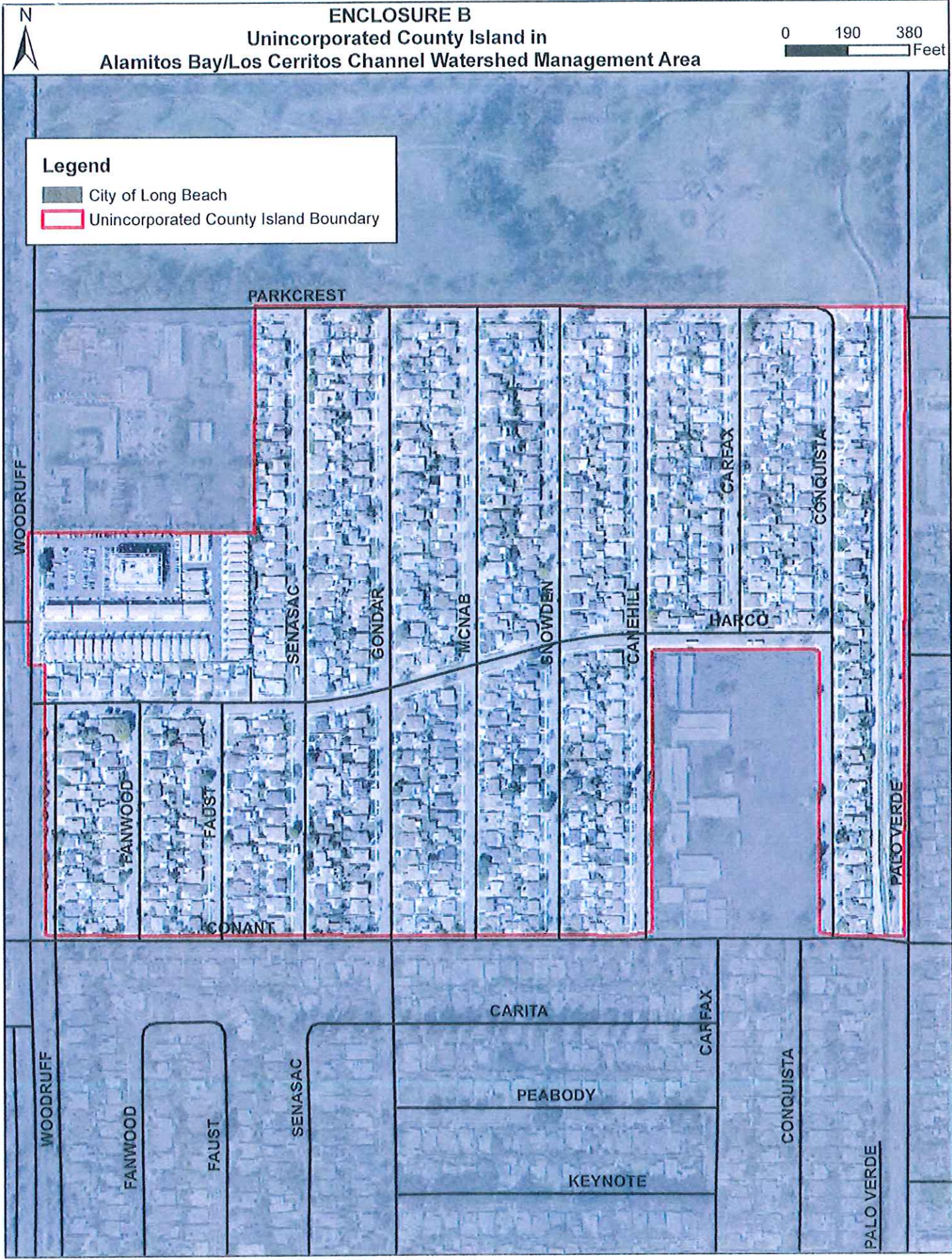
**Legend**

-  Los Cerritos Channel Freshwater Watershed
-  Los Cerritos Channel Estuary Watershed
-  Alamitos Bay Watershed
-  LACFCD Territory in the Alamitos Bay/LCC WMA WMP
-  Unincorporated County Island in Alamitos Bay/LCC WMA WMP
-  Alamitos Bay/LCC Group



**ENCLOSURE B –  
COUNTY OF LOS ANGELES UNINCORPORATED ISLAND IN  
THE ALAMITOS BAY/LCC WMA**





**ENCLOSURE C –  
LETTERS OF INTENT**





GAIL FARBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

June 24, 2013

IN REPLY PLEASE

REFER TO FILE: WM-7

Mr. Samuel Unger, P.E., Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – COUNTY OF LOS ANGELES  
ALAMITOS BAY/LOS CERRITOS CHANNEL WATERSHED MANAGEMENT AREA  
WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The County of Los Angeles submits this Letter of Intent to participate in and share the cost of the development of a Watershed Management Program (WMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Alamitos Bay/Los Cerritos Channel Group. This Letter of Intent serves to satisfy the WMP notification requirements of Section VI.C.4.b of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Alamitos Bay/Los Cerritos Channel Group consists of the following agencies: County of Los Angeles as the coordinating agency for WMP and CIMP development and Los Angeles County Flood Control District.

If you have any questions, please contact Ms. Angela George at (626) 458-4325 or [ageorge@dpw.lacounty.gov](mailto:ageorge@dpw.lacounty.gov).

Very truly yours,

GAIL FARBER  
Director of Public Works

JD:jht

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GAIL FARBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

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ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
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June 24, 2013

IN REPLY PLEASE

REFER TO FILE: WM-7

Mr. Samuel Unger, P.E., Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – LOS ANGELES COUNTY FLOOD CONTROL DISTRICT  
ALAMITOS BAY/LOS CERRITOS CHANNEL WATERSHED MANAGEMENT AREA  
WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The Los Angeles County Flood Control District (LACFCD) submits this Letter of Intent to participate in and share the cost of the development of a Watershed Management Program (WMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Alamitos Bay/Los Cerritos Channel Group. This Letter of Intent serves to satisfy the WMP notification requirements of Section VI.C.4.b of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Alamitos Bay/Los Cerritos Channel Group consists of the following agencies: County of Los Angeles as the coordinating agency for WMP and CIMP development and LACFCD.

If you have any questions, please contact Ms. Terri Grant at (626) 458-4309 or [tgrant@dpw.lacounty.gov](mailto:tgrant@dpw.lacounty.gov).

Very truly yours,

GAIL FARBER  
Chief Engineer of the Los Angeles County Flood Control District

JD:jht

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# CITY OF CARSON

June 26, 2013

Sam Unger, P.E.  
Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
320 W. 4th Street, Suite 200  
Los Angeles, CA 90013

Subject: Notice of Intent to Opt for an Individual Watershed Management Program

Dear Mr. Unger:

The **City of Carson** is pleased to submit its Notice of Intent ("NOI") to the Los Angeles Regional Water Quality Control Board ("Regional Board") to:

1. develop an Individual Watershed Management Program ("I-WMP") in accordance with Los Angeles Regional Water Quality Control Board Order No. R4-2012-0175, NPDES Permit No., CAS0040, adopted on November 8, 2012 ("Order") and became effective on December 28, 2012; and
2. participate in a Coordinated Integrated Monitoring Plan ("CIMP").

The NOI requires the completion of the following tasks under VI.C.4.B.ii that shall be submitted to the Regional Board on or before June 28, 2014:

1. identify applicable interim and final trash water quality based effluent limitations (WQBELs);
2. identify all other interim and final WQBELs;
3. identify interim and final receiving water limitations; and
4. identify watershed control measures (where possible) based on existing TMDL implementation plans to be implemented by the City, concurrently with the development of a WMP (an I-WMP in this case).

In addition to the foregoing, the NOI also requires the following tasks to be performed if a permittee chooses to implement an I-WMP:

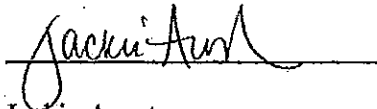
1. demonstrate that a Low Impact Development (LID) ordinance is in place or that the process of developing one has started within 60 days of the Order (February 26, 2013); and
2. demonstrate that a Green Street Policy is in place or begin development of one that addresses "green street strategies for transportation corridors" within 60 days of the Order.

The attached provides a complete discussion of the NOI-related tasks.

Should you have any questions, please feel free to call the Storm Water Quality Programs Manager, Patricia Elkins, at (310) 847-3529.

*"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted.*

*Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility, of a fine and imprisonment for knowing violations."*



Jackie Acosta  
Acting City Manager  
City of Carson

Attachment noted

## Notice of Intent I. Individual Watershed Management Plan

### 1. *Rationale for I-WMP*

The **City of Carson** has chosen the I-WMP, albeit with reservation, to meet TMDL and non-water quality standards (referred to collectively as "WQSs") for several reasons including but not limited to the following:

- i. The I-WMP allows the City to determine to what extent its existing stormwater quality management program (SQMP), which has been in effect since 2002, is meeting TMDLs and non-TMDL WQSs, based on outfall monitoring against ambient WQSs. It is possible that the City has been meeting some or even most WQSs. If outfall monitoring shows persistent exceedances the I-WMP will contain a mechanism for addressing it.
- ii. The City cannot justify an Enhanced Watershed Management Plan (E-WMP) at this time because: (1) there are no water quality monitoring data that would justify this extreme and costly option; (2) neither the County of Los Angeles (which wrote the E-WMP provision in the current MS4 permit) nor the City of Los Angeles has indicated what multi-benefit projects it is proposing to provide the "safe harbor"<sup>1</sup> that would enable participating permittees to achieve compliance even if exceedances of TMDLs and non-TMDL WQSs occur<sup>2</sup>; (3) there is no guarantee that participating in an E-WMP could assure compliance with WQSs; (4) there is no current funding mechanism for the E-WMP<sup>3</sup>; and (5) were the City to commit to an E-WMP, it would be required to enter into an MOU that could bind it to its requirements even if funding is not available.
- iii. The City has chosen the I-WMP, even though it still ties it to having to comply with strict waste load allocations (WLAs) at the outfall and apparently in the receiving water as well. The City would have preferred to meet WQSs through the implementation of its stormwater management plan (SWMP) as is provided

<sup>1</sup>Neither the County nor City of Los Angeles, which are encouraging permittees to participate in "regional multi-benefit" projects that would provide the safe harbor, has yet to disclose what those projects are.

<sup>2</sup>The MS4 permit asserts that the E-WMP provides compliance with WQSs and even with some minimum control measures (viz., the 6 core programs that form the stormwater management program required under federal law). There is reason to believe that this provision is extra-legal and could be voided either under administrative or judicial challenge. For one thing, an E-WMP is not a water quality based effluent limitation (WQBEL) which would translate a WQS into a compliance action. Perhaps it could have been one had the MS4 permit made clear that the E-WMP contains BMPs capable of meeting all the numeric WQSs over time. Instead, the MS4 permit incorrectly uses WQBEL to mean the same thing as a waste load allocation. Further, the EWMP's regional multi-benefit project requirement cannot guarantee compliance with WLAs measured at the outfall if the project is located outside of permittee's MS4. Even if the MS4 permit survives challenge, there is no guarantee that the E-WMP and its safe harbor provision will carry-over to the next MS4 permit. MS4 permits are five years in duration and the next Regional Board has the authority change permit requirements. It could not be argued that the anti-backsliding provision of Clean Water Action Section 402(o) would compel the next Regional Board to continue the E-WMP. This is because anti-backsliding only applies to WQSs, not to the means of achieving them. Further, 402(o) contains other anti-backsliding exemptions.

<sup>3</sup>The Los Angeles County Board of Supervisors indicated at its March 12, 2013 public hearing on the Clean Beaches, Clean Water Fee Initiative that it does not intend to re-try this proposition as a 218 parcel fee. Instead, they suggested that if another fee measure is attempted it would be through a regular tax vote.



under the Receiving Water Limitation (RWL) section of the MS4 permit. The RWL can be interpreted to mean that if a permittee implements its SWMP in a timely and complete manner it will be in compliance with WQSs. If persistent exceedances of WQSs are detected from outfall discharges the permittee shall report them to the Regional Board along with a plan for improving BMPs to address the exceedances. This constitutes an "iterative process." However, the MS4 permit appears to over-ride the RWL-iterative provision by requiring permittees to meet the WQSs by any means necessary by interim TMDL deadlines. Nevertheless, just to err on the side of caution, the City has chosen the I-WMP because it will provide more time for compliance with interim WLAs. It is expected that by the time compliance with interim TMDLs is due, the administrative petition and state-wide RWL language (expected to be decided by the State Water Resources Control Board some time in February of 2014), will have been resolved. Although Carson is opting for an I-WMP and CIMP, it shall work in cooperation with the following permittees on a watershed basis.

Watershed/Sub-watershed	Participating MS4s
<ul style="list-style-type: none"> <li>Los Angeles River, Reach 1</li> <li>Compton Creek</li> </ul>	<ul style="list-style-type: none"> <li>Carson and Compton</li> <li>Carson and Compton</li> </ul>
<ul style="list-style-type: none"> <li>Dominguez Channel</li> </ul>	<ul style="list-style-type: none"> <li>Carson</li> <li>Compton</li> <li>Gardena</li> <li>Lawndale</li> </ul>
<ul style="list-style-type: none"> <li>Machado Lake</li> </ul>	<ul style="list-style-type: none"> <li>Carson</li> <li>Lomita</li> </ul>

Each participating MS4 will be responsible for preparing its own individual WMPs and conducting its own monitoring. However, because each of these permittees shares the same consultant, cost-sharing of I-WMP and CIMP development may be achieved.

The I-WMP and CIMP shall be submitted to the Regional Board on or before June 28, 2014.

## 2. *Water Quality Based Effluent Limitations and Receiving Water Limitations*

Dry and wet weather interim and final water quality based effluent limitations (WQBELs) and receiving water limitations (RWLs) are discussed below. There is a definitional problem with these terms, however. Neither the MS4 permit nor state and federal law define or refer to an interim or final WQBEL or RWL. Nor is there a definition of a dry or wet weather WQBEL and RWL. However, based on conversations with Regional Board staff it appears that a dry and wet weather WQBEL is synonymous with a dry and wet weather waste load allocation in a TMDL, but applied to outfalls. And, it appears that a dry and wet weather RWL are TMDL WLAs applied to a receiving water. The use of the term RWL is confusing



because it does not square with its use under the Receiving Water Limitation section of the MS4 permit. Further, the MS4 permit defines a RWL to mean:

*Any applicable numeric or narrative water quality objective or criterion, or limitation to implement the applicable water quality objective or criterion, for the receiving water as contained in Chapter 3 or 7 of the Water Quality Control Plan for the Los Angeles Region (Basin Plan), water quality control plans or policies adopted by the State Water Board, or federal regulations, including but not limited to, 40 CFR § 131.38.*

Nevertheless, the foregoing definition is deficient to the extent that is limited only to water quality objectives (WQOs), which are State standards. The definition should only have referenced WQSS, which are federal standards and according to the Los Angeles Region Basin Plan also includes WQOs. Or it should have just added WQSS in the sentence, thereby making it clear that WQSS and WQOs are RWLs. This is an important distinction because a WQO cannot be interpreted to mean or apply to a TMDL.

Beyond this, if the Regional Board intended interim and final RWLs to mean WLAs that require compliance in receiving waters, based on in-stream monitoring, it is mistaken. As RWL language in the Order at V.A.1 explains: *Discharges from the MS4 that cause or contribute to the violation of receiving water limitations are prohibited.* From this, it would be unreasonable to conclude that an RWL can be expressed in interim or final terms. It has been suggested that the RWL is merely a compliance standard, expressed as a WLA, applied to the receiving water that must be complied through in-stream measurements. However, it is clear from Order section V.A.1 that determining violations of RWLs can only be determined by measuring discharges from the MS4 (viz., an outfall or end-of-pipe).

i. *Dry and Wet Weather Interim and Final WQBELs for Los Angeles River TMDLs (Reaches 1 and 2)*

Los Angeles River Watershed TMDLs

Wet Weather WLAs				
Water Body	Copper	Lead	Zinc	Trash
Los Angeles River, Reach 1 and Compton Creek	17 ug/l	62 ug/l	159 ug/l	See Attachment #1
Water Body	Bacteria	-	-	-
Los Angeles River, Reach 1 and Compton Creek	235 MPN/100 ml	-	-	-

Water Body	Nutrients <sup>4</sup>	-	-	-
Los Angeles River Reach 1 and Compton	7.2 mg/l	-	-	-
Dry Weather WLAs				
Water Body	Copper	Lead	Zinc	Trash
Los Angeles River Reach 1 and Compton Creek	23 ug/l (R 1) 19 ug/l (Compton Creek)	12 ug/l (R 1) 8.9 ug/l (Compton creek)	-	Same As Wet Weather
Water Body	Bacteria (Interim)	Bacteria (Final)	-	-
Los Angeles River Reach 1 and Compton Creek	2 MPN/day	235 MPN/100 ml	-	-

## Dominguez Channel Watershed TMDLs

i. *Interim and Final WQBELs for Dominguez Toxics TMDL (wet weather only)*<sup>5</sup>

Toxics TMDL	Wet Weather Interim WLA	Deadline	Wet Weather Final	Deadline
• Total Copper	207.51 µg/L	March, 2012	1300.3 g/day	March 2032
• Total Lead	122.88 µg/L	March, 2012	5733.7 g/day	March 2032
• Total Zinc	898.87 µg/L	March, 2012	9355.5 g/day	March 2032
• Toxicity	2 TUc	March, 2012	1 TUc	March 2032

ii. *Interim and Final RWLs for Dominguez Toxics TMDL (wet weather only)*<sup>6</sup>

Toxics TMDL	Wet Weather Interim WLA	Deadline	Wet Weather Final	Deadline
• Total Copper	207.51 µg/L	March, 2012	1300.3 g/day	March 2032
• Total Lead	122.88 µg/L	March, 2012	5733.7 g/day	March 2032
• Total Zinc	898.87 µg/L	March, 2012	9355.5 g/day	March 2032
• Toxicity	2 TUc	March, 2012	1 TUc	March 2032

iii. *Interim and Final WQBELs for Machado Lake Nutrients TMDL (dry and wet weather)*<sup>7</sup>

<sup>4</sup>This TMDL does not apply because it is not valid. It is a "reconsideration" of the Los Angeles River Nitrogen and Related Effects TMDL to Incorporate Site-Specific Objectives for Ammonia that was adopted by the Los Angeles Regional Board on December 6, 2012. It has not been approved by the State Water Resources Control Board. Further, this proposed TMDL appears to apply only to waste water treatment facilities, not MS4s.

<sup>5</sup>Dominguez Channel freshwater allocations are set for wet weather only because no dry weather exceedances were recorded.

<sup>6</sup>See footnote 4 above.

<sup>7</sup>The WLAs for nutrients are not justified because the 2007 and 2010 303(d) lists do not identify any nutrient-related constituent as a point source – only as a non-point source. The Regional Board should correct these TMDL and any MS4 permit-related document to show that WLAs are inappropriate. Non-point source TMDLs require load allocations (LAs) only, which are not applicable to MS4s or other point sources (viz., waste water treatment systems).



Nutrients TMDL	Dry Weather Interim WLA	Deadline	Dry Weather Final	Deadline
• Total Phosphorous	1.25 mg/l	May, 2014	0.1 mg/l	September, 2018
• Total Nitrogen	2.45 mg/l	May, 2014	1.0 mg/l	September, 2018

Nutrients TMDL	Wet Weather Interim WLA	Deadline	Wet Weather Final	Deadline
• Total Phosphorous	1.25 mg/l	May, 2014	0.1 mg/l	September, 2018
• Total Nitrogen	2.45 mg/l	May, 2014	1.0 mg/l	September, 2018

iv. *Interim and Final RWLs for Machado Lake Nutrients TMDL (dry and wet weather)*<sup>8</sup>

Nutrients TMDL	Dry Weather Interim WLA	Deadline	Dry Weather Final	Deadline
• Total Phosphorous	1.25 mg/l	May, 2014	0.1 mg/l	September, 2018
• Total Nitrogen	2.45 mg/l	May, 2014	1.0 mg/l	September, 2018

Nutrients TMDL	Dry Weather Interim WLA	Deadline	Dry Weather Final	Deadline
• Total Phosphorous	1.25 mg/l	May, 2014	0.1 mg/l	September, 2018
• Total Nitrogen	2.45 mg/l	May, 2014	1.0 mg/l	September, 2018

v. *Interim and Final WQBELs for Machado Lake Toxics TMDL (dry and wet weather)*<sup>9</sup>

Toxics TMDL	Dry Weather Interim WLA	Deadline	Dry Weather Final	Deadline
• Total PCBs	59.9 ug/kg	September, 2019	59.9 ug/kg	September, 2019
• Total DDT	5.2 ug/kg	September, 2019	5.2 ug/kg	September, 2019
• Dieldrin	1.9 ug/kg	September, 2019	1.9 ug/kg	September, 2019
• Chlordane	3.24 ug/kg	September, 2019	3.24 ug/kg	September, 2019

Toxics TMDL	Wet Weather Interim WLA	Deadline	Wet Weather Final	Deadline
• Total PCBs	59.9 ug/kg	September, 2019	59.9 ug/kg	September, 2019

<sup>8</sup>See footnote 4 above.

<sup>9</sup>See foot note 4 above.

• Total DDT	5.2 ug/kg	September, 2019	5.2 ug/kg	September, 2019
• Dieldrin	1.9 ug/kg	September, 2019	1.9 ug/kg	September, 2019
• Chlordane	3.24 µg/kg	September, 2019	3.24 ug/kg	September, 2019

vi. *Interim and Final RWLS for Machado Lake Toxics TMDL (dry and wet weather)*

Toxics TMDL	Dry Weather Interim WLA	Deadline	Dry Weather Final	Deadline
• Total PCBs	59.9 ug/kg	September, 2019	59.9 ug/kg	September, 2019
• Total DDT	5.2 ug/kg	September, 2019	5.2 ug/kg	September, 2019
• Dieldrin	1.9 ug/kg	September, 2019	1.9 ug/kg	September, 2019
• Chlordane	3.24 µg/kg	September, 2019	3.24 ug/kg	September, 2019

Toxics TMDL	Wet Weather Interim WLA	Deadline	Wet Weather Final	Deadline
• Total PCBs	59.9 ug/kg	September, 2019	59.9 ug/kg	September, 2019
• Total DDT	5.2 ug/kg	September, 2019	5.2 ug/kg	September, 2019
• Dieldrin	1.9 ug/kg	September, 2019	1.9 ug/kg	September, 2019
• Chlordane	3.24 µg/kg	September, 2019	3.24 ug/kg	September, 2019

vii. *Dry and Wet Weather Interim and Final WQBELs for Trash*

The City is subject to the Machado Lake Trash TMDLs. A trash WQBEL is a BMP that includes the implementation of institutional and/or structural controls (viz., debris screens or vortex separation systems). Implementation of either option in accordance with the TMDL's requirements places a permittee in compliance with "scheduled" WLA targets. The final WLA is zero. The zero WLA is achieved by, for example, installing debris screens in all catch basins that are hydrologically connected to a water body that is subject to the trash TMDL. In actual terms, debris screens and vortex separation systems are only capable of reducing trash by 80-85%. It should be noted that the TMDLs do not reference an interim WLA, only a final WLA. Further, this TMDL does not reference the term WQBELs as applicable to outfalls as WLAs. Still, it must be assumed they are the same. It is unclear why there is a need for this distinction.

TMDL	Dry Weather Interim WLA	Wet Weather Final WLA
Machado Lake Trash (see attachment #2)	zero	zero

viii. *Dry and Wet Weather Interim and Final Trash RWLs*

Same as (vii).

3. *Watershed Control Measures*

It is not clear if the MS4 permit requires watershed control measures for the I-WMP option non-TMDL pollutants. Nevertheless, the City's I-WMP shall identify watershed controls measures (WCMs) to be considered for implementation based on monitoring data generated from the CIMP. If persistent exceedances are detected, the I-WMP will be amended to include BMPs tailored to address the exceedances for TMDL or non-TMDL pollutants. The BMPs will be implemented to include one or more of the 6 minimum control measures mandated for MS4s under the Clean Water Act that will be specific to the TMDL.

Should additional WCMs be required, based on monitoring data indicating persistent exceedances detected at the outfall against ambient standards, the City will rely on implementation plans already developed for TMDLs by a number of permittees, including the County of Los Angeles Watershed Management Division. Specifically, it will review both structural and non-structural BMPs in the various implementation plans. The BMPs will undergo a reasonable assurance analysis using an appropriate performance-predicting model. Selection of the final BMP or suite of final BMPs will be based on the extent of the pollution problem (viz., the frequency and level of exceedances) and their individual or combined efficacy in addressing the exceeded WLAs.

4. *Demonstration of a Low Impact Development Ordinance*

The City has begun development of the LID ordinance to the extent that: (1) it has reviewed the City and County of Los Angeles' versions; and (2) is considering a more abbreviated ordinance of its own. The City's experience with the Standard Urban Stormwater Management Program (SUSMP) ordinance is that the more requirements specified in a code can result in less flexibility that could, as a result, pose a problem to enforcement. The City, therefore, is leaning towards code language that will be brief and will defer to LID guidelines that the City plans to develop at a later date, just as was the case for the SUSMP ordinance. It was the stormwater quality management plan (SQMP) development planning/SUSMP guidelines under the previous Order that actually determined how compliance was to be specifically achieved. Further, guidelines can be easily amended as opposed to amending the code.

5. *Demonstration of Green Street Policy Development*

The Green Street Policy shall be based on the requirements of the Order which applies to the **Land Use Development Program** and its subject new development and redevelopment projects:



*Street and road construction of 10,000 square feet or more of impervious surface area shall follow USEPA guidance regarding Managing Wet Weather with Green Infrastructure: Green Streets (December 2008 EPA-833-F-08-009) to the maximum extent practicable. Street and road construction applies to stand alone streets, roads, highways, and freeway projects, and also applies to streets within larger projects.*

This provision clearly directs permittees to follow USEPA guidance to the maximum extent practicable<sup>10</sup> and is applicable to 10,000 square feet or more of impervious surface. The City shall apply it to new transportation corridors in areas of new development which are defined as *standalone streets, roads, highways, and freeway projects, and also applies to streets within larger projects*. It shall not, as specified in the Order, apply to routine maintenance for subject redevelopment projects necessary to:

*maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety. Impervious surface replacement, such as the reconstruction of parking lots and roadways which does not disturb additional area and maintains the original grade*

The City's commitment to this policy shall be expressed through: (1) the Land Use Development element of its Stormwater Management Program ("SWMP"), which includes this and five other minimum control measures; and through (2) its General Plan Transportation Element at the time of its next update. The policy shall be effectuated as a type of infiltration best management practice (BMP) permittees have been incorporating into new and redevelopment projects under the previous Order's SUSMP since 2006.

The City sees no necessity in placing or implementing its green street program in its I-WMP. This is because green infrastructure is associated with the Land Use Development Program which is a mandatory core SWMP component that would be implemented even if a permittee only chose to rely on its minimum control measures ("MCMs") to achieve compliance with TMDLs and other water quality standards.

#### 6. *Technical Advisory Committee*

The MS4 permit specifies a technical advisory committee ("TAC") that will "advise and participate" in the development of WMPs and E-WMPs. It is not clear if the MS4 permit intended the TAC to also include I-WMPs. Further, although the TAC is to be comprised of representatives of watershed management areas ("WMAs") it does not specify a procedural mechanism for choosing them. The previous MS4 permit specified watershed management committees which were structured to make decisions based on majority rule. These committees were not carried over to this MS4 permit. A similar decision-making mechanism will need to be developed for selecting the TAC.

#### END SECTION I

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<sup>10</sup>MEP will be based on, among other factors, cost and infiltration rates and shall allow for infiltration of street runoff through other media such as porous concrete.

## Notice of Intent II. Coordinated Integrated Monitoring Plan

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The City declares its preference for participation in a Coordinated Integrated Monitoring Plan ("CIMP"). The CIMP will include participation with other MS4 permittees according to watersheds as mentioned above. The CIMP will address all of the monitoring requirements specified in the MS4 permit's Monitoring and Reporting Program ("MRP") element. The purpose of the CIMP is to: (1) characterize watersheds/sub-watersheds relative to WQs; (2) determine to what extent MS4 permittees are meeting or not meeting WQs; and (3) achieve monitoring cost savings through collective participation with other permittees sharing common watershed location.

The City takes the position that a comparison of outfalls discharges against ambient referents is the only legally valid monitoring requirement for determining compliance. To this end, the City shall collect outfall samples in accordance with the MRP and measure them against ambient standards.<sup>11</sup> Ambient standards have been used by the Los Angeles Regional Water Quality Control Board's Surface Water Ambient Program (SWAMP) for Dominguez Channel, Los Angeles River, and Machado Lake. It should be noted, however, that the Regional Board has not adhered to a consistent definition of ambient water quality monitoring. Although it references ambient in the Los Angeles River metals and bacteria TMDLs, it has not done so for the Dominguez Channel Harbors Toxics TMDL and for the Machado Lake Nutrients and Toxics TMDLs.

Ambient water quality monitoring is generally understood to mean collecting water quality samples during dry weather either during the dry season or during the wet season following a storm event. This has been confirmed by the Regional Board's SWAMP. SWAMP indicated that initially it performed ambient monitoring between 48 and 72 hours after a storm event. It later chose to conduct ambient during the spring and summer because there was no significant difference between the two sampling periods.

Measuring outfall discharges against wet weather WLAs is not required under federal or state law.<sup>12</sup> This argument is also reflected in the City's administrative petition challenging the MS4 permit. Nevertheless, the City shall compare outfall discharges against wet weather WLAs and data generated from existing in-stream stations relative to applicable TMDLs as well as against ambient discharges for purposes of reference and comparison rather than compliance.

## END SECTION II

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<sup>11</sup>It is well established that water quality standards, including California Toxics Rule standards, are ambient standards.

<sup>12</sup>See State Water Resources Control Board Order WQ 2001-15, page 10-11.

# ATTACHMENT A

## Part 7

Notices of Intent

June 26, 2013

Sam Unger P.E.  
California Regional Water Quality Control Board  
Los Angeles Region  
320 W. 4th Street, Suite 200  
Los Angeles, CA 90013

Subject: Notice of Intent to Opt for an Individual Watershed Management Program

Dear Mr. Unger:

The **City of Compton** is pleased to submit its Notice of Intent ("NOI") to the Los Angeles Regional Water Quality Control Board ("Regional Board") to:

1. develop an Individual Watershed Management Program ("I-WMP") in accordance with Los Angeles Regional Water Quality Control Board Order No. R4-2012-0175, NPDES Permit No., CAS0040, adopted on November 8, 2012 ("Order") and became effective on December 28, 2012, and
2. participate in a Coordinated Integrated Monitoring Plan ("CIMP").

The NOI requires the completion of the following tasks under VI.C.4.B.ii:

1. identify applicable interim and final trash water quality based effluent limitations (WQBELs);
2. identify all other interim and final WQBELs;
3. identify interim and final receiving water limitations; and
4. identify watershed control measures (where possible) based on existing TMDL implementation plans to be implemented by the City, concurrently with the development of a WMP (an I-WMP in this case).

In addition to the foregoing, NOI also requires the following tasks to be performed if a permittee chooses to implement an I-WMP:

1. demonstrate that a Low Impact Development (LID) ordinance is in place or that it is in the process of developing one has started within 60 days of the Order (February 26, 2013);
2. Demonstrate that a Green Street Policy is in place or begin development of one that addresses "green street strategies for transportation corridors" within 60 days of the Order.

The attached provides a complete discussion of the NOI-related tasks. The WMP and CIMP shall be submitted to the Regional Board on or before June 28, 2013.

Should you have any questions please feel free to call me at [REDACTED].

*"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted.*

*Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility, of a fine and imprisonment for knowing violations."*

---

Glen Kau, PE  
Director of Public Works



## Notice of Intent I. Individual Watershed Management Plan

### 1. *Rationale for I-WMP*

The **City of Compton** has chosen the I-WMP, albeit with reservation, to meet TMDL and non-water quality standards (referred to collectively as "WQs") for several reasons including but not limited to the following:

- i. The I-WMP allows the City to determine to what extent its existing stormwater quality management program (SQMP), which has been in effect since 2002, is meeting TMDLs and non-TMDL WQs, based on outfall monitoring against ambient WQs. It is possible that the City has been meeting some or even most WQs. If outfall monitoring shows persistent exceedances the I-WMP will contain a mechanism for addressing it.
- ii. The City cannot justify an Enhanced Watershed Management Plan (E-WMP) at this time because: (1) there are no water quality monitoring data that would justify this extreme and costly option; (2) neither the County of Los Angeles (which wrote the E-WMP provision in the current MS4 permit) nor the City of Los Angeles has indicated what multi-benefit projects it is proposing to provide the "safe harbor"<sup>1</sup> that would enable participating permittees to achieve compliance even if exceedances of TMDLs and non-TMDL WQs occur<sup>2</sup>; (3) there is no guarantee that participating in an E-WMP could assure compliance with WQs; (4) there is no current funding mechanism for the E-WMP<sup>3</sup>; and (5) were the City to commit to an E-WMP, it would be required to enter into an MOU that could bind it to its requirements even if funding is not available.
- iii. The City has chosen the I-WMP, even though it still ties it to having to comply with strict waste load allocations (WLAs) at the outfall and apparently in the receiving water as well. The City would have preferred to meet WQs through the implementation of its stormwater management plan (SWMP) as is provided

<sup>1</sup>Neither the County nor City of Los Angeles, which are encouraging permittees to participate in "regional multi-benefit" projects that would provide the safe harbor, has yet to disclose what those projects are.

<sup>2</sup>The MS4 permit asserts that the E-WMP provides compliance with WQs and even with some minimum control measures (viz., the 6 core programs that form the stormwater management program required under federal law). There is reason to believe that this provision is extra-legal and could be voided either under administrative or judicial challenge. For one thing, an E-WMP is not a water quality based effluent limitation (WQBEL) which would translate a WQ into a compliance action. Perhaps it could have been one had the MS4 permit made clear that the E-WMP contains BMPs capable of meeting all the numeric WQs over time. Instead, the MS4 permit incorrectly uses WQBEL to mean the same thing as a waste load allocation. Further, the EWMP's regional multi-benefit project requirement cannot guarantee compliance with WLAs measured at the outfall if the project is located outside of permittee's MS4. Even if the MS4 permit survives challenge, there is no guarantee that the E-WMP and its safe harbor provision will carry-over to the next MS4 permit. MS4 permits are five years in duration and the next Regional Board has the authority change permit requirements. It could not be argued that the anti-backsliding provision of Clean Water Action Section 402(o) would compel the next Regional Board to continue the E-WMP. This is because anti-backsliding only applies to WQs, not to the means of achieving them. Further, 402(o) contains other anti-backsliding exemptions.

<sup>3</sup>The Los Angeles County Board of Supervisors indicated at its March 12, 2013 public hearing on the Clean Beaches, Clean Water Fee Initiative that it does not intend to re-try this proposition as a 218 parcel fee. Instead, they suggested that if another fee measure is attempted it would be through a regular tax vote.



under the Receiving Water Limitation (RWL) section of the MS4 permit. The RWL can be interpreted to mean that if a permittee implements its SWMP in a timely and complete manner it will be in compliance with WQSs. If persistent exceedances of WQSs are detected from outfall discharges the permittee shall report them to the Regional Board along with a plan for improving BMPs to address the exceedances. This constitutes an "iterative process." However, the MS4 permit appears to over-ride the RWL-iterative provision by requiring permittees to meet the WQSs by any means necessary by interim TMDL deadlines. Nevertheless, just to err on the side of caution, the City has chosen the I-WMP because it will provide more time for compliance with interim WLAs. It is expected that by the time compliance with interim TMDLs is due, the administrative petition and state-wide RWL language (expected to be decided by the State Water Resources Control Board some time in February of 2014), will have been resolved. Although Compton is opting for an I-WMP and CIMP, it shall work in cooperation with the following permittees on a watershed basis.

Watershed/Sub-watershed	Participating MS4s
<ul style="list-style-type: none"> <li>Los Angeles River, Reach 1</li> <li>Compton Creek</li> </ul>	<ul style="list-style-type: none"> <li>Compton and Carson</li> <li>Compton and Carson</li> </ul>
<ul style="list-style-type: none"> <li>Dominguez Channel</li> </ul>	<ul style="list-style-type: none"> <li>Carson</li> <li>Compton</li> <li>Gardena</li> <li>Lawndale</li> </ul>

Each participating MS4 will be responsible for preparing its own individual WMPs and conducting its own monitoring. However, because each of these permittees shares the same consultant, cost-sharing of I-WMP and CIMP development shall be achieved.

The WMP and IWMP shall be submitted to the Regional Board on or before June 28, 2014.

## 2. *Water Quality Based Effluent Limitations and Receiving Water Limitations*

Dry and wet weather interim and final water quality based effluent limitations (WQBELs) and receiving water limitations (RWLs) are discussed below. There is a definitional problem with these terms, however. Neither the MS4 permit nor state and federal law define or refer to an interim or final WQBEL or RWL. Nor is there a definition of a dry or wet weather WQBEL and RWL. However, based on conversations with Regional Board staff it appears that a dry and wet weather WQBEL is synonymous with a dry and wet weather waste load allocation in a TMDL, but applied to outfalls. And, it appears that a dry and wet weather RWL are TMDL WLAs applied to a receiving water. The use of the term RWL is confusing because it does not square with its use under the Receiving Water Limitation section of the MS4 permit. Further, the MS4 permit defines a RWL to mean:

*Any applicable numeric or narrative water quality objective or criterion, or limitation to implement the applicable water quality objective or criterion, for the receiving water as contained in Chapter 3 or 7 of the Water Quality Control Plan for the Los Angeles Region (Basin Plan), water quality control plans or policies adopted by the State Water Board, or federal regulations, including but not limited to, 40 CFR § 131.38.*

Nevertheless, the foregoing definition is deficient to the extent that is limited only to water quality objectives (WQOs), which are State standards. The definition should only have referenced WQSS, which are federal standards and according to the Los Angeles Region Basin Plan also includes WQOs. Or it should have just added WQSS in the sentence, thereby making it clear that WQSS and WQOs are RWLs. This is an important distinction because a WQO cannot be interpreted to mean or apply to a TMDL.

Beyond this, if the Regional Board intended interim and final RWLs to mean WLAs that require compliance in receiving waters, based on in-stream monitoring, it is mistaken. As RWL language in the Order at V.A.1 explains: *Discharges from the MS4 that cause or contribute to the violation of receiving water limitations are prohibited.* From this, it would be unreasonable to conclude that an RWL can be expressed in interim or final terms. It has been suggested that the RWL is merely a compliance standard, expressed as a WLA, applied to the receiving water that must be complied through in-stream measurements. However, it is clear from Order section V.A.1 that determining violations of RWLs can only be determined by measuring discharges from the MS4 (viz., an outfall or end-of-pipe).

i. *Dry and Wet Weather Interim and Final WQBELs for Los Angeles River TMDLs*

Los Angeles River Watershed TMDLs

Wet Weather WLAs				
Water Body	Copper	Lead	Zinc	Trash
Los Angeles River, Reach 1 and Compton Creek	17 ug/l	62 ug/l	159 ug/l	See Attachment #2
Water Body	Bacteria	-	-	-
Los Angeles River, Reach 1 and Compton Creek	235 MPN/100 ml	-	-	-



Water Body	Nutrients <sup>4</sup>	-	-	-
Los Angeles River Reach 1 and Compton	7.2 mg/l	-	-	-
Dry Weather WLAs				
Water Body	Copper	Lead	Zinc	Trash
Los Angeles River Reach 1 and Compton Creek	23 ug/l (R 1) 19 ug/l (Compton Creek)	12 ug/l (R 1) 8.9 ug/l (Compton creek)	-	Same As Wet Weather
Water Body	Bacteria (Interim)	Bacteria (Final)	-	-
Los Angeles River Reach 1 and Compton Creek	2 MPN/day	235 MPN/100 ml	-	-

## Los Angeles River Watershed TMDLs

Wet Weather WLAs				
Water Body	Copper	Lead	Zinc	Trash
Los Angeles River, Reach 1 and Compton Creek	17 ug/l	62 ug/l	159 ug/l	See Attachment #2
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Water Body	Nutrients <sup>5</sup>	-	-	-
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Dry Weather WLAs				
Water Body	Copper	Lead	Zinc	Trash
Los Angeles River Reach 1 and Compton Creek	23 ug/l (Reach 1) 19 ug/l (Compton Creek)	12 ug/l (Reach 1) 8.9 ug/l (Compton creek)	-	Same As Wet Weather
Water Body	Bacteria (Interim)	Bacteria (Final)	-	-
Los Angeles River Reach 1 and Compton	2 MPN/day	235 MPN/100 ml	-	-

<sup>4</sup>This TMDL does not apply because it is not valid. It is a "reconsideration" of the Los Angeles River Nitrogen and Related Effects TMDL to Incorporate Site-Specific Objectives for Ammonia that was adopted by the Los Angeles Regional Board on December 6, 2012. It has not been approved by the State Water Resources Control Board. Further, this proposed TMDL appears to apply only to waste water treatment facilities, not MS4s.

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## Dominguez Channel Watershed TMDLs

i. *Interim and Final WQBELs for Dominguez Toxics TMDL (wet weather only)*<sup>6</sup>

Toxics TMDL	Wet Weather Interim WLA	Deadline	Wet Weather Final WLA	Deadline
• Total Copper	207.51 µg/L	March, 2012	1300.3 g/day	March 2032
• Total Lead	122.88 µg/L	March, 2012	5733.7 g/day	March 2032
• Total Zinc	898.87 µg/L	March, 2012	9355.5 g/day	March 2032
• Toxicity	2 TUc	March, 2012	1 TUc	March 2032

ii. *Interim and Final RWLs for Dominguez Toxics TMDL (wet weather only)*<sup>7</sup>

Toxics TMDL	Wet Weather Interim WLA	Deadline	Wet Weather Final WLA	Deadline
• Total Copper	207.51 µg/L	March, 2012	1300.3 g/day	March 2032
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3. *Watershed Control Measures*

It is not clear if the MS4 permit requires watershed control measures for the I-WMP option non-TMDL pollutants. Nevertheless, the City's I-WMP shall identify watershed controls measures (WCMs) to be considered for implementation based on monitoring data generated from the CIMP. If persistent exceedances are detected, the I-WMP will be amended to include BMPs tailored to address the exceedances for TMDL or non-TMDL pollutants. The BMPs will be implemented to include one or more of the 6 minimum control measures mandated for MS4s under the Clean Water Act that will be specific to the TMDL.

Should additional WCMs be required, based on monitoring data indicating persistent exceedances detected at the outfall against ambient standards, the City will rely on implementation plans already developed for TMDLs by a number of permittees, including the County of Los Angeles Watershed Management Division. Specifically, it will review both structural and non-structural BMPs in the various implementation plans. The BMPs will undergo a reasonable assurance analysis using an appropriate performance-predicting model. Selection of the final BMP or suite of final BMPs will be based on the extent of the pollution problem (viz., the frequency and level of exceedances) and their individual or combined efficacy in addressing the exceeded WLAs.

4. *Demonstration of a Low Impact Development Ordinance*

<sup>6</sup>Dominguez Channel freshwater allocations are set for wet weather only because no dry weather exceedances were recorded.

<sup>7</sup>See footnote 4 above.



The City has begun development of the LID ordinance to the extent that: (1) it has reviewed the City and County of Los Angeles' versions; and (2) is considering a more abbreviated ordinance of its own. The City's experience with the Standard Urban Stormwater Management Program (SUSMP) ordinance is that the more requirements specified in a code can result in less flexibility that could, as a result, pose a problem to enforcement. The City, therefore, is leaning towards code language that will be brief and will defer to LID guidelines that the City plans to develop at a later date, just as was the case for the SUSMP ordinance. It was the stormwater quality management plan (SQMP) development planning/SUSMP guidelines under the previous Order that actually determined how compliance was to be specifically achieved. Further, guidelines can be easily amended as opposed to amending the code.

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This provision clearly directs permittees to follow USEPA guidance to the maximum extent practicable<sup>8</sup> and is applicable to 10,000 square feet or more of impervious surface. The City shall apply it to new transportation corridors in areas of new development which are defined as *standalone streets, roads, highways, and freeway projects, and also applies to streets within larger projects*. It shall not, as specified in the Order, apply to routine maintenance for subject redevelopment projects necessary to:

*maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety. Impervious surface replacement, such as the reconstruction of parking lots and roadways which does not disturb additional area and maintains the original grade*

The City's commitment to this policy shall be expressed through: (1) the Land Use Development element of its Stormwater Management Program ("SWMP"), which includes this and five other minimum control measures; and through (2) its General Plan Transportation Element at the time of its next update. The policy shall be

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END SECTION I

## Notice of Intent II. Coordinated Integrated Monitoring Plan

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Measuring outfall discharges against wet weather WLAs is not required under federal or state law.<sup>10</sup> This argument is also reflected in the City's administrative petition challenging the MS4 permit. Nevertheless, the City shall compare outfall discharges against wet weather WLAs and data generated from existing in-stream stations relative to applicable TMDLs as well as against ambient discharges for purposes of reference and comparison rather than compliance.

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## END SECTION II

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<sup>9</sup>It is well established that water quality standards, including California Toxics Rule standards, are ambient standards.

<sup>10</sup>See State Water Resources Control Board Order WQ 2001-15, page 10-11.





Jesus M. Gomez  
Acting City Manager

## **CITY OF EL MONTE**

### **CITY MANAGER'S OFFICE**

June 26, 2013

Mr. Samuel Unger, P.E., Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West Fourth Street, Suite 200  
Los Angeles, CA 90013

**RE: LETTER OF INTENT – CITY OF EL MONTE  
WATERSHED MANAGEMENT PROGRAM AND  
COORDINATED INTEGRATED MONITORING PROGRAM**

Dear Mr. Unger:

The City of El Monte submits this Letter of Intent to notify the Los Angeles Regional Water Quality Control Board of our commitment to develop a Watershed Management Program (WMP) and a Coordinated Integrated Monitoring Program (CIMP) for the tributary San Gabriel River and Los Angeles River Watersheds. This Letter of Intent serves to satisfy the notification requirements of Section VI.C.4.b of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit).

The City of El Monte meets the LID and Green Street conditions and will submit the draft WMP and CIMP within 18 months of the effective date of the Order (June 28, 2014).

The following table lists Total Maximum Daily Loads (TMDLs) for the tributary receiving waters in the Los Angeles and San Gabriel River Watersheds. Other than the Los Angeles River Watershed Water Quality-Based Effluent Limitations (WQBELs) listed, there are no interim and/or final WQBEL deadlines occurring prior to the anticipated approval date of the WMP in the San Gabriel River Watershed.

If you have any questions, please contact Michelle Marquez-Riley, P.E., Contract City Engineer, at (626) 580-2051.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Jesus Gomez".

JESUS M. GOMEZ  
Acting City Manager

ATTACHMENT 1

## CITY OF EL MONTE

## ATTACHMENT 1

TMDL	WQBELs	Interim/Final
Los Angeles River Watershed - Trash	20% of baseline by 2013 10% of baseline by 2014	Interim
Los Angeles River Watershed – Nitrogen Compounds and related Effects	NH <sub>3</sub> -N 8.7 mg/L 1-hour avg 2.4 mg/L 30-day avg NO <sub>3</sub> -N = 8 mg/L 30-day avg NO <sub>2</sub> -N = 1 mg/L 30-day avg NO <sub>3</sub> -N+NO <sub>2</sub> -N = 8 mg/L 30-day avg	Final
Los Angeles River Reach 2 - Metals	Copper 50% of WERx0.13 (kg/day) <sup>1</sup> , dry weather 25% of WERx1.5x10 <sup>-8</sup> x daily volume (L) - 9.5 (kg/day), wet weather Lead 50% of WERx0.07 (kg/day) <sup>1</sup> dry weather 25% of WERx5.6x10 <sup>-8</sup> x daily volume (L) - 3.85 (kg/day), wet weather Cadmium 25% of WERx2.8x10 <sup>-8</sup> x daily volume (L) - 1.8 (kg/day), wet weather Zinc 25% of WERx1.4x10 <sup>-7</sup> x daily volume (L) - 83 (kg/day), wet weather	Interim
Los Angeles River Watershed - Bacteria	E coli Load = 2 (10 <sup>9</sup> MPN/Day)	Interim
Legg Lake - Trash	March 6, 2013 = 40% March 6, 2014 = 60% Drainage Area covered by Full Capture Sys- tems	Interim
San Gabriel River and Im- paired Tributaries – Metals and Selenium	N/A	N/A
<sup>1</sup> Alternative concentration-based water quality-based effluent limitations available		





**CITY of GARDENA**

1700 WEST 162<sup>ND</sup> STREET / GARDENA, CALIFORNIA 90247-3778 / PHONE (310) 217-9500  
WEB SITE: [www.ci.gardena.ca.us](http://www.ci.gardena.ca.us)

PAUL K. TANAKA, Mayor  
DAN MEDINA, Mayor Pro Tem  
TASHA CERDA, Councilmember  
RACHEL C. JOHNSON, Councilmember  
TERRENCE TERAUCHI, Councilmember

MINA SEMENZA, City Clerk  
J. INGRID TSUKIYAMA, City Treasurer  
MITCHELL G. LANSDELL, City Manager  
PETER L. WALLIN, City Attorney

June 27, 2013

Sam Unger P.E.  
California Regional Water Quality Control Board  
Los Angeles Region  
320 W. 4th Street, Suite 200  
Los Angeles, CA 90013

Subject: Notice of Intent to Opt for an Individual Watershed Management  
Program

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Dear Mr. Unger:

The **City of Gardena** is pleased to submit its Notice of Intent ("NOI") to the Los Angeles Regional Water Quality Control Board ("Regional Board") to:

1. Develop an Individual Watershed Management Program ("I-WMP") in accordance with Los Angeles Regional Water Quality Control Board Order No. R4-2012-0175, NPDES Permit No., CAS0040, adopted on November 8, 2012 ("Order") and became effective on December 28, 2012, and
2. Participate in a Coordinated Integrated Monitoring Plan ("CIMP").

The NOI requires the completion of the following tasks under VI.C.4.B.ii:

1. Identify applicable interim and final trash water quality based effluent limitations (WQBELs).
  2. Identify all other interim and final WQBELs.
  3. Identify interim and final receiving water limitations, and
-

4. Identify watershed control measures (where possible) based on existing TMDL implementation plans to be implemented by the City, concurrently with the development of a WMP (an I-WMP in this case).

In addition to the foregoing, NOI also requires the following tasks to be performed if a permittee chooses to implement an I-WMP:

1. Demonstrate that a Low Impact Development (LID) ordinance is in place or begin development of one within 60 days of the Order (February 26, 2013);
2. Demonstrate that a Green Street Policy is in place or begin development of one that addresses "green street strategies for transportation corridors" within 60 days of the Order.

The attached provides a complete discussion of the NOI-related tasks.

Should you have any questions please feel free to call John Felix or my staff at (310) 217-9643, email, [jfelix@ci.gardena.ca.us](mailto:jfelix@ci.gardena.ca.us).

*"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted.*

*Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility, of a fine and imprisonment for knowing violations."*

Sincerely,



Mitchell Lansdell  
City Manager



## Notice of Intent I. Individual Water Management Plan

### 1. *Rationale for I-WMP*

The City of Gardena (City) has chosen the I-WMP, albeit with reservation, to meet TMDL and non-water quality standards (referred to collectively as "WQs") for several reasons including but not limited to the following:

- i. The I-WMP allows the City to determine to what extent its existing stormwater quality management program (SQMP), which has been in effect since 2002, is meeting TMDLs and non-TMDL WQs, based outfall monitoring against ambient WQs. It is possible that the City has been meeting some or even most WQs. If outfall monitoring shows persistent exceedances the I-WMP will contain a mechanism for addressing it.
- ii. The City cannot justify an Enhanced Watershed Management Plan (E-WMP) at this time because: (1) there is no water quality monitoring data that would justify this extreme and costly option; (2) neither the County of Los Angeles (which wrote the E-WMP provision in the current MS4 permit) nor the City of Los Angeles has indicated what multi-benefit projects it is proposing to provide the "safe harbor"<sup>1</sup> that would enable participating permittees to achieve compliance even if exceedances of TMDLs and non-TMDL WQs occur<sup>2</sup>; (3) there is no guarantee that participating in an E-WMP could assure compliance with WQs; (4) there is no current funding mechanism for the E-WMP<sup>3</sup>; and (5) were the City to commit to an E-WMP, it would be required to enter into an MOU that could bind it to its requirements even if funding is not available.
- iii. The City has chosen the I-WMP, even though it still ties it to having to comply with strict waste load allocations (WLAs) at the outfall and apparently in the receiving water as well. The City would have preferred to meet WQs through the implementation of its stormwater management plan (SWMP) as is provided

<sup>1</sup>Neither the County nor City of Los Angeles, which are encouraging permittees to participate in "regional multi-benefit" projects that would provide the safe harbor, has yet disclose what those projects are.

<sup>2</sup>The MS4 permit asserts that the E-WMP provides compliance with WQs and even with some minimum control measures (viz., the 6 core programs that form the stormwater management program required under federal law). There is reason to believe that this provision is extra-legal and could be voided either under administrative or judicial challenge. For one thing, an E-WMP is not a water quality based effluent limitation (WQBEL) which would translate a WSS into a compliance action. Perhaps it could have been one had the MS4 permit made clear that the E-WMP contains BMPs capable of meeting all the numeric WQs over time. Instead, the MS4 permit incorrectly uses WQBEL to mean the same thing as a waste load allocation. Further, the E-WMP's regional multi-benefit project requirement cannot guarantee compliance with WLAs measured at the outfall if the project is located outside of permittee's MS4. Even if the MS4 permit survives challenge, there is no guarantee that the E-WMP and its safe harbor provision will carry-over to the next MS4 permit. MS4 permits are five years in duration and the next Regional Board has the authority change permit requirements. It could not be argued that the anti-backsliding provision of Clean Water Action Section 402(o) would compel the next Regional Board to continue the E-WMP. This is because anti-backsliding only applies to WQs, not to the means of achieving them. Further, 402(o) contains other anti-backsliding exemptions.

<sup>3</sup>The Los Angeles County Board of Supervisors indicated at its March 12, 2013 public hearing on the Clean Beaches, Clean Water Fee Initiative that it does not intend to re-try this proposition as a 218 parcel fee. Instead, they suggested that if another fee measure is attempted it would be through a regular tax vote.



under the Receiving Water Limitation (RWL) section of the MS4 permit. The RWL can be interpreted to mean that if a permittee implements its SWMP in a timely and complete manner it will be in compliance with WQSs. If persistent exceedances of WQSs are detected from outfall discharges the permittee shall report them to the Regional Board along with a plan for improving BMPs to address the exceedances. This constitutes an "iterative process." However, the MS4 permit appears to over-ride the RWL provision by requiring permittees to meet the WQSs by any means necessary by interim TMDL deadlines. Nevertheless, just to err on the side of caution, the City has chosen the I-WMP because it will provide more time for compliance with interim WLAs. It is expected that by the time compliance with interim TMDLs is due, the administrative petition and state-wide RWL language (expected to be decided by the State Water Resources Control Board some time in February of 2014), will have been resolved. Although Gardena is opting for an I-WMP and CIMP, it shall work in cooperation with the following permittees on a watershed basis:

Watershed/Sub-watershed	Participating MS4s
<ul style="list-style-type: none"> <li>• Dominguez Channel (unlined portion above Vermont)</li> </ul>	<ul style="list-style-type: none"> <li>• City of Gardena</li> <li>• Lawndale</li> </ul>
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Each participating MS4 will be responsible for preparing its own individual WMPs and conducting its own monitoring. However, because each of these permittees shares the same consultant, cost-sharing of I-WMP and CIMP development shall result in de facto terms.

## 2. Water Quality Based Effluent Limitations and Receiving Water Limitations

Dry and wet weather interim and final water quality based effluent limitations (WQBELs) and receiving water limitations (RWLs) are discussed below. There is a definitional problem with these terms, however. Neither the MS4 permit nor state and federal law define or refer to an interim or final WQBEL or RWL. Nor is there a definition of a dry or wet weather WQBEL and RWL. However, based on conversations with Regional Board staff it appears that a dry and wet weather WQBEL is synonymous with a dry and wet weather waste load allocation in a TMDL, but applied to outfalls. And, it appears that a dry and wet weather RWL are TMDL WLAs applied to a receiving water. The use of the term RWL is confusing because it does not square with its use under the Receiving Water Limitation section of the MS4 permit. Further, the MS4 permit defines a RWL to mean:

*Any applicable numeric or narrative water quality objective or criterion, or limitation to implement the applicable water quality objective or criterion, for the receiving water as contained in Chapter 3 or 7 of the Water Quality Control Plan for the Los Angeles Region (Basin Plan), water quality control*



*plans or policies adopted by the State Water Board, or federal regulations, including but not limited to, 40 CFR § 131.38.*

Nevertheless, the foregoing definition is deficient to the extent that is limited only to water quality objectives (WQOs), which are State standards. The definition should only have referenced WQs, which are federal standards and according to the Los Angeles Region Basin Plan also includes WQOs. Or it should have just added WQs in the sentence, thereby making it clear that WQs and WQOs are RWLs. This is an important distinction because a WQO cannot be interpreted to mean or apply to a TMDL.

Beyond this, if the Regional Board intended interim and final RWLs to mean WLAs that require compliance in receiving waters, based on in-stream monitoring, it is mistaken. As RWL language in the Order at V.A.1 explains: *Discharges from the MS4 that cause or contribute to the violation of receiving water limitations are prohibited.* From this, it would be unreasonable to conclude that an RWL can be expressed in interim or final terms. It has been suggested that the RWL is merely a compliance standard, expressed as a WLA, applied to the receiving water that must be complied through in-stream measurements. However, it is a clear from Order section V.A.1 that determining violations of RWLs can only be determined by measuring discharges from the MS4 (viz., an outfall or end-of-pipe).

i. *Interim and Final WQBELs for Dominguez Toxics TMDL (wet weather only)*<sup>4</sup>  
*Applicable to the City of Gardena*

Toxics/Metals TMDL	Wet Weather Interim WLA	Deadline	Wet Weather Final Interim	Deadline
• Total Copper	207.51 µg/L	March, 2012	1300.3 g/day	March 2032
• Total Lead	122.88 µg/L	March, 2012	5733.7 g/day	March 2032
• Total Zinc	898.87 µg/L	March, 2012	9355.5 g/day	March 2032
• Toxicity	2 TUc	March, 2012	1 TUc	March 2032

ii. *Interim and Final RWLs for Dominguez Toxics TMDL (wet weather only)*<sup>5</sup>  
*Applicable to the City of Gardena*

Toxics/Metals TMDL	Wet Weather Interim WLA	Deadline	Wet Weather Final Interim	Deadline
• Total Copper	207.51 µg/L	March, 2012	1300.3 g/day	March 2032
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<sup>4</sup>Dominguez Channel freshwater allocations are set for wet weather only because no dry weather exceedances were recorded.

<sup>5</sup>See footnote 4 above.



Should additional WCMs be required, based on monitoring data indicating persistent exceedances detected at the outfall against ambient standards, the City will rely on implementation plans already developed for TMDLs by a number of permittees, including the County of Los Angeles Watershed Management Division. Specifically, it will review both structural and non-structural BMPs in the various implementation plans. The BMPs will undergo a reasonable assurance analysis using an appropriate performance-predicting model. Selection of the final BMP or suite of final BMPs will be based on the extent of the pollution problem (viz., the frequency and level of exceedances) and their individual or combined efficacy in addressing the exceeded WLAs.

#### *4. Demonstration of an Low Impact Development Ordinance*

The City has begun development of the LID order to the extent that: (1) it has reviewed the City and County of Los Angeles' versions; and (2) is considering a more abbreviated ordinance of its own. The City's experience with the Standard Urban Stormwater Management Program (SUSMP) ordinance is that the more requirements specified in a code can result in less flexibility that could, as a result, pose a problem to enforcement. The City, therefore, is leaning towards code language that will be brief and will defer to LID guidelines that the City plans to develop at a later date, just as was the case for the SUSMP ordinance. It was the stormwater quality management plan (SQMP) development planning/SUSMP guidelines under the previous Order that actually determined how compliance was to be specifically achieved. Further, guidelines can be easily amended as opposed to amending the code.

#### *5. Demonstration of Green Street Policy Development*

The Green Street Policy shall be based on the requirements of the Order which applies to the **Land Use Development Program** and its subject new development and redevelopment projects:

*Street and road construction of 10,000 square feet or more of impervious surface area shall follow USEPA guidance regarding Managing Wet Weather with Green Infrastructure: Green Streets (December 2008 EPA-833-F-08-009) to the maximum extent practicable. Street and road construction applies to standalone streets, roads, highways, and freeway projects, and also applies to streets within larger projects.*

This provision clearly directs permittees to follow USEPA guidance to the maximum extent practicable<sup>6</sup> and is applicable to 10,000 square feet or more of impervious surface. The City shall apply it to new transportation corridors in areas of new development which are defined as *standalone streets, roads, highways, and freeway projects, and also applies to streets within larger projects*. It shall not, as specified in

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<sup>6</sup>MEP will be based on, among other factors, cost and infiltration rates and shall allow for infiltration of street runoff through other media such as porous concrete.

the Order, apply to routine maintenance for subject redevelopment projects necessary to:

*maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety. Impervious surface replacement, such as the reconstruction of parking lots and roadways which does not disturb additional area and maintains the original grade*

The City's commitment to this policy shall be expressed through: (1) the Land Use Development element of its Stormwater Management Program ("SWMP"), which includes this and five other minimum control measures; and through (2) its General Plan Transportation Element at the time of its next update. The policy shall be effectuated as a type of infiltration best management practice (BMP) permittees have been incorporating into new and redevelopment projects under the previous Order's SUSMP since 2006.

The City sees no necessity in placing or implementing its green street program in its I-WMP. This is because green infrastructure is associated with the Land Use Development Program which is a mandatory core SWMP component that would be implemented even if a permittee only chose to rely on its minimum control measures ("MCMs") to achieve compliance with TMDLs and other water quality standards.

#### *6. Technical Advisory Committee*

The MS4 permit specifies a technical advisory committee ("TAC") that will "advise and participate" in the development of WMPs and E-WMPs. It is not clear if the MS4 permit intended the TAC to also include I-WMPs. Further, although the TAC is to be comprised of representatives of watershed management areas ("WMAs") it does not specify a procedural mechanism for choosing them. The previous MS4 permit specified watershed management committees which were structured to make decisions based on majority rule. These committees were not carried over to this MS4 permit. A similar decision-making mechanism will need to be developed for selecting the TAC.

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END SECTION I

## Notice of Intent II. Coordinated Integrated Monitoring Plan

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The City declares its preference for participation in a Coordinated Integrated Monitoring Plan ("CIMP"). The CIMP will include participation with other MS4 permittees according to watersheds as mentioned above. The CIMP will address all of the monitoring requirements specified in the MS4 permit's Monitoring and Reporting Program ("MRP") element. The purpose of the CIMP is to: (1) characterize watersheds/sub-watersheds relative to WQSSs; (2) determine to what extent MS4 permittees are meeting or not meeting WQSSs; and (3) achieve monitoring cost savings through collective participation with other permittees sharing common watershed location.

The City takes the position that a comparison of outfalls discharges against ambient referents is the only legally valid monitoring requirement for determining compliance. To this end, the City shall collect outfall samples in accordance with the MRP and measure them against ambient standards.<sup>7</sup> Ambient standards have been used by the Los Angeles Regional Water Quality Control Board's Surface Water Ambient Program (SWAMP) for Dominguez Channel, Los Angeles River, and Machado Lake. It should be noted, however, that the Regional Board has not adhered to a consistent definition of ambient water quality monitoring. Although it references ambient in the Los Angeles River metals and bacteria TMDLs, it has not done so for the Dominguez Channel Harbors Toxics TMDL and for the Machado Lake Nutrients and Toxics TMDLs.

Ambient water quality monitoring is generally understood to mean collecting water quality samples during dry weather either during the dry season or during the wet season following a storm event. This has been confirmed by the Regional Board's SWAMP. SWAMP indicated that initially it performed ambient monitoring between 48 and 72 hours after a storm event. It later chose to conduct ambient during the spring and summer because there was no significant difference between the two sampling periods.

Measuring outfall discharges against wet weather WLAs is not required under federal or state law.<sup>8</sup> This argument is also reflected in the City's administrative petition challenging the MS4 permit. Nevertheless, the City shall compare outfall discharges against wet weather WLAs and data generated from existing in-stream stations relative to applicable TMDLs as well as against ambient discharges for purposes of reference and comparison rather than compliance.

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## END SECTION II

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<sup>7</sup>It is well established that water quality standards, including California Toxics Rule standards, are ambient standards.

<sup>8</sup>See State Water Resources Control Board Order WQ 2001-15, page 10-11.



## Notice of Intent I. Individual Watershed Management Plan

### 1. *Rationale for I-WMP*

The **City of Gardena** (City) has chosen the I-WMP, albeit with reservation, to meet TMDL and non-water quality standards (referred to collectively as "WQSS") for several reasons including but not limited to the following:

- i. The I-WMP allows the City to determine to what extent its existing stormwater quality management program (SQMP), which has been in effect since 2002, is meeting TMDLs and non-TMDL WQSS, based on outfall monitoring against ambient WQSS. It is possible that the City has been meeting some or even most WQSS. If outfall monitoring shows persistent exceedances the I-WMP will contain a mechanism for addressing it.
- ii. The City cannot justify an Enhanced Watershed Management Plan (E-WMP) at this time because: (1) there are no water quality monitoring data that would justify this extreme and costly option; (2) neither the County of Los Angeles (which wrote the E-WMP provision in the current MS4 permit) nor the City of Los Angeles has indicated what multi-benefit projects it is proposing to provide the "safe harbor"<sup>1</sup> that would enable participating permittees to achieve compliance even if exceedances of TMDLs and non-TMDL WQSS occur<sup>2</sup>; (3) there is no guarantee that participating in an E-WMP could assure compliance with WQSS; (4) there is no current funding mechanism for the E-WMP<sup>3</sup>; and (5) were the City to commit to an E-WMP, it would be required to enter into an MOU that could bind it to its requirements even if funding is not available.
- iii. The City has chosen the I-WMP, even though it still ties it to having to comply with strict waste load allocations (WLAs) at the outfall and apparently in the receiving water as well. The City would have preferred to meet WQSS through the implementation of its stormwater management plan (SWMP) as is provided

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under the Receiving Water Limitation (RWL) section of the MS4 permit. The RWL can be interpreted to mean that if a permittee implements its SWMP in a timely and complete manner it will be in compliance with WQSs. If persistent exceedances of WQSs are detected from outfall discharges the permittee shall report them to the Regional Board along with a plan for improving BMPs to address the exceedances. This constitutes an "iterative process." However, the MS4 permit appears to over-ride the RWL provision by requiring permittees to meet the WQSs by any means necessary by interim TMDL deadlines. Nevertheless, just to err on the side of caution, the City has chosen the I-WMP because it will provide more time for compliance with interim WLAs. It is expected that by the time compliance with interim TMDLs is due, the administrative petition and state-wide RWL language (expected to be decided by the State Water Resources Control Board some time in February of 2014), will have been resolved. Although Gardena is opting for an I-WMP and CIMP, it shall work in cooperation with the following permittees on a watershed basis:

Watershed/Sub-watershed	Participating MS4s
<ul style="list-style-type: none"> <li>• Dominguez Channel (unlined portion above Vermont)</li> </ul>	<ul style="list-style-type: none"> <li>• City of Gardena</li> <li>• Lawndale</li> </ul>
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Each participating MS4 will be responsible for preparing its own individual WMPs and conducting its own monitoring. However, because each of these permittees shares the same consultant, cost-sharing of I-WMP and CIMP development shall be achieved.

The I-WMP and CIMP shall be submitted to the Regional Board on or before June 28, 2014.

## 2. *Water Quality Based Effluent Limitations and Receiving Water Limitations*

Dry and wet weather interim and final water quality based effluent limitations (WQBELs) and receiving water limitations (RWLs) are discussed below. There is a definitional problem with these terms, however. Neither the MS4 permit nor state and federal law define or refer to an interim or final WQBEL or RWL. Nor is there a definition of a dry or wet weather WQBEL and RWL. However, based on conversations with Regional Board staff it appears that a dry and wet weather WQBEL is synonymous with a dry and wet weather waste load allocation in a TMDL, but applied to outfalls. And, it appears that a dry and wet weather RWL are TMDL WLAs applied to a receiving water. The use of the term RWL is confusing because it does not square with its use under the Receiving Water Limitation section of the MS4 permit. Further, the MS4 permit defines a RWL to mean:



*Any applicable numeric or narrative water quality objective or criterion, or limitation to implement the applicable water quality objective or criterion, for the receiving water as contained in Chapter 3 or 7 of the Water Quality Control Plan for the Los Angeles Region (Basin Plan), water quality control plans or policies adopted by the State Water Board, or federal regulations, including but not limited to, 40 CFR § 131.38.*

Nevertheless, the foregoing definition is deficient to the extent that is limited only to water quality objectives (WQOs), which are State standards. The definition should only have referenced WQSSs, which are federal standards and according to the Los Angeles Region Basin Plan also includes WQOs. Or it should have just added WQSSs in the sentence, thereby making it clear that WQSSs and WQOs are RWLs. This is an important distinction because a WQO cannot be interpreted to mean or apply to a TMDL.

Beyond this, if the Regional Board intended interim and final RWLs to mean WLAs that require compliance in receiving waters, based on in-stream monitoring, it is mistaken. As RWL language in the Order at V.A.1 explains: *Discharges from the MS4 that cause or contribute to the violation of receiving water limitations are prohibited.* From this, it would be unreasonable to conclude that an RWL can be expressed in interim or final terms. It has been suggested that the RWL is merely a compliance standard, expressed as a WLA, applied to the receiving water that must be complied through in-stream measurements. However, it is clear from Order section V.A.1 that determining violations of RWLs can only be determined by measuring discharges from the MS4 (viz., an outfall or end-of-pipe).

i. *Interim and Final WQBELs for Dominguez Toxics TMDL (wet weather only)<sup>4</sup>  
Applicable to the City of Gardena*

Toxics/Metals TMDL	Wet Weather Interim WLA	Deadline	Wet Weather Final WLA	Deadline
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ii. *Interim and Final RWLs for Dominguez Toxics TMDL (wet weather only)<sup>5</sup>  
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• Total Zinc	898.87 µg/L	March, 2012	9355.5 g/day	March 2032
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#### 4. *Demonstration of a Low Impact Development Ordinance*

The City has begun development of the LID ordinance to the extent that: (1) it has reviewed the City and County of Los Angeles' versions; and (2) is considering a more abbreviated ordinance of its own. The City's experience with the Standard Urban Stormwater Management Program (SUSMP) ordinance is that the more requirements specified in a code can result in less flexibility that could, as a result, pose a problem to enforcement. The City, therefore, is leaning towards code language that will be brief and will defer to LID guidelines that the City plans to develop at a later date, just as was the case for the SUSMP ordinance. It was the stormwater quality management plan (SQMP) development planning/SUSMP guidelines under the previous Order that actually determined how compliance was to be specifically achieved. Further, guidelines can be easily amended as opposed to amending the code.

#### 5. *Demonstration of Green Street Policy Development*

The Green Street Policy shall be based on the requirements of the Order which applies to the **Land Use Development Program** and its subject new development and redevelopment projects:

*Street and road construction of 10,000 square feet or more of impervious surface area shall follow USEPA guidance regarding Managing Wet Weather with Green Infrastructure: Green Streets (December 2008 EPA-833-F-08-009) to the maximum extent practicable. Street and road construction applies to standalone streets, roads, highways, and freeway projects, and also applies to streets within larger projects.*

This provision clearly directs permittees to follow USEPA guidance to the maximum extent practicable<sup>6</sup> and is applicable to 10,000 square feet or more of impervious

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surface. The City shall apply it to new transportation corridors in areas of new development which are defined as *standalone streets, roads, highways, and freeway projects, and also applies to streets within larger projects*. It shall not, as specified in the Order, apply to routine maintenance for subject redevelopment projects necessary to:

*maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety. Impervious surface replacement, such as the reconstruction of parking lots and roadways which does not disturb additional area and maintains the original grade*

The City's commitment to this policy shall be expressed through: (1) the Land Use Development element of its Stormwater Management Program ("SWMP"), which includes this and five other minimum control measures; and through (2) its General Plan Transportation Element at the time of its next update. The policy shall be effectuated as a type of infiltration best management practice (BMP) permittees have been incorporating into new and redevelopment projects under the previous Order's SUSMP since 2006.

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The MS4 permit specifies a technical advisory committee ("TAC") that will "advise and participate" in the development of WMPs and E-WMPs. It is not clear if the MS4 permit intended the TAC to also include I-WMPs. Further, although the TAC is to be comprised of representatives of watershed management areas ("WMAs") it does not specify a procedural mechanism for choosing them. The previous MS4 permit specified watershed management committees which were structured to make decisions based on majority rule. These committees were not carried over to this MS4 permit. A similar decision-making mechanism will need to be developed for selecting the TAC.

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END SECTION I



## Notice of Intent II. Coordinated Integrated Monitoring Plan

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The City declares its preference for participation in a Coordinated Integrated Monitoring Plan ("CIMP"). The CIMP will include participation with other MS4 permittees according to watersheds as mentioned above. The CIMP will address all of the monitoring requirements specified in the MS4 permit's Monitoring and Reporting Program ("MRP") element. The purpose of the CIMP is to: (1) characterize watersheds/sub-watersheds relative to WQSSs; (2) determine to what extent MS4 permittees are meeting or not meeting WQSSs; and (3) achieve monitoring cost savings through collective participation with other permittees sharing common watershed location.

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Measuring outfall discharges against wet weather WLAs is not required under federal or state law.<sup>8</sup> This argument is also reflected in the City's administrative petition challenging the MS4 permit. Nevertheless, the City shall compare outfall discharges against wet weather WLAs and data generated from existing in-stream stations relative to applicable TMDLs as well as against ambient discharges for purposes of reference and comparison rather than compliance.

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### END SECTION II

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<sup>7</sup> It is well established that water quality standards, including California Toxics Rule standards, are ambient standards.

<sup>8</sup> See State Water Resources Control Board Order WQ 2001-15, page 10-11.



June 25, 2013

Sam Unger P.E.  
California Regional Water Quality Control Board  
Los Angeles Region  
320 W. 4th Street, Suite 200  
Los Angeles, CA 90013

Subject: Notice of Intent to Opt for an Individual Watershed Management Program

Dear Mr. Unger:

The City of Irwindale is pleased to submit its Notice of Intent ("NOI") to the Los Angeles Regional Water Quality Control Board ("Regional Board") to:

1. develop an Individual Watershed Management Program ("I-WMP") in accordance with Los Angeles Regional Water Quality Control Board Order No. R4-2012-0175, NPDES Permit No., CAS0040, adopted on November 8, 2012, ("Order") and became effective on December 28, 2012, and
2. participate in a Coordinated Integrated Monitoring Plan ("CIMP").

The NOI requires the completion of the following tasks under VI.C.4.B.ii:

1. identify applicable interim and final trash water quality based effluent limitations (WQBELs);
2. identify all other interim and final WQBELs;
3. identify interim and final receiving water limitations; and
4. identify watershed control measures (where possible) based on existing TMDL implementation plans to be implemented by the City, concurrently with the development of a WMP (an I-WMP in this case).

In addition to the foregoing, NOI also requires the following tasks to be performed if a permittee chooses to implement an I-WMP:

1. demonstrate that a Low Impact Development (LID) ordinance is in place or the process of developing one has started within 60 days of the Order (February 26, 2013);





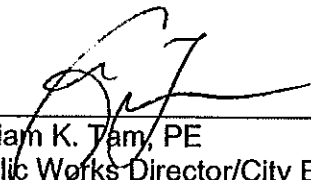
2. Demonstrate that a Green Street Policy is in place or begin development of one that addresses "green street strategies for transportation corridors" within 60 days of the Order.

The attached provides a complete discussion of the NOI-related tasks. The City shall submit to the Regional Board the I-WMP and CIMP on or before June 28, 2014.

Should you have any questions please feel free to call me at (626) 579-6540.

*"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted.*

*Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility, of a fine and imprisonment for knowing violations."*



---

William K. Tam, PE  
Public Works Director/City Engineer

## Notice of Intent I. Individual Watershed Management Plan

### 1. *Rationale for I-WMP*

The **City of Irwindale** has chosen the I-WMP, albeit with reservation, to meet TMDL and non-water quality standards (referred to collectively as "WQSS") for several reasons including but not limited to the following:

- i. The I-WMP allows the City to determine to what extent its existing stormwater quality management program (SQMP), which has been in effect since 2002, is meeting TMDLs and non-TMDL WQSS, based on outfall monitoring against ambient WQSS. It is possible that the City has been meeting some or even most WQSS. If outfall monitoring shows persistent exceedances the I-WMP will contain a mechanism for addressing it.
- ii. The City cannot justify an Enhanced Watershed Management Plan (E-WMP) at this time because: (1) there are no water quality monitoring data that would justify this extreme and costly option; (2) neither the County of Los Angeles (which wrote the E-WMP provision in the current MS4 permit) nor the City of Los Angeles has indicated what multi-benefit projects it is proposing to provide the "safe harbor"<sup>1</sup> that would enable participating permittees to achieve compliance even if exceedances of TMDLs and non-TMDL WQSS occur<sup>2</sup>; (3) there is no guarantee that participating in an E-WMP could assure compliance with WQSS; (4) there is no current funding mechanism for the E-WMP<sup>3</sup>; and (5) were the City to commit to an E-WMP, it would be required to enter into an MOU that could bind it to its requirements even if funding is not available.
- iii. The City has chosen the I-WMP, even though it still ties it to having to comply with strict waste load allocations (WLAs) at the outfall and apparently in the receiving water as well. The City would have preferred to meet WQSS through the implementation of its stormwater management plan (SWMP) as is provided

<sup>1</sup>Neither the County nor City of Los Angeles, which are encouraging permittees to participate in "regional multi-benefit" projects that would provide the safe harbor, has yet to disclose what those projects are.

<sup>2</sup>The MS4 permit asserts that the E-WMP provides compliance with WQSS and even with some minimum control measures (viz., the 6 core programs that form the stormwater management program required under federal law). There is reason to believe that this provision is extra-legal and could be voided either under administrative or judicial challenge. For one thing, an E-WMP is not a water quality based effluent limitation (WQBEL) which would translate a WQS into a compliance action. Perhaps it could have been one had the MS4 permit made clear that the E-WMP contains BMPs capable of meeting all the numeric WQSS over time. Instead, the MS4 permit incorrectly uses WQBEL to mean the same thing as a waste load allocation. Further, the EWMP's regional multi-benefit project requirement cannot guarantee compliance with WLAs measured at the outfall if the project is located outside of permittee's MS4. Even if the MS4 permit survives challenge, there is no guarantee that the E-WMP and its safe harbor provision will carry-over to the next MS4 permit. MS4 permits are five years in duration and the next Regional Board has the authority change permit requirements. It could not be argued that the anti-backsliding provision of Clean Water Action Section 402(o) would compel the next Regional Board to continue the E-WMP. This is because anti-backsliding only applies to WQSS, not to the means of achieving them. Further, 402(o) contains other anti-backsliding exemptions.

<sup>3</sup>The Los Angeles County Board of Supervisors indicated at its March 12, 2013 public hearing on the Clean Beaches, Clean Water Fee Initiative that it does not intend to re-try this proposition as a 218 parcel fee. Instead, they suggested that if another fee measure is attempted it would be through a regular tax vote.



under the Receiving Water Limitation (RWL) section of the MS4 permit. The RWL can be interpreted to mean that if a permittee implements its SWMP in a timely and complete manner it will be in compliance with WQSs. If persistent exceedances of WQSs are detected from outfall discharges the permittee shall report them to the Regional Board along with a plan for improving BMPs to address the exceedances. This constitutes an "iterative process." However, the MS4 permit appears to over-ride the RWL-iterative provision by requiring permittees to meet the WQSs by any means necessary by interim TMDL deadlines. Nevertheless, just to err on the side of caution, the City has chosen the I-WMP because it will provide more time for compliance with interim WLAs. It is expected that by the time compliance with interim TMDLs is due, the administrative petition and state-wide RWL language (expected to be decided by the State Water Resources Control Board some time in February of 2014), will have been resolved. Although Irwindale is opting for an I-WMP and CIMP, it shall work in cooperation with the following permittees on a watershed basis.

Watershed/Sub-watershed	Participating MS4s
<ul style="list-style-type: none"> <li>Reach 2, Rio Hondo (tributary to Los Angeles River)</li> </ul>	<ul style="list-style-type: none"> <li>El Monte</li> <li>South El Monte</li> </ul>

Watershed/Sub-watershed	Participating MS4s
<ul style="list-style-type: none"> <li>San Gabriel River<sup>4</sup></li> </ul>	<ul style="list-style-type: none"> <li>El Monte (Reach 3)</li> <li>Glendora (Reach 5 and Walnut Creek)</li> <li>West Covina (Walnut Creek and San Jose Creek, Reach 1)</li> <li>Walnut (Walnut Creek and San Jose Creek, Reach 1)</li> </ul>

Each participating MS4 will be responsible for preparing its own individual WMPs and conducting its own monitoring. However, because each of these permittees shares the same consultant, cost-sharing of I-WMP and CIMP development shall be achieved.

The City shall submit to the Regional Board the I-WMP and CIMP on or before June 28, 2014.

## 2. *Water Quality Based Effluent Limitations and Receiving Water Limitations*

Dry and wet weather interim and final water quality based effluent limitations (WQBELs) and receiving water limitations (RWLs) are discussed below. There is a definitional problem with these terms, however. Neither the MS4 permit nor state and federal law define or refer to an interim or final WQBEL or RWL. Nor is there a

<sup>4</sup>Note: The TMDLs for reaches and segments within the San Gabriel River Metals TMDL (currently a USEPA TMDL) extends metals TMDLs (copper, lead, zinc, and selenium) to all permittees that drain into this watershed, regardless of whether a permittee is located within the impaired reach as determined by the State's 303(d) list. For example, Irwindale, which drains to Reach 3 of the San Gabriel River, which is not impaired, is nevertheless subject to TMDLs for zinc, copper, and lead according to the MS4.



definition of a dry or wet weather WQBEL and RWL. However, based on conversations with Regional Board staff it appears that a dry and wet weather WQBEL is synonymous with a dry and wet weather waste load allocation in a TMDL, but applied to outfalls. And, it appears that a dry and wet weather RWL are TMDL WLAs applied to a receiving water. The use of the term RWL is confusing because it does not square with its use under the Receiving Water Limitation section of the MS4 permit. Further, the MS4 permit defines a RWL to mean:

*Any applicable numeric or narrative water quality objective or criterion, or limitation to implement the applicable water quality objective or criterion, for the receiving water as contained in Chapter 3 or 7 of the Water Quality Control Plan for the Los Angeles Region (Basin Plan), water quality control plans or policies adopted by the State Water Board, or federal regulations, including but not limited to, 40 CFR § 131.38.*

Nevertheless, the foregoing definition is deficient to the extent that is limited only to water quality objectives (WQOs), which are State standards. The definition should only have referenced WQSs, which are federal standards and according to the Los Angeles Region Basin Plan also includes WQOs. Or it should have just added WQSs in the sentence, thereby making it clear that WQSs and WQOs are RWLs. This is an important distinction because a WQO cannot be interpreted to mean or apply to a TMDL.

Beyond this, if the Regional Board intended interim and final RWLs to mean WLAs that require compliance in receiving waters, based on in-stream monitoring, it is mistaken. As RWL language in the Order at V.A.1 explains: *Discharges from the MS4 that cause or contribute to the violation of receiving water limitations are prohibited.* From this, it would be unreasonable to conclude that an RWL can be expressed in interim or final terms. It has been suggested that the RWL is merely a compliance standard, expressed as a WLA, applied to the receiving water that must be complied through in-stream measurements. However, it is a clear from Order section V.A.1 that determining violations of RWLs can only be determined by measuring discharges from the MS4 (viz., an outfall or end-of-pipe).

- i. *Dry and Wet Weather Interim and Final WQBELs for Los Angeles River Metals TMDLs (includes Reach 2 of the Rio Hondo)*

#### Los Angeles River Watershed TMDLs

Wet Weather WLAs				
Water Body	Copper	Lead	Zinc	Trash
Reach 2 Rio Hondo <sup>5</sup>	17 ug/l	62 ug/l	159 ug/l	See Attachment #2

<sup>5</sup>The State's 303(d) list does not show Reach 2 of the Rio Hondo as being impaired by any metal or for trash.

Water Body	Bacteria	-	-	-
Reach 2 Rio Hondo	235 MPN/100 ml	-	-	-
Water Body	Nutrients <sup>6</sup>	-	-	-
Reach 2 Rio Hondo	7.2 mg/l	-	-	-
Dry Weather WLAs				
Water Body <sup>7</sup>	Copper	Lead	Zinc	Trash
Reach 2 Rio Hondo <sup>8</sup>	N/A	N/A	N/A	Same As Wet Weather
Water Body	Bacteria (Interim)	Bacteria (Final)	-	-
Reach 2 Rio Hondo	2 MPN/day	235 MPN/100 ml	-	-

ii. *Dry and Wet Weather Interim and Final RWLs for Los Angeles River Metals TMDLs (includes Reach 2 of the Rio Hondo)*

Same as above under (i).

iii. *Dry and Wet Weather Interim and Final WQBELs for San Gabriel River-Related TMDLs (Reaches 4 and 5)*

As mentioned above, the City cannot identify wet weather interim and final WQBELs because of the uncertainty of what a WQBEL means. There is no definition of a wet weather or dry weather WQBEL anywhere in federal law or USEPA guidance. There is also no definition in Attachment A of the Order. It only explains it as acronym, which stands for a "water quality based effluent limitation." It has been suggested that a WQBEL is the same as a WLA. The City disagrees with this interpretation. A WQBEL is a means of attaining a WLA, generally expressed as BMPs. Complicating matters is that the SGR M-TMDL is a USEPA TMDL, which only requires WQBEL-BMPs to achieve compliance with TMDL WLAs. WQBELs, within the context of this TMDL, translate WLAs into BMPs, rendering a clear definition that does not exist in the Order.

Further complicating matters is that USEPA TMDLs do not define WQBELs to mean the same as WLAs. Instead, as noted in the current MS4 permit, USEPA TMDLs interpret WQBELs to mean BMPs. Until the SGR M-TMDL is adopted as

<sup>6</sup>This TMDL does not apply because it is not valid. It is a "reconsideration" of the Los Angeles River Nitrogen and Related Effects TMDL to Incorporate Site-Specific Objectives for Ammonia that was adopted by the Los Angeles Regional Board on December 6, 2012. It has not been approved by the State Water Resources Control Board. Further, this proposed TMDL appears to apply only to waste water treatment facilities, not MS4s.

<sup>7</sup>According to the 2010 303(d) list Reach 2 of the Rio Hondo is not listed for metals.

<sup>8</sup>According to Regional Board TMDL staff there is no dry weather allocation for any metal for Rio Hondo, Reach 2 (letter from Jenny Newman to Darrell George, City Manager, City of Duarte, dated June 8, 2009).



State TMDL, which must go through a basin plan amendment process, the City will rely on USEPA's definition of a WQBEL. In any case, dry and wet WLAs are numeric targets established for USEPA's SGR M-TMDLs. They are listed in the table below.

San Gabriel River Watershed TMDLs

Wet Weather WLA			
Water Body	Copper	Lead	Zinc
San Gabriel River Reach 2 <sup>9</sup>	N/A	81.34 mg/l x daily storm volume (L)	N/A
Coyote Creek <sup>10</sup>	24.71 mg/l x daily storm volume (L)	96.99 mg/l x daily storm volume (L)	144.57 mg/l x daily storm volume (L)
Dry Weather			
Water Body	Copper	Selenium	
Coyote Creek	20 mg/l	N/A	N/A
San Gabriel Estuary <sup>11</sup>	3.7 mg/l	N/A	N/A
San Jose Creek Reach 1	NA	5 mg/l	N/A

According to the San Gabriel River Metals TMDL (SGR-MTMDL), which is currently a USEPA TMDL, all permittees located in the San Gabriel River watershed are subject to waste load allocations (WLAs) for copper, zinc, lead, and selenium as following excerpt from it indicates:

*Wet-weather allocations will be developed for all upstream reaches and tributaries in the watershed that drain to impaired reaches during wet weather.<sup>12</sup> Discharges to these upstream reaches can cause or contribute to exceedances of water quality standards in San Gabriel River Reach 2 and Coyote Creek and thus contribute to impairments.*

However, the City is of the view that it should not be subject to any of the SGR M-TMDLs. Table 7-1 of the TMDL lists **Irwindale** as being located in Reach 3 of the SGR, which is not impaired. Irwindale occupies Reaches 4 and 5 of the SGR, which are not impaired for any metal according to the 2010 303(d) list.

In spite of this, Regional Board staff has concluded that the City is subject to all of the M-TMDLs because of the tributary rule. The tributary rule does not apply here,

<sup>9</sup>The City does not drain into Reach 2 of the San Gabriel River.

<sup>10</sup>According to the 2010 303(d) list relating to Coyote Creek: (1) the source of dissolved copper is "unknown;" (2) the source of lead is "point source municipal waste water; and (3) zinc has been delisted.

<sup>11</sup>According to the 2010 303(d) list, the source of dissolved copper for the San Gabriel River Estuary is unknown.

<sup>12</sup>This assertion contradicts State Board Water Quality Order 2001-15, which held: *There is no provision in state or federal law that mandates the adoption of separate water quality standards for wet weather conditions (see page 10).*

however. It only operates to extend a beneficial use within a reach to an unidentified water body such as a stream or a lake. It cannot extend a beneficial use to an outside reach for which that same use does not exist. For example, the beneficial use of Reach 2 of the Rio Hondo is ground water recharge. It obviously cannot apply the same use to an upstream or downstream reach, even though the reaches are tributary to it. And, in any case, a beneficial use and a water quality standard are two separate issues. A water quality standard is intended to protect a beneficial use. If that standard is not sufficient, based on monitoring, then a TMDL would be required.

iv. *Dry and Wet Weather Interim and Final Receiving Water Limitations for San Gabriel River-Related TMDLs*

See paragraph (ii) above.

3. *Watershed Control Measures*

It is not clear if the MS4 permit requires watershed control measures for the I-WMP option non-TMDL pollutants. Nevertheless, the City's I-WMP shall identify watershed controls measures (WCMs) to be considered for implementation based on monitoring data generated from the CIMP. If persistent exceedances are detected, the I-WMP will be amended to include BMPs tailored to address the exceedances for TMDL or non-TMDL pollutants. The BMPs will be implemented to include one or more of the 6 minimum control measures mandated for MS4s under the Clean Water Act that will be specific to the TMDL.

Should additional WCMs be required, based on monitoring data indicating persistent exceedances detected at the outfall against ambient standards, the City will rely on implementation plans already developed for TMDLs by a number of permittees, including the County of Los Angeles Watershed Management Division. Specifically, it will review both structural and non-structural BMPs in the various implementation plans. The BMPs will undergo a reasonable assurance analysis using an appropriate performance-predicting model. Selection of the final BMP or suite of final BMPs will be based on the extent of the pollution problem (viz., the frequency and level of exceedances) and their individual or combined efficacy in addressing the exceeded WLAs.

4. *Demonstration of a Low Impact Development Ordinance*

The City has begun development of the LID ordinance to the extent that: (1) it has reviewed the City and County of Los Angeles' versions; and (2) is considering a more abbreviated ordinance of its own. The City's experience with the Standard Urban Stormwater Management Program (SUSMP) ordinance is that the more requirements specified in a code can result in less flexibility that could, as a result, pose a problem to enforcement. The City, therefore, is leaning towards code

language that will be brief and will defer to LID guidelines that the City plans to develop at a later date, just as was the case for the SUSMP ordinance. It was the stormwater quality management plan (SQMP) development planning/SUSMP guidelines under the previous Order that actually determined how compliance was to be specifically achieved. Further, guidelines can be easily amended as opposed to amending the code.

##### 5. *Demonstration of Green Street Policy Development*

The Green Street Policy shall be based on the requirements of the Order which applies to the **Land Use Development Program** and its subject new development and redevelopment projects:

*Street and road construction of 10,000 square feet or more of impervious surface area shall follow USEPA guidance regarding Managing Wet Weather with Green Infrastructure: Green Streets (December 2008 EPA-833-F-08-009) to the maximum extent practicable. Street and road construction applies to standalone streets, roads, highways, and freeway projects, and also applies to streets within larger projects.*

This provision clearly directs permittees to follow USEPA guidance to the maximum extent practicable<sup>13</sup> and is applicable to 10,000 square feet or more of impervious surface. The City shall apply it to new transportation corridors in areas of new development which are defined as *standalone streets, roads, highways, and freeway projects, and also applies to streets within larger projects*. It shall not, as specified in the Order, apply to routine maintenance for subject redevelopment projects necessary to:

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END SECTION I

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<sup>15</sup> See State Water Resources Control Board Order WQ 2001-15, page 10-11.



END SECTION II

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## CITY OF LA HABRA HEIGHTS

1245 N. Hacienda Road  
La Habra Heights, CA 90631  
(562) 694-6302  
[www.lhhcity.org](http://www.lhhcity.org)

July 22, 2013

Ivar Ridgeway  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles CA 90013

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Mr. Ridgeway:

I write to provide notice that the City of La Habra Heights intends to complete an individual Watershed Management Program under the terms of NPDES Permit No. CAS004001, adopted by Order No. R4-2012-0175 of the Los Angeles Regional Water Quality Control Board. The City requests a 12-month submittal date for review by the Board of the draft Watershed Management Program under Part VI.C.4.c.iii.

The City is subject to the San Gabriel River and Impaired Tributaries Metals and Selenium TMDL for the San Jose Creek and Coyote Creek reaches. The City is thus subject to the following waste load allocations listed for San Jose Creek for selenium ( $5 \mu\text{g/L}$  in dry weather) and for Coyote Creek for copper ( $24.71 \mu\text{g/L} \times$  daily storm volume in L in wet weather), lead ( $96.99 \mu\text{g/L} \times$  daily storm volume in L in wet weather), and zinc ( $144.57 \mu\text{g/L} \times$  daily storm volume in L in wet weather) in Attachment P to the Permit. While developing its Watershed Management Program, the City will continue to implement its existing control measures required under this TMDL.

In addition to myself, please copy Dave Nichols, Public Works Manager and Holly Whatley, City Attorney, on all future correspondence regarding the NPDES Permit and the City's Watershed Management Program.

Sincerely,

  
Shauna Clark  
City Manager

cc: Dave Nichols, Public Works Director ([dnichols@lhhcity.org](mailto:dnichols@lhhcity.org))  
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June 25, 2013

Sam Unger, P.E.  
California Regional Water Quality Control Board  
Los Angeles Region  
320 W. 4th Street, Suite 200  
Los Angeles, CA 90013

Subject: Notice of Intent – Individual Watershed Management Program

Dear Mr. Unger:

The **City of Lawndale** is pleased to submit its Notice of Intent ("NOI") to the Los Angeles Regional Water Quality Control Board ("Regional Board") to:

1. develop an Individual Watershed Management Program ("I-WMP") in accordance with Los Angeles Regional Water Quality Control Board Order No. R4-2012-0175, NPDES Permit No., CAS0040, adopted on November 8, 2012 ("Order") and became effective on December 28, 2012, and
2. participate in a Coordinated Integrated Monitoring Plan ("CIMP").

The NOI requires the completion of the following tasks under VI.C.4.B.ii:

1. identify applicable interim and final trash water quality based effluent limitations (WQBELs);
2. identify all other interim and final WQBELs;
3. identify interim and final receiving water limitations; and
4. identify watershed control measures (where possible) based on existing TMDL implementation plans to be implemented by the City, concurrently with the development of a WMP (an I-WMP in this case).

In addition to the foregoing, NOI also requires the following tasks to be performed if a permittee chooses to implement an I-WMP:

1. demonstrate that a Low Impact Development (LID) ordinance is in place or that it is in the process of developing one has started within 60 days of the Order (February 26, 2013);
2. Demonstrate that a Green Street Policy is in place or begin development of one that addresses "green street strategies for transportation corridors" within 60 days of the Order.

The attached provides a complete discussion of the NOI-related tasks.

In case of questions please feel free to contact me at (310) 973-3266 or [Nabbaszadeh@lawndalecity.org](mailto:Nabbaszadeh@lawndalecity.org)

*"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted.*

*Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility, of a fine and imprisonment for knowing violations."*



Nasser Abbaszadeh, PE  
Public Works Director/City Engineer

Attachment



## Notice of Intent I. Individual Watershed Management Plan

### 1. *Rationale for I-WMP*

The City of Lawndale has chosen the I-WMP, albeit with reservation, to meet TMDL and non-water quality standards (referred to collectively as "WQSS") for several reasons including but not limited to the following:

- i. The I-WMP allows the City to determine to what extent its existing stormwater quality management program (SQMP), which has been in effect since 2002, is meeting TMDLs and non-TMDL WQSS, based on outfall monitoring against ambient WQSS. It is possible that the City has been meeting some or even most WQSS. If outfall monitoring shows persistent exceedances the I-WMP will contain a mechanism for addressing it.
- ii. The City cannot justify an Enhanced Watershed Management Plan (E-WMP) at this time because: (1) there are no water quality monitoring data that would justify this extreme and costly option; (2) neither the County of Los Angeles (which wrote the E-WMP provision in the current MS4 permit) nor the City of Los Angeles has indicated what multi-benefit projects it is proposing to provide the "safe harbor"<sup>1</sup> that would enable participating permittees to achieve compliance even if exceedances of TMDLs and non-TMDL WQSS occur<sup>2</sup>; (3) there is no guarantee that participating in an E-WMP could assure compliance with WQSS; (4) there is no current funding mechanism for the E-WMP<sup>3</sup>; and (5) were the City to commit to an E-WMP, it would be required to enter into an MOU that could bind it to its requirements even if funding is not available.
- iii. The City has chosen the I-WMP, even though it still ties it to having to comply with strict waste load allocations (WLAs) at the outfall and apparently in the receiving water as well. The City would have preferred to meet WQSS through the implementation of its stormwater management plan (SWMP) as is provided

<sup>1</sup>Neither the County nor City of Los Angeles, which are encouraging permittees to participate in "regional multi-benefit" projects that would provide the safe harbor, has yet to disclose what those projects are.

<sup>2</sup>The MS4 permit asserts that the E-WMP provides compliance with WQSS and even with some minimum control measures (viz., the 6 core programs that form the stormwater management program required under federal law). There is reason to believe that this provision is extra-legal and could be voided either under administrative or judicial challenge. For one thing, an E-WMP is not a water quality based effluent limitation (WQBEL) which would translate a WQS into a compliance action. Perhaps it could have been one had the MS4 permit made clear that the E-WMP contains BMPs capable of meeting all the numeric WQSS over time. Instead, the MS4 permit incorrectly uses WQBEL to mean the same thing as a waste load allocation. Further, the EWMP's regional multi-benefit project requirement cannot guarantee compliance with WLAs measured at the outfall if the project is located outside of permittee's MS4. Even if the MS4 permit survives challenge, there is no guarantee that the E-WMP and its safe harbor provision will carry-over to the next MS4 permit. MS4 permits are five years in duration and the next Regional Board has the authority change permit requirements. It could not be argued that the anti-backsliding provision of Clean Water Action Section 402(o) would compel the next Regional Board to continue the E-WMP. This is because anti-backsliding only applies to WQSS, not to the means of achieving them. Further, 402(o) contains other anti-backsliding exemptions.

<sup>3</sup>The Los Angeles County Board of Supervisors indicated at its March 12, 2013 public hearing on the Clean Beaches, Clean Water Fee Initiative that it does not intend to re-try this proposition as a 218 parcel fee. Instead, they suggested that if another fee measure is attempted it would be through a regular tax vote.



under the Receiving Water Limitation (RWL) section of the MS4 permit. The RWL can be interpreted to mean that if a permittee implements its SWMP in a timely and complete manner it will be in compliance with WQSs. If persistent exceedances of WQSs are detected from outfall discharges the permittee shall report them to the Regional Board along with a plan for improving BMPs to address the exceedances. This constitutes an "iterative process." However, the MS4 permit appears to over-ride the RWL provision by requiring permittees to meet the WQSs by any means necessary by interim TMDL deadlines. Nevertheless, just to err on the side of caution, the City has chosen the I-WMP because it will provide more time for compliance with interim WLAs. It is expected that by the time compliance with interim TMDLs is due, the administrative petition and state-wide RWL language (expected to be decided by the State Water Resources Control Board some time in February of 2014), will have been resolved. Although Lawndale is opting for an I-WMP and CIMP, it shall work in cooperation with the following permittees on a watershed basis.

Watershed/Sub-watershed	Participating MS4s
<ul style="list-style-type: none"> <li>• Dominguez Channel (unlined portion above Vermont)</li> </ul>	<ul style="list-style-type: none"> <li>• City of Lawndale</li> <li>• City of Gardena</li> </ul>
<ul style="list-style-type: none"> <li>• Dominguez Channel (unlined portion below Vermont)</li> </ul>	<ul style="list-style-type: none"> <li>• City of Compton</li> <li>• City of Carson</li> </ul>

Each participating MS4 will be responsible for preparing its own individual WMPs and conducting its own monitoring. However, because each of these permittees shares the same consultant, cost-sharing of I-WMP and CIMP development will be achieved.

The I-WMP and CIMP shall be submitted to the Regional Board no later than June 28, 2014.

## 2. *Water Quality Based Effluent Limitations and Receiving Water Limitations*

Dry and wet weather interim and final water quality based effluent limitations (WQBELs) and receiving water limitations (RWLs) are discussed below. There is a definitional problem with these terms, however. Neither the MS4 permit nor state and federal law define or refer to an interim or final WQBEL or RWL. Nor is there a definition of a dry or wet weather WQBEL and RWL. However, based on conversations with Regional Board staff it appears that a dry and wet weather WQBEL is synonymous with a dry and wet weather waste load allocation in a TMDL, but applied to outfalls. And, it appears that a dry and wet weather RWL are TMDL WLAs applied to a receiving water. The use of the term RWL is confusing because it does not square with its use under the Receiving Water Limitation section of the MS4 permit. Further, the MS4 permit defines a RWL to mean:



*Any applicable numeric or narrative water quality objective or criterion, or limitation to implement the applicable water quality objective or criterion, for the receiving water as contained in Chapter 3 or 7 of the Water Quality Control Plan for the Los Angeles Region (Basin Plan), water quality control plans or policies adopted by the State Water Board, or federal regulations, including but not limited to, 40 CFR § 131.38.*

Nevertheless, the foregoing definition is deficient to the extent that is limited only to water quality objectives (WQOs), which are State standards. The definition should only have referenced WQSs, which are federal standards and according to the Los Angeles Region Basin Plan also includes WQOs. Or it should have just added WQSs in the sentence, thereby making it clear that WQSs and WQOs are RWLs. This is an important distinction because a WQO cannot be interpreted to mean or apply to a TMDL.

As we understand it, RWL language in the Order at V.A.1 explains: *Discharges from the MS4 that cause or contribute to the violation of receiving water limitations are prohibited.* From this, it would be unreasonable to conclude that an RWL can be expressed in interim or final terms. It has been suggested that the RWL is merely a compliance standard, expressed as a WLA, applied to the receiving water that must be complied through in-stream measurements. However, it is clear from Order section V.A.1 that determining violations of RWLs can only be determined by measuring discharges from the MS4 (viz., an outfall or end-of-pipe).

i. *Interim and Final WQBELs for Dominguez Toxics TMDL (wet weather only)*<sup>4</sup>  
*Applicable to the City of Lawndale*

Toxics TMDL	Wet Weather Interim WLA	Deadline	Wet Weather Final WLA	Deadline
• Total Copper	207.51 µg/L	March, 2012	1300.3 g/day	March 2032
• Total Lead	122.88 µg/L	March, 2012	5733.7 g/day	March 2032
• Total Zinc	898.87 µg/L	March, 2012	9355.5 g/day	March 2032
• Toxicity	2 TUc	March, 2012	1 TUc	March 2032

ii. *Interim and Final RWLs for Dominguez Toxics TMDL (wet weather only)*<sup>5</sup>  
*Applicable to the City of Lawndale*

Toxics TMDL	Wet Weather Interim WLA	Deadline	Wet Weather Final WLA	Deadline
• Total Copper	207.51 µg/L	March, 2012	1300.3 g/day	March 2032
• Total Lead	122.88 µg/L	March, 2012	5733.7 g/day	March 2032
• Total Zinc	898.87 µg/L	March, 2012	9355.5 g/day	March 2032
• Toxicity	2 TUc	March, 2012	1 TUc	March 2032

<sup>4</sup>Dominguez Channel freshwater allocations are set for wet weather only because no dry weather exceedances were recorded.

<sup>5</sup>See footnote 4 above.

### 3. *Watershed Control Measures*

It is not clear if the MS4 permit requires watershed control measures for the I-WMP option non-TMDL pollutants. Nevertheless, the City's I-WMP shall identify watershed controls measures (WCMs) to be considered for implementation based on monitoring data generated from the CIMP. If persistent exceedances are detected, the I-WMP will be amended to include BMPs tailored to address the exceedances for TMDL or non-TMDL pollutants. The BMPs will be implemented to include one or more of the 6 minimum control measures mandated for MS4s under the Clean Water Act that will be specific to the TMDL.

Should additional WCMs be required, based on monitoring data indicating persistent exceedances detected at the outfall against ambient standards, the City will rely on implementation plans already developed for TMDLs by a number of permittees, including the County of Los Angeles Watershed Management Division. Specifically, it will review both structural and non-structural BMPs in the various implementation plans. The BMPs will undergo a reasonable assurance analysis using an appropriate performance-predicting model. Selection of the final BMP or suite of final BMPs will be based on the extent of the pollution problem (viz., the frequency and level of exceedances) and their individual or combined efficacy in addressing the exceeded WLAs.

### 4. *Demonstration of a Low Impact Development Ordinance*

The City has begun development of the LID ordinance to the extent that: (1) it has reviewed the City and County of Los Angeles' versions; and (2) is considering a more abbreviated ordinance of its own. The City's experience with the Standard Urban Stormwater Management Program (SUSMP) ordinance is that the more requirements specified in a code can result in less flexibility that could, as a result, pose a problem to enforcement. The City, therefore, is leaning towards code language that will be brief and will defer to LID guidelines that the City plans to develop at a later date, just as was the case for the SUSMP ordinance. It was the stormwater quality management plan (SQMP) development planning/SUSMP guidelines under the previous Order that actually determined how compliance was to be specifically achieved. Further, guidelines can be easily amended as opposed to amending the code.

### 5. *Demonstration of Green Street Policy Development*

The Green Street Policy shall be based on the requirements of the Order which applies to the **Land Use Development Program** and its subject new development and redevelopment projects:

*Street and road construction of 10,000 square feet or more of impervious surface area shall follow USEPA guidance regarding Managing Wet Weather with Green Infrastructure: Green Streets (December 2008 EPA-*

*833-F-08-009) to the maximum extent practicable. Street and road construction applies to standalone streets, roads, highways, ... and also applies to streets within larger projects.*

This provision clearly directs permittees to follow USEPA guidance to the maximum extent practicable<sup>6</sup> and is applicable to 10,000 square feet or more of impervious surface. The City shall apply it to new transportation corridors in areas of new development which are defined as *standalone streets, roads, highways, and freeway projects, and also applies to streets within larger projects*. It shall not, as specified in the Order, apply to routine maintenance for subject redevelopment projects necessary to:

*maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety. Impervious surface replacement, such as the reconstruction of parking lots and roadways which does not disturb additional area and maintains the original grade*

The City's commitment to this policy shall be expressed through: (1) the Land Use Development element of its Stormwater Management Program ("SWMP"), which includes this and five other minimum control measures; and through (2) its General Plan Transportation Element at the time of its next update. The policy shall be effectuated as a type of infiltration best management practice (BMP) permittees have been incorporating into new and redevelopment projects under the previous Order's SUSMP since 2006.

The City sees no necessity in placing or implementing its green street program in its I-WMP. This is because green infrastructure is associated with the Land Use Development Program which is a mandatory core SWMP component that would be implemented even if a permittee only chose to rely on its minimum control measures ("MCMs") to achieve compliance with TMDLs and other water quality standards.

#### 6. Technical Advisory Committee

The MS4 permit specifies a technical advisory committee ("TAC") that will "advise and participate" in the development of WMPs and E-WMPs. It is not clear if the MS4 permit intended the TAC to also include I-WMPs. Further, although the TAC is to be comprised of representatives of watershed management areas ("WMAs") it does not specify a procedural mechanism for choosing them. The previous MS4 permit specified watershed management committees which were structured to make decisions based on majority rule. These committees were not carried over to this MS4 permit. A similar decision-making mechanism will need to be developed for selecting the TAC.

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<sup>6</sup>MEP will be based on, among other factors, cost and infiltration rates and shall allow for infiltration of street runoff through other media such as porous concrete.



## END SECTION I

### Notice of Intent II. Coordinated Integrated Monitoring Plan

The City declares its preference for participation in a Coordinated Integrated Monitoring Plan ("CIMP"). The CIMP will include participation with other MS4 permittees according to watersheds as mentioned above. The CIMP will address all of the monitoring requirements specified in the MS4 permit's Monitoring and Reporting Program ("MRP") element. The purpose of the CIMP is to: (1) characterize watersheds/sub-watersheds relative to WQSSs; (2) determine to what extent MS4 permittees are meeting or not meeting WQSSs; and (3) achieve monitoring cost savings through collective participation with other permittees sharing common watershed location.

The City takes the position that a comparison of outfalls discharges against ambient referents is the only legally valid monitoring requirement for determining compliance. To this end, the City shall collect outfall samples in accordance with the MRP and measure them against ambient standards.<sup>7</sup> Ambient standards have been used by the Los Angeles Regional Water Quality Control Board's Surface Water Ambient Program (SWAMP) for Dominguez Channel, Los Angeles River, and Machado Lake. It does not seem, however, that the Regional Board has not adhered to a consistent definition of ambient water quality monitoring. Although it references ambient in the Los Angeles River metals and bacteria TMDLs, it has not done so for the Dominguez Channel Harbors Toxics TMDL and for the Machado Lake Nutrients and Toxics TMDLs.

Ambient water quality monitoring is generally understood to mean collecting water quality samples during dry weather either during the dry season or during the wet season following a storm event. This has been confirmed by the Regional Board's SWAMP. SWAMP indicated that initially it performed ambient monitoring between 48 and 72 hours after a storm event. It later chose to conduct ambient during the spring and summer because there was no significant difference between the two sampling periods.

Measuring outfall discharges against wet weather WLAs is not required under federal or state law.<sup>8</sup> This argument is also reflected in the City's administrative petition challenging the MS4 permit. Nevertheless, the City shall compare outfall discharges against wet weather WLAs and data generated from existing in-stream stations relative to applicable TMDLs as well as against ambient discharges for purpose of reference and comparison rather than compliance.

## END SECTION II

<sup>7</sup>It is well established that water quality standards, including California Toxics Rule standards, are ambient standards.

<sup>8</sup>See State Water Resources Control Board Order WQ 2001-15, page 10-11.



## Notice of Intent I. Individual Watershed Management Plan

### 1. *Rationale for I-WMP*

The **City of Lomita** has chosen the I-WMP, albeit with reservation, to meet TMDL and non-water quality standards (referred to collectively as "WQs") for several reasons including but not limited to the following:

- i. The I-WMP allows the City to determine to what extent its existing stormwater quality management program (SQMP), which has been in effect since 2002, is meeting TMDLs and non-TMDL WQs, based on outfall monitoring against ambient WQs. It is possible that the City has been meeting some or even most WQs. If outfall monitoring shows persistent exceedances the I-WMP will contain a mechanism for addressing it.
- ii. The City cannot justify an Enhanced Watershed Management Plan (E-WMP) at this time because: (i) there are no water quality monitoring data that would justify this extreme and costly option; (ii) neither the County of Los Angeles (which wrote the E-WMP provision in the current MS4 permit) nor the City of Los Angeles has indicated what multi-benefit projects it is proposing to provide the "safe harbor"<sup>1</sup> that would enable participating permittees to achieve compliance even if exceedances of TMDLs and non-TMDL WQs occur;<sup>2</sup> (iii) there is no guarantee that participating in an E-WMP could assure compliance with WQs; (iv) there is no current funding mechanism for the E-WMP;<sup>3</sup> and (v) were the City to commit to an E-WMP, it would be required to enter into an MOU that could bind it to its requirements even if funding is not available.
- iii. The City has chosen the I-WMP, even though it still ties it to having to comply with strict waste load allocations (WLAs) at the outfall and apparently in the receiving water as well. The City would have preferred to

<sup>1</sup>Neither the County nor City of Los Angeles, which are encouraging permittees to participate in "regional multi-benefit" projects that would provide the safe harbor, has yet to disclose what those projects are.

<sup>2</sup>The MS4 permit asserts that the E-WMP provides compliance with WQs and even with some minimum control measures (viz., the 6 core programs that form the stormwater management program required under federal law). There is reason to believe that this provision is extra-legal and could be voided either under administrative or judicial challenge. For one thing, an E-WMP is not a water quality based effluent limitation (WQBEL) which would translate a WSS into a compliance action. Perhaps it could have been one had the MS4 permit made clear that the E-WMP contains BMPs capable of meeting all the numeric WQs over time. Instead, the MS4 permit incorrectly uses WQBEL to mean the same thing as a waste load allocation. Further, the EWMP's regional multi-benefit project requirement cannot guarantee compliance with WLAs measured at the outfall if the project is located outside of permittee's MS4. Even if the MS4 permit survives challenge, there is no guarantee that the E-WMP and its safe harbor provision will carry-over to the next MS4 permit. MS4 permits are five years in duration and the next Regional Board has the authority change permit requirements. It could not be argued that the anti-backsliding provision of Clean Water Action Section 402(o) would compel the next Regional Board to continue the E-WMP. This is because anti-backsliding only applies to WQs, not to the means of achieving them. Further, 402(o) contains other anti-backsliding exemptions.

<sup>3</sup>The Los Angeles County Board of Supervisors indicated at its March 12, 2013 public hearing on the Clean Beaches, Clean Water Fee Initiative that it does not intend to re-try this proposition as a 218 parcel fee. Instead, they suggested that if another fee measure is attempted it would be through a regular tax vote.



meet WQSs through the implementation of its stormwater management plan (SWMP) as is provided under the Receiving Water Limitation (RWL) section of the MS4 permit. The RWL can be interpreted to mean that if a permittee implements its SWMP in a timely and complete manner it will be in compliance with WQSs. If persistent exceedances of WQSs are detected from outfall discharges the permittee shall report them to the Regional Board along with a plan for improving BMPs to address the exceedances. This constitutes an “iterative process.” However, the MS4 permit appears to over-ride the RWL provision by requiring permittees to meet the WQSs by any means necessary by interim TMDL deadlines. Nevertheless, just to err on the side of caution, the City has chosen the I-WMP because it will provide more time for compliance with interim WLAs. It is expected that by the time compliance with interim TMDLs is due, the administrative petition and state-wide RWL language (expected to be decided by the State Water Resources Control Board some time in February of 2014), will have been resolved.

Although **Lomita** is opting for an I-WMP and CIMP, it shall work in cooperation with the following permittees on a watershed basis:

Watershed/Sub-watershed	Other Participating MS4s
<ul style="list-style-type: none"> <li>• Machado Lake</li> </ul>	<ul style="list-style-type: none"> <li>• City of Carson</li> </ul>

Carson and Lomita will be responsible for preparing their own individual WMPs and conducting its own monitoring. However, because each of these permittees shares the same consultant, cost-sharing of I-WMP and CIMP development shall be achieved.

The I-WMP and CIMP shall be submitted to the Regional Board on or before June 28, 2014.

## 2. *Water Quality Based Effluent Limitations and Receiving Water Limitations*

Dry and wet weather interim and final water quality based effluent limitations (WQBELs) and receiving water limitations (RWLs) are discussed below. It should be noted that there is no legal definition of a wet weather or dry weather interim or final WQBEL or RWL.

### i. *Dry and Wet Weather Interim and Final WQBELs for Trash*

The City is subject to the Machado Lake Trash TMDLs. A trash WQBEL is a BMP that includes the implementation of institutional and/or structural controls (viz., debris screens or vortex separation systems). Implementation of either option in accordance with the TMDL’s requirements places a permittee in compliance with “scheduled” WLA targets. The final WLA is zero. The zero WLA is achieved by, for example, installing debris screens in all catch basins that are

hydrologically connected to a water body that is subject to the trash TMDL. In actual terms, debris screens and vortex separation systems are only capable of reducing trash by 80-85%. It should be noted that the TMDLs do not reference an interim WLA, only a final WLA. Further, this TMDL does not reference the term WQBELs as applicable to outfalls as WLAs. Still, it must be assumed they are the same.

Furthermore, according to the 2010 303(d) List, trash is not listed for Machado Lake. It is clear where the Regional Board has obtained its legal authority to assign any kind of allocation to a pollutant that has not been placed on both the 303(d) and 2010 lists.

TMDL	Dry Weather Interim WLA	Wet Weather Final WLA
Machado Lake Trash (see attachment #2)	zero	zero

ii. *Dry and Wet Weather Interim and Final Trash RWLs*

As is the case for dry and wet weather interim and final WQBELs, there is no reference to dry and wet weather interim and final RWL in federal law or USEPA guidance. And, there is no definition of an interim or final wet or dry weather RWL in attachment "A" of the Order. However, the Order here does define a RWL to mean:

*Any applicable numeric or narrative water quality objective or criterion, or limitation to implement the applicable water quality objective or criterion, for the receiving water as contained in Chapter 3 or 7 of the Water Quality Control Plan for the Los Angeles Region (Basin Plan), water quality control plans or policies adopted by the State Water Board, or federal regulations, including but not limited to, 40 CFR § 131.38.*

Nevertheless, the foregoing definition is deficient to the extent that is limited only to water quality objectives (WQOs), which are State standards. The definition should have only referenced WQSS, which are federal standards and according to the Los Angeles Region Basin Plan also includes WQOs. Or it should have just added WQSS in the sentence, thereby making it clear that WQSS and WQOs are RWLs. This is an important distinction because a WQO cannot be interpreted to mean or apply to a TMDL.

Beyond this, if the Regional Board intended interim and final RWLs to mean WLAs that require compliance in receiving waters, based on in-stream monitoring, it is mistaken. As RWL language in the Order at V.A.1 explains: *Discharges from the MS4 that cause or contribute to the violation of receiving water limitations are prohibited.* From this, it would be unreasonable to conclude that an RWL can be expressed in interim or final terms. It has been suggested that the RWL is merely a compliance standard, expressed as a WLA, applied to the receiving water that must be complied through in-stream



measurements. However, it is clear from Order section V.A.1 that determining violations of RWLs can only be determined by measuring discharges from the MS4 (viz., an outfall or end-of-pipe).

iii. *Interim and Final WQBELS for Machado Lake Nutrients TMDL (dry and wet weather)*

Nutrients TMDL	Dry Weather Interim WLA	Deadline	Dry Weather Final WLA	Deadline
• Total Phosphorous	1.25 mg/l	May, 2014	0.1 mg/l	September, 2018
• Total Nitrogen	2.45 mg/l	May, 2014	1.0 mg/l	September, 2018

Nutrients TMDL	Wet Weather Interim WLA	Deadline	Wet Weather Final WLA	Deadline
• Total Phosphorous	1.25 mg/l	May, 2014	0.1 mg/l	September, 2018
• Total Nitrogen	2.45 mg/l	May, 2014	1.0 mg/l	September, 2018

iv. *Interim and Final RWLs for Machado Lake Nutrients TMDL (dry and wet weather)*

Nutrients TMDL	Dry Weather Interim WLA	Deadline	Dry Weather Final WLA	Deadline
• Total Phosphorous	1.25 mg/l	May, 2014	0.1 mg/l	September, 2018
• Total Nitrogen	2.45 mg/l	May, 2014	1.0 mg/l	September, 2018

Nutrients TMDL	Dry Weather Interim WLA	Deadline	Dry Weather Final WLA	Deadline
• Total Phosphorous	1.25 mg/l	May, 2014	0.1 mg/l	September, 2018
• Total Nitrogen	2.45 mg/l	May, 2014	1.0 mg/l	September, 2018

v. *Interim and Final WQBELs for Machado Lake Toxics TMDL (dry and wet weather)*

Toxics TMDL	Dry Weather Interim WLA	Deadline	Dry Weather Final WLA	Deadline
• Total PCBs	59.9 ug/kg	September, 2019	59.9 ug/kg	September, 2019
• Total DDT	5.2 ug/kg	September, 2019	5.2 ug/kg	September, 2019
• Dieldrin	1.9 ug/kg	September, 2019	1.9 ug/kg	September, 2019
• Chlordane	3.24 µg/kg	September, 2019	3.4 ug/kg	September, 2019

Toxics TMDL	Wet Weather Interim WLA	Deadline	Wet Weather Final WLA	Deadline
• Total PCBs	59.9 ug/kg	September, 2019	59.9 ug/kg	September, 2019
• Total DDT	5.2 ug/kg	September, 2019	5.2 ug/kg	September, 2019
• Dieldrin	1.9 ug/kg	September, 2019	1.9 ug/kg	September, 2019
• Chlordane	3.24 µg/kg	September, 2019	3.24 ug/kg	September, 2019

vi. *Interim and Final RWLS for Machado Lake Toxics TMDL (dry and wet weather)*

Toxics TMDL	Dry Weather Interim WLA	Deadline	Dry Weather Final WLA	Deadline
• Total PCBs	59.9 ug/kg	September, 2019	59.9 ug/kg	September, 2019
• Total DDT	5.2 ug/kg	September, 2019	5.2 ug/kg	September, 2019
• Dieldrin	1.9 ug/kg	September, 2019	1.9 ug/kg	September, 2019
• Chlordane	3.24 µg/kg	September, 2019	3.24 ug/kg	September, 2019

Toxics TMDL	Wet Weather Interim WLA	Deadline	Wet Weather Final WLA	Deadline
• Total PCBs	59.9 ug/kg	September, 2019	59.9 ug/kg	September, 2019
• Total DDT	5.2 ug/kg	September, 2019	5.2 ug/kg	September, 2019
• Dieldrin	1.9 ug/kg	September, 2019	1.9 ug/kg	September, 2019
• Chlordane	3.24 µg/kg	September, 2019	3.24 ug/kg	September, 2019

### 3. *Watershed Control Measures*

It is not clear if the MS4 permit requires watershed control measures for the I-WMP option non-TMDL pollutants. Nevertheless, the City's I-WMP shall identify watershed controls measures (WCMs) to be considered for implementation based on monitoring data generated from the CIMP. If persistent exceedances are detected, the I-WMP will be amended to include BMPs tailored to address the exceedances for TMDL or non-TMDL pollutants. The BMPs will be implemented to include one or more of the 6 minimum control measures mandated for MS4s under the Clean Water Act that will be specific to the TMDL.

Should additional WCMs be required, based on monitoring data indicating persistent exceedances detected at the outfall against ambient standards, the City will rely on implementation plans already developed for TMDLs by a number of permittees, including the County of Los Angeles Watershed Management Division. Specifically,



it will review both structural and non-structural BMPs in the various implementation plans. The BMPs will undergo a reasonable assurance analysis using an appropriate performance-predicting model. Selection of the final BMP or suite of final BMPs will be based on the extent of the pollution problem (viz., the frequency and level of exceedances) and their individual or combined efficacy in addressing the exceeded WLAs.

#### 4. *Demonstration of Low Impact Development Ordinance Development*

The City has begun development of the LID ordinance to the extent that: (1) it has reviewed the City and County of Los Angeles' versions; and (2) is considering a more abbreviated ordinance of its own. The City's experience with the Standard Urban Stormwater Management Program (SUSMP) ordinance is that the more requirements specified in a code can result in less flexibility that could, as a result, pose a problem to enforcement. The City, therefore, is leaning towards code language that will be brief and will defer to LID guidelines that the City plans to develop at a later date, just as was the case for the SUSMP ordinance. It was the stormwater quality management plan (SQMP) development planning/SUSMP guidelines under the previous Order that actually determined how compliance was to be specifically achieved. Further, guidelines can be easily amended as opposed to amending the code.

#### 5. *Demonstration of Green Street Policy Development*

The Green Street Policy shall be based on the requirements of the Order which applies to the **Land Use Development Program** and its subject new development and redevelopment projects:

*Street and road construction of 10,000 square feet or more of impervious surface area shall follow USEPA guidance regarding Managing Wet Weather with Green Infrastructure: Green Streets (December 2008 EPA-833-F-08-009) to the maximum extent practicable. Street and road construction applies to standalone streets, roads, highways, and freeway projects, and also applies to streets within larger projects.*

This provision clearly directs permittees to follow USEPA guidance to the maximum extent practicable<sup>4</sup> and is applicable to 10,000 square feet or more of impervious surface. The City shall apply it to new transportation corridors in areas of new development which are defined as *standalone streets, roads, highways, and freeway projects, and also applies to streets within larger projects*. It shall not, as specified in the Order, apply to routine maintenance for subject redevelopment projects necessary to:

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<sup>4</sup>MEP will be based on, among other factors, cost and infiltration rates and shall allow for infiltration of street runoff through other media such as porous concrete.

*maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety. Impervious surface replacement, such as the reconstruction of parking lots and roadways which does not disturb additional area and maintains the original grade*

The City's commitment to this policy shall be expressed through: (1) the Land Use Development element of its Stormwater Management Program ("SWMP"), which includes this and five other minimum control measures; and through (2) its General Plan Transportation Element at the time of its next update. The policy shall be effectuated as a type of infiltration best management practice (BMP) permittees have been incorporating into new and redevelopment projects under the previous Order's SUSMP since 2006.

The City sees no necessity in placing or implementing its green street program in its I-WMP. This is because green infrastructure is associated with the Land Use Development Program which is a mandatory core SWMP component that would be implemented even if a permittee only chose to rely on its minimum control measures ("MCMs") to achieve compliance with TMDLs and other water quality standards.

#### 6. *Technical Advisory Committee*

The MS4 permit specifies a technical advisory committee ("TAC") that will "advise and participate" in the development of WMPs and E-WMPs. It is not clear if the MS4 permit intended the TAC to also include I-WMPs. Further, although the TAC is to be comprised of representatives of watershed management areas ("WMAs") it does not specify a procedural mechanism for choosing them. The previous MS4 permit specified watershed management committees which were structured to make decisions based on majority rule. These committees were not carried over to this MS4 permit. A similar decision-making mechanism will need to be developed for selecting the TAC.

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END SECTION I

## Notice of Intent II. Coordinated Integrated Monitoring Plan

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The City declares its preference for participation in a Coordinated Integrated Monitoring Plan ("CIMP"). The CIMP will include participation with other MS4 permittees according to watersheds as mentioned above. The CIMP will address all of the monitoring requirements specified in the MS4 permit's Monitoring and Reporting Program ("MRP") element. The purpose of the CIMP is to: (1) characterize watersheds/sub-watersheds relative to WQSs; (2) determine to what extent MS4 permittees are meeting or not meeting WQSs; and (3) achieve monitoring cost savings through collective participation with other permittees sharing common watershed location.

It should be noted that the City takes the position that a comparison of outfalls discharges against ambient referents is the only legally valid monitoring requirement for determining compliance. To this end, the City shall collect outfall samples in accordance with the MRP and measure them against ambient standards.<sup>5</sup> Ambient standards have been used by the Los Angeles Regional Water Quality Control Board's Surface Water Ambient Program (SWAMP) for Dominguez Channel, Los Angeles River, and Machado Lake. It should be noted, however, that the Regional Board has not adhered to a consistent definition of ambient water quality monitoring. Although it references ambient in the Los Angeles River metals and bacteria TMDLs, it has not done so for the Dominguez Channel Harbors Toxics TMDL and for the Machado Lake Nutrients and Toxics TMDLs.

Ambient water quality monitoring is generally understood to mean collecting water quality samples during dry weather either during the dry season or during the wet season following a storm event. This has been confirmed by the Regional Board's SWAMP. It indicated that initially it performed ambient monitoring between 48 and 72 hours after a storm event. It later chose to conduct ambient during the spring and summer because there was no significant difference between the two sampling periods.

Measuring outfall discharges against wet weather WLAs is not required under federal or state law.<sup>6</sup> This argument is also reflected in the City's administrative petition challenging the MS4 permit. Nevertheless, the City shall compare outfall discharges against wet weather WLAs and data generated from existing in-stream stations relative to applicable TMDLs as well as against ambient discharges for purposes of reference and comparison rather than compliance.

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### END SECTION II

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<sup>5</sup>It is well established that water quality standards, including California Toxics Rule standards, are ambient standards.

<sup>6</sup>See State Water Resources Control Board Order WQ 2001-15, page 10-11.

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[Home](#) » [Water Issues](#) » [Programs](#) » [Stormwater](#) » [Municipal](#) » [Watershed Management](#) » [San Fernando](#)

## City of San Fernando Individual Watershed Management Program

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The City of San Fernando is in the process of developing an Individual Watershed Management Program and in participating in a Coordinated Integrated Monitoring Program. The submittals pertaining to the City of San Fernando's Individual Watershed Management Program are below:

- » [Notice of Intent](#)
- » [Los Angeles River Trash TMDL Implementation Schedule](#)

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The California Water Boards include the [State Water Resources Control Board](#) and nine [Regional Boards](#).  
The State Water Board is one of five environmental entities operating under  
the authority of the California Environmental Protection Agency  
[Cal/EPA](#) | [ARB](#) | [DPR](#) | [DTSC](#) | [OEHHA](#) | [SWRCB](#)



## CITY OF SOUTH EL MONTE

1415 N. SANTA ANITA AVENUE  
SOUTH EL MONTE, CALIFORNIA 91733  
(626) 579-6540 • FAX (626) 579-2107



### VIA ELECTRONIC MAIL

June 27, 2013

Samuel Unger, Executive Director  
Regional Water Quality Control Board, Los Angeles Region  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013  
losangeles@waterboards.ca.gov

Subject: Notice of Intent to Develop an Individual Watershed Management Plan

Dear Mr. Unger:

The City of South El Monte is pleased to submit its Notice of Intent ("NOI") to the Los Angeles Regional Water Quality Control Board ("Regional Board") to:

1. Develop an Individual Watershed Management Plan ("I-WMP") in accordance with Los Angeles Regional Water Quality Control Board Order No. R4-2012-0175, NPDES Permit No., CAS0040, adopted on November 8, 2012 ("Permit") and became effective on December 28, 2012, and
2. Participate in a Coordinated Integrated Monitoring Plan ("CIMP");
3. Deliver drafts of the I-WMP and CIMP to the Regional Board on or before June 28, 2014.

The NOI requires the completion of the following tasks under VI.C.4.B.ii:

1. Identify applicable interim and final trash water quality based effluent limitations (WQBELs);
2. Identify all other interim and final WQBELs;
3. Identify interim and final receiving water limitations; and



4. Identify watershed control measures (where possible) based on existing TMDL implementation plans to be implemented by the City, concurrently with the development of a WMP (an I-WMP in this case).

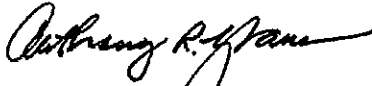
In addition to the foregoing, NOI also requires the following tasks to be performed if a permittee chooses to implement an I-WMP:

1. Demonstrate that a draft Low Impact Development (LID) Ordinance is in place;
2. Demonstrate that a draft Green Street Policy is in place.

The Attachment provides a complete discussion of the NOI-related tasks. The City hereby reserves all its legal and equitable rights to challenge the Permit and the associated TMDLs, and nothing herein should be construed as acceptance or acquiescence to any terms or requirements of the Permit or TMDLs the City believes to be legally or technically deficient.

Should you have any questions please feel free to call me at (626) 579-6540 or email me at [aybarra@soelmonte.org](mailto:aybarra@soelmonte.org).

Sincerely,



Anthony R. Ybarra  
City Manager  
City of South El Monte

Enclosure(s)

cc:

Renee Purdy, California Regional Water Quality Control Board, Los Angeles Region (via electronic mail);  
Rebecca Christmann, California Regional Water Quality Control Board, Los Angeles Region (via electronic mail);  
Quinn M. Barrow (via electronic mail);  
Ray Tahir (via electronic mail);  
Andrew J. Brady (via electronic mail).

Attachment #1: City of South El Monte I-WMP/CIMP Notice of Intent Letter

i. *Notice of Intent to Develop I-WMP and CIMP*

The **City of South El Monte** ("City") has chosen to develop its own Individual Watershed Management Plan ("I-WMP") to meet TMDL and non-water quality standards (referred to collectively as "WQSS") for several reasons including but not limited to the following:

1. The I-WMP allows the City to determine to what extent its existing stormwater quality management program (SQMP), which has been in effect since 2002, is meeting TMDLs and non-TMDL WQSSs, based outfall monitoring against ambient WQSSs. It is possible that the City has been meeting some or even most WQSSs. If outfall monitoring shows persistent exceedances, the I-WMP will contain a mechanism for addressing it.
2. If persistent exceedances of WQSSs are detected from outfall discharges the permittee shall report them to the Regional Board along with a plan for improving BMPs to address the exceedances. This constitutes an "iterative process."
3. The City will submit its I-WMP on or before June 28, 2014.

The City declares its preference for participation in a Coordinated Integrated Monitoring Plan ("CIMP"). The CIMP will include participation with other MS4 permittees according to watersheds as mentioned above. The CIMP will address all of the monitoring requirements specified in the MS4 permit's Monitoring and Reporting Program ("MRP") element. The purpose of the CIMP is to: (1) characterize watersheds/sub-watersheds relative to WQSSs; (2) determine to what extent MS4 permittees are meeting or not meeting WQSSs; and (3) achieve monitoring cost savings through collective participation with other permittees sharing common watershed location. The City's CIMP will be submitted at the same time as its I-WMP, on or before June 28, 2014.

Although **South El Monte** is opting for an I-WMP and CIMP, it will work in cooperation with the following permittees on a watershed basis:

Watershed/Sub-watershed	Participating MS4s
<ul style="list-style-type: none"><li>• Reach 2, Rio Hondo (tributary to Los Angeles River)</li></ul>	<ul style="list-style-type: none"><li>• El Monte</li><li>• Irwindale</li></ul>

Watershed/Sub-watershed	Participating MS4s
<ul style="list-style-type: none"><li>• San Gabriel River</li></ul>	<ul style="list-style-type: none"><li>• El Monte (reach 3)</li><li>• Glendora (reach 5 and Walnut Creek)</li><li>• Irwindale (reach 4 and 5)</li><li>• West Covina (Walnut Creek and San Jose Creek, Reach 1)</li><li>• Walnut (Walnut Creek and San Jose)</li></ul>

Attachment #1: City of South El Monte I-WMP/CIMP Notice of Intent Letter

	Creek, Reach 1)
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Each of these cities will be responsible for preparing its own individual WMP and conducting its own monitoring. However, because each of these permittees shares the same consultant, cost-sharing of I-WMP and CIMP development will likely result in common terms.

- ii. *Dry and Wet Weather Interim and Final WQBELs for Los Angeles River Metals TMDLs (includes Reach 2 of the Rio Hondo and Legg Lake)*

Los Angeles River Watershed TMDLs

Wet Weather WLAs				
Water Body	Copper	Lead	Zinc	Trash
Reach 2 Rio Hondo <sup>1</sup>	17 ug/l	62 ug/l	159 ug/l	See Attachment #2
Water Body	Bacteria			
Reach 2 Rio Hondo	235 MPN/100 ml	-	-	-
Water Body	Nutrients			
Reach 2 Rio Hondo	7.2 mg/l	-	-	-
Water Body	Nutrients Total Nitrogen	Nutrients Total Phosphate		
Legg Lake	1394.8 lb/yr	498.7 lb/yr	-	See Attachment #2
Dry Weather WLAs				
Water Body	Copper	Lead	Zinc	Trash
Reach 2 Rio Hondo	13 ug/l	5 ug/l	131 ug/l	Same As Wet Weather
Water Body	Bacteria (Interim)	Bacteria (Final)		
Reach 2 Rio Hondo	2 MPN/day	235 MPN/100 ml	-	-
Water Body	Nutrients Total Nitrogen	Nutrients Total Phosphate		
Legg Lake	1394.8 lb/yr	498.7 lb/yr		See Attachment #2

<sup>1</sup>The State's 303(d) list does not show Reach 2 of the Rio Hondo as being impaired for metal or trash.

Attachment #1: City of South El Monte I-WMP/CIMP Notice of Intent Letter

iii. *Dry and Wet Weather Interim and Final Receiving Water Limitations for Los Angeles River Metals TMDLs (includes Reach 2 of the Rio Hondo and Legg Lake)*

As is the case for dry and wet weather interim and final WQBELs, there is no reference to dry and wet weather interim and final receiving water limitations (RWLs) in federal law or USEPA guidance. And, there is no definition of an interim or final wet or dry weather RWL in attachment "A" of the Order. However, the Order here does define a RWL to mean:

*Any applicable numeric or narrative water quality objective or criterion, or limitation to implement the applicable water quality objective or criterion, for the receiving water as contained in Chapter 3 or 7 of the Water Quality Control Plan for the Los Angeles Region (Basin Plan), water quality control plans or policies adopted by the State Water Board, or federal regulations, including but not limited to, 40 CFR § 131.38.*

The foregoing definition is incorrect to the extent that it is limited only to water quality objectives (WQOs), which are State standards. The definition should have only referenced WQSS, which are federal standards and according to the Los Angeles Region Basin Plan also includes WQOs. Or it should have just added WQSS in the sentence, thereby making it clear that both WQSS and WQOs are RWLs. This is an important distinction because a WQO cannot be interpreted to mean or apply to a TMDL because it is a federal construct.

Beyond this, if the Regional Board intended interim and final RWLs to mean WLAs that require compliance in receiving waters, based on in-stream monitoring, it is mistaken. As RWL language in the Order at V.A.1 explains: *Discharges from the MS4 that cause or contribute to the violation of receiving water limitations are prohibited.* From this, it would be unreasonable to conclude that an RWL can be expressed in interim or final terms. It has been suggested that the RWL is merely a compliance standard, expressed as a WLA, applied to the receiving water that must be complied through in-stream measurements. However, it is clear from Order section V.A.1 that determining violations of RWLs can only be determined by measuring discharges from the MS4 (viz., an outfall or end-of-pipe).

iv. *Dry and Wet Weather Interim and Final WQBELs for San Gabriel River-Related TMDLs*

The City cannot identify wet weather interim and final WQBELs because of the uncertainty of what a WQBEL means. There is no definition of a wet weather or dry weather WQBEL anywhere in federal law or USEPA guidance. There is also no definition in Attachment A of the Order. It only explains it as acronym, which stands for a "water quality based effluent limitation." It has been suggested that a WQBEL is the same as a WLA. The City disagrees with this interpretation. A WQBEL is a means of attaining a WLA, generally expressed as BMPs. Complicating matters is that the SGR M-TMDL is a USEPA TMDL, which only

Attachment #1: City of South El Monte I-WMP/CIMP Notice of Intent Letter

requires WQBEL-BMPs to achieve compliance with TMDL WLAs. WQBELs, within the context of this TMDL, translate WLAs into BMPs, rendering a clear definition that does not exist in the Order.

Further complicating matters is that USEPA TMDLs do not define WQBELs to mean the same as WLAs. Instead, as noted in the current MS4 permit, USEPA TMDLs interpret WQBELs to mean BMPs. Until the SGR M-TMDL is adopted as State TMDL, which must go through a basin plan amendment process, the City will rely on USEPA's definition of a WQBEL.

In any case, dry and wet WLAs are numeric targets established for USEPA's SGR M-TMDLs. They are listed in the table below.

San Gabriel River Watershed TMDLs

Wet Weather WLA			
Water Body	Copper	Lead	Zinc
San Gabriel River Reach 2	N/A	81.34 mg/l x daily storm volume (L)	N/A
Coyote Creek	24.71 mg/l x daily storm volume (L)	96.99 mg/l x daily storm volume (L)	144.57 mg/l x daily storm volume (L)
Dry Weather			
Water Body	Copper	Selenium	
San Gabriel Reach 1	18 mg/l	N/A	N/A
Coyote Creek	20 mg/l	N/A	N/A
San Gabriel Estuary	3.7 mg/l	N/A	N/A
San Jose Creek Reach 1	NA	5 mg/l	N/A

The compliance schedule for attaining the above dry and wet weather WLAs is shown in the table below.

Date	Dry Weather WLA	Wet weather WLA
June 30, 2017	30% (MS4's drainage area)	10% (MS4's drainage area)
June 30, 2020	70% (MS4's drainage area)	35% (MS4's drainage area)
June 30, 2023	100% (MS4's drainage area)	65% (MS4's drainage area)
June 30, 2026	100% (MS4's drainage area)	100%(MS4's drainage area)

According to the San Gabriel River Metals TMDL (SGR-MTMDL), which is currently a USEPA TMDL, all permittees located in the San Gabriel River watershed are subject to waste load allocations (WLAs) for copper, zinc, lead, and selenium as following excerpt from it indicates:



Attachment #1: City of South El Monte I-WMP/CIMP Notice of Intent Letter

Wet-weather allocations will be developed for all upstream reaches and tributaries in the watershed that drain to impaired reaches during wet weather.<sup>3</sup> Discharges to these upstream reaches can cause or contribute to exceedances of water quality standards in San Gabriel River Reach 2 and Coyote Creek and thus contribute to impairments.

However, the City is of the view that it should not be subject to any of the SGR M-TMDLs. Table 7-1 of the TMDL lists **South El Monte** as being located in Reach 3 of the SGR, which is not impaired.

In spite of this, Regional Board staff has concluded that the City is subject to all of the M-TMDLs because of the tributary rule. The tributary rule does not apply here, however. It only operates to extend a beneficial use within a reach to an unidentified water body such as a stream or a lake. It cannot extend a beneficial use to an outside reach for which that same use does not exist. For example, the beneficial use of Reach 2 of the Rio Hondo is ground water recharge. It obviously cannot apply the same use to an upstream or downstream reach, even though the reaches are tributary to it. And, in any case, a beneficial use and a water quality standard are two separate issues. A water quality standard is intended to protect a beneficial use. If that standard is not sufficient, based on monitoring, then a TMDL would be required.

v. *Dry and Wet Weather Interim and Final Receiving Water Limitations for San Gabriel River-Related TMDLs*

See paragraph (iv) above.

v. *Watershed Control Measures Implemented During Development of I-WMP*

It is not possible to identify Watershed Control Measures (WCM) at this time because none of the cities in Reach 2 of the Rio Hondo have implemented a TMDL Implementation Plan containing watershed-scale control measures. The only control measures that have been implemented by the City are localized BMPs contained in the SQMP.

If the Regional Board would like the City to provide a list of the localized BMPs implemented pursuant to the applicable TMDLs, the City would be happy to provide such a list. The City will develop WCMs in its WMP geared toward meeting the applicable benchmarks.

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<sup>3</sup>This assertion contradicts State Board Water Quality Order 2001-15, which held: *There is no provision in state or federal law that mandates the adoption of separate water quality standards for wet weather conditions (see page 10).*

Attachment #1: City of South El Monte I-WMP/CIMP Notice of Intent Letter

x. *Demonstration of an Low Impact Development Ordinance*

The City has begun development of the LID order to the extent that it: (1) has reviewed the City and County of Los Angeles' versions; (2) has made an initial draft version based on the City and County of Los Angeles' versions; and (3) is developing a more abbreviated ordinance of its own based thereon.

xi. *Demonstration of Green Street Policy Development*

The City is developing a Green Streets Policy and has developed an initial draft. The City's Green Street Policy is based on the requirements of the Order which applies to the **Land Use Development Program**, which is subject to new development and redevelopment projects as the following indicates:

*Street and road construction of 10,000 square feet or more of impervious surface area shall follow USEPA guidance regarding Managing Wet Weather with Green Infrastructure: Green Streets (December 2008 EPA-833-F-08-009) to the maximum extent practicable. Street and road construction applies to standalone streets, roads, highways, and freeway projects, and also applies to streets within larger projects.*

This provision clearly directs permittees to follow USEPA guidance to the maximum extent practicable<sup>4</sup> and is applicable to 10,000 square feet or more of impervious surface. The City will apply it to new transportation corridors in areas of new development which are defined as *standalone streets, roads, highways, and freeway projects, and also applies to streets within larger projects.*

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<sup>4</sup>MEP will be based on, among other factors, cost and infiltration rates and shall allow for infiltration of street runoff through other media such as porous concrete.

## Attachment #2: Los Angeles River Trash TMDLs All Reaches

Table 6. Los Angeles River Trash TMDL: Implementation Schedule.<sup>45</sup>  
(Required percent reductions based on initial baseline wasteload allocation of each city)

Year	Implementation	Waste Load Allocation	Compliance Point
1 Sept 2008	Implementation: Year 1	60% of Baseline Waste Load Allocations for the Municipal permittees; and Caltrans	Compliance is 60% of the baseline load
2 Sept 2009	Implementation: Year 2	50% of Baseline Waste Load Allocations for the Municipal permittees; and Caltrans	Compliance is 55% of the baseline load calculated as a 2-year annual average
3 Sept 2010	Implementation: Year 3 <sup>46</sup>	40% of Baseline Waste Load Allocations for the Municipal permittees; and Caltrans	Compliance is 50% of the baseline load calculated as a rolling 3-year annual average
4 Sept 2011	Implementation: Year 4	30% of Baseline Waste Load Allocations for the Municipal permittees; and Caltrans	Compliance is 40% of the baseline load calculated as a rolling 3-year annual average
5 Sept 2012	Implementation: Year 5	20% of Baseline Waste Load Allocations for the Municipal permittees; and Caltrans	Compliance is 30% of the baseline load calculated as a rolling 3-year annual average
6 Sept 2013	Implementation: Year 6	10% of Baseline Waste Load Allocations for the Municipal permittees; and Caltrans	Compliance is 20% of the baseline load calculated as a rolling 3-year annual average
7 Sept 2014	Implementation: Year 7	0% of Baseline Waste Load Allocations for the Municipal permittees; and Caltrans	Compliance is 10% of the baseline load calculated as a rolling 3-year annual average
8 Sept 2015	Implementation: Year 8	0% of Baseline Waste Load Allocations for the Municipal permittees; and Caltrans	Compliance is 3.3% of the baseline load calculated as a rolling 3-year annual average
9 Sept 2016	Implementation: Year 9	0% of Baseline Waste Load Allocations for the Municipal permittees; and Caltrans	Compliance is 0% of the baseline load calculated as a rolling 3-year annual average

**Attachment #3: Legg Lake Trash TMDL**

<b>Task</b>	<b>Impacted Permittees</b>	<b>Deadline</b>
Installation of Full Capture Systems to achieve 20% reduction of trash from Baseline WLA*.	Los Angeles County, Los Angeles County Flood Control Districts, the Cities of El Monte and South El Monte, and Caltrans	March 6, 2012
Installation of Full Capture Systems to achieve 40% reduction of trash from Baseline WLA*.	Los Angeles County, Los Angeles County Flood Control Districts, the Cities of El Monte and South El Monte, and Caltrans	March 6, 2013
Evaluate the effectiveness of Full Capture Systems, and reconsider the WLA.	Regional Board	March 6, 2013
Installation of Full Capture Systems to achieve 60% reduction of trash from Baseline WLA*.	Los Angeles County, Los Angeles County Flood Control Districts, the Cities of El Monte and South El Monte, and Caltrans	March 6, 2014
Installation of Full Capture Systems to achieve 80% reduction of trash from Baseline WLA*.	Los Angeles County, Los Angeles County Flood Control Districts, the Cities of El Monte and South El Monte, and Caltrans	March 6, 2015
Installation of Full Capture Systems to achieve 100% reduction of trash from Baseline WLA*.	Los Angeles County, Los Angeles County Flood Control Districts, the Cities of El Monte and South El Monte, and Caltrans	March 6 <sup>th</sup> , 2016

\* Compliance with percent reductions from the Baseline WLA will be assumed wherever full capture systems are installed in corresponding percentages of the conveyance discharging to the water body. Installation will be prioritized based on the greatest point source loadings.

P.O. Box 682, Walnut, CA 91788-0682  
21201 La Puente Road  
Walnut, CA 91789-2018  
Telephone (909) 595-7543  
FAX (909) 595-6095  
[www.ci.walnut.ca.us](http://www.ci.walnut.ca.us)



## CITY OF WALNUT

TOM KING  
Mayor

ANTONIO "TONY" CARTAGENA  
Mayor Pro Tem

ERIC CHING  
Council Member

MARY SU  
Council Member

NANCY TRAGARZ  
Council Member

June 26, 2013

California Regional Water Quality Control Board, Los Angeles Region  
320 West 4<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90013

### Regional Board Staff:

Enclosed please find the Notice of Intent (NOI) for the City of Walnut required as part of the new National Pollution Discharge Elimination System Municipal Separate Storm Sewer Systems Permit. As stated in the NOI, the City of Walnut will be developing a Watershed Management Plan and associated Integrated Monitoring Plan.

Please do not hesitate to contact me should you require any additional information. Thank you in advance for your time and assistance.

Sincerely,

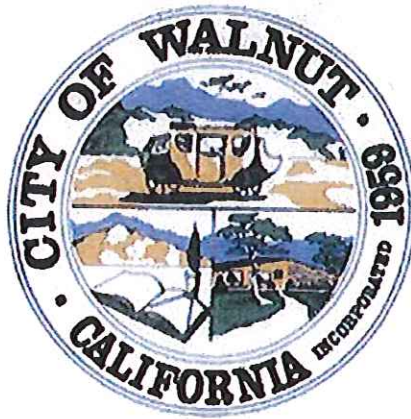
Alicia Jensen  
Senior Management Analyst  
City of Walnut  
P.O. Box 682  
Walnut, CA 91788-0682  
909-598-5605 x222  
[ajensen@ci.walnut.ca.us](mailto:ajensen@ci.walnut.ca.us)



# Notice of Intent

City of Walnut

Watershed Management Plan



**Submitted to:**

California Regional Water Quality Control Board, Los Angeles Region  
320 West 4<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90013

**Submitted by:**

The City of Walnut  
21201 La Puente Road  
Walnut, CA 91789

**June 28, 2013**

**Notice of Intent to Develop a Watershed Management Plan and Integrated Monitoring Plan**  
The City of Walnut hereby notifies the Los Angeles Regional Water Quality Control Board (LARWQCB) of the City's intent to proceed with the development of a Watershed Management Plan (WMP). Per Order No. R-2012-0175, NPDES Permit No. CAS 004001, Section VI.C.4.b.i. The City of Walnut will develop a Draft WMP and submit the plan for the Regional Board's review by June 28, 2014. Draft versions of the Low Impact Development Ordinance and Green Streets Policy are included in Appendix A and B. As required in Section VI.C.7 of NPDES Permit No. CAS 004001, the City will develop and submit an Integrated Monitoring Plan (IMP) in conjunction with the WMP.

**Total Maximum Daily Loads (TMDL) & Water Quality Based Effluent Limitations (WQBEL)**  
In accordance with Section VI.C.4.b.ii of NPDES Permit CAS004001, the jurisdictional area of the City of Walnut discharges to tributaries subject to the TMDLs listed in Table A. Currently, the City is not subject to any interim or final Water Quality Based Effluent Limitations (WQBELs), however, the City will continue its existing programs and Minimum Control Measures until the WMP is approved and implemented.

**Table A TMDLs Applicable to the City of Walnut**

TMDL	Resolution Number	Effective Date	EPA Approval Date	Water Body	Impairment
San Gabriel River and Impaired Tributaries Metals and Selenium	2006-014	July 13, 2006	TBD	San Jose Creek	Dry Weather WLA for Selenium*

*\*As noted at the Board's June 6, 2013, LA Basin Plan Public Hearing, Walnut objects to the inclusion of the San Gabriel River Metals TMDL in the LA Basin Plan amendment since Selenium was removed as a TMDL on the USEPA's 2010 303(d) list.*

**City Contact Information**

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# Attachment A

Draft LID Ordinance  
City of Walnut



## DRAFT LID ORDINANCE

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING [MUNICIPAL CODE SECTION REFERENCE(S)] OF THE CITY OF WALNUT MUNICIPAL CODE TO EXPAND THE APPLICABILITY OF THE EXISTING [NAME OF POST-CONSTRUCITON REQUIREMENTS – LIKELY "SUSMP" FOR MOST MUNICIPALITIES] REQUIREMENTS BY IMPOSING LOW IMPACT DEVELOPMENT (LID) STRATEGIES ON PROJECTS THAT REQUIRE BUILDING PERMITS.

### CITY COUNCIL OF THE CITY OF WALNUT HEREBY ORDAINS THE FOLLOWING:

- (A) The City of Walnut is authorized by Article XI, §5 and §7 of the State Constitution to exercise the police power of the State by adopting regulations to promote public health, public safety and general prosperity.
- (B) The City of Walnut has authority under the California Water Code to adopt and enforce ordinances imposing conditions, restrictions and limitations with respect to any activity which might degrade the quality of waters of the State.
- (C) The city is a permittee under the "Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County, Except those Discharges Originating from the City of Long Beach MS4," issued by the California Regional Water Quality Control Board--Los Angeles Region," (Order No. R4-2012-0175) which also serves as an NPDES Permit under the Federal Clean Water Act (NPDES No. CAS004001), as well as Waste Discharge Requirements under California law (the "Municipal NPDES permit"). In order to participate in a Watershed Management Program and/or Enhanced Watershed Management Program, the Municipal NPDES permit requires permittees to develop and implement a LID Ordinance.
- (D) The City of Walnut has applied an integrated approach to incorporate wastewater, stormwater and runoff, and recycled water management into a single strategy through its (\_\_\_\_\_) Plan.
- (E) The City of Walnut is committed to a stormwater management program that protects water quality and water supply by employing watershed-based approaches that balance environmental, social, and economic considerations.
- (F) It is the intent of the City of Walnut to expand the applicability of the existing Standard Urban Stormwater Mitigation Plan (SUSMP) requirements by providing stormwater and rainwater LID strategies for Development and Redevelopment projects as defined under "Applicability."



[MUNICIPAL CODE SECTION REFERENCE(S)] of the [CITY NAME] Municipal Code is amended in its entirety to read as follows:

### **Definitions.**

Except as specifically provided herein, any term used in this [SECTION REFERENCE] shall be defined as that term in the current Municipal NPDES permit, or if it is not specifically defined in either the Municipal NPDES permit, then as such term is defined in the Federal Clean Water Act, as amended, and/or the regulations promulgated thereunder. If the definition of any term contained in this chapter conflicts with the definition of the same term in the current Municipal NPDES permit, then the definition contained in the Municipal NPDES permit shall govern. The following words and phrases shall have the following meanings when used in this chapter:

**Automotive Service Facility** means a facility that is categorized in any one of the following Standard Industrial Classification (SIC) and North American Industry Classification System (NAICS) codes. For inspection purposes, Permittees need not inspect facilities with SIC codes 5013, 5014, 5541, 5511, provided that these facilities have no outside activities or materials that may be exposed to stormwater (Source: Order No. R4-2012-0175).

**Basin Plan** means the Water Quality Control Plan, Los Angeles Region, Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties, adopted by the Regional Water Board on June 13, 1994 and subsequent amendments (Source: Order No. R4-2012-0175).

**Best Management Practice (BMP)** means practices or physical devices or systems designed to prevent or reduce pollutant loading from stormwater or non-stormwater discharges to receiving waters, or designed to reduce the volume of stormwater or non-stormwater discharged to the receiving water (Source: Order No. R4-2012-0175).

**Biofiltration** means a LID BMP that reduces stormwater pollutant discharges by intercepting rainfall on vegetative canopy, and through incidental infiltration and/or evapotranspiration, and filtration. Incidental infiltration is an important factor in achieving the required pollutant load reduction. Therefore, the term "biofiltration" as used in this Ordinance is defined to include only systems designed to facilitate incidental infiltration or achieve the equivalent pollutant reduction as biofiltration BMPs with an underdrain (subject to approval by the Regional Board's Executive Officer). Biofiltration BMPs include bioretention systems with an underdrain and bioswales (Modified from: Order No. R4-2012-0175).

**Bioretention** means a LID BMP that reduces stormwater runoff by intercepting rainfall on vegetative canopy, and through evapotranspiration and infiltration. The bioretention system typically includes a minimum 2-foot top layer of a specified soil and compost mixture underlain by a gravel-filled temporary storage pit dug into the in-situ soil. As defined in the Municipal NPDES permit, a bioretention BMP may be designed with an overflow drain, but may not include an underdrain. When a bioretention BMP is designed or constructed with an underdrain it is regulated by the Municipal NPDES permit as biofiltration (Modified from: Order No. R4-2012-0175).



**Bioswale** means a LID BMP consisting of a shallow channel lined with grass or other dense, low-growing vegetation. Bioswales are designed to collect stormwater runoff and to achieve a uniform sheet flow through the dense vegetation for a period of several minutes (Source: Order No. R4-2012-0175).

**City** means the City of Walnut.

**Clean Water Act (CWA)** means the Federal Water Pollution Control Act enacted in 1972, by Public Law 92-500, and amended by the Water Quality Act of 1987. The Clean Water Act prohibits the discharge of pollutants to Waters of the United States unless the discharge is in accordance with an NPDES permit.

**Commercial Malls** means any development on private land comprised of one or more buildings forming a complex of stores which sells various merchandise, with interconnecting walkways enabling visitors to easily walk from store to store, along with parking area(s). A commercial mall includes, but is not limited to: mini-malls, strip malls, other retail complexes, and enclosed shopping malls or shopping centers (Source: Order No. R4-2012-0175).

**Construction Activity** means any construction or demolition activity, clearing, grading, grubbing, or excavation or any other activity that result in land disturbance. Construction does not include emergency construction activities required to immediately protect public health and safety or routine maintenance activities required to maintain the integrity of structures by performing minor repair and restoration work, maintain the original line and grade, hydraulic capacity, or original purposes of the facility. See "Routine Maintenance" definition for further explanation. Where clearing, grading or excavating of underlying soil takes place during a repaving operation, State General Construction Permit coverage by the State of California General Permit for Storm Water Discharges Associated with Industrial Activities or for Stormwater Discharges Associated with Construction Activities is required if more than one acre is disturbed or the activities are part of a larger plan (Source: Order No. R4-2012-0175).

**Control** means to minimize, reduce or eliminate by technological, legal, contractual, or other means, the discharge of pollutants from an activity or activities (Source: Order No. R4-2012-0175).

**Development** means construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail, and other non-residential projects, including public agency projects; or mass grading for future construction. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety (Source: Order No. R4-2012-0175).

**Directly Adjacent** means situated within 200 feet of the contiguous zone required for the continued maintenance, function, and structural stability of the environmentally sensitive area (Source: Order No. R4-2012-0175).

**Discharge** means any release, spill, leak, pump, flow, escape, dumping, or disposal of any liquid, semi-solid, or solid substance.

**Disturbed Area** means an area that is altered as a result of clearing, grading, and/or excavation (Source: Order No. R4-2012-0175).

**Flow-through BMPs** means modular, vault type "high flow biotreatment" devices contained within an impervious vault with an underdrain or designed with an impervious liner and an underdrain (Modified from: Order No. R4-2012-0175).

**General Construction Activities Storm Water Permit (GCASP)** means the general NPDES permit adopted by the State Board which authorizes the discharge of stormwater from construction activities under certain conditions.

**General Industrial Activities Storm Water Permit (GIASP)** means the general NPDES permit adopted by the State Board which authorizes the discharge of stormwater from certain industrial activities under certain conditions.

**Green Roof** means a LID BMP using planter boxes and vegetation to intercept rainfall on the roof surface. Rainfall is intercepted by vegetation leaves and through evapotranspiration. Green roofs may be designed as either a bioretention BMP or as a biofiltration BMP. To receive credit as a bioretention BMP, the green roof system planting medium shall be of sufficient depth to provide capacity within the pore space volume to contain the design storm depth and may not be designed or constructed with an underdrain (Source: Order No. R4-2012-0175).

**Hazardous Material(s)** means any material(s) defined as hazardous by Division 20, Chapter 6.95 of the California Health and Safety Code.

**Hillside** means a property located in an area with known erosive soil conditions, where the development contemplates grading on any natural slope that is 25% or greater and where grading contemplates cut or fill slopes (Source: Order No. R4-2012-0175).

**Impervious Surface** means any man-made or modified surface that prevents or significantly reduces the entry of water into the underlying soil, resulting in runoff from the surface in greater quantities and/or at an increased rate, when compared to natural conditions prior to development. Examples of places that commonly exhibit impervious surfaces include parking lots, driveways, roadways, storage areas, and rooftops. The imperviousness of these areas commonly results from paving, compacted gravel, compacted earth, and oiled earth.

**Industrial Park** means land development that is set aside for industrial development. Industrial parks are usually located close to transport facilities, especially where more than one transport modalities coincide: highways, railroads, airports, and navigable rivers. It includes office parks, which have offices and light industry (Source: Order No. R4-2012-0175).

**Infiltration BMP** means a LID BMP that reduces stormwater runoff by capturing and infiltrating the runoff into in-situ soils or amended onsite soils. Examples of infiltration BMPs include infiltration basins, dry wells, and pervious pavement (Source: Order No. R4-2012-0175).

**LID** means Low Impact Development. LID consists of building and landscape features designed to retain or filter stormwater runoff (Source: Order No. R4-2012-0175).

**MS4** means Municipal Separate Storm Sewer System (MS4). The MS4 is a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

- (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
- (ii) Designed or used for collecting or conveying stormwater;
- (iii) Which is not a combined sewer; and
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.

(40 CFR § 122.26(b)(8)) (Source: Order No. R4-2012-0175)

**National Pollutant Discharge Elimination System (NPDES)** means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under CWA §307, 402, 318, and 405. The term includes an "approved program" (Source: Order No. R4-2012-0175).

**Natural Drainage System** means a drainage system that has not been improved (e.g., channelized or armored). The clearing or dredging of a natural drainage system does not cause the system to be classified as an improved drainage system (Source: Order No. R4-2012-0175).

**New Development** means land disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision (Source: Order No. R4-2012-0175).

**Non-Stormwater Discharge** means any discharge to a municipal storm drain system that is not composed entirely of stormwater (Source: Order No. R4-2012-0175).

**Parking Lot** means land area or facility for the parking or storage of motor vehicles used for businesses, commerce, industry, or personal use, with a lot size of 5,000 square feet or more of surface area, or with 25 or more parking spaces (Source: Order No. R4-2012-0175).

**Person** means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, state, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

**Planning Priority Projects** means development projects subject to Permittee conditioning and approval for the design and implementation of post-construction controls to mitigate stormwater pollution, prior to completion of the project(s) (Modified from: Order No. R4-2012-0175).

**Pollutant** means any "pollutant" defined in Section 502(6) of the Federal Clean Water Act or incorporated into the California Water Code Sec. 13373. Pollutants may include, but are not limited to the following:

- (1) Commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash, and sludge).
- (2) Metals (such as cadmium, lead, zinc, copper, silver, nickel, chromium, and non-metals such as phosphorus and arsenic).
- (3) Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants, and grease).
- (4) Excessive eroded soil, sediment, and particulate materials in amounts that may adversely affect the beneficial use of the receiving waters, flora, or fauna of the State.
- (5) Animal wastes (such as discharge from confinement facilities, kennels, pens, recreational facilities, stables, and show facilities).
- (6) Substances having characteristics such as pH less than 6 or greater than 9, or unusual coloration or turbidity, or excessive levels of fecal coliform, or fecal streptococcus, or enterococcus.

**Project** means all development, redevelopment, and land disturbing activities. The term is not limited to "Project" as defined under CEQA (Pub. Resources Code §21065) (Source: Order No. R4-2012-0175).

**Rainfall Harvest and Use** means a LID BMP system designed to capture runoff, typically from a roof but can also include runoff capture from elsewhere within the site, and to provide for temporary storage until the harvested water can be used for irrigation or non-potable uses. The harvested water may also be used for potable water uses if the system includes disinfection treatment and is approved for such use by the local building department (Source: Order No. R4-2012-0175).

**Receiving Water** means "water of the United States" into which waste and/or pollutants are or may be discharged (Source: Order No. R4-2012-0175).

**Redevelopment** means land-disturbing activity that results in the creation, addition, or replacement of 5,000 square feet or more of impervious surface area on an already developed site. Redevelopment includes, but is not limited to: the expansion of a building footprint; addition or replacement of a structure; replacement of impervious surface area that is not part of routine maintenance activity; and land disturbing activity related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety (Source: Order No. R4-2012-0175).

**Regional Board** means the California Regional Water Quality Control Board, Los Angeles Region.

**Restaurant** means a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC Code 5812) (Source: Order No. R4-2012-0175).

**Retail Gasoline Outlet** means any facility engaged in selling gasoline and lubricating oils (Source: Order No. R4-2012-0175).

#### **Routine Maintenance**

Routine maintenance projects include, but are not limited to projects conducted to:

1. Maintain the original line and grade, hydraulic capacity, or original purpose of the facility.
2. Perform as needed restoration work to preserve the original design grade, integrity and hydraulic capacity of flood control facilities.
3. Includes road shoulder work, regrading dirt or gravel roadways and shoulders and performing ditch cleanouts.
4. Update existing lines\* and facilities to comply with applicable codes, standards, and regulations regardless if such projects result in increased capacity.
5. Repair leaks

Routine maintenance does not include construction of new\*\* lines or facilities resulting from compliance with applicable codes, standards and regulations.

\* Update existing lines includes replacing existing lines with new materials or pipes.

\*\* New lines are those that are not associated with existing facilities and are not part of a project to update or replace existing lines (Source: Order No. R4-2012-0175).

**Significant Ecological Areas (SEAs)** means an area that is determined to possess an example of biotic resources that cumulatively represent biological diversity, for the purposes of protecting biotic diversity, as part of the Los Angeles County General Plan. Areas are designated as SEAs, if they possess one or more of the following criteria:

1. The habitat of rare, endangered, and threatened plant and animal species.
2. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind, or are restricted in distribution on a regional basis.
3. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind or are restricted in distribution in Los Angeles County.



4. Habitat that at some point in the life cycle of a species or group of species, serves as a concentrated breeding, feeding, resting, migrating grounds and is limited in availability either regionally or within Los Angeles County.
5. Biotic resources that are of scientific interest because they are either an extreme in physical/geographical limitations, or represent an unusual variation in a population or community.
6. Areas important as game species habitat or as fisheries.
7. Areas that would provide for the preservation of relatively undisturbed examples of natural biotic communities in Los Angeles County.
8. Special areas (Source: Order No. R4-2012-0175).

**Site** means land or water area where any "facility or activity" is physically located or conducted, including adjacent land used in connection with the facility or activity (Source: Order No. R4-2012-0175).

**Storm Drain System** means any facilities or any part of those facilities, including streets, gutters, conduits, natural or artificial drains, channels, and watercourses that are used for the purpose of collecting, storing, transporting or disposing of stormwater and are located within the City of Walnut.

**Storm Water or Stormwater** means water that originates from atmospheric moisture (rain or snow) and that falls onto land, water, or other surfaces. Without any change in its meaning, this term may be spelled or written as one word or two separate words.

**Stormwater Runoff** means that part of precipitation (rainfall or snowmelt) which travels across a surface to the storm drain system or receiving waters.

**SUSMP** means the Los Angeles Countywide Standard Urban Stormwater Mitigation Plan. The SUSMP was required as part of the previous Municipal NPDES Permit (Order No. 01-182, NPDES No. CAS004001) and required plans that designate best management practices (BMPs) that must be used in specified categories of development projects.

**Urban Runoff** means surface water flow produced by storm and non-storm events. Non-storm events include flow from residential, commercial, or industrial activities involving the use of potable and non-potable water.

**[MUNICIPAL CODE SECTION REFERENCE(S)]** is amended to read as follows:

**SEC. [X]. STORMWATER POLLUTION CONTROL MEASURES FOR DEVELOPMENT PLANNING AND CONSTRUCTION ACTIVITIES**

- (A) **Objective.** The provisions of this section contain requirements for construction activities and facility operations of Development and Redevelopment projects to comply with the current "Municipal NPDES permit," lessen the water quality impacts of development by using smart growth practices, and integrate LID design principles to mimic

predevelopment hydrology through infiltration, evapotranspiration and rainfall harvest and use. LID shall be inclusive of SUSMP requirements.

- (B) Scope.** This Section contains requirements for stormwater pollution control measures in Development and Redevelopment projects and authorizes the City of Walnut to further define and adopt stormwater pollution control measures, develop LID principles and requirements, including but not limited to the objectives and specifications for integration of LID strategies, grant waivers from the requirements of the Standard Urban Stormwater Mitigation Plan, and collect funds for projects that are granted waivers. Except as otherwise provided herein, the City of Walnut shall administer, implement and enforce the provisions of this Section.

- (C) Applicability.** The following Development and Redevelopment projects, termed "Planning Priority Projects," shall comply with the requirements of **SECTION NUMBER**:

- (1) All development projects equal to 1 acre or greater of disturbed area that adds more than 10,000 square feet of impervious surface area.
- (2) Industrial parks 10,000 square feet or more of surface area.
- (3) Commercial malls 10,000 square feet or more of surface area.
- (4) Retail gasoline outlets with 5,000 square feet or more of surface area.
- (5) Restaurants (Standard Industrial Classification (SIC) of 5812) with 5,000 square feet or more of surface area.
- (6) Parking lots with 5,000 square feet or more of impervious surface area, or with 25 or more parking spaces.
- (7) Streets and roads construction of 10,000 square feet or more of impervious surface area.
- (8) Automotive service facilities (Standard Industrial Classification (SIC) of 5013, 5014, 5511, 5541, 7532-7534 and 7536-7539) 5,000 square feet or more of surface area.
- (9) Projects located in or directly adjacent to, or discharging directly to an Environmentally Sensitive Area (ESA), where the development will:
  - a. Discharge stormwater runoff that is likely to impact a sensitive biological species or habitat; and
  - b. Create 2,500 square feet or more of impervious surface area
- (10) Single-family hillside homes.



(11) Redevelopment Projects

- a. Land disturbing activity that results in the creation or addition or replacement of 5,000 square feet or more of impervious surface area on an already developed site on Planning Priority Project categories.
- b. Where Redevelopment results in an alteration to more than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction stormwater quality control requirements, the entire project must be mitigated.
- c. Where Redevelopment results in an alteration of less than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction stormwater quality control requirements, only the alteration must be mitigated, and not the entire development.
- d. Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety. Impervious surface replacement, such as the reconstruction of parking lots and roadways which does not disturb additional area and maintains the original grade and alignment, is considered a routine maintenance activity. Redevelopment does not include the repaving of existing roads to maintain original line and grade.
- e. Existing single-family dwelling and accessory structures are exempt from the Redevelopment requirements unless such projects create, add, or replace 10,000 square feet of impervious surface area.

(D) **Effective Date.** The Planning and Land Development requirements contained in Section 7 of Order No. R4-2012-0175 shall become effective 90 days from the adoption of the Order (February 6, 2013). This includes Planning Priority Projects that are discretionary permit projects or project phases that have not been deemed complete for processing, or discretionary permit projects without vesting tentative maps that have not requested and received an extension of previously granted approvals within 90 days of adoption of the Order. Projects that have been deemed complete within 90 days of adoption of the Order are not subject to the requirements Section 7.

(E) **Stormwater Pollution Control Requirements.** The Site for every Planning Priority Project shall be designed to control pollutants, pollutant loads, and runoff volume to the maximum extent feasible by minimizing impervious surface area and controlling runoff from impervious surfaces through infiltration, evapotranspiration, bioretention and/or rainfall harvest and use.

(1) A new single-family hillside home development shall include mitigation measures to:

- a. Conserve natural areas;
  - b. Protect slopes and channels;
  - c. Provide storm drain system stenciling and signage;
  - d. Divert roof runoff to vegetated areas before discharge unless the diversion would result in slope instability; and
  - e. Direct surface flow to vegetated areas before discharge, unless the diversion would result in slope instability.
- (2) Street and road construction of 10,000 square feet or more of impervious surface shall follow USEPA guidance regarding Managing Wet Weather with Green Infrastructure: Green Streets (December 2008 EPA-833-F-08-009) to the maximum extent practicable.
- (3) The remainder of Planning Priority Projects shall prepare a LID Plan to comply with the following:
- a. Retain stormwater runoff onsite for the Stormwater Quality Design Volume (SWQDV) defined as the runoff from:
    - i. The 85th percentile 24-hour runoff event as determined from the Los Angeles County 85th percentile precipitation isohyetal map; or
    - ii. The volume of runoff produced from a 0.75 inch, 24-hour rain event, whichever is greater.
  - b. Minimize hydromodification impacts to natural drainage systems as defined in the Municipal NPDES Permit. Hydromodification requirements are further specified in [NAME OF POST-CONSTRUCTION BMP HANDBOOK].
  - c. When, as determined by the City of Walnut, 100 percent onsite retention of the SWQDV is technically infeasible, partially or fully, the infeasibility shall be demonstrated in the submitted LID Plan. The technical infeasibility may result from conditions that may include, but are not limited to:
    - i. The infiltration rate of saturated in-situ soils is less than 0.3 inch per hour and it is not technically feasible to amend the in-situ soils to attain an infiltration rate necessary to achieve reliable performance of infiltration or bioretention BMPs in retaining the SWQDV onsite.
    - ii. Locations where seasonal high groundwater is within five to ten feet of surface grade;



- iii. Locations within 100 feet of a groundwater well used for drinking water;
  - iv. Brownfield development sites or other locations where pollutant mobilization is a documented concern;
  - v. Locations with potential geotechnical hazards;
  - vi. Smart growth and infill or redevelopment locations where the density and/ or nature of the project would create significant difficulty for compliance with the onsite volume retention requirement.
- d. If partial or complete onsite retention is technically infeasible, the project Site may biofiltrate 1.5 times the portion of the remaining SWQDv that is not reliably retained onsite. Biofiltration BMPs must adhere to the design specifications provided in the Municipal NPDES Permit.
- i. Additional alternative compliance options such as offsite infiltration may be available to the project Site. The project Site should contact the City of Walnut to determine eligibility. Alternative compliance options are further specified in [NAME OF POST-CONSTRUCTION BMP HANDBOOK].
- e. The remaining SWQDv that cannot be retained or biofiltered onsite must be treated onsite to reduce pollutant loading. BMPs must be selected and designed to meet pollutant-specific benchmarks as required per the Municipal NPDES Permit. Flow-through BMPs may be used to treat the remaining SWQDv and must be sized based on a rainfall intensity of:
- i. 0.2 inches per hour, or
  - ii. The one year, one-hour rainfall intensity as determined from the most recent Los Angeles County isohyetal map, whichever is greater.
- f. A Multi-Phased Project may comply with the standards and requirements of this section for all of its phases by: (a) designing a system acceptable to the City of Walnut to satisfy these standards and requirements for the entire Site during the first phase, and (b) implementing these standards and requirements for each phase of Development or Redevelopment of the Site during the first phase or prior to commencement of construction of a later phase, to the extent necessary to treat the stormwater from such later phase. For purposes of this section, "Multi-Phased Project" shall mean any Planning Priority Project implemented over more than one phase and the Site of a Multi-Phased Project shall include any land and water area designed and used to store, treat or manage stormwater runoff in connection with the Development or Redevelopment, including any tracts, lots, or parcels of real property, whether Developed or not, associated with, functionally connected to, or under common ownership or control with such Development or Redevelopment.



(F) **Validity.** If any provision of this Ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect remaining provisions of this Ordinance are declared to be severable.

(G) **Certification.** The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy.

APPROVED AND ADOPTED this \_\_\_th day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Teresa De Dios, City Clerk

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES ) ss.  
CITY OF WALNUT )

I, Teresa De Dios, City Clerk of the City of Walnut, do hereby certify that the foregoing Ordinance \_\_\_\_\_ being:

**AN ORDINANCE AMENDING [MUNICIPAL CODE SECTION REFERENCE(S)] OF THE CITY OF WALNUT MUNICIPAL CODE TO EXPAND THE APPLICABILITY OF THE EXISTING [NAME OF POST-CONSTRUCITON REQUIREMENTS - LIKELY "SUSMP" FOR MOST MUNICIPALITIES] REQUIREMENTS BY IMPOSING LOW IMPACT DEVELOPMENT (LID) STRATEGIES ON PROJECTS THAT REQUIRE BUILDING PERMITS.**

Said Ordinance was duly introduced at a regular meeting held on the \_\_\_<sup>th</sup> day of \_\_\_\_\_, 20\_\_, and was adopted and passed at a regular meeting of the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by the following vote, to wit:

AYES: COUNCILMEMBER(S):  
NOES: COUNCILMEMBER(S):  
ABSENT: COUNCILMEMBER(S):  
ABSTAIN: COUNCILMEMBER(S):

ATTEST:

---

Teresa De Dios, City Clerk

DRAFT

# Attachment B

Draft Green Streets Policy  
City of Walnut

# Green Street Policy

## City of Walnut

### Purpose

The City of Walnut shall implement green street BMPs for transportation corridors associated with new and redevelopment street and roadway projects, including Capital Improvement Projects (CIPs). Implementation of this policy is to demonstrate compliance with the NPDES MS4 Permit for the Los Angeles Region (Order No. R4-2012-0175).

Green streets can provide many benefits including water quality improvement, groundwater replenishment, creation of attractive streetscapes, creation of parks and wildlife habitats, and pedestrian and bicycle accessibility. Green streets are defined as right-of-way areas that incorporate infiltration, biofiltration, and/or storage and use BMPs to collect, retain, or detain stormwater runoff as well as a design element that creates attractive streetscapes.

### Policy

- A. Application. The City of Walnut shall require new development and/or redevelopment streets and roadway projects and CIP projects conducted within the right-of-way of transportation corridors to incorporate green street BMPs. Transportation corridors projects are roadway projects that add at least 10,000 square feet of impervious surface. Routine maintenance or repair and linear utility projects are excluded from these requirements. Routine maintenance includes slurry seals, repaving, and reconstruction of the road or street where the original line and grade are maintained.
- B. Amenities. The City of Walnut shall consider opportunities to replenish groundwater, create attractive streetscapes, create parks and wildlife habitats, and provide pedestrian and bicycle accessibility through new development and redevelopment of streets and roadway projects and CIPs.
- C. Guidance. The City of Walnut shall use the City of Los Angeles Green Streets guidance, USEPA's *Managing Wet Weather with Green Infrastructure Municipal Handbook: Green Streets*<sup>1</sup>, or equivalent guidance developed by the [DEPARTMENT OF PUBLIC WORKS] for use in public and private developments.
- D. Retrofit Scope. The City of Walnut shall use the City's Watershed Management Program or Enhanced Watershed Management Program to identify opportunities for green street BMP retrofits. Final decisions regarding implementation will be determined by the City Engineer based on the availability of adequate funding.
- E. Training. The Department of Public Works shall incorporate aspects of green streets into internal annual staff training.



## Notice of Intent I. Individual Watershed Management Plan

### 1. *Rationale for I-WMP*

The **City of West Covina** has chosen the I-WMP, albeit with reservation, to meet TMDL and non-water quality standards (referred to collectively as "WQSs") for several reasons including but not limited to the following:

- i. The I-WMP allows the City to determine to what extent its existing stormwater quality management program (SQMP), which has been in effect since 2002, is meeting TMDLs and non-TMDL WQSs, based on outfall monitoring against ambient WQSs. It is possible that the City has been meeting some or even most WQSs. If outfall monitoring shows persistent exceedances the I-WMP will contain a mechanism for addressing it.
- ii. The City cannot justify an Enhanced Watershed Management Plan (E-WMP) at this time because: (1) there are no water quality monitoring data that would justify this extreme and costly option; (2) neither the County of Los Angeles (which wrote the E-WMP provision in the current MS4 permit) nor the City of Los Angeles has indicated what multi-benefit projects it is proposing to provide the "safe harbor"<sup>1</sup> that would enable participating permittees to achieve compliance even if exceedances of TMDLs and non-TMDL WQSs occur<sup>2</sup>; (3) there is no guarantee that participating in an E-WMP would assure compliance with WQSs; (4) there is no current funding mechanism for the E-WMP<sup>3</sup>; and (5) were the City to commit to an E-WMP, it would be required to enter into an MOU that could bind it to its requirements even if funding is not available.
- iii. The City has chosen the I-WMP, even though it still ties it to having to comply with strict waste load allocations (WLAs) at the outfall and apparently in the receiving water as well. The City would have preferred to meet WQSs through the implementation of its stormwater management plan (SWMP) as is provided

<sup>1</sup>Neither the County nor City of Los Angeles, which are encouraging permittees to participate in "regional multi-benefit" projects that would provide the safe harbor, has yet to disclose what those projects are.

<sup>2</sup>The MS4 permit asserts that the E-WMP provides compliance with WQSs and even with some minimum control measures (viz., the 6 core programs that form the stormwater management program required under federal law). There is reason to believe that this provision is extra-legal and could be voided either under administrative or judicial challenge. For one thing, an E-WMP is not a water quality based effluent limitation (WQBEL) which would translate a WQS into a compliance action. Perhaps it could have been one had the MS4 permit made clear that the E-WMP contains BMPs capable of meeting all the numeric WQSs over time. Instead, the MS4 permit incorrectly uses WQBEL to mean the same thing as a waste load allocation. Further, the EWMP's regional multi-benefit project requirement cannot guarantee compliance with WLAs measured at the outfall if the project is located outside of permittee's MS4. Even if the MS4 permit survives challenge, there is no guarantee that the E-WMP and its safe harbor provision will carry-over to the next MS4 permit. MS4 permits are five years in duration and the next Regional Board has the authority change permit requirements. It could not be argued that the anti-backsliding provision of Clean Water Action Section 402(o) would compel the next Regional Board to continue the E-WMP. This is because anti-backsliding only applies to WQSs, not to the means of achieving them. Further, 402(o) contains other anti-backsliding exemptions.

<sup>3</sup>The Los Angeles County Board of Supervisors indicated at its March 12, 2013 public hearing on the Clean Beaches, Clean Water Fee Initiative that it does not intend to re-try this proposition as a 218 parcel fee. Instead, they suggested that if another fee measure is attempted it would be through a regular tax vote.



under the Receiving Water Limitation (RWL) section of the MS4 permit. The RWL can be interpreted to mean that if a permittee implements its SWMP in a timely and complete manner it will be in compliance with WQSs. If persistent exceedances of WQSs are detected from outfall discharges the permittee shall report them to the Regional Board along with a plan for improving BMPs to address the exceedances. This constitutes an "iterative process." However, the MS4 permit appears to over-ride the RWL provision by requiring permittees to meet the WQSs by any means necessary by interim TMDL deadlines. Nevertheless, just to err on the side of caution, the City has chosen the I-WMP because it will provide more time for compliance with interim WLAs. It is expected that by the time compliance with interim TMDLs is due, the administrative petition and state-wide RWL language (expected to be decided by the State Water Resources Control Board some time in February of 2014), will have been resolved. Although West Covina is opting for an I-WMP and CIMP, it shall work in cooperation with the following permittees on a watershed basis.

Watershed/Sub-watershed	Participating MS4s
<ul style="list-style-type: none"> <li>San Gabriel River<sup>4</sup></li> </ul>	<ul style="list-style-type: none"> <li>El Monte (reach 3)</li> <li>South El Monte (reach 3)</li> <li>Glendora (reach 5 and Walnut Creek)</li> <li>Irwindale (reach 4 and 5)</li> <li>West Covina (Walnut and San Jose Creek)</li> </ul>

Each participating MS4 will be responsible for preparing its own individual WMPs and conducting its own monitoring. However, because each of these permittees shares the same consultant, cost-sharing of I-WMP and CIMP development shall result in de facto terms.

## 2. *Water Quality Based Effluent Limitations and Receiving Water Limitations*

Dry and wet weather interim and final water quality based effluent limitations (WQBELs) and receiving water limitations (RWLs) are discussed below. There is a definitional problem with these terms, however. Neither the MS4 permit nor state and federal law define or refer to an interim or final WQBEL or RWL. Nor is there a definition of a dry or wet weather WQBEL and RWL. However, based on conversations with Regional Board staff it appears that a dry and wet weather WQBEL is synonymous with a dry and wet weather waste load allocation in a TMDL, but applied to outfalls. And, it appears that a dry and wet weather RWL are TMDL WLAs applied to a receiving water. The use of the term RWL is confusing because it does not square with its use under the Receiving Water Limitation section of the MS4 permit. Further, the MS4 permit defines a RWL to mean:

<sup>4</sup>Note: The TMDLs for reaches and segments within the San Gabriel River Metals TMDL (currently a USEPA TMDL) extends metals TMDLs (copper, lead, zinc, and selenium) to all permittees that drain into this watershed, regardless of whether a permittee is located within the impaired reach as determined by the State's 303(d) list.

*Any applicable numeric or narrative water quality objective or criterion, or limitation to implement the applicable water quality objective or criterion, for the receiving water as contained in Chapter 3 or 7 of the Water Quality Control Plan for the Los Angeles Region (Basin Plan), water quality control plans or policies adopted by the State Water Board, or federal regulations, including but not limited to, 40 CFR § 131.38.*

Nevertheless, the foregoing definition is deficient to the extent that is limited only to water quality objectives (WQOs), which are State standards. The definition should only have referenced WQSs, which are federal standards and according to the Los Angeles Region Basin Plan also includes WQOs. Or it should have just added WQSs in the sentence, thereby making it clear that WQSs and WQOs are RWLs. This is an important distinction because a WQO cannot be interpreted to mean or apply to a TMDL.

Beyond this, if the Regional Board intended interim and final RWLs to mean WLAs that require compliance in receiving waters, based on in-stream monitoring, it is mistaken. As RWL language in the Order at V.A.1 explains: *Discharges from the MS4 that cause or contribute to the violation of receiving water limitations are prohibited.* From this, it would be unreasonable to conclude that an RWL can be expressed in interim or final terms. It has been suggested that the RWL is merely a compliance standard, expressed as a WLA, applied to the receiving water that must be complied through in-stream measurements. However, it is clear from Order section V.A.1 that determining violations of RWLs can only be determined by measuring discharges from the MS4 (viz., an outfall or end-of-pipe).

i. *Dry and Wet Weather Interim and Final WQBELs for San Gabriel River-Related TMDLs*

The City cannot identify wet weather interim and final WQBELs because of the uncertainty of what a WQBEL means. There is no definition of a wet weather or dry weather WQBEL anywhere in federal law or USEPA guidance. There is also no definition in Attachment A of the Order. It only explains it as acronym, which stands for a "water quality based effluent limitation." It has been suggested that a WQBEL is the same as a WLA. The City disagrees with this interpretation. A WQBEL is a means of attaining a WLA, generally expressed as BMPs. Complicating matters is that the SGR M-TMDL is a USEPA TMDL, which only requires WQBEL-BMPs to achieve compliance with TMDL WLAs. WQBELs, within the context of this TMDL, translate WLAs into BMPs, rendering a clear definition that does not exist in the Order.

Further complicating matters is that USEPA TMDLs do not define WQBELs to mean the same as WLAs. Instead, as noted in the current MS4 permit, USEPA TMDLs interpret WQBELs to mean BMPs. Until the SGR M-TMDL is adopted as State TMDL, which must go through a basin plan amendment process, the City will rely on USEPA's definition of a WQBEL. In any case, dry and wet WLAs are



numeric targets established for USEPA's SGR M-TMDLs. They are listed in the table below.

San Gabriel River Watershed TMDLs

Wet Weather WLA			
Water Body	Copper	Lead	Zinc
San Gabriel River Reach 2 <sup>5</sup>	N/A	81.34 mg/l x daily storm volume (L)	N/A
Coyote Creek <sup>6</sup>	24.71 mg/l x daily storm volume (L)	96.99 mg/l x daily storm volume (L)	144.57 mg/l x daily storm volume (L)
Dry Weather			
Water Body	Copper	Selenium	
Coyote Creek	20 mg/l	N/A	N/A
San Gabriel Estuary <sup>7</sup>	3.7 mg/l	N/A	N/A
San Jose Creek Reach 1	NA	5 mg/l	N/A

According to the San Gabriel River Metals TMDL (SGR-MTMDL), which is currently a USEPA TMDL, all permittees located in the San Gabriel River watershed are subject to waste load allocations (WLAs) for copper, zinc, lead, and selenium as following excerpt from it indicates:

*Wet-weather allocations will be developed for all upstream reaches and tributaries in the watershed that drain to impaired reaches during wet weather.<sup>8</sup> Discharges to these upstream reaches can cause or contribute to exceedances of water quality standards in San Gabriel River Reach 2 and Coyote Creek and thus contribute to impairments.*

However, the City is of the view that it should not be subject to any of the SGR M-TMDLs. Table 7-1 of the TMDL lists West Covina as being subject to TMDLs for Walnut Creek for toxicity and San Jose Creek Reach 1 for selenium. However, according to the 2010 303(d) list, toxicity for Walnut Creek and San Jose Creek, Reach 1, for selenium has been de-listed.

In spite of this, Regional Board staff has concluded that the City is subject to all of the M-TMDLs because of the tributary rule. The tributary rule does not apply here, however. It only operates to extend a beneficial use within a reach to an

<sup>5</sup>The City does not drain into Reach 2 of the San Gabriel River.

<sup>6</sup>According to the 2010 303(d) list relating to Coyote Creek: (1) the source of dissolved copper is "unknown;" (2) the source of lead is "point source municipal waste water; and (3) zinc has been delisted.

<sup>7</sup>According to the 2010 303(d) list, the source of dissolved copper for the San Gabriel River Estuary is unknown.

<sup>8</sup>This assertion contradicts State Board Water Quality Order 2001-15, which held: *There is no provision in state or federal law that mandates the adoption of separate water quality standards for wet weather conditions (see page 10).*

unidentified water body such as a stream or a lake. It cannot extend a beneficial use to an outside reach for which that same use does not exist. For example, the beneficial use of Reach 2 of the Rio Hondo is ground water recharge. It obviously cannot apply the same use to an upstream or downstream reach, even though the reaches are tributary to it. And, in any case, a beneficial use and a water quality standard are two separate issues. A water quality standard is intended to protect a beneficial use. If that standard is not sufficient, based on monitoring, then a TMDL would be required.

ii. *Dry and Wet Weather Interim and Final Receiving Water Limitations for San Gabriel River-Related TMDLs*

See paragraph (ii) above.

3. *Watershed Control Measures*

It is not clear if the MS4 permit requires watershed control measures for the I-WMP option non-TMDL pollutants. Nevertheless, the City's I-WMP shall identify watershed controls measures (WCMs) to be considered for implementation based on monitoring data generated from the CIMP. If persistent exceedances are detected, the I-WMP will be amended to include BMPs tailored to address the exceedances for TMDL or non-TMDL pollutants. The BMPs will be implemented to include one or more of the 6 minimum control measures mandated for MS4s under the Clean Water Act that will be specific to the TMDL.

Should additional WCMs be required, based on monitoring data indicating persistent exceedances detected at the outfall against ambient standards, the City will rely on implementation plans already developed for TMDLs by a number of permittees, including the County of Los Angeles Watershed Management Division. Specifically, it will review both structural and non-structural BMPs in the various implementation plans. The BMPs will undergo a reasonable assurance analysis using an appropriate performance-predicting model. Selection of the final BMP or suite of final BMPs will be based on the extent of the pollution problem (viz., the frequency and level of exceedances) and their individual or combined efficacy in addressing the exceeded WLAs.

4. *Demonstration of a Low Impact Development Ordinance*

The City has begun development of the LID ordinance to the extent that: (1) it has reviewed the City and County of Los Angeles' versions; and (2) is considering a more abbreviated ordinance of its own. The City's experience with the Standard Urban Stormwater Management Program (SUSMP) ordinance is that the more requirements specified in a code can result in less flexibility that could, as a result, pose a problem to enforcement. The City, therefore, is leaning towards code language that will be brief and will defer to LID guidelines that the City plans to develop at a later date, just as was the case for the SUSMP ordinance. It was the

stormwater quality management plan (SQMP) development planning/SUSMP guidelines under the previous Order that actually determined how compliance was to be specifically achieved. Further, guidelines can be easily amended as opposed to amending the code.

#### 5. *Demonstration of Green Street Policy Development*

The Green Street Policy shall be based on the requirements of the Order which applies to the **Land Use Development Program** and its subject new development and redevelopment projects:

*Street and road construction of 10,000 square feet or more of impervious surface area shall follow USEPA guidance regarding Managing Wet Weather with Green Infrastructure: Green Streets (December 2008 EPA-833-F-08-009) to the maximum extent practicable. Street and road construction applies to standalone streets, roads, highways, and freeway projects, and also applies to streets within larger projects.*

This provision clearly directs permittees to follow USEPA guidance to the maximum extent practicable<sup>9</sup> and is applicable to 10,000 square feet or more of impervious surface. The City shall apply it to new transportation corridors in areas of new development which are defined as *standalone streets, roads, highways, and freeway projects, and also applies to streets within larger projects*. It shall not, as specified in the Order, apply to routine maintenance for subject redevelopment projects necessary to:

*maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety. Impervious surface replacement, such as the reconstruction of parking lots and roadways which does not disturb additional area and maintains the original grade*

The City's commitment to this policy shall be expressed through: (1) the Land Use Development element of its Stormwater Management Program ("SWMP"), which includes this and five other minimum control measures; and through (2) its General Plan Transportation Element at the time of its next update. The policy shall be effectuated as a type of infiltration best management practice (BMP) permittees have been incorporating into new and redevelopment projects under the previous Order's SUSMP since 2006.

The City sees no necessity in placing or implementing its green street program in its I-WMP. This is because green infrastructure is associated with the Land Use Development Program which is a mandatory core SWMP component that would be

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<sup>9</sup>MEP will be based on, among other factors, cost and infiltration rates and shall allow for infiltration of street runoff through other media such as porous concrete.



implemented even if a permittee only chose to rely on its minimum control measures ("MCMs") to achieve compliance with TMDLs and other water quality standards.

6. *Technical Advisory Committee*

The MS4 permit specifies a technical advisory committee ("TAC") that will "advise and participate" in the development of WMPs and E-WMPs. It is not clear if the MS4 permit intended the TAC to also include I-WMPs. Further, although the TAC is to be comprised of representatives of watershed management areas ("WMAs") it does not specify a procedural mechanism for choosing them. The previous MS4 permit specified watershed management committees which were structured to make decisions based on majority rule. These committees were not carried over to this MS4 permit. A similar decision-making mechanism will need to be developed for selecting the TAC.

END SECTION I

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## Notice of Intent II. Coordinated Integrated Monitoring Plan

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The City declares its preference for participation in a Coordinated Integrated Monitoring Plan ("CIMP"). The CIMP will include participation with other MS4 permittees according to watersheds as mentioned above. The CIMP will address all of the monitoring requirements specified in the MS4 permit's Monitoring and Reporting Program ("MRP") element. The purpose of the CIMP is to: (1) characterize watersheds/sub-watersheds relative to WQs; (2) determine to what extent MS4 permittees are meeting or not meeting WQs; and (3) achieve monitoring cost savings through collective participation with other permittees sharing common watershed location.

The City takes the position that a comparison of outfalls discharges against ambient referents is the only legally valid monitoring requirement for determining compliance. To this end, the City shall collect outfall samples in accordance with the MRP and measure them against ambient standards.<sup>10</sup> Ambient standards have been used by the Los Angeles Regional Water Quality Control Board's Surface Water Ambient Program (SWAMP) for Dominguez Channel, Los Angeles River, and Machado Lake. It should be noted, however, that the Regional Board has not adhered to a consistent definition of ambient water quality monitoring. Although it references ambient in the Los Angeles River metals and bacteria TMDLs, it has not done so for the Dominguez Channel Harbors Toxics TMDL and for the Machado Lake Nutrients and Toxics TMDLs.

Ambient water quality monitoring is generally understood to mean collecting water quality samples during dry weather either during the dry season or during the wet season following a storm event. This has been confirmed by the Regional Board's SWAMP. SWAMP indicated that initially it performed ambient monitoring between 48 and 72 hours after a storm event. It later chose to conduct ambient during the spring and summer because there was no significant difference between the two sampling periods.

Measuring outfall discharges against wet weather WLAs is not required under federal or state law.<sup>11</sup> This argument is also reflected in the City's administrative petition challenging the MS4 permit. Nevertheless, the City shall compare outfall discharges against wet weather WLAs and data generated from existing in-stream stations relative to applicable TMDLs as well as against ambient discharges for purposes of reference and comparison rather than compliance.

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## END SECTION II

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<sup>10</sup>It is well established that water quality standards, including California Toxics Rule standards, are ambient standards.

<sup>11</sup>See State Water Resources Control Board Order WQ 2001-15, page 10-11.

# ATTACHMENT B

State Board Issue Paper  
Municipal Storm Water Permit Receiving Water  
Limitations Board Workshop  
November 20, 2012

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State Water Resources Control Board

State Water Resources Control Board  
Issue Paper  
Municipal Storm Water Permit Receiving Water Limitations  
Board Workshop  
November 20, 2012

**ISSUE:**

The State Water Resources Control Board (State Water Board) has been asked, in public comments received on National Pollutant Discharge Elimination System (NPDES) permits for Municipal Separate Storm Sewer Systems (MS4s), to adopt permit provisions that create a partial or complete exemption from enforcement for violations of water quality standards while a discharger engages in an iterative process of improving controls (commonly referred to as a "safe harbor" provision). The State Water Board has scheduled a public workshop to consider the issue.

**DISCUSSION:**

Background:

The Clean Water Act generally requires NPDES permits to include technology-based effluent limitations and any more stringent limitations necessary to meet water quality standards. In the context of NPDES permits for MS4s, however, the Clean Water Act does not reference the requirement to meet water quality standards. MS4 discharges must meet a technology-based standard of reducing pollutants in the discharge to the Maximum Extent Practicable (MEP), but requirements to meet water quality standards are at the discretion of the permitting agency.<sup>1</sup> Further, under the Porter-Cologne Water Quality Control Act, waste discharge requirements must implement applicable water quality control plans, including water quality objectives; however, the Porter-Cologne Act also affords the State Water Board and regional water quality control boards (collectively, Water Boards) flexibility to consider other factors, such as economics, when establishing any NPDES permit requirements that are more stringent than required by the Clean Water Act.<sup>2</sup>

The State Water Board has exercised its discretion with regard to requiring compliance with water quality standards in MS4 permits by directing, in precedential orders, that MS4 permits contain provisions requiring discharges to be controlled so as not to cause or contribute to exceedances of water quality standards in receiving waters.<sup>3</sup> However, consistent with federal

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<sup>1</sup> 33 U.S.C. § 1342(p); *Defenders of Wildlife v. Browner* (9th Cir. 1999) 191 F.3d 1159.

<sup>2</sup> Wat. Code, §§ 13241, 13263; *City of Burbank v. State Water Resources Control Bd.* (2005) 35 Cal.4th 613.

<sup>3</sup> SWRCB Order WQ 98-01 (*Environmental Health Coalition*), WQ 99-05 (*Environmental Health Coalition*).



law, the State Water Board has found it appropriate to implement Best Management Practices (BMPs) in lieu of numeric water quality-based effluent limitations to meet water quality standards.<sup>4</sup> Additionally, in lieu of "strict compliance" with water quality standards, the State Water Board has prescribed an iterative process whereby an exceedance of a water quality standard triggers a process of BMP improvements: reporting of the violation, submission of a report describing proposed improvements to BMPs expected to better meet water quality standards, and implementation of these new BMPs.

While the Water Boards have generally directed dischargers to achieve compliance with water quality standards by improving control measures through the iterative process, the iterative process does not provide a "safe harbor" to MS4 permittees: that is, when a discharger is shown to be causing or contributing to an exceedance of water quality standards, that discharger is in violation of the relevant discharge prohibitions and receiving water limitations of the permit and potentially subject to enforcement by the Water Boards or through a citizen suit, even if the discharger is actively engaged in the iterative process. Despite the lack of a safe harbor provision, however, the Water Boards have, as a matter of practice, declined to initiate enforcement actions against MS4 permittees who have been actively engaged in the iterative process. The Water Boards' decisions to decline to include a safe harbor in MS4 permits have been upheld by courts of appeal.<sup>5</sup>

*Need for and Purpose of Workshop:*

The lack of a safe harbor in the iterative process was recently highlighted by the Ninth Circuit's decision in a citizen suit brought by the Natural Resources Defense Council (NRDC) against the County of Los Angeles and the Los Angeles County Flood Control District for violations of the receiving water limitations of their MS4 permit. The Ninth Circuit confirmed that, as the receiving water limitations of the Water Boards' MS4 permits are currently drafted, engagement in the iterative process does not excuse liability for violations of water quality standards.<sup>6</sup>

As the storm water management programs of municipalities have matured, an increasing body of monitoring data indicates that water quality standards are in fact not being met by many MS4s. MS4s accordingly assert that the receiving water limitations and iterative process provisions of the Water Boards' permits do not afford them with a viable path to compliance for these violations, which may take years of technical efforts to correct, especially for wet weather discharges. MS4s argue that they are increasingly vulnerable to citizen suits and/or Water Board enforcement. This concern has been raised by the California Stormwater Quality Association (CASQA) in comments on the proposed Phase II MS4 permit and by the California Department of Transportation (Caltrans) in comments on the Caltrans MS4 permit adopted

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<sup>4</sup> See SWRCB Orders WQ 91-03 (*Citizens for a Better Environment*), WQ 98-01 (*Environmental Health Coalition*), WQ 2001-15 (*Building Industry Association of San Diego County*); See also 40 C.F.R. § 122.44(k); Interim Permitting Approach for Water Quality-Based Effluent Limitations In Storm Water Permits, USEPA, September 1995. In such orders and guidance, the State Water Board and Environmental Protection Agency acknowledge that the storm water program may evolve over time to incorporate stricter limitations, including improved BMPs to meet water quality standards or numeric water quality based effluent limitations.

<sup>5</sup> *Building Industry Assn. of San Diego County v. State Water Resources Control Bd.* (2004) 124 Cal.App.4th 866; *City of Rancho Cucamonga v. Regional Water Quality Control Bd.* (2006) 135 Cal.App.4th 1377; see also *Natural Resources Defense Council v. County of Los Angeles* (9th Cir. 2011) 673 F.3d 880, 897, n.7.

<sup>6</sup> *Natural Resources Defense Council v. County of Los Angeles*, *supra*, 673 F.3d at p. 897. On July 13, 2012, the United States Supreme Court granted review of this case on other grounds.



September 19, 2012, as well as by numerous MS4s and interested persons in comments on both permits. The issue is additionally relevant to the Phase I MS4 permits issued by the regional water quality control boards.<sup>7</sup>

At the same time, the environmental community has commented that the iterative process has been underutilized and ineffective to date in bringing MS4 discharges into compliance with water quality standards. Environmental parties argue that direct enforcement of water quality standards is necessary to protect water quality, especially in such second- or third-generation permits where dischargers have already had a number of years to come into compliance.

Because of the broad applicability of any policy decisions regarding the receiving water limitations and iterative process provisions, the State Water Board is holding a public workshop to consider several alternatives in addressing the issue and to seek public input on these alternatives. Following the workshop, the State Water Board may propose revisions to the receiving water limitations in the Caltrans MS4 and Phase II MS4 permits, and as necessary, re-open those permits after public review and comment, to make the revisions.

#### **ALTERNATIVES FOR CONSIDERATION:**

The State Water Board may consider the alternatives below, individually or in combination, to address concerns with the receiving water limitations in the Caltrans or Phase II MS4 permits. While the listed alternatives attempt to capture the range of alternatives before the State Water Board, the Board welcomes comments proposing other options and will not be limiting its consideration to the alternatives as listed in this issue paper.

The receiving water limitations language prescribed by State Water Board Order WQ 99-05 is attached as Attachment 1 and forms the basis of Alternative 1. CASQA has submitted specific proposed language for the Receiving Water Limitations provision of the proposed Phase II MS4 permit (CASQA Proposal). The CASQA Proposal is attached as Attachment 2 and is referenced as appropriate in the discussion of the alternatives below.

#### **Alternative 1: Keep the status quo of no safe harbor.**

This alternative makes no changes to the existing State Water Board approach or to the current language of the adopted Caltrans MS4 permit or the proposed Phase II MS4 permit. As stated previously, the current MS4 permit provisions laying out the iterative process are based on language set forth in precedential State Water Board orders. (See Attachment 1.) Alternative 1 adheres to the prescribed language. Under this alternative, the Water Boards may choose to exercise their enforcement discretion to refrain from taking action against dischargers engaged in good faith implementation of the iterative process; however, they would not be constrained from enforcing the receiving water limitations when an MS4 causes or contributes to exceedances of water quality standards. As a limitation within an NPDES permit, dischargers who cause or contribute to an exceedance of water quality standards could be subject to citizen suits.

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<sup>7</sup> Note that the issue is not relevant to any other NPDES permits, including permits for storm water discharges associated with industrial activity, because all other NPDES permits must include technology-based effluent limitations and any more stringent limitations necessary to meet water quality standards. (33 U.S.C. § 1311(b)(1)(C).)

**Alternative 2: No safe harbor, but provide greater clarity and specificity for iterative process implementation and wet weather data analysis.**

Greater clarity and specificity in the MS4 permits as to the iterative process requirements may result in increased efforts to improve controls and achieve compliance. Such clarity and specificity may include:

1. Clarification on how compliance with the relevant discharge prohibitions and receiving water limitations is determined, including type and frequency of monitoring;
2. Clarification that dischargers must begin the iterative process after documentation of violations without waiting to be directed to do so by the Water Boards;
3. Specification of the minimum efforts that will constitute meaningful compliance with the iterative process;
4. Specification of the scope of any corrective action, including whether it applies only at the location where exceedances are measured or throughout the relevant watershed;
5. Specification of additional wet weather data analysis to better define and assess the impact of municipal storm water discharges on receiving waters, as well as the efficacy of specific best management practices.

As the MS4 program continues to mature and more data becomes available, this alternative may be enhanced by the development of water quality-based effluent limitations for pollutants, as appropriate, as a means of determining compliance with receiving water limitations. In addition, the enhanced wet weather data could be used to identify surrogates that could be used as a measure of protecting beneficial uses. In time, the data could be used to develop actual wet weather water quality standards or wet weather implementation provisions for existing water quality standards that could be applied consistently on a statewide basis.

Given the nature of storm water discharges and of MS4s, questions such as where and how compliance with water quality standards should be measured and how narrowly or broadly corrective actions should be applied, pose complicated technical issues that require careful study and consideration. These challenges notwithstanding, water quality improvements are more likely to be achieved as the iterative process becomes automatic and dischargers follow clear guidelines for determining and addressing non-compliance with permit terms. Such improvements may dissuade the Water Boards and the public from bringing enforcement actions/citizen suits for all except the most egregious and repeated violations.

In addition to being a stand-alone alternative, Alternative 2 may be considered in combination with Alternatives 3 through 5. The CASQA Proposal incorporates some greater specificity in the iterative process requirements as a component of its proposed receiving water limitations.

**Alternative 3: Safe harbor that applies only if a discharger is in compliance with the implementation provisions of an approved TMDL.**

Under Alternative 3, the receiving water limitations would be amended to provide a safe harbor for permittees that are in compliance with the implementation provisions of a TMDL. In effect, as long as the permittee is in compliance with the TMDL (including any compliance schedule) the terms of the TMDL would replace the requirement to comply with water quality standards for the pollutants that are covered by the TMDL.

The CASQA Proposal contemplates a safe harbor for dischargers in compliance with a TMDL as a component of the receiving water limitations.

**Alternative 4: Safe harbor that applies if a discharger is in compliance with the implementation provisions of an approved TMDL, as in Alternative 3, and, in addition, that applies when the discharger engages in good faith compliance with the iterative process for exceedances caused by wet weather discharges.**

In addition to the safe harbor for TMDL implementation, Alternative 4 would provide a safe harbor when dischargers engage in the iterative process in good faith to address violations of permit terms caused by wet weather discharges. Thus, if a storm water discharge from an MS4 is causing or contributing to an exceedance of a water quality standard in the receiving water, the exceedance would not constitute a violation of the permit as long as the discharger was engaged in good faith efforts to address the exceedance through improved controls. Alternative 4 recognizes that wet weather discharges from MS4s frequently cause or contribute to violations of water quality standards and allows the MS4s time to address these violations by improving control measures.

However, the safe harbor would not extend to dry weather discharges. Non-storm water discharges are generally prohibited in MS4 permits and only a few categories of non-storm water discharges are exempted from the prohibition, with the condition that these exempted discharges also be prohibited if they are identified as sources of pollutants to receiving waters.

**Alternative 5: Full safe harbor.**

This alternative would provide a full safe harbor to dischargers complying with the implementation provisions of a TMDL or engaging in the iterative process to address exceedances caused by wet or dry weather discharges.

The CASQA Proposal attached provides for a full safe harbor.

**Attachment 1:**

**State Water Board Order WQ 99-05  
(Prescribing language for receiving water limitations in MS4 permits)**

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

ORDER: WQ 99 - 05

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Own Motion Review of the Petition of  
Environmental Health Coalition  
to Review Waste Discharge Requirements Order No. 96-03,  
NPDES Permit No. CAS0108740  
for Storm Water and Urban Runoff from the  
Orange County Flood Control District  
and the  
Incorporated Cities of Orange County  
Within the San Diego Region,  
Issued by the  
California Regional Water Quality Control Board,  
San Diego Region.

*SWRCB/OCC File A-1041*

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BY THE BOARD:

In Order WQ 98-01, the State Water Resources Control Board (State Water Board) ordered that certain receiving water limitation language be included in future municipal storm water permits. Following inclusion of that language in permits issued by the San Francisco Bay and San Diego Regional Water Quality Control Boards (Regional Water Boards) for Vallejo and Riverside respectively, the United States Environmental Protection Agency (EPA) objected to the permits. The EPA objection was based on the receiving water limitation language. The EPA has now issued those permits itself and has included receiving water limitation language it deems appropriate.



In light of EPA's objection to the receiving water limitation language in Order WQ 98-01 and its adoption of alternative language, the State Water Board is revising its instructions regarding receiving water limitation language for municipal storm water permits. It is hereby ordered that Order WQ 98-01 will be amended to remove the receiving water limitation language contained therein and to substitute the EPA language. Based on the reasons stated here, and as a precedent decision,<sup>1</sup> the following receiving water limitation language shall be included in future municipal storm water permits.<sup>2</sup>

#### RECEIVING WATER LIMITATIONS

The permittees shall comply with Discharge Prohibitions [ ]<sup>3</sup> and Receiving Water Limitations [ ] through timely implementation of control measures and other actions to reduce pollutants in the discharges in accordance with the SWMP and other requirements of this permit including any modifications. The SWMP shall be designed to achieve compliance with Receiving Water Limitations [ ]. If exceedance(s) of water quality objectives or water quality standards (collectively, WQS) persist notwithstanding implementation of the SWMP and other requirements of this permit, the permittees shall assure compliance with Discharge Prohibitions [ ] and Receiving Water Limitations [ ] by complying with the following procedure:

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<sup>1</sup> In SWRCB Order WR 96-1, the State Water Board determined that water quality orders are precedent decisions. (See Gov. Code §11425.60.)

<sup>2</sup> This language may be revised as necessary to ensure that terminology conforms with the rest of the permit.

<sup>3</sup> Insert appropriate numbers for prohibitions and limitations that implement water quality objectives and water quality standards.

- a. Upon a determination by either the permittees or the Regional Water Board that discharges are causing or contributing to an exceedance of an applicable WQS, the permittees shall promptly notify and thereafter submit a report to the Regional Water Board that describes BMPs that are currently being implemented and additional BMPs that will be implemented to prevent or reduce any pollutants that are causing or contributing to the exceedance of WQSs. The report may be incorporated in the annual update to the SWMP unless the Regional Water Board directs an earlier submittal. The report shall include an implementation schedule. The Regional Water Board may require modifications to the report.
- b. Submit any modifications to the report required by the Regional Water Board within 30 days of notification.
- c. Within 30 days following approval of the report described above by the Regional Water Board, the permittees shall revise the SWMP and monitoring program to incorporate the approved modified BMPs that have been and will be implemented, implementation schedule, and any additional monitoring required.
- d. Implement the revised SWMP and monitoring program in accordance with the approved schedule.

So long as the permittees have complied with the procedures set forth above and are implementing the revised SWMP, the permittees do not have to repeat the same procedure for continuing or recurring exceedances of the same receiving water limitations unless directed by the Regional Water Board to develop additional BMPs.

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ORDER

IT IS ORDERED that Order WQ 98-01 is revised as discussed above.

CERTIFICATION

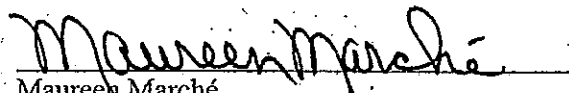
The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on June 17, 1999.

AYE: James M. Stubchaer  
Mary Jane Forster  
John W. Brown  
Arthur G. Baggett, Jr.

NO: None

ABSENT: None

ABSTAIN: None

  
Maureen Marché  
Administrative Assistant to the Board

**Attachment 2**

**CASQA Proposal for Receiving Water Limitations Language**

## **CASQA Proposal for Receiving Water Limitation Provision**

### **D. RECEIVING WATER LIMITATIONS**

1. Except as provided in Parts D.3, D.4, and D.5 below, discharges from the MS4 for which a Permittee is responsible shall not cause or contribute to an exceedance of any applicable water quality standard.
2. Except as provided in Parts D.3, D.4 and D.5, discharges from the MS4 of storm water, or non-storm water, for which a Permittee is responsible, shall not cause a condition of nuisance.
3. In instances where discharges from the MS4 for which the permittee is responsible (1) causes or contributes to an exceedance of any applicable water quality standard or causes a condition of nuisance in the receiving water; (2) the receiving water is not subject to an approved TMDL that is in effect for the constituent(s) involved; and (3) the constituent(s) associated with the discharge is otherwise not specifically addressed by a provision of this Order, the Permittee shall comply with the following iterative procedure:
  - a. Submit a report to the State or Regional Water Board (as applicable) that:
    - i. Summarizes and evaluates water quality data associated with the pollutant of concern in the context of applicable water quality objectives including the magnitude and frequency of the exceedances.
    - ii. Includes a work plan to identify the sources of the constituents of concern (including those not associated with the MS4 to help inform Regional or State Water Board efforts to address such sources).
    - iii. Describes the strategy and schedule for implementing best management practices (BMPs) and other controls (including those that are currently being implemented) that will address the Permittee's sources of constituents that are causing or contributing to the exceedances of an applicable water quality standard or causing a condition of nuisance, and are reflective of the severity of the exceedances. The strategy shall demonstrate that the selection of BMPs will address the Permittee's sources of constituents and include a mechanism for tracking BMP implementation. The strategy shall provide for future refinement pending the results of the source identification work plan noted in D.3. ii above.
    - iv. Outlines, if necessary, additional monitoring to evaluate improvement in water quality and, if appropriate, special studies that will be undertaken to support future management decisions.
    - v. Includes a methodology (ies) that will assess the effectiveness of the BMPs to address the exceedances.
    - vi. This report may be submitted in conjunction with the Annual Report unless the State or Regional Water Board directs an earlier submittal.



- b. Submit any modifications to the report required by the State or Regional Water Board within 60 days of notification. The report is deemed approved within 60 days of its submission if no response is received from the State or Regional Water Board.
  - c. Implement the actions specified in the report in accordance with the acceptance or approval, including the implementation schedule and any modifications to this Order.
  - d. As long as the Permittee has complied with the procedure set forth above and is implementing the actions, the Permittee does not have to repeat the same procedure for continuing or recurring exceedances of the same receiving water limitations unless directed by the State Water Board or the Regional Water Board to develop additional BMPs.
- 4. For Receiving Water Limitations associated with waterbody-pollutant combinations addressed in an adopted TMDL that is in effect and that has been incorporated in this Order, the Permittees shall achieve compliance as outlined in Part XX (Total Maximum Daily Load Provisions) of this Order. For Receiving Water Limitations associated with waterbody-pollutant combinations on the CWA 303(d) list, which are not otherwise addressed by Part XX or other applicable pollutant-specific provision of this Order, the Permittees shall achieve compliance as outlined in Part D.3 of this Order.
- 5. If a Permittee is found to have discharges from its MS4 causing or contributing to an exceedance of an applicable water quality standard or causing a condition of nuisance in the receiving water, the Permittee shall be deemed in compliance with Parts D.1 and D.2 above, unless it fails to implement the requirements provided in Parts D.3 and D.4 or as otherwise covered by a provision of this order specifically addressing the constituent in question, as applicable.

# ATTACHMENT C

State Water Resources Control Board  
Waste Discharge for Storm Water Discharges From  
Small Municipal Separate Storm Sewer Systems  
Order No. 2013-0001-DWQ

**STATE WATER RESOURCES CONTROL BOARD  
WATER QUALITY ORDER NO. 2013-0001-DWQ  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)  
GENERAL PERMIT NO. CAS000004**

**WASTE DISCHARGE REQUIREMENTS (WDRs)  
FOR  
STORM WATER DISCHARGES FROM SMALL MUNICIPAL SEPARATE STORM SEWER  
SYSTEMS (MS4s) (GENERAL PERMIT)**



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## FINDINGS

### The State Water Resources Control Board (State Water Board) finds that:

1. Storm water is a resource and an asset and should not be treated as a waste product. Managing rainwater and storm water at the source is a more effective and sustainable alternative to augmenting water supply, preventing impacts from flooding, mitigating storm water pollution, creating green space, and enhancing fish and wildlife habitat. California encourages alternative, innovative, multi-objective solutions to help use and protect this valuable resource, while at the same time controlling pollution due to urban runoff.
2. As human population increases, urban development creates new pollution sources and brings with it proportionately higher levels of car emissions, car maintenance wastes, municipal sewage, pesticides, household hazardous wastes, pet wastes, trash, etc. which can either be washed or directly dumped into the municipal separate storm sewer system (MS4). As a result, the runoff leaving the developed urban area is greater in pollutant load than the pre-development runoff from the same area. Also, when natural vegetated pervious ground cover is converted to impervious surfaces such as paved highways, streets, rooftops, walkways and parking lots, the natural absorption and infiltration abilities of the land are lost. Therefore, runoff leaving developed urban area is significantly greater in runoff volume, velocity, peak flow rate, and duration than pre-development runoff from the same area. The increased volume, velocity, rate, and duration of runoff greatly accelerate the erosion of downstream natural channels. In addition, the greater the impervious cover the greater the significance of the degradation.
3. Pollutants of concern found in urban runoff include sediments, non-sediment solids, nutrients, pathogens, oxygen-demanding substances, petroleum hydrocarbons, heavy metals, floatables, polycyclic aromatic hydrocarbons (PAHs), trash, pesticides and herbicides.
4. Trash and litter are a pervasive problem in California. Controlling trash is a priority, because trash adversely affects our use of California's waterways. Trash impacts aquatic life in streams, rivers, and the ocean as well as terrestrial species in adjacent riparian and shore areas. Trash, particularly plastics, persists for years. It concentrates organic toxins, entangles and ensnares wildlife, and disrupts feeding when animals mistake plastic for food and ingest it. Additionally, trash creates aesthetic impacts, impairing our ability to enjoy our waterways.
5. The State Water Resources Control Board (State Board) is developing a statewide policy for trash control in California's waterways. The draft Trash Policy will identify trash as a separate pollutant and establish methods to control trash pollution in waterways, statewide. Following adoption of the draft Trash Policy, the State Water Board may re-open this Order to incorporate water body trash pollution control methods and introduce Trash Reduction Program requirements.
6. A higher percentage of impervious area in urban areas correlates to a greater pollutant loading, resulting in turbid water, nutrient enrichment, bacterial contamination, organic matter loads, toxic compounds, temperature increases, and increases in trash or debris.
7. Conventional landscaping features large lawns, non-native plants, abundant irrigation, and heavy use of fertilizers, herbicides, and pesticides. It frequently requires significant mowing,

blowing, trimming, and removal of plants debris. Adopting more storm water-friendly landscape practices reduces pollutants and also provides tangible water conservation, wildlife habitat, and energy saving benefits.

8. The State Water Board recognizes that this Order affects varied and diverse entities, including agencies that are required to carry out water conservation regulations, wastewater discharge regulations, and land use regulations that may implement, all or in part, provisions of this Order. The State Water Board seeks to minimize duplicate efforts and maximize resources to achieve the greatest water quality benefit; thus the State Water Board recognizes specified related regulations, cited in the body of this Order, as equivalent to implementing designated provisions of this Order.
9. When water quality impacts are considered during the planning stages of a project, new development and many redevelopment projects can more efficiently incorporate measures to protect water quality.
10. In California, urban storm water is listed as the primary source of impairment for ten percent of all rivers, ten percent of all lakes and reservoirs, and 17 percent of all estuaries (2010 Integrated Report). Although these numbers may seem low, urban areas cover just six percent of the land mass of California and so their influence is disproportionately large. Urbanization causes changes in the landscape, including increased loads of chemical pollutants, increased toxicity, changes to flow magnitude, frequency, and seasonality of various discharges, physical changes to stream, lake, or wetland habitats, changes in the energy dynamics of food webs, sunlight, and temperature; and biotic interactions between native and exotic species. In addition to surface water impacts, urbanization can alter the amount and quality of storm water that infiltrates and recharges groundwater aquifers.
11. Education and awareness programs help change human behavior with respect to reducing the amount of pollution generated from storm water sources within the Permittee's MS4 system. In addition to education, encouraging public participation in local storm water programs can lead to program improvement as well as enabling people to identify and report a pollution-causing activity, such as spotting an illicit discharge.
12. Field experience in conducting outfall surveys indicates that illicit discharges may be present at 2 to 5 percent of all outfalls at any given time. Given that pollutants are being introduced into the receiving water during dry weather, illicit discharges may have an amplified effect on water quality and biological diversity.<sup>1</sup> Therefore, implementation of an effective Illicit Discharge and Detection Elimination program in conjunction with focused wet weather monitoring, as necessary, is an essential component of an effective municipal storm water program.
13. In 1990, the U.S. Environmental Protection Agency (U.S. EPA) promulgated rules establishing Phase I of the National Pollutant Discharge Elimination System (NPDES) storm water program. The Phase I program for MS4s requires operators of "medium" and "large" MS4s, that is, those that generally serve populations of 100,000 or greater, to implement a storm water management program as a means to control polluted discharges from these MS4s.

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<sup>1</sup>

Urban Stormwater Management in the United States, National Research Council, 2008

14. A MS4 is a conveyance or system of conveyances that is: 1) owned by a state, city, town, village, or other public entity that discharges to waters of the United States; 2) designed or used to collect or convey storm water (including storm drains, pipes, ditches, etc.); 3) not a combined sewer; and 4) not part of a Publicly Owned Treatment Works or sewage treatment plant.
15. On December 8, 1999, U.S. EPA promulgated Phase II storm water regulations under authority of the Clean Water Act section 402(p)(6). The Phase II Storm Water requires State Water Board to issue NPDES storm water permits to operators of Small MS4s.
16. On April 30, 2003, the State Water Board adopted [Water Quality Order No. 2003-0005-DWQ](#), NPDES General Permit CAS000004 WDRs for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (General Permit) to comply with Clean Water Act section 402(p)(6).
17. Title 40 of the Code of Federal Regulations (40 C.F.R.) section 122.26(b)(16) defines Small MS4s as those not defined as "large" or "medium" MS4s under section 122.26(b)(4) or (b)(7) or designated under 40 Code of Federal Regulations section 122.26(a)(1)(v). The term Small MS4s includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. (40 C.F.R. §122.26(b)(16)(iii).) These latter subsets of Small MS4s are referred to herein as Non-traditional Small MS4s. Non-traditional Small MS4s discharge the same types of pollutants that are typically associated with urban runoff. Separate storm sewers in very discrete areas, such as individual buildings, are not defined as Small MS4s.
18. Of the Small MS4s defined by federal regulations, only "Regulated Small MS4s" (also referred to as "Permittees" herein) must obtain an NPDES permit. Small MS4s are designated as Regulated Small MS4s in this Order in accordance with the criteria described in Findings 19-25.<sup>2</sup>
19. Under 40 Code of Federal Regulations section 122.32(a)(1) all Small MS4s located within an "urbanized area" as determined by the latest Decennial Census by the Bureau of the Census (Urbanized Area) are automatically designated as Regulated Small MS4s.
20. Under 40 Code of Federal Regulations sections 122.32(a)(2) and 123.35(b) the State Water Board is directed to develop a process, as well as criteria, to designate Small MS4s located outside of an Urbanized Area as Regulated Small MS4s. These criteria are to evaluate whether a storm water discharge results in or has the potential to result in exceedances of water quality standards, including impairment of designated uses, or other significant water quality impacts, including habitat and biological impacts.
21. Under guidance provided in 40 Code of Federal Regulations section 123.35(b)(1)(ii), for determining other significant water quality impacts, U.S. EPA recommends a balanced consideration of the following designation criteria on a watershed or other local basis: discharge to sensitive waters, high growth or growth potential, high population density,

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<sup>2</sup> In addition to the designation criteria specified in this Order, the State Water Board may designate a Small MS4 as a Regulated Small MS4 in response to a petition received under 40 Code of Federal Regulations section 122.26(f). Any person may petition the State Water Board to require an NPDES permit for a discharge composed entirely of storm water that contributes to a violation of a water quality standard or is a significant contributor of pollutants to the waters of the United States. (*Id.*) The State Water Board must make a final determination on any petition within 180 days after receiving the petition. (40 C.F.R. [§123.35\(c\)](#).)

contiguity to an urbanized area, significant contributor of pollutants to waters of the U.S., and ineffective protection of water quality by other programs.

22. The State Water Board is required to apply the designation criteria at a minimum to all Small MS4s located outside of Urbanized Areas serving jurisdictions with a population density of at least 1,000 people per square mile and a population of at least 10,000. (40 C.F.R. §123.35(b)(2).) The State Water Board has discretion to apply the criteria to jurisdictions with smaller population or lower density. All such jurisdictions are then Regulated Small MS4s.
23. In developing the designation criteria, the State Water Board included factors indicative of the potential to result in exceedances of water quality standards and other significant water quality impacts. The following criteria are used to designate Small MS4s outside of Urbanized Areas as Regulated Small MS4s in this Order.
  - a. The Small MS4 has high population *and* high population density – High population means a population of 10,000 or more. High population density means a density of 1,000 residents per square mile or greater. Also to be considered in this definition is a high density created by a non-residential population, such as tourists or commuters.
  - b. The Small MS4 discharges to Areas of Special Biological Significance (ASBS) as defined in the California Ocean Plan.
24. Designation of additional Small MS4s as Regulated Small MS4s may be made by the Regional Water Boards on a case by case basis. Case by case determinations of designation shall be based on the potential of a Small MS4's discharges to result in exceedances of water quality standards, including impairment of designated uses, or other significant water quality impacts, including habitat and biological impacts. Where such case by case designations have been recommended by the Regional Water Boards prior to adoption of this Order, the designated Small MS4s are listed on the relevant Attachments to the Order and the reasons for designation are laid out in the Fact Sheet. The Regional Water Boards may continue to make case by case determinations of designation during the permit term. Such designations must be approved by the Regional Water Board after public review and comment.
25. 40 Code of Federal Regulations section 123.35(b)(4) requires designation as a Regulated Small MS4 of any Small MS4 outside an Urbanized Area that contributes substantially to the pollutant loadings of a physically interconnected MS4 regulated by the NPDES storm water program. A Small MS4 is interconnected with a separately permitted MS4 if storm water that has entered the Small MS4 is allowed to flow directly into a permitted MS4. In general, if the Small MS4 discharges more than ten percent of its storm water to the permitted MS4, or its discharge makes up more than ten percent of the permitted MS4's total storm water volume, it is a significant contributor of pollutants to the permitted MS4. In specific cases, the MS4s involved or third parties may show that the ten percent threshold is inappropriate for the MS4 in question.
26. Regulated Small MS4s may seek a waiver from Phase II requirements if they meet criteria specified in 40 Code of Federal Regulations sections 122.32(c)-(e).<sup>3</sup> The State

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<sup>3</sup> Waiver criteria also found at 40 C.F.R. 123.35(d).



Water Board has additionally provided for a waiver for those communities outside of urbanized areas with a population of 20,000 or less with an annual median household income (MHI) that is less than 80 percent of the statewide annual MHI. (Wat. Code, § 79505.5, subd. (a)).

27. Small MS4s face highly variable conditions both in terms of threats to water quality from their storm water discharges and resources available to manage those discharges. Therefore, one set of prescriptive requirements is not an appropriate regulatory approach for all Regulated Small MS4s. This Order distinguishes between New and Renewal Traditional Small MS4 Permittees. Additionally, this Order addresses differences between Traditional and Non-traditional Small MS4s by detailing Non-traditional Small MS4 specific provisions in Section F Non-Traditional Small MS4 Provisions. Provisions are tailored to address the diverse program structures of Non-traditional Small MS4s to allow for an appropriate regulatory approach.
28. There are variable levels of resources available to Regulated Small MS4s for public outreach and education and water quality monitoring. Recognizing this, the Order gives Permittees numerous compliance options in these two program areas. However, all Regulated Small MS4s that discharge to ASBS or impaired water bodies<sup>4</sup> must conduct monitoring as specified in Attachment C and Attachment G, respectively. All Regulated Small MS4s with a population of 50,000 or more must conduct monitoring specified in Sections E.13.d.1. or E.13.d.2. of the Order or as approved by the Executive Officer of the applicable Regional Board. Additionally, for the public outreach program, the Regional Water Boards may require the Regulated Small MS4s to utilize the approach of Community-Based Social Marketing.
29. Renewal Traditional Small MS4 Permittees shall comply with Section E. Certain provisions within Section E contain compliance dates that are past the effective date of this Order, in these cases, the Permittee shall implement its existing program until that date.
30. This Order modifies the existing General Permit, Order 2003-0005-DWQ by establishing the storm water management program requirements in the Order and defining the minimum acceptable elements of the municipal storm water management program. Minimum permit requirements are known at the time of permit issuance and not left to be determined later through Regional Water Board review and approval of Storm Water Management Plans (SWMPs).
31. The State Water Board recognizes the necessity of a storm water program guidance document specific to each Permittee to provide planning and guidance for each program area and to identify responsible implementing parties. Permittees must develop and implement a storm water program guidance document and must submit the document during the application process.
32. The State Water Board recognizes that in some instances Renewal Permittees' SWMPs that were approved under the prior General Permit, Order 2003-0005-DWQ have incorporated BMPs designed to address locality-specific storm water issues and that in some cases these

<sup>4</sup> A waterbody that has been determined under state policy and federal law not meet water quality standards. An impaired water is a water that has been listed on the California 303(d) list or has not yet been listed but otherwise meets the criteria for listing. A water is a portion of a surface water of the state, including ocean, estuary, lake, river, creek, or wetland. The water currently may not be meeting state water quality standards or may be determined to be threatened and have the potential to not meet standards in the future. The State of California's 303(d) list can be found at <http://www.swrcb.ca.gov/quality.html>.



BMPs may, because of locality-specific factors, be more protective of water quality than the minimum requirements established by this Order. Renewal Permittees will additionally include in the guidance document the following: identification and brief description of each BMP and associated measurable goal included in the Permittee's previously approved SWMP under the prior General Permit, Order 2003-0005-DWQ, that constitutes a more specific local or tailored level of implementation that may be more protective of water quality than the minimum requirements of this Order; and identification of whether the Permittee proposes to maintain, reduce, or cease implementation for each more protective, locally-tailored BMP. In no instance may a BMP be reduced or ceased if it is required by the minimum standards set by this Order.

33. Minimum measures have been established in this Order to simplify assessment of compliance and allow the public to more easily assess each Permittee's compliance.
34. Each provision establishes the required task description, minimum implementation levels (i.e., escalating enforcement, reporting requirements for tracking projects, number of monitoring sites, etc.), and reporting elements to substantiate that the Permittee meets these implementation levels. Regional Water Board staff will be able to evaluate each individual Permittee's compliance through Annual Report review and the program evaluation (audit) process.
35. The provisions contained in this Order were derived from two main U.S. EPA documents: MS4 Program Evaluation Guide<sup>5</sup> and the MS4 Permit Improvement Guide<sup>6</sup> along with interviews and information gathered from a lengthy collaborative stakeholder process.
36. Consistent with Clean Water Act section 402(p)(3)(B)(iii), this Order requires controls to reduce pollutants from the MS4 to the maximum extent practicable (MEP). The MEP standard requires Permittees to apply Best Management Practices (BMPs) that are effective in reducing or eliminating the discharge of pollutants to the waters of the U.S. MEP emphasizes pollutant reduction and source control BMPs to prevent pollutants from entering storm water runoff. MEP may require treatment of the storm water runoff if it contains pollutants. The MEP standard is an ever-evolving, flexible, and advancing concept, which considers technical and economic feasibility. BMP development is a dynamic process and may require changes over time as the Permittees gain experience and/or the state of the science and art progresses. To do this, the Permittees must conduct and document evaluation and assessment of each relevant element of its program, and their program as a whole, and revise activities, control measures/BMPs, and measurable goals, as necessary to meet MEP. MEP is the cumulative result of implementing, evaluating, and creating corresponding changes to a variety of technically appropriate and economically feasible BMPs, ensuring that the most appropriate BMPs are implemented in the most effective manner.
37. The Order's Receiving Water Limitations language is consistent with [State Water Board Order WQ 99-05 \(Orange County\)](#) adopted by the State Water Board on June 17, 1999. Receiving Water Limitations apply to all Permittees subject to this Order. The State Water Board held a workshop on November 20, 2012, to hear comments on the receiving water limitations provisions in MS4 permits. This Order has a reopener clause that will allow the State Water Board to reopen the Order if the Board directs changes to the Receiving Water Limitations language based on comments received.
38. Non-storm water discharges consist of all discharges from an MS4 that do not originate from precipitation events. This Order effectively prohibits non-storm water discharges through an

<sup>5</sup> Municipal Separate Storm Sewer System (MS4) Program Evaluation Guidance, USEPA, EPA-833-R-07-003, January 1, 2007

<sup>6</sup> MS4 Permit Improvement Guide, USEPA, April 1, 2010

MS4 into waters of the U.S. Certain categories of non-storm water discharges are conditionally exempt as specified at 40 Code of Federal Regulations section 122.26(d)(2)(iv)(B)(1). Non-storm water discharges that are regulated by a separate NPDES permit are not subject to the discharge prohibition. Prohibited non-storm water discharges include conditionally exempt discharges that are found to be a significant source of pollutants to waters of the U.S.

39. Non-storm water discharges to ASBS are prohibited except as specified in the General Exception. Certain enumerated non-storm water discharges are allowed under the General Exception if essential for emergency response purposes, structural stability, slope stability, or if occur naturally. In addition, an NPDES permitting authority may authorize non-storm water discharges to an MS4 with a direct discharge to an ASBS to the extent the NPDES permitting authority finds that the discharge does not alter natural ocean water quality in the ASBS. This Order allows utility vault discharges to an MS4 with a direct discharge to an ASBS, provided the discharge is authorized by the General NPDES Permit for Discharges from Utility Vaults and Underground Structures to Surface Water, NPDES No. CAG 990002. The State Water Board is in the process of reissuing the General NPDES Permit for Utility Vaults. As part of the renewal, the State Water Board will require a study to characterize representative utility vault discharges to an MS4 with a direct discharge to an ASBS and will impose conditions on such discharges to ensure the discharges do not alter natural ocean water quality in the ASBS. Given the limited number and intermittent nature of utility vault discharges to MS4s that discharge directly to an ASBS, the State Water Board finds that discharges from utility vaults and underground structures to an MS4 with a direct discharge to an ASBS are not expected to result in a substantial alteration of natural ocean water quality in the ASBS in the interim period while the General NPDES Permit for Discharges from Utility Vaults is renewed and the study is completed. Other short-duration, intermittent non-storm water discharges related to LUPs (e.g. groundwater dewatering, potable water system flushing, hydrotest discharges) are regulated under NPDES permits issued by the Regional Water Boards. Although such discharges are not specifically enumerated in the General Exception as essential for emergency response purposes, structural stability, or slope stability, they may be required to ensure the safety and stability of the utility systems or for operations and maintenance and for extending these essential services. For this reason, and because the short-duration and intermittent nature of these discharges renders them unlikely to result in substantial alteration of natural ocean water quality in the ASBS, this Order permits such discharges to a segment of the MS4 with a direct discharge to an ASBS provided they are authorized by an NPDES permit issued by the State Water Board or relevant Regional Water Board. However, if a Regional Water Board determines a specific discharge from a utility vault or underground structure does alter the natural ocean water quality in an ASBS, the Regional Water Board may prohibit the discharge as specified in this Order.
40. Total Maximum Daily Loads (TMDL) are numerical calculations of the maximum amount of a pollutant that a water body can assimilate and still meet water quality standards. A TMDL is the sum of the allowable loads of a single pollutant from all contributing point sources (waste load allocations) and non-point sources (load allocations), background contribution, plus a margin of safety. Discharges from Small MS4s are point source discharges subject to TMDLs. This Order requires Permittees to comply with all applicable TMDLs approved pursuant to 40 Code of Federal Regulations section 130.7 that assign a Waste Load Allocation to Permittee and that have been identified in Attachment G. The high variance in the level of detail and specificity of TMDLs necessitates the development of more specific permit requirements in many cases to provide clarity to the Permittees regarding responsibilities for compliance. The Regional Water Boards have submitted TMDL-specific permit requirements to the State Water Board, for applicable TMDLs, along with statements explaining how the requirements are designed to achieve the goals of the TMDLs (incorporated into the Fact Sheet). The TMDL-specific permit requirements are summarized



in Attachment G and are an enforceable component of this Order. The Regional Water Boards are additionally being directed through this Order to review the TMDL-specific permit requirements of Attachment G in consultation with the Permittees and the State Water Board staff and propose any revisions to the State Water Board within one year of the effective date of this Order. TMDLs applicable to non-traditional dischargers in the region of the Los Angeles Regional Water Board are listed in Attachment G without TMDL-specific permit requirements. The Los Angeles Water Board is being directed to develop and propose TMDL-specific permit requirements for Attachment G in consultation with the Permittees and the State Water Board staff within one year of the effective date of this Order. Any such revisions will be incorporated into the permit through a reopener.

41. Degraded watershed processes lead to degraded water quality. To fully protect beneficial uses, post-construction runoff retention and hydromodification control criteria for individual projects must be derived with a knowledge of dominant watershed processes. Watershed management zones will be delineated by the State Board during this permit term. The Watershed management zones will be used to identify applicable areas and appropriate criteria for runoff retention and hydromodification control to be incorporated into the next permit. Regional Water Boards that approve watershed process-based criteria for post-construction during this permit term will be permitted to require Permittees to implement these criteria.
42. The post-construction requirements and design standards contained in this Order are consistent with [State Water Board Order WQ 2000-11](#) (*Bellflower*).
43. State Water Board, California State Parks and the State Historic Preservation Officer may coordinate efforts to manage post-construction projects involving historic sites, structures or landscapes that cannot alter their original configuration in order to maintain their historic integrity.
44. Permittees will submit Annual Reports electronically using the State Water Board's Storm Water Multi-Application Reporting and Tracking System (SMARTS). The purpose of the Annual Report is to evaluate (1) the implementation of Permittees' storm water program; (2) the effectiveness of BMPs and Measurable Goals, (3) the Permittee's improvement opportunities to achieve MEP, and (4) any supplemental information required by a Regional Water Board in accordance with the Regional Water Board's specific requirements.
45. To apply for General Permit coverage authorizing storm water discharges to surface waters pursuant to this Order, the Permittees shall electronically file a Notice of Intent (NOI) using SMARTS and mail the appropriate permit fee to the State Water Board. The NOI represents the Permittee's commitment to comply with the BMPs specified in this Order to achieve compliance with the minimum control measures specified at 40 Code of Federal Regulations sections 122.34 (b)(1) through (b)(6).
46. Under 40 Code of Federal Regulations section 122.35, a Separate Implementing Entity (SIE) can implement a storm water management program for another entity such as a municipality, agency, or special district. The SIE implements parts or all of a storm water program for a Permittee. Permittees relying on a SIE to implement their entire program must electronically file an NOI using SMARTS and mail appropriate fee to the State Water Board.
47. Each Permittee is individually responsible for adoption and enforcement of ordinances and/or policies, implementation of identified control measures/BMPs needed to prevent or reduce pollutants in storm water and operation and maintenance (O&M). Enforcement actions concerning this Order will be pursued only against the individual Permittee responsible for specific violations of this Order.



48. In accordance with 40 Code of Federal Regulations section 122.28(b)(3), a Regional Water Board may issue an individual MS4 NPDES Permit to a Permittee otherwise subject to this Order, or adopt an alternative general permit that covers storm water discharges regulated by this Order. In accordance with Code of Federal Regulations section 122.34(b)(3), a Regulated Small MS4 in the same urbanized area as a medium or large MS4 may jointly with the medium or large MS4 seek a modification of the other MS4s permit to be added as a limited co-permittee. The applicability of this Order is automatically terminated on the effective date of the individual permit or joint permit or the date of approval for coverage under the alternative general permit.
49. Certain BMPs implemented or required by Permittees for urban runoff management may create a habitat for vectors (e.g., mosquitoes and rodents) if not properly designed or maintained. Close collaboration and cooperation among the Permittees, local vector control agencies, Regional Water Board staff, and the California Department of Public Health is necessary to identify and implement appropriate vector control measures that minimize potential nuisances and public health impacts resulting from vector breeding.
50. 40 Code of Federal Regulations section 131.12 requires that state water quality standards include an anti-degradation policy consistent with the federal policy. The State Water Board established California's anti-degradation policy in [State Water Board Resolution No. 68-16](#). Resolution No. 68-16 incorporates the federal anti-degradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Water Board's Water Quality Control Plans (Basin Plans) implement, and incorporate by reference, both the State and federal anti-degradation policies.
51. This action to adopt an NPDES permit is exempt from the provisions of the California Environmental Quality Act (Public Resources Code § 21100, et seq.) in accordance with Water Code section 13389. (*County of Los Angeles v. Cal. Water Boards*, (2006), 143 Cal.App.4th 985.)
52. Following public notice in accordance with State and federal laws and regulations, the State Water Board, in a public hearing on August 8, 2012, heard and considered all comments. The State Water Board has prepared written responses to all significant comments.
53. The State Water Board has considered the costs of complying with this Order and whether the required BMPs meet the minimum MEP Standard required by federal law. Further discussion of cost of compliance is included in the Fact Sheet.
54. This Order shall serve and become effective as an NPDES permit and the Permittees shall comply with all its requirements pursuant to the timeframes identified within the permit.

IT IS HEREBY ORDERED that operators of Small MS4s subject to this Order shall comply with the following:



## **A. APPLICATION REQUIREMENTS FOR ALL SMALL MS4 PERMITTEES**

Any Small MS4s designated under this Order that chooses to apply for an individual permit or request to join the permit of a Phase I Permittee must notify the Regional Water Board of its intent to do so by July 1, 2013. Census Designated Places (CDPs) listed on Attachment A that are located within an existing NPDES permit area are not required to file for separate coverage and pay separate fees.

### **A.1. Small MS4 Permittees (Except for Department of Defense and Department of Corrections and Rehabilitation Permittees)**

- a. New Permittees shall electronically file an NOI via SMARTS and mail the appropriate fee to the State Water Board by July 1, 2013. Renewal Permittees shall electronically file an NOI via SMARTS and pay the appropriate application fee to the State Water Board. Any Renewal Permittees with paid 2013 application fee invoices shall receive a prorated refund. If the Permittee is designated as a Regulated Small MS4 by a Regional Water Board after adoption of this Order, the Permittee shall file the NOI and mail the appropriate fee within six months of the date of designation.
- b. General Permit coverage will be in effect upon receipt of the following:
  - 1) NOI via SMARTS
  - 2) Appropriate Fee (in accordance with the most recent fee schedule<sup>7</sup>)
  - 3) Permit boundary map delineating permit jurisdiction: At a minimum the map shall include the following:
    - (a) Phase II MS4 permit boundary based on 2010 Census data. For cities, the permit area boundary is the city boundary. For Counties, permit boundaries must include urbanized areas and places identified in Attachment A located within their jurisdictions. The boundaries must be proposed in the permit boundary map and may be developed in conjunction with the applicable Regional Water Board
    - (b) City/County Boundaries
    - (c) Main Arterial Streets
    - (d) Highways
    - (e) Waterways
    - (f) Phase I MS4 Permit Boundary (if applicable)
  - 4) Guidance document: The document shall at least include the following:

New Permittees:

    - (a) Overall program planning
    - (b) Identification of all permit requirements and responsible implementing parties

Renewal Permittees:

    - (a) Overall program planning
    - (b) Identification of all permit requirements and responsible implementing parties

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<sup>7</sup> California Code of Regulations, Title 23, Division 3, Chapter 9 Waste Discharge Reports and Requirements, Article 1 Fees.

- (c) Identification and brief description of each BMP and associated measurable goal included in the Permittee's most current SWMP that constitutes a more specific local or tailored level of implementation that may be more protective of water quality than the minimum requirements of this Order.
- (d) Identification of whether the Permittee will maintain, reduce, or cease implementation for each more protective, locally-tailored BMP.
- (e) For any more protective, locally-tailored BMP and associated measurable goal for which the Renewal Permittee will reduce or cease implementation, the Renewal Permittee shall demonstrate to the Executive Officer of the relevant Regional Water Board that the reduction or cessation is in compliance with this Order and the maximum extent practicable standard, and will not result in increased pollutant discharges. The demonstration by the Permittee will be subject to public comment before any approval by the Executive Officer of reduction or cessation of BMPs. In no instance may the Renewal Permittee reduce or cease a BMP if it is required by the minimum standards set by this Order.

The guidance document may be in spreadsheet, tabular or narrative format.

#### A.2. Department of Defense and Department of Corrections and Rehabilitation Permittees

- a. Permittee shall electronically file an NOI via SMARTS and mail the appropriate fee to the State Water Board by July 1, 2013. If the Permittee is designated as a Regulated Small MS4 by a Regional Water Board after adoption of this Order, the Permittee shall file the NOI and mail the appropriate fee within six months of the date of designation.
- b. General Permit coverage will be in effect upon receipt of the following:
  - 1) NOI via SMARTS
  - 2) Appropriate fee (in accordance with the most recent fee schedule<sup>8</sup>)
  - 3) Permit boundary map as developed by the Permittee

Renewal MS4s must continue implementing their current storm water management programs until submittal of a NOI via SMARTS.

#### A.3. Waiver Certification

Regulated Small MS4s may seek a waiver from the General Permit requirements if they meet criteria specified in 40 C.F.R. §122.32(c)-(e) or additional criteria specified in A.3.b.(3) below.

In order for a Regional Water Board to waive requirements for a Regulated Small MS4, (1) the Regulated Small MS4 must certify that its discharges do not cause or contribute to, or have the potential to cause or contribute to, a water quality impairment, and (2) the Regulated Small MS4 must meet one of the waiver options in Section b below:

- a. Waiver Certification Application Requirements - A Waiver Certification will only be in effect upon completion of the following:

<sup>8</sup> California Code of Regulations, Title 23, Division 3, Chapter 9 Waste Discharge Reports and Requirements, Article 1 Fees.

- 1) Annual Waiver Certification submitted via SMARTS.
- 2) Annual Waiver Certification renewal fee of \$200 plus any applicable surcharge.
- 3) Letter via SMARTS from Regional Water Board or its Executive Officer waiving requirements.

Requirements are automatically waived if the Regional Water Board does not respond within six months.

b. Waiver Criteria

(1) Option 1

- (a) The jurisdiction served by the system is less than 1,000 people;
- (b) The system is not contributing substantially (as defined in Finding 25) to the pollutant loadings of a physically interconnected regulated MS4; and
- (c) If the small MS4 discharges any pollutants identified as a cause of impairment of any water body to which it discharges, storm water controls are not needed based on WLAs that are part of a U.S.EPA approved or established TMDL that addresses the pollutant(s) of concern.

(2) Option 2

- (a) The jurisdiction served by the system is less than 10,000 people;
- (b) The Regional Water Board has evaluated all waters of the U.S. that receive a discharge from the system;
- (c) The Regional Water Board has determined that storm water BMPs are not needed based on WLAs that are part of a U.S. EPA approved or established TMDL that addresses the pollutant(s) of concern or an equivalent analysis; and
- (d) The Regional Water Board has determined that future discharges from the Regulated Small MS4 do not have the potential to result in exceedances of water quality standards.

(3) Option 3 (applicable to Small MS4s outside an Urbanized Area only)

Small Disadvantaged Community – The Regulated Small MS4 certifies that it is a community with a population of 20,000 or less with an annual median household income (MHI) that is less than 80 percent of the statewide annual MHI. (Wat. Code, § 79505.5 , subd.(a)).

If the Waiver Certification Application Requirements or conditions of any waiver option are not met by the Regulated Small MS4, then the Regulated Small MS4 must submit a NOI via SMARTS and appropriate fee for coverage under this General Permit or apply for an individual NPDES permit.

The State Water Board or a Regional Water Board can, at any time, require a previously waived Regulated Small MS4 to comply with this General Permit or an individual NPDES permit if circumstances change so that the conditions of the waiver are no longer met. Changed circumstances can also allow a Regulated Small MS4 to request a waiver at any time.

## B. DISCHARGE PROHIBITIONS

1. Discharges of waste from the MS4 that are prohibited by Statewide Water Quality Control Plans or applicable Regional Water Quality Control Plans (Basin Plans) are prohibited.
2. Discharges of storm water from the MS4 to waters of the U.S. in a manner causing or threatening to cause a condition of pollution or nuisance as defined in Water Code § 13050 are prohibited.
3. Discharges through the MS4 of material other than storm water to waters of the U.S. shall be effectively prohibited, except as allowed under this Provision or as otherwise authorized by a separate NPDES permit. The following non-storm water discharges are not prohibited provided any pollutant discharges are identified and appropriate control measures to minimize the impacts of such discharges, are developed and implemented under the Permittee's storm water program. This provision does not obviate the need to obtain any other appropriate permits for such discharges.
  - a. water line flushing;
  - b. individual residential car washing;
  - c. diverted stream flows;
  - d. rising ground waters;
  - e. uncontaminated ground water infiltration (as defined at 40 C.F.R. §35.2005(20)) to separate storm sewers;
  - f. uncontaminated pumped ground water;
  - g. discharges from potable water sources;
  - h. foundation drains;
  - i. air conditioning condensation;
  - j. springs;
  - k. water from crawl space pumps;
  - l. footing drains;
  - m. flows from riparian habitats and wetlands;
  - n. dechlorinated swimming pool discharges; and
  - o. incidental runoff from landscaped areas(as defined and in accordance with Section B.4 of this Order).

Discharges or flows from fire-fighting activities are excluded from the effective prohibition against non-storm water and need only be addressed where they are identified as significant sources of pollutants to waters of the U.S.

If a Permittee or a Regional Water Board Executive Officer determines that any individual or class of non-storm water discharge(s) listed above may be a significant source of pollutants to waters of the U.S. or physically interconnected MS4, or poses a threat to water quality standards (beneficial uses), the Regional Water Board Executive Officer may require the appropriate Permittee to monitor and submit a report and to implement BMPs on the discharge.

4. Discharges in excess of an amount deemed to be incidental runoff shall be controlled. Regulated Small MS4s shall require parties responsible for such to implement Sections B.4.a-d below. Incidental runoff is defined as unintended amounts (volume) of runoff,

such as unintended, minimal over-spray from sprinklers that escapes the area of intended use. Water leaving an intended use area is not considered incidental if it is part of the facility design, if it is due to excessive application, if it is due to intentional overflow or application, or if it is due to negligence.

Parties responsible for controlling runoff in excess of incidental runoff shall:

- a. Detect leaks (for example, from broken sprinkler heads) and correct the leaks within 72 hours of learning of the leak;
- b. Properly design and aim sprinkler heads;
- c. Not irrigate during precipitation events; and
- d. Manage pond containing recycled water such that no discharge occurs unless the discharge is a result of a 25-year, 24-hour storm event or greater, and the appropriate Regional Water Board is notified by email no later than 24 hours after the discharge. The notification is to include identifying information, including the Permittee's name and permit identification number.

Non-storm water runoff discharge that is not incidental is prohibited, unless otherwise specified in Section B.3 above.

Incidental runoff may be regulated by waste discharge requirements or, where necessary, waste discharge requirements that serve as a NPDES permit, including MS4 permits.

5. Discharge to Areas of Special Biological Significance (ASBS) is prohibited except in compliance with the ASBS Special Protection Provisions in Attachment C. Regulated Small MS4s that discharge to an ASBS are listed in Attachment D and are subject to the ASBS Special Protection Provisions.

## **C. EFFLUENT LIMITATIONS**

1. Permittees shall implement controls as required by this Order to reduce the discharge of pollutants from their MS4s to waters of the U. S. to the MEP. Permittees shall additionally reduce the discharge of pollutants (1) to achieve TMDL waste load allocations (WLAs) established for discharges by the MS4s and (2) to comply with the Special Protections for discharges to ASBS.
2. Storm water discharges regulated by this Order shall not contain a hazardous substance in amounts equal to or in excess of a reportable quantity listed in 40 C.F.R. Part 117 or 40 C.F.R. Part 302.



## **D. RECEIVING WATER LIMITATIONS**

Discharges shall not cause or contribute to an exceedance of water quality standards contained in a Statewide Water Quality Control Plan, the California Toxics Rule (CTR), or in the applicable Regional Water Board Basin Plan.

The Permittee shall comply with Receiving Water Limitations through timely implementation of control measures/BMPs and other actions to reduce pollutants in the discharges and other requirements of this Order including any modifications. The storm water program shall be designed to achieve compliance with Receiving Water Limitations. If exceedance(s) of water quality objectives or water quality standards persist notwithstanding implementation of other storm water program requirements of this Order, the Permittee shall assure compliance with Receiving Water Limitations by complying with the following procedure:

1. Upon a determination by either the Permittee or the Regional Water Board that MS4 discharges are causing or contributing to an exceedance of an applicable water quality standard, the Permittee shall promptly notify and thereafter submit a report to the Regional Water Board that describes BMPs that are currently being implemented and additional BMPs that will be implemented to prevent or reduce any pollutants that are causing or contributing to the exceedance of water quality standards. The report shall include an implementation schedule. The Regional Board may require modifications to the report;
2. Submit any modifications to the report required by the Regional Water Board within 30 days of notification;
3. Implement the actions specified in the report in accordance with the approved schedule;
4. So long as the Permittee has complied with the procedure set forth above and is implementing the actions, the Permittee does not have to repeat the same procedure for continuing or recurring exceedances of the same receiving water limitations unless directed by the State Water Board or the Regional Water Board to develop additional BMPs.

## **E. PROVISIONS FOR ALL TRADITIONAL SMALL MS4 PERMITTEES**

### **E.1. RENEWAL TRADITIONAL SMALL MS4 PERMITTEES**

All Renewal Traditional Small MS4s Permittees shall comply with this Section. Where the requirements of a certain subsection provide a compliance date that is past the effective date of this Order, the Renewal Traditional Small MS4 shall implement its existing program until that date.

### **E.2. NEW TRADITIONAL SMALL MS4 PERMITTEES**

New Traditional Small MS4s shall comply with this Section.

### **E.3. NON-TRADITIONAL SMALL MS4S PERMITTEES**

**E.3.a.** All Renewal Non-Traditional Small MS4 Permittees shall comply with Section F of this Order. Where the requirements of a certain subsection provide a compliance date that is past the effective date of this Order, the Renewal Non-Traditional Small MS4 shall implement its existing program until that date.

**E.3.b.** New Non-Traditional Small MS4s Permittees shall comply with Section F of this Order.

### **E.4. SMALL MS4 ASBS PERMITTEES**

Both Traditional and Non-traditional Small MS4s Permittees that discharge to ASBS as listed on Attachment D shall comply with Attachment C in addition to all other applicable provisions of this Order.

### **E.5. SEPARATE IMPLEMENTING ENTITY (SIE)**

Permittees, both Traditional and Non-traditional Small MS4s, may rely on a SIE to satisfy one or more of the permit obligations, if the SIE can appropriately and adequately address the storm water issues of the Permittee. The SIE must agree to implement the BMPs, or components thereof, to achieve compliance with this Order. If the SIE fails to implement the BMPs, the Permittee remains responsible for compliance with this Order.

### **E.6. PROGRAM MANAGEMENT ELEMENT**

To effectively implement a coordinated storm water program, the Permittee shall have an overarching Program Management element in its storm water management program. The Program Management element shall include the following:

#### **E.6.a. Legal Authority**

- (i) **Task Description** – Within the second year of the effective date of the permit, the Permittee shall review and revise relevant ordinances or other regulatory mechanisms, or adopt any new ordinances or other regulatory mechanisms, to obtain adequate legal authority, to the extent allowable under state or local law, to control pollutant discharges into and from, as applicable, its MS4, and to meet the requirements of this Order.
- (ii) **Implementation Level** –At a minimum, the Permittee shall have adequate legal authority to:
  - (a) Effectively prohibit non-storm water discharges through the MS4. Exceptions to this prohibition are NPDES-permitted discharges of non-storm water and non-storm water discharges in B.3 that are considered non-significant contributors of pollutants. Where the non-storm water discharge is to a segment of an MS4 that discharges directly to an ASBS, exceptions to the non-storm water prohibition are specified in Attachment C.

- (b) Detect and eliminate illicit discharges and illegal connections to the MS4. Illicit connections include pipes, drains, open channels, or other conveyances that have the potential to allow an illicit discharge to enter the MS4. Illicit discharges include all non-storm water discharges not otherwise authorized in this Order, including discharges from organized car washes, mobile cleaning and pressure wash operations,
- (c) Respond to the discharge of spills, and prohibit dumping or disposal of materials other than storm water into the MS4.
- (d) Require parties responsible for runoff in excess of incidental runoff to implement Discharge Prohibition B.4.a-e.
- (e) Require operators of construction sites, new or redeveloped land; and industrial and commercial facilities to minimize the discharge of pollutants to the MS4 through the installation, implementation, or maintenance of BMPs consistent with the California Storm Water Quality Association (CASQA) Best Management Practice Handbooks or equivalent.
- (f) Require information deemed necessary to assess compliance with this Order. The Permittee shall only require information in compliance with the Homeland Security Act or any other federal law that concerns security in the United States. The Permittee shall also have the authority to review designs and proposals for new development and redevelopment to determine whether adequate BMPs will be installed, implemented, and maintained during construction and after final stabilization (post-construction).
- (g) Enter private property for the purpose of inspecting, at reasonable times, any facilities, equipment, practices, or operations for active or potential storm water discharges, or non-compliance with local ordinances/standards or requirements in this Order, as consistent with any applicable state and federal laws.
- (h) Require that dischargers promptly cease and desist discharging and/or cleanup and abate a discharge, including the ability to:
  - 1) Effectively require the discharger to abate and clean up their discharge, spill, or pollutant release within 72 hours of notification; high risk spill should be cleaned up as soon as possible.
  - 2) Require abatement within 30 days of notification, for uncontrolled sources of pollutants that could pose an environmental threat;
  - 3) Perform the clean-up and abatement work and bill the responsible party, if necessary;
  - 4) Provide the option to order the cessation of activities until such problems are adequately addressed if a situation persists where pollutant-causing sources or activities are not abated;
  - 5) Require a new timeframe and notify the appropriate Regional Water Board when all parties agree that clean-up activities cannot be completed within the original timeframe and notify the appropriate Regional Water Board in writing within five business days of the determination that the timeframe requires revision.
- (i) When warranted, have the ability to:
  - 1) Levy citations or administrative fines against responsible parties either immediately at the site, or within a few days.

- 2) Require recovery and remediation costs from responsible parties.
- (j) Impose more substantial civil or criminal sanctions (including referral to a city or district attorney) and escalate corrective response, consistent with its Enforcement Response Plan developed pursuant to Section E.6.c., for persistent non-compliance, repeat or escalating violations, or incidents of major environmental harm.

#### **E.6.b. Certification**

- (i) **Task Description** – Within the second year of the effective date of the permit, the Permittee shall certify by its Principal Executive Officer, Ranking Elected Official, or Duly Authorized Representative as described in 40 Code of Federal Regulations section 122.22(b) that the Permittee has and will maintain full legal authority to implement and enforce each of the requirements contained in this Order.
- (ii) **Implementation Level** – The Permittee's certification statement shall include the following:
  - (a) Identification of all departments within the Permittee's jurisdiction that conduct storm water-related activities and their roles and responsibilities under this Order.
  - (b) Citation of storm water runoff related ordinances, identification of the topics each ordinance addresses;
  - (c) Identification of the local administrative and legal procedures and ordinances available to mandate compliance with storm water-related ordinances and therefore with the conditions of this Order.
  - (d) A description of how storm water related-ordinances are reviewed and implemented.
  - (e) A statement that the municipality will implement enforcement actions consistent with its Enforcement Response Plan developed pursuant to Section E.6.c.
- (iii) **Reporting** – All Permittees shall submit in the second year online Annual Report, a statement signed by an authorized signatory certifying the Permittee has adequate legal authority to comply with all Order requirements.

#### **E.6.c. Enforcement Measures and Tracking**

- (i) **Task Description** – Within the third year of the effective date of the permit, the Permittee shall develop and implement an Enforcement Response Plan. The Enforcement Response Plan shall contain enforcement procedures and actions and identify the Permittee's responses to violations and describe how the Permittee will address repeat and continuing violations by implementing progressively stricter responses as needed to achieve compliance.
- (ii) **Implementation Level** - The Enforcement Response Plan shall describe how the Permittee will use each of the following types of enforcement responses based on the type of violation:
  - (a) **Verbal Warnings** – Verbal warnings are primarily consultative in nature. At a minimum, verbal warnings shall specify the nature of the violation and required corrective action.

- (b) Written Notices – Written notices shall include nature of the violation and the required corrective action, with deadlines for taking such action.
- (c) Escalated Enforcement Measures – The Permittee shall establish legal authority to employ any combination of the enforcement actions below (or their functional equivalent), and to escalate enforcement responses where necessary to correct persistent non-compliance, repeat or escalating violations, or incidents of major environmental harm:
  - 1) Citations (with Fines) – The Enforcement Response Plan shall describe when the Permittee will assess monetary fines, which may include civil and administrative penalties.
  - 2) Stop Work Orders – The Enforcement Response Plan shall describe when the Permittee will issue stop work orders that require construction activities to be halted, except for those activities directed at cleaning up, abating discharge, and installing appropriate BMPs.
  - 3) Withholding of Plan Approvals or Other Authorizations – Where a facility is in non-compliance, the Enforcement Response Plan shall describe how the Permittee's own approval or authorization processes that affect the facility's ability to discharge to the MS4 can be used to abate the violation.
  - 4) Additional Measures – The Enforcement Response Plan may also describe other escalated measures the Permittee has under its local legal authorities. For example, the Permittee may need to improve erosion control measures and collect the funds to pay for work and materials from the responsible party by either collecting against the project's bond or directly billing the responsible party.
- (d) NPDES Permit Referrals–For those construction projects or industrial facilities subject to the State's Construction General Permit (CGP) or Industrial General Permit (IGP), the Permittee shall:
  - 1) Refer non-filers (i.e., those facilities that cannot demonstrate that they obtained permit coverage) to the appropriate Regional Water Board within 30 days of making that determination, or file a complaint on the State Water Board's website:  
[http://www.dtsc.ca.gov/database/CalEPA\\_Complaint/index.cfm](http://www.dtsc.ca.gov/database/CalEPA_Complaint/index.cfm). In making such referrals, at a minimum include the following documentation:
    - a) Construction project or industrial facility location.
    - b) Name of owner or operator.
    - c) Estimated construction project size or type of industrial activity (including the Standard Industrial or the North American Industry Classification, if known).
    - d) Records of communication with the owner or operator regarding filing requirements.
  - 2) Refer ongoing violations to the appropriate Regional Water Board provided that the Permittee has made a good faith effort of progressive enforcement to achieve compliance with its own ordinances. At a minimum, the Permittee's good faith effort shall include documentation



of two follow-up inspections and two warning letters or notices of violation. In making such referrals, the Permittee shall include, at a minimum, the following information:

- a) Construction project or industrial facility location
- b) Name of owner or operator
- c) Estimated construction project size or type of industrial activity (including Standard Industrial Classification or North American Industry Classification System if known)
- d) Records of communication with the owner or operator regarding the violation, including at least two follow-up inspections, two warning letters or notices of violation, and any response from the owner or operator
- e) Enforcement Tracking –Track instances of non-compliance via hard-copy files or electronically. The enforcement tracking documentation shall include, at a minimum, the following:
  - (1) Name of owner/operator
  - (2) Location of construction project or industrial facility
  - (3) Description of violation
  - (4) Required schedule for returning to compliance
  - (5) Description of enforcement response used, including escalated responses if repeat violations occur or violations are not resolved within the time specified in the enforcement action.
  - (6) Accompanying documentation of enforcement response (e.g., notices of noncompliance, notices of violations, etc.)
  - (7) Any referrals to different departments or agencies
- f) Recidivism Reduction – The Permittee shall identify chronic violators of any provision of this Order or of any related local ordinance or regulation and reduce the rate of noncompliance recidivism. The Permittee shall develop incentives, disincentives, or increase inspection frequency at the operator's sites to prevent chronic violations.

- (iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section E.16.a.for compliance directions.

## **E.7. EDUCATION AND OUTREACH PROGRAM**

Traditional Small MS4 Permittees may be required to implement Community-Based Social Marketing (CBSM) requirements as detailed in Attachment E upon determination by a Regional Board Executive Officer. The Regional Board Executive Officer shall notify Permittees within

three months of the permit adoption date of their determination to require CBSM.<sup>9</sup> The notification shall include a statement of reasons why the Executive Officer finds that implementation of CBSM is appropriate. If the Permittee disagrees with the Executive Officer determination, the Permittee may bring the dispute to the State Water Board Executive Director or his designee as specified under the Dispute Resolution provision of this Order.

#### **E.7.a. Public Education and Outreach**

Within the first year of the effective date of the permit, all Permittees shall comply with the requirements in this Section by selecting one or more of the following Public Education and Outreach options:

- 1) Contributing to a countywide storm water program, as determined appropriate by the Permittee members, so that the countywide storm water program conducts outreach and education on behalf of its members; or
- 2) Contributing to a regional outreach and education collaborative effort (a regional outreach and education collaborative effort occurs when all or a majority of the Permittees collaborate to conduct regional outreach and education. Regional outreach and education collaboration includes Permittees defining a uniform and consistent message, deciding how best to communicate the message, and how to facilitate behavioral changes, then collaboratively apply what is learned through local jurisdiction groups, pooling resources and skills.); or
- 3) Fulfilling outreach and education requirements within their jurisdictional boundaries on their own; or
- 4) A combination of the previous options, so that all requirements are fulfilled.

**Reporting** – By the first year Annual Report, the Permittee shall submit information indicating which Public Education and Outreach option(s) it will use to comply with this Section. For each option involving a contribution to a countywide storm water program or regional outreach and education collaborative effort, the Permittee shall complete and have available in the first year Annual Report documentation, such as a written agreement, letter or similar document, which confirms the collaboration with other MS4s.

- (i) **Task Description** – Within the second year of the effective date of the permit, the Permittee shall develop and implement a comprehensive storm water public education and outreach program. The public education and outreach program shall be designed to reduce pollutant discharges in storm water runoff and non-storm water discharges to the MS4 through increased storm water knowledge and awareness in target communities. The Public Education and Outreach Program shall be designed to measurably increase the knowledge and awareness of targeted audience regarding the municipal storm drain system, impacts of urban runoff and non-storm water discharges on receiving waters, and potential BMP solutions for the target audiences, thereby reducing pollutant releases to the MS4 and the environment.

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<sup>9</sup> Getting in Step, A Guide to, Conducting Watershed Outreach Campaigns, 3<sup>rd</sup> Edition, November 2010, EPA 841-B-10-002, USEPA, Office of Water.

(ii) **Implementation Level** –The Permittee shall, at a minimum:

- (a) Develop and implement a public education strategy that establishes education tasks based on water quality problems, target audiences, and anticipated task effectiveness. The strategy must include identification of who is responsible for implementing specific tasks and a schedule for task implementation. The strategy must demonstrate how specific high priority storm water quality issues in the community or local pollutants of concern are addressed.
- (b) Implement surveys at least twice during the permit term to gauge the level of awareness in target audiences and effectiveness of education tasks.
- (c) Develop and convey a specific storm water message that focuses on the following:
  - 1) Local pollutants of concern
  - 2) Target audience
  - 3) Regional water quality issues
- (d) Develop and disseminate appropriate educational materials to target audiences and translate into applicable languages when appropriate (e.g. the materials can utilize various media such as printed materials, billboard and mass transit advertisements, signage at select locations, stenciling at storm drain inlets, radio advertisements, television advertisements, and websites);
- (e) Utilize public input (e.g., the opportunity for public comment, or public meetings) in the development of the program;
- (f) Distribute the educational materials, using whichever methods and procedures determined appropriate during development of the public education strategy;
- (g) Convey messages to explain the benefits of water-efficient and storm water-friendly landscaping<sup>10</sup>, using existing information if available;
- (h) Develop and convey messages specific to reducing illicit discharges with information about how the public can report incidents to the appropriate authorities. The Permittee must promote, publicize, and facilitate public reporting of illicit discharges or water quality impacts associated with discharges into or from MS4s through a central contact point, including phone numbers for complaints and spill reporting, and publicize to both internal Permittee staff and the public. If 911 is selected, the Permittee must also create, maintain, and publicize a staffed, nonemergency phone number with voicemail, which is checked daily;
- (i) Develop and convey messages specific to proper application of pesticides, herbicides, and fertilizers;
- (j) Within the Permittee's jurisdiction, provide independent, parochial, and public schools with materials to effectively educate school –age children about storm water runoff and how they can help protect water quality habitat in their local watershed (s). The Permittee is encouraged to use environmental and place-based, experiential learning materials that are integrated into school curricula and school facility management<sup>11</sup>. In the case that an environmental and place-

<sup>10</sup> For example, Surfrider's Ocean Friendly Garden Program (<http://www.surfrider.org/programs/entry/ocean-friendly-gardens>) and the Water Efficient Landscape Ordinance (WELO)

<sup>11</sup> For example, Splash ([www.sacsplash.org/](http://www.sacsplash.org/)), Effie Yeaw Nature Center ([www.sacnature.net](http://www.sacnature.net)) or Yolo Basin ([www.yolobasin.org](http://www.yolobasin.org))

based, experiential learning local program does not exist, the Permittee may use California's Education and Environment Initiative Curriculum<sup>12</sup> or equivalent.

- (k) Develop (or coordinate with existing, effective programs) and convey messages specific to reducing discharges from organized car washes, mobile cleaning and pressure washing operations, and landscape irrigation.
  - (l) Conduct storm water-friendly education for organized car wash participants and provide information pertaining to car wash discharge reduction. The Permittee may use the Sacramento Stormwater Quality Partnership's River Friendly Carwash Program<sup>13</sup>, or equivalent, for guidance.
  - (m) Develop and convey messages specific to mobile cleaning and pressure wash businesses.
- (iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section E.16.a. for compliance directions.

#### **E.7.b. Staff and Site Operator Training and Education**

##### **E.7.b.1. Illicit Discharge Detection and Elimination Training**

- (i) **Task Description** – Within the third year of the effective date of the permit, the Permittee shall develop and implement a training program for all Permittee staff who, as part of their normal job responsibilities, may be notified of, come into contact with, or otherwise observe an illicit discharge or illegal connection to the storm drain system.
- (ii) **Implementation Level** – The training program shall include at a minimum:
  - (a) Identification of an illicit discharge or illegal connection.
  - (b) Proper procedures for reporting and responding to the illicit discharge or illegal connection.
  - (c) Follow-up training shall be provided as needed to address changes in procedures, techniques, or staffing.
  - (d) An annual assessment of their trained staff's knowledge of illicit discharge response and refresher training as needed.
  - (e) Training for new staff who, as part of their normal job responsibilities may be notified of, come into contact with, or otherwise observe an illicit discharge or illegal connection shall be trained no later than six months after the start of employment.
  - (f) Contact information, including the procedure for reporting an illicit discharge, shall be included in each of the Permittee's fleet vehicles that are used by field staff.
  - (g) Focused education on identified illicit discharges and associated illicit discharge locations.

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<sup>12</sup> <http://www.californiaeei.org/>

<sup>13</sup> <http://www.beriverfriendly.net/riverfriendlycarwashing/>

- (iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section E.16.a.for compliance directions.

#### **E.7.b.2. Construction Outreach and Education**

##### **(a) Permittee Staff Training**

- (i) **Task Description** – Within the second year of the effective date of the permit, the Permittee shall ensure that all staff implementing the construction site storm water runoff control program are adequately trained.
- (ii) **Implementation Level** – The Permittee may conduct in-house training or contract with consultants. Training shall be provided to the following staff positions of the MS4:
  - (a) **Plan Reviewers and Permitting Staff** - The Permittee shall ensure plan reviewers and permitting staff are qualified individuals, knowledgeable in the technical review of local erosion and sediment control plans, (including proper control measure selection, installation, implementation, and maintenance, as well as administrative requirements such as inspection reporting/tracking and the use of the Permittee's enforcement responses), and are certified pursuant to a State Water Board sponsored program as a Qualified Storm Water Pollution Prevention Plan (SWPPP) Developer (QSD), or a designated person on staff possesses the QSD credential.
  - (b) **Erosion Sediment Control/Storm Water Inspectors** - The Permittee shall ensure inspectors are qualified individuals, knowledgeable in inspection procedures, and are certified pursuant to a State Water Board sponsored program as either (1) a Qualified SWPPP Developer (QSD); (2) a Qualified SWPPP Practitioner (QSP); or (3) a designated person on staff possesses each credential (QSD to supervise plan review, QSP to supervise inspection operations).
  - (c) **Third-Party Plan Reviewers, Permitting Staff, and Inspectors** - If the Permittee utilizes outside parties to review plans and/or conduct inspections, the Permittee shall ensure these staff are trained.
- (iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section E.16.a.for compliance directions.



## **(b) Construction Site Operator Education**

- (i) **Task Description** – Within the third year of the effective date of the permit, the Permittee shall develop and distribute educational materials to construction site operators.
- (ii) **Implementation Level** – The Permittee shall do the following:
  - (a) Each year, provide information on training opportunities for construction operators on BMP selection, installation, implementation, and maintenance as well as overall program compliance.
  - (b) Develop or utilize existing outreach tools (i.e. brochures, posters, etc.) aimed at educating construction operators on appropriate selection, installation, implementation, and maintenance of storm water BMPs, as well as overall program compliance.
  - (c) Distribute appropriate outreach materials to all construction operators who will be disturbing land within the MS4 boundary. The Permittee's contact information and website shall be included in these materials.
  - (d) Update the existing storm water website, as necessary, to include information on appropriate selection, installation, implementation, and maintenance of BMPs.
- (iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section E.16.a. for compliance directions.

## **E.7.b.3. Pollution Prevention and Good Housekeeping Staff Training**

The Permittee shall train employees on how to incorporate pollution prevention/good housekeeping techniques into Permittee operations.

- (i) **Task Description** – Within the second year of the effective date of the permit, the Permittee shall develop a biennial employee training program for appropriate employees involved in implementing pollution prevention and good housekeeping practices as specified in Section E.11. Pollution Prevention/Good Housekeeping for Permittee Operations of this Order. The Permittee shall determine the need for interim training during alternate years when training is not conducted, through an evaluation of employee Pollution Prevention/Good Housekeeping knowledge. All new hires whose jobs include implementation of pollution prevention and good housekeeping practices must receive this training within the first year of their hire date.
- (ii) **Implementation Level** – The training program shall include the following:
  - (a) Biennial training for all employees implementing this program element. This biennial training shall include a general storm water education component, any new technologies, operations, or responsibilities that arise during the year, and the permit requirements that apply to the staff being trained. Employees shall

receive clear guidance on appropriate storm water BMPs to use at municipal facilities and during typical O&M activities.

- (b) A biennial assessment of trained staff's knowledge of pollution prevention and good housekeeping and shall revise the training as needed.
- (c) A requirement that any contractors hired by the Permittee to perform O&M activities shall be contractually required to comply with all of the storm water BMPs, good housekeeping practices, and standard operating procedures described above.
- (d) The Permittee shall provide oversight of contractor activities to ensure that contractors are using appropriate BMPs, good housekeeping practices and following standard operating procedures.
- (iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section E.16.a. for compliance directions.

## **E.8. PUBLIC INVOLVEMENT AND PARTICIPATION PROGRAM**

- (i) **Task Description** – Within the second year of the effective date of the permit, the Permittee shall involve the public in the development and implementation of activities related to the program. The public participation and involvement program shall encourage volunteerism, public comment and input on policy, and activism in the community. The Permittee shall also be involved in their Integrated Regional Water Management Plan (IRWMP) or other watershed-level planning effort, if applicable.
- (ii) **Implementation Level** – At a minimum, the Permittee shall:
  - (a) Develop a public involvement and participation strategy that establishes who is responsible for specific tasks and goals.
  - (b) Consider development of a citizen advisory group (either a stand-alone group or utilize an existing group or process). The advisory group may consist of a balanced representation of all affected parties, including residents, business owners, and environmental organizations in the MS4 service area and/or affected watershed. The Permittee may invite the citizen advisory group to participate in the development and implementation of all parts of the community's storm water program.
  - (c) Create opportunities for citizens to participate in the implementation of BMPs through sponsoring activities (e.g., stream/beach/lake clean-ups, storm drain stenciling, volunteer monitoring and educational activities).
  - (d) Ensure the public can easily find information about the Permittee's storm water program.
  - (e) Actively engage in the Permittee's IRWMP or other watershed-level planning effort.

- (iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section E.16.a for compliance directions.

## **E.9. ILLICIT DISCHARGE DETECTION AND ELIMINATION**

The Permittee shall develop an Illicit Discharge Detection and Elimination program to detect, investigate, and eliminate illicit discharges, including illegal dumping, into its system, to the extent allowable under law.<sup>14</sup> The Permittee may utilize the CWP's guide on Illicit Discharge Detection and Elimination as guidance.

### **E.9.a. Outfall Mapping**

- (i) **Task Description** – Within the second year of the effective date of the permit, the Permittee shall create and maintain an up-to-date and accurate outfall map<sup>15</sup>. The map may be in hard copy and/or electronic form or within a geographic information system (GIS) the development of the outfall map shall include a visual outfall inventory involving a site visit to each outfall. Renewal Permittees that have an existing up-to-date outfall map that includes the minimum requirements specified in Section E.9.a.(ii)(a-e) are not required to re-create the outfall map. This does not exempt Renewal Permittees with an existing outfall map from conducting the field sampling specified in Section E.9.c.
- (ii) **Implementation Level** - The outfall map shall at a minimum show:
- (a) The location of all outfalls<sup>16</sup> that are operated by the Permittee within the urbanized area, drainage areas, and land use(s) contributing to those outfalls that are operated by the Permittee, and that discharge within the Permittee's jurisdiction to a receiving water. Each mapped outfall shall be located using coordinates obtained from a global positioning system (GPS) and given an individual alphanumeric identifier, which shall be noted on the map. Photographs or an electronic database shall be utilized to provide baseline information and track operation and maintenance needs over time.
  - (b) The location (and name, where known to the Permittee) of all water bodies receiving direct discharges from those outfall pipes.
  - (c) Priority areas, including, but not limited to the following:

<sup>14</sup> The Permittee shall use the Center for Watershed Protection's guide on Illicit Discharge Detection and Elimination (IDDE): A Guidance Manual for Program Development and Technical Assistance (available at [www.cwp.org](http://www.cwp.org)) or equivalent when developing an IDDE program. Guidance can also be found at: <http://cfpub.epa.gov/npdes/stormwater/idde.cfm>.

<sup>15</sup> The Permittee may utilize existing forms such as the CWP Outfall Reconnaissance Inventory/Sample Collection Field Sheet while conducting the mapping inventory and Field Sampling as specified below, in Section E.9.c. (<http://cfpub.epa.gov/npdes/stormwater/idde.cfm>).

<sup>16</sup> Submerged outfalls or other outfalls that may pose a threat to public safety and/or that are inaccessible are not required to be inventoried.

- 1) Areas with older infrastructure that are more likely to have illegal connections and a history of sewer overflows or cross-connections
- 2) Industrial, commercial, or mixed use areas;
- 3) Areas with a history of past illicit discharges;
- 4) Areas with a history of illegal dumping;
- 5) Areas with onsite sewage disposal systems;
- 6) Areas upstream of sensitive water bodies;
- 7) Areas that drain to outfalls greater than 36 inches that directly discharge to the ocean; and
- 8) Other areas that are likely to have illicit discharges

The priority area list shall be updated annually.

(d) Field sampling stations

(e) The permit boundary

Submerged outfalls or other outfalls that may pose a threat to public safety and/or that are inaccessible are not required to be inventoried.

- (iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section E.16.a. for compliance directions.

#### **E.9.b. Illicit Discharge Source/Facility Inventory**

- (i) **Task Description** – Within the second year of the effective date of the permit, the Permittee shall maintain an inventory of all industrial/commercial facilities/sources within the Permittee's jurisdiction (regardless of ownership) that could discharge pollutants in storm water to the MS4. The Permittee shall utilize the inventory to identify facilities for inspections of potential illicit discharges.
- (ii) **Implementation Level** - The inventory shall include the following:
- (a) Minimum information for each industrial facility/source:
    - Facility name;
    - Address;
    - Nature of business or activity;
    - Physical location (decimal latitude-longitude) of storm drain receiving discharge;
    - Name of receiving water and if the facility/source is tributary to a Clean Water Act Section 303(d) listed water body segment or water body segment subject to a TMDL;
    - Incorporation of facility information into GIS is optional.

- (b) At a minimum, the following industrial and commercial facilities/sources shall be included in the inventory.
- Vehicle salvage yards
  - Metal and other recycled materials collection facilities
  - Waste transfer facilities
  - Vehicle mechanical repair, maintenance or cleaning
  - Building trade central facilities or yards
  - Corporation yards
  - Landscape nurseries and greenhouses
  - Building material retailers and storage
  - Plastic manufacturers
  - Other facilities designated by the Permittees or Regional Water Boards to have reasonable potential to contribute to pollution of storm water runoff
- (c) The Permittee shall determine if the facilities that are required to be covered under the Statewide Industrial General Permit have done so. Upon discovering any facilities requiring permit coverage but are not yet permitted, the Permittee shall notify the appropriate Regional Water Board, and include copies of the notification in the online Annual Report.
- (d) The Permittee shall update the inventory annually. The update shall be accomplished through collection of new information obtained during inspections and contacts with commercial and industrial facility operators and owners, or through other readily available intra-agency informational databases (e.g., business licenses, pretreatment permits, sanitary sewer hook-up permits, and SMARTS database).
- (e) The Permittee shall develop and implement procedures to proactively identify illicit discharges originating from priority areas identified in Section E.9.a.(ii).(c). The Permittee shall implement the procedures to assess priority areas for the presence of illicit discharges at least once over the length of the permit term. The procedures shall include field observations, field screening, inspections, and any other appropriate and effective survey methods. Alternatively, Permittees may establish a self--certification program where Permittees require reports from authorized parties demonstrating the prevention and elimination of illicit discharges at their facilities in priority areas at least once over the length of the permit term.
- (iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section E.16.a. for compliance directions.

#### **E.9.c. Field Sampling to Detect Illicit Discharges**

- (i) **Task Description** – Within the second year of the effective date of the permit (e.g. while conducting the outfall inventory under Section E.9.a.), the Permittee shall sample



any outfalls that are flowing or ponding more than 72 hours after the last rain event. The Permittee shall also conduct dry weather sampling (more than 72 hours since the last rain event) of outfalls annually identified as priority areas.

(ii) **Implementation Level** – The Permittee shall:

- (a) Conduct monitoring<sup>17</sup> for the following indicator parameters identified in Table 1 to help determine the source of the discharge. Alternatively, the Permittee may select parameters based on local knowledge of pollutants of concern in lieu of sampling for the parameters listed in Table 1. Modifications and associated justifications shall be identified within SMARTS prior to conducting field sampling as specified in Section E.9.c.(i).

**Table 1. Indicator Parameters**

Indicator Parameters Used to Detect Illicit Discharges					
Parameter	Discharge Types It Can Detect				Laboratory/Analytical Challenges
	Sewage	Washwater	Tap Water	Industrial or Commercial Liquid Wastes	
Ammonia	●	⊙	○	⊙	Can change into other nitrogen forms as the flow travels to the outfall
Color	⊙	⊙	○	⊙	
Conductivity	⊙	⊙	○	⊙	Ineffective in saline waters
Detergents – Surfactants	●	●	○	⊙	Reagent is a hazardous waste
Fluoride*	○	○	●	⊙	Reagent is a hazardous waste Exception for communities that do not fluoridate their tap water
Hardness	⊙	⊙	⊙	⊙	
pH	○	⊙	○	⊙	
Potassium	⊙	○	○	●	May need to use two separate analytical techniques, depending on the concentration
Turbidity	⊙	⊙	○	⊙	
<p>● Can almost always (&gt;80% of samples) distinguish this discharge from clean flow types (e.g., tap water or natural water). For tap water, can distinguish from natural water.</p> <p>⊙ Can sometimes (&gt;50% of samples) distinguish this discharge from clean flow types depending on regional characteristics, or can be helpful in combination with another parameter</p> <p>○ Poor indicator. Cannot reliably detect illicit discharges, or cannot detect tap water</p> <p>N/A: Data are not available to assess the utility of this parameter for this purpose.</p> <p>Data sources: Pitt (</p> <p>*Fluoride is a poor indicator when used as a single parameter, but when combined with additional parameters (such as detergents, ammonia and potassium), it can almost always distinguish between sewage and wash water.</p>					

<sup>17</sup> A description of indicator parameter sampling equipment is described in Chapter 12: Indicator Monitoring in the CWP IDDE: Guidance Manual found at: [http://www.epa.gov/npd/es/pubs/idde\\_manualwithappendices.pdf](http://www.epa.gov/npd/es/pubs/idde_manualwithappendices.pdf). Sampling may be conducted using field test kits.

- (b) Verify that indicator parameters, as specified in Table 2. Action Level Concentrations for Indicator Parameters are not exceeded. Alternatively, the Permittee may tailor Table 2 to align with parameters based on local knowledge of pollutants of concern. Modifications and associated justifications shall be identified within SMARTS prior to conducting field sampling as specified in Section E.9.c.(i).

**Table 2. Action Level Concentrations for Indicator Parameters**

Indicator Parameter	Action Level Concentration
Ammonia	$\geq 50$ mg/L
Color	$\geq 500$ units
Conductivity	$\geq 2,000$ $\mu$ S/cm
Hardness	$\leq 10$ mg/L as CaCO <sub>3</sub> or $\geq 2,000$ mg/L as CaCO <sub>3</sub>
pH	$\leq 5$ or $\geq 9$
Potassium	$\geq 20$ mg/L
Turbidity	$\geq 1,000$ NTU

- (c) Conduct follow up investigations per Section E.9.d. if the action level concentrations are exceeded.
- (iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section E.16.a.for compliance directions.

#### **E.9.d. Illicit Discharge Detection and Elimination Source Investigations and Corrective Actions**

- (i) **Task Description** – Within the second year of the effective date of the permit, the Permittee shall develop written procedures for conducting investigations into the source of all non-storm water discharges suspected to be illicit discharges, including approaches to requiring such discharges to be eliminated, and procedures to implement corrective actions (e.g., BMPs). These procedures shall be included as part of the Illicit Discharge Detection and Elimination program. The Permittee may leverage existing inspection procedures and personnel to conduct illicit discharge detection and elimination source investigations and corrective actions.
- (ii) **Implementation Level** - At a minimum, the Permittee shall conduct an investigation(s) to identify and locate the source of any suspected illicit discharge within 72 hours of becoming aware of the suspected illicit discharge. For investigations that require more than 72 hours, the Permittee shall identify the actions being taken to identify and locate the source of the suspected illicit discharge.

- (a) Non-storm water discharges suspected of being sanitary sewage and/or significantly contaminated shall be investigated within 24 hours.
  - (b) The Permittee shall prioritize investigations of suspected sanitary sewage and/or significantly contaminated discharges over investigations of non-storm water discharges suspected of being cooling water, wash water, or natural flows.
  - (c) Report immediately the occurrence of any flows believed to be an immediate threat to human health or the environment to local Health Department.
  - (d) Determine and document through its investigations the source of all non-storm water discharges. If the source of the non-storm water discharge is found to be a discharge authorized under this General Permit, or authorized under another NPDES permit, no further action is required.
  - (e) **Corrective Action to Eliminate Illicit Discharge** – Once the source of the illicit discharge has been determined, the Permittee shall immediately notify the responsible party of the problem, and require the responsible party to conduct all necessary corrective actions to eliminate the non-storm water discharge within 72 hours of notification. Upon being notified that the discharge has been eliminated, conduct a follow-up investigation and field screening to verify that the discharge has been eliminated using BMPs or some other corrective action. The Permittee shall document its follow-up investigation. The Permittee may seek recovery and remediation costs from responsible parties or require compensation for the cost of field screening and investigations. Resulting enforcement actions shall follow the program's Enforcement Response Plan as specified in E.6.c.
- (iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section E.16.a. for compliance directions.

#### **E.9.e. Spill Response Plan**

- (i) **Task Description** – Within the first year of the effective date of the permit, the Permittee shall develop and implement a spill response plan.
- (ii) **Implementation Level** - At a minimum, the spill response plan will incorporate the information from Section E.9.c. and outline the following:
  - (a) Agency roles and responsibilities (e.g. County Department of Environmental Health, local police department, local fire department, etc.)
  - (b) The procedures for responding to complaints
  - (c) How investigations are to be conducted
  - (d) How clean up is initiated or conducted
  - (e) How reporting is completed and what information is required
- (iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this

program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section E.16.a.for compliance directions.

## **E.10. CONSTRUCTION SITE STORM WATER RUNOFF CONTROL PROGRAM**

The Permittee shall develop, implement, and enforce a program to prevent construction site discharges of pollutants and impacts on beneficial uses of receiving waters. The program shall include the development of an enforceable construction site storm water runoff control ordinance for all projects that disturb less than one acre of soil. The construction site storm water runoff control ordinance shall include, at a minimum, requirements for erosion and sediment controls, soil stabilization, dewatering, source controls, pollution prevention measures and prohibited discharges.

Projects that disturb one acre or more of soil or disturb less than one acre but are part of a larger common plan or development or sale are subject to the CGP in addition to the construction site storm water runoff control ordinance.

### **E.10.a. Construction Site Inventory**

- (i) **Task Description** - Within the first year of the effective date of the permit, the Permittee shall maintain an inventory of all projects subject to the local construction site storm water runoff control ordinance within its jurisdiction.
- (ii) **Implementation Level** –The Permittee shall maintain an inventory of all construction projects and continuously update as new projects are permitted and projects are completed. The inventory shall address all projects subject to the local construction site storm water runoff control ordinance. For projects subject to the CGP the Permittee may obtain the inventory from the SMARTS database and shall supplement as needed by the Permittee.

The inventory shall contain, at a minimum:

- (a) Relevant contact information for each project (e.g., name, address, phone, email, etc. for the owner and contractor);
- (b) The basic site information including location, status, size of the project and area of disturbance;
- (c) The location of the project with respect to all waterbodies, waterbodies listed as impaired by sediment-related pollutants, and waterbodies listed as impaired for sediment or turbidity under the CWA Section 303(d) and approved by U.S. EPA;
- (d) Project threat to water quality;
- (e) Current construction phase;
- (f) The required inspection frequency per the local construction site storm water runoff control ordinance;
- (g) The project start and anticipated completion dates; and
- (h) The date the Permittee approved the erosion and sediment control plan in accordance with this Section.

- (iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section E.16.a.for compliance directions.

#### **E.10.b. Construction Plan Review and Approval Procedures**

- (i) **Task Description** – Within the first year of the effective date of the permit, the Permittee shall develop procedures to review and approve relevant construction plan documents.
- (ii) **Implementation Level** – The review procedures shall meet the following minimum requirements:
  - (a) Prior to issuing a grading or building permit, the Permittee shall require each operator of a construction activity within its jurisdiction to prepare and submit an erosion and sediment control plan for the Permittee's review and written approval. The Permittee shall not approve any erosion and sediment control plan unless it contains appropriate site-specific construction site BMPs that meet the minimum requirements of the Permittee's construction site storm water runoff control ordinance. If the erosion and sediment control plan is revised, the Permittee shall review and approve those revisions.
  - (b) Require that the erosion and sediment control plan include the rationale used for selecting BMPs including supporting soil loss calculations, if necessary.
  - (c) Require that the erosion and sediment control plan list applicable permits directly associated with the grading activity, including, but not limited to the State Water Board's CGP, State Water Board 401 Water Quality Certification, U.S. Army Corps 404 permit, and California Department of Fish and Game 1600 Agreement. Include as a condition of the grading permit that the operator submit evidence to the MS4 that all permits directly associated with the grading activity have been obtained prior to commencing the soil disturbing activities authorized by the grading permit.
  - (d) Conduct and document review of each erosion and sediment control plan using a checklist or similar process.
  - (e) The SWPPP developed pursuant to the CGP may substitute for the erosion and sediment control plan for projects where a SWPPP is developed. The Permittee is responsible for reviewing applicable portions of the SWPPP for compliance with the Permittee's construction site storm water runoff control ordinance and this Order.
- (iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section E.16.a.for compliance directions.



### E.10.c. Construction Site Inspection and Enforcement

- (i) **Task Description** – Within the second year of the effective date of the permit, the Permittee shall use legal authority to implement procedures for inspecting public and private construction projects and conduct enforcement if necessary. The Permittee may leverage existing inspection procedures and personnel to conduct construction site inspections and enforcement.
- (ii) **Implementation Level** – The inspection procedures shall be implemented to verify compliance with the Permittee's construction site storm water control ordinance. At a minimum, inspections must be conducted at priority construction sites (defined below) prior to land disturbance (during the rainy season), during active construction and following active construction. Construction site inspections shall include assessment of compliance with the Permittee's construction site storm water runoff control ordinance, and other applicable ordinances. A Permittee may propose, for Regional Water Board Executive Officer approval, an alternative approach for construction site oversight, provided the Permittee demonstrates the approach will be equally effective at reducing the discharge of pollutants from construction sites to the maximum extent practicable.

Prior to allowing an operator to commence land disturbance during the rainy season, the Permittee must perform an inspection, to ensure all necessary sediment controls are in place. During active construction, the Permittee shall conduct inspections, based on prioritization of construction sites. Active construction inspections shall include at a minimum: inspection of maintenance of BMPs, effectiveness of BMPs installed and verification that pollutants of concern are not discharged into receiving water bodies.

Prioritization criteria shall be based on project threat to water quality. Project threat to water quality includes soil erosion potential, site slope, projects size and type, sensitivity of receiving water bodies, proximity to receiving water bodies, non-storm water discharges, projects more than one acre that are not subject to the CGP (sites that have obtained an Erosivity Waiver) and past record of non-compliance by the operator of the construction site. Inspection frequencies shall be conducted based on the prioritization criteria described above.

At the conclusion of the project, the Permittee must inspect to ensure that all disturbed areas have been stabilized and that all temporary erosion and sediment control measures that are no longer needed have been removed as required by the local construction site storm water control ordinance.

- (iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section E.16.a. for compliance directions.

## **E.11. POLLUTION PREVENTION/GOOD HOUSEKEEPING FOR PERMITTEE OPERATIONS PROGRAM**

The Permittee shall develop and implement a program to prevent or reduce the amount of pollutant runoff from Permittee operations. The Permittee shall implement appropriate BMPs for preventing or reducing the amount of storm water pollution generated by Permittee operations.

### **E.11.a. Inventory of Permittee-Owned and Operated Facilities**

- (i) **Task Description** - Within the second year of the effective date of the permit, the Permittee shall develop and maintain an inventory of Permittee-owned or operated facilities within their jurisdiction that are a threat to water quality, if applicable.
- (ii) **Implementation Level** - The inventory shall include all Permittee-owned or operated facilities within their jurisdiction that are potential significant sources of pollution in storm water, including the following if applicable:
  - Airports
  - Animal control facilities
  - Chemical storage facilities
  - Composting facilities
  - Equipment storage and maintenance facilities (including landscape-related operations)
  - Fuel farms
  - Hazardous waste disposal facilities
  - Hazardous waste handling and transfer facilities
  - Incinerators
  - Landfills
  - Materials storage yards
  - Pesticide storage facilities
  - Public buildings, including schools, libraries, police stations, fire stations, Permittee (municipal) buildings, restrooms, and similar buildings (i.e., buildings with a similar potential to be sources of storm water pollution as the examples provided)
  - Public parking lots
  - Public golf courses
  - Public swimming pools
  - Public parks
  - Public works yards
  - Public marinas
  - Recycling facilities
  - Salt or de-icing storage facilities
  - Solid waste handling and transfer facilities
  - Transportation hubs (e.g. bus transfer stations)
  - Vehicle storage and maintenance areas
  - Vehicle fueling facilities
  - Other (as directed by appropriate Regional Water Board)

- (iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section E.16.a.for compliance directions.

#### **E.11.b. Map of Permittee-Owned or Operated Facilities**

- (i) **Task Description** – Within the second year of the effective date of the permit, submit a map of the area within the permit boundary and identify where the inventoried Permittee-owned or operated facilities are located.
- (ii) **Implementation Level** - The map identifying the location of the inventoried Permittee-owned or operated facilities shall identify the storm water drainage system (e.g., storm water outfalls or other mechanisms in which storm water leaves the site) corresponding to each of the facilities as well as the receiving waters to which these facilities discharge. The map shall also show the facility and the manager of each facility, including contact information.
- (iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section E.16.a.for compliance directions.

#### **E.11.c. Facility Assessment**

- (i) **Task Description** – Within the third year of the effective date of the permit, for all the inventoried Permittee-owned or operated facilities, the Permittee shall conduct a comprehensive inspection and assessment of pollutant discharge potential and identification of pollutant hotspots using the Center for Watershed Protection's (CWP) guide on Urban Subwatershed and Site Reconnaissance, or equivalent.<sup>18</sup>
- (ii) **Implementation Levels** - Conduct an annual review and assessment of all municipally owned or operated facilities to determine their potential to impact surface waters. The assessment shall include the following:
  - (a) Identification of pollutant hotspots:

Based on the annual assessment, the Permittee shall identify those facilities that have a high potential to generate storm water and non-storm water pollutants as pollutant hotspots and assign them a high priority. Among the factors to be considered are the type and volume of pollutants stored at the site, the presence of improperly stored materials,

<sup>18</sup> The Permittee shall use the Center for Watershed Protection's Restoration Manual Series guide on Urban Subwatershed and Site Reconnaissance: a User's Manual (available as a free download at [www.cwp.org](http://www.cwp.org)) or equivalent when identifying priority areas. Hotspots are specific operations in a subwatershed that may generate high storm water pollution.

activities that should not be performed outside (e.g., changing automotive fluids, vehicle washing), proximity to water bodies, poor housekeeping practices, and the discharge of pollutant(s) of concern to receiving water(s). Pollutant hotspots shall include, at a minimum, the Permittee's maintenance yards, hazardous waste facilities, fuel storage and/or dispensing locations, airports marinas, and any other facilities at which chemicals or other materials have a high potential to be discharged in storm water.

- (b) Documentation of the comprehensive assessment procedures and results:

The Permittee shall document the procedures it uses for conducting the comprehensive assessment along with a copy of any site evaluation checklists used to conduct the comprehensive assessment.

- (iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section E.16.a. for compliance directions.

#### **E.11.d. Storm Water Pollution Prevention Plans**

- (i) **Task Description** – Within the fourth year of the effective date of the permit, the Permittee shall develop and implement SWPPPs for pollutant hotspots. If a Permittee has an existing document such as Hazardous Materials Business Plan, Spill Prevention Plan, or other equivalent document the Permittee is not required to develop a SWPPP.

- (ii) **Implementation Level** – The Permittee shall implement the following:

- (a) The Permittee shall develop and implement a site-specific SWPPP that identifies existing storm water BMPs and a set of storm water BMPs to be installed, implemented, and maintained to minimize the discharge of pollutants to protect water quality. The Permittee may utilize the CWP guide on Urban Subwatershed and Site Reconnaissance, or equivalent, as guidance.
- (b) The SWPPP(s) shall be kept on-site at each of the Permittee-owned or operated facilities' offices for which it was completed. The SWPPP shall be updated as necessary.
- (c) At a minimum the SWPPP will address the following:
  - 1) Facility specific information (location, owner, address, etc.)
  - 2) Purpose of the document
  - 3) Key staff/contacts at the facility
  - 4) Site map with drainage identified

- 5) Identification of significant materials that are handled and stored at the facility that may be exposed to storm water
  - 6) Description of potential pollutant sources
  - 7) Facility BMPs
  - 8) Spill control and cleanup – response to spills
  - 9) Inspection schedule
  - 10) Inspection procedures and checklist for inspections conducted to ensure proper selection, implementation, and maintenance of all BMPs
- (iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section E.16.a for compliance directions.

#### **E.11.e. Inspections, Visual Monitoring and Remedial Action**

- (i) **Task Description** – Within the fifth year of the effective date of the Permit, the Permittee shall conduct regular inspections of Permittee-owned and operated facilities.
- (ii) **Implementation Level** – Inspections shall be conducted as follows:
- (a) Quarterly visual hotspot inspections – Perform quarterly visual inspections, in accordance with the inspection procedures and inspection checklist developed for each Permittee-owned or operated hotspot, to ensure materials and equipment are clean and orderly; to minimize the potential for pollutant discharge; and to ensure effective selection, implementation, and maintenance of BMPs. The Permittee shall look for evidence of spills and immediately clean them up to prevent contact with precipitation or runoff. The quarterly inspections shall be tracked in a log for every facility, and records kept with the SWPPP (records may be kept electronically). The inspection report shall also include any identified deficiencies and the corrective actions taken to correct the deficiencies.
  - (b) Annual Hotspot comprehensive inspections – At least once per year, the Permittee shall conduct a comprehensive inspection of each hotspot facility, including all storm water BMPs, in accordance with the facility-specific inspection procedures and inspection checklist. The Permittee shall pay specific attention, without limiting its attention, to: waste storage areas, dumpsters, vehicle and equipment maintenance/fueling areas, material handling areas, and similar potential pollutant-generating areas. The annual inspection results shall be documented and records kept with the SWPPP. The inspection report shall also include any identified deficiencies and the corrective actions taken to correct deficiencies.
  - (c) Quarterly Hotspot visual observation of storm water and non-storm water discharges – At least once per quarter visually observe discharge locations from hotspot facilities. Where discharges are observed identify any observed



problems (e.g., color, foam, sheen, turbidity) associated with pollutant sources or BMPs shall be remedied as soon as practicable or before the next storm event, whichever is sooner. Visual observations shall be documented, and records kept with the SWPPP. This inspection shall be done in accordance with the developed standard operating procedures. The inspection report shall also include any identified deficiencies and the corrective actions taken to correct the deficiencies.

- (d) Non-Hotspot Inspection – At a minimum, inspect each inventoried municipal facility that is not a hotspot, once per permit term.

- (iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section E.16.a. for compliance directions.

#### **E.11.f. Storm Drain System Assessment and Prioritization**

- (i) **Task Description** – Within the second year of the effective date of the permit, the Permittee shall develop and implement procedures to assess and prioritize MS4 storm drain system maintenance, including but not limited to, catch basins, pipe and pump infrastructure, above-ground conveyances, including receiving water bodies within the Permittee's urbanized area and detention basins.

If flood conveyance maintenance is undertaken by another entity, the Permittee shall coordinate with the flood conveyance management entity by year three to assess and prioritize maintenance of the MS4 storm drain system.

- (ii) **Implementation Level** – The Permittee shall:

Assess/prioritize storm drain system facilities for cleanout – Assign a priority to MS4 storm drain facilities within the Permittee's urbanized areas based on accumulation of sediment, trash and/or debris. In particular, assign high priority to catch basin meeting any of the following criteria:

- 1) Catch basins known to accumulate a significant amount of sediment, trash, and/or debris;
- 2) Catch basins collecting large volumes of runoff;
- 3) Catch basin collecting runoff from area that do not receive regular street sweeping;
- 4) Catch basins collecting runoff from drainage areas with exposed or disturbed soil; or
- 5) Catch basins that receive citizen complaints/reports.

- (iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment

and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section E.16.a.for compliance directions.

#### **E.11.g. Maintenance of Storm Drain System**

- (i) **Task Description** – Within the third year of the effective date of the permit, the Permittee shall begin maintenance of all high priority storm drain systems on an ongoing schedule.
- (ii) **Implementation Level** – The Permittee shall begin maintenance of storm drain systems according to the procedures and priorities developed according to this Section. At a minimum the Permittee shall:
  - (a) Inspect storm drain systems – Based on the priorities assigned above in Section E.11.f.(ii)(a), develop and implement a strategy to inspect storm drain systems within the Permittee's jurisdiction. At a minimum, inspect all high priority catch basins and systems annually.
  - (b) Clean storm drains – Develop and implement a schedule to clean high priority catch basins and other systems. Cleaning frequencies shall be based on priority areas, with higher priority areas receiving more frequent maintenance.
  - (c) Labeling catch basins – Ensure that each catch basin in high foot traffic areas includes a legible storm water awareness message (e.g., a label, stencil, marker, or pre-cast message such as "drains to the creek" or "only rain in the drain"). Catch basins with illegible or missing labels shall be recorded and re-labeled within one month of inspection.
  - (d) Maintain surface drainage structures – High priority facilities, such as those with recurrent illegal dumping, shall be reviewed and maintained annually as needed. Non-priority facilities shall be reviewed as needed. Removal of trash and debris from high priority areas shall occur annually prior to the rainy season.
  - (e) Dispose of waste materials – Develop and implement a procedure to dewater and dispose of materials extracted from catch basins. This procedure shall ensure that water removed during the catch basin cleaning process and waste material will not reenter the MS4.
- (iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section E.16.a.for compliance directions.

#### **E.11.h. Permittee Operations and Maintenance Activities (O&M)**

- (i) **Task Description** – Within the third year of the effective date of the permit, the Permittee shall assess their O&M activities for potential to discharge pollutants in storm water and inspect all O&M BMPs on a quarterly basis.
- (ii) **Implementation Level** - The Permittee shall:

- (a) Develop and implement a program to assess O&M activities and subsequently develop applicable BMPs. The following Permittee O&M activities shall be included in the assessment for their potential to discharge pollutants in storm water:
  - 1) Road and parking lot maintenance, including sidewalk repair, curb and gutter repair, pothole repair, pavement marking, sealing, and re-paving
  - 2) Bridge maintenance, including re-chipping, grinding, saw cutting, and painting
  - 3) Cold weather operations, including plowing, sanding, and application of deicing compounds and maintenance of snow disposal areas
  - 4) Right-of-way maintenance, including mowing, herbicide and pesticide application, and planting vegetation
  - 5) Storm water relevant Permittee-sponsored or sanctioned events such as large outdoor festivals, parades, or street fairs (eg. Earth Day, Coastal Cleanup Day, Creek Week)
  - 6) Green waste deposited in the street
  - 7) Graffiti removal
  - 8) Hydrant flushing
- (b) Identify all materials that could be discharged from each of these O&M activities, and which materials contain pollutants. Typical pollutants associated with these activities include metals, chlorides, hydrocarbons (e.g. benzene, toluene, ethylbenzene, and xylene), sediment, green waste, herbicide, pesticide, dried paint, and trash.
- (c) Develop and implement a set of BMPs that, when applied during Permittee O&M activities, will reduce pollutants in storm water and non-storm water discharges. The Permittee shall use the CASQA Municipal Handbook or equivalent.
- (d) Evaluate BMPs – All BMPs implemented during O&M activities shall be evaluated quarterly.

- (iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section E.16.a. for compliance directions.

#### **E.11.i. Incorporation of Water Quality and Habitat Enhancement Features in New Flood Management Facilities**

- (i) **Task Description** – Within the third year of the effective date of the permit, the Permittee shall develop and implement a process for incorporating water quality and habitat enhancement features into new and rehabilitated flood management facilities.
- (ii) **Implementation Level** – The Permittee shall develop and implement a process to incorporate water quality and habitat enhancement features in the design of all new

and rehabilitated flood management projects that are associated with the MS4 or that discharge to the MS4.

- (iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section E.16.a. for compliance directions.

#### **E.11.j. Landscape Design and Maintenance**

- (i) **Task Description** – Within the second year of the effective date of the permit, the Permittee shall implement a landscape design and maintenance program to reduce the amount of water, pesticides, herbicides and fertilizers used during Permittee operations and activities<sup>19</sup>.
- (ii) **Implementation Tasks** – At a minimum, the Permittee shall:
  - (a) Evaluate pesticides, herbicides and fertilizers used and application activities performed and identify pollution prevention and source control opportunities.
  - (b) Implement practices that reduce the discharge of pesticides, herbicides and fertilizers. At a minimum the Permittee shall:
    - 1) Implement educational activities for municipal applicators and distributors.
    - 2) Implement landscape management measures that rely on non-chemical solutions, including:
      - a) Create drought-resistant soils by amending soils with compost;
      - b) Create soil microbial community through the use of compost, compost tea, or inoculation;
      - c) Use native and/or climate appropriate plants to reduce the amount of water, pesticides, herbicides and fertilizers used;
      - d) Practice grasscycling on decorative turf landscapes to reduce water use and the need for fertilizers;
      - e) Keeping grass clippings and leaves away from waterways and out of the street using mulching, composting, or landfilling;
      - f) Preventing application of pesticides, herbicides and fertilizers during irrigation or within 48 hours of predicted rainfall with greater than 50% probability as predicted by National Oceanic and Atmospheric Administration (NOAA)<sup>20</sup>;
      - g) Limiting or replacing herbicide and pesticide use (e.g., conducting manual weed and insect removal);
      - h) Prohibiting application of pesticides, herbicides and fertilizers as required by the regulations DPR 11-004 Prevention of Surface Water Contamination by Pesticides enacted by the Department of Pesticide Regulation;

<sup>19</sup> Water Efficient Landscape Ordinance can be found at:

<http://www.water.ca.gov/wateruseefficiency/docs/MWELO09-10-09.pdf>

<sup>20</sup> [www.srh.noaa.gov/forecast](http://www.srh.noaa.gov/forecast)

- i) Reducing mowing of grass to allow for greater pollutant removal, but not jeopardizing public safety.
  - 3) Collect and properly dispose of unused pesticides, herbicides, and fertilizers.
  - 4) Minimize irrigation run-off by using an evapotranspiration-based irrigation schedule and rain sensors.
- (c) Record the types and amounts of pesticides, herbicides and fertilizers used in the permit area.
- (iii) **Reporting** - The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section E.16.a. for compliance directions.

## **E.12. POST CONSTRUCTION STORM WATER MANAGEMENT PROGRAM**

### **E.12.a. Post-Construction Measures**

Permittees shall regulate development to comply with the following Sections:

- E.12.b Site Design Measures
- E.12.c. Regulated Projects
- E.12.d. Source Control Measures
- E.12.e. Low Impact Development (LID) Design Standards
- E.12.f. Hydromodification Measures
- E.12.g. Enforceable Mechanisms
- E.12.h. Operation and Maintenance of Storm Water Control Measures
- E.12.i. Post-Construction Best Management Practice Condition Assessment
- E.12.j. Planning and Development Review Process
- E.12.k. Post-Construction Storm Water Management Requirements Based on Assessment and Maintenance of Watershed Processes
- E.12.l. Alternative Post-Construction Storm Water Management Program

### **E.12.b. Site Design Measures**

- (i) **Task Description** – Within the second year of the effective date of the permit, the Permittee shall require implementation of site design measures for all projects that create and/or replace (including projects with no net increase in impervious footprint) between 2,500 square feet and 5,000 square feet of impervious surface, including detached single family homes that create and/or replace 2,500 square feet or more of impervious surface and are not part of a larger plan of development. Site design measures as specified in this section are not applicable to linear underground/overhead projects (LUPs).
- (ii) **Implementation Level** - Projects shall implement one or more of the following site design measures to reduce project site runoff:



- (a) Stream Setbacks and Buffers - a vegetated area including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a stream system, lake reservoir, or coastal estuarine area;
- (b) Soil Quality Improvement and Maintenance - improvement and maintenance soil through soil amendments and creation of microbial community;
- (c) Tree Planting and Preservation - planting and preservation of healthy, established trees that include both evergreens and deciduous, as applicable;
- (d) Rooftop and Impervious Area Disconnection - rerouting of rooftop drainage pipes to drain rainwater to rain barrels, cisterns, or permeable areas instead of the storm sewer;
- (e) Porous Pavement - pavement that allows runoff to pass through it, thereby reducing the runoff from a site and surrounding areas and filtering pollutants;
- (f) Green Roofs - a vegetative layer grown on a roof (rooftop garden);
- (g) Vegetated Swales - a vegetated, open-channel management practice designed specifically to treat and attenuate storm water runoff;
- (h) Rain Barrels and Cisterns - system that collects and stores storm water runoff from a roof or other impervious surface.

Project proponents shall use the State Water Board SMARTS Post-Construction Calculator<sup>21</sup>, or equivalent to quantify the runoff reduction resulting from implementation of site design measures.

- (iii) **Reporting** - The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section E.16.a. for compliance directions.

#### **E.12.c. Regulated Projects**

- (i) **Task Description** – Within the second year of the effective date of the permit, the Permittee shall implement standards to effectively reduce runoff and pollutants associated with runoff from Regulated Projects as defined below.
- (ii) **Implementation Level** - The Permittee shall regulate all projects that create and/or replace 5,000 square feet or more of impervious surface (Regulated Projects). The Permittee shall require these Regulated Projects to implement measures for site design, source control, runoff reduction, storm water treatment and baseline hydromodification management as defined in this Order.

Regulated Projects do not include:

- Detached single family home projects that are not part of a larger plan of development;
- Interior remodels;

<sup>21</sup> The State Water Board SMARTS Post-Construction Calculator can be found at: <https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.jsp>

- Routine maintenance or repair such as: exterior wall surface replacement, pavement resurfacing within the existing footprint.
- LUPs - Unless the LUP has a discrete location that has 5,000 square feet or more of newly constructed contiguous impervious surface. When the LUP has a discrete location that has 5,000 sq-ft or more of new contiguous impervious surface, only that specific discrete location is subject to Section E.12.c.

Regulated Projects include development projects. Development includes new and redevelopment projects on public or private land that fall under the planning and permitting authority of a Permittee. Redevelopment is any land-disturbing activity that results in the creation, addition, or replacement of exterior impervious surface area on a site on which some past development has occurred. Redevelopment does not include trenching, excavation and resurfacing associated with LUPs; pavement grinding and resurfacing of existing roadways; construction of new sidewalks, pedestrian ramps, or bike lanes on existing roadways; or routine replacement of damaged pavement such as pothole repair or replacement of short, non-contiguous sections of roadway. The following (a-c) describe specific Regulated Project requirements for redevelopment, road projects and LUPs:

- (a) Where a redevelopment project results in an increase of more than 50 percent of the impervious surface of a previously existing development, runoff from the entire project, consisting of all existing, new, and/or replaced impervious surfaces, must be included to the extent feasible.
- (b) Where a redevelopment project results in an increase of less than 50 percent of the impervious surface of a previously existing development, only runoff from the new and/or replaced impervious surface of the project must be included.
- (c) Road Projects and LUPs - Any of the following types of road projects and LUPs that create 5,000 square feet or more of newly constructed contiguous impervious surface and that are public road projects and/or fall under the building and planning authority of a Permittee shall comply with Section E.12.e. Low Impact Development Standards except that treatment of runoff of the 85<sup>th</sup> percentile that cannot be infiltrated onsite shall follow U.S. EPA guidance regarding green infrastructure to the extent feasible. Types of projects include:
  - 1) Construction of new streets or roads, including sidewalks and bicycle lanes built as part of the new streets or roads.
  - 2) Widening of existing streets or roads with additional traffic lanes.
    - a) Where the addition of traffic lanes results in an alteration of more than 50 percent of the impervious surface of an existing street or road, runoff from the entire project, consisting of all existing, new, and/or replaced impervious surfaces, must be included in the treatment system design.
    - b) Where the addition of traffic lanes results in an alteration of less than 50 percent (but 5,000 square feet or more) of the impervious surface

of an existing street or road, only the runoff from new and/or replaced impervious surface of the project must be included in the treatment system design.

- 3) Construction of linear underground/overhead projects (LUPs)
- 4) Specific exclusions are:
  - a) Sidewalks built as part of new streets or roads and built to direct storm water runoff to adjacent vegetated areas.
  - b) Bicycle lanes that are built as part of new streets or roads that direct storm water runoff to adjacent vegetated areas.
  - c) Impervious trails built to direct storm water runoff to adjacent vegetated areas, or other non-erodible permeable areas, preferably away from creeks or towards the outboard side of levees.
  - d) Sidewalks, bicycle lanes, or trails constructed with permeable surfaces.
  - e) Trenching, excavation and resurfacing associated with LUPs; pavement grinding and resurfacing of existing roadways and parking lots; construction of new sidewalks, pedestrian ramps, or bike lanes on existing roadways; or routine replacement of damaged pavement such as pothole repair or replacement of short, non-contiguous sections of roadway.

Effective Date for Applicability of Low Impact Development Runoff Standards to Regulated Projects: By the second year of the effective date of the permit, the Permittee shall require these Post-Construction Standards be applied on applicable new and redevelopment Regulated Projects, both private development requiring municipal permits and public projects, to the extent allowable by applicable law. These include discretionary permit projects that have not been deemed complete for processing and discretionary permit projects without vesting tentative maps that have not requested and received an extension of previously granted approvals. Discretionary projects that have been deemed complete prior to the second year of the effective date of this Order are not subject to the Post-Construction Standards herein. For the Permittee's Regulated Projects, the effective date shall be the date their governing body or designee approves initiation of the project design.

Permittee's Development Projects - The Permittee shall develop and implement an equivalent approach, to the approach used for private development projects, to apply the most current version of the low impact development runoff standards to applicable public development projects, to the extent allowable by applicable law.

#### **E.12.d. Source Control Measures**

- (i) **Task Description** – Regulated Projects with pollutant-generating activities and sources shall be required to implement standard permanent and/or operation source control measures as applicable.
- (ii) **Implementation Level** - Measures for the following pollutant generating activities and sources shall be designed consistent with recommendations from the CASQA

Stormwater BMP Handbook for New Development and Redevelopment or equivalent manual, and include:

- (a) Accidental spills or leaks
- (b) Interior floor drains
- (c) Parking/storage areas and maintenance
- (d) Indoor and structural pest control
- (e) Landscape/outdoor pesticide use
- (f) Pools, spas, ponds, decorative fountains, and other water features
- (g) Restaurants, grocery stores, and other food service operations
- (h) Refuse areas
- (i) Industrial processes
- (j) Outdoor storage of equipment or materials
- (k) Vehicle and equipment cleaning
- (l) Vehicle and equipment repair and maintenance
- (m) Fuel dispensing areas
- (n) Loading docks
- (o) Fire sprinkler test water
- (p) Drain or wash water from boiler drain lines, condensate drain lines, rooftop equipment, drainage sumps, and other sources
- (q) Unauthorized non-storm water discharges
- (r) Building and grounds maintenance

#### **E.12.e. Low Impact Development (LID) Design Standards**

- (i) **Task Description** – The Permittee shall require all Regulated Projects to implement low impact development (LID) standards designed to reduce runoff, treat storm water, and provide baseline hydromodification management to the extent feasible, to meet the Numeric Sizing Criteria for Storm Water Retention and Treatment under Section E.12.e(ii)(c).
- (ii) **Implementation Level** – The Permittee shall adopt and implement requirements and standards to ensure design and construction of development projects achieve the following LID Design Standards.

- (a) **Site Assessment**

At the earliest planning stages, the Permittee shall require Regulated Projects to assess and evaluate how site conditions, such as soils, vegetation, and flow paths, will influence the placement of buildings and paved surfaces. The evaluation will be used to meet the goals of capturing and treating runoff and assuring these goals are incorporated into the project design. The Permittee may adopt or reference an existing LID site assessment methodology<sup>22</sup> Permittees shall require Regulated Projects to consider optimizing the site layout through the following methods:

- 1) Define the development envelope and protected areas, identifying areas that are most suitable for development and areas to be left undisturbed.

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<sup>22</sup> Low Impact Development Manual for Southern California (Low Impact Development Center – See CASQA's LID website at: <http://www.casqa.org/LID/tabid/240/Default.aspx>.

- 2) Concentrate development on portions of the site with less permeable soils and preserve areas that can promote infiltration.
- 3) Limit overall impervious coverage of the site with paving and roofs.
- 4) Set back development from creeks, wetlands, and riparian habitats.
- 5) Preserve significant trees.
- 6) Conform the site layout along natural landforms.
- 7) Avoid excessive grading and disturbance of vegetation and soils.
- 8) Replicate the site's natural drainage patterns.
- 9) Detain and retain runoff throughout the site.

**(b) Drainage Management Areas**

The Permittee shall require each Regulated Project to provide a map or diagram dividing the developed portions of the project site into discrete Drainage Management Areas (DMAs), and to manage runoff from each DMA using Site Design Measures, Source Controls and/or Storm Water Treatment and Baseline Hydromodification Measures.

**(c) Numeric Sizing Criteria for Storm Water Retention and Treatment**

The Permittees shall require facilities designed to evapotranspire, infiltrate, harvest/use, and biotreat storm water to meet at least one of the following hydraulic sizing design criteria:

**1) Volumetric Criteria:**

- a) The maximized capture storm water volume for the tributary area, on the basis of historical rainfall records, determined using the formula and volume capture coefficients in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87 (1998) pages 175-178 (that is, approximately the 85th percentile 24-hour storm runoff event); or
- b) The volume of annual runoff required to achieve 80 percent or more capture, determined in accordance with the methodology in Section 5 of the CASQA's Stormwater Best Management Practice Handbook, New Development and Redevelopment (2003), using local rainfall data.

**2) Flow-based Criteria:**

- a) The flow of runoff produced from a rain event equal to at least 0.2 inches per hour intensity; or
- b) The flow of runoff produced from a rain event equal to at least 2 times the 85th percentile hourly rainfall intensity as determined from local rainfall records.



**(d) Site Design Measures**

The Permittee shall implement Site Design Measures (as defined in Section E.12.b. Site Design Measures and Section E.12.e(ii)(a) Site Assessment), site layout and design measures, based on the objective of achieving infiltration, evapotranspiration and/or harvesting/reuse of the 85th percentile 24-hour storm runoff event. Site design measures shall be used to reduce the amount of runoff, to the extent technically feasible, for which retention and runoff is required. Any remaining runoff from impervious DMAs may then be directed to one or more bioretention facilities as specified in Section E.12.e(ii)(f), below.

**(e) Source Controls**

The Permittee shall implement Source Controls as defined in Section E.12.d. Source Control Measures.

**(f) Storm Water Treatment Measures and Baseline Hydromodification Management Measures**

After implementation of Site Design Measures, remaining runoff from impervious DMAs must be directed to one or more facilities designed to infiltrate, evapotranspire, and/or bioretain the amount of runoff specified in Section E.12.e(ii)(c) Numeric Sizing Criteria for Storm Water Retention and Treatment. The facilities must be demonstrated to be at least as effective as a bioretention system with the following design parameters:

- 1) Maximum surface loading rate of 5 inches per hour, based on the flow rates calculated. A sizing factor of 4% of tributary impervious area may be used.
- 2) Minimum surface reservoir volume equal to surface area times a depth of 6 inches.
- 3) Minimum planting medium depth of 18 inches. The planting medium must sustain a minimum infiltration rate of 5 inches per hour throughout the life of the project and must maximize runoff retention and pollutant removal. A mixture of sand (60%-70%) meeting the specifications of American Society for Testing and Materials (ASTM) C33 and compost (30%-40%) may be used.
- 4) Subsurface drainage/storage (gravel) layer with an area equal to the surface area and having a minimum depth of 12 inches.
- 5) Underdrain with discharge elevation at top of gravel layer.
- 6) No compaction of soils beneath the facility, or ripping/loosening of soils if compacted.
- 7) No liners or other barriers interfering with infiltration.
- 8) Appropriate plant palette for the specified soil mix and maximum available water use.

**(g) Alternative Designs** — Facilities, or a combination of facilities, of a different design than in Section E.12.e(ii)(f) may be permitted if all of the following

measures of equivalent effectiveness are demonstrated:

- 1) Equal or greater amount of runoff infiltrated or evapotranspired;
- 2) Equal or lower pollutant concentrations in runoff that is discharged after biotreatment;
- 3) Equal or greater protection against shock loadings and spills;
- 4) Equal or greater accessibility and ease of inspection and maintenance.

(h) **Allowed Variations for Special Site Conditions** - The bioretention system design parameters in Section E.12.e.(ii)(f) may be adjusted for the following special site conditions:

- 1) Facilities located within 10 feet of structures or other potential geotechnical hazards established by the geotechnical expert for the project may incorporate an impervious cutoff wall between the bioretention facility and the structure or other geotechnical hazard.
- 2) Facilities with documented high concentrations of pollutants in underlying soil or groundwater, facilities located where infiltration could contribute to a geotechnical hazard, and facilities located on elevated plazas or other structures may incorporate an impervious liner and may locate the underdrain discharge at the bottom of the subsurface drainage/storage layer (this configuration is commonly known as a "flow-through planter").
- 3) Facilities located in areas of high groundwater, highly infiltrative soils or where connection of underdrain to a surface drain or to a subsurface storm drain are infeasible, may omit the underdrain.
- 4) Facilities serving high-risk areas such as fueling stations, truck stops, auto repairs, and heavy industrial sites may be required to provide additional treatment to address pollutants of concern unless these high-risk areas are isolated from storm water runoff or bioretention areas with little chance of spill migration.

(i) **Exceptions to Requirements for Bioretention Facilities** - Contingent on a demonstration that use of bioretention or a facility of equivalent effectiveness is infeasible, other types of biotreatment or media filters (such as tree-box-type biofilters or in-vault media filters) may be used for the following categories of Regulated Projects:

- 1) Projects creating or replacing an acre or less of impervious area, and located in a designated pedestrian-oriented commercial district (i.e., smart growth projects), and having at least 85% of the entire project site covered by permanent structures;
- 2) Facilities receiving runoff solely from existing (pre-project) impervious areas; and
- 3) Historic sites, structures or landscapes that cannot alter their original configuration in order to maintain their historic integrity.

By the second year of the effective date of the permit, each Permittee shall adopt or reference appropriate performance criteria for such biotreatment and media filters.

- (iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section E.16.a.for compliance directions.

#### **E.12.f. Hydromodification Management**

- (i) **Task Description** – Within the third year of the effective date of the permit, the Permittee shall develop and implement Hydromodification Management procedures. Hydromodification management projects are Regulated Projects that create and/or replace one acre or more of impervious surface. A project that does not increase impervious surface area over the pre-project condition is not a hydromodification management project.

- (ii) **Implementation Level** - The Permittee shall implement the following Hydromodification Standard:

- (a) Post-project runoff shall not exceed estimated pre-project flow rate for the 2-year, 24-hour storm in the following geomorphic provinces (Figure 1):

- Coast Ranges
- Klamath Mountains
- Cascade Range
- Modoc Plateau
- Basin and Range
- Sierra Nevada
- Great Valley

- (b) Post-project runoff shall not exceed estimated pre-project flow rate for the 10-year, 24-hour storm in the following geomorphic provinces (Figure 1):

- Transverse Ranges
- Peninsular Ranges
- Mojave Desert
- Colorado Desert



Figure 1. California Geomorphic Provinces

Alternatively, the Permittee may use a geomorphically based hydromodification standard or set of standards and analysis procedures designed to ensure that Regulated Projects do not cause a decrease in lateral (bank) and vertical (channel bed) stability in receiving stream channels. The alternative hydromodification standard or set of standards and analysis procedures must be reviewed and approved by the Regional Board Executive Officer.

- (iii) **Reporting** –The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section E.16.a. for compliance directions.

#### **E.12.g. Enforceable Mechanisms**

- (i) **Task Description** - Within the third year of the effective date of the permit, the Permittee shall develop and/or modify enforceable mechanisms that will effectively implement the requirements in Section E.12.b through f (if necessary).
- (ii) **Implementation Level** - The Permittee shall develop and/or modify enforceable mechanisms that will effectively implement the requirements in Section E.12.b through E.12.f and may include municipal codes, regulations, standards, and specifications. The Permittee shall:
  - (a) Conduct an analysis of all applicable codes, regulations, standards, and/or specifications to identify modifications and/or additions necessary to fill gaps and remove impediments to effective implementation of project-scale development requirements.
  - (b) Approve new and/or modified enforceable mechanisms that effectively resolve regulatory conflicts and implement the requirements in Sections E.12.b through E.12.f (if necessary)
  - (c) Apply new and/or modified enforceable mechanisms to all applicable new and redevelopment projects. Develop and make available specific guidance for LID BMP design
  - (d) Complete a Tracking Report indicating the Permittee's accomplishments in education and outreach supporting implementation of LID requirements for new and redevelopment projects.

#### **E.12.h. Operation and Maintenance of Post-Construction Storm Water Management Measures**

- (i) **Task Description** –Within the second year of the effective date of the permit, the Permittee shall implement an O&M Verification Program for storm water treatment and baseline hydromodification management structural control measures defined in Section E.12.e(ii)(f). Storm Water Treatment Measures and Baseline Hydromodification Management Measures on all Regulated Projects.
- (ii) **Implementation Level** – At a minimum, the O&M Verification Program shall include the following elements:
  - (a) All Regulated Projects shall at a minimum, require at least one of the following from all project proponents and their successors in control of the Project or successors in fee title:
    - 1) The project proponent's signed statement accepting responsibility for the O&M of structural control measure(s) until such responsibility is legally transferred to another entity;
    - 2) Written conditions in the sales or lease agreements or deed for the project that requires the buyer or lessee to assume responsibility for the O&M of the installed treatment system(s) and hydromodification control(s) (if any) until such responsibility is legally transferred to another entity;



- 3) Written text in project deeds, or conditions, covenants and restrictions for multi-unit residential projects that require the homeowners association or, if there is no association, each individual owner to assume responsibility for the O&M of the installed treatment system(s) and hydromodification control(s) (if any) until such responsibility is legally transferred to another entity; or
  - 4) Any other legally enforceable agreement or mechanism, such as recordation in the property deed, that assigns the O&M responsibility for the installed treatment system(s) and hydromodification control(s) (if any) to the project owner(s) or the Permittee.
- (b) Coordination with the appropriate mosquito<sup>23</sup> and vector control agency with jurisdiction to establish a protocol for notification of installed treatment systems and hydromodification management controls. On an annual basis, before the wet season, prepare a list of newly installed (installed within the reporting period) storm water treatment systems and hydromodification management controls to the local mosquito and vector control agency and the appropriate Regional Water Board. The Permittee may submit the list of Regulated Projects as described in Section E.12.h.(ii)(e). This list shall include the facility locations and a description of the storm water treatment measures and hydromodification management controls installed.
  - (c) Conditions of approval or other legally enforceable agreements or mechanisms for all Regulated Projects that require the granting of site access to all representatives of the Permittee for the sole purpose of performing O&M inspections of the installed treatment system(s) and hydromodification control(s) (if any).
  - (d) A written implementation plan that describes O&M (including inspection) of all Regional Projects and regional controls that are Permittee-owned and/or operated.
  - (e) A database or equivalent tabular format of all Regulated Projects (public and private) that have installed treatment systems. This database or equivalent tabular format shall include the following information for each Regulated Project:
    - 1) Name and address of the Regulated Project;
    - 2) Specific description of the location (or a map showing the location) of the installed treatment system(s) and hydromodification control(s) (if any);
    - 3) Date(s) that the treatment system(s) and hydromodification controls (if any) is/are installed;
    - 4) Description of the type and size of the treatment system(s) and hydromodification control(s) (if any) installed;
    - 5) Responsible operator(s) of each treatment system and hydromodification control (if any);
    - 6) Dates and findings of inspections (routine and follow-up) of the treatment system(s) and hydromodification control(s) (if any) by the Permittee; and
    - 7) Any problems and corrective or enforcement actions taken.

<sup>23</sup> California Department of Public Health. (2012). Best Management Practices for Mosquito Control in California. Retrieved on July 20, 2012 from <http://www.westnile.ca.gov/resources.php>

- 8) **Maintenance Approvals:** The Permittee shall ensure that systems and hydromodification controls installed at Regulated Projects are properly operated and maintained for the life of the projects. In cases where the responsible party for a treatment system or hydromodification control has worked diligently and in good faith with the appropriate state and federal agencies and the Permittee to obtain approvals necessary to complete maintenance activities for the treatment system or hydromodification management control, but these approvals are not granted, the Permittee shall be deemed to be in compliance with this Provision.
- (iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section E.16.a.for compliance directions.

#### **E.12.i. Post-Construction Best Management Practice Condition Assessment**

- (i) **Task Description** – Within the third year of the effective date of the permit, the Permittee shall inventory and assess the maintenance condition of structural post-construction BMPs (including BMPs used for flood control) within the Permittee's jurisdiction.
- (ii) **Implementation Level** – The Permittee shall develop and implement a plan to inventory, map, and determine the relative maintenance condition of structural post-construction BMPs. Maintenance condition shall be determined through a self-certification program where Permittees require annual reports from authorized parties demonstrating proper maintenance and operations. The plan shall include:
- (a) An inventory and map of existing structural post-construction BMPs, in GIS if available.
  - (b) Assessments of the self-certification program annual reports. Assessment shall include a ranking of structural BMPs and verification that BMPs are operating to remove pollutants as designed. Regional BMPs should receive higher priority than lot-scale BMPs, and BMPs designed to remove pollutants for which receiving water is impaired should receive priority attention over other BMPs.
  - (c) Appropriate escalating enforcement based on the Permittee Enforcement Response Plan to ensure proper maintenance of BMPs and submittal of self-certification annual reports.
  - (d) Self-Certification Annual Reports. At a minimum, the self-certification annual reports shall include:
    - 1) Field observations to determine the effectiveness of the structural post construction BMPs in removing pollutants of concern from storm water runoff and/or reducing hydromodification impacts as designed.

- 2) Long-term plan for conducting regular maintenance of BMPs, including the frequency of such maintenance.
- (iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section E.16.a. for compliance directions.

#### **E.12.j. Planning and Development Review Process**

- (i) **Task Description** – The Permittee shall review their planning and permitting process to assess any gaps or impediments impacting effective implementation of these post-construction requirements specified in Section E.12, and where these are found to exist, seek solutions to promote implementation of these requirements within the context of public safety and community goals for land use. The Permittee shall prioritize review of the landscape code (code detailing landscaping requirements and considerations which should be implemented to protect environmental quality) to correct gaps and impediments impacting effective implementation of post-construction requirements.
- (ii) **Implementation Level** – During years 1 – 3, the Permittee shall conduct the review using an existing guide or template already developed for MS4s (such as the Municipal Regulatory Update Assistance Program (MRUAP)<sup>24</sup> conducted by AHBL, Inc. for the Low Impact Development Initiative (LIDI) on the Central Coast). By the fourth year of the effective date of the permit, any changes to the planning and permitting process will be completed to effectively administer these provisions. Priority shall be placed on review of the landscape code, with the following implementation level.
  - (a) Within the first year of the effective date of this permit, the Permittee shall conduct an analysis of the landscape code to correct gaps and impediments impacting effective implementation of post-construction requirements.
  - (b) Within the second year of the effective date of the permit, the Permittee shall complete any changes to the landscape code to effectively administer post-construction requirements.
- (iii) **Reporting** – By the second year Annual Report and annually thereafter, complete and have available a summary of the review process, and any proposed or completed changes to the Permittee's program.

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<sup>24</sup> <http://www.casqa.org/LIDDemo/LIDTraining/tabid/246/Default.aspx>

#### **E.12.k. Post-Construction Storm Water Management Requirements Based on Assessment and Maintenance of Watershed Processes**

Small MS4s subject to Section E of this Order, in place of complying with the requirements set forth in Section E.12, except for Sections E.12.j. Planning and Development Review Process and E.12.e(ii)(e) Source Control Requirements, shall comply with post-construction storm water management requirements based on a watershed-process approach developed by Regional Water Board that include the following:

- Completion of a comprehensive assessment of dominant watershed processes affected by urban storm water
- LID site design and runoff reduction measures, numeric runoff treatment and retention controls, and hydromodification controls that will maintain watershed processes and protect water quality and beneficial uses.
- A process by which Regional Board staff will actively engage Permittees to adaptively manage requirements as determined by the assessment of watershed processes.
- An annual reporting program that involves Regional Board staff and State Board staff to inform statewide watershed process based criteria.

The regional watershed-process based approach must be approved by the Regional Water Board following a public process.

#### **E.12.l. Alternative Post-Construction Storm Water Management Program**

A Permittee may propose alternative post-construction measures in lieu of some or all of Section E.12. requirements for multiple benefit projects. Multiple-benefit projects include projects that may address any of the following, in addition to water quality: water supply, flood control, habitat enhancement, open space preservation, recreation, climate change. Multiple-benefit projects may be applied at various scales including project site, municipal or sub-watershed level. Multiple-benefit projects may include, but are not limited to, projects developed under Watershed Improvement Plans (Water Code §16100 et seq.), IRWMP implementation and green infrastructure projects. Multiple benefit projects must be equally or more protective of water quality than Section E.12. requirements.

The Regional Water Board or the Executive Officer, may approve alternative post-construction measures for multiple-benefit projects, as described above, after an opportunity for public comment, if the Regional Water Board or Executive Officer finds that the alternative measures are consistent with the MEP standard.

### **E.13. WATER QUALITY MONITORING**

Traditional Small MS4 Permittees that are required to conduct monitoring of discharges to ASBS, TMDL, or 303(d) impaired water bodies, as described in Sections E.13.(a)-(c), are not required to perform additional monitoring as specified in Sections E.13.d.1. and E.13.d.2.

Permittees are encouraged to participate in a regional monitoring program in order to cost-effectively combine resources and water quality information. Regional monitoring is the

collaboration of local and regional monitoring programs that are designed to create a more comprehensive picture of water quality conditions within a watershed. The following management questions may be used to assist in guiding the development of a regional monitoring program, as applicable<sup>25</sup>:

- 1) Are water quality standards being met in receiving waters?
- 2) What is the extent and magnitude of the current or potential receiving water problems<sup>26</sup>?
- 3) What is the relative urban runoff contribution to the receiving water problem(s)?
- 4) What are the sources to urban runoff that contribute to the receiving water problem(s)?
- 5) Are conditions in receiving waters getting better or worse?

Regional monitoring programs shall be reviewed and approved by the Executive Officer of the applicable Regional Water Board<sup>27</sup>.

Where a regional monitoring group has initiated plans, before the effective date of this Order, to conduct monitoring that achieves Section E.13. compliance, the Permittee may request the Executive Officer of the applicable Regional Board tailor compliance dates to synchronize with such efforts. Additionally, existing regional water monitoring efforts shall be reviewed and approved by a Regional Water Board Executive Officer.

Where a Permittee receives grant funding to conduct monitoring that achieves Section E.13. compliance, the Permittee may request the Regional Water Board Executive Officer tailor compliance dates to synchronize with such efforts.

#### **E.13.a. ASBS Monitoring**

All Permittees that discharge to an ASBS and are covered by an Ocean Plan exception shall comply with the monitoring requirements described in the terms, prohibitions and special conditions in Attachment C.

#### **E.13.b. TMDL Monitoring**

All Permittees that are assigned a wasteload allocation or identified as a responsible party in a TMDL approved by the U.S. EPA where urban runoff is listed as the source, shall comply with the monitoring requirements included in Attachment G and consult with the Regional Water Board within one year of the effective date of the permit to determine the monitoring study design and a monitoring implementation schedule. Where a TMDL is limited to a single

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<sup>25</sup> The five core management questions are based on the Stormwater Monitoring Coalition's Model Monitoring Technical Committee Technical Report # 419: Model Monitoring Program for Municipal Separate Storm Sewer Systems in Southern California.

<sup>26</sup> Water quality problems include exceedances of water quality standards, including impairment of designated uses, or other significant water quality impacts, including habitat and biological impacts.

<sup>27</sup> The regional monitoring programs may deviate from the specific requirements in Section E.13.a. to the extent approved by the Executive Officer, except that the regional monitoring program shall be SWAMP comparable and that all data shall be placed in the California Environmental Data Exchange Network (CEDEN).



constituent within a single reach of the watershed, the Regional Water Board Executive Officer may require additional monitoring, per Water Code § 13383. Permittees shall implement TMDL monitoring as specified by the Regional Water Board Executive Officer.

#### **E.13.c. 303(d) Monitoring**

All Permittees that discharge to waterbodies listed as impaired on the 303(d)<sup>28</sup> list where urban runoff is listed as the source, shall consult with the Regional Water Board within one year of the effective date of the permit to assess whether monitoring is necessary and if so, determine the monitoring study design and a monitoring implementation schedule. Permittees shall implement monitoring of 303(d) impaired water bodies as specified by the Regional Water Board Executive Officer.

#### **E.13.d. Receiving Water Monitoring and Special Studies**

Traditional Small MS4 Permittees with a population greater than 50,000 listed in Attachment A that are not already conducting ASBS, TMDL or 303(d) monitoring efforts shall participate in one of the following monitoring programs, subject to Regional Water Board Executive Officer approval:

- E.13.d.1. Receiving Water Monitoring
- E.13.d.2. Special Studies

##### **E.13.d.1. Receiving Water Monitoring**

- (i) **Task Description** – Within the second year of the effective date of the permit, the Permittee shall develop and implement a receiving water monitoring program to
  - (1) Monitor receiving water quality at upstream location in an area undergoing development and evaluate changes in receiving water quality over time, and
  - (2) Monitor receiving water quality at a downstream location in an urban area and evaluate changes in receiving water quality over time. Permittees may, to the extent allowed by law, establish a monitoring fund into which all new development contributes on a proportional basis (% development fee, size/number of lots, etc.). Monitoring funding may be overseen by municipalities or coalition of municipalities.
- (ii) **Implementation Level** - By the first year of the permit, the Permittee shall select one
  - (1) urban/rural interface monitoring site to monitor receiving water quality at an upstream location in an area undergoing development and evaluate changes in receiving water quality over time, and;
  - one (1) urban area monitoring site to monitor receiving water quality at a downstream location in an urban area and evaluate changes in receiving water quality over time. Site selection shall include the following:
    - (a) **Urban/Rural Interface.** Identify one characteristic waterway at the top, or upstream, of a HUC 12 level watershed planned for development in the near future that traverses an urban/rural interface, using the 2010 Census Data and urban area maps, and establish a permanent monitoring location at the

<sup>28</sup> [http://www.waterboards.ca.gov/water\\_issues/programs/tmdl/integrated2010.shtml](http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml)

identified urban/rural interface<sup>29</sup>. Monitoring at the urban/rural interface shall address the question: Does receiving water quality change as LID BMPs are integrated into new development?

- (b) Urban Downstream. Identify one characteristic waterway at the bottom, or downstream, of the same HUC 12 watershed as the urban/rural interface monitoring location and within an urbanized area and establish a permanent monitoring location at the identified urbanized area waterway. Monitoring at the urban area site shall address the question: Does receiving water quality improve as a result of efforts to control the sources of pollution and educate the public?

By the second year of the permit term and after establishment of site selection, the Permittee shall monitor the urban/rural interface site to address the hypothesis that receiving water quality will remain the same as new development proceeds, and the urban area site to address the hypothesis that receiving water quality will improve over time as storm water and other water quality programmatic efforts are implemented. Monitoring shall be implemented in accordance with Table 3. Receiving Water Monitoring Parameters and Protocols.

**Table 3: Receiving Water Monitoring Parameters and Protocol**

<b>Urban/Rural Interface:</b>  <u>Objective:</u> Monitor receiving water quality at upstream location in an area undergoing development. Evaluate changes in receiving water quality over time.  <u>Question:</u> Does receiving water quality change as LID BMPs are integrated into new development?  <u>Hypothesis:</u> Receiving water quality will remain the same as new development proceeds.				
<b>Urban Downstream:</b>  <u>Objective:</u> Monitor receiving water quality at a downstream location in an urban area. Evaluate changes in receiving water quality over time.  <u>Question:</u> Does receiving water quality improve as a result of efforts to control the sources of pollution and educate the public?  <u>Hypothesis:</u> Receiving water quality will improve over time as storm water and other water quality programmatic efforts are implemented.				
PARAMETER	ENDPOINT	BENEFICIAL USED PROTECTED	JUSTIFICATION	PROTOCOL
Water Quality	Pyrethroids* (sediment)	Aquatic Life	Pyrethroids** among the most ubiquitous urban contaminant in storm water. Highly toxic to aquatic life.	Method with detection limit of 1 pptr (5 pptr for permethrin only) such as the GC-MS-MS method of Water Pollution Control Lab. Yearly in spring at urban/rural interface only. Refer to pending SWAMP guidelines.
	Dissolved oxygen (DO)	Aquatic life, recreation	DO reports on presence of excessive nutrients (N, P) and effects of organic matter loading into a waterbody. High DO during day, low DO at night suggests algae overgrowth.	Option 1: One week of evening grab samples (a minimum of 2 hours after dusk or 2 hours before sunrise) in spring (as soon as safe to get into waterway), summer, & fall. OR Option 2: Continuous sampling. 1

<sup>29</sup> The urban/rural interface is identified as the geographical location at which urban land use and rural land use interact

				week in spring summer, fall. In rivers or lakes, 2 samplers to obtain depth-integrated values.
	Temperature	Aquatic life	Aquatic life can survive within a temperature window, exceedances lethal. If loggers are deployed, DO probes often also measure temperature.	Option 1: Daytime measurement between noon – 5 pm, at the same time of day, for 2 weeks in the spring, summer, and fall. Option 2: Continuous sample. Same as for dissolved oxygen.
	Bacteria	Recreation	Increase cell count linked to poor management practices, high bacteria levels limit recreational use of waterways.	Once yearly in later summer or fall. Collect 1 sample weekly x 4 weeks. Calculate geometric mean. Measure e. coli.
	Nutrients	Aquatic life Recreation Other	Excess nutrients can cause eutrophication of waterways leading to low dissolved oxygen which harms aquatic life. Algal overgrowth can also impair flows, adversely affect aesthetics, limiting recreation.	Benthic algal biomass and % cover (benthic chlorophyll a) from sediment in Wadeable and non-Wadeable streams or planktonic algal biomass (water column chlorophyll ) from non-Wadeable rivers and lakes. 3 times per year at beginning, middle, and end of growing season. Use SWAMP protocol.
Physical Habitat	PHAB assessment	Aquatic life	Expect to see few changes in habitat with effective LID implementation	Once yearly in spring. Use SWAMP protocol.
	Channel cross sections	Aquatic life	Reports on stability of creek/river channel	Once yearly in spring.
	Flow	Aquatic life	Expect minimal changes in flow rate if LID practices minimizes changes in hydrograph usually seen with urbanization	Option 1: Pressure transducer. Use channel cross sections put in same time as DO probe. Measure spring, summer, and fall Option 2: Install stage gage, develop rating curve. Evaluate spring, summer, and fall for 2 weeks.
	Photo documentation	Overall conditions	Pictures and flood prone area will aid in the interpretation of the data	Once yearly in spring.
Aquatic Life	Bioassessment	Aquatic life	BIMs integrate the sum of all conditions. Use early measurements as the baseline. In some cases, expect improved BIMs, depending on previous use of land.	In spring as soon as safe to enter water, use SWAMP protocol

\* Pyrethroid monitoring is required at the urban/rural interface site only.

\*\*Currently, pyrethroids are the pesticide of greatest concern and abundance in urban/suburban waterways. However, new regulations enacted by the Dept. of Pesticide Regulation restrict how pyrethroids may be applied. Initial models by UC Davis researchers suggest that this could result in a runoff reduction of 80-90%, depending on the amount of impervious cover in the watershed. In the future, other pesticides may become more of a threat to aquatic life in urban waterways. One pesticide that is being used with greater frequency is fipronil, a phenylpyrazole insecticide, that is more water soluble than pyrethroids. In order to use the resources of the permittees most efficiently, the State Water Resource Control Board reserves the right to modify the terms and conditions of the permit based on new information on pesticide use and toxicity. This could include substituting another pesticide for monitoring or eliminating this endpoint.



- (iii) **Reporting** – By the second year Annual Report, the Permittee shall complete and have available a report (50 page maximum) that includes a summary of baseline data collections and discussion of monitoring program results;

By the fifth year Annual Report, the Permittee shall complete and have available a report (50 page maximum) that includes a comparison of data collection to baseline data, and discussion of monitoring program results.

At a minimum, the second and fifth year Annual Reports shall include the following information:

- (a) The purpose of the monitoring, brief contextual background and a brief description of the study design and rationale.
- (b) Sampling site(s) locations, including latitude and longitude coordinates, water body name and water body segment if applicable. Sampling design, including sampling protocol, time of year, sampling frequency and length of sampling.
- (c) Methods used for sample collection: list methods used for sample collection, sample or data collection identification, collection date, and media if applicable.
- (d) Results of data collection, including concentration detected, measurement units, and detection limits if applicable.
- (e) Quantifiable assessment, analysis and interpretation of data for each monitoring parameter.
- (f) Comparison to reference sites (if applicable), guidelines or targets
- (g) Discussion of whether data collected addresses the objective(s) or question(s) of study design
- (h) Quantifiable discussion of program/study pollutant reduction effectiveness.

Where applicable, the Permittee shall prepare, maintain, and implement a Quality Assurance Project Plan (QAPP) in accordance with the Surface Water Ambient Monitoring Program. All monitoring samples shall be collected and analyzed according to the Program QAPP developed for the purpose of compliance with this Order. SWAMP Quality Assurance Program Plan (2008) is available at:

[http://www.waterboards.ca.gov/water\\_issues/programs/swamp/docs/qapp/qaprp082209.pdf](http://www.waterboards.ca.gov/water_issues/programs/swamp/docs/qapp/qaprp082209.pdf)

A formatted Microsoft Word document that includes guidelines and boilerplate language for developing the permit QAPP is available at:

[http://www.waterboards.ca.gov/water\\_issues/programs/swamp/tools.shtml#ga](http://www.waterboards.ca.gov/water_issues/programs/swamp/tools.shtml#ga)

Water quality data shall be uploaded to SMARTS and must conform to California Environmental Data Exchange Network (CEDEN) Minimum Data Templates format. CEDEN Minimum Data Templates are also available at: <http://ceden.org/>

#### **E.13.d.2. Special Studies**

- (i) **Task Description** – Within the first year of the effective date of the permit, the Permittee, as an alternative to Section E.13.d.1. Receiving Water Monitoring, may develop and implement a special study monitoring program to assess and evaluate the effectiveness of water quality projects or storm water program elements designed to reduce specific water quality pollutants that are causing or contributing to beneficial use impairment. The special studies must demonstrate the nexus between storm water program implementation, water quality protection and pollutant reduction effectiveness and may include, but are not limited to:
  - (a) Assessment of effectiveness of habitat enhancement efforts and assessment of effectiveness of stream restoration projects (i.e., stream channel restoration as related to implementation of hydromodification standards);
  - (b) Assessment of effectiveness of low impact development pilot projects, and assessment of storm water program components through pollutant load reduction quantification and/or discharge water quality monitoring (i.e., reduction of impervious surface related to implementation of Post-Construction Storm Water Management Program).
- (ii) **Implementation Level** – By the first year of the permit, the Permittee shall develop and implement a special study plan and shall submit to an applicable Regional Board for review and approval. Within the second year of the effective date of the permit, the Permittee shall begin implementation of the approved special study plan. The study plan shall include, at a minimum:
  - (a) Purpose/objective of the monitoring (sampling rationale), including reasoning to implement a special study in lieu of the Receiving Water Monitoring described in Section E.13.d.1.
  - (b) Brief project background information and overall study design (i.e., surrounding land uses, reference monitoring data, if applicable, and site conditions)
  - (c) Parameters that are being measured, how parameters are measured and rationale for parameter selection.
  - (d) Frequency that parameters are being measured (sampling frequency)
  - (e) Sampling site location
  - (f) Description of how the data will be managed, analyzed (including statistical analysis) and reported
  - (g) Expected results based on study plan design and hypothesis
- (iii) **Reporting** – By the second year Annual Report, the Permittee shall complete and have available a report (50 page maximum) that includes a summary of baseline data collections and discussion of monitoring program results.

By the fifth year Annual Report, the Permittee shall complete and have available a report (50 page maximum) that includes a comparison of data collection to baseline data, and discussion of monitoring program results.



At a minimum, the second and fifth year Annual Reports shall include the following information:

- (a) The purpose of the monitoring, contextual background and a description of the study design and rationale.
- (b) Sampling site(s) locations, including latitude and longitude coordinates, water body name and water body segment if applicable. Sampling design, including sampling protocol, time of year, sampling frequency and length of sampling.
- (c) Methods used for sample collection: list methods used for sample collection, sample or data collection identification, collection date, and media if applicable.
- (d) Results of data collection, including concentration detected, measurement units, and detection limits if applicable.
- (e) Quantifiable assessment analysis and interpretation of data for each monitoring parameter or other data type.
- (f) Comparison to reference sites (if applicable), guidelines or targets
- (g) Discussion of whether data collected addresses the objective(s) or question(s) in the study plan
- (h) Quantifiable discussion of program/study pollutant reduction effectiveness.

Where applicable, the Permittee shall prepare, maintain, and implement a QAPP in accordance with SWAMP. All monitoring samples shall be collected and analyzed according to the Program QAPP developed for the purpose of compliance with this Order. SWAMP Quality Assurance Program Plan (2008) is available at:

[http://www.waterboards.ca.gov/water\\_issues/programs/swamp/docs/qapp/qaprp082209.pdf](http://www.waterboards.ca.gov/water_issues/programs/swamp/docs/qapp/qaprp082209.pdf)

A formatted Microsoft Word document that includes guidelines and boilerplate language for developing the permit QAPP is available at:

[http://www.waterboards.ca.gov/water\\_issues/programs/swamp/tools.shtml#qa](http://www.waterboards.ca.gov/water_issues/programs/swamp/tools.shtml#qa)

Water quality data shall be uploaded to the Storm Water Multi-Application Reporting and Tracking System (SMARTS) and must conform to "CEDEN Minimum Data Templates" format. CEDEN Minimum Data Templates are also available at:

<http://ceden.org/>

## **E.14. PROGRAM EFFECTIVENESS ASSESSMENT AND IMPROVEMENT**

### **E.14.a. Program Effectiveness Assessment and Improvement Plan**

- (i) **Task Description** - The Permittee shall develop and implement a Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. The Program Effectiveness Assessment and Improvement Plan will assist the Permittee to document compliance with permit conditions and to adaptively manage its storm water program and make necessary modifications to the program to improve program effectiveness at reducing pollutants of concern, achieving the MEP standard, and protecting water quality. The Program Effectiveness Assessment and Improvement Plan shall identify the strategy used to gauge the effectiveness of prioritized BMPs and program implementation as a whole. Prioritized BMPs include BMPs implemented based on pollutants of concern. Where pollutants of concern are unidentified, prioritized BMPs are based on common urban pollutants (i.e., sediment, bacteria, trash, nutrients). The annual effectiveness assessments will help identify potential modifications to the program to ensure long-term effectiveness.
- (ii) **Implementation Level** - The Program Effectiveness Assessment and Improvement Plan may be modeled upon the most recent version (if applicable) Municipal Storm Water Program Effectiveness Assessment Guidance (CASQA, May 2007) or equivalent.
  - (a) The Program Effectiveness Assessment and Improvement Plan shall include the following elements, at a minimum as applicable:
    - 1) Identification of overall program goals including pollutants of concern and prioritized BMPs
    - 2) Documentation of the level of implementation of storm water program elements
    - 3) Identification and targeting of target audience(s)
    - 4) Assessment of BMP performance at achieving outcome levels
    - 5) Assessment of pollutant source reductions achieved by individual BMPs
    - 6) Quantification of pollutant loads and pollutant load reductions achieved by the program as a whole
    - 7) MS4 discharge quality, where available, including analysis of the data
    - 8) Receiving water quality data, including analysis of the data
    - 9) Identification of long-term effectiveness assessment, to be implemented beyond the permit term
  - (b) The Program Effectiveness Assessment and Improvement Plan shall assess BMP and program effectiveness in terms of the following Outcome Levels:
    - 1) Storm water program activities
    - 2) Awareness
    - 3) Behavior
    - 4) Pollutant load reductions
    - 5) MS4 discharge quality (where assessment is supported by MS4 discharge quality data)

6) Receiving water conditions

- (c) The Program Effectiveness Assessment and Improvement Plan shall identify assessment methods for privately owned BMPs.
- (d) The Program Effectiveness Assessment and Improvement Plan shall identify assessment methods the Permittee will use to quantitatively assess BMP performance at reducing pollutant loads wherever feasible, using the following or equivalent methods:
  - 1) Direct quantitative measurement of pollutant load removal for BMPs that lend themselves to such measurement (e.g., measuring sediment collected through street-sweeping activities);
  - 2) Science-based estimates of pollutant load removal for BMPs where direct measurement of pollutant removal is overly challenging (e.g., removal of heavy metals through a bioswale);
  - 3) Direct quantitative measurement of behaviors that serve as proxies of pollutant removal or reduction (e.g., the percentage of construction sites demonstrated by inspection to be in compliance with permit conditions); or
  - 4) Visual comparison (e.g., using photographs to compare the amount of trash in a creek between one year and the next).
- (e) The Program Effectiveness Assessment and Improvement Plan shall ask and answer the following Management Questions for prioritized BMPs for which answers to management questions can be based on quantitative data appropriate to the question being answered.
  - 1) Were prioritized BMPs or group of BMPs implemented in accordance with the permit requirements? The Permittee shall develop quantitative data using the following or equivalent methods:
    - a) Confirmation – Documenting whether an activity or task has been completed, expressed as positive or negative outcome (i.e., yes or no)
    - b) Tabulation – Simple accounting expressed in absolute (e.g., number of people participating), or relative terms (e.g. percent increase in recycled household hazardous waste)
  - 2) To what extent did prioritized BMPs or group of BMPs change the target audience's behavior? The Permittee shall develop quantitative data using the following or equivalent methods:
    - a) Surveys or interviews to discern knowledge, attitudes, awareness, behavior of specific population, etc.
    - b) Interviews of site personnel to discern awareness and behavior
    - c) Inspections or site visits to directly observe or assess a practice.
  - 3) To what extent did prioritized BMPs or group of BMPs reduce pollutant loads from their sources to the storm drain system?
- (f) The Program Effectiveness Assessment and Improvement Plan shall include water quality monitoring data, where available, to answer the following long-term management questions, effectiveness of BMPs and the overall storm water program will be assessed in future permit terms.

- 1) To what extent did implementation of the BMP, group of BMPs, or storm water program enhance or change the urban runoff and discharge quality?
- 2) To what extent did implementation of the BMP, group of BMPs, or storm water program enhance or change receiving water quality?
- 3) Did exceedance(s) of water quality objectives or water quality standards persist notwithstanding implementation of the storm water program?

The Program Effectiveness Assessment and Improvement Plan shall include documentation of the effectiveness of BMPs implemented to reduce the discharge of pollutants to the MS4 to the MEP and protect water quality.

- (iii) **Reporting** – By the second year Annual Report complete and submit the Program Effectiveness Assessment and Improvement Plan. The Plan shall include the strategy the Permittee will use to assess the effectiveness of the program, the specific measures the Permittee will use to assess the effectiveness of BMPs and/or groups of BMPs, and how the Permittee will use the information obtained through effectiveness assessment to modify individual BMPs and the program as a whole to increase short and long-term effectiveness. In subsequent Annual Reports, describe implementation of the Program Effectiveness Assessment and Improvement Plan, summarize data obtained through effectiveness assessment measures and the short and long-term progress of the storm water program, and provide an analysis of the data to improve program effectiveness, to achieve the MEP standard, protect water quality, and to document the Permittee's compliance with permit conditions. Permittees that have a Program Effectiveness Assessment and Improvement Plans, or equivalent, approved by the applicable Regional Board, or that have a schedule approved by the applicable Regional Board to develop and implement such a Plan, shall adhere to the Plan and/or schedule approved by the Regional Board unless otherwise directed by the Regional Board. By the fifth year annual report, complete and submit an analysis of the effectiveness of modifications made at improving BMP and/or program effectiveness.

#### **E.14.b. Storm Water Program Modifications**

- (i) **Task Description** – The Permittee shall modify BMPs and/or the program as a whole to improve compliance with permit conditions and improve program effectiveness at reducing pollutant loads, achieving the MEP standard, and protecting water quality. The Permittee shall use information gained through effectiveness assessment and MS4 discharge and receiving water monitoring to identify priority areas for program improvement. In addition, the Permittee shall identify and make modifications to BMPs, including new BMPs or modification to existing BMPs, to improve effectiveness in each priority area. The Permittee shall consult with the applicable Regional Water Board in setting expectations for the scope, timing, and frequency of BMP modifications.
- (ii) **Implementation Level** – Within the fifth year of the effective date of the permit, the Permittee shall identify and summarize BMP and/or program modifications identified in priority program areas. Modifications shall include:
- (a) Improving upon BMPs that are underperforming

- (b) Continuing and expanding upon BMPs that proved to be effective, including identifying new BMPs or modifications to existing BMPs designed to increase pollutant load reductions;
  - (c) Discontinuing BMPs that may no longer be productive and replacing with more effective BMPs; and
  - (d) Shifting priorities to make more effective use of resources
- (iii) **Reporting** – By the fifth year Annual Report, complete and submit the list of BMP and/or program modifications, as specified in E.14.c(ii), the Permittee will make for priority program areas, including identification of priority program areas and the schedule the Permittee will follow to complete identified modifications during the next permit term. The modifications shall be aimed at the goal of reducing pollutant loads, achieving the MEP standard and protecting water quality.

#### **E.15. TOTAL MAXIMUM DAILY LOADS COMPLIANCE REQUIREMENTS**

- E.15.a.** The Permittee shall comply with all applicable TMDLs approved pursuant to 40 Code of Federal Regulations section 130.7 that assign a Waste Load Allocation to the Permittee and that have been identified in Attachment G.
- E.15.b.** WLA, Load Allocations (LA), effluent limitations, implementation requirements, and monitoring requirements are specified in the adopted and approved Regional Water Board Basin Plans and authorizing resolutions which are incorporated herein by reference as enforceable parts of this Order. Applicable Basin Plan amendments and resolutions are identified in Attachment G. Attachment G additionally contains a list of TMDL-specific permit requirements developed by the Regional Water Boards for compliance with the implementation requirements of the relevant TMDLs. These requirements are an enforceable component of this Order. In some cases, dates are given that fall outside the term of this Order. Compliance dates that have already passed are enforceable on the effective date of this Order. Compliance dates that exceed the term of this Order are included for reference, and become enforceable in the event that this Order is administratively extended.
- E.15.c.** The Regional Water Boards are directed to review, within one year of the effective date of this Order, the TMDL-specific permit requirements contained in Attachment G and to develop or propose revisions, as appropriate, to TMDL-specific permit requirements to the State Water Board after consultation with the Permittees and State Water Board staff. Any proposed revisions by the Regional Water Boards shall be supported by an explanation of how the proposed TMDL-specific permit requirements are consistent with the assumptions and requirements of applicable WLAs and with the goals of the TMDL. Where a TMDL is limited to a single constituent within a single reach of the watershed, the Regional Water Board Executive Officer may require additional monitoring, per Water Code § 13383. The State Water Board will incorporate any necessary revisions through a reopener. The State Water Board may additionally revise this Order through a reopener to incorporate any modifications or revisions to the TMDLs in Attachment G, or to incorporate any new TMDLs adopted during the term of this Order that assign a WLA to a Regulated Small MS4 or that identify a Regulated Small MS4 as a responsible



party. In revising Attachment G, the State Water Board will allow adequate notice and public review.

**E.15.d.** The Permittee shall complete and report the status of their implementation of the specific TMDL implementation requirements that have been incorporated into the permit with each Annual Report via SMARTS. Reporting on TMDL implementation shall include the following information:

- (i) A description of BMPs implemented, including types, number, and locations
- (ii) An assessment of the effectiveness of implemented BMPs in progressing towards attainment of wasteload allocations within the TMDLs' specified timeframes
- (iii) All monitoring data, including a statistical analysis of the data to assess progress towards attainment of wasteload allocations within the TMDLs' specified timeframes
- (iv) Based on results of the effectiveness assessment and monitoring, a description of the additional BMPs that will be implemented to attain wasteload allocations within the TMDLs specified timeframes

**E.15.e.** The Permittee shall comply with implementation requirements specified in Category 4b demonstrations associated with Clean Water Act Sections 303d, 306b, and 314 Integrated Reporting and Listing Decisions. Implementation requirements described in Category 4b demonstrations are effective upon Regional Water Board approval of that region's Integrated Reporting and Listing Decisions and associated Category 4b demonstrations. The most recent Integrated Reporting and Listing Decisions and associated Category 4b demonstrations are available at [http://www.waterboards.ca.gov/water\\_issues/programs/tmdl/integrated2010.shtml](http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml).

## **E.16. ANNUAL REPORTING PROGRAM**

**E.16.a.** The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities for each program element and certify compliance with all requirements of this permit. If a Permittee is unable to certify compliance with a requirement, the Permittee must submit in SMARTS the reason for failure to comply, a description and schedule of tasks necessary to achieve compliance, and an estimated date for achieving full compliance.

**E.16.b.** Permittees shall complete and retain all Annual Report information on the previous fiscal year beginning July 1 and ending June 30. The Annual Reporting requirements are set forth in Provisions E. The Permittee shall retain documentation as necessary to support their Annual Report. The Permittee shall make this supporting information available during normal business hours, unless agreed to by the applicable Regional Water Board's Executive Officer.

**E.16.c.** The Permittee shall submit when requested by the Executive Officer of the applicable Regional Water Board a detailed written online annual report or in-

person presentation of the annual report that addresses the activities described in Provision E. The detailed Annual Report must clearly refer to the permit requirements and describe in quantifiable terms, the status of activities undertaken to comply with each requirement.

**E.16.d.** Permittees involved in regional programs may coordinate with the members to identify reporting responsibility. The one report submitted on behalf of Permittees involved in a regional program must include a summary of the past year activities for each program element and certification of compliance with all requirements of this Order for each of the Permittees in the regional program.

## **F. NON – TRADITIONAL SMALL MS4 PERMITTEE PROVISIONS**

### **F.1. Non-Traditional Small MS4 Categories**

The Non-Traditional Small MS4s identified in Attachment B or by a Regional Water Board Executive Officer shall comply with the specific provisions in this Section. For military installations, this permit applies to areas, where the activities and population density resemble that of a traditional small MS4, as defined in the permit boundary map in Section A.2.b.(3). For Department of Corrections and Rehabilitation Permittees, this permit applies to facilities that are in active operation (i.e., does not apply to closed facilities lacking management oversight).

### **F.2. Security Concerns**

Department of Defense, Department of Corrections and Rehabilitation Permittees, ports and transportation agencies are exempt from Annual Reporting of any provision in this section that could pose a security risk and/or compromise facility security.

### **F.3. Maximize Efficiency**

Permittees may incorporate the required storm water provisions into already existing programs and leverage existing staff to implement BMPs during its day to day business and operations.

### **F.4. Equivalent or Existing Document**

A Permittee may utilize an equivalent or existing document such as a Standard Operations and Procedures manual, Operation and Maintenance Plan, or Spill Response Plan if that document includes the necessary information required to comply with the provisions of this section.

## F.5. PROVISIONS

### F.5.a. PROGRAM MANAGEMENT ELEMENT

#### F.5.a.1. Legal Authority

- (i) **Task Description** - Permittee shall have adequate legal authority to meet the requirements of this Order
- (ii) **Implementation Level** – Within the second year of the effective date of the permit, the Permittee shall review, revise or adopt new relevant policies, contractual provisions, base orders, resolutions or other regulatory mechanisms, to the extent allowable under state or local law, to ensure it has at a minimum the legal authority to:
  - (a) Effectively prohibit non-storm water discharges through the MS4. Exceptions to this prohibition are NPDES-permitted discharges of non-storm water and non-storm water discharges from B.3 that are considered non-significant contributors of pollutants. Where the non-storm water discharge is to a segment of an MS4 that discharges directly to an ASBS, exceptions to the non-storm water prohibition are specified in Attachment C.
  - (b) Detect and eliminate illicit discharges and illegal connections to the MS4. Illicit connections include pipes, drains, open channels, or other conveyances that have the potential to allow an illicit discharge to enter the MS4. Illicit discharges include all non-storm water discharges not otherwise authorized in this Order, including, but not limited to discharges from mobile cleaning and pressure washing operations.
  - (c) Respond to spills, and prohibit dumping or disposal of materials other than storm water into the MS4.
  - (d) Require vendors, contractors and operators of commercial facilities to minimize the discharge of pollutants to the MS4 through the installation, implementation, and maintenance of BMPs consistent with the CASQA Best Management Practice Handbooks or equivalent.
  - (e) Ensure construction site or industrial facility operators provide a Waste Discharge Identification Number for coverage under the CGP and IGP and comply with the appropriate permit.
  - (f) Review designs and proposals for new development and redevelopment to determine whether adequate BMPs will be installed, implemented, and maintained during construction and after final stabilization (post-construction).
  - (g) Promptly cease and desist discharges and/or cleanup and abate a discharge, including the ability to:
    - 1) Effectively require the discharger to abate and clean up their discharge, spill, or pollutant release within 72 hours of notification;
    - 2) Require abatement, within 30 days of notification, for uncontrolled sources of pollutants that could pose an environmental threat;

- 3) Perform the cleanup and abatement work and bill the responsible party, if necessary;
- 4) Provide the option to order the cessation of activities until such problems are adequately addressed if a situation persists where pollutant-causing sources or activities are not abated;
- 5) Require a new timeframe and notify the appropriate Regional Water Board when all parties agree that clean-up activities cannot be completed within the original timeframe and notify the appropriate Regional Water Board in writing within five business days of the determination that the timeframe requires revision.

(iii) **Reporting** – All Permittees shall submit by the second year online Annual Report, a statement signed by both the Permittee's legal counsel and an authorized signatory certifying the Permittee has adequate legal authority to comply with all Order requirements.

#### **F.5.b. EDUCATION AND OUTREACH PROGRAM**

##### **F.5.b.1. Compliance Participation Options**

All Permittees shall comply with the requirements in this Section by participating in one or more of the following:

- (a) Contributing to a countywide storm water program, as determined appropriate by the Permittee members, so that the countywide storm water program conducts education and outreach on behalf of its members; or
- (b) Contributing to a regional education and outreach collaborative effort (a regional education and outreach collaborative effort occurs when all or a majority of the Permittees collaborate to conduct regional education and outreach. Regional education and outreach collaboration includes Permittees defining a uniform and consistent message, deciding how best to communicate the message, and how to facilitate behavioral changes. Then collaboratively apply what is learned through local jurisdiction groups, pooling resources and skills.); or
- (c) Fulfilling education and outreach requirements within their jurisdictional boundaries on their own. Some level of coordination of education and outreach efforts with an adjacent Phase I MS4 Permittee is recommended/anticipated for watershed/region-wide consistency.; or
- (d) A combination of the previous options, so that all requirements are fulfilled.

**Reporting** – By the first year online Annual Report, the Permittee shall submit information indicating which compliance participation option it will use to comply with the public education and outreach requirements in this Section. For each public education and outreach requirement in this Section that the Permittee will comply with through contribution to a countywide storm water program or regional education and outreach collaborative effort, the Permittee shall include in the first year online Annual Report documentation, such as a written agreement, letter or similar document, which confirms the collaboration with other MS4s.

### F.5.b.2. Public Education and Outreach

The public for a Non-traditional MS4 Permittee is considered the following, if applicable:

- Faculty
  - Inmates
  - Military personnel
  - Residents
  - Students
  - Staff
  - Visitors
- (i) **Task Description** – Within the second year of the effective date of the permit, the Permittee shall develop and implement a comprehensive storm water public education and outreach program. The public education and outreach program shall be designed to inform the public about storm water pollution and steps that can be taken to reduce storm water pollution. The Public Education and Outreach Program shall measurably increase the public's knowledge regarding the storm drain system, impacts of urban runoff and illicit discharges on receiving waters, and potential BMP solutions for the target audiences.
- (ii) **Implementation Level** –The Permittee shall, at a minimum:
- (a) Develop and implement a public education strategy that establishes education tasks based on water quality problems, target audiences, and anticipated task effectiveness. The strategy must include identification of who is responsible for implementing specific tasks and a schedule for task implementation. The strategy must demonstrate how specific high priority storm water quality issues in their jurisdiction or local pollutants of concern are addressed.
  - (b) Implement BMPs that gauge level of awareness in target audiences and effectiveness of education tasks.
  - (c) Develop and convey a specific storm water message that focuses on the following:
    - 1) Local pollutants of concern
    - 2) Target audience
    - 3) Regional water quality issues
  - (d) Develop and disseminate appropriate educational materials to target audiences and translate into applicable languages when appropriate (e.g. the materials can utilize various media such as printed materials, billboard and mass transit advertisements, signage at select locations, stenciling at storm drain inlets, radio advertisements, television advertisements, and websites);
  - (e) Distribute educational materials, using whichever methods and procedures determined appropriate during development of the public education strategy;
  - (f) Develop and convey messages to explain the benefits of water-efficient landscaping (if appropriate);
  - (g) Utilize information from storm water-friendly landscaping<sup>30</sup> programs (if appropriate);

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<sup>30</sup> For example, Surfrider's Ocean Friendly Garden Program (<http://www.surfrider.org/programs/entry/ocean-friendly-gardens>)



- (h) Develop and convey messages specific to reducing illicit discharges with information about how the public can report incidents to the appropriate authorities;
  - (i) Develop and convey of messages specific to proper application of pesticides, herbicides, and fertilizers;
  - (j) Within the Permittee's jurisdiction, provide independent, parochial and public schools with materials to effectively educate school-age children, if applicable, about storm water and how they can help to protect water quality habitat in their local watersheds. The Permittee is encouraged to use environmental and place-based, experiential learning materials that are integrated into school curricula and school facility management<sup>31</sup>. In the case that a local program does not exist, the Permittee may use California's Education and Environment Initiative Curriculum<sup>32</sup> or equivalent;
  - (k) Develop (or coordinate with existing effective programs) and convey messages specific to reducing discharges from pressure washing operations and landscape irrigation;
  - (l) If applicable, utilize storm water-friendly education for organized car wash participants and provide information pertaining to car wash discharge reduction. The Permittee may use the Sacramento Stormwater Quality Partnership's River Friendly Carwash Program<sup>33</sup>, or equivalent, for guidance;
  - (m) The Permittee shall conduct focused education in identified illicit discharge flow areas based on identified illicit discharge(s).
- (iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section F.5.j.2. for compliance directions.

#### **F.5.b.3. Staff and Site Operator Training and Education: Illicit Discharge Detection and Elimination Training**

- (i) **Task Description** – Permittees shall develop and implement a training program for all Permittee staff, who, as part of their normal job responsibilities, may be notified of, come into contact with, or otherwise observe an illicit discharge or illegal connection to the storm drain system.
- (ii) **Implementation Level** – Within the third year of the effective date of the permit, the Permittee shall develop the training program. The training program shall include at a minimum:
  - (a) Identification of an illicit discharge or illegal connection;
  - (b) Proper procedures for reporting and responding to the illicit discharge or illegal connection;
  - (c) Follow-up training provided as needed to address changes in procedures, techniques, or staffing;

<sup>31</sup> For example, Splash ([www.sacsplash.org/](http://www.sacsplash.org/)), Effie Yeaw Nature Center ([www.sacnature.net/](http://www.sacnature.net/)) or Yolo Basin ([www.yolobasin.org/](http://www.yolobasin.org/))

<sup>32</sup> <http://www.californiaeei.org/>

<sup>33</sup> <http://www.beriverfriendly.net/riverfriendlycarwashing/>

- (d) Annual assessment of their trained staff's knowledge of illicit discharge response and shall provide refresher training as needed;
  - (e) Training of new staff who, as part of their normal job responsibilities may be notified of, come into contact with, or otherwise observe an illicit discharge or illegal connection;
  - (f) Contact information, including the procedure for reporting an illicit discharge, shall be included in each of the Permittee's fleet vehicles that are used by field staff.
- (iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section F.5.j.2. for compliance directions.

#### **F.5.b.4. Staff Pollution Prevention and Good Housekeeping**

The Permittee shall train employees on how to incorporate pollution prevention/good housekeeping techniques into Permittee operations.

- (i) **Task Description** – The Permittee shall provide a biennial training program for appropriate employees involved in implementing pollution prevention and good housekeeping practices in the Pollution Prevention/Good Housekeeping for Permittee Operations sections of this permit. The Permittee shall determine the need for interim training during alternate years when training is not conducted, through an evaluation of employee Pollution Prevention/Good Housekeeping knowledge.
- (ii) **Implementation Level** – The biennial training program shall include the following:
  - (a) General storm water education component, any new technologies, operations, or responsibilities that arise during the year and the permit requirements which apply to the staff being trained. Clear guidance on appropriate storm water BMPs to use at Permittee owned facilities and during typical Operation and Maintenance activities.
  - (b) An assessment of trained staff's knowledge of pollution prevention and good housekeeping and shall revise the training as needed.
  - (c) A requirement that any contractors hired by the Permittee to perform Operation and Maintenance activities shall be contractually required to comply with all of the storm water BMPs, good housekeeping practices, and standard operating procedures described above.
  - (d) The Permittee shall provide oversight of contractor activities to ensure that contractors are using appropriate BMPs, good housekeeping practices and following standard operating procedures.
- (iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of

this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section F.5.j.2.for compliance directions.

#### **F.5.c. PUBLIC INVOLVEMENT AND PARTICIPATION PROGRAM**

- (i) **Task Description** - Within the third year of the effective date of the permit, the Permittee shall involve its public in the development and implementation of activities related to the program. The public participation and involvement program shall encourage volunteerism, public comment and input on policy, and activism in the community.
- (ii) **Implementation Level** – The Permittee shall, at a minimum:
  - (a) Ensure that high priority storm drain inlets include a labeled, stenciled or other effective method (e.g., clearly visible sign strategically placed in area of high pedestrian activity) of communicating a storm water awareness message such as “drains to creek” or “only rain in the drain”.
  - (b) Integrate storm water awareness messages and information on a publicly accessible website
- (iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section F.5.j.2.for compliance

#### **F.5.d. ILLICIT DISCHARGE DETECTION AND ELIMINATION PROGRAM**

The Permittee shall develop an Illicit Discharge Detection and Elimination program to detect, investigate, and eliminate illicit discharges, including illegal dumping, into its system or coordinate with an adjacent Phase I MS4 Permittees existing program. The existing program, at a minimum, must include the provisions in this section.

##### **F.5.d.1 Outfall Mapping**

- (i) **Task Description** – Within the second year of the effective date of the permit, the Permittee shall maintain an up-to-date and accurate outfall map. The map may be in hard copy and/or electronic form or within a geographic information system (GIS). The development of the outfall map shall include a visual outfall inventory involving a site visit to each outfall. It is recommended the Permittee coordinate with an adjacent Phase I MS4 Permittee to collect outfall data for which they may discharge to. Renewal Permittees that have an existing and up-to-date outfall map that includes the minimum requirements specified in Section F.5.d.1.(ii)(a-b) are not required to re-create the outfall map. This does not exempt renewal Permittees with an existing outfall map from conducting the field sampling specified in Section F.5.d.2.

(ii) **Implementation Level** - The outfall map shall at a minimum show:

- (a) The location of all outfalls and drainage areas within the urbanized area, contributing to those outfalls that are operated by the Permittee, and that directly discharge within the Permittee's jurisdiction to a receiving water. Each mapped outfall shall be given an individual alphanumeric identifier, which shall be noted on the map. Photographs shall be taken or an electronic database shall be utilized to provide baseline information and track operation and maintenance needs over time.
- (b) The location (and name, where known to the Permittee) of all water bodies receiving direct discharges from those outfall pipes.

Submerged outfalls or other outfalls that may pose a threat to public safety are not required to be inventoried.

(iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section F.5.j.2. for compliance.

#### **F.5.d.2. Field Sampling to Detect Illicit Discharges**

- (i) **Task Description** – Within the second year of the effective date of the permit, the Permittee shall conduct field sampling to detect potential illicit discharges while conducting the outfall inventory specified in Section F.5.d. Outfall Inventory. If while conducting the outfall inventory specified in Section F.5.d., an outfall is flowing or ponding and it has been more than 72 hours since the last rain event, then the Permittee shall sample the discharge.
- (ii) **Implementation Level** – If an outfall is flowing or ponding and it has been more than 72 hours since the last rain event, the Permittee shall:
  - (a) Conduct monitoring for the following indicator parameters identified in Table 1. Field Sampling Indicator Parameters (following page) to help determine the source and identification of the discharge. Alternatively, the Permittee may select parameters based on local knowledge of pollutants of concern in lieu of sampling for the parameters listed in Table 1. Modifications and associated justifications shall be identified within SMARTS prior to conducting field sampling as specified in Section F.5.d.2.

**Table 1. Field Sampling Indicator Parameters**

Indicator Parameters Used to Detect Illicit Discharges					
Parameter	Discharge Types It Can Detect				Laboratory/Analytical Challenges
	Sewage	Washwater	Tap Water	Industrial or Commercial Liquid Wastes	
Ammonia	●	⊙	○	⊙	Can change into other nitrogen forms as the flow travels to the outfall
Color	⊙	⊙	○	⊙	
Conductivity	⊙	⊙	○	⊙	Ineffective in saline waters
Detergents – Surfactants	●	●	○	⊙	Reagent is a hazardous waste
Fluoride*	○	○	●	⊙	Reagent is a hazardous waste Exception for communities that do not fluoridate their tap water
Hardness	⊙	⊙	⊙	⊙	
pH	○	⊙	○	⊙	
Potassium	⊙	○	○	●	May need to use two separate analytical techniques, depending on the concentration
Turbidity	⊙	⊙	○	⊙	
<p>● Can almost always (&gt;80% of samples) distinguish this discharge from clean flow types (e.g., tap water or natural water). For tap water, can distinguish from natural water.</p> <p>⊙ Can sometimes (&gt;50% of samples) distinguish this discharge from clean flow types depending on regional characteristics, or can be helpful in combination with another parameter</p> <p>○ Poor indicator. Cannot reliably detect illicit discharges, or cannot detect tap water</p> <p>N/A: Data are not available to assess the utility of this parameter for this purpose.</p> <p>Data sources: Pitt (this study)</p> <p>*Fluoride is a poor indicator when used as a single parameter, but when combined with additional parameters (such as detergents, ammonia and potassium), it can almost always distinguish between sewage and wash water.</p>					

- (c) Verify that indicator parameters with the following action level concentrations specified in Table 2. Action Level Concentrations for Indicator Parameters are not exceeded. Alternatively, the Permittee may tailor Table 2 to align with parameters based on local knowledge of pollutants of concern. Modifications and associated justifications shall be identified within SMARTS prior to conducting field sampling as specified in Section F.5.d.2.:

**Table 2. Action Level Concentrations for Indicator Parameters**

Indicator Parameter	Action Level Concentration
Ammonia	>= 50 mg/L
Color	>= 500 units
Conductivity	>= 2,000 $\mu$ S/cm
Hardness	<= 10 mg/L as CaCO <sub>3</sub> or >= 2,000 mg/L as CaCO <sub>3</sub>
pH	<= 5 or >=9
Potassium	>= 20 mg/L
Turbidity	>= 1,000 NTU



- (d) Conduct follow up investigations per Section F.5.d.3. if the action level concentrations are exceeded.

(iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section F.5.j.2. for compliance

#### **F.5.d.3. Illicit Discharge Detection and Elimination Source Investigations and Corrective Actions**

- (i) **Task Description** – Within the second year of the effective date of the permit, the Permittee shall develop written procedures for conducting investigations into the source of all non-storm water discharges suspected to be illicit discharges, including approaches to requiring such discharges to be eliminated, and procedures to implement corrective actions (e.g., BMPs). These procedures shall be included as part of the Illicit Discharge Detection and Elimination program.
- (ii) **Implementation Level** - At a minimum, the Permittee shall conduct an investigation(s) to identify and locate the source of any suspected illicit discharge within 72 hours of becoming aware of the suspected illicit discharge. For investigations that require more than 72 hours, the Permittee shall identify the actions being taken to identify and locate the source of the suspected illicit discharge. The Permittee shall prioritize investigations of suspected sanitary sewage and/or significant contributors over investigations of non-storm water discharges suspected of being cooling water, wash water, or natural flows.
  - (a) Report immediately the occurrence of any dry weather flows believed to be an immediate threat to human health or the environment to local Health Department.
  - (b) Determine and document through its investigations the source of all non-storm water discharges. If the source of the non-storm water discharge is found to be a discharge authorized under this permit, or authorized under another NPDES permit, no further action is required.
  - (c) Corrective Action to Eliminate Illicit Discharge – Once the source of the illicit discharge has been determined, the Permittee shall immediately notify the responsible party of the problem.
  - (d) Report immediately to the owners/operators of the downstream MS4 a non-storm water discharge suspected of being sanitary sewage and/or significantly contaminated.
- (iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of

this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section F.5.j.2. for compliance

#### **F.5.e. CONSTRUCTION SITE RUNOFF CONTROL PROGRAM**

The Permittee shall develop, implement, and enforce a program to prevent Construction site discharges of pollutants and impacts on beneficial uses of receiving waters. The program shall include the development of contract language ensuring the Permittee's in-house construction operators or outside contractors comply with the CGP.

- (i) **Task Description** – Within the first year of the effective date of the permit, each Permittee shall develop and implement contract language ensuring all outside contractors comply with the CGP and implement appropriate BMPs. Contract language shall apply to all projects that result in a total land disturbance of either one acre or more or that result in a total land disturbance of less than one acre if part of a larger common plan or development or sale.
- (ii) **Implementation Level** – The Permittee shall include CGP compliance requirements in construction contract language for all projects one acre or more or that result in a total land disturbance of less than one acre if part of a larger common plan or development or sale.
- (iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section F.5.j.2. for compliance.

#### **F.5.f. POLLUTION PREVENTION/GOOD HOUSEKEEPING FOR PERMITTEE OPERATIONS PROGRAM**

The Permittee shall develop and implement a program to prevent or reduce the amount of pollutant runoff from Permittee operations. The Permittee shall train employees on how to incorporate pollution prevention/good housekeeping techniques into Permittee operations. Permittee shall implement appropriate BMPs for preventing or reducing the amount of storm water pollution generated by Permittee operations.

##### **F.5.f.1. Inventory of Permittee-Owned or Operated Facilities**

- (i) **Task Description** - Prepare an inventory of Permittee-owned or operated facilities within their jurisdiction that are a threat to water quality, and are not covered by another storm water General Permit.
- (ii) **Implementation Level** - Within the second year of the effective date of the permit, the Permittee shall develop and maintain an inventory that shall include facilities that may impact storm water.

- (iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section F.5.j.2. for compliance.

#### **F.5.f.2. Map of Permittee-Owned or Operated Facilities**

- (i) **Task Description** – Within the second year of the effective date of the permit, prepare and submit a map of the urban area covered by the MS4 permit and identify where the Permittee-owned or operated facilities are located.
- (ii) **Implementation Level** - The Permittee shall complete and have available a map that identifies the storm water drainage system corresponding to each of the facilities as well as the receiving waters to which these facilities discharge. The map shall also show the facility and the manager of each facility, including contact information. Historic storm water collection facilities, conveyances and drainages located at historic places that are being operated for public interpretation and education shall be noted on this map so that the Regional Water Board can differentiate between modern and historic during site reviews or audits.
- (iii) **Reporting** - The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section F.5.j.2. for compliance.

#### **F.5.f.3. Facility Assessment**

- (i) **Task Description** – Within the third year of the effective date of the permit, conduct an inspection and assessment of pollutant discharge potential and pollutant hotspots.
- (ii) **Implementation Levels** - The Permittee shall conduct an annual review and assessment of all Permittee-owned or operated facilities to determine their potential to impact surface waters. The assessment shall include the following:
  - (a) Identification of pollutant hotspots based on the assessment, the Permittee shall identify as pollutant hotspots those facilities that have a high potential to generate storm water and non-storm water pollutants. Among the factors to be considered are the type and volume of pollutants stored at the site, the presence of improperly stored materials, activities that should not be performed outside (e.g., changing automotive fluids, vehicle washing), proximity to water bodies, poor housekeeping practices, and the discharge of pollutant(s) of concern to receiving water(s). Pollutant hotspots shall include, at a minimum, the Permittee's maintenance yards, hazardous waste facilities, fuel storage

locations, and any other facilities at which chemicals or other materials have a high potential to be discharged in storm water.

- (b) **Documentation of the assessment procedures and results.** The Permittee shall document the procedures it uses for conducting the assessment along with a copy of any site evaluation checklists used to conduct the assessment.

- (iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section F.5.j.2. for compliance.

#### **F.5.f.4. Storm Water Pollution Prevention Plans**

- (i) **Task Description** – the Permittee shall develop and implement SWPPPs for pollutant hotspots at high priority sites. If a Permittee has an existing or equivalent document such as Hazardous Materials Business Plan or Spill Prevention Plan, the Permittee is not required to develop a SWPPP if that document includes the necessary information required within a SWPPP.
- (ii) **Implementation Level** – Within the fourth year of the effective date of this permit, the Permittee shall implement the following:
  - (a) The Permittee shall develop and implement a site-specific SWPPP that identifies a set of storm water BMPs to be installed, implemented, and maintained to minimize the discharge of pollutants in storm water.
  - (b) The SWPPP(s) shall be kept on-site at each of the Permittee-owned or operated facilities' offices for which it was completed. The SWPPP shall be updated as necessary.
  - (c) At a minimum the SWPPP will address the following:
    - 1) Facility specific information (location, owner, address, etc.)
    - 2) Purpose of the document
    - 3) Key staff/contacts at the facility
    - 4) Site map with drainage identified
    - 5) Identification of significant materials that are handled and stored at the facility that may be exposed to storm water
    - 6) Description of potential pollutant sources
    - 7) BMPs employed at facility
    - 8) Spill control and cleanup – response to spills
- (iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment

and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section F.5.j.2. for compliance.

#### **F.5.f.5. Inspections, Visual Monitoring and Remedial Action**

- (i) **Task Description** – Within the fifth year of the effective date of the permit, the Permittee shall conduct regular inspections of Permittee-owned and operated facilities not covered by another storm water General Permit. The Permittee may incorporate storm water inspections into existing, routine facility inspections.
- (ii) **Implementation Level** – The Permittee shall conduct inspections as follows:
  - (a) Quarterly hotspot visual inspections – Perform quarterly visual inspections in accordance with the developed standing operating procedures of all hotspot Permittee-owned or operated facilities to ensure materials and equipment are clean and orderly, to minimize the potential for pollutant discharge, and to ensure implementation of BMPs. The Permittee shall look for evidence of spills and immediately clean them up to prevent contact with precipitation or runoff. The quarterly inspections shall be tracked in a log for every facility, and records kept with the SWPPP. The inspection report shall also include any identified deficiencies and the corrective actions taken to correct the deficiencies.
  - (b) Quarterly Hotspot comprehensive inspections – At least once per quarter, a comprehensive inspection of hotspot facilities, including all storm water BMPs, shall be performed, with specific attention paid to the following, but not limited to waste storage areas, dumpsters, vehicle and equipment maintenance/fueling areas, material handling areas, and similar potential pollutant-generating areas. The quarterly inspection results shall be documented and records kept with the SWPPP. This inspection shall be performed in accordance with the developed standard operating procedures. The inspection report shall also include any identified deficiencies and the corrective actions taken to correct deficiencies.
  - (c) Quarterly Hotspot visual observation of storm water and non-storm water discharges – At least once per quarter, visually observe discharge location from hotspot facilities. Where discharges are observed identify any observed problems (e.g., color, foam, sheen, turbidity) associated with pollutant sources or BMPs shall be remedied within seven days or before the next storm event, whichever is sooner. Visual observations shall be documented, and records kept with the SWPPP. This inspection shall be done in accordance with the developed standard operating procedures. The inspection report shall also include any identified deficiencies and the corrective actions taken to correct the deficiencies.
  - (d) Non-Hotspot Inspection – At a minimum, inspect each inventoried facility that is not a hotspot, once per permit term. The inspection shall investigate and assess each of the items identified above.
- (iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the



program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section F.5.j.2.for compliance.

#### **F.5.f.6. Storm Drain System Assessment and Prioritization**

- (i) **Task Description** –Within the second year of the effective date of the permit, the Permittee shall develop and implement procedures to assess and prioritize the MS4 storm drain system, including but not limited to catch basins, pipe and pump infrastructure, above-ground conveyances, including receiving waterbodies within the Permittee's urbanized area and detention basins.
- (ii) **Implementation Level** – The Permittee shall:  
Assess/prioritize storm drain system facilities for cleanout– Assign a priority to all storm drain system facilities within the Permittee's urbanized areas based on accumulation of sediment, trash and/or debris. In particular, assign high priority to catch basins meeting the following criteria:
  - 1) Catch basins known to accumulate a significant amount of sediment, trash, and/or debris;
  - 2) Catch basins collecting large volumes of runoff;
  - 3) Catch basin collecting runoff from area that do not receive regular street sweeping;
  - 4) Catch basins collecting runoff from drainage areas with exposed or disturbed soil; and
  - 5) Catch basins that receive citizen complaints/reports.
- (iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section F.5.j.2.for compliance.

#### **F.5.f.7. Maintenance of Storm Drain System**

- (i) **Task Description** –The Permittee shall begin maintenance of all high priority storm drain systems at least annually prior to the rainy season.
- (ii) **Implementation Level** – Within the third year of the effective date of the permit, the Permittee shall begin a maintenance program of high priority storm drain systems that, at a minimum includes:
  - (a) Storm drain systems inspection – Based on the priorities assigned above, in Section F.5.f.6, develop a strategy to inspect storm drain systems within the Permittee's jurisdiction. At a minimum, inspect all catch basins of high priority systems annually, prior to the rainy season.

- (b) Storm drain cleaning – Develop and implement a schedule to clean high priority catch basins and other systems. Cleaning frequencies shall be based on priority areas, with higher priority areas receiving more frequent maintenance.
  - (c) Maintenance of surface drainage structures –Visually monitor all Permittee-owned open channels, detention basins, and other drainage structures for debris at least once per year and identify and prioritize problem areas. At a minimum, removal of trash and debris from open channels and other drainage structures shall occur annually.
  - (d) Disposal of waste materials - Develop a procedure to dewater and dispose of materials extracted from catch basins. This procedure shall ensure that water removed during the catch basin cleaning process and waste material will not reenter the MS4.
- (iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section F.5.j.2.for compliance.

#### **F.5.f.8. Permittee Operations and Maintenance Activities (O&M)**

- (i) **Task Description** –The Permittee shall assess their O&M activities for potential to discharge pollutants in storm water and inspect all BMPs on a quarterly basis.
- (ii) **Implementation Level** - Within the third year of the effective date of the permit, the Permittee shall:
  - (a) Develop and implement O&M activity assessment. The O&M activities assessment shall include, but not be limited to, the potential to discharge pollutants in storm water.
  - (b) Identify all materials that could be discharged from each of these O&M activities.
  - (c) Develop and implement a set of BMPs that, when applied during Permittee O&M activities, will reduce the discharge of pollutants in storm water. The Permittee shall use the CASQA Municipal Handbook or equivalent.
  - (d) Evaluate annually all BMPs implemented during O&M activities.
- (iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm

water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section F.5.j.2. for compliance.

#### **F.5.f.9. Pesticide, Herbicide, and Fertilizer Application and New Landscape Design and Maintenance Management**

- (i) **Task Description** –The Permittee shall implement a program which focuses on pollution prevention, source control BMPs, and landscape design and maintenance to reduce the amount of pesticides, herbicides and fertilizers used during their Permittee operations and activities. The Permittee shall implement the landscape design and maintenance on new or decorative landscapes.
- (ii) **Implementation Tasks** – Within the second year of the effective date of the permit, the Permittee shall implement the following:
  - (a) Evaluate pesticides, herbicides and fertilizers used and application activities performed to identify pollution prevention and source control opportunities.
  - (b) Implement practices that reduce the discharge of pesticides, herbicides and fertilizers. At a minimum the Permittee shall do the following, but not limited to:
    - 1) Educate applicators and distributors of storm water issues.
    - 2) Implement integrated pest management measures that rely on non-chemical solutions, including:
      - a) Use of native and climate appropriate plants (reduces water usage and fertilization) for decorative landscape applications
      - b) Keeping clippings and leaves away from waterways and out of the street using mulching, composting, or landfilling
      - c) Preventing application of pesticides and fertilizers when two or more consecutive days with greater than 50% chance of rainfall are predicted by NOAA<sup>34</sup>
      - d) Limiting or replacing herbicide and pesticide use (e.g., conducting manual weed and insect removal)
      - e) Limiting or eliminating the use of fertilizers, including prohibiting application within five feet of pavement, 25 feet of a storm drain inlet, or 50 feet of a water body
      - f) Reducing mowing of grass to allow for greater pollutant removal, but not jeopardizing public safety
    - 3) Collect and properly dispose of unused pesticides, herbicides, and fertilizers.
    - 4) Minimize irrigation run-off.
- (iii) **Reporting** - The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm

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<sup>34</sup> [www.srh.noaa.gov/forecast](http://www.srh.noaa.gov/forecast)

water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section F.5.j.2. for compliance.

#### **F.5.g. POST CONSTRUCTION STORM WATER MANAGEMENT PROGRAM**

Permittees shall regulate development to comply with the following Sections:

- F.5.g.1. Site Design Measures
- F.5.g.2. Low Impact Development Design Standards
- F.5.g.3. Alternative Post-Construction Storm Water Management Program
- F.5.g.4. Operation and Maintenance of Post Construction Storm Water Management Measures

Non-traditional Permittees with Regional Water Board approved post-construction storm water management requirements based on a watershed process approach, as described in Section E.12.j. Post-Construction Storm Water Management Requirements Based on Assessment and Maintenance of Watershed Processes, shall implement those post-construction requirements in lieu of Section F.5.g. Post Construction Storm Water Management Program.

##### **F.5.g.1. Site Design Measures**

- (i) **Task Description** – Within the second year of the effective date of the permit, the Permittee shall require implementation of site design measures for all projects that create and/or replace (including projects with no net increase in impervious footprint) between 2,500 square feet and 5,000 square feet of impervious surface, including detached single family homes that are not part of a larger plan of development.
- (ii) **Implementation Level** - Projects shall implement one or more of the following site design measures to reduce project site runoff:
  - (a) Stream Setbacks and Buffers – a vegetated area including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a stream system, lake reservoir, or coastal estuarine area;
  - (b) Soil Quality Improvement and Maintenance - improvement and maintenance soil through soil amendments and creation of microbial community;
  - (c) Tree planting and preservation – planting and preservation of healthy, established trees that include both evergreens and deciduous, as applicable;
  - (d) Rooftop and Impervious Area Disconnection - rerouting of rooftop drainage pipes to drain rainwater to rain barrels, cisterns, or permeable areas instead of the storm sewer;
  - (e) Porous Pavement - pavement that allows runoff to pass through it, thereby reducing the runoff from a site and surrounding areas and filtering pollutants;
  - (f) Green Roofs – a vegetative layer grown on a roof (rooftop garden);
  - (g) Vegetated Swales - a vegetated, open-channel management practice designed specifically to treat and attenuate storm water runoff;
  - (h) Rain Barrels and Cisterns - system that collects and stores storm water runoff from a roof or other impervious surface.



Project proponents shall use the State Water Board SMARTS Post-Construction Calculator<sup>35</sup>, or equivalent to quantify the runoff reduction resulting from implementation of site design measures.

- (iii) **Reporting** - The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section F.5.j.2. for compliance.

#### **F.5.g.2. Low Impact Development (LID) Design Standards**

- (i) **Task Description** – Within the second year of the effective date of the permit, the Permittee shall implement standards to effectively reduce runoff and pollutants associated with runoff from development projects.
- (ii) **Implementation Level** - The Permittee shall regulate all development projects that create and/or replace 5,000 square feet or more of impervious surface (Regulated Projects). The Permittee shall require these Regulated Projects to implement measures for site design, source control, runoff reduction, storm water treatment and baseline hydromodification management as defined in this Order.

Regulated Projects do not include:

- (a) Interior remodels;
- (b) Routine maintenance or repair such as: exterior wall surface replacement, roof replacement or pavement resurfacing within the existing footprint.

Regulated Projects include development projects. Development includes new and redevelopment projects on public or private land that fall under the planning and permitting authority of a Permittee. Redevelopment is any land-disturbing activity that results in the creation, addition, or replacement of exterior impervious surface area on a site on which some past development has occurred. The following (a-c) describe specific Regulated Project requirements for redevelopment and road projects:

- (a) Where a redevelopment project results in an increase of more than 50 percent of the impervious surface of a previously existing development, runoff from the entire project, consisting of all existing, new, and/or replaced impervious surfaces, must be included to the extent feasible.
- (b) Where a redevelopment project results in an increase of less than 50 percent of the impervious surface of a previously existing development, only runoff from the new and/or replaced impervious surface of the project must be included.

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<sup>35</sup> The State Water Board SMARTS Post-Construction Calculator can be found at: <https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.jsp>



(c) Road Projects - Any of the following types of road projects that create 5,000 square feet or more of newly constructed contiguous impervious surface and that are public road projects and/or fall under the building and planning authority of a Permittee shall comply with Low Impact Development Standards except that treatment of runoff of the 85th percentile 24-hour storm runoff event) that cannot be infiltrated onsite shall follow U.S. EPA guidance regarding green infrastructure to the extent feasible. Types of projects include:

- (1) Construction of new streets or roads, including sidewalks and bicycle lanes built as part of the new streets or roads which create 5,000 square feet or more of impervious surface.
- (2) Widening of existing streets or roads with additional traffic lanes.
  - a) Where the addition of traffic lanes results in an alteration of more than 50 percent of the impervious surface (5,000 square feet or more) of an existing street or road, runoff from the entire project, consisting of all existing, new, and/or replaced impervious surfaces, must be included in the treatment system design.
  - b) Where the addition of traffic lanes results in an alteration of less than 50 percent (but 5,000 square feet or more) of the impervious surface of an existing street or road, only the runoff equivalent from new and/or replaced impervious surface of the project must be included in the treatment system design.
- (3) Specific exclusions are:
  - a) Sidewalks built as part of new streets or roads and built to direct storm water runoff to adjacent vegetated areas.
  - b) Bicycle lanes that are built as part of new streets or roads that direct storm water runoff to adjacent vegetated areas.
  - c) Impervious trails built to direct storm water runoff to adjacent vegetated areas, or other non-erodible permeable areas, preferably away from creeks or towards the outboard side of levees.
  - (d) Sidewalks, bicycle lanes, or trails constructed with permeable surfaces.

Effective Date for Applicability of Low Impact Development Runoff Standards to Regulated Projects: By the second year of the effective date of the permit, the Permittee shall require these Post-Construction Standards be applied on applicable new and redevelopment Regulated Projects. These include Regulated Projects that have not been deemed complete for processing, Regulated Projects without vesting tentative maps that have not requested and received an extension of previously granted approvals, and Regulated Projects that have received Project Planning Guide funding. Discretionary projects that have been deemed complete prior to the second year of the effective date of this permit are not subject to the Post-Construction Standards herein. For the Permittee's Regulated Projects, the effective date shall be the date their governing body or designee approves initiation of the project design.

Permittee's Development Projects - The Permittee shall develop and implement an equivalent approach, to the approach used for private development projects, to apply the most current version of the low impact development runoff standards to applicable public development projects.

Where Project Planning Guide funding is applicable, Permittees shall ensure that adequate funding is available to implement post-construction treatment measures for Regulated Projects approved after the effective date of this permit.

Where State of California project approvals are applicable, Permittees shall implement post-construction treatment measures for Regulated Projects approved after the effective date of this permit.

#### **F.5.g.2.a. Source Control Measures**

- (i) **Task Description** – Regulated Projects with pollutant-generating activities and sources shall be required to implement standard permanent and/or operational source control measures as applicable.
- (ii) **Implementation Level** - Measures for the following pollutant-generating activities and sources shall be designed consistent with recommendations from the CASQA Stormwater BMP Handbook for New Development and Redevelopment or equivalent manual, and include:
  - (a) Accidental spills or leaks
  - (b) Interior floor drains
  - (c) Parking/Storage area maintenance
  - (d) Indoor and structural pest control
  - (e) Landscape/outdoor pesticide use
  - (f) Pools, spas, ponds, decorative fountains, and other water features
  - (g) Restaurants, grocery stores, and other food service operations
  - (h) Storage and handling of solid waste
  - (i) Outdoor storage of equipment or materials
  - (j) Vehicle and equipment cleaning
  - (k) Vehicle and equipment repair and maintenance
  - (l) Fuel dispensing areas
  - (m) Loading docks
  - (n) Fire sprinkler test water
  - (o) Drain or wash water from boiler drain lines, condensate drain lines, rooftop equipment, drainage sumps, and other sources
  - (p) Unauthorized non-storm water discharges
  - (q) Building and grounds maintenance

#### **F.5.g.2.b. Numeric Sizing Criteria for Storm Water Retention and Treatment**

The Permittees shall require facilities designed to evapotranspire, infiltrate, harvest/use, and biotreat storm water to meet at least one of the following hydraulic sizing design criteria:

(1) Volumetric Criteria:

- a) The maximized capture storm water volume for the tributary area, on the basis of historical rainfall records, determined using the formula and volume capture coefficients in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87 (1998) pages 175-178 (that is, approximately the 85th percentile 24-hour storm runoff event); or
- b) The volume of annual runoff required to achieve 80 percent or more capture, determined in accordance with the methodology in Section 5 of CASQA's Stormwater Best Management Practice Handbook, New Development and Redevelopment (2003), using local rainfall data.

(2) Flow-based Criteria

- a) The flow of runoff produced from a rain event equal to at least 0.2 inches per hour intensity; or
- b) The flow of runoff produced from a rain event equal to at least 2 times the 85th percentile hourly rainfall intensity as determined from local rainfall records.

**F.5.g.2.c. Site Design Measures** as defined in Section F.5.g.1. shall be based on the objective of achieving infiltration, evapotranspiration and/or harvesting/reuse of the 85th percentile rainfall event, to the extent feasible, to meet Section F.5.g.2.b. Numeric Sizing Criteria for Storm Water Retention and Treatment. Site design measures shall be used to reduce the amount of runoff, to the extent technically feasible, for which retention and runoff is required. Any remaining runoff from impervious DMAs may then be directed to one or bioretention facility as specified in Section F.5.g.2.d. Storm Water Treatment Measures and Baseline Hydromodification Management Measures, described below.

**F.5.g.2.d. Storm Water Treatment Measures and Baseline Hydromodification Management Measures** After implementation of Site Design Measures in F.5.g.2.c., runoff from remaining impervious DMAs must be directed to one or more facilities designed to infiltrate, evapotranspire, and/or biotreat the amount of runoff specified in Section F.5.g.2.b. Numeric Sizing Criteria for Storm Water Retention and Treatment. The facilities must be demonstrated to be at least as effective as a bioretention system with the following design parameters.

- (1) Maximum surface loading rate of 5 inches per hour, based on the flow rates calculated. A sizing factor of 4% of tributary impervious area may be used.
- (2) Minimum surface reservoir volume equal to surface area times a depth of 6 inches.
- (3) Minimum planting medium depth of 18 inches. The planting medium must sustain a minimum infiltration rate of 5 inches per hour throughout the life of the project and must maximize runoff retention and pollutant removal. A mixture of sand (60%-70%) meeting the specifications of American Society for Testing and Materials (ASTM) C33 and compost (30%-40%) may be used.

- (4) Subsurface drainage/storage (gravel) layer with an area equal to the surface area and having a minimum depth of 12 inches.
  - (5) Underdrain with discharge elevation at top of gravel layer.
  - (6) No compaction of soils beneath the facility, or ripping/loosening of soils if compacted.
  - (7) No liners or other barriers interfering with infiltration.
  - (8) Appropriate plant palette for the specified soil mix and maximum available water use.
- a) **Alternative Designs for Bioretention Facilities** — Facilities, or a combination of facilities, of a different design than in Section F.5.g.2.d. may be permitted if the following measures of equivalent effectiveness are demonstrated:
- (1) Equal or greater amount of runoff infiltrated or evapotranspired
  - (2) Equal or lower pollutant concentrations in runoff that is discharged after bioretention
  - (3) Equal or greater protection against shock loadings and spills
  - (4) Equal or greater accessibility and ease of inspection and maintenance
- b) **Allowed Adjustments for Bioretention Facilities for Special Site Conditions** - The bioretention design parameters as specified in Section F.5.g.2.d. may be adjusted for the following special site conditions:
- (1) Facilities located within 10 feet of structures or other potential geotechnical hazards established by the geotechnical expert for the project may incorporate an impervious cutoff wall between the bioretention facility and the structure or other geotechnical hazard.
  - (2) Facilities in areas with documented high concentrations of pollutants in underlying soil or groundwater, facilities located where infiltration could contribute to a geotechnical hazard, and facilities located on elevated plazas or other structures may incorporate an impervious liner and may locate the underdrain discharge at the bottom of the subsurface drainage/storage layer (this configuration is commonly known as a "flow-through planter").
  - (3) Facilities located in areas of highly infiltrative soils or high groundwater, or where connection of underdrain to a surface drain or to a subsurface storm drain are infeasible, may omit the underdrain.
- c) **Exceptions to Requirements for Bioretention Facilities** - Contingent on a demonstration that use of bioretention or a facility of equivalent effectiveness is infeasible, other types of biotreatment or media filters (such as tree-box-type biofilters or in-vault media filters) may be used for the following:
- (1) Projects creating or replacing an acre or less of impervious area, and located in a designated pedestrian-oriented commercial district (i.e., smart growth projects), and having at least 85% of the entire project site covered by permanent structures;
  - (2) Facilities receiving runoff solely from existing (pre-project) impervious areas;
  - (3) Historic sites, structures, or landscapes that cannot alter their original configuration in order to maintain their historic integrity.

- (iii) **Reporting** – The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section F.5.j.2. for compliance.

#### **F.5.g.3. Alternative Post-Construction Storm Water Management Program**

A Permittee may propose alternative post-construction measures in lieu of some or all of Section F.5.g. requirements for multiple benefit projects. Multiple-benefit projects include projects that may address any of the following, in addition to water quality: water supply, flood control, habitat enhancement, open space preservation, recreation, climate change. Multiple-benefit projects may be applied at various scales including project site, municipal or sub-watershed level. Multiple-benefit projects may include, but are not limited to, projects developed under Watershed Improvement Plans (Water Code §16100 et seq.), IRWMP implementation and green infrastructure projects. Multiple benefit projects must be equally or more protective of water quality than Section E.12. requirements.

The Regional Water Board or the Executive Officer may approve alternative post-construction measures for multiple-benefit projects, as described above, after an opportunity for public comment, if the Regional Water Board or Executive Officer finds that the alternative measures are consistent with the MEP standard.

#### **F.5.g.4. Operation and Maintenance (O&M) of Post-Construction Storm Water Management Measures**

- (i) **Task Description** – Within the third year of the effective date of the permit, the Permittee shall implement an O&M Verification Program for new development projects regulated under this Order.
- (ii) **Implementation Level** – At a minimum, the O&M Verification Program shall include the following elements:
- (a) Projects shall at a minimum, require at least one of the following from all project proponents and their successors in control of the Project or successors in fee title:
- (1) Written conditions in the sales or lease agreements or deed for the project that requires the buyer or lessee to assume responsibility for the O&M of the installed treatment system(s) and hydromodification control(s) (if any) until such responsibility is legally transferred to another entity;
  - (2) Any other legally enforceable agreement or mechanism, such as recordation in the property deed, that assigns the O&M responsibility for the installed treatment system(s) and hydromodification control(s) (if any) to the project owner(s) or the Permittee.



- (b) Coordination with the appropriate mosquito<sup>36</sup> and vector control agency with jurisdiction to establish a protocol for notification of installed treatment systems and hydromodification management controls. On an annual basis, before the wet season, prepare a list of newly installed (installed within the reporting period) storm water treatment systems and hydromodification management controls to the local mosquito and vector control agency and the appropriate Regional Water Board. This list shall include the facility locations and a description of the storm water treatment measures and hydromodification management controls installed.
- (c) A database or equivalent tabular format of all projects that have installed treatment systems. This database or equivalent tabular format shall include the following information for each project:
  - (1) Name and address of the project;
  - (2) Specific description of the location (or a map showing the location) of the installed treatment system(s) and hydromodification control(s) (if any);
  - (3) Date(s) that the treatment system(s) and hydromodification controls (if any) is/are installed;
  - (4) Description of the type and size of the treatment system(s) and hydromodification control(s) (if any) installed;
  - (5) Responsible operator(s) of each treatment system and hydromodification control (if any);
  - (6) Dates and findings of inspections (routine and follow-up) of the treatment system(s) and hydromodification control(s) (if any) by the Permittee; and
  - (7) Any problems and corrective or enforcement actions taken.
- (d) Maintenance Approvals: The Permittee shall ensure that systems and hydromodification controls installed at projects are properly operated and maintained for the life of the projects. In cases where the responsible party for a treatment system or hydromodification control has worked diligently and in good faith with the appropriate State and federal agencies and the Permittee to obtain approvals necessary to complete maintenance activities for the treatment system or hydromodification management control, but these approvals are not granted, the Permittee shall be deemed to be in compliance with this Provision.
- (iii) **Reporting** - The Permittee shall use State Water Board SMARTS to submit a summary of the past year activities and certify compliance with all requirements of this program element. The summary shall also address the relationship between the program element activities and the Permittee's Program Effectiveness Assessment and Improvement Plan that tracks annual and long-term effectiveness of the storm water program. If a Permittee is unable to certify compliance with a requirement in this program element see Section F.5.j.2. for compliance.

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<sup>36</sup> "Best Management Practices for Mosquito Control on California State Properties" are available from the California West Nile virus website at <http://www.westnile.ca.gov/resources.php>. Please see Table 1, page 22, for a list of California mosquito control agencies or visit <http://mvcac.org>.

## **F.5.h. PROGRAM EFFECTIVENESS ASSESSMENT AND IMPROVEMENT**

### **F.5.h.1. Program Effectiveness Assessment and Improvement Plan**

- (i) **Task Description** - The Permittee shall develop and implement a Program Effectiveness Assessment and Improvement Plan that tracks short and long-term progress of the storm water program. The Program Effectiveness Assessment and Improvement Plan will assist the Permittee to adaptively manage its storm water program and make necessary modifications to the program to improve program effectiveness, reduce pollutants of concern, achieve the MEP standard, and protect water quality, and to document the Permittee's compliance with permit conditions. The Program Effectiveness Assessment and Improvement Plan shall identify the strategy used to gauge the effectiveness of prioritized BMPs and program implementation as a whole. Prioritized BMPs include BMPs implemented based on pollutants of concern. Where pollutants of concern are unidentified, prioritized BMPs are based on common pollutants of concern (i.e., sediment, bacteria, trash, nutrients). The effectiveness assessments will build upon each other from one year to the next and shall identify modifications to the program the Permittee must undertake to improve effectiveness.
- (ii) **Implementation Level** - The Program Effectiveness Assessment and Improvement Plan may be modeled upon the most recent version (if applicable) Municipal Storm Water Program Effectiveness Assessment Guidance (CASQA, May 2007) or equivalent.
  - (a) The Program Effectiveness Assessment and Improvement Plan shall include the following minimum elements:
    - (1) Implementation of storm water program elements
    - (2) Identification and targeting of Target Audience(s)
- (iii) **Reporting** - By the second year Annual Report complete and submit the Program Effectiveness Assessment and Improvement Plan. At a minimum, the Plan shall include implementation of storm water program elements and identification of the Targeted Audience(s).

### **F.5.h.2 Storm Water Program Modifications**

- (i) **Task Description** – Within the fifth year of the effective date of the permit, based on the information gained from the effectiveness assessment, the Permittee shall identify modifications to control measures/significant activities, including new BMPs or modification to existing BMPs. The Permittee shall consult with the Regional Water Board in setting expectations for the scope, timing, and frequency of BMP modifications for the next permit cycle.
- (ii) **Implementation Level** –The Permittee shall identify program modifications to include:
  - (a) Improving upon BMPs that did not accomplish goals;
  - (b) Continuing and expanding upon BMPs that proved to be effective, including identifying new BMPs or modifications to existing BMPs designed to increase pollutant load reductions;

- (c) Discontinuing BMPs that may no longer be productive and replacing with more effective BMPs; and
  - (d) Shifting priorities to make more effective use of resources
- (iii) **Reporting** – By the fifth year Annual Report complete and have available a list of maintenance activities of highest priority BMPs. By the fifth year Annual Report, complete and have available a summary of proposed modifications to the storm water program to improve program effectiveness, to achieve the MEP standard, and to protect water quality.

#### **F.5.I. TOTAL MAXIMUM DAILY LOADS COMPLIANCE REQUIREMENTS**

- F.5.I.1.** The Permittee shall comply with all applicable TMDLs approved pursuant to 40 Code of Federal Regulations § 130.7 that assign a Waste Load Allocation to the Permittee and that have been identified in Attachment G.
- F.5.I.2.** Waste Load Allocations (WLA), Load Allocations (LA), effluent limitations, implementation requirements, and monitoring requirements are specified in the adopted and approved Regional Water Board Basin Plans and authorizing resolutions which are incorporated herein by reference as enforceable parts of this Order. Applicable Basin Plan amendments and resolutions are identified in Attachment G. With the exception of the TMDLs for the Los Angeles Regional Water Board, Attachment G additionally contains a list of TMDL-specific permit requirements developed by the Regional Boards for compliance with the implementation requirements of the relevant TMDLs. These requirements are an enforceable component of this Order. In some cases, dates are given that fall outside the term of this Order. Compliance dates that have already passed are enforceable on the effective date of this Order. Compliance dates that exceed the term of this Order are included for reference, and become enforceable in the event that this Order is administratively extended.
- F.5.I.3.** The Regional Water Boards are directed to review, within one year of the effective date of this Order, the TMDL-specific permit requirements contained in Attachment G and to propose to the State Water Board any appropriate revisions after consultation with the Permittees and State Water Board staff. The Los Angeles Regional Water Board will develop TMDL-specific permit requirements within one year of the effective date of this Order in consultation with the Permittees and State Water Board staff. Any proposed revisions by the Regional Water Boards shall be supported by a statement of reasons explaining how the proposed TMDL-specific permit requirements are consistent with the assumptions and requirements of applicable WLAs and with the goals of the TMDL. The State Water Board will incorporate into this Order any necessary revisions, including the statements of reasons through a reopener. The State Water Board may additionally revise this Order through a reopener to incorporate any modifications or revisions to the TMDLs in Attachment G, or to incorporate any new TMDLs adopted during the term of this General Permit that assign a WLA to the Permittee or that identify the Permittee as a responsible party. Where a TMDL is limited to a single constituent within a single reach of the watershed, the Regional Water Board Executive Officer may require additional monitoring, per Water Code § 13383. In revising Attachment G, the State Water Board will allow adequate notice and public review.

**F.5.i.4.** The Permittee shall complete and have available a report that includes the status of their implementation of the specific TMDL implementation requirements that have been incorporated into the Order with each Annual Report. The TMDL implementation report shall include the following information:

- (a) A description of BMPs implemented, including types, number, and locations
- (b) An assessment of the effectiveness of implemented BMPs in progressing towards attainment of wasteload allocations within the TMDLs' specified timeframes
- (c) All monitoring data, including a statistical analysis of the data to assess progress towards attainment of wasteload allocations within the TMDLs' specified timeframes
- (d) Based on results of the effectiveness assessment and monitoring, a description of the additional BMPs that will be implemented to attain wasteload allocations within the TMDLs/ specified timeframes

**F.5.i.5.** The Permittee shall comply with implementation requirements specified in Category 4b demonstrations associated with Clean Water Act Sections 303d, 306b, and 314 Integrated Reporting and Listing Decisions. Implementation requirements described in Category 4b demonstrations are effective upon Regional Water Board approval of that region's Integrated Reporting and Listing Decisions and associated Category 4b demonstrations.

#### **F.5.j. ONLINE ANNUAL REPORTING**

**F.5.j.1.** Department of Defense and Department of Corrections, ports, transportation agencies and Rehabilitation Permittees are exempt from Annual Reporting of any provision that could pose a security risk and compromise facility security. Any requested information to determine compliance with this Order [40 C.F.R. 122.41(h)] by the Water Boards or U.S. EPA shall be furnished during normal business hours.

**F.5.j.2.** The Permittee shall use State Water Board's SMARTS to submit a summary of the past year activities for each program element and certify compliance with all requirements of this permit. If a Permittee is unable to certify compliance with a requirement, it must submit in SMARTS the reason for failure to comply, a description and schedule of tasks necessary to achieve compliance, and an estimated date for achieving full compliance.

**F.5.j.3.** Permittees shall complete and retain all Annual Report information on the previous fiscal year beginning July 1 and ending June 30. The Annual Reporting requirements are set forth in Provisions E. The Permittee shall retain documentation as necessary to support their Annual Report. The Permittee shall make this supporting information available during normal business hours, unless agreed to by the Regional Water Board's Executive Officer.

**F.5.j.4.** The Permittee shall submit when requested by the Executive Officer of the applicable Regional Water Board a detailed written online annual report or in-person presentation of the annual report that addresses the activities described in Provision F. The detailed Annual Report must clearly refer to the permit

requirements and describe in quantifiable terms, the status of activities undertaken to comply with each requirement.

**F.5.j.5.** Permittees involved in regional programs may coordinate with the members to identify reporting responsibility. The one report submitted on behalf of Permittees involved in a regional program must include a summary of the past year activities implemented for each program element and certification of compliance for each of the Permittees in the regional program.

## **G. REGIONAL WATER BOARD AUTHORITIES**

Regional Water Boards are responsible for overseeing compliance with this Order. Oversight may include, but is not limited to, reviewing reports, requiring modification to storm water program components and various submissions, imposing region-specific monitoring requirements, conducting inspections and program evaluations (audits), taking enforcement actions against violators of this Order. Permittees shall modify and implement their storm water management programs and monitoring as required by the Regional Water Board Executive Officer. The Regional Water Board may designate additional Small MS4s as Regulated Small MS4s under this Order consistent with the criteria articulated in Finding 24 of this Order. Such designations must be approved by the Regional Water Board following public review and comment. The Executive Director of the State Water Board may amend Attachments A and B to add Regional Water Board designations. The Regional Water Boards may also issue individual permits to Regulated Small MS4s, and alternative general permits to categories of Regulated Small MS4s. Upon issuance of such permits by a Regional Water Board, this Order shall no longer regulate the affected Small MS4(s).

## **H. DISPUTE RESOLUTION**

In the event of a disagreement between a Permittee or other interested party and a Regional Water Board over the interpretation or implementation of any provision of this Order, a Permittee or interested party shall first attempt to resolve the issue with the Executive Officer of the Regional Water Board. If a satisfactory resolution is not obtained at the Regional Water Board level, a Permittee or interested party may submit the issue in writing to the Executive Director of the State Water Board or his designee for resolution, with a copy to the Executive Officer of the Regional Water Board. The issue must be submitted to the Executive Director within thirty days of any final determination by the Executive Officer of the Regional Water Board; after thirty days the Permittee or interested party will be deemed to have accepted the Regional Water Board Executive Officer's determination. The Executive Officer of the Regional Water Board will be provided an opportunity to respond. The Executive Director or his/her designee shall make a determination on the request within 60 days. Determinations of the Regional Water Board Executive Officers in interpreting and implementing this permit are considered actions of the State Water Board except where the Regional Water Board itself acts or the Executive Officer acts under Water Code Sections 13300, 13304, or 13383.



## **I. PERMIT RE-OPENER**

This Order may be modified, revoked and reissued, or terminated for cause due to promulgation of amended regulations, receipt of U.S. EPA guidance concerning regulated activities, judicial decision, or in accordance with 40 Code of Federal Regulations 122.62, 122.63, 122.64, and 124.5. The State Board may additionally reopen and modify this Order at any time prior to its expiration under any of the following circumstances:

1. Present or future investigations demonstrate that the discharge(s) regulated by this Order may have the potential to cause or contribute to adverse impacts on water quality and/or beneficial uses.
2. New or revised Water Quality Objectives come into effect, or any TMDL is adopted or revised that is applicable to the Permittees
3. TMDL-specific permit requirements for adopted TMDLs are developed or revised by a Regional Water Board for incorporation into this Order.
4. The State Water Board determines, after opportunity for public comment and a public workshop, that revisions are warranted to those provisions of the Order addressing compliance with water quality standards in the receiving water or those provisions of the Order laying out an iterative process for implementation of management practices to achieve compliance with water quality standards in the receiving water.
5. The State Board completes the delineation of statewide watershed management zones based on watershed processes and the development of watershed based criteria for hydromodification measures.
6. The State Water Board completes the statewide policy for trash control in California's waterways.

## J. PERMIT EXPIRATION

This Order expires on June 30, 2018. If this Order is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with 40 Code of Federal Regulations section 122.6 and remain in full force and effect. If you wish to continue an activity regulated by this Order after the expiration date of this Order, you must apply for and obtain authorization as required by the new permit once it is issued.

## CERTIFICATION

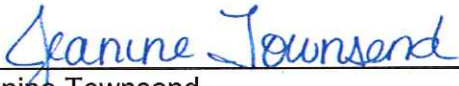
The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of State Water Board held on February 5, 2013.

AYE: Chairman Charles R. Hoppin  
Vice Chair Frances Spivy-Weber  
Board Member Tam M. Doduc  
Board Member Steven Moore  
Board Member Felicia Marcus

NAY: None

ABSENT: None

ABSTAIN: None

  
\_\_\_\_\_  
Jeanine Townsend  
Clerk to the Board

# ATTACHMENT D

State Water Resources Control Board  
Storm Water Management in California  
Fact Sheet



# Fact Sheet

STATE WATER RESOURCES CONTROL BOARD | 1001 I Street, Sacramento, CA 95814 | Mailing Address: P. O. Box 100, Sacramento, CA 95812-0100 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)

## Storm Water Management in California

### **Stopping the Spread of Pollution**

Water runoff from our cities, highways, industrial facilities and construction sites can carry pollutants that harm water quality and impair the beneficial uses of our waters - beneficial uses that belong to all Californians and entrusted to us to protect. For nearly two decades, the State Water Resources Control Board (State Water Board) and the US Environmental Protection Agency have regulated the runoff and treatment of storm water in industrial, municipal and residential areas of California. The effort falls into several distinct categories with the same goal to use storm water as a resource and to reduce harmful pollutants, fertilizers, debris and other materials carried into storm drains, drainage systems and ultimately our rivers, lakes, and ocean.

While early program efforts focused on controlling pollutants and implementing good management practices, the program is now also emphasizing holistic strategies aimed at not only preventing problems but providing many community benefits. Storm water is an important resource and Low Impact Development and Green Infrastructure techniques are now capitalizing on opportunities in California. The goal is to capture the water that runs off concrete and non-permeable surfaces and use it, for example, to water trees, plants and other living things on the same plot of land from which it would flow away. Groundwater supplies are replenished, too, and the amount of pollutants that flow into our waterways is reduced.

### **Federal and State Partnership**

The Water Boards draw authority for storm water regulation from the federal Water Pollution Control Act (Clean Water Act) and from direction within the Clean Water Act which puts the framework for regulating storm water discharges under the National Pollutant Discharge Elimination System (NPDES) Permit system.

Cities and other jurisdictions that operate large and medium and small storm water systems as well as specific industrial activity sites, including construction sites that disturb more than an acre of land, must apply for storm water permits. The State Water Board provides policy and regulatory oversight, on behalf of the federal government.

### **California has Several Storm Water Regulatory Program Areas**

- **Construction:** Projects that disturb one or more acres of soil or that disturb less than one acre but are part of a larger common plan of development, are required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity. The permit is based on a project's overall risk and requires measures to prevent erosion and reduce sediment and other pollutants in their discharges. There have been as many as 15,000 active permittees in this program area in the past. ([\*SWRCB Order No. 2009-0009-DWQ\*](#) was adopted in 2009 and became effective July 1, 2010).
- **Industrial:** Specific industrial activities must use the best technology available to reduce pollutants in their discharges. In addition, they are required to develop both a storm water pollution prevention plan and a way to monitor their progress. There is an average of 10,000 active permittees in this program area. ([\*SWRCB Order No. 97-03-DWQ\*](#) is expired and its replacement is undergoing public review in 2013 with adoption scheduled for early 2014).



- **Municipal:** Large and small municipal sewer system operators must comply with permits that regulate storm water entering their systems under a two phase system. Phase 1 regulates storm water permits for medium (serving between 100,000 and 250,000 people) and large (serving 250,000 people) municipalities. The second phase regulates smaller municipalities, including non-traditional small operations, such as military bases, public campuses, and prison and hospital complexes. The largest, single municipal discharger in California is the California Department of Transportation (Caltrans) and their network of highways and road facilities. In addition to Caltrans there are 21 Phase I municipal permits and approximately 400 permittees enrolled in the statewide Phase II municipal permit. (*Caltrans Status: Draft Permit Adopted in September 2012, Permit [Order No. 2012-0011-DWQ](#) (effective on July 1, 2013) (Phase II Status: Draft Permit Adopted in February 2013, Order No. [2013-0001 DWQ](#) effective July 1, 2013)*)

## Emerging Areas for Study, Regulation and Monitoring

Recent legislation and awareness of environmental challenges have led to innovative approaches in storm water runoff management and regulation. In addition, the Water Board has established an online database to allow regulated entities to view reports and information on water quality control efforts with storm water. Please visit the Stormwater Multiple Application and Report Tracking System – ([SMARTS](#)) here:

<https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.jsp>

- **Regulation of Pre-Production Plastics** – The discharge of pre-production plastic pellets via storm water threatens California's aquatic environment. Potential sources of preproduction plastic pellets include manufacturers, transporters, warehouse, processors, and recyclers. Some industrial facilities that either produce or handle these plastic pellets are covered by the industrial permit. The Water Boards are investigating all aspects of this emerging area and taking appropriate actions.
- **Low Impact Development (LID) and Green Infrastructure (GI)** - LID is a sustainable practice that benefits water supply and contributes to water quality protection. Unlike traditional storm water management, which collects and conveys storm water runoff through storm drains, pipes, or other conveyances to a centralized storm water facility, LID takes a different approach by using site design and storm water management to maintain the site's pre-development runoff rates and volumes. GI carries this approach to a larger, community scale and presents similar, sustainable opportunities to local governments and regional projects. The Water Boards are leading the way towards more water-friendly landscapes in California.
- **Effects of Changes in Flows and Sediment Loads to Waterways** – Changes in flow and sediment loads to streams and other watercourses can result in significant and long-standing impacts to beneficial uses of our waters. These changes are collectively referred to as "hydromodification." The Water Boards have teamed with some of the nation's top scientists to devise ground breaking ways to effectively and efficiently measure and control the impacts associated with hydromodification.

## Storm Water Management Oversight and Regulation a Priority

The Water Boards have been focused for more than 20 years in the area of storm water quality management and regulation. The Water Boards continue to strive to ensure that surface and ground water resources remain useful and managed in a sustainable manner for generations to come.

For more information please visit the following links or contact us directly:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/](http://www.waterboards.ca.gov/water_issues/programs/stormwater/)

- General Inquiries: [stormwater@waterboards.ca.gov](mailto:stormwater@waterboards.ca.gov)

*(This fact sheet was updated June 12, 2013)*



# ATTACHMENT E

Santa Monica Baykeeper v. Kramer Metals, Inc.  
Consent Decree

EXHIBIT A

LAWYERS FOR CLEAN WATER, INC.

Daniel Cooper (Bar No. 153576)

Layne Friedrich (Bar No. 195431)

Martin McCarthy (Bar No. 194915)

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San Francisco, California 94129

Telephone: (415) 440-6520

Facsimile: (415) 440-4155

Email: cleanwater@sfo.com

LAW OFFICES OF ANDREW L. PACKARD

Andrew L. Packard (Bar No. 168690)

319 Pleasant Street

Petaluma, California 94952

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Fax. (707) 763-9227

Email: andrew@packardlawoffices.com

Attorneys for Plaintiff

SANTA MONICA BAYKEEPER

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

SANTA MONICA BAYKEEPER,  
a non-profit corporation,

Plaintiff,

v.

KRAMER METALS, Inc., *et al.*,

Defendants.

Case No. CV-07-03849 DDP (FMOx)

Hon. Dean D. Pregerson

**[Proposed]  
CONSENT DECREE**

**(Federal Water Pollution Control Act,  
33 U.S.C. § 1251 *et seq.*)**

1       **WHEREAS**, Santa Monica Baykeeper (“Baykeeper” or “Plaintiff”) is a non-  
2 profit corporation dedicated to the preservation, protection and defense of the  
3 environment, the wildlife, and the natural resources of the Santa Monica Bay watershed  
4 and area receiving waters in Los Angeles County;

5       **WHEREAS**, Kramer Metals, Inc. (“Kramer Inc.” or “Defendant”) is an Owner  
6 and/or Operator of the Kramer Inc. scrap metal recycling facility located at 1760 E.  
7 Slauson Avenue, Los Angeles, California (hereinafter “Kramer 1760 Facility”) and was  
8 an Owner and/or Operator of the Kramer Inc. facility located at 1000 E. Slauson  
9 Avenue (hereinafter “Kramer 1000 Facility”) (collectively referred to as the “Kramer  
10 Facilities” or the “Sites”);

11       **WHEREAS**, Baykeeper contends that the Kramer Inc.’s operations at the Kramer  
12 Facilities result in discharges of pollutants to storm drains, Compton Creek, the Los  
13 Angeles River, and ultimately San Pedro Bay and the Pacific Ocean (collectively  
14 referred to as the “Receiving Waters”) and Kramer Inc.’s discharges are regulated by  
15 the Federal Water Pollution Control Act, 33 U.S.C. § 1251 *et seq.* (“CWA” or “Act”),  
16 Sections 301(a) and 402, 33 U.S.C §§ 1311(a), 1342;

17       **WHEREAS**, on 10 March 2007, Baykeeper served Kramer Inc., Spectrum Alloys,  
18 Inc., Continental Truck and Towing Co., LLC, and R & P Renovators, LLC,  
19 Kramer/Spirtas, LLC, Rail Prop, LLC, the United States Environmental Protection  
20 Agency (“EPA”), EPA Region IX, the State Water Resources Control Board (“State  
21 Board”) and the Regional Water Quality Control Board (“Regional Board”), with a notice  
22 of intent to file suit ("60-Day Notice") under Sections 505(a) and (b) of the CWA, 33  
23 U.S.C. § 1365(a) and (b). The 60-Day Notice alleged that the recipients had in the past  
24 and in fact continue to violate Sections 301(a) and 402 of the Act, 33 U.S.C. §§ 1311(a)  
25 and 1342, by discharging pollutants into Receiving Waters in violation of National  
26 Pollution Discharge Elimination System (“NPDES”) General Permit No. CAS0000001  
27  
28



[State Board] Water Quality Order No. 92-12-DWQ, as amended by Order No. 97-03-DWQ ("Industrial Permit") and the Act;

**WHEREAS**, on 13 June 2007, Baykeeper filed a complaint against Kramer Inc., *Spectrum Alloys, Inc., Continental Truck and Towing Co., LLC, and R & P Renovators, LLC, Kramer/Spirtas, LLC, and Rail Prop, LLC*, in the United States District Court, Central District of California (Civil Case No. CV 07-03849 VBF (FFMx)) entitled *Santa Monica Baykeeper v. Kramer Metals, Inc., Spectrum Alloys, Inc., Continental Truck and Towing Co., LLC, and R & P Renovators, LLC, Kramer/Spirtas, LLC, and Rail Prop, LLC* ("Complaint");

**WHEREAS**, on December 12, 2008, Plaintiff filed a Notice of Motion and Motion for Partial Summary Judgment ("Motion") to establish Kramer Inc.'s liability for violations of the Industrial Permit and the Act at the Kramer Facilities;

**WHEREAS**, on February 27, 2009, the Court issued an order granting in part Plaintiff's Motion;

**WHEREAS**, Baykeeper and Kramer Inc. (collectively referred to herein as the "Settling Parties" or "Parties") have agreed that it is in the Parties' mutual interest to enter into a Consent Decree setting forth terms and conditions appropriate to resolving the allegations set forth in the Complaint without further proceedings;

**WHEREAS**, this Consent Decree shall be submitted to the United States Department of Justice and the United States Environmental Protection Agency for the statutory review period pursuant to 33 U.S.C. § 1365(c) and 40 C.F.R. § 135.5;

**WHEREAS**, all actions taken by Kramer Inc. pursuant to this Consent Decree shall be made in compliance with all applicable federal, state and local rules and regulations;

///



**NOW THEREFORE IT IS HEREBY STIPULATED BETWEEN THE  
SETTLING PARTIES AND ORDERED AND DECREED BY THE COURT AS  
FOLLOWS:**

1. The Court has jurisdiction over the subject matter of this action pursuant to Section 505(a)(1)(A) of the Act, 33 U.S.C. § 1365(a)(1)(A);

2. Venue is appropriate in the Central District Court pursuant to Section 505(c)(1) of the Act, 33 U.S.C. § 1365(c)(1), because the Kramer Facilities at which the alleged violations took place are located within this District;

3. The Complaint states a claim upon which relief may be granted against Kramer Inc. pursuant to Section 505 of the Act, 33 U.S.C. § 1365;

4. Baykeeper has standing to bring this action.

**I. OBJECTIVES**

5. It is the express purpose of the Parties entering into this Consent Decree to further the objectives set forth in Section 101 *et seq.* of the CWA, 33 U.S.C. § 1251 *et seq.*, and to resolve those issues alleged by Baykeeper in its Complaint. In light of these objectives and as set forth fully below, Kramer Inc. agrees, *inter alia*, to comply with the provisions of this Consent Decree and to comply with the requirements of the Industrial Permit and all applicable provisions of the CWA at the Kramer 1760 Facility. Specifically, Receiving Water Limitation C(2) in the Industrial Permit requires that the Kramer 1760 Facility “not cause or contribute to the exceedance of an applicable water quality standard.” Effluent Limitation B(3) of the Industrial Permit requires that Best Management Practices (“BMPs”) be developed and implemented to achieve Best Available Technology (“BAT”) and the Best Conventional Pollutant Control Technology (“BCT”). Kramer Inc. is required to develop and implement BMPs necessary to comply

with the Industrial Permit's requirement to achieve compliance with BAT/BCT standards and with Water Quality Standards.<sup>1</sup>

## II. COMMITMENTS OF THE PARTIES

### A. Industrial Storm Water Pollution Control Measures

6. Kramer Inc. shall comply with the industrial storm water pollution control requirements of this Consent Decree by implementing the Discharge Minimization and Interim Discharge Minimization provisions of this Consent Decree as set forth below.

7. Interim Discharge Minimization. In the 2009-2010 wet season (defined as October 1 – May 31), Kramer Inc. shall eliminate storm water discharges from the Kramer 1760 Facility for all storms up to and including the 5 year, 24 hour storm event ("Interim Qualifying Storm Event"), as defined by the National Oceanographic and Atmospheric Administration ("NOAA") Atlas 2, Vol. XI, Figure 39 (1973) with an assumed dry antecedent condition and 4 total inches of rainfall over a 24-hour period. The Parties agree that any discharge of stormwater and/or stormwater pollutants from the Kramer 1760 Facility in connection with a rainfall event that exceeds an Interim Qualifying Storm Event during the 2009-2010 wet season is not a violation of this consent decree.

8. Kramer Inc. shall, within 30 days of the Effective Date of this Consent Decree, develop an Interim Discharge Minimization BMP Plan ("Interim BMP Plan") to detain, capture, infiltrate, evaporate, harvest treat, or store industrial storm water generated at the Kramer 1760 Facility during storm events up to and including the Interim Qualifying Storm Event. The Interim BMP Plan may contain the following measures listed herein:

(a) Materials Storage and Industrial Activities. Placing sources of contamination in covered containers or under cover with such areas contained by

<sup>1</sup> Water Quality Standards means water quality criteria contained in the Regional Water Quality Control Plan, Los Angeles Region ("Basin Plan"), the California Ocean Plan, the National Toxics Rule, the California Toxics Rule, and other state or federally approved surface water quality plans.



berming or other containment sufficient to prevent the exposure of pollutants to storm water or rainwater and the runoff or discharge of pollutants;

(b) Coating. Coating structural sources of contamination (e.g. galvanized building roofs and siding);

(c) Sweeping. Employing high efficiency sweeping in order to prevent the discharge of pollutants;

(d) Harvesting and Storing Runoff. Constructing and maintaining on-site retention facilities (such as retention ponds or swales, infiltration basins, baker tanks, sumps, cisterns, or dry wells/ injection wells) designed to hold and store the runoff generated by a 5 year 24 hour return period storm event without any off-site discharge;

(e) Infiltrating Runoff. Creating a pervious site such that infiltration happens passively through the site;

(f) Infiltration Structure. Collecting and routing storm water to a structure that is designed to be an infiltration structure (such as an infiltration basin or dry well/ injection well);

(g) Treating Runoff. Treating runoff discharging from the site.

(h) Sand Filters. The Interim BMP Plan may include the installation of the advanced sand filters evaluated in the Caltrans Retrofit Study ("CRS") at appropriate locations.

(i) Routing Discharge to the Publicly Owned Treatment Works. Routing discharge to the publicly owned treatment works ("POTW")/ sanitary sewers, in combination with on-site retention such that flows are discharged off-peak in the POTW so as not to risk exacerbating wet weather Sanitary Sewer Overflow risks from the POTW.

(j) Vehicle and Equipment Maintenance and Fueling.

i. Conducting all vehicle and equipment maintenance and fueling at the Kramer 1760 Facility on asphalt or another impermeable surface;

1                   ii.     Conducting all vehicle and equipment maintenance and fueling  
2 at the Kramer 1760 Facility under cover;

3                   iii.    Berming of otherwise containing the surface of the area where  
4 vehicle maintenance and fueling occurs (hereinafter "Maintenance and Fueling Area") in  
5 order to prevent the exposure of pollutants to storm water or rainwater and the runoff or  
6 discharge of pollutants;

7                   iv.    Cleaning the Maintenance and Fueling Area as necessary to  
8 control track-off of pollutants;

9                   v.     Dispensing all petroleum products within the Maintenance and  
10 Fueling Area(s);

11                  vi.    Installing tire washing facilities at exit points from the Kramer  
12 1760 Facility to prevent off-site tracking from vehicles;

13                  vii.   Annually power washing the entire paved part of the Kramer  
14 1760 Facility, including areas not reachable by mechanical sweepers, and dispose of the  
15 contaminated water consistent with all federal, state and local requirements, and not to  
16 area storm drains.

17       9.     Defendant shall complete and provide the Interim BMP Plan to Baykeeper  
18 for review and comment no later than 30 days from the Effective Date of this Consent  
19 Decree. Baykeeper shall respond with comments within 16 days of receiving the Interim  
20 BMP Plan. Within 12 days of receiving Baykeeper's comments, if any, Defendant shall  
21 submit a final Interim BMP Plan to Baykeeper, incorporating Baykeeper's comments into  
22 the Interim BMP Plan, or justifying in writing why any comment is not being  
23 incorporated. Defendant shall implement the Interim BMP Plan within 30 days of  
24 submitting the final Interim BMP Plan to Baykeeper. All BMPs in the Interim BMP Plan  
25 shall be implemented and functioning at the Kramer 1760 Facility on or before October  
26 1, 2009 (the start of the 2009-2010 wet season). Any disputes as to the Interim BMP  
27 Plan shall be resolved in accordance with the dispute resolution provisions of paragraphs  
28



1 24 through 27 below.

2 10. In the 2009-2010 wet season, stormwater discharges from the Kramer 1760  
3 Facility Containment Area (as defined in Exhibit A) occurring during rain events less  
4 than the Interim Qualifying Storm Event shall be considered a breach of this Consent  
5 Decree except where force majeure is demonstrated pursuant to paragraph 33 of this  
6 Consent Decree. Non-stormwater discharges from the Containment Area not authorized  
7 by the Industrial Permit, shall also be considered a breach of this Consent Decree.  
8 Permitted Discharges to the POTW/sanitary sewer shall not be considered a discharge  
9 from the Containment Area, and shall not be considered a breach of this Consent Decree.

10 11. Discharge Minimization. In the 2010-2011 wet season (defined as October  
11 1 – May 31), Kramer Inc. shall eliminate storm water discharges from the Kramer 1760  
12 Facility's Containment Area (as defined in Exhibit A) for all storms up to and including  
13 the 25 year, 24 hour storm event ("Discharge Minimization Qualifying Storm Event"), as  
14 defined by the National Oceanographic and Atmospheric Administration ("NOAA")  
15 Atlas 2, Vol. XI, Figure 41 (1973) with an assumed dry antecedent condition and 6 total  
16 inches of rainfall over a 24-hour period. The Parties agree that any discharge of  
17 stormwater and/or stormwater pollutants from the Kramer 1760 Facility in connection  
18 with a rainfall event that exceeds a Discharge Minimization Qualifying Storm Event is  
19 not a violation of this consent decree.

20 12. Kramer Inc. shall, within 60 days of the Effective Date of this Consent  
21 Decree, develop a Discharge Minimization BMP Plan ("DM BMP Plan") detailing  
22 Kramer Inc.'s proposal to roof all areas of the Kramer 1760 Facility where industrial  
23 activity takes place. Defendant shall complete and provide the DM BMP Plan to  
24 Baykeeper for review and comment no later than 60 days from the Effective Date of this  
25 Consent Decree. Baykeeper shall respond with comments within 30 days of receiving the  
26 DM BMP Plan. Within 20 days of receiving Baykeeper's comments, if any, Defendant  
27 shall submit a final DM BMP Plan to Baykeeper, incorporating Baykeeper's comments  
28



1 into the DM BMP Plan, or justifying in writing why any comment is not being  
2 incorporated. All roofing and any additional BMPs in the DM BMP Plan shall be  
3 completed, installed, and functioning at the Kramer 1760 Facility on or before October 1,  
4 2010 (the start of the 2010-2011 wet season).

5 **B. STORM WATER POLLUTION PREVENTION PLAN**

6 13. SWPPP Revisions. Within 45 days of the Effective Date of this Consent  
7 Decree, Kramer Inc. agrees to revise the SWPPP currently in effect at the Kramer 1760  
8 Facility to incorporate all storm water pollution prevention measures and other applicable  
9 requirements set forth in this Consent Decree and/or the Industrial Permit. Specifically,  
10 the SWPPP shall include a description of all industrial activities and corresponding  
11 potential pollution sources and, for each potential pollutant source, a description of the  
12 potential pollutants from the sources. The SWPPP shall also identify BMPs (and their  
13 implementation dates) designed to achieve compliance with the provisions of this  
14 Consent Decree. Kramer Inc. shall revise the SWPPP as necessary to incorporate  
15 additional BMPs developed pursuant to this Consent Decree.

16 14. Baykeeper's Review of Revised SWPPP. Kramer Inc. shall submit one  
17 copy of the revised SWPPP to Baykeeper within seven days of completion of the  
18 revisions.

19 a. Within twenty (20) days of Baykeeper's receipt of the revised  
20 SWPPP, Baykeeper shall provide Kramer Inc. with comments and suggestions, if any,  
21 concerning the revisions to the SWPPP.

22 b. Within ten (10) days of Kramer Inc.'s receipt of Baykeeper's  
23 comments on the revised SWPPP, Kramer Inc. shall incorporate Baykeeper's comments  
24 and re-issue the SWPPP.

25 c. If Baykeeper is dissatisfied with the SWPPP after its re-issuance  
26 pursuant to paragraph 14(b) above, Baykeeper may, within sixty (60) days of  
27  
28

1 Baykeeper's receipt of the SWPPP, elect to invoke the dispute resolution procedures  
2 outlined in paragraphs 24 through 27 below.

3 **C. MONITORING AND REPORTING**

4 15. Site Inspections. During the life of this Consent Decree, Baykeeper's  
5 Water Quality Engineer, accompanied by Baykeeper's attorney or other representative,  
6 may conduct up to two Site Inspections each calendar year at the Kramer 1760 Facility .  
7 The Site Inspections shall occur during normal business hours and Baykeeper shall  
8 provide Kramer Inc. with forty-eight (48) hours notice prior to each inspection. If an  
9 inspection is to take place on a Monday, Baykeeper shall provide written notice not later  
10 than 10:00 a.m. on the preceding Friday during normal business hours. During the Site  
11 Inspections, Baykeeper and/or its representatives shall be allowed access to the Kramer  
12 1760 Facility's SWPPP and monitoring records and to all monitoring reports and data for  
13 the Kramer 1760 Facility. During the Site Inspections, Baykeeper and/or its  
14 representatives may collect samples of storm water discharges at the Kramer 1760  
15 Facility. A certified California laboratory shall analyze storm water samples collected by  
16 Baykeeper. Baykeeper shall make every reasonable effort to ensure that its inspections  
17 are scheduled in such a manner as to allow Kramer Inc.'s compliance officer to be  
18 present at all inspections.

19 16. Compliance Monitoring and Oversight. Kramer Inc. agrees to help defray  
20 Baykeeper's reasonable costs incurred in conducting Site Inspections and compliance  
21 monitoring by reimbursing Baykeeper Ten Thousand Dollars (\$10,000) for these costs.  
22 Five-Thousand (\$5,000.00) dollars of this amount shall be paid within ten (10) days of  
23 the Effective Date of this Consent Decree. The remaining Five Thousand (\$5,000.00)  
24 dollars shall be paid within one hundred fifty (150) days of the Effective Date. Kramer  
25 Inc. agrees to make compliance monitoring and oversight funds payable to "Lawyers for  
26 Clean Water Attorney Client Trust Account" and delivered by certified mail or overnight  
27  
28



1 delivery to Lawyers for Clean Water, Inc., 1004A O'Reilly Avenue, San Francisco,  
2 California 94129, attention Layne Friedrich.

3 17. Reporting. During the life of this Consent Decree, on a monthly basis,  
4 Kramer Inc. shall provide Baykeeper with a copy of all compliance and monitoring data,  
5 including inspection reports, related to the Kramer 1760 Facility. During the life of this  
6 Consent Decree, Kramer Inc. shall provide Baykeeper with all laboratory analyses or  
7 stormwater discharge information related to the Kramer 1760 Facility within seven days  
8 of Kramer Inc.'s receipt of such information.

9 18. Document Provision. During the life of this Consent Decree, Kramer Inc.  
10 shall copy Baykeeper on all documents related to water quality at the Kramer 1760  
11 Facility that are submitted to the Regional Board, the State Board, and/or any State or  
12 local agency or municipality. Such reports and documents shall be provided to  
13 Baykeeper concurrently as they are sent to the agencies and/or municipalities.

14 **D. ENVIRONMENTAL PROJECTS AND FEES**

15 19. Environmental Mitigation Project. Kramer Inc. agrees to pay Ninety-Five  
16 Thousand Dollars (\$95,000.00) to the Rose Foundation for use in a supplemental  
17 environmental project to eliminate or mitigate the impacts of storm water pollution to the  
18 Compton Creek and/or Los Angeles River watersheds receiving discharges from the  
19 Kramer 1760 Facility and Kramer 1000 Facility. Kramer Inc. shall make the mitigation  
20 payment within one hundred fifty (150) days of the Effective Date of this Consent  
21 Decree and mail via certified mail or overnight delivery to the Rose Foundation, 6008  
22 College Avenue, Suite 10, Oakland, CA 94618. Kramer Inc. shall provide Baykeeper  
23 with a copy of such payment.

24 20. Baykeeper's Fees and Costs. Kramer Inc. agrees to reimburse Baykeeper  
25 for Baykeeper's investigation fees and costs, expert fees and costs, reasonable attorneys'  
26 fees, and other costs incurred as a result of investigating and preparing the lawsuit, and  
27 negotiating a resolution of this matter, totaling Three-Hundred Forty-Five Thousand  
28

1 (\$345,000.00) Dollars. The first payment of Forty-Five Thousand (\$45,000.00) Dollars  
2 shall be made within ten days of the Effective Date, payable to "Lawyers for Clean  
3 Water Attorney Client Trust Account" and delivered by certified mail or overnight  
4 delivery to: Lawyers for Clean Water, Inc., 1004A O'Reilly Avenue, San Francisco,  
5 California 94129 attention Layne Friedrich. The remaining sum of Three Hundred  
6 Thousand (\$300,000.00) dollars shall be made in the manner above within one-hundred  
7 fifty (150) days of the Effective Date.

8  
9 **E. STIPULATED PAYMENT**

10 21. Kramer Inc. shall make a remediation payment of One Thousand Dollars  
11 (\$1,000) for each missed deadline included in or contemplated by this Consent Decree,  
12 unless the missed deadline results from a Force Majeure Event. Payments for missed  
13 deadlines shall be made to Santa Monica Bay Restoration Commission for the restoration  
14 and/or improvement of the watershed in the area affected by the missed deadline.  
15 Kramer Inc. agrees to make the stipulated payment within thirty (30) days of a missed  
16 deadline and mail via certified mail or overnight delivery to Santa Monica Bay  
17 Restoration Commission, 320 West 4th Street, Suite 200, Los Angeles, CA 90013.  
18 Kramer Inc. shall provide Baykeeper with a copy of each such payment.

19  
20 **F. COMMITMENTS OF PLAINTIFF**

21 22. Stipulated Dismissal. Within three (3) days of execution of this Consent  
22 Decree by the Parties, Baykeeper shall file this Consent Decree with the United States  
23 District Court for the Central District of California ("District Court").

24 23. Review by Federal Agencies. Baykeeper shall submit this Consent Decree  
25 to EPA and the U.S. Department of Justice ("DOJ") within three days of the execution of  
26 this Consent Decree for review consistent with 40 C.F.R. § 135.5. In the event that EPA  
27  
28



1 or DOJ comments negatively on the provisions of this Consent Decree, the Parties agree  
2 to meet and confer to attempt to resolve the issue(s) raised by EPA or DOJ.

3 **G. DISPUTE RESOLUTION**

4 24. This Court shall retain jurisdiction over this matter for the purposes of  
5 implementing and enforcing the terms and conditions of this Consent Decree, and  
6 adjudicating all disputes among the parties that may arise under the provisions of this  
7 Consent Decree. The Court shall have the power to enforce this Consent Decree with all  
8 available legal and equitable remedies, including contempt.

9 25. Meet and Confer. A party to this Consent Decree shall invoke the dispute  
10 resolution procedures of this Section by notifying all other Parties in writing of the  
11 matter(s) in dispute and of the party's intention to resolve the dispute under this Section.  
12 The Parties shall then meet and confer in an attempt to resolve the dispute informally  
13 over a period of fourteen (14) calendar days from the date of the notice.

14 26. If the Parties cannot resolve a dispute by the end of meet and confer  
15 informal negotiations, the party invoking the dispute resolution provision shall provide  
16 notice to the other party that it intends to invoke formal dispute resolution by filing a  
17 motion before the United States District Court for the Central District of California. The  
18 Parties shall jointly apply to the Court for an expedited hearing schedule on the motion.

19 27. If a party initiates a motion or proceeding before the Court relating to  
20 enforcement of the terms and conditions of this Consent Decree, the party shall be  
21 entitled to recover fees incurred to enforce the terms of this Consent Decree consistent  
22 with the provisions of Sections 505 and 309 of the CWA, 33 U.S.C. §1365 and § 1319.

23 **III. RETENTION OF JURISDICTION AND TERMINATION**

24 28. Within ten (10) days of execution of this Consent Decree, Baykeeper will  
25 dismiss with prejudice all defendants to this action except for Kramer Metals, Inc. The  
26 Court shall retain jurisdiction over this matter for purposes of interpreting, modifying or  
27 enforcing the terms of this Consent Decree executed by the Parties, or as long thereafter  
28



1 as is necessary for the Court to resolve any motion to enforce this Consent Decree filed  
2 within sixty (60) days after completion of the obligations set forth in the Consent Decree.  
3 This Consent Decree shall terminate in accordance with paragraph 29 below after  
4 Kramer Inc. completes the roofing of the Kramer 1760 Facility required under this  
5 Consent Decree and after Baykeeper has conducted an inspection of the completed  
6 roofing at the Kramer 1760 Facility.

7 29. If Kramer Inc. believes it has complied with the terms of this Consent  
8 Decree, Kramer Inc. shall submit a written notice of compliance and request to terminate  
9 this Consent Decree to Baykeeper setting forth the information justifying Kramer Inc.'s  
10 request for termination. Upon receipt of this written request, Baykeeper shall have  
11 twenty-one (21) days to conduct an inspection of the Kramer 1760 Facility in accordance  
12 with the provisions of paragraph 15 above. If upon inspection Baykeeper does not agree  
13 to terminate coverage under the Consent Decree, the Parties shall resolve the matter via  
14 the dispute resolution provisions of paragraphs 24 through 27. If Baykeeper has not  
15 invoked the dispute resolution provisions within 21 days of Baykeeper's receipt of the  
16 written notice and request to terminate the Consent Decree, Kramer Inc. may move the  
17 Court to terminate the Consent Decree and Baykeeper shall not oppose the motion.

18 **IV. MUTUAL RELEASE OF LIABILITY AND COVENANT NOT TO SUE**  
19

20 30. In consideration of the above, upon termination of this Consent Decree, the  
21 Parties hereby fully release, except for claims for Kramer Inc.'s failure to comply with  
22 this Consent Decree and as expressly provided below, each other and their respective  
23 successors, assigns, officers, agents, employees, landlords/property owners, and all  
24 persons, firms and corporations having an interest in them, from any and all alleged  
25 CWA violations claimed in the Complaint, up to and including the Effective Date of this  
26 Consent Decree.

1           31. Nothing in this Consent Decree limits or otherwise affects Plaintiff's right to  
2 address or take any position that it deems necessary or appropriate in any formal or  
3 informal proceeding before the Regional Board, EPA, or any other judicial or  
4 administrative body on any other matter relating to Kramer Inc.

5 **V. MISCELLANEOUS PROVISIONS**

6           32. The Parties enter into this Consent Decree to avoid prolonged and costly  
7 litigation. Neither the Consent Decree, nor any payment pursuant to the Consent Decree,  
8 nor any implementation of BMPs or any other compliance with this Consent Decree,  
9 shall constitute or be construed as – and Kramer Inc. expressly does not intend to  
10 imply—any admission to any finding, adjudication, or acknowledgment of any fact, law,  
11 or liability, nor shall it be construed as an admission of violation of any law, rule, or  
12 regulation. Kramer Inc. maintains and reserves all defenses it may have to any alleged  
13 violations that may be raised in the future.

14           33. Force Majeure. Force Majeure includes any act of God, war, fire, earthquake,  
15 windstorm, flood or natural catastrophe; unexpected and unintended accidents not caused  
16 by Kramer Inc.'s or its employees' negligence; civil disturbance, vandalism, sabotage or  
17 terrorism; restraint by court order or public authority or agency; or action or non-action  
18 by, or inability to obtain the necessary authorizations or approvals from any  
19 governmental agency. Force Majeure shall not include normal inclement weather,  
20 economic hardship or inability to pay. Any party seeking to rely upon this paragraph to  
21 excuse or postpone performance, shall have the burden of establishing that it could not  
22 reasonably have been expected to avoid the event or circumstance, and which by exercise  
23 of due diligence has been unable to overcome the failure of performance. Kramer Inc.  
24 shall exercise due diligence to resolve and remove any force majeure event.

25           34. Construction. The language in all parts of this Consent Decree shall be  
26 construed according to its plain and ordinary meaning, except as to those terms defined in  
27 the Industrial Permit, the Clean Water Act, or specifically herein.



1        35. Choice of Law. The laws of the United States shall govern this Consent  
2 Decree.

3        36. Severability. In the event that any provision, paragraph, section, or sentence  
4 of this Consent Decree is held by a court to be unenforceable, the validity of the  
5 enforceable provisions shall not be adversely affected.

6        37. Correspondence. All notices required herein or any other correspondence  
7 pertaining to this Consent Decree shall be sent by regular, certified, or overnight mail as  
8 follows:

9        If to Plaintiff:

10        Daniel G. Cooper, Esq.  
11        Lawyers for Clean Water, Inc.  
12        1004 O'Reilly Ave.  
13        San Francisco, CA 94129

14        With copies to:

15        Santa Monica Baykeeper  
16        120 W. Broadway, Suite 105  
17        Santa Monica, CA 90401

18        If to Kramer Inc.:

19        Jason M. Booth  
20        Dongell Lawrence Finney LLP  
21        707 Wilshire Blvd., 45<sup>th</sup> Floor  
22        Los Angeles, CA 90017

23        With copies to:

24        Douglas Kramer  
25        Kramer Metals, Inc.  
26        1760 E Slauson Avenue  
27        Los Angeles, CA 90058-3827  
28

1 Notifications of communications shall be deemed submitted three days after the  
2 date that they are postmarked and sent by first-class mail or deposited with an overnight  
3 mail/delivery service. Any change of address or addresses shall be communicated in the  
4 manner described above for giving notices. In addition, the Parties may agree to transmit  
5 documents electronically or by facsimile.

6 38. Effect of Consent Decree. Plaintiff does not, by its consent to this Consent  
7 Decree, warrant or aver in any manner that the Kramer Inc.'s compliance with this  
8 Consent Decree will constitute or result in compliance with any federal or state law or  
9 regulation. Nothing in this Consent Decree shall be construed to affect or limit in any  
10 way the obligation of the Kramer Inc. to comply with all federal, state, and local laws and  
11 regulations governing any activity required by this Consent Decree.

12 39. Counterparts. This Consent Decree may be executed in any number of  
13 counterparts, all of which together shall constitute one original document. Telecopy  
14 and/or facsimile copies of original signature shall be deemed to be originally executed  
15 counterparts of this Consent Decree.

16 40. Modification of the Consent Decree. This Consent Decree, and any  
17 provisions herein, may not be changed, waived, discharged, or terminated unless by a  
18 written instrument, signed by the Parties.

19 41. Full Settlement. This Consent Decree constitutes a full and final settlement  
20 of this matter.

21 42. Integration Clause. This is an integrated Consent Decree. This Consent  
22 Decree is intended to be a full and complete statement of the terms of the agreement  
23 between the parties and expressly supersedes any and all prior oral or written agreements  
24 covenants, representations, and warranties (express or implied) concerning the subject  
25 matter of this Consent Decree.  
26  
27  
28



1        43. Authority. The undersigned representatives for Baykeeper and Kramer Inc.  
2 each certify that it is fully authorized by the party whom he/she represents to enter into  
3 the terms and conditions of this Consent Decree.

4        44. The provisions of this Consent Decree apply to and bind the Parties,  
5 including any successors or assigns. The Parties certify that their undersigned  
6 representatives are fully authorized to enter into this Consent Decree, to execute it on  
7 behalf of the Parties, and to legally bind the Parties to its terms.

8        45. The Parties agree to be bound by this Consent Decree and not to contest its  
9 validity in any subsequent proceeding to implement or enforce its terms. By entering into  
10 this Consent Decree, Kramer Inc. does not admit liability for any purpose as to any  
11 allegation or matter arising out of this Action.

12        46. The term "Effective Date," as used in this Consent Decree, shall mean the  
13 date of expiration of the 45-day review period for the Federal agencies set forth under  
14 paragraph 23 of this Consent Decree.

15        The undersigned representatives for Baykeeper and Kramer Inc. each certify that  
16 he/she is fully authorized by the party whom he/she represents to enter into the terms  
17 and conditions of this Consent Decree and that this Consent Decree binds that party.  
18

19  
20        IN WITNESS WHEREOF, the undersigned have executed this Consent Decree as  
21 of the date first set forth above.

22  
23        LAWYERS FOR CLEAN WATER, INC.

24        

25        Dated: 20 July 2009

26        \_\_\_\_\_  
27        Daniel Cooper  
28        Martin McCarthy  
      Lawyers for Clean Water, Inc.



Attorneys for Plaintiff  
Santa Monica Baykeeper

SANTA MONICA BAYKEEPER



Dated: 20 July 2009

by: \_\_\_\_\_  
Tom Ford  
Santa Monica Baykeeper

DONGELL LAWRENCE FINNEY, LLP

Dated: \_\_\_\_\_ July 2009

\_\_\_\_\_  
Jason M. Booth  
Attorney for Kramer Metals, Inc.

KRAMER METALS, INC

Dated: \_\_\_\_\_ July 2009

by: \_\_\_\_\_  
Stanley Kramer  
Kramer Metals, Inc.

Attorneys for Plaintiff  
Santa Monica Baykeeper

SANTA MONICA BAYKEEPER



Dated: 20 July 2009

by: \_\_\_\_\_  
Tom Ford  
Santa Monica Baykeeper

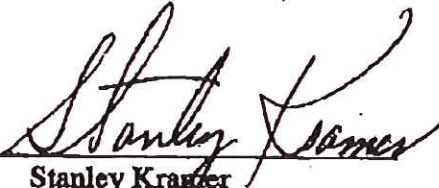
DONGELL LAWRENCE FINNEY, LLP



Dated: 28 July 2009

Jason M. Booth  
Attorney for Kramer Metals, Inc.

KRAMER METALS, INC



Dated: 27<sup>th</sup> July 2009

by: \_\_\_\_\_  
Stanley Kramer  
Kramer Metals, Inc.

**Exhibit A**



# ATTACHMENT F

EPA, NPDES Permit Writers' Manual  
Chapter 6

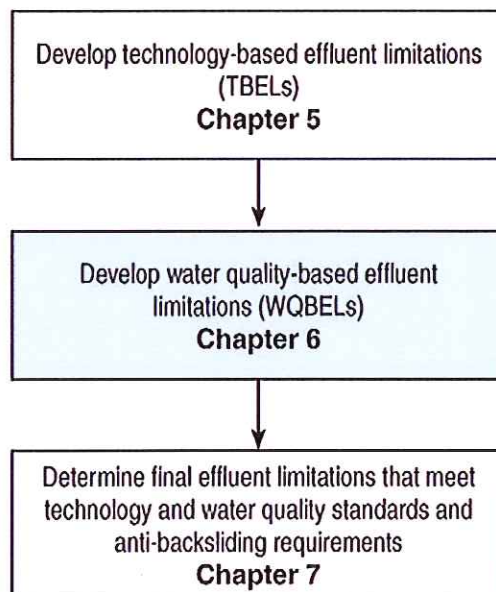


## CHAPTER 6. Water Quality-Based Effluent Limitations

When drafting a National Pollutant Discharge Elimination System (NPDES) permit, a permit writer must consider the impact of the proposed discharge on the quality of the receiving water. Water quality goals for a waterbody are defined by state water quality standards. By analyzing the effect of a discharge on the receiving water, a permit writer could find that technology-based effluent limitations (TBELs) alone will not achieve the applicable water quality standards. In such cases, the Clean Water Act (CWA) and its implementing regulations require development of water quality-based effluent limitations (WQBELs). WQBELs help meet the CWA objective of restoring and maintaining the chemical, physical, and biological integrity of the nation's waters and the goal of water quality that provides for the protection and propagation of fish, shellfish, and wildlife and recreation in and on the water (*fishable/swimmable*).

WQBELs are designed to protect water quality by ensuring that water quality standards are met in the receiving water. On the basis of the requirements of 40 CFR 125.3(a), additional or more stringent effluent limitations and conditions, such as WQBELs, are imposed when TBELs are not sufficient to protect water quality. Exhibit 6-1 illustrates the relationship between TBELs and WQBELs in an NPDES permit, as well as the determination of final effluent limitations.

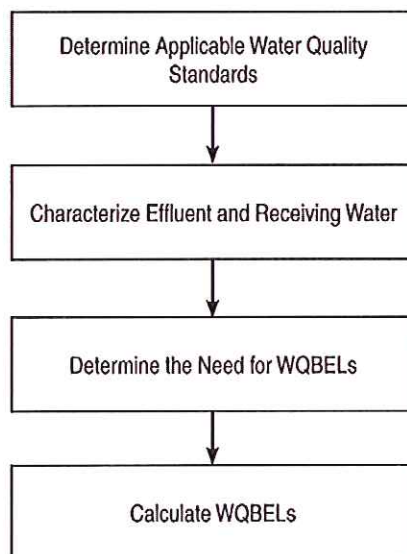
**Exhibit 6-1 Developing effluent limitations**



CWA section 301(b)(1)(C) requires that permits include any effluent limitations necessary to meet water quality standards. As illustrated above, to satisfy that requirement, permit writers implement a process to determine when existing effluent limitations (e.g., TBELs) and existing effluent quality are not sufficient to comply with water quality standards and to, where necessary, develop WQBELs. Exhibit 6-2 illustrates the four basic parts of the *standards-to-permits* process used to assess the need for and develop WQBELs.

After completing that process, the permit writer determines the final effluent limitations, includes any compliance schedules and interim effluent limitations, as appropriate, and documents all his or her decisions and calculations.

**Exhibit 6-2 Standards-to-permits process**



This chapter provides basic information on the standards-to-permits process. For more detailed information on water quality standards and water quality-based permitting, and some of the specific topics discussed in this chapter, refer to the NPDES Website <[www.epa.gov/npdes](http://www.epa.gov/npdes)> and Water Quality Standards Website <[www.epa.gov/waterscience/standards](http://www.epa.gov/waterscience/standards)>.

## 6.1 Determine Applicable Water Quality Standards

CWA section 303(c) and Title 40 of the *Code of Federal Regulations* (CFR) Part 131 establish the framework for water quality standards. The CWA and implementing regulations require states to develop and, from time to time, revise water quality standards applicable to waters of the United States, or segments of such waterbodies, that are in the jurisdiction of the state. States must review their water quality standards at least once every 3 years and revise them as appropriate. Wherever attainable, water quality standards should protect water quality that provides for the protection and propagation of fish, shellfish and wildlife, and recreation in and on the water (i.e., the CWA section 101(a)(2) *fishable/swimmable* goal). In establishing standards, states must consider the use and value of their waters for public water supplies, propagation of fish and wildlife, recreation, agriculture and industrial purposes, and navigation. The U.S. Environmental Protection Agency (EPA) has provided information regarding procedures for developing water quality standards in the *Water Quality Standards Regulation* at Part 131 and EPA's *Water Quality Standards Handbook: Second Edition*<sup>1</sup> <[www.epa.gov/waterscience/library/wqstandards/handbook.pdf](http://www.epa.gov/waterscience/library/wqstandards/handbook.pdf)> (hereafter *WQS Handbook*). Under CWA section 510, states may develop water quality standards that are more stringent than those required by the CWA.



EPA Regions review and approve or disapprove new and revised water quality standards adopted by states. The purpose of EPA's review is to ensure that the new and revised water quality standards meet the requirements of the CWA and the Water Quality Standards Regulation. Water quality standards adopted and submitted to EPA after May 30, 2000, must be approved by EPA before they may be used to implement the CWA (e.g., used in NPDES permitting). If an EPA Region disapproves a submitted new or revised state water quality standard, and the state does not adopt the necessary changes within 90 days of notification of the disapproval, EPA must promptly propose and promulgate a replacement standard [see § 131.22(a)].

When writing an NPDES permit, the permit writer must identify and use the state water quality standards in effect for CWA purposes. EPA maintains a compilation of current state water quality standards on the Water Quality Standards: State, Tribal, & Territorial Standards Website <[www.epa.gov/waterscience/standards/wqslibrary/](http://www.epa.gov/waterscience/standards/wqslibrary/)>. In addition, EPA's Water Quality Standards: Laws and Regulations Website <<http://www.epa.gov/waterscience/standards/rules/>> provides federally promulgated standards applicable to specific states. The remainder of this section provides permit writers with a general overview of water quality standards and how they are implemented in NPDES permits.

### 6.1.1 Components of Water Quality Standards

Water quality standards comprise three parts:

- Designated uses.
- Numeric and/or narrative water quality criteria.
- Antidegradation policy.

Each of those three components, along with general policies that also may be included in state water quality standards, is described below.

#### 6.1.1.1 Designated Uses (§ 131.10)

The first part of a state's water quality standards is a classification system for waterbodies based on the expected uses of those waterbodies. The uses in this system are called *designated uses*. The regulations at § 131.10(a) describe various uses of waters that are considered desirable and that must be considered when establishing water quality standards. Those uses include public water supplies, propagation of fish, shellfish, and wildlife, recreation in and on the water, agricultural, industrial, and other purposes including navigation. The regulations allow states to designate more specific uses (e.g., cold water aquatic life) [see § 131.10(c)] or uses not specifically mentioned in the CWA, with the exception of waste transport and assimilation, which are not acceptable designated uses [see § 131.10(a)]. States must also consider and ensure the attainment and maintenance of the water quality standards of downstream waters when establishing designated uses [see § 131.10(b)].

The regulations in § 131.10(j) effectively establish a *rebuttable presumption* that the uses in CWA section 101(a)(2) (fishable/swimmable) are attainable. If a state fails to designate a given waterbody for such uses, or wishes to remove such uses, it must provide appropriate documentation demonstrating why such uses are not attainable. This analysis is commonly called a *Use Attainability Analysis* (UAA) (see § 131.3(g) and section 6.1.2.1 below).

### 6.1.1.2 Water Quality Criteria (§ 131.11)

The second part of a state's water quality standards is the set of water quality criteria sufficient to support the designated uses of each waterbody. EPA's Water Quality Standards Regulation at § 131.11(a) requires states to adopt water quality criteria using sound scientific rationale and to include sufficient parameters or constituents to protect the designated use. If a waterbody has multiple use designations, the criteria must support the most sensitive use. The regulation at § 131.11(b) allows states to adopt both numeric and narrative water quality criteria. Numeric water quality criteria are developed for specific parameters to protect aquatic life and human health and, in some cases, wildlife from the deleterious effects of pollutants. States establish narrative criteria where numeric criteria cannot be established, or to supplement numeric criteria. Criteria newly adopted or revised on or after May 30, 2000, do not become effective for purposes of the CWA until approved by EPA (see § 131.21(c)).

CWA section 304(a) directs EPA to develop, publish, and, from time to time, revise criteria for water quality accurately reflecting the latest scientific knowledge on the following:

- The kind and extent of all identifiable effects on health and welfare, including effects on aquatic life and recreational uses, that may be expected from the presence of pollutants in any body of water.
- The concentration and dispersal of pollutants or their byproducts through biological, physical, and chemical processes.
- The effects of pollutants on biological community diversity, productivity, and stability.

EPA's recommended criteria developed under CWA section 304(a) assist states in developing their water quality standards. EPA's numeric criteria are ambient levels of individual pollutants or parameters or they describe conditions of a waterbody that, if met, generally will protect the CWA section 101(a)(2) fishable and swimmable uses. EPA's recommended criteria developed under CWA section 304(a) do not reflect consideration of economic impacts or the technological feasibility of meeting the chemical concentrations in ambient water. EPA provides a table of the nationally recommended CWA section 304(a) criteria on the National Recommended Water Quality Criteria Website <[www.epa.gov/waterscience/criteria/wqtable/](http://www.epa.gov/waterscience/criteria/wqtable/)>. The regulation at § 131.11(b)(1) indicates that, in establishing numeric criteria, states may (1) adopt EPA's recommended criteria published under CWA section 304(a), (2) adopt those criteria modified to reflect site-specific conditions, or (3) adopt criteria based on other scientifically defensible methods.

CWA section 303(c)(2)(B) specifically requires states to adopt numeric criteria for CWA section 307(a) toxic (priority) pollutants for which EPA has published recommended criteria if the discharge or presence of the pollutant can reasonably be expected to interfere with designated uses. Furthermore, § 131.11(a)(2) requires states to review water quality data and information on discharges to identify specific water bodies where toxic pollutants might be adversely affecting water quality or attainment of designated uses or where levels of toxic pollutants would warrant concern and to adopt criteria for such toxic pollutants applicable to the waterbody that are sufficient to protect the designated use. As discussed in section 1.2 and presented in Exhibit C-1 in Appendix C of this manual, the CWA section 307(a) list contains 65 compounds and families of compounds, which EPA has interpreted to include 126 toxic (priority) pollutants.



## Numeric Criteria—Aquatic Life

Numeric criteria for the protection of aquatic life are designed to protect aquatic organisms, including both plants and animals. EPA's aquatic life criteria address both short-term (acute) and long-term (chronic) effects on both freshwater and saltwater species. Each of those criteria generally consists of three components:

- **Magnitude:** The level of pollutant (or pollutant parameter), usually expressed as a concentration, that is allowable.
- **Duration:** The period (averaging period) over which the in-stream concentration is averaged for comparison with criteria concentrations.
- **Frequency:** How often criteria may be exceeded.

### Are criteria and effluent limitations expressed in the same terms?

Generally, criteria and effluent limitations are not expressed in the same terms. As discussed above, criteria are generally expressed as a magnitude, duration and frequency. Effluent limitations in NPDES permits are generally expressed as a magnitude (e.g., milligrams per liter, micrograms per liter) and an averaging period (e.g., maximum daily, average weekly, average monthly). A permit writer should be aware of the procedures used by his or her permitting authority to appropriately reflect the magnitude, duration, and frequency components of aquatic life criteria when determining the need for and calculating effluent limitations for NPDES permits. Typically, the components of the criteria are addressed in water quality models through the use of statistically derived receiving water and effluent flow values that ensure that criteria are met under *critical conditions* (see section 6.2 below).

Exhibit 6-3 is an example of freshwater aquatic life criteria for cadmium from the National Recommended Water Quality Criteria Website <[www.epa.gov/waterscience/criteria/wqtable/](http://www.epa.gov/waterscience/criteria/wqtable/)> and at 66 FR 18935, April 12, 2001, Notice of Availability of 2001 Update: Aquatic Life Criteria Document for Cadmium <[www.epa.gov/EPA-WATER/2001/April/Day-12/w9056.htm](http://www.epa.gov/EPA-WATER/2001/April/Day-12/w9056.htm)>.

### Exhibit 6-3 Aquatic life criteria example: Cadmium (dissolved)

Except possibly where a locally important species is unusually sensitive, freshwater aquatic organisms and their uses should not be affected unacceptably if

#### Chronic criterion:

The 4-day average concentration (in micrograms per liter [µg/L]) does not exceed the numerical value given by  $e^{(0.7409(\ln(\text{hardness})) - 4.719)} (1.101672 - [(\ln \text{hardness})(0.041838)])$  more than once every 3 years on average.

#### Acute criterion:

The 24-hour average concentration (in µg/L) does not exceed the numerical value given by  $e^{(1.0166(\ln(\text{hardness})) - 3.924)} (1.136672 - [(\ln \text{hardness})(0.041838)])$  more than once every 3 years on average.

It is apparent that the acute and chronic aquatic life criteria for cadmium are not simply single numbers. Rather, they are expressed as a magnitude, a duration (4-day average or 24-hour average), and a frequency (not more than once every 3 years). Furthermore, the magnitude is expressed by a formula that is hardness-dependent, as is the case for most criteria for metals.



The magnitude of other aquatic life criteria can vary according to other conditions in the water or even based on the presence or absence of certain aquatic life. For example, EPA's 1999 recommended ammonia criteria vary according to pH, temperature, the presence or absence of salmonid species, and the presence or absence of early life stages of fish. A permit writer must be aware of the applicable criteria and any state regulations, policies, and procedures for interpreting numeric criteria and for implementing the criteria in NPDES permits. The durations of aquatic life criteria vary as well. For example, EPA's criteria recommendations for ammonia include a 30-day average chronic criterion. Also, many acute criteria for toxic pollutants are expressed as a 1-hour average. The frequency component of most aquatic life criteria specifies that they should be exceeded no more than once every three years.

Some states have adopted numeric criteria for nutrients as part of their water quality standards. EPA has developed nutrient criteria recommendations that are numeric values for both causative (phosphorus and nitrogen) and response (chlorophyll *a* and turbidity) variables associated with the prevention and assessment of eutrophic conditions. EPA's recommended nutrient criteria are different from most of its other recommended criteria, such as the criteria for cadmium and ammonia. First, EPA's recommended nutrient criteria are *ecoregional* rather than nationally applicable criteria, and they can be refined and localized using nutrient criteria technical guidance manuals. Second, the recommended nutrient criteria represent conditions of surface waters that have minimal impacts caused by human activities rather than values derived from laboratory toxicity testing. Third, the recommended nutrient criteria are do not include specific duration or frequency components; however, the ecoregional nutrient criteria documents indicate that states may adopt seasonal or annual averaging periods for nutrient criteria instead of the 1-hour, 24-hour, or 4-day average durations typical of aquatic life criteria for toxic pollutants. The ecoregional nutrient criteria documents, technical guidance manuals, and other information on EPA's nutrient criteria recommendations, are available on the [Water Quality Criteria for Nitrogen and Phosphorus Pollution Website](http://www.epa.gov/waterscience/criteria/nutrient/) <[www.epa.gov/waterscience/criteria/nutrient/](http://www.epa.gov/waterscience/criteria/nutrient/)>.

Water quality standards also typically include aquatic life criteria for parameters such as temperature and pH that are not chemical constituents. Criteria for pH generally are expressed as an acceptable pH range in the waterbody. Temperature criteria might be expressed as both *absolute temperature values* (e.g., temperature may not exceed 18 degrees Celsius [°C]) and restrictions on causing *changes in temperature* in the waterbody (e.g., discharges may not warm receiving waters by more than 0.5 °C).

In addition to criteria for individual pollutants or pollutant parameters, many states include in their water quality standards criteria for dissolved oxygen. Often, criteria for dissolved oxygen are addressed by modeling and limiting discharges of oxygen-demanding pollutants such as biochemical oxygen demand (BOD), chemical oxygen demand (COD), and nutrients (phosphorus and nitrogen).

Finally, states could also include in their water quality standards numeric criteria to address the effect of mixtures of pollutants. For example, whole effluent toxicity (WET) criteria protect the waterbody from the aggregate and synergistic toxic effects of a mixture of pollutants. WET is discussed in detail later in this chapter.

### Numeric Criteria—Human Health

Human health criteria for toxic pollutants are designed to protect people from exposure resulting from consumption of fish or other aquatic organisms (e.g., mussels, crayfish) or from consumption of both water and aquatic organisms. These criteria express the highest concentrations of a pollutant that are not



expected to pose significant long-term risk to human health. Exhibit 6-4 is an example of human health criteria for dichlorobromomethane.

#### Exhibit 6-4 Human health criteria example: Dichlorobromomethane

For the protection of human health from the potential carcinogenic effects of dichlorobromomethane through ingestion of water and contaminated aquatic organisms, the ambient water criterion is determined to be 0.55 µg/L.

For the protection of human health from the potential carcinogenic effects of dichlorobromomethane through ingestion contaminated aquatic organisms alone, the ambient water criterion is determined to be 17 µg/L.

These values were calculated based on a national default freshwater/estuarine fish consumption rate of 17.5 grams per day.

Other criteria for protection of human health (e.g., bacteria criteria) consider a shorter-term exposure through uses of the waterbody such as contact recreation. EPA's current bacteria criteria recommendations use enterococci and *Escherichia coli* bacteria as indicators and include two components: a geometric mean value and a single sample maximum value. EPA has developed information on implementing those criteria in water quality standards on the Microbial (Pathogen) Water Quality Criteria Website <[www.epa.gov/waterscience/criteria/humanhealth/microbial/](http://www.epa.gov/waterscience/criteria/humanhealth/microbial/)>.

#### Other Numeric Criteria

In addition to aquatic life and human health criteria, some state water quality standards include other forms of numeric criteria, such as wildlife, sediment, and biocriteria.

Wildlife criteria are derived to establish ambient concentrations of chemicals that, if not exceeded, will protect mammals and birds from adverse impacts resulting from exposure to those chemicals through consumption of aquatic organisms and water. EPA established four numeric criteria to protect wildlife in the Great Lakes system in its *Final Water Quality Guidance for the Great Lakes System* <[www.epa.gov/EPA-WATER/1995/March/Day-23/pr-82.html](http://www.epa.gov/EPA-WATER/1995/March/Day-23/pr-82.html)> (60 FR 15387, March 23, 1995).

In a healthy aquatic community, sediments provide a habitat for many living organisms. Controlling the concentration of pollutants in the sediment helps to protect bottom-dwelling species and prevents harmful toxins from moving up the food chain and accumulating in the tissue of animals at progressively higher levels. For more information on this topic, see EPA's Suspended and Bedded Sediments Website <<http://www.epa.gov/waterscience/criteria/sediment/>>.

The presence, condition and numbers of types of fish, insects, algae, plants, and other organisms are data that, together, provide direct, accurate information about the health of specific bodies of water. Biological criteria (biocriteria) are narrative or numeric expressions that describe the reference biological integrity (structure and function) of aquatic communities inhabiting waters of a given designated aquatic life use. Biocriteria are based on the numbers and kinds of organisms present and are regulatory-based biological measurements. They are used as a way of describing the qualities that must be present to support a desired condition in a waterbody, and they serve as the standard against which biological assessment results are compared. EPA's Biocriteria: Uses of Data in NPDES Permits Website <<http://www.epa.gov/waterscience/biocriteria/watershed/npdes.html>> provides more information on the use of bioassessment information.



## Narrative Criteria

All states have adopted narrative water quality criteria to supplement numeric criteria. Narrative criteria are statements that describe the desired water quality goal for a waterbody. Narrative criteria, for example, might require that discharges be “free from toxics in toxic amounts” or be “free of objectionable color, odor, taste, and turbidity.” Narrative criteria can be the basis for limiting specific pollutants for which the state does not have numeric criteria [§ 122.44(d)(1)(vi)] or they can be used as the basis for limiting toxicity using WET requirements where the toxicity has not yet been traced to a specific pollutant or pollutants [§ 122.44(d)(1)(v)]. For toxic pollutants, EPA’s Water Quality Standards Regulation at § 131.11(a)(2) requires states to develop implementation procedures for toxics narrative criteria that address how the state intends to regulate point source discharges of toxic pollutants to water quality limited segments.

### 6.1.1.3 Antidegradation Policy (§ 131.12)

The third part of a state’s water quality standards is its antidegradation policy. Each state is required to adopt an antidegradation policy consistent with EPA’s antidegradation regulations at § 131.12. A state’s antidegradation policy specifies the framework to be used in making decisions about proposed activities that will result in changes in water quality. Antidegradation policies can play a critical role in helping states protect the public resource of water whose quality is better than established criteria levels and ensure that decisions to allow reductions in water quality are made in a public manner and serve the public good. Along with developing an antidegradation policy, each state must identify the method it will use to implement the policy. It is important for permit writers to be familiar with their state’s antidegradation policy and how that policy is to be implemented in NPDES permits.

A state’s antidegradation policy provides three levels of protection from degradation of existing water quality:

- **Tier 1:** This tier requires that existing uses, and the level of water quality necessary to protect the existing uses, be maintained and protected.
- **Tier 2:** Where the quality of waters exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water (sometimes referred to as *high-quality waters*), Tier 2 requires that this level of water quality be maintained and protected unless the state finds, after full satisfaction of the intergovernmental coordination and public participation provisions of the state’s continuing planning process, that allowing lower water quality is necessary to accommodate important economic or social development in the area where the waters are located. In allowing any such degradation or lower water quality, the state must assure water quality adequate to protect existing uses fully and must assure that there will be achieved the highest statutory and regulatory requirements for all new and existing point sources and all cost-effective and reasonable best management practices for nonpoint source control.
- **Tier 3:** This tier requires that the water quality of outstanding national resources waters (ONRWs) be maintained and protected.

States take a variety of approaches to implementing antidegradation policies. Some states designate their waters as Tier 1, Tier 2 (high-quality water) or Tier 3 waters in their antidegradation implementation methods, while others designate a waterbody as a Tier 2 or high-quality water only when activities that would degrade water quality are proposed. In some cases, states may have classified the waterbody as



receiving a tier of protection for all pollutant-related parameters, whereas in other cases, tiers of protection have been determined on a parameter-by-parameter basis.

#### 6.1.1.4 General Policies (§ 131.13)

In addition to the three required components of water quality standards, states may, at their discretion, include in their standards policies that generally affect how the standards are applied or implemented. Examples of such policies include mixing zone policies, critical low flows at which criteria must be achieved, and the availability of variances. Some general policies are discussed in more detail later in this chapter. As with the other components of water quality standards, general policies are subject to EPA review and approval if they are deemed to be new or revised water quality standards (i.e., if they constitute a change to designated use(s), water quality criteria, antidegradation requirements, or any combination).

Additional and more detailed information on water quality standards is available in the WQS Handbook.

### 6.1.2 Water Quality Standards Modifications

Permit writers should be aware of several types of modifications to water quality standards that could permanently or temporarily change the standards and, thus, change the fundamental basis of WQBELs. Those modifications, described below, are as follows:

- Designated use reclassification.
- Site-specific water quality criteria modification.
- Water quality standard variance.

#### 6.1.2.1 Designated Use Reclassification

Once a use has been designated for a particular waterbody or segment, that use may not be removed from the water quality standards except under specific conditions. To remove a designated use, the state demonstrates that attaining that use is not feasible because of any one of the six factors listed in § 131.10(g). The regulations at § 131.10(j) specifically require a state to conduct a UAA if the designated uses for a waterbody do not include the uses in CWA section 101(a)(2) (i.e., fishable/swimmable uses); if the state wishes to remove designated uses included in CWA section 101(a)(2) from its water quality standards; or if the state wishes to adopt subcategories of CWA section 101(a)(2) uses with less stringent criteria. The WQS Handbook discusses UAAs and removing designated uses in detail. Reclassifying a waterbody's designated uses, as supported by a UAA, is a permanent change to both the designated use(s) and the water quality criteria associated with that (those) use(s).

States may conduct a UAA and remove a designated use but not if it is an existing use. Existing uses are defined in § 131.3 as those uses actually attained in the waterbody on or after November 28, 1975 (the date of EPA's initial water quality standards regulation at 40 *Federal Register* 55334, November 28, 1975). At a minimum, uses are deemed attainable if they can be achieved by the implementing effluent limits required under CWA sections 301(b) and 306 and by implementing cost effective and reasonable best management practices (BMPs) for nonpoint source control. EPA's Water Quality Standards: UAA Website <<http://www.epa.gov/waterscience/standards/uses/uaa/index.htm>> provides additional information and some example UAAs.



### 6.1.2.2 Site-Specific Water Quality Criteria Modification

As noted above, CWA sections 303(a)–(c) require states to adopt water quality criteria sufficient to protect applicable designated uses. In some cases, a state might find that the criteria it has adopted to protect a waterbody or segment of a waterbody do not adequately account for site-specific conditions. In such cases, states have the option of modifying water quality criteria on a site-specific basis. Setting site-specific criteria might be appropriate where, for example, a state has adopted EPA's CWA section 304(a) criteria recommendations and finds that physical or chemical properties of the water at a site affect the bioavailability or toxicity of a chemical, or the types of local aquatic organisms differ significantly from those actually tested in developing the EPA-recommended criteria. Site-specific criteria modifications change water quality criteria permanently while continuing to support the current designated uses.

Development of site-specific criteria for aquatic life is discussed in section 3.7 of the WQS Handbook for cases when (1) there might be relevant differences in the toxicity of the chemical in the water at the site and laboratory dilution water (Water-Effect Ratio Procedure) and (2). the species at the site are more or less sensitive than those used in developing the natural criteria (Species Recalculation Procedure). EPA's Office of Science and Technology (OST) has developed the Interim Guidance on Determination and Use of Water-Effect Ratios for Metals <[www.epa.gov/waterscience/standards/handbook/handbookappxL.pdf](http://www.epa.gov/waterscience/standards/handbook/handbookappxL.pdf)> in Appendix L of the WQS Handbook and the Streamlined Water-Effect Ratio Procedure for Discharges of Copper<sup>2</sup> <[www.epa.gov/waterscience/criteria/copper/copper.pdf](http://www.epa.gov/waterscience/criteria/copper/copper.pdf)>. In addition, pages 90-97 of Appendix L provide guidance for using the Species Recalculation Procedure. States may also consider establishing aquatic life criteria based on *natural background* conditions. Further information can be found in the memo Establishing Site Specific Aquatic Life Criteria Equal to Natural Background<sup>3</sup> <[www.epa.gov/waterscience/library/wqcriteria/naturalback.pdf](http://www.epa.gov/waterscience/library/wqcriteria/naturalback.pdf)>.

### 6.1.2.3 Water Quality Standard Variance

Water quality standard variances are changes to water quality standards and have similar substantive and procedural requirements and what is required to remove a designated use. Unlike use removal, variances are time-limited and do not permanently remove the current designated use of a waterbody. Variances are usually discharger- and pollutant-specific, though some states have adopted *general variances*. Where a state has adopted a general variance, the analyses necessary for the variance have been completed on a watershed-wide or statewide basis and, therefore, the process of obtaining a variance is simplified for individual dischargers in that watershed or state.

A variance might be appropriate where the state believes that the existing standards are ultimately attainable and that, by retaining the existing standards rather than changing them, the state would ensure that further progress is made in improving the water quality toward attaining the designated uses while the variance is in effect. State-adopted variances have been approved by EPA where, among other things, the state's standards allow variances and the state demonstrates that meeting the applicable criteria is not feasible on the basis of one or more of the factors outlined in § 131.10(g). A variance typically is granted for a specified period and must be reevaluated at least once every 3 years as reasonable progress is made toward meeting the standards [see section 5.3 of the WQS Handbook and § 131.20(a)].

Modifications of water quality standards could affect effluent limitations in permits in several ways. Specifically, the modifications can change the fundamental basis for QBELs, potentially affecting an assessment of the need for QBELs and possibly resulting in either more or less stringent QBELs than



would otherwise be required. It is the permit writer's responsibility to ensure that any EPA-approved modification of water quality standards is properly reflected in an affected NPDES permit.

### 6.1.3 Water Quality Standards Implementation

As previously noted, CWA section 301(b)(1)(C) requires NPDES permits to establish effluent limitations as necessary to meet water quality standards. Effluent limitations and other conditions in NPDES permits may be based on a parameter-specific approach or a WET testing approach to implementing water quality standards. A third approach to implementing water quality standards, using biocriteria or bioassessment, is not directly accomplished through NPDES permit effluent limitations but can lead to effluent limitations for specific parameters or for WET. Each of those approaches to implementing water quality standards is discussed briefly below.

#### What procedures should permit writers use to implement water quality standards?

The terminology used and procedures described in this manual when discussing both assessing the need for and calculating WQBELs are based on the procedures in EPA's *Technical Support Document for Water Quality-Based Toxics Control*<sup>4</sup> <[www.epa.gov/npdes/pubs/owm0264.pdf](http://www.epa.gov/npdes/pubs/owm0264.pdf)> (hereafter *TSD*). Those procedures were developed specifically to address toxic pollutants but have been appropriately used to address a number of conventional and nonconventional pollutants as well. Permit writers should be aware that most permitting authorities have developed their own terminology and procedures for water quality-based permitting, often derived from, but with variations on, EPA's guidance. For example, EPA itself promulgated *Final Water Quality Guidance for the Great Lakes System* (60 FR 15387, March 23, 1995) with minimum water quality criteria, antidegradation policies, and implementation procedures, including permitting procedures based on the *TSD*. Under the CWA, Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin were required to adopt procedures for the Great Lakes system that are consistent with that guidance. Permit writers should always consult the applicable permitting regulations, policy, and guidance for the approved water quality-based permitting procedures in their state.

#### 6.1.3.1 Parameter-Specific Approach

The parameter-specific approach uses parameter-specific criteria for protection of aquatic life, human health, wildlife, and sediments, as well as any other parameter-specific criteria adopted into a state's water quality standards. The criteria are the basis for analyzing an effluent, deciding which parameters need controls, and deriving effluent limitations that will control those parameters to the extent necessary to achieve water quality standards in the receiving water. Parameter-specific WQBELs in NPDES permits involve a site-specific evaluation of the discharge (or proposed discharge) and its potential effect on the receiving water or an evaluation of the effects of multiple sources of a pollutant on the receiving water (e.g., through a total maximum daily load [TMDL] analysis). The parameter-specific approach allows for controlling individual parameters, (e.g., copper, BOD, total phosphorus) before a water quality impact has occurred or for helping return water quality to a level that will meet designated uses.

#### 6.1.3.2 Whole Effluent Toxicity (WET) Approach

WET requirements in NPDES permits protect aquatic life from the aggregate toxic effect of a mixture of pollutants in the effluent. WET tests measure the degree of response of exposed aquatic test organisms to an effluent. The WET approach is useful for complex effluents where it might be infeasible to identify



and regulate all toxic pollutants in the effluent or where parameter-specific effluent limitations are set, but the combined effects of multiple pollutants are suspected to be problematic. The WET approach allows a permit writer to implement numeric criteria for toxicity included in a state's water quality standards or to be protective of a narrative "no toxics in toxic amounts" criterion. Like the parameter-specific approach, the WET approach allows permitting authorities to control toxicity in effluents before toxic impacts occur or may be used to help return water quality to a level that will meet designated uses.

### 6.1.3.3 Bioassessment Approach

The biocriteria approach is used to assess the overall biological integrity of an aquatic community. As discussed in section 6.1.1 above, biocriteria are numeric values or narrative statements that describe the biological integrity of aquatic communities inhabiting waters of a given designated aquatic life use. When incorporated into state water quality standards, biocriteria and aquatic life use designations serve as direct endpoints for determining aquatic life use attainment. Once biocriteria are developed, the biological condition of a waterbody can be measured through a biological assessment, or bioassessment.

A bioassessment is an evaluation of the biological condition of a waterbody using biological surveys and other direct measurements of resident biota in surface waters. A biological survey, or biosurvey, consists of collecting, processing, and analyzing representative portions of a resident aquatic community to determine the community structure and function. The results of biosurveys can be compared to the reference waterbody to determine if the biocriteria for the designated use of the waterbody are being met. EPA issued guidance on this approach in *Biological Criteria: National Program Guidance for Surface Waters*<sup>5</sup> <[www.epa.gov/bioindicators/html/biolcont.html](http://www.epa.gov/bioindicators/html/biolcont.html)>. As previously discussed, biocriteria generally are not directly implemented through NPDES permits but could be used in assessing whether a waterbody is attaining water quality standards. Nonattainment of biocriteria could lead to parameter-specific effluent limitations where the permitting authority is able to identify specific pollutant(s) and source(s) contributing to that nonattainment (see EPA's *Biocriteria: Uses of Data – Identify Stressors to a Waterbody Website* <<http://www.epa.gov/waterscience/biocriteria/uses/stressors.html>> or could lead to WET limitations where the permitting authority identifies sources of toxicity to aquatic life. EPA's *Biocriteria: Uses of Data - NPDES* <<http://www.epa.gov/waterscience/biocriteria/watershed/npdes.html>> provides examples on the use of bioassessment information in the NPDES permitting process.

Sections 6.2–6.4 below discuss, in detail, implementing water quality standards using the parameter-specific approach to assess the need for and develop effluent limitations in NPDES permits. Section 6.5 below provides additional detail on WET requirements in NPDES permits.

## 6.2 Characterize the Effluent and the Receiving Water

After identifying the most current, approved, water quality standards that apply to a waterbody, a permit writer should characterize both the effluent discharged by the facility being permitted and the receiving water for that discharge. The permit writer uses the information from those characterizations to determine whether WQBELs are required (section 6.3 below) and, if so, to calculate WQBELs (section 6.4 below). Characterizing the effluent and receiving water can be divided into five steps as shown in Exhibit 6-5 and discussed in detail below.

**Exhibit 6-5 Steps for characterizing the effluent and receiving water**

- Step 1. Identify pollutants of concern in the effluent
- Step 2. Determine whether water quality standards provide for consideration of a dilution allowance or mixing zone
- Step 3. Select an approach to model effluent and receiving water interactions
- Step 4. Identify effluent and receiving water critical conditions
- Step 5. Establish an appropriate dilution allowance or mixing zone

**6.2.1 Step 1: Identify Pollutants of Concern in the Effluent**

There are several sources of information for and methods of identifying pollutants of concern for WQBEL development. For some pollutants of concern, the permit writer might not need to conduct any further analysis and could, after characterizing the effluent and receiving water, proceed directly to developing WQBELs (section 6.4 below). For other pollutants of concern, the permit writer uses the information from the effluent and receiving water characterization to assess the need for WQBELs (section 6.3 below). The following subsections identify five categories of pollutants of concern for WQBEL development.

**6.2.1.1 Pollutants with Applicable TBELs**

One category of pollutants of concern includes those pollutants for which the permit writer has developed TBELs based on national or state technology standards or on a case-by-case basis using best professional judgment. By developing TBELs for a pollutant, the permit writer has already determined that there will be some type of final limitations for that pollutant in the permit and must then determine whether more stringent limitations than the applicable TBELs are needed to prevent an excursion above water quality standards in the receiving water (see Exhibit 6-1 above). A permit writer can determine whether the TBELs are sufficiently protective by either proceeding to calculate WQBELs as described in section 6.4 below and comparing them to the TBELs or by assuming that the maximum daily TBEL calculated is the maximum discharge concentration in the water quality assessments described in section 6.3 below.

**6.2.1.2 Pollutants with a Wasteload Allocation from a TMDL**

Pollutants of concern include those pollutants for which a *wasteload allocation* (WLA) has been assigned to the discharge through a TMDL. Under CWA section 303(d), states are required to develop lists of impaired waters. Impaired waters are those that do not meet the water quality standards set for them, even after point sources of pollution have installed the minimum required levels of pollution control technology. The law requires that those jurisdictions establish priority rankings for waters on their CWA section 303(d) list and develop TMDLs for those waters.

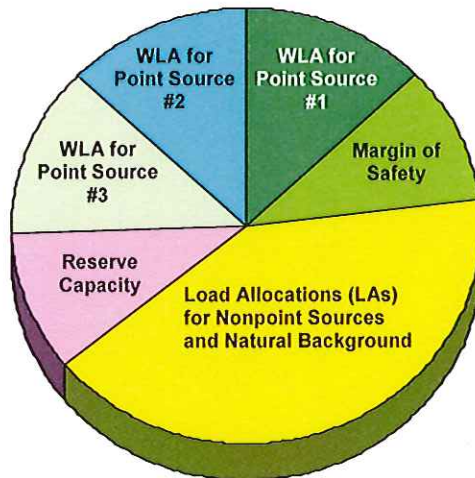
**What is a WLA?**

The term WLA refers to the portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution [see § 130.2(h)]. The WLA could be allocated through an EPA-approved TMDL, an EPA or state watershed loading analysis, or a facility-specific water quality modeling analysis.



A TMDL is a calculation of the maximum amount of a single pollutant that a waterbody can receive and still meet water quality standards and an allocation of that amount to the pollutant's sources. The portions of the TMDL assigned to point sources are WLAs, and the portions assigned to nonpoint sources and background concentrations of the pollutant are called *load allocations* (LAs). The calculation must include a margin of safety to ensure that the waterbody can be used for the purposes designated in the water quality standards, to provide for the uncertainty in predicting how well pollutant reduction will result in meeting water quality standards, and to account for seasonal variations. A TMDL might also include a reserve capacity to accommodate expanded or new discharges in the future. Exhibit 6-6 depicts the parts of a TMDL.

**Exhibit 6-6 Parts of a TMDL**



$$\text{TMDL} = \Sigma \text{WLA} + \Sigma \text{LA} + \text{Margin of Safety} + \text{Reserve Capacity}$$

The NPDES regulations at § 122.44(d)(1)(vii)(B) require that NPDES permits include effluent limitations developed consistent with the assumptions and requirements of any WLA that has been assigned to the discharge as part of an approved TMDL. Thus, any pollutant for which a WLA has been assigned to the permitted facility through a TMDL is a pollutant of concern.

Permit writers might also choose to consider any pollutant associated with an impairment of the receiving water a pollutant of concern, regardless of whether an approved TMDL has been developed for that pollutant, a WLA has been assigned to the permitted facility, or the permitted facility has demonstrated that the pollutant is present in its effluent. Permitting authorities might consider monitoring requirements to collect additional data related to the presence or absence of the impairing pollutant in a specific discharge to provide information for further analyses.

#### 6.2.1.3 Pollutants Identified as Needing WQBELs in the Previous Permit

Another category of pollutants of concern includes those pollutants that were identified as needing WQBELs in the discharger's previous permit. Permit writers must determine whether the conditions leading to a decision to include WQBELs for the pollutant in the previous permit continue to apply. Where those conditions no longer apply, the permit writer would need to complete an anti-backsliding



analysis to determine whether to remove the WQBELs from the reissued permit. Chapter 7 of this manual provides additional information on anti-backsliding requirements of the CWA and NPDES regulations. In addition, the permit writer might need to conduct an antidegradation analysis if the revised limitation would allow degradation of the quality of the receiving water.

#### 6.2.1.4 Pollutants Identified as Present in the Effluent through Monitoring

Pollutants of concern also include any pollutants identified as present in the effluent through effluent monitoring. Effluent monitoring data are reported in the discharger's NPDES permit application, discharge monitoring reports and special studies. In addition, the permitting authority might collect data itself through compliance inspection monitoring or other special study. Permit writers can match information on which pollutants are present in the effluent to the applicable water quality standards to identify parameters that are candidates for WQBELs.

#### 6.2.1.5 Pollutants Otherwise Expected to be Present in the Discharge

A final category of pollutants of concern includes those pollutants that are not in one of the other categories but are otherwise expected to be present in the discharge. There might be pollutants for which neither the discharger nor the permitting authority have monitoring data but, because of the raw materials stored or used, products or by-products of the facility operation, or available data and information on similar facilities, the permit writer has a strong basis for expecting that the pollutant could be present in the discharge. Because there are no analytical data to verify the concentrations of these pollutants in the effluent, the permit writer must either postpone a quantitative analysis of the need for WQBELs and generate, or require the discharger to generate, effluent monitoring data, or base a determination of the need for WQBELs on other information, such as the effluent characteristics of a similar discharge. A discussion on determining the need for WQBELs without effluent monitoring data is provided in section 6.3.3 below.

### 6.2.2 Step 2: Determine Whether Water Quality Standards Provide for Consideration of a Dilution Allowance or Mixing Zone

Many state water quality standards have general provisions allowing some consideration of mixing of effluent and receiving water when determining the need for and calculating WQBELs. Depending on the state's water quality standards and implementation policy, such a mixing consideration could be expressed in the form of a *dilution allowance* or *regulatory mixing zone*. A dilution allowance typically is expressed as the flow of a river or stream, or a portion thereof. A regulatory mixing zone generally is expressed as a limited area or volume of water in any type of waterbody where initial dilution of a discharge takes place and within which the water quality standards allow certain water quality criteria to be exceeded. Section 6.2.5 below discusses dilution allowances and mixing zones in greater detail.

State water quality standards or implementation policies might indicate specific locations or conditions (e.g., breeding grounds for aquatic species or bathing beaches) or water quality criteria (e.g., pathogens, pH, bioaccumulative pollutants, or narrative criteria) for which consideration of a dilution allowance or mixing zone is not allowed or is otherwise considered inappropriate.



### 6.2.3 Step 3: Select an Approach to Model Effluent and Receiving Water Interactions

Where consideration of a dilution allowance or mixing zone is not permitted by the water quality standards or is not appropriate, the relevant water quality criterion must be attained at the point of discharge. In such cases, there is no need for a water quality model to characterize the interaction between the effluent and receiving water. In this situation effluent limitations are based on attaining water quality criteria at the “end of the pipe.”

Where a dilution allowance or mixing zone is permitted, however, characterizing the interaction between the effluent and receiving water generally requires using a water quality model. In the majority of situations, and in all of the examples provided in this manual, permit writers will use a steady-state water quality model to assess the impact of a discharge on its receiving water. Steady-state means that the model projects the impact of the effluent on the receiving water under a single or *steady* set of design conditions. Because the model is run under a single set of conditions, those conditions generally are set at *critical conditions* for protection of receiving water quality as discussed in section 6.2.4 below. The permit writer would determine the amount of the dilution allowance or the size of the mixing zone that is available under these critical conditions as provided in section 6.2.5 below.

### 6.2.4 Step 4: Identify Effluent and Receiving Water Critical Conditions

Where steady-state models are used for water quality-based permitting, an important part of characterizing the effluent and receiving water is identifying the critical conditions needed as inputs to the water quality model. Permit writers should discuss selection of critical conditions with water quality modelers or other water quality specialists. Identifying the right critical conditions is important for appropriately applying a water quality model to assess the need for WQBELs and to calculate WQBELs. Some key effluent and receiving water critical conditions are summarized below.

#### What if I am not a water quality modeler?

Permit writers are not always water quality modelers, nor do they necessarily need to be experts in this field. Many permitting authorities have a team of water quality specialists who model point source discharges to provide data required for permit writers to assess the need for and develop WQBELs. In some cases, this team might even calculate WQBELs directly for the permit writers, who then only need to compare them to TBELs and determine the final effluent limitations for the NPDES permit. Permit writers should, at a minimum, familiarize themselves with water quality modeling concepts presented in this manual, particularly the identification of critical conditions input to a steady-state water quality model, and should consult water quality modelers or other water quality specialists as needed in the process of NPDES permit development.

#### 6.2.4.1 Effluent Critical Conditions

In most any steady-state water quality model there will be at least two basic critical conditions related to the effluent: flow and pollutant concentration.

### Effluent Flow

Effluent flow (designated  $Q_d$  in the water quality modeling equations used in this manual) is a critical design condition used when modeling the impact of an effluent discharge on its receiving water. A permit writer should be able to obtain effluent flow data from discharge monitoring reports or a permit application. Permitting authority policy or procedures might specify which flow measurement to use as the critical effluent flow value(s) in various water quality-based permitting calculations (e.g., the maximum daily flow reported on the permit application, the maximum of the monthly average flows from discharge monitoring reports for the past three years, the facility design flow). Permit writers should follow existing policy or procedures for determining critical effluent flow or, if the permitting authority does not specify how to determine this value, look at past permitting practices and strive for consistency.

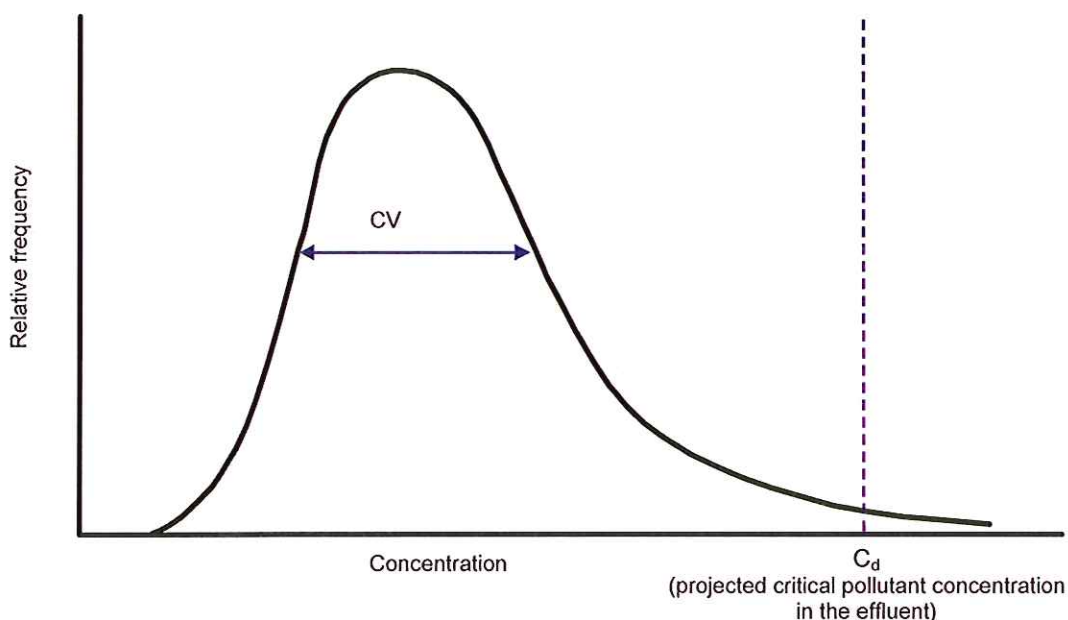
### Effluent Pollutant Concentration

Permit writers can determine the critical effluent concentration of the pollutant of concern (designated  $C_d$ ) by gathering effluent data representative of the discharge. To establish the critical effluent pollutant concentration from the available data, EPA has recommended considering a concentration that represents something close to the maximum concentration of the pollutant that would be expected over time. In most cases, permit writers have a limited effluent data set and, therefore, would not have a high degree of certainty that the limited data would actually include the maximum potential effluent concentration of the pollutant of concern. In addition, the NPDES regulations at § 122.44(d)(1)(ii) require that permit writers consider the variability of the pollutant in the effluent when determining the need for WQBELs. To address those concerns, EPA developed guidance for permit writers on how to characterize effluent concentrations of certain types of pollutants using a limited data set and accounting for variability. This guidance is detailed in EPA's TSD.

By studying effluent data for numerous facilities, EPA determined that daily pollutant measurements of many pollutants follow a *lognormal distribution*. The TSD procedures allow permit writers to project a critical effluent concentration (e.g., the 99th or 95th percentile of a lognormal distribution of effluent concentrations) from a limited data set using statistical procedures based on the characteristics of the lognormal distribution. These procedures use the number of available effluent data points for the measured concentration of the pollutant and the coefficient of variation (or CV) of the data set, which is a measure of the variability of data around the average, to predict the critical pollutant concentration in the effluent. Exhibit 6-7 provides an example of a lognormal distribution of effluent pollutant concentrations and projection of a critical effluent pollutant concentration ( $C_d$ ). For additional details regarding EPA's guidance, see Chapter 3 of the TSD. Many permitting authorities have developed procedures for estimating a critical effluent pollutant concentration that are based on or derived from those procedures. For pollutants with effluent concentrations that *do not* follow a lognormal distribution, permit writers would rely on alternative procedures developed by their permitting authority for determining the critical effluent pollutant concentration.



**Exhibit 6-7 Example of lognormal distribution of effluent pollutant concentrations and projection of critical concentration ( $C_d$ )**



#### 6.2.4.2 Receiving Water Critical Conditions

As with the effluent, flow (for rivers and streams) and pollutant concentration are receiving water critical conditions used in steady-state water quality models. In addition, depending on the waterbody and pollutant of concern, there could be additional receiving water characteristics that permit writers need to consider in a water quality model.

##### Receiving Water Upstream Flow

For rivers and streams, an important critical condition is the stream flow upstream of the discharge (designated  $Q_s$ ). That critical condition generally is specified in the applicable water quality standards and reflects the duration and frequency components of the water quality criterion that is being addressed. For most pollutants and criteria, the critical flow in rivers and streams is some measure of the low flow of that river or stream; however, the critical condition could be different (for example, a high flow, where wet weather sources are a major problem). If a discharge is controlled so that it does not cause water quality criteria to be exceeded in the receiving water at the critical flow condition, the discharge controls should be protective and ensure that water quality criteria, and thus designated uses, are attained under all receiving water flow conditions.

Examples of typical critical hydrologically based low flows found in water quality standards include the 7Q10 (7-day average, once in 10 years) low flow for chronic aquatic life criteria, the 1Q10 low flow for acute aquatic life criteria, and the harmonic mean flow for human health criteria for toxic organic pollutants. The permit writer might examine stream flow data from the state or the U.S. Geological



Survey to determine the critical flow at a point upstream of the discharge. The permit writer might also account for any additional sources of flow or diversions between the point where a critical low flow has been calculated and the point of discharge. EPA also has developed a biologically based flow method that directly uses the durations and frequencies specified in the water quality criteria.

#### Climate Change Considerations

As noted in this section, the receiving water upstream flow is an important factor in modeling the interaction between the effluent discharge and a river or stream. In most instances, state water quality standards or implementation policies establish the critical low flows that should be used in modeling this interaction. The most common source of upstream flow data for water quality modelers is historical flow gage data available through the U.S. Geological Survey. Modelers should be aware that the effects of climate change could alter historical flow patterns in rivers and streams, making these historical flow records less accurate in predicting current and future critical flows. Where appropriate, water quality modelers should consider alternate approaches to establishing critical low flow conditions that account for these climatic changes.

#### Receiving Water Background Pollutant Concentration

In addition to determining the critical effluent concentration of the pollutant of concern, the permit writer also should determine the critical background concentration of the pollutant of concern in the receiving water before the discharge (designated  $C_s$ ) to ensure that any pollutant limitations derived are protective of the designated uses. Permitting authority policies or procedures often address how to determine that critical background concentration value for the pollutant. For example, using ambient data or working with the discharger to obtain reliable ambient data, the permit writer might use the maximum measured background pollutant concentration or, perhaps, an average of measured concentrations as the critical condition. Ambient data will provide the most reliable characterization of receiving water background pollutant concentration. EPA encourages permitting authorities to collect and use actual ambient data, where possible. Where data are not available, however, the state might have other procedures, such as establishing that without valid and representative ambient data, no dilution or mixing will be allowed (i.e., criteria end-of-pipe), or using a percentage of an applicable water quality criterion or a detection, quantitation, or other reporting level. The permit writer should consult the permitting authority's policies and procedures or, if there are no policies or procedures available, look at past permitting practices and maintain consistency with those practices when determining the critical receiving water background concentrations.

#### Other Receiving Water Characteristics

For waterbodies other than free-flowing rivers and streams, there might be critical environmental conditions that apply rather than flow (e.g., tidal flux, temperature). In addition, depending on the pollutant of concern, the effects of biological activity and reaction chemistry might be important in assessing the impact of a discharge on the receiving water. In such situations, additional critical receiving water conditions that might be used in a steady-state water quality model include conditions such as pH, temperature, hardness, or reaction rates, and the presence or absence of certain fish species or life stages of aquatic organisms, to name a few.



Sections 6.3 and 6.4 below provide further discussion of how critical conditions are applied in a water quality model to determine the need for and calculate WQBELs.

### 6.2.5 Step 5: Establish an Appropriate Dilution Allowance or Mixing Zone

Following verification of whether the applicable water quality standards allow any consideration of effluent and receiving water mixing and, for a steady-state modeling approach, the critical conditions that apply to the effluent and receiving water, permit writers can determine how the effluent and the receiving water mix under critical conditions. Based on this determination, permit writers can then establish the maximum dilution allowance or mixing zone allowed by the water quality standards for each pollutant of concern.

#### 6.2.5.1 Type of Mixing Under Critical Conditions

On the basis of requirements in the water quality standards, the dilution allowance or mixing zone used in water quality models and calculations are likely to vary depending on whether there is rapid and complete mixing or incomplete mixing of the effluent and receiving water under critical conditions. Thus, the permit writer needs to understand something about *how* the effluent and receiving water mix under critical conditions.

*Rapid and complete mixing* is mixing that occurs when the lateral variation in the concentration of a pollutant in the direct vicinity of the outfall is small. The applicable water quality standards might specify certain conditions under which a permit writer could *assume* that rapid and complete mixing is occurring, such as the presence of a diffuser. Some standards may also allow a *demonstration* of rapid and complete mixing in cases where the conditions for simply assuming rapid and complete mixing are not met. For example, the applicable water quality standards might specify a distance downstream of a discharge point by which the pollutant concentration across the stream width must vary by less than a certain percentage to assume that there is rapid and complete mixing.

If the permit writer cannot assume rapid and complete mixing and there has been no demonstration of rapid and complete mixing, the permit writer should assume that there is incomplete mixing. Under incomplete mix conditions, mixing occurs more slowly and higher concentrations of pollutants are present in-stream near the discharge as compared to rapid and complete mixing. Thus, an assumption of incomplete mixing is more conservative than an assumption of rapid and complete mixing. For waterbodies other than rivers and streams (e.g., lakes, bays, and the open ocean) the permit writer usually would assume incomplete mixing.

#### 6.2.5.2 Maximum Dilution Allowance or Mixing Zone Size

Once a permit writer determines whether the applicable water quality standards allows consideration of some ambient dilution or mixing and determines the type of mixing taking place (rapid and complete mixing versus incomplete mixing), he or she would again consult the water quality standards to determine the maximum size of the dilution allowance or mixing zone that may be considered in water quality modeling calculations.

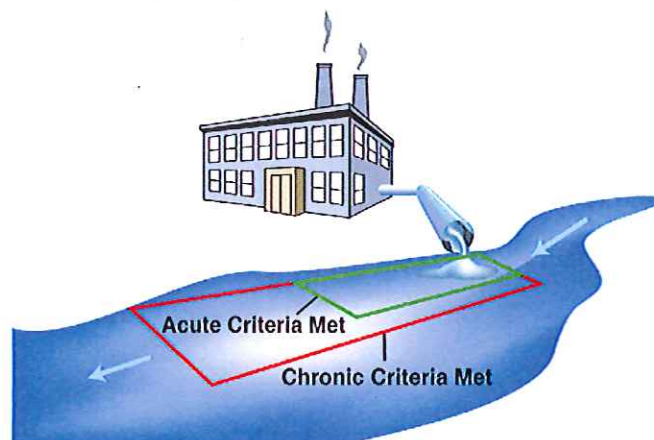
### Dilution Allowances in Rapid and Complete Mix Situations

The maximum permissible dilution allowance for rivers and streams under conditions of rapid and complete mixing should be indicated in the water quality standards or standards implementation policy. For example, some water quality standards allow a permit writer to use up to 100 percent of the critical low flow of a river or stream as a dilution allowance in water quality models and calculations when there is rapid and complete mixing. In some cases, water quality standards implement a factor of safety by permitting only a percentage of the critical low flow to be used as a dilution allowance, even when there is rapid and complete mixing under critical conditions. Water quality standards might incorporate such a factor of safety to account for any uncertainty related to other conditions in the waterbody or to ensure that some assimilative capacity is retained downstream of the discharge being permitted. Recall as well that for some pollutants (e.g., pathogens in waters designated for primary contact recreation, bioaccumulative pollutants), the water quality standards or implementing procedures might not authorize any dilution allowance even where the effluent and receiving water mix rapidly and completely.

### Dilution Allowances and Regulatory Mixing Zones in Incomplete Mix Situations

In an incomplete mixing situation, the water quality standards or implementation policies might allow some consideration of ambient dilution. Rather than permitting as much as 100 percent of the critical low flow as a dilution allowance, however, they will likely specify either a limited dilution allowance (such as a percentage of the critical low flow) or the maximum size of a regulatory mixing zone. A regulatory *mixing zone* is a limited area or volume of water where initial dilution of a discharge takes place and within which the water quality standards allow certain water quality criteria to be exceeded. While the criteria may be exceeded within the mixing zone, the use and size of the mixing zone must be limited such that the waterbody as a whole will not be impaired and such that all designated uses are maintained as discussed in section 6.2.5.3 below. Exhibit 6-8 is a diagram illustrating the concept of a regulatory mixing zone. The mixing zone often is a simple geometric shape inside of which a water quality criterion may be exceeded. The geometric shape does not characterize how mixing actually occurs. Actual mixing is described using field studies and a water quality model.

**Exhibit 6-8 Regulatory mixing zones for aquatic life criteria**





Note that Exhibit 6-8 above illustrates two different mixing zones, one for an acute aquatic life criterion and one for a chronic aquatic life criterion. The water quality standards could specify different maximum mixing zone sizes for different pollutants, different types of criteria, and different waterbody types. Exhibit 6-9 provides examples of different maximum mixing zone sizes and dilution allowances.

**Exhibit 6-9 Examples of maximum mixing zone sizes or dilution allowances under incomplete mixing conditions by waterbody type\***

**For rivers and streams:**

- Mixing zones cannot be larger than 1/4 of the stream width and 1/4 mile downstream
- Mixing must be less than 1/2 stream width with a longitudinal limit of 5 times the stream width
- Dilution cannot be greater than 1/3 of the critical low flow

**For lakes and the ocean:**

- Mixing zones for lakes cannot be larger than 5% of the lake surface
- A maximum of 4:1 dilution is available for lake discharges
- A maximum of 10:1 dilution is available for ocean discharges
- The maximum size mixing zone for the ocean is a 100-foot radius from the point of discharge

\* Examples were adapted from state standards and procedures and do not reflect EPA guidance or recommendations.

Permit writers should always check the applicable water quality standards to see if mixing zones are permitted and determine the maximum mixing zone size for the waterbody type, pollutant of concern, and specific criterion being considered.

### 6.2.5.3 Restrictions on Dilution Allowance or Mixing Zone Size

In addition to specifying the maximum dilution allowance or mixing zone size allowed under both rapid and complete mixing conditions and incomplete mixing conditions, the water quality standards or implementation policies generally include constraints that could further limit the available dilution allowance or mixing zone size to something less than the absolute maximum allowed. For example, one restriction on the size of the acute mixing zone could be that it must be small enough to ensure that the potential time of exposure of aquatic organisms to a pollutant concentration above the acute criterion is very short, and organisms passing through that acute mixing zone will not die from exposure to the pollutant. Such a restriction might lead the permitting authority to give a discharger an acute mixing zone for a specific pollutant that is smaller than the maximum size allowed by the water quality standards or to not allow any acute mixing zone at all. Other possible restrictions on dilution and mixing zone size include preventing impairment of the integrity of the waterbody as a whole and preventing significant risks to human health. For example, a permitting authority might restrict the size of a mixing zone for a human health criterion to prevent the mixing zone from overlapping a drinking water intake.

## 6.3 Determine the Need for WQBELs

After determining the applicable water quality standards and characterizing the effluent and receiving water, a permit writer determines whether WQBELs are needed. This section provides an overview of that process.



### 6.3.1 Defining Reasonable Potential

EPA regulations at § 122.44(d)(1)(i) state, "Limitations must control all pollutants or pollutant parameters (either conventional, nonconventional, or toxic pollutants) which the Director determines are or may be discharged at a level that will *cause*, have the *reasonable potential to cause*, or *contribute* to an excursion above any [s]tate water quality standard, including [s]tate narrative criteria for water quality." [emphasis added] Because of that regulation, EPA and many authorized NPDES states refer to the process that a permit writer uses to determine whether a WQBEL is required in an NPDES permit as a *reasonable potential analysis*. Wording the requirements of the regulation another way, a reasonable potential analysis is used to determine whether a discharge, alone or in combination with other sources of pollutants to a waterbody and under a set of conditions arrived at by making a series of reasonable assumptions, could lead to an excursion above an applicable water quality standard. The regulation also specifies that the reasonable potential determination must apply not only to numeric criteria, but also to narrative criteria (e.g., *no toxics in toxic amounts*, *presence of pollutants or pollutant parameters in amounts that would result in nuisance algal blooms*). A permit writer can conduct a reasonable potential analysis using effluent and receiving water data and modeling techniques, as described above, or using a non-quantitative approach. Both approaches are discussed below.

### 6.3.2 Conducting a Reasonable Potential Analysis Using Data

When determining the need for a WQBEL, a permit writer should use any available effluent and receiving water data as well as other information pertaining to the discharge and receiving water (e.g., type of industry, existing TBELs, compliance history, stream surveys), as the basis for a decision. The permit writer might already have data available from previous monitoring or he or she could decide to work with the permittee to generate data before permit issuance or as a condition of the new permit. EPA recommends that monitoring data be generated before effluent limitation development whenever possible. Monitoring should begin far enough in advance of permit development to allow sufficient time to conduct chemical analyses. Where data are generated as a condition of the permit (for example for a new permittee), it might be appropriate for the permit writer to include a reopener condition in the permit to allow the incorporation of a WQBEL if the monitoring data indicate that a WQBEL is required.

A reasonable potential analysis conducted with available data can be divided into four steps as shown in Exhibit 6-10 and discussed in detail below.

#### Exhibit 6-10 Steps of a reasonable potential analysis with available data

- |  |
|--|
| Step 1. Determine the appropriate water quality model                                  |
| Step 2. Determine the expected receiving water concentration under critical conditions |
| Step 3. Answer the question, "Is there reasonable potential?"                          |
| Step 4. Document the reasonable potential determination in the fact sheet              |

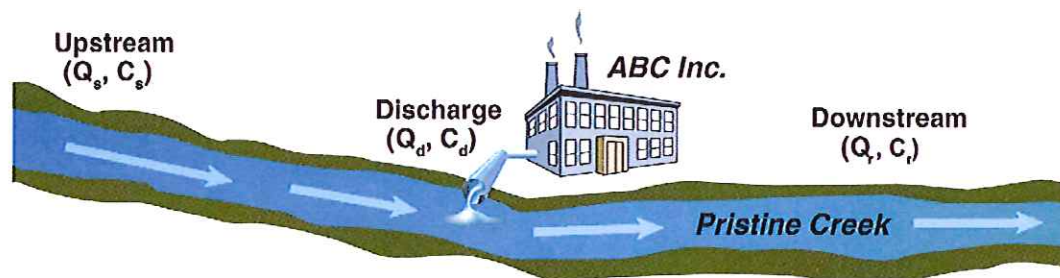
#### 6.3.2.1 Step 1: Determine the Appropriate Water Quality Model

Steady-state or dynamic water quality modeling techniques can be used in NPDES permitting. As discussed in section 6.2.3 above, the examples in this manual consider only steady-state modeling techniques, which consider the impact of a discharge on the receiving water modeled under a single set of critical conditions.

The specific steady-state model used will depend on the pollutant or parameter of concern and whether there is rapid and complete mixing or incomplete mixing of the effluent and the receiving water under critical conditions. For example, to model dissolved oxygen in a river, the permit writer might choose the Streeter-Phelps equation. For modeling heavy metals in an incomplete mix situation, the permit writer might choose the CORMIX model. For pollutants such as BOD, nutrients, or non-conservative parameters, the effects of biological activity and reaction chemistry should be modeled, in addition to the effects of dilution, to assess possible impacts on the receiving water. This manual focuses only on dilution of a pollutant discharged to the receiving water and does not address modeling biological activity or reaction chemistry in receiving waters. For additional information, permit writers should discuss modeling that accounts for biological activity or reaction chemistry with water quality modelers or other water quality specialists as needed and consult EPA's [Water Quality Models and Tools Website](http://www.epa.gov/waterscience/models/) [<www.epa.gov/waterscience/models/>](http://www.epa.gov/waterscience/models/).

For many pollutants such as most toxic (priority) pollutants, conservative pollutants, and pollutants that can be treated as conservative pollutants when near-field effects are of concern, if there is rapid and complete mixing in a river or stream, the permit writer could use a simple mass-balance equation to model the effluent and receiving water. The simple mass-balance equation as applied to a hypothetical facility, ABC, Inc., discharging Pollutant Z to a free-flowing stream called Pristine Creek is presented in Exhibit 6-11 below.

**Exhibit 6-11 Simple mass-balance equation**



<b>Mass</b>	<b>=</b>	<b>Flow (Q)</b> in million gallons per day (mgd) or cubic feet per second (cfs)	<b>X</b>	<b>Pollutant concentration (C)</b> in milligrams per liter (mg/L)
-------------	----------	---	----------	--

$$Q_s C_s + Q_d C_d = Q_r C_r$$

where

- |       |   |  |
|-------|---|--|
| $Q_s$ | = | stream flow in mgd or cfs above point of discharge                                 |
| $C_s$ | = | background in-stream pollutant concentration in mg/L                               |
| $Q_d$ | = | effluent flow in mgd or cfs  |
| $C_d$ | = | effluent pollutant concentration in mg/L   |
| $Q_r$ | = | resultant in-stream flow, after discharge in mgd or cfs                            |
| $C_r$ | = | resultant in-stream pollutant concentration in mg/L (after complete mixing occurs) |



### 6.3.2.2 Step 2: Determine the Expected Receiving Water Concentration under Critical Conditions

When using a steady-state model, the permit writer, or water quality modeler, determines the impact of the effluent discharge on the receiving water under critical conditions. This step examines how this steady-state analysis is conducted in situations where there is incomplete mixing and then provides a detailed discussion of this analysis for situations where there is rapid and complete mixing.

#### How are *critical conditions* defined?

When using a steady-state water quality model, permit writers generally input values that reflect critical conditions. State permitting procedures should guide permit writers in this task. When characterizing the effluent and receiving water for water quality-based permitting, the permit writer should follow the permitting authority's policies and procedures for selecting the critical conditions to use in a steady-state model. The discussion in section 6.2.4 above provides a discussion of how those values might be selected.

Permit writers generally would input into a steady-state model for a reasonable potential analysis the critical conditions identified in the effluent and receiving water characterization discussed in section 6.2.4 above. Recall that critical conditions include the following:

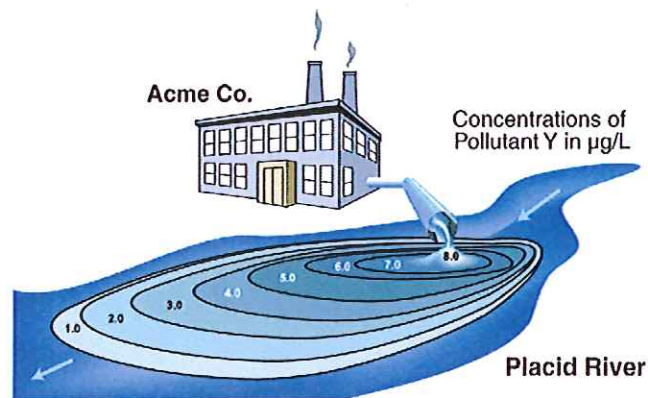
- Effluent critical conditions
  - Flow.
  - Pollutant concentration.
- Receiving water critical conditions
  - Flow (for rivers and streams).
  - Pollutant concentration.
  - Other receiving water characteristics such as tidal flux, temperature, pH, or hardness (depending on the waterbody and pollutant of concern)

As discussed in section 6.2.4.1 above, EPA and other permitting authorities have developed guidance for determining those critical conditions. Permit writers should rely on their permit authority's policies and procedures or past practices to determine values for all other critical conditions.

#### Expected Receiving Water Concentration in an Incomplete Mixing Situation

Exhibit 6-12 illustrates a situation where there is incomplete mixing of a discharge from a hypothetical facility, Acme Co., with the receiving water, the Placid River. The concentration of the pollutant of concern discharged by Acme Co. (Pollutant Y) is highest nearest the point of discharge and gradually decreases until the pollutant is completely mixed with the receiving water. To determine expected receiving water concentrations resulting from the Acme Co.'s discharge of Pollutant Y to the Placid River, the permit writer, or water quality modeler, would use the appropriate incomplete mixing model, calibrated to actual observations from field studies or dye studies, to simulate mixing under critical conditions. In Step 3 below, the concentrations of the pollutant of concern in the receiving water, as predicted by the water quality model, will be overlaid by a regulatory mixing zone established by the applicable water quality standard to determine whether WQBELs are needed.

**Exhibit 6-12 Example of receiving water concentrations in an incomplete mixing situation determined using an incomplete mixing water quality model**



**Expected Receiving Water Concentration in Rapid and Complete Mixing Situation**

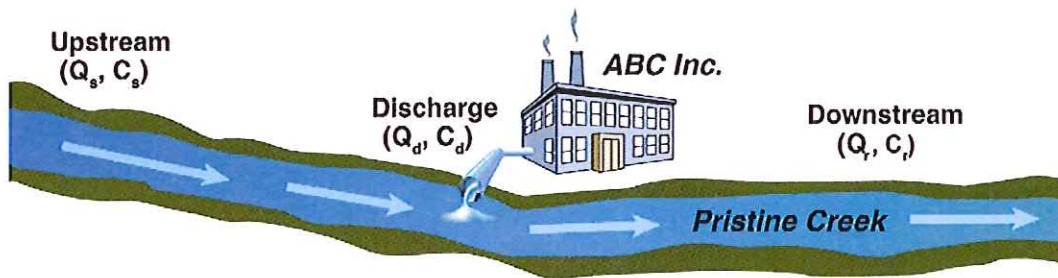
For many pollutants, if there is rapid and complete mixing in a river or stream, the permit writer could use the simple mass-balance equation presented in Exhibit 6-11 above to determine the expected receiving water concentration of the pollutant of concern under critical conditions. As noted previously, the simple mass-balance equation is a very basic steady-state model that can be used for most toxic pollutants, conservative pollutants, and other pollutants for which near-field effects are the primary concern. In Exhibit 6-13, that equation is applied to ABC Inc.'s discharge of Pollutant Z (a conservative pollutant) to Pristine Creek under conditions of rapid and complete mixing. The mass-balance equation is rearranged to show how it would be used in a reasonable potential analysis.

To use the simple mass-balance equation to predict receiving water impacts for a reasonable potential analysis, the permit writer needs to input one value for each variable and solve the equation for  $C_r$ , the downstream concentration of the pollutant. Because this model, like other steady-state models, uses a single value for each variable, the permit writer should be sure that the values selected reflect critical conditions for the discharge and the receiving water. In Exhibit 6-14, those critical conditions have been identified and the equation has been solved for  $C_r$ .

It is important for permit writers to remember that, in some situations, the selected steady-state model could be more complex than the simple mass-balance equation shown. For example, there could be other pollutant sources along the stream segment; the pollutant might not be conservative (e.g., BOD); or the parameter to be modeled might be affected by multiple pollutants (e.g., dissolved oxygen affected by BOD and nutrients). For illustrative purposes, this example focuses on a situation where using a simple mass-balance equation is sufficient (i.e., rapid and complete mixing of a conservative pollutant in a river or stream under steady-state conditions).



**Exhibit 6-13 Mass-balance equation for reasonable potential analysis for conservative pollutant under conditions of rapid and complete mixing**



The mass-balance equation can be used to determine whether the discharge from ABC Inc., would cause, have the reasonable potential to cause, or contribute to an excursion above the water quality standards applicable to Pristine Creek. The equation is used to predict the concentration of Pollutant Z, a conservative pollutant, in Pristine Creek under critical conditions. The predicted concentration can be compared to the applicable water quality criteria for Pollutant Z. Assume the discharge mixes rapidly and completely with Pristine Creek.

<b>Mass</b>	=	<b>Flow (Q)</b> in million gallons per day (mgd) or cubic feet per second (cfs)	×	<b>Pollutant concentration (C)</b> in milligrams per liter (mg/L)
-------------	---	--	---	--

$$Q_s C_s + Q_d C_d = Q_r C_r$$

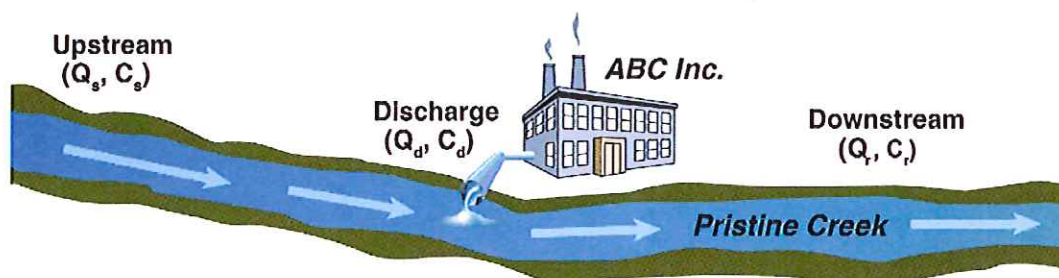
where

- $Q_s$  = critical stream flow in mgd or cfs above point of discharge
- $C_s$  = critical background in-stream pollutant concentration in mg/L
- $Q_d$  = critical effluent flow in mgd or cfs
- $C_d$  = critical effluent pollutant concentration in mg/L
- $Q_r$  = resultant in-stream flow, after discharge in mgd or cfs ( $Q_r = Q_s + Q_d$ )
- $C_r$  = resultant in-stream pollutant concentration in mg/L (after complete mixing occurs)

Rearrange the equation to determine the concentration of Pollutant Z in the waterbody downstream of a discharge under critical conditions:

$$C_r = \frac{(Q_d)(C_d) + (Q_s)(C_s)}{Q_r}$$

**Exhibit 6-14 Example of applying mass-balance equation to conduct reasonable potential analysis for conservative pollutant under conditions of rapid and complete mixing**



$$\text{Mass-Balance Equation: } Q_s C_s + Q_d C_d = Q_r C_r$$

Dividing both sides of the mass-balance equation by  $Q_r$  gives the following:

$$C_r = \frac{(Q_d)(C_d) + (Q_s)(C_s)}{Q_r}$$

where  $C_r$  is the receiving water concentration downstream of the discharge

The following values are known for ABC Inc. and Pristine Creek:

$Q_s$ = critical upstream flow (water quality standards allow a dilution allowance of up to 100% of 1Q10 low flow for rapid and complete mixing)	= 1.20 cfs
$C_s$ = critical upstream concentration of Pollutant Z in Pristine Creek	= 0.75 mg/L
$Q_d$ = critical discharge flow	= 0.55 cfs
$C_d$ = statistically projected critical discharge concentration of Pollutant Z	= 2.20 mg/L
$Q_r$ = downstream flow	= $Q_d + Q_s = 0.55 + 1.20 = 1.75$ cfs

Acute aquatic life water quality criterion for Pollutant Z in Pristine Creek = 1.0 mg/L

Find the projected downstream concentration ( $C_r$ ) by inserting the given values into the equation as follows:

$$C_r = \frac{(0.55 \text{ cfs})(2.20 \text{ mg/L}) + (1.20 \text{ cfs})(0.75 \text{ mg/L})}{(1.75 \text{ cfs})}$$

$$= 1.2 \text{ mg/L of Pollutant Z}^*$$

\* calculated to 2 significant figures

### 6.3.2.3 Step 3: Answer the Question, Is There Reasonable Potential?

The next step in the reasonable potential analysis is to consider the results of water quality modeling to answer the question, *Is there reasonable potential?*

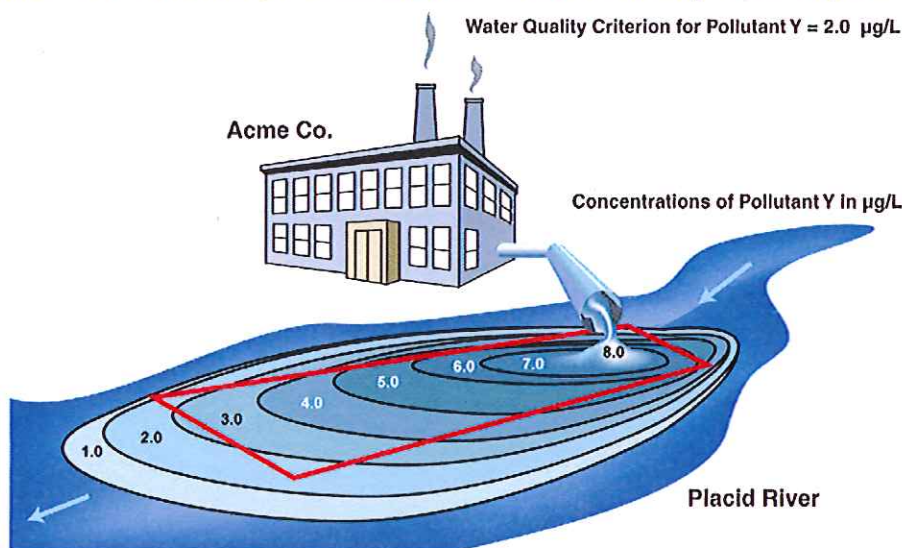
- For most pollutants, if the receiving water pollutant concentration projected by a steady-state model (e.g., a simple mass-balance equation or a more complex model) exceeds the applicable water quality criterion, there is *reasonable potential*, and the permit writer must calculate WQBELs. (Note that for dissolved oxygen, reasonable potential would occur if the water quality model indicates that the projected effluent concentration of the oxygen-demanding pollutants would result in depletion of dissolved oxygen below acceptable values in the receiving water).
- If the projected concentration is equal to or less than the applicable criterion, there is no reasonable potential and, thus far, there is no demonstrated need to calculate WQBELs.



### Reasonable Potential Determination in an Incomplete Mixing Situation

To determine whether there is reasonable potential in an incomplete mixing situation, the permit writer would compare the projected concentration of the pollutant of concern at the edge of the regulatory mixing zone or after accounting for the available dilution allowance, with the applicable water quality criterion. Exhibit 6-15 illustrates the reasonable potential determination for Acme Co. in a situation where the regulatory mixing zone is described by a geometric shape. In the example, the water quality criterion for Pollutant Y being considered is 2.0 micrograms per liter ( $\mu\text{g/L}$ ). The illustration shows that at many points along the edge of the regulatory mixing zone specified by the water quality standards, which is represented by the rectangle, the concentration of Pollutant Y exceeds 2.0  $\mu\text{g/L}$ . Therefore, there is reasonable potential, and the permit writer must calculate WQBELs for Pollutant Y for Acme Co.

**Exhibit 6-15 Reasonable potential determination in an incomplete mixing situation**



### Reasonable Potential Determination in a Rapid and Complete Mixing Situation

In the rapid and complete mixing example for ABC, Inc., shown in Exhibit 6-14 above, a projected downstream concentration ( $C_T$ ) of 1.2 mg/L of Pollutant Z was calculated. The permit writer would compare the calculated concentration to the acute aquatic life water quality criterion of 1.0 mg/L for Pollutant Z in Pristine Creek presented in Exhibit 6-14. Because 1.2 mg/L > 1.0 mg/L, the projected downstream concentration exceeds the water quality criterion; therefore, there is a reasonable potential for the water quality criterion to be exceeded, and the permit writer must calculate WQBELs for Pollutant Z.

A permit writer should repeat the reasonable potential analysis for all applicable criteria for the pollutant of concern and must remember that the critical conditions could differ depending on the criterion being evaluated. For example, the critical stream flow used when considering the acute aquatic life criterion might be the 1Q10 low flow, whereas the critical stream flow used when considering the chronic aquatic life criterion might be the 7Q10 low flow. If calculations demonstrate that the discharge of a pollutant of concern would cause, have the reasonable potential to cause, or contribute to an excursion of *any one* of the applicable criteria for that pollutant, the permit writer must develop WQBELs for that pollutant.

In addition, it is important for permit writers to remember that they must repeat the reasonable potential analysis for each pollutant of concern and calculate WQBELs where there is reasonable potential. For each pollutant for which there is no reasonable potential, the permit writer should consider whether there are any existing WQBELs in the previous permit and whether they should be retained. The permit writer would complete an anti-backsliding analysis (see Chapter 7 of this manual) to determine whether it is possible to remove any existing WQBELs from the reissued permit.

#### 6.3.2.4 Step 4: Document the Reasonable Potential Determination in the Fact Sheet

As a final step, permit writers need to document the details of the reasonable potential analysis in the NPDES permit fact sheet. The permit writer should clearly identify the information and procedures used to determine the need for WQBELs. The goal of that documentation is to provide the NPDES permit applicant and the public a transparent, reproducible, and defensible description of how each pollutant was evaluated, including the basis (i.e., reasonable potential analysis) for including or not including a WQBEL for any pollutant of concern.

#### 6.3.3 Conducting a Reasonable Potential Analysis without Data

State implementation procedures might allow, or even require, a permit writer to determine reasonable potential through a qualitative assessment process without using available facility-specific effluent monitoring data or when such data are not available. For example, as noted in section 6.2.1.2 above, where there is a pollutant with a WLA from a TMDL, a permit writer must develop WQBELs or other permit requirements consistent with the assumptions of the TMDL. Even without a TMDL, a permitting authority could, at its own discretion, determine that WQBELs are needed for any pollutant associated with impairment of a waterbody. A permitting authority might also determine that WQBELs are required for specific pollutants for all facilities that exhibit certain operational or discharge characteristics (e.g., WQBELs for pathogens in all permits for POTWs discharging to contact recreational waters).

Types of information that the permit writer might find useful in a qualitative approach to determining reasonable potential include the following:

- Effluent variability information such as history of compliance problems and toxic impacts.
- Point and nonpoint source controls such as existing treatment technology, the type of industry, POTW treatment system, or BMPs in place.
- Species sensitivity data including in-stream data, adopted water quality criteria, or designated uses.
- Dilution information such as critical receiving water flows or mixing zones.

The permit writer should always provide justification for the decision to require WQBELs in the permit fact sheet or statement of basis and *must* do so where required by federal and state regulations. A thorough rationale is particularly important when the decision to include WQBELs is not based on an analysis of effluent data for the pollutant of concern.

After evaluating all available information characterizing the nature of the discharge without effluent monitoring data for the pollutant of concern, if the permit writer is not able to decide whether the discharge causes, has the reasonable potential to cause, or contributes to an excursion above a water



quality criterion, he or she may determine that effluent monitoring should be required to gather additional data. The permit writer might work with the permittee to obtain data before permit issuance, if sufficient time exists, or could require the monitoring as a condition of the newly issued or reissued permit. The permit writer might also include a clause in the permit that would allow the permitting authority to reopen the permit and impose an effluent limitation if the required monitoring establishes that there is reasonable potential that the discharge will cause or contribute to an excursion above a water quality criterion.

## 6.4 Calculate Parameter-specific WQBELs

If a permit writer has determined that a pollutant or pollutant parameter is discharged at a level that will cause, have reasonable potential to cause, or contribute to an excursion above any state water quality standard, the permit writer must develop WQBELs for that pollutant parameter. This manual presents the approach recommended by EPA's TSD for calculating WQBELs for toxic (priority) pollutants. Many permitting authorities apply those or similar procedures to calculate WQBELs for toxic pollutants and for a number of conventional or nonconventional pollutants with effluent concentrations that tend to follow a lognormal distribution. Permit writers should consult permitting authority policies and procedures to determine the methodology specific to their authorized NPDES permitting program, including the approach for pollutants with effluent concentrations that do not follow a lognormal distribution.

### 6.4.1 Calculating Parameter-specific WQBELs from Aquatic Life Criteria

The TSD process for calculating WQBELs from aquatic life criteria follows five steps as shown in Exhibit 6-16 and discussed in detail below.

#### Exhibit 6-16 Calculating parameter-specific WQBELs from aquatic life criteria

- |  |
|--|
| Step 1. Determine acute and chronic WLAs   |
| Step 2. Calculate long-term average (LTA) concentrations for each WLA                      |
| Step 3. Select the lowest LTA as the performance basis for the permitted discharger        |
| Step 4. Calculate an average monthly limitation (AML) and a maximum daily limitation (MDL) |
| Step 5. Document the calculation of WQBELs in the fact sheet.                              |

#### 6.4.1.1 Step 1: Determine Acute and Chronic WLAs

Before calculating a WQBEL, the permit writer will first need to determine the appropriate WLAs for the point source discharge based on both the acute and chronic criteria. A WLA may be determined from a TMDL or calculated for an individual point source directly. Where an EPA-approved TMDL has been developed for a particular pollutant, the WLA for a specific point source discharger is the portion of that TMDL that is allocated to that point source, as discussed in section 6.2.1.2 above. Where no TMDL is available, a water quality model generally is used to calculate a WLA for the specific point source discharger. The WLA is the loading or concentration of pollutant that the specific point source may discharge while still allowing the water quality criterion to be attained downstream of that discharge. Of course, the WLA calculation should take into account any reserve capacity, safety factor, and contributions from other point and nonpoint sources as might be required by the applicable water quality standards regulations or implementation policies.

When a WLA is not given as part of a TMDL or where a separate WLA is needed to address the near-field effects of a discharge on water quality criteria, permit writers will, in many situations, use a steady-state water quality model to determine the appropriate WLA for a discharge. As discussed in section 6.3 above, steady-state models generally are run under a single set of critical conditions for protection of receiving water quality. If a permit writer uses a steady-state model with a specific set of critical conditions to assess reasonable potential, he or she generally may use the same model and critical conditions to calculate a WLA for the same discharge and pollutant of concern.

As with the reasonable potential assessment, the type of steady-state model used to determine a WLA depends on the type of mixing that occurs in the receiving water and the type of pollutant or parameter being modeled. As discussed in section 6.3.2 above, permit writers can use the mass-balance equation as a simple steady-state model for many pollutants, such as most toxic (priority) pollutants or any pollutant that can be treated as a conservative pollutant when considering near-field effects, if there is rapid and complete mixing in the receiving water. For pollutants or discharge situations that do not have those characteristics (e.g., non-conservative pollutants, concern about effects on a downstream waterbody), a water quality model other than the mass-balance equation would likely be more appropriate.

The mass-balance equation is presented again in Exhibit 6-17. In the exhibit, the equation is rearranged to show how it would be used to calculate a WLA for a conservative pollutant discharged to a river or stream under conditions of rapid and complete mixing.

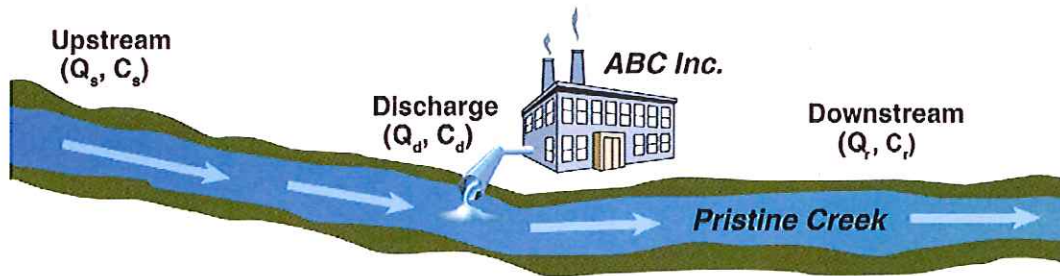
#### 6.4.1.2 Step 2: Calculate LTA Concentrations for Each WLA

The requirements of a WLA generally must be interpreted in some way to be expressed as an effluent limitation. The goal of the permit writer is to derive effluent limitations that are enforceable, adequately account for effluent variability, consider available receiving water dilution, protect against acute and chronic impacts, account for compliance monitoring sampling frequency, and assure attainment of the WLA and water quality standards. In developing WQBELs, the permit writer develops limitations that require a facility to perform in such a way that the concentration of the pollutant of concern in the effluent discharged is nearly always below the WLA.

To accomplish that goal, EPA has developed a statistical permit limitation derivation procedure to translate WLAs into effluent limitations *for pollutants with effluent concentration measurements that tend to follow a lognormal distribution*. EPA believes that this procedure, discussed in Chapter 5 of the TSD, results in defensible, enforceable, and protective WQBELs for such pollutants. In addition, a number of states have adopted procedures based on, but not identical to, EPA's guidance that also provide defensible, enforceable, and protective WQBELs. Permit writers should always use the procedures adopted by their permitting authority. In addition, permit writers should recognize that alternative procedures would be used to calculate effluent limitations for pollutants with effluent concentrations that cannot generally be described using a lognormal distribution.



**Exhibit 6-17 Example of applying mass-balance equation to calculate WLAs for conservative pollutant under conditions of rapid and complete mixing**



$$Q_s C_s + Q_d C_d = Q_r C_r$$

where

- $Q_s$  = background stream flow in mgd or cfs above point of discharge
- $C_s$  = background in-stream pollutant concentration in mg/L
- $Q_d$  = effluent flow in mgd or cfs
- $C_d$  = effluent pollutant concentration in mg/L = **WLA**
- $Q_r$  = resultant in-stream flow, after discharge in mgd or cfs
- $C_r$  = resultant in-stream pollutant concentration in mg/L (after complete mixing occurs)

Rearrange the equation to determine the WLA ( $C_d$ ) for ABC Inc., necessary to achieve the acute water quality criterion for Pollutant Z in Pristine Creek ( $C_r$ ) downstream of the discharge:

$$C_d = \frac{Q_r C_r - Q_s C_s}{Q_d}$$

The following values are known for ABC Inc., and Pristine Creek:

- $Q_s$  = critical upstream flow (water quality standards allow a dilution allowance of up to 100% of 1Q10 low flow for rapid and complete mixing) = 1.20 cfs
- $C_s$  = upstream concentration of Pollutant Z in Pristine Creek = 0.75 mg/L
- $Q_d$  = discharge flow = 0.55 cfs
- $Q_r$  = downstream flow =  $Q_d + Q_s = 0.55 + 1.20 = 1.75$  cfs
- $C_r$  = acute water quality criterion for Pollutant Z in Pristine Creek = 1.0 mg/L

Determine the WLA for ABC Inc., by inserting the given values into the equation as follows:

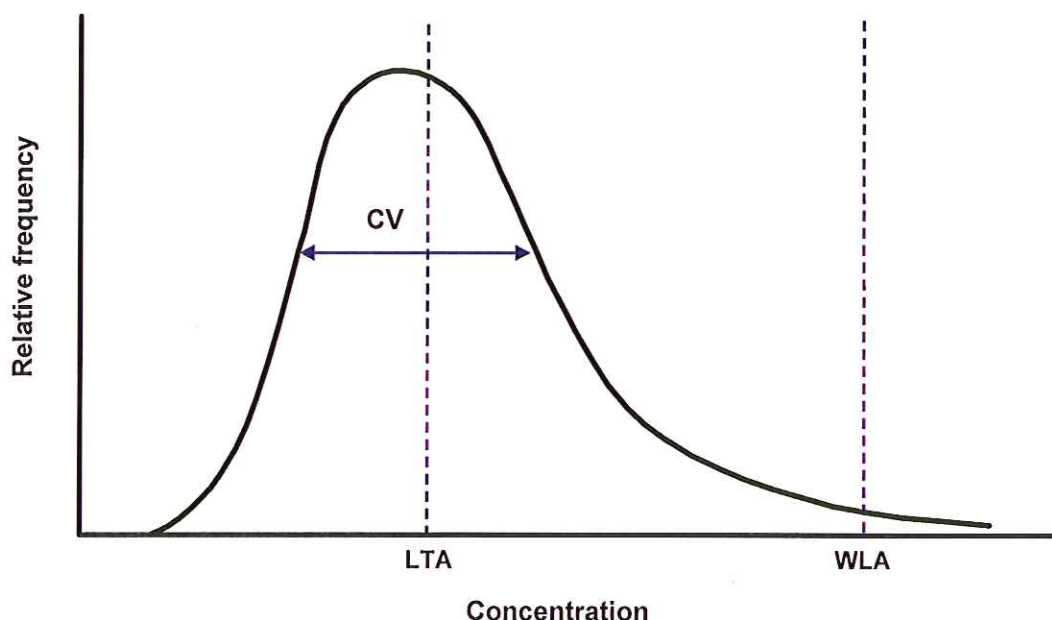
$$\begin{aligned} \text{WLA for ABC Inc.} = C_d &= \frac{(1.75 \text{ cfs})(1.0 \text{ mg/L}) - (1.20 \text{ cfs})(0.75 \text{ mg/L})}{(0.55 \text{ cfs})} \\ &= 1.5 \text{ mg/L of Pollutant Z}^* \end{aligned}$$

\* calculated to 2 significant figures

For those pollutants with effluent concentrations that do follow a lognormal distribution, the distribution can be described by determining a long-term average (or LTA) that ensures that the effluent pollutant concentration remains nearly always below the WLA and by the CV, a measure of the variability of data around the LTA. Exhibit 6-18 illustrates a lognormal distribution with the LTA, CV, and WLA highlighted.

When applying aquatic life criteria, a permit writer generally establishes a WLA based on the acute aquatic life criterion and a WLA based on the chronic aquatic life criterion. Thus, the permit writer determines two LTAs—one that would ensure that an effluent concentration is nearly always below the acute WLA and one that would ensure that an effluent concentration nearly always below the chronic WLA. Each LTA, acute and chronic, would represent a different performance expectation for the discharger.

**Exhibit 6-18 Example of lognormal distribution of effluent pollutant concentrations and calculation of LTA**



#### 6.4.1.3 Step 3: Select the Lowest LTA as the Performance Basis for the Permitted Discharger

EPA recommends that WQBELs be based on a single performance expectation for a facility; therefore, once a permit writer has calculated LTA values for each WLA, he or she would select only one of those LTAs to define the required performance of the facility and serve as the basis for WQBELs. Because WQBELs must assure attainment of all applicable water quality criteria, the permit writer would select the lowest LTA as the basis for calculating effluent limitations. Selecting the lowest LTA would ensure that the facility's effluent pollutant concentration remains below all the calculated WLAs nearly all the time. Further, because WLAs are calculated using critical receiving water conditions, the limiting LTA would also ensure that water quality criteria are fully protected under nearly all conditions.

#### 6.4.1.4 Step 4: Calculate an Average Monthly Limitation (AML) and a Maximum Daily Limitation (MDL)

The NPDES regulations at § 122.45(d) require that all effluent limitations be expressed, unless impracticable, as both AMLs and MDLs for all discharges other than POTWs and as both AMLs and average weekly limitations (AWLs) for POTWs. The AML is the highest allowable value for the average of daily discharges over a calendar month. The MDL is the highest allowable daily discharge measured during a calendar day or 24-hour period representing a calendar day. The AWL is the highest allowable value for the average of daily discharges over a calendar week. For pollutants with limitations expressed in units of mass, the daily discharge is the total mass discharged over the day. For limitations expressed in other units, the daily discharge is the average measurement of the pollutant over the period of a day.



In the TSD, EPA recommends establishing an MDL, rather than an AWL, for discharges of toxic pollutants from POTWs. That approach is appropriate for at least two reasons. First, the basis for the AWL for POTWs is the secondary treatment requirements discussed in section 5.1.1.1 of this manual and is not related to the need for assuring attainment of water quality standards. Second, an AWL, which could be the average of up to seven daily discharges, could average out peak toxic concentrations and, therefore, the discharge's potential for causing acute toxic effects might be missed. An MDL would be more likely to identify potential acutely toxic impacts.

Chapter 5 of the TSD includes statistical tools for calculating MDLs and AMLs from the LTA value selected in Step 3 above. Again, note that those procedures apply to *pollutants with effluent concentration measurements that tend to follow a lognormal distribution*. EPA has not developed guidance on procedures for calculating effluent limitations for pollutants with effluent concentrations that generally cannot be described using a lognormal distribution. For such pollutants, permit writers should use other procedures as recommended by their permitting authority in its policies, procedures, or guidance.

Whether using the TSD procedures or other procedures for calculating WQBELs, the objective is to establish limitations calculated to require treatment plant performance levels that, after considering acceptable effluent variability, would have a very low statistical probability of exceeding the WLA and, therefore, would comply with the applicable water quality standards under most foreseeable conditions.

#### 6.4.1.5 Step 5: Document Calculation of WQBELs in the Fact Sheet

Permit writers should document in the NPDES permit fact sheet the process used to develop WQBELs. The permit writer should clearly identify the data and information used to determine the applicable water quality standards and how that information, or any applicable TMDL, was used to derive WQBELs and explain how the state's antidegradation policy was applied as part of the process. The information in the fact sheet should provide the NPDES permit applicant and the public a transparent, reproducible, and defensible description of how the permit writer properly derived WQBELs for the NPDES permit.

#### 6.4.2 Calculating Chemical-specific WQBELs based on Human Health Criteria for Toxic Pollutants

Developing WQBELs for toxic pollutants affecting human health is somewhat different from calculating WQBELs for other pollutants because (1) the exposure period of concern is generally longer (e.g., often a lifetime exposure) and (2) usually the average exposure, rather than the maximum exposure, is of concern. EPA's recommended approach for setting WQBELs for toxic pollutants for human health protection is to set the AML equal to the WLA calculated from the human health toxic pollutant criterion and calculate the MDL from the AML. Section 5.4.4 of the TSD describes statistical procedures used for such calculations for pollutants with effluent concentrations that follow a lognormal distribution. Once again, for pollutants with effluent concentrations that do not follow a lognormal distribution, permit writers should use other procedures as specified by their permitting authority.

If the permit writer calculates chemical-specific WQBELs from human health criteria, he or she should compare the limitations to any other calculated WQBELs (e.g., WQBELs based on aquatic life criteria) and TBELs and apply antidegradation and anti-backsliding requirements to determine the final limitations that meet all technology and water quality standards. As discussed above, that process should be documented in the fact sheet for the NPDES permit.



## 6.5 Calculate Reasonable Potential and WQBELs for WET

WET tests measure the degree of response of exposed aquatic test organisms to an effluent mixed in some proportion with control water (e.g., laboratory water or a non-toxic receiving water sample). WET testing is used as a second approach, in addition to the chemical-specific approach, to implementing water quality standards in NPDES permits. This section provides a brief introduction to WET testing and WET limitations.

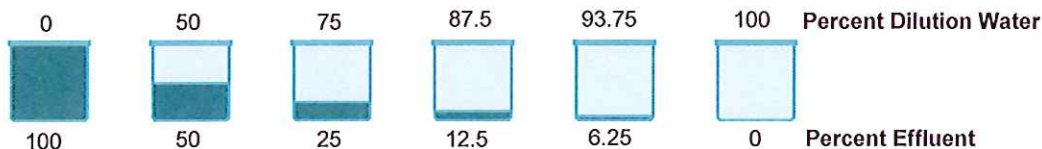
### Test of Significant Toxicity (TST)

At the time of the writing of this guidance manual, EPA had recently published a new statistical approach that assesses the whole effluent toxicity (WET) measurement of wastewater effects on specific test organisms' ability to survive, grow, and reproduce. This new approach is called the Test of Significant Toxicity (TST) and is a statistical method that uses hypothesis testing techniques based on research and peer-reviewed publications. The hypothesis test under the TST approach examines whether an effluent, at the critical concentration (e.g., in-stream waste concentration [IWC]), and the control within a WET test differ by an unacceptable amount (the amount that would have a measured detrimental effect on the ability of aquatic organisms to thrive and survive). The TST implementation document and the TST technical document are available at the [NPDES WET Website](http://www.epa.gov/npdes/wet) <[www.epa.gov/npdes/wet](http://www.epa.gov/npdes/wet)>.

### 6.5.1 Types of WET Tests

In many WET tests, the effluent and control water are mixed in varying proportions to create a dilution series. Exhibit 6-19 is an example of a typical dilution series used in WET testing.

**Exhibit 6-19 Example of typical dilution series**



There are two types of WET tests: acute and chronic. An acute toxicity test usually is conducted over a short time, generally 96 hours or less, and the endpoint measured is mortality. The endpoint for an acute test is often expressed as an  $LC_{50}$  (i.e., the percent of effluent that is lethal to 50 percent of the exposed test organisms). A chronic toxicity test is usually conducted during a critical life phase of the organism and the endpoints measured are mortality and sub-lethal effects, such as changes in reproduction and growth. A chronic test can occur over a matter of hours or days, depending on the species tested and test endpoint. The endpoint of a chronic toxicity test often is expressed in one of the following ways:

- No observed effect concentration (NOEC), the highest concentration of effluent (i.e., highest percent effluent) at which no adverse effects are observed on the aquatic test organisms.
- Lowest observed effect concentration (LOEC), the lowest concentration of effluent that causes observable adverse effects in exposed test organisms.

- Inhibition concentration (IC), a point estimate of the effluent concentration that would cause a given percent reduction in a biological measurement of the test organisms.
- Effect concentration (EC), a point estimate of the effluent concentration that would cause an observable adverse effect in a given percentage of test organisms.

For additional information on WET monitoring and WET test methods, see section 8.2.4 of this manual.

### 6.5.2 Expressing WET Limitations or Test Results

There are two options for expressing WET limitations or test results. First, WET limitations or test results can be expressed directly in terms of the WET test endpoints discussed above (e.g., LC<sub>50</sub>, NOEC, and IC<sub>25</sub>). Alternatively, the limitations or test results can be expressed in terms of *toxic units* (TUs). A TU is the inverse of the sample fraction, calculated as 100 divided by the percent effluent. Exhibit 6-20 presents example TUs for expressing acute and chronic test results.

#### Exhibit 6-20 Example of toxic units

If an **acute test** result is a LC<sub>50</sub> of 60 percent, that result can be expressed as

$$\frac{100}{60} = 1.7 \text{ acute toxic units} = 1.7 \text{ TU}_a$$

If a **chronic test** result is an IC<sub>25</sub> of 40 percent effluent, that result can be expressed as

$$\frac{100}{40} = 2.5 \text{ chronic toxic units} = 2.5 \text{ TU}_c$$

It is important to distinguish acute TUs (TU<sub>a</sub>) from chronic TUs (TU<sub>c</sub>). The difference between TU<sub>a</sub> and TU<sub>c</sub> can be likened to the difference between miles and kilometers. Both miles and kilometers are used to measure distance, but a distance of 1.0 mile is not the same as a distance of 1.0 kilometer. Likewise, both TU<sub>a</sub> and TU<sub>c</sub> are expressions of the toxicity of an effluent, but 1.0 TU<sub>a</sub> is not the same as 1.0 TU<sub>c</sub>. It is possible, however, to determine the relationship between the acute toxicity of an effluent and the chronic toxicity of that same effluent, just as it is possible to determine the relationship between miles and kilometers (i.e., through a conversion factor). Unlike the conversion between miles and kilometers that remains constant, the conversion factor between acute and chronic toxic units varies from effluent to effluent.

For an effluent, the permit writer could develop a conversion factor that would allow conversion of TU<sub>a</sub> into equivalent TU<sub>c</sub> or vice versa. This conversion factor is known as an acute-to-chronic ratio (ACR) for that effluent. The ACR for an effluent may be calculated where there are at least 10 sets of paired acute and chronic WET test data available. The ACR is determined by calculating the mean of the individual ACRs for each pair of acute and chronic WET tests. Where there are not sufficient data to calculate an ACR for an effluent (i.e., less than 10 paired sets of acute and chronic WET test data), EPA recommends a default value of ACR = 10. Exhibit 6-21 presents examples showing how the ACR converts TU<sub>a</sub> into TU<sub>c</sub>, how to calculate an ACR from existing data, and how, once an ACR is calculated, a permit writer could estimate the chronic toxicity of an effluent sample from its measured acute toxicity or vice versa.



## Exhibit 6-21 Using the ACR

The ACR is expressed

$$ACR = \frac{\text{Acute Endpoint}}{\text{Chronic Endpoint}} = \frac{LC_{50}}{IC_{25}}$$

A TU is the inverse of the sample fraction.

Therefore, by definition

$$TU_a = \frac{100}{LC_{50}} \quad TU_c = \frac{100}{IC_{25}}$$

Consequently, toxicity as percent sample, may be expressed

$$LC_{50} = \frac{100}{TU_a} \quad IC_{25} = \frac{100}{TU_c}$$

Substituting into the original equation gives

$$ACR = \frac{LC_{50}}{IC_{25}} = \frac{\frac{100}{TU_a}}{\frac{100}{TU_c}} = \frac{TU_c}{TU_a}$$

**Example 1**

Given:  $LC_{50} = 28\%$ ,  $NOEC = 10\%$

$$ACR = \frac{LC_{50}}{IC_{25}} = \frac{28\%}{10\%} = 2.8$$

**Example 2**

Given:  $TU_a = 3.6$ ,  $TU_c = 10.0$

$$ACR = \frac{TU_c}{TU_a} = \frac{10.0}{3.6} = 2.8$$

**Example 3**

Given: Toxicity data for a facility's effluent for *C. dubia*, as presented in the table to the right.

The ACR in the third column is calculated using the following equation:

$$ACR = \frac{LC_{50}}{IC_{25}}$$

$LC_{50}$ (% effluent)	$IC_{25}$ (% effluent)	ACR
62	10	6.2
18	10	1.8
68	25	2.7
61	10	6.1
63	25	2.5
70	25	2.8
17	5	3.4
35	10	3.5
35	10	3.5
35	25	1.4
47	10	4.7
Mean		3.5

**Example 4**

Given:  $TU_a = 1.8$ ,  $ACR = 3.5$

$$ACR = \frac{TU_c}{TU_a}$$

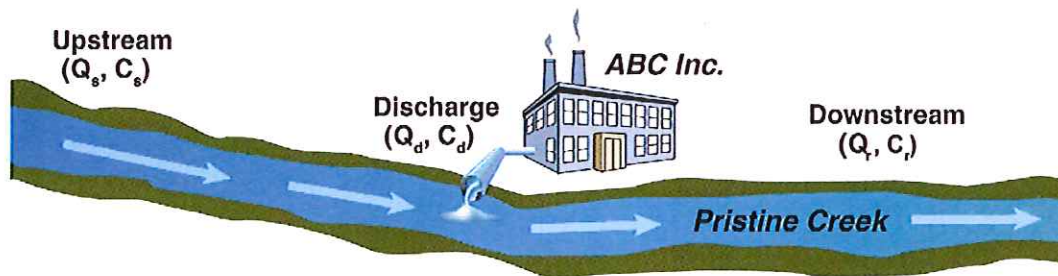
$$TU_c = ACR \times TU_a$$

$$\text{Estimated } TU_c = ACR \times TU_a = 3.5 \frac{TU_c}{TU_a} \times 1.8 TU_a = 6.3 TU_c$$

### 6.5.3 Determining the Need for WET Limitations

If a state has numeric criteria for WET, a permit writer could use the results of WET tests to project acute or chronic toxicity in the receiving water after accounting for the applicable dilution allowance or mixing zone made available in the water quality standards. The permit writer would compare the projected toxicity of the receiving water to the applicable water quality criterion for WET. If the projected toxicity exceeds the applicable numeric water quality criterion for WET, the discharge would cause, have the reasonable potential to cause, or contribute to an excursion above the applicable water quality standards, and the permit writer must develop a WQBEL for WET [see § 122.44(d)(1)(iv)]. In that way, numeric criteria for WET can be treated similarly to chemical-specific criteria. Exhibit 6-22 provides an example of how the mass-balance equation is used to conduct a reasonable potential analysis for WET.



**Exhibit 6-22 Example of mass-balance equation for a WET reasonable potential analysis**

The mass-balance equation can be used to determine whether the discharge from ABC Inc. would cause, have the reasonable potential to cause, or contribute to toxicity in Pristine Creek that exceeds the numeric water quality criteria for acute or chronic toxicity. Assume the discharge mixes rapidly and completely with Pristine Creek.

$$\text{Mass-Balance Equation: } Q_s C_s + Q_d C_d = Q_r C_r$$

Dividing both sides of the mass-balance equation by  $Q_r$  gives the following:

$$C_r = \frac{(Q_d)(C_d) + (Q_s)(C_s)}{Q_r}$$

The following values are known for ABC Inc. and Pristine Creek:

$Q_s$ = Critical upstream flow (1Q10 for acute protection)	= 23.6 cfs
(7Q10 for chronic protection)	= 70.9 cfs
$C_s$ = Upstream toxicity in Pristine Creek (acute)	= 0 TU <sub>a</sub>
(chronic)	= 0 TU <sub>c</sub>
$Q_d$ = Discharge flow	= 7.06 cfs
$C_d$ = Discharge toxicity (acute)	= 2.50 TU <sub>a</sub>
(chronic)	= 8.00 TU <sub>c</sub>
$Q_r$ = Downstream flow	= $Q_d + Q_s$

Acute Water Quality Criterion in Pristine Creek	= 0.3 TU <sub>a</sub>
Chronic Water Quality Criterion in Pristine Creek	= 1.0 TU <sub>c</sub>

Find the downstream concentration ( $C_r$ ) by inserting the given values into the equation as follows:

**For acute toxicity:**

$$C_r = \frac{(7.06 \text{ cfs})(2.5 \text{ TU}_a) + (23.6 \text{ cfs})(0 \text{ TU}_a)}{7.06 \text{ cfs} + 23.6 \text{ cfs}} = 0.58 \text{ TU}_a$$

The downstream concentration ( $C_r$ ) exceeds the water quality criterion for acute toxicity of 0.3 TU<sub>a</sub>.

**For chronic toxicity:**

$$C_r = \frac{(7.06 \text{ cfs})(8.00 \text{ TU}_c) + (70.9 \text{ cfs})(0 \text{ TU}_c)}{7.06 \text{ cfs} + 70.9 \text{ cfs}} = 0.72 \text{ TU}_c$$

The downstream concentration ( $C_r$ ) does not exceed the water quality criterion for chronic toxicity of 1.0 TU<sub>c</sub>.

In Exhibit 6-22 above, the downstream concentration under critical conditions for the acute water quality criterion ( $C_r = 0.58 \text{ TU}_a$ ) exceeds the water quality criterion for acute toxicity (0.3 TU<sub>a</sub>); therefore there is reasonable potential and WET limitations are required. WET limitations would be calculated in much the same way as limitations on specific chemicals. The limitations would be calculated to ensure that WET criteria are not exceeded after any available dilution or at the edge of the applicable mixing zone.

Where state water quality standards do not include numeric criteria for WET, a permit writer could evaluate the need for WQBELs for WET on the basis of narrative criteria; specifically, a narrative criterion stating that waterbodies must be free from *toxics in toxic amounts*. To make it easier for a permit writer to readily establish WET limitations in this situation, the permitting authority should have a policy for implementing the narrative criterion. Following the permitting authority's policy, if the permit writer determines that a discharge causes, has the reasonable potential to cause, or contributes to an in-stream excursion above a narrative criterion, the regulations at § 122.44(d)(1)(v) require that the permit include WQBELs for WET unless the permit writer demonstrates that parameter-specific limitations for the effluent are sufficient to attain and maintain applicable numeric and narrative water quality criteria. In other words, the permit must include WET limitations unless the permit writer is able to determine the specific pollutants that are the source of toxicity and include parameter-specific limitations for those pollutants that assure, and will continue to assure, attainment of water quality standards. If there are no criteria in the state water quality standards for the specific parameters causing the toxicity, the permit writer can establish WQBELs using one of three approaches outlined in § 122.44(d)(1)(vi):

- Use EPA's national recommended criteria.
- Calculate a numeric criterion that will attain and maintain the applicable narrative criterion.
- Control the pollutant using an indicator parameter for the pollutant of concern.

A permit also could include a requirement to conduct a toxicity identification evaluation and toxicity reduction evaluation (TIE/TRE) as a special condition in an NPDES permit. (Chapter 9 of this manual presents more information on special conditions.) A TIE/TRE is a site-specific study designed to systematically investigate and identify the causes of effluent toxicity problems, isolate the sources of that toxicity, identify and implement appropriate toxicity control options, and confirm the effectiveness of those control options and the reduction in toxicity. The permit writer might require a TIE/TRE when WET limitations are exceeded or, if there are no WET limitations in the permit, where WET testing demonstrates an unacceptable level of effluent toxicity. Because WET testing indicates the degree of toxicity of an effluent, but does not specifically identify the cause of that toxicity or ways to reduce toxicity, a TIE/TRE is necessary to achieve compliance with effluent limitations or other effluent toxicity requirements in NPDES permits. If a TIE/TRE is not required through the special conditions section of the permit, it could be required via a CWA section 308 letter, a CWA section 309 administrative order, or a consent decree.

## 6.6 Antidegradation Review

Early in the permit development process, a permit writer should check the state's antidegradation policy and implementation methods to determine what tier(s) of protection, if any, the state has assigned to the proposed receiving water for the parameter(s) of concern. The regulations concerning antidegradation and each of the tiers are described above in section 6.1.1.3. The tier of antidegradation protection is important for determining the required process for developing the water quality-based permit limits and conditions. In some cases, where a waterbody is classified as Tier 3 for antidegradation purposes, the permit writer might find that it is not possible to issue a permit for the proposed activity.

If the state has not specified the tier, the permit writer will need to evaluate, in accordance with the state's implementation procedures, whether the receiving waterbody is of high water quality for the parameters of concern, and thus will require Tier 2 protection. After identifying the tier(s) of protection for the



proposed receiving waterbody and parameter(s) of concern, the permit writer should consult the state's antidegradation implementation procedures relevant to the tier(s).

The following sections provide methods permit writers should consider for implementing, through the WQBEL development process, the three levels of protection typically found in a state's antidegradation policy. Implementation of the state's antidegradation policy could have a significant effect on the calculation of WQBELs.

### 6.6.1 Tier 1 Implementation

All waterbodies receive at least Tier 1 protection. Tier 1 protection means that the permit writer must include limits in the permit sufficient to maintain and protect water quality necessary to protect existing uses. In practice, for a Tier 1 receiving waterbody, the permit writer typically calculates the WQBELs on the basis of the applicable criteria because the state's designated uses and criteria to protect those uses must be sufficient to protect the existing uses. If a Tier 1 waterbody is impaired for a parameter that would be present in the proposed discharge, the permit writer should identify and consult any relevant TMDLs to determine what quantity of pollutant (if any) is appropriate.

### 6.6.2 Tier 2 Implementation

For new or increased discharges that could potentially lower water quality in high-quality waters, Tier 2 protection provides the state with a framework for making decisions regarding the degree to which it will protect and maintain the high water quality. A new or expanded discharge permit application typically triggers a Tier 2 antidegradation review. Depending on the outcome of the review, the permit could be written to maintain the existing high water quality or could be written to allow some degradation.

Each state's antidegradation policy or implementation procedures should describe the Tier 2 antidegradation review process. Though the process varies among states, EPA's antidegradation regulation at § 131.12 outlines the common elements of the process. To permit a new or increased discharge that would lower water quality, the state is required to make a finding on the basis of the following:

- The state must find that allowing lower water quality is necessary for important social or economic development in the area in which the waters are located.
  - The state would perform an alternatives analysis to evaluate whether the proposed discharge is actually *necessary* (i.e., whether there are less degrading feasible alternatives) and that might include consideration of a wide range of alternatives (e.g. non-discharging options, relocation of discharge, alternative processes, and innovative treatments).
  - The state should provide a justification of important social or economic development (or both) that would occur as a result of permitting the proposed discharge.
- The state's finding must be made after full satisfaction of its own intergovernmental coordination and public participation provisions.
- The state must assure that the highest statutory and regulatory requirements for all new and existing point sources will be achieved.
- The state must assure that all cost-effective and reasonable BMPs for nonpoint source control will be achieved.

- The state must assure that water quality will still protect existing uses.

If, after fulfilling the above conditions of the Tier 2 antidegradation review process, the state makes a determination to allow a new or increased discharge that would lower water quality, the permit writer may include such limitations in the NPDES permit for that discharge provided the limitations meet all other applicable technology and water quality standards.

### 6.6.3 Tier 3 Implementation

States identify their own ONRWs for Tier 3 protection, which requires that the water quality be maintained and protected. This is the most stringent level of protection. ONRWs often include waters in national or state parks, wildlife refuges, and waters of exceptional recreational or ecological significance. Waterbodies can be given Tier 3 protection regardless of their existing level of water quality. Some states implement Tier 3 by prohibiting any new or increased discharges to ONRWs or their tributaries that would result in lower water quality, with the exception of some limited activities such as those that would result in temporary changes in water quality ultimately resulting in restoration. Some states allow increased discharges as long as they are offset by equivalent or greater reductions elsewhere in the waterbody.

In addition to Tiers 1, 2, and 3, some states have a class of waters considered outstanding to the state and for which the state might have specific antidegradation requirements. Such waterbodies are sometimes referred to as *Tier 2 ½* waters because implementation of the antidegradation policy for them affords a greater degree of protection than Tier 2 but more flexibility than Tier 3.

Chapter 4 of EPA's WQS Handbook and the *Water Quality Standards Regulation Advance Notice of Proposed Rulemaking* (64 FR 36742, July 7, 1998) include additional information on implementing antidegradation policies. The permit writer should clearly explain the antidegradation analysis and how it affects calculation of WQBELs in the fact sheet or statement of basis for the permit.

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<sup>1</sup> U.S. Environmental Protection Agency. 1994. *Water Quality Standards Handbook: Second Edition* (WQS Handbook). EPA 823-B-94-005a. U.S. Environmental Protection Agency, Office of Water, Washington DC. [www.epa.gov/waterscience/standards/handbook/](http://www.epa.gov/waterscience/standards/handbook/).

<sup>2</sup> U.S. Environmental Protection Agency. 2001. *Streamlined Water-Effect Ratio Procedure for Discharges of Copper*. EPA-822-R-01-005. U.S. Environmental Protection Agency, Office of Science and Technology, Washington, DC. [www.epa.gov/waterscience/criteria/copper/copper.pdf](http://www.epa.gov/waterscience/criteria/copper/copper.pdf).

<sup>3</sup> Davies, Tudor T. 1997. *Establishing Site Specific Aquatic Life Criteria Equal to Natural Background*. U.S. Environmental Protection Agency, Office of Science and Technology, Washington, DC. [www.epa.gov/waterscience/library/wqcriteria/naturalback.pdf](http://www.epa.gov/waterscience/library/wqcriteria/naturalback.pdf).

<sup>4</sup> U.S. Environmental Protection Agency. 1991. *Technical Support Document for Water Quality-Based Toxics Control* (TSD). EPA-505/2-90-001. U.S. Environmental Protection Agency, Office of Water, Washington, DC. [www.epa.gov/npdes/pubs/owm0264.pdf](http://www.epa.gov/npdes/pubs/owm0264.pdf).

<sup>5</sup> U.S. Environmental Protection Agency. 1990. *Biological Criteria: National Program Guidance for Surface Waters*. EPA-440/5-91-004. U.S. Environmental Protection Agency, Office of Science and Technology, Washington, DC. [www.epa.gov/bioindicators/html/biolcont.html](http://www.epa.gov/bioindicators/html/biolcont.html).