
From: Hayat, Becky <bhayat@nrdc.org>
Sent: Tuesday, May 26, 2015 12:10 PM
To: Crowl, Adrianna@Waterboards
Subject: updatd email list for 2012 LA County MS4 Permittees

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Adrianna,

At your earliest convenience, can you please provide me the most recently updated list of the email addresses for all the Permittees under the 2012 LA County MS4 Permit? Thank you.

Sincerely,
Becky

BECKY HAYAT
*Attorney**
Water Program

NATURAL RESOURCES
DEFENSE COUNCIL
1314 SECOND STREET
SANTA MONICA, CA 90401
T 310.434.2308
BHAYAT@NRDC.ORG
NRDC.ORG
*ADMITTED IN CALIFORNIA

Please save paper.
Think before printing.

From: West, Laura <lwest@nrdc.org>
Sent: Thursday, May 28, 2015 4:30 PM
To: Fordyce, Jennifer@Waterboards; Purdy, Renee@Waterboards; Smith, Deborah@Waterboards; Bashaw, Jeannette@Waterboards
Subject: Exhibits A-D re Petition for Review of Conditional Approvals of WMPs
Attachments: NRDC LAWK HTB Exhibits A-D re Conditional Approval of WMPs 05-28-15 FINAL.pdf

Dear Mr. Stringer and Mmes. Fordyce, Purdy, Smith, and Bashaw:

Please find attached Exhibits A – D in support of the Memorandum of Points and Authorities for the **Petition of NRDC, Los Angeles Waterkeeper, and Heal the Bay, for Review by the California Regional Water Quality Control Board, Los Angeles Region, of the Regional Board Executive Officer’s Action to Conditionally Approve Nine Watershed Management Programs Pursuant to the Los Angeles County Municipal Separate Stormwater National Pollutant Discharge Elimination System (NPDES) Permit, Order No. R4-2012-0175, NPDES Permit No. CAS004001.**

If you have any questions, please do not hesitate to contact us.

Sincerely,

LAURA WEST

Program Assistant, Water Program

NATURAL RESOURCES DEFENSE COUNCIL

1314 SECOND STREET
SANTA MONICA, CA 90401
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Please save paper.
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Exhibit A



Los Angeles Regional Water Quality Control Board

October 27, 2014

East San Gabriel Valley Watershed
Management Group
(See Distribution List)

**REVIEW OF THE EAST SAN GABRIEL VALLEY WATERSHED MANAGEMENT GROUP'S
DRAFT WATERSHED MANAGEMENT PROGRAM, PURSUANT TO PART VI.C OF THE LOS
ANGELES COUNTY MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT
(NPDES PERMIT NO. CAS004001; ORDER NO. R4-2012-0175)**

Dear East San Gabriel Valley Watershed Management Group:

The Regional Water Board has reviewed the draft WMP that the East San Gabriel Valley Watershed Management Group (ESGV WMG) submitted on June 27, 2014 for the East San Gabriel Valley Watershed Management Area. The participants of the ESGV WMG are the Cities of Claremont, La Verne, Pomona and San Dimas (the ESGV Cities). This program was submitted pursuant to the provisions of NPDES Permit No. CAS004001 (Order No. R4-2012-0175), which authorizes discharges from the municipal separate storm sewer system (MS4) operated by 86 municipal Permittees within Los Angeles County (hereafter, LA County MS4 Permit). The LA County MS4 Permit allows Permittees the option to develop either a Watershed Management Program (WMP) or Enhanced Watershed Management Program (EWMP) to implement permit requirements on a watershed scale through customized strategies, control measures, and best management practices (BMPs). Development of a WMP or EWMP is voluntary and may be developed individually or collaboratively

The purpose of a WMP or EWMP is for a Permittee to develop and implement a comprehensive and customized program to control pollutants in MS4 discharges of stormwater and non-stormwater to address the highest water quality priorities. These include complying with the required water quality outcomes of Part V.A (Receiving Water Limitations) and Part VI.E and Attachments L through R (Total Maximum Daily Load (TMDL) Provisions) of the LA County MS4 Permit. If a Permittee opts to develop a WMP or EWMP, the WMP or EWMP must meet the requirements, including conducting a Reasonable Assurance Analysis (RAA), of Part VI.C (Watershed Management Programs) of the LA County Permit and must be approved by the Regional Water Board.

As stated above, on June 27, 2014, the ESGV WMG submitted a draft Watershed Management Program (WMP) for the East San Gabriel Valley Watershed Management Area (WMA) to the Regional Water Board pursuant to Part VI.C.4.c of the LA County MS4 Permit.

The Regional Water Board has reviewed the draft WMP and has determined that, for the most part, the draft WMP includes the elements and analysis required in Part VI.C of LA County MS4

Permit. However, some revisions to the ESGV Cities' draft WMP are necessary. The Regional Water Board's comments on the draft WMP, including detailed information concerning necessary revisions to the draft WMP, are found in Enclosure 1 and Enclosure 2, respectively. The specific Permit provisions cited in the enclosures refer to provisions in the LA County MS4 Permit. The LA County MS4 Permit includes a process through which revisions to the draft WMP can be addressed (Part VI.C.4 in the LA County MS4 Permit). The process requires that a final WMP, revised to address Regional Water Board comments, must be submitted to the Regional Water Board not later than three months after comments are received by the Permittees on the draft program.

Please make the necessary revisions to the draft WMP as identified in the enclosures to this letter and submit the revised WMP as soon as possible and no later than January 27, 2015.

The revised WMP must be submitted to losangeles@waterboards.ca.gov with the subject line "LA County MS4 Permit – Revised Draft East SGV WMP" with a copy to Ivar.Ridgeway@waterboards.ca.gov.

If the necessary revisions are not made, the ESGV Cities will be subject to the baseline requirements in Part VI.D of the Order and shall demonstrate compliance with receiving water limitations pursuant to Part V.A and with applicable interim and final water quality-based effluent limitations (WQBELs) in Part VI.E and Attachment Q pursuant to subparts VI.E.2.d.i.(1)-(3) and VI.E.2.e.i.(1)-(3), respectively.

Until the draft East SGV WMP is approved, the Cities are required to:

- (a) Continue to implement all watershed control measures in its existing storm water management programs, including actions within each of the six categories of minimum control measures consistent with Title 40, Code of Federal Regulations, section 122.26(d)(2)(iv);
- (b) Continue to implement watershed control measures to eliminate non-storm water discharges through the MS4 that are a source of pollutants to receiving waters consistent with Clean Water Act section 402(p)(3)(B)(ii);
- (c) Target implementation of watershed control measures in (a) and (b) above to address known contributions of pollutants from MS4 discharges to receiving waters; and
- (d) Implement watershed control measures, where possible from existing TMDL implementation plans, to ensure that MS4 discharges achieve compliance with interim and final trash water quality-based effluent limits (WQBELs) and all other WQBELs and receiving water limitations by the applicable compliance deadlines occurring prior to approval of a WMP.

In addition on June 27, 2014, the East San Gabriel Valley River Watershed Management Group submitted a draft Coordinated Integrated Monitoring Program (CIMP) for the East San Gabriel WMA to the Regional Water Board pursuant to Part IV.C of Attachment E of the LA County MS4 Permit. The Regional Water Board review and comments on the draft CIMP will be provided under separate cover.

If you have any questions, please contact Mr. Ivar Ridgeway, Chief of the Storm Water Permitting Unit, by electronic mail at Ivar.Ridgeway@waterboards.ca.gov or by phone at (213) 620-2150.

Sincerely,



Chief Deputy E.O.

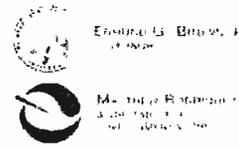
Samuel Unger, P.E. *for*

Executive Officer

Enclosures:

- Attachment 1 Comments and Necessary Revisions to Draft WMP
- Attachment 2 Comments on Reasonable Assurance Analysis for the East San Gabriel Valley Watershed Management Group

cc: Bronwyn Kelley, PG, Project Manager MWH



Los Angeles Regional Water Quality Control Board

**Attachment to October 27, 2014 Letter Regarding the East San Gabriel Valley
Watershed Management Group's Draft Watershed Management Program (WMP) Submittal Pursuant
to Part VI.C of the LA County MS4 Permit (Order No. R4-2012-0175)**

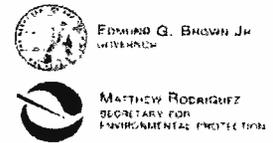
Comments and Necessary Revisions to Draft WMP

Issue and MS4 Permit Provision (Permit Page Number)	Regional Water Board Staff Comment and Necessary Revision
<p align="center">Part VI.C.5.a.ii. Waterbody-Pollutant Classification (page 59)</p>	<ul style="list-style-type: none"> • Greater detail on the water quality characterization, including (1) a map of the locations of the monitoring sites for each of the four sources of data identified on page 7 relative to the watershed management area, and (2) a tabular summary of the data should be provided. • In Section 5.1.4, the data used to establish existing concentrations should be described in more detail and presented in tabular form. Additionally, Table 5-2 appears to omit from the analysis San Jose Creek. Discharges to San Jose Creek are subject to a dry-weather water quality-based effluent limitation (WQBEL) for selenium; therefore, data on existing concentration should be included for San Jose Creek. • The MS4 permit requires WMPs to include the applicable WQBELs for every approved TMDL within the WMA. The draft WMP does not include the WQBELs for Puddingstone Reservoir for total phosphorus and total nitrogen, total mercury, and PCBs, chlordane, dieldrin, total DDT and 4,4-DDT. • The WMP needs to address all applicable WQBELs to comply with provisions of Part VI.E and Attachment P related to the Los Angeles Lakes TMDLs (specifically, Puddingstone Reservoir for nitrogen, phosphorus, mercury, PCBs, chlordane, dieldrin and DDT compounds). Attachment P identifies wasteload allocations for each of the four municipalities in the ESGV WMG and states these are to be measured at the point of discharge into the receiving waters. Also, if implementation will take more than one year, then interim milestones and dates for their achievement must also be included. • The WMP needs to specify the applicable receiving water limitations for Category 3 waterbody-pollutant combinations (WBPCs).
<p align="center">Part VI.C.5.a.iv. Prioritization (page 60)</p>	<ul style="list-style-type: none"> • The WMP needs to provide a clear schedule that demonstrates implementation of the BMPs will achieve the required interim metal reductions by the compliance deadlines. Whereas Tables 5-6 through 5-9 present the type of structural BMPs to be implemented by each City, there are no specific dates for installation; the WMP schedule should describe timelines through 2022.

Issue and MS4 Permit Provision (Permit Page Number)	Regional Water Board Staff Comment and Necessary Revision
<p>Part VI.C.5.b. Selection of Watershed Control Measures (pages 61- 64)</p>	<ul style="list-style-type: none"> • The WMP proposes to increase frequency of construction site inspections although this appears to apply only for City of San Dimas. The WMP should either increase such frequency for other Cities or provide rationale for no changes for the other cities of the ESGV WMG. The WMP also proposes to require inventory of existing developments for future BMP retrofits; however no timeframe is included. • The draft RAA addresses WBPCs for the San Gabriel Metals TMDLs; however the RAA does not address activities and control measures to address selenium in San Jose Creek Reach 2, nor pollutants in the Puddingstone Reservoir TMDLs. Greater clarity should be provided on the volume based approach taken by the ESGV WMG. • Activities and control measures for Category 3 WBPCs for Walnut Creek Wash and San Gabriel River Reach 2 and Reach 3 are not included. To the extent that the group intends to address these through the volume based approach, this should be more clearly stated in the WMP. • The RAA identifies potential areas for green street conversion and assumes a 30% conversion of the road length in the suitable areas; however, the specific locations and projects are not identified. Although it may not be possible to provide detailed information on specific projects at this time, the WMP should at least specify the number of projects needed to ensure timely compliance with permit requirements. • The draft WMP assumes a 10% pollutant reduction from new non-structural controls. Although 10% is a modest fraction of the overall controls necessary, additional support for this assumption should be provided, or as part of the adaptive management process, the Permittees could commit to evaluate this assumption during program implementation and develop alternate controls if it becomes apparent that the assumption is not warranted. •

Issue and MS4 Permit Provision (Permit Page Number)	Regional Water Board Staff Comment and Necessary Revision
<p><i>Part VI.C.5.b.iv.(5) Reasonable Assurance Analysis (pages 63-64)</i></p>	<ul style="list-style-type: none"> • The draft WMP, including the RAA, excludes stormwater runoff from "non-MS4" facilities within the WMA from the stormwater treatment target. In particular, industrial facilities that are permitted by the Water Boards under the Industrial General Permit or an individual stormwater permit were identified and subtracted from the treatment target. <p>Regional Water Board staff recognizes that this was done with the assumption that these industrial facilities will retain their runoff and/or eliminate their cause/contribution to receiving water exceedances, as required by their respective NPDES permit. However, it is important that the Group's actions under its Industrial/Commercial Facilities Program—including tracking critical industrial sources, educating industrial facilities regarding BMP requirements, and inspecting industrial facilities—ensure that all industrial facilities are implementing BMPs as required.</p> <ul style="list-style-type: none"> • The draft WMP, including the RAA, takes a similar approach for areas under the jurisdiction of the California Department of Transportation (Caltrans). Caltrans facilities that are permitted under the Caltrans MS4 permit (Order No. 2012-0011-DWQ) were also identified and subtracted from the treatment target. <p>It should be noted that the Amendment to the Caltrans Permit (Order WQ 2014-0077-DWQ) includes provisions to address TMDL requirements throughout the state. Revisions to Attachment IV of the Caltrans Permit require that Caltrans prioritize all TMDLs for implementation of source control measures and BMPs, with prioritization being "consistent with the final TMDL deadlines to the extent feasible."</p> <p>Additionally, the Caltrans Permit also includes provisions for collaborative implementation through Cooperative Implementation Agreements between Caltrans and other responsible entities to conduct work to comply with a TMDL. By contributing funds to Cooperative Implementation Agreements and/or the Cooperative Implementation Grant Program, Caltrans may receive credit for compliance units, which are needed for compliance under the Caltrans Permit.</p> <p>In a similar manner, the LA County MS4 Permit includes provisions for Permittees to control the contribution of pollutants from one portion of the shared MS4 to another portion of the MS4 through interagency agreements with other MS4 owners—such as Caltrans—to successfully implement the provisions of the Order (see Parts VI.A.2.a.viii and VI.A.4.a.iii). Therefore, the Group should ensure that it is closely</p>

Issue and MS4 Permit Provision (Permit Page Number)	Regional Water Board Staff Comment and Necessary Revision
	coordinating with appropriate Caltrans District staff regarding the identification and implementation of watershed control measures to achieve water quality requirements (i.e. applicable Receiving Water Limitations and WQBELs).



Los Angeles Regional Water Quality Control Board

TO: East San Gabriel Valley Watershed Management Group
(See Distribution List)

FROM: C.P. Lai, Ph.D., P.E. and Thanhloan Nguyen
LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD

DATE: October 24, 2014

SUBJECT: COMMENTS ON SECTION 5, REASONABLE ASSURANCE ANALYSIS AND WATERSHED CONTROL MEASURES OF THE DRAFT WATERSHED MANAGEMENT PROGRAM FOR THE EAST SAN GABRIEL VALLEY WATERSHED MANAGEMENT AREA

This memorandum contains comments on Section 5, Reasonable Assurance Analysis of the draft Watershed Management Program (WMP), dated June 27 2014, which was submitted by the East San Gabriel Valley Watershed Management Group.

A. General comments on the draft Reasonable Assurance Analysis (RAA) section of the Watershed Management Program.

The required reductions for dry weather were calculated based on the median and the 90th percentile existing concentrations in Section 5.1.4 of the WMP. Specific required reductions for Thompson Creek, San Dimas, and Puddingstone Reservoir were listed in Table 5-2 on page 42 of the draft WMP. However, the required reductions for dry weather for San Jose Creek were not included in the table. The WMP should be revised to include the required reductions for identified priority pollutants for San Jose Creek.

B. Modeling comments regarding analysis of runoff volumes based on the 85th percentile, 24-hour design storm:

1. The predicted runoff volumes presented in Figure 5-12 and Table 5-1 should be presented and explained in more detail to provide clarity on how those values were obtained from the hourly model output results of runoff volume over the 24-hour design event for each subwatershed or city-subwatershed.
2. The report did not describe how the model was calibrated, including calibration results compared to calibration criteria in Table 3.0 of the RAA Guidelines, and no historical hydrology data were used for comparison with the model results for the baseline prediction. According to Part G, pages 12-13 of the RAA Guidelines, model calibration is necessary to ensure that the model can properly assess all the variables and conditions in a watershed system. The hydrology calibration is particularly important in the case of the East San Gabriel Valley RAA, since the group is used a volume-based approach.

3. The report presents the existing runoff volumes and required volume reductions to achieve the 85th percentile, 24-hour volume retention standard for each watershed area. The report needs to present the same information, if available, for non-stormwater runoff. Alternatively, the report should include a commitment to collect the necessary data in each watershed area, through the non-stormwater outfall screening and monitoring program, so that the model can be re-calibrated during the adaptive management process to better characterize non-stormwater flow volumes and to demonstrate that proposed volume retention BMPs will capture 100 percent of non-stormwater that would otherwise be discharged through the MS4 in each watershed area.
4. The index of subwatersheds shown in Figure 5-15 does not match that used in the model input file. The ID numbers for 67 subwatersheds from the model input file (and the correspondence of these 67 subwatersheds to the 98 city-subwatersheds) must be provided and be shown in the simulation domain to present the geographic relationship of these subwatersheds and city-subwatersheds that are simulated in the LSPC model.
5. In the analysis of the required reduction for lead, zinc, selenium and E. coli under the dry weather condition, more detailed information about the baseline condition for 50th and 90th percentile existing concentration presented in Table 5-2 should be provided.



Los Angeles Regional Water Quality Control Board

October 27, 2014

Ms. Gail Farber, Director
County of Los Angeles
Department of Public Works
Watershed Management Division, 11th Floor
900 South Fremont Avenue
Alhambra, CA 91803

Ms. Gail Farber, Chief Engineer
Los Angeles County Flood Control District
Department of Public Works
Watershed Management Division, 11th Floor
900 South Fremont Avenue
Alhambra, CA 91803

REVIEW OF THE ALAMITOS BAY/LOS CERRITOS CHANNEL WATERSHED MANAGEMENT AREA DRAFT WATERSHED MANAGEMENT PROGRAM, PURSUANT TO PART VI.C OF THE LOS ANGELES COUNTY MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT (NPDES PERMIT NO. CAS004001; ORDER NO. R4-2012-0175)

Dear Ms. Farber:

The Regional Water Board has reviewed the draft Watershed Management Program (WMP) submitted on June 30, 2014 by the County of Los Angeles and Los Angeles County Flood Control District for the Alamitos Bay/Los Cerritos Channel Watershed Management Area. This program was submitted pursuant to the provisions of NPDES Permit No. CAS004001 (Order No. R4-2012-0175), which authorizes discharges from the municipal separate storm sewer system (MS4) operated by 86 municipal Permittees within Los Angeles County (hereafter, LA County MS4 Permit). The LA County MS4 Permit allows Permittees the option to develop either a Watershed Management Program (WMP) or Enhanced Watershed Management Program (EWMP) to implement permit requirements on a watershed scale through customized strategies, control measures, and best management practices (BMPs). Development of a WMP or EWMP is voluntary and may be developed individually or collaboratively.

The purpose of a WMP or EWMP is for a Permittee to develop and implement a comprehensive and customized program to control pollutants in MS4 discharges of storm water and non-storm water to address the highest water quality priorities. These include complying with the required water quality outcomes of Part V.A (Receiving Water Limitations) and Part VI.E and Attachments L through R (Total Maximum Daily Load (TMDL) Provisions) of the LA County MS4 Permit. If a Permittee opts to develop a WMP or EWMP, the WMP or EWMP must meet the requirements, including conducting a Reasonable Assurance Analysis (RAA), of Part VI.C (Watershed Management Programs) of the LA County Permit and must be approved by the Regional Water Board.

As stated above, on June 30, 2014, the County of Los Angeles (County) and the Los Angeles County Flood Control District (LACFCD) submitted a draft Watershed Management Program (WMP) for the Alamitos Bay/Los Cerritos Channel (AB/LLC) Watershed Management Area (WMA) to the Regional Water Board pursuant to Part VI.C.4.c of the LA County MS4 Permit.

CHARLES STRINGER, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

320 West 4th St., Suite 200, Los Angeles, CA 90013 | www.waterboards.ca.gov/losangeles

Subsequent to submittal of the draft WMP, Regional Water Board staff met with the County and LACFCD on September 15, 2014, to discuss the AB/LLC WMP.

The Regional Water Board has reviewed the draft WMP and has determined that, for the most part, the draft WMP includes the elements and analysis required in Part VI.C of the LA County MS4 Permit for the 95-acre County Island within the AB/LCC WMA. However, some revisions to the County's and LACFCD's draft WMP are necessary, including additional analyses related to the remainder of the subwatershed areas addressed by the draft WMP, which includes the Los Cerritos Channel Estuary, Colorado Lagoon, Alamitos Bay and San Pedro Bay. The Regional Water Board's comments on the draft WMP, including detailed information concerning necessary revisions to the draft WMP and the Reasonable Assurance Analysis, are found in Enclosure 1 and Enclosure 2, respectively. The specific Permit provisions cited in the enclosures refer to provisions in the LA County MS4 Permit. The LA County MS4 Permit includes a process through which revisions to the draft WMP can be made (Part VI.C.4 in the LA County MS4 Permit). The process requires that a final WMP, revised to address Regional Water Board comments, must be submitted to the Regional Water Board not later than three months after comments are received by the Permittees on the draft program. Please make the necessary revisions to the draft WMP as identified in the enclosures to this letter and submit the revised WMP as soon as possible and no later than **January 27, 2015**.

The revised WMP must be submitted to losangeles@waterboards.ca.gov with the subject line "LA County MS4 Permit – Revised Draft AB/LLC WMP" with a copy to Ivar.Ridgeway@waterboards.ca.gov and Rebecca.Christmann@waterboards.ca.gov.

If the necessary revisions are not made, the County and the LACFCD will be subject to the baseline requirements in Part VI.D of the Order and shall demonstrate compliance with receiving water limitations pursuant to Part V.A and with applicable interim and final water quality-based effluent limitations (WQBELs) in Part VI.E and Attachments N and Q pursuant to subparts VI.E.2.d.i.(1)-(3) and VI.E.2.e.i.(1)-(3), respectively.

Until the draft AB/LLC WMP is approved, the County and LACFCD are required to:

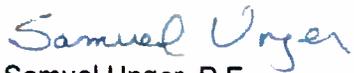
- (a) Continue to implement all watershed control measures in its existing storm water management programs, including actions within each of the six categories of minimum control measures consistent with Title 40, Code of Federal Regulations, section 122.26(d)(2)(iv);
- (b) Continue to implement watershed control measures to eliminate non-storm water discharges through the MS4 that are a source of pollutants to receiving waters consistent with Clean Water Act section 402(p)(3)(B)(ii); and
- (c) Target implementation of watershed control measures in (a) and (b) above to address known contributions of pollutants from MS4 discharges to receiving waters.
- (d) Implement watershed control measures, where possible from existing TMDL implementation plans, to ensure that MS4 discharges are achieving compliance with interim WQBELs for the Colorado Lagoon TMDL and the Harbors Toxics TMDL pursuant to Part VI.E and set forth in Attachments N and Q consistent with the compliance deadline of December 28, 2012.

In addition on June 30, 2014, the County and the LACFCD submitted a draft Coordinated Integrated Monitoring Program (CIMP) for the AB/LLC WMA to the Regional Water Board

pursuant to Part IV.C of Attachment E of the LA County MS4 Permit. The Regional Water Board review and comments on the draft CIMP will be provided under separate cover.

If you have any questions, please contact Ms. Rebecca Christmann of the Storm Water Permitting Unit by electronic mail at Rebecca.Christmann@waterboards.ca.gov or by phone at (213) 576-5734. Alternatively, you may also contact Mr. Ivar Ridgeway, Chief of the Storm Water Permitting Unit, by electronic mail at Ivar.Ridgeway@waterboards.ca.gov or by phone at (213) 620-2150.

Sincerely,



Samuel Unger, P.E.
Executive Officer

cc: Angela George, Los Angeles County Flood Control District
Jolene Guerrero, County of Los Angeles, Department of Public Works
Bill Johnson, County of Los Angeles, Department of Public Works

Enclosures: Summary of Comments and Required Revisions
Memorandum on Reasonable Assurance Analysis



Los Angeles Regional Water Quality Control Board

**Attachment to October 27, 2014 Letter Regarding the Alamitos Bay/Los Cerritos Channel
Watershed Management Area Draft Watershed Management Program,
Pursuant to Part VI.C of the LA County MS4 Permit (Order No. R4-2012-0175)**

Summary of Comments and Required Revisions to the Draft Watershed Management Program

LA County MS4 Permit Provision	Summary of Comments and Necessary Revisions
Part VI.C.5.a.i Water Quality Characterization	<p>The geographical scope of this WMP includes both the 95-acre County Island and LACFCD infrastructure in the Los Cerritos Channel freshwater subwatershed as well as the LACFCD infrastructure within the Los Cerritos Channel Estuary subwatershed and the Alamitos Bay subwatershed. Therefore, the WMP needs to present and evaluate water quality data for the Los Cerritos Channel Estuary, Colorado Lagoon, Alamitos Bay and San Pedro Bay, if available. Monitoring data that should be evaluated in the revised WMP include TMDL monitoring data for the Colorado Lagoon; bacteria data for Alamitos Bay; Bight data for San Pedro Bay; SWAMP data for Los Cerritos Channel Estuary; and any other data from CEDEN for Los Cerritos Channel, Los Cerritos Channel Estuary, Alamitos Bay and San Pedro Bay.</p> <p>It appears that the data for diazinon during wet weather may be missing from Table 1 on page B-3.</p>
Parts VI.C.5.a.ii(1) and iv(1) Water Body-Pollutant Classification	<p>The WMP needs to address the copper dry weather waste load allocation. Copper is listed in Table 3 as a Category 1 pollutant during both wet and dry conditions, but does not appear to be further addressed in the WMP, including the RAA. The WMP needs to identify the interim and final compliance deadlines of September 30, 2023 for the wet weather waste load allocation and dry weather waste load allocation, respectively.</p> <p>In addition, the WMP needs to include and address in the RAA all applicable water quality-based effluent limitations (WQBELs) to comply with provisions of Part VI.E and Attachment Q related to the Colorado Lagoon OC Pesticides, PCBs, Sediment Toxicity, PAHs and Metals TMDL and Attachment N related to the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL, which apply to the LACFCD for direct discharges to Colorado Lagoon and San Pedro Bay, respectively.</p> <p>In Section 2.2, the draft WMP states, “As recognized by the footnote in Attachment K-7 of the Permit, the County and the</p>

LA County MS4 Permit Provision	Summary of Comments and Necessary Revisions
	<p>LACFCD have entered into an Amended Consent Decree with the United States and the State of California, including the LARWQCB, pursuant to which the LARWQCB has released the County and the LACFCD from responsibility for Toxic pollutants in the Dominguez Channel and the Greater Harbors.”</p> <p>This statement misinterprets the Regional Water Board’s findings. Footnote 1 to Table K-7 of the LA County MS4 Permit states, “The requirements of this Order to implement the obligations of this TMDL do not apply to a Permittee to the extent that it is determined that the Permittee has been released from that obligation pursuant to the Amended Consent Decree entered in United States v. Montrose Chemical Corp., Case No. 90-3122 AAH (JRx).” As stated in the responses to comments received on the Dominguez Channel and Greater Harbor Waters Toxic Pollutants TMDL, “...primarily one pollutant, DDT, is associated with the Superfund site and also addressed by the TMDL. The TMDL addresses numerous pollutants and utilizes a different process than Superfund. The other pollutants – heavy metals, PAHs, PCBs and other legacy pesticides are not within Superfund’s focus at the Montrose OU2 Site...”</p> <p>Further, the WQBELs applicable to the County and LACFCD pursuant to the TMDL, which are in Attachment N, Part E of the LA County MS4 Permit, are for ongoing discharges from the MS4, not for the historic contamination of the bed sediments. Therefore, the statement in the draft WMP incorrectly concludes that the aforementioned Consent Decree releases the County and LACFCD from any obligation to implement the WQBELs in Attachment N, Part E.</p>
<p>Part VI.C.5.a.ii(2) and iv(2) Water Body-Pollutant Classification</p>	<p>The WMP needs to specify the applicable receiving water limitations for the Category 2 water body pollutant combinations (WBPCs) listed in Table 2. In addition, pH needs to be added to the list of Category 2 pollutants in Table 2.</p> <p>The WMP needs to address the pollutants identified on the State’s Clean Water Act Section 303(d) List for Colorado Lagoon (indicator bacteria, which was not addressed by the Colorado Lagoon TMDL); and the 303(d) listing for indicator bacteria in Alamitos Bay.</p>
<p>Part VI.C.5.a.ii(3) and iv(2) Water Body-Pollutant Classification</p>	<p>The WMP needs to specify the applicable receiving water limitations for the Category 3 WBPCs. In addition, the WMP needs to include the rationale for not including aluminum as a Category 3 pollutant.</p> <p>The WMP needs to evaluate and address other pollutants that are otherwise causing or contributing to an exceedance of Receiving</p>

LA County MS4 Permit Provision	Summary of Comments and Necessary Revisions
	Water Limitations in Los Cerritos Channel Estuary, Colorado Lagoon, Alamitos Bay and San Pedro Bay, if any.
Part VI.C.5.a.iii Source Assessment	The WMP needs to include a source assessment regarding known and suspected storm water and non-storm water pollutant sources in discharges to the MS4 and from the MS4 to receiving waters. The source assessment should include (1) a discussion of findings from implementation of the minimum control measures under the 2001 Permit; (2) a discussion of the data and conclusions from the TMDL source investigations; and (3) TMDL monitoring data for Colorado Lagoon from the LACFCD storm drain.
Part VI.C.5.a.iii.(1)(b) Source Assessment	<p>The WMP needs to identify on a map the County's MS4s within the County Island; catch basins and major outfalls for the County and LACFCD in the Los Cerritos Channel subwatershed; and catch basins and major outfalls for the LACFCD in the Los Cerritos Channel Estuary subwatershed and the Alamitos Bay subwatershed. Regional Water Board staff is aware that the CIMP identifies 4 outfalls to the Los Cerritos Channel, 2 or 3 of which are potentially major outfalls (Figure 13, Table 6, pp. 23-24). However, the WMP should include this information as well.</p> <p>In Figure 2 of the WMP, the Palo Verde Drain appears to be depicted in the wrong location.</p>
Part VI.C.5.a.iv. Prioritization	The WMP needs to prioritize and address the Category 2 and 3 WBPCs for the Los Cerritos Channel Watershed.
Part VI.C.5.a.iv.(1) Prioritization	<p>The WMP needs to provide a clear schedule that demonstrates implementation of the BMPs will achieve the required interim metal reductions by the compliance deadlines. In addition, justification and supporting data is required to support the expected reductions in pollutant loads.</p> <p>The WMP needs to specify a strategy to achieve the final water quality-based effluent limitations for the Colorado Lagoon Toxics TMDL and demonstrate that the interim WQBELs for chlordane, dieldrin, lead, zinc, DDT, PAHs, and PCBs in sediment have been achieved.</p>
Part VI.C.5.a.iv.(2)(a) Prioritization	The County plans to implement connector pipe screen devices on the 4 catch basins within the County Island by July of 2017; justification is needed to demonstrate that this schedule is as short as possible.
Part VI.C.5.b.ii.(1) Selection of Watershed Control Measures	The WMP needs to specify a strategy that will be implemented to prevent or eliminate non-storm water discharges, if necessary based on the findings of the non-storm water screening program.
Part VI.C.5.b.iv.(3) Selection of Watershed Control Measures	The WMP needs to include the implementation actions to be carried out by the LACFCD or jointly by LACFCD and the City of Long Beach that have been proposed in the Colorado Lagoon Restoration Project and that will be implemented to achieve compliance with

LA County MS4 Permit Provision	Summary of Comments and Necessary Revisions
<p>Part VI.C.5.b.iv.(4)(a) Selection of Watershed Control Measures</p>	<p>the interim and final WQBELs for the Colorado Lagoon Toxics TMDL.</p> <p>The AB/LCC group is submitting the WMP to satisfy the Implementation Plan requirement of the Los Cerritos Channel (LCC) Metal TMDL. The WMP discusses existing and planned non-structural BMPs that will be implemented and potential structural BMPs that may be implemented if necessary to achieve the WLAs for copper, lead, and zinc along with the assumed pollutant reductions. However, the WMP needs to provide peer-reviewed data and/or modeling output to support the expected reduction in pollutant load, in order to demonstrate compliance with the interim WLAs that must be met by 2017 and 2020, as specified in the LCC Metals TMDL Implementation Plan. Where the AB/LCC group relies on the analysis of another group or previous implementation plan, such as the Ballona Creek Multi-pollutant Implementation Plan, the AB/LCC group should reiterate the analysis/findings in the revised WMP.</p> <p>The WMP needs to include control measures to achieve the interim and final WQBELs for the Colorado Lagoon Toxics TMDL and the interim WQBELs for the Harbors Toxics TMDL for direct discharges into San Pedro Bay.</p>
<p>Part VI.C.5.b.iv.(4)(b)-(d) Selection of Watershed Control Measures</p>	<p>The WMP states, "Over the next few years, the County will upgrade a portion of its mechanical broom street sweepers with new high efficiency vacuum street sweepers."</p> <p>In addition, the WMP states, "The County plans to implement CPS devices on the 4 catch basins within its jurisdiction in the AB/LCC WMA by July of 2017. Construction of the CPS devices is contingent upon appropriate field conditions and a thorough design review. CPS devices cannot be installed in areas where they may adversely affect flood protection or in catch basins that are too shallow to house CPS devices." The WMP needs to clearly identify when the 4 catch basins will be assessed as to whether a CPS device is feasible. The WMP needs to include a contingency if the CPS device cannot be installed in one or more of the catch basins.</p> <p>The revised WMP needs to provide more specificity with regards to the schedule of implementation for these watershed control measures that demonstrates compliance with the interim compliance deadlines for metals.</p> <p>In addition, the revised WMP needs to address how the LACFCD will comply with the trash requirements for catch basins and outfalls in the Los Cerritos Channel Estuary subwatershed and the Alamitos Bay subwatershed.</p>

LA County MS4 Permit Provision	Summary of Comments and Necessary Revisions
Part VI.C.5.b.iv.(5) Reasonable Assurance Analysis	The WMP modeled the critical condition, the daily pollutant loads for Cu, Pb, and Zn during wet weather, and the required wet weather load reduction. However, the calculated load reductions were done incorrectly. Since the 95-acre County Island is about 1% of the entire Los Cerritos Channel watershed; then the County's portion of the WLAs is 1%. In addition, the RAA did not address the non-storm water copper WLAs or other pollutants in Category 1 for the Colorado Lagoon Toxics TMDL and Harbors Toxics TMDL. The Reasonable Assurance Analysis (RAA) needs to address all applicable WQBELs in Attachments N and Q and other applicable waterbody-pollutant combinations falling within Categories 2 and 3. (See also detailed comments on the County's RAA in the attached memorandum.)
Part VI.C.5.c Compliance Schedules	The WMP needs to demonstrate that the interim deadlines are being or will be achieved. In addition, the WMP needs to include the interim and final compliance deadlines for September 30, 2023, for the wet weather waste load allocation and dry weather waste load allocation, respectively.



Los Angeles Regional Water Quality Control Board

TO: Bill Johnson, P.E.
Alamitos Bay/Los Cerritos Channel Watershed Management Program

FROM: C.P. Lai, Ph.D., P.E. and Thanhloan Nguyen *TS*
LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD

DATE: October 24, 2014

SUBJECT: COMMENTS ON SECTION 5, REASONABLE ASSURANCE ANALYSIS, OF THE DRAFT WATERSHED MANAGEMENT PROGRAM FOR THE ALAMITOS BAY/LOS CERRITOS CHANNEL WATERSHED MANAGEMENT AREA

This memorandum contains comments on Section 5, Reasonable Assurance Analysis, of the Alamitos Bay/Los Cerritos Channel Watershed Management Program, dated June 28, 2014, which was submitted by the Los Angeles County Flood Control District (LACFCD) and the County of Los Angeles Department of Public Works (County) for the 95-acre County unincorporated land area within the Los Cerritos Channel Freshwater Watershed and the LACFCD's storm drains and other appurtenant drainage infrastructure within the Los Cerritos Channel Freshwater Watershed, Los Cerritos Channel Estuary Watershed, and Alamitos Bay Watershed.

- A. General comments on the draft Reasonable Assurance Analysis (RAA) section of the draft Watershed Management Program.
1. The Alamitos Bay/Los Cerritos Channel Group (AB/LCC Group) are subject to final water quality-based effluent limitations pursuant to Attachment N, Part E "Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL", and Attachment Q. Part A "Los Cerritos Channel Metals TMDL", Part B "Colorado Lagoon OC Pesticides, PCBs, Sediment Toxicity, PAHs, and Metals TMDL."

Pursuant to Part VI.C.5.a.iv(1) and VI.C.5.b.iv, pages 60 and 62-63 of the MS4 Permit, the AB/LCC Group are required to prepare reasonable assurance analysis to demonstrate that the WQBELs that are established in the Colorado Lagoon OC Pesticides, PCBs, Sediment Toxicity, PAHs, and Metals TMDL shall be achieved through implementation of the watershed control measure proposed in the WMP. However, the Colorado Lagoon OC Pesticides, PCBs, Sediment Toxicity, PAHs, and Metals TMDL was completely omitted from the draft WMP. The draft WMP did not include and analyze a strategy to implement pollutant controls necessary to achieve all applicable interim and final water quality-based effluent limitations and/or receiving water limitations with interim or final compliance deadlines within the permit term pursuant to the corresponding compliance schedules in the Colorado Lagoon OC Pesticides, PCBs, Sediment Toxicity, PAHs, and Metals TMDLs.

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2. The AB/LCC Group used historic data from the Stearns Street Mass Emission Station to determine Category 3 and low priority pollutants, which is only appropriate to identify pollutants of concern for the freshwater portion of the Los Cerritos Channel. There is no data analysis or information provided for high priority (Category 2) and medium priority (Category 3) pollutants of concern for Los Cerritos Channel Estuary Watershed and Alamitos Bay Watershed.
 3. The AB/LCC Group had identified water quality priorities for Los Cerritos Channel but not for Colorado Lagoon and East San Pedro Bay, where the following drains discharge to: LACFCD Project 452 Drain (Colorado Lagoon), BI 5151 U2 - Line A - Long Beach, BI 0450 - line G - Alamitos Bay, BI 5101 U2 - Line A - Long Beach, and BI 0450 - Line A - Alamitos Bay. Pursuant to Section VI.C.5.a., the WMP should include an evaluation of existing water quality conditions, classify them into categories, identify potential sources, and identify strategies, control measures, and BMPs as required in the permit.
 4. The TMDL allowable daily loads for metals applicable to the County Island were incorrectly calculated. The calculated TMDL allowable load did not take into account that the County Island area only covers 95 acres, which is approximately 1% of the LCC Freshwater Watershed area covered under the LA County MS4 Permit to which the assigned LA County MS4 Permittees' WLA applies. (The areal extent of the watershed area covered by the LA County MS4 Permit is 9,470 acres.) Table 5 on page 18 of the draft WMP needs to be revised to include the correct TMDL allowable loads for the County Island, specifically, and recalculated required pollutant load reductions. (Also, the table needs to be corrected to state that the TMDL establishes an allowable daily load; the allowable loads for lead and zinc are presented as annual loads not daily loads.) Identification of potential BMPs and modeling of these BMP scenarios for the reasonable assurance analysis to ensure the required reductions are achieved should also be revised accordingly.
- B. Modeling comments regarding analysis of copper, lead and zinc concentrations / loads:
1. The model domain used for predicting flow volume and pollutant loading is limited in the County Island area, which is located within WMMS subbasin 5505. As such, the model prediction did not take upstream and neighboring hydrological contribution of flow and pollutant loading into account. This is based on the assumption that these surrounding flows and pollutant loading will be addressed by the Los Cerritos Channel Watershed Management Program submitted by other LA County MS4 Permittees.
 2. The model predicted flow volume appears to be used as an indicator of required pollutant load reductions for wet weather condition. Thus, the predicted flow volume becomes a very important parameter for evaluating each BMP's performance and required load reductions. In addition to Figures 6 and 7, the model results of daily storm flow volume originating from County Island and the frequency analysis should be presented in tabular form to identify the predicted 90th percentile daily flow volume. Additionally, more description should be presented in the report regarding how the daily pollutant loads for copper, lead, and zinc from the County Island were derived, as identified on page 17.

3. The report did not describe how the model was calibrated, including calibration results compared to calibration criteria in Table 3.0 of the RAA Guidelines, and no historical hydrology and water quality monitoring data were used for comparison with the model results for the baseline prediction. According to Part G, pages 12-13 of the RAA Guidelines, model calibration is necessary to ensure that the model can properly assess all the variables and conditions in a watershed system. If hydrology data are not currently available, the necessary data should be collected so that the model can be calibrated and/or validated during the adaptive management process. Water quality data are available from the Stearns Street mass emission station, which could be used for water quality calibration.
4. For the baseline condition, per RAA Guideline, in Table 5 on pages 20-21, the model predicted concentrations for copper, lead, and zinc under the wet weather critical condition should be presented in the table in addition the baseline loads for the County Island.
5. The required reduction targets in pollutant load from baseline identified in Table 5 of the Report for wet weather should be explained in more detail and also presented in time series as the difference of baseline concentrations/loads from allowable concentrations/loads of each pollutant under long term continuous simulation. Further, as described earlier, the TMDL allowable loads presented in Table 5 appear to be incorrect as well as the required load reductions, which are derived from the baseline loads and allowable loads.
6. The report did not provide predicted pollutant concentrations in the receiving water or at the downstream outlets of the County Island to demonstrate that receiving water limitations will be achieved.
7. The ID number for subbasin 5505 and each neighboring subwatershed used in the model simulation must be provided and be shown in the simulation domain to present the geographic relationship of the subwatersheds simulated in the LSPC model.
8. The flow and water quality time series output at the watershed outlet must be provided using the 90th percentile of modeled pollutant concentration and mass per day for wet event days consistent with the expression of the WQBELs to estimate the baseline concentration and mass. In addition, per RAA Guidelines, the model output should include storm water runoff at outlet for baseline and each BMP scenario as well (See Table 5. Model Output for Both Process-based BMP Models and Empirically-based BMP Models, pages 20-21 of the RAA Guidelines).
9. While copper is identified in Table 3 as a Category 1 pollutant in both wet and dry weather conditions, model simulation for copper in Los Cerritos Channel under the dry weather condition was not included in the RAA.
10. Per the RAA Guidelines, the required load reductions to achieve interim and final WQBELs per the required compliance deadlines should be evaluated at the jurisdictional boundary of each subwatershed to demonstrate that the proposed control measures will ensure that each Group's MS4 discharges achieve effluent limitations and do not cause or contribute to exceedances of receiving water limitations. The BMP performance model proposed in the RAA Guidelines should be used to predict the pollutant reduction

for BMPs identified in Section 5.2.5 of the Report. Section 5.2.6 of the draft WMP does not clearly present, or analyze in the RAA, the BMP scenarios to meet the interim compliance deadlines in 2017, 2020 or 2023 during wet weather conditions or the interim deadlines in 2017 and 2020 and the final deadline in 2023 during dry weather conditions.

- C. Modeling comments regarding lack of analysis for other Categories 1, 2 and 3 waterbody pollutant combinations:
1. Baseline loading and required reductions to achieve effluent limitations for total lead, zinc, DDT, PAHs, PCBs, Chlordane and Dieldrin in sediment discharged from the MS4 to Colorado Lagoon, and for total copper, lead, zinc, PAHs, DDT, and PCBs for San Pedro Bay were not modeled in the Report, nor were proposed watershed control measures evaluated in the model to determine if effluent limitations for these pollutants would be achieved upon implementation of the proposed measures.
 2. Baseline loading and required reductions for Category 2 and Category 3 pollutants, including but not limited to indicator bacteria and ammonia, were not modeled, nor were proposed watershed control measures evaluated in the model to determine if receiving water limitations for these pollutants would be achieved upon implementation of the proposed measures.



Los Angeles Regional Water Quality Control Board

October 29, 2014

Los Cerritos Channel Watershed Management Group
(See Distribution List)

REVIEW OF THE LOS CERRITOS CHANNEL WATERSHED MANAGEMENT GROUP'S DRAFT WATERSHED MANAGEMENT PROGRAM, PURSUANT TO PART VI.C OF THE LOS ANGELES COUNTY MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT (NPDES PERMIT NO. CAS004001; ORDER NO. R4-2012-0175) AND PART VII.C OF THE LONG BEACH MS4 PERMIT (NPDES PERMIT NO. CAS004003; ORDER NO. R4-2014-0024)

Dear Los Cerritos Channel Watershed Management Group:

The Regional Water Board has reviewed the draft Watershed Management Program (WMP) submitted on June 30, 2014 by the Los Cerritos Channel Watershed Management Group. This program was submitted pursuant to the provisions of NPDES Permit No. CAS004001 (Order No. R4-2012-0175), which authorizes discharges from the municipal separate storm sewer system (MS4) operated by 86 municipal Permittees within Los Angeles County (hereafter, LA County MS4 Permit). The LA County MS4 Permit allows Permittees the option to develop either a Watershed Management Program (WMP) or Enhanced Watershed Management Program (EWMP) to implement permit requirements on a watershed scale through customized strategies, control measures, and best management practices (BMPs). Development of a WMP or EWMP is voluntary and may be developed individually or collaboratively.

NPDES Permit No. CAS004003 (Order No. R4-2014-0024) authorizes MS4 discharges from the City of Long Beach (hereafter, Long Beach MS4 Permit). The Long Beach MS4 Permit similarly allows for the City of Long Beach to develop either a WMP or EWMP to implement permit requirements, with the option of collaborating with LA County MS4 Permit Permittees. For simplicity, this letter and its enclosures cite provisions in the LA County MS4 Permit, though the City of Long Beach is a member of the Los Cerritos Channel Watershed Management Group and is permitted under its own individual permit.

The purpose of a WMP or EWMP is for a Permittee to develop and implement a comprehensive and customized program to control pollutants in MS4 discharges of stormwater and non-stormwater to address the highest water quality priorities. These include complying with the required water quality outcomes of Part V.A (Receiving Water Limitations) and Part VI.E and Attachments L through R (Total Maximum Daily Load (TMDL) Provisions) of the LA County MS4 Permit. If a Permittee opts to develop a WMP or EWMP, the WMP or EWMP must meet the requirements, including conducting a Reasonable Assurance Analysis (RAA), of Part VI.C (Watershed Management Programs) of the LA County MS4 Permit and must be approved by the Regional Water Board.

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As stated above, on June 30, 2014, the Los Cerritos Channel Watershed Management Group (Group) submitted a draft WMP to the Regional Water Board pursuant to Part VI.C.4.c of the LA County MS4 Permit.

The Regional Water Board has reviewed the draft WMP and has determined that, for the most part, the draft WMP includes the elements and analysis required in Part VI.C of the LA County MS4 Permit. However, some revisions to the Group's draft WMP are necessary. The Regional Water Board's comments on the draft WMP, including detailed information concerning necessary revisions to the draft WMP, are found in Enclosure 1 and Enclosure 2. The LA County MS4 Permit includes a process through which necessary revisions to the draft WMP can be made (Part VI.C.4 in the LA County MS4 Permit). The process requires that a final WMP, revised to address Regional Board comments identified in the enclosures, must be submitted to the Regional Water Board not later than three months after comments are received by the Permittees on the draft program. Please make the necessary revisions to the draft WMP as identified in the enclosures to this letter and submit the revised WMP as soon as possible and no later than **January 29, 2015**.

The revised WMP must be submitted to losangeles@waterboards.ca.gov with the subject line "LA County MS4 Permit – Revised Draft LCC WMP" with a copy to Ivar.Ridgeway@waterboards.ca.gov and Chris.Lopez@waterboards.ca.gov.

If the necessary revisions are not made, the MS4 Permittees within the LCC Watershed Management Area will be subject to the baseline requirements in Part VI.D of the Order and shall demonstrate compliance with receiving water limitations pursuant to Part V.A and with applicable interim and final water quality-based effluent limitations (WQBELs) in Part VI.E and Attachment Q pursuant to subparts VI.E.2.d.i.(1)-(3) and VI.E.2.e.i.(1)-(3), respectively.

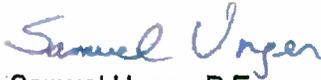
Until the draft Los Cerritos Channel WMP is approved, the Permittees are required to:

- (a) Continue to implement all watershed control measures in its existing storm water management programs, including actions within each of the six categories of minimum control measures consistent with Title 40, Code of Federal Regulations, section 122.26(d)(2)(iv);
- (b) Continue to implement watershed control measures to eliminate non-storm water discharges through the MS4 that are a source of pollutants to receiving waters consistent with Clean Water Act section 402(p)(3)(B)(ii); and
- (c) Target implementation of watershed control measures in (a) and (b) above to address known contributions of pollutants from MS4 discharges to receiving waters.

In addition on June 30, 2014, the Group submitted a draft Coordinated Integrated Monitoring Program (CIMP) to the Regional Water Board pursuant to Part IV.C of Attachment E of the LA County MS4 Permit. The Regional Water Board review and comments on the draft CIMP will be provided under separate cover.

If you have any questions, please contact Mr. Chris Lopez of the Storm Water Permitting Unit by electronic mail at Chris.Lopez@waterboards.ca.gov or by phone at (213) 576-6674. Alternatively, you may also contact Mr. Ivar Ridgeway, Chief of the Storm Water Permitting Unit, by electronic mail at Ivar.Ridgeway@waterboards.ca.gov or by phone at (213) 620-2150.

Sincerely,

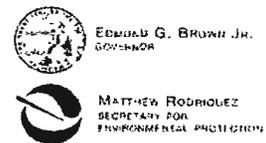


Samuel Unger, P.E.
Executive Officer

Enclosures:

- Enclosure 1 – Summary of Comments and Necessary Revisions
- Enclosure 2 – Comments on Reasonable Assurance Analysis

cc: Richard Watson, Richard Watson & Associates, Inc.



Los Angeles Regional Water Quality Control Board

Enclosure 1 to October 29, 2014 Letter Regarding the Los Cerritos Channel Watershed Management Group's Draft Watershed Management Program

Summary of Comments and Necessary Revisions to the Draft Watershed Management Program

LA County MS4 Permit Provision*	Regional Water Board Staff Comment and Necessary Revision
<p>Part VI.C.5.a.ii.(2)-(3) (Category 2 and 3 Pollutants – Receiving Water Limitations)</p>	<p>The Group should clearly identify the applicable receiving water limitations for the Category 2 and 3 pollutants it has identified in Tables 2-11 and 2-12 of the draft WMP by referring back to Table 2-3. Table 2-12 includes a column for "Standard of Exceedance" and identifies the document where the standard is found, but not the standard itself. However, it appears that all of the applicable receiving water limitations are included in Table 2-3, including those for the "Low Priority Pollutants" listed in Table 2-13.</p>
<p>Part VI.C.5.a.iv.(2) (Prioritization – Ammonia)</p>	<p>The draft WMP notes that ammonia has been proposed for delisting and therefore will not be addressed. To justify this position, the Group should present the data demonstrating that there is no longer an impairment due to ammonia to support delisting.</p>
<p>Part VI.C.5.b.iv.(1)(a)(ii) (Minimum Control Measures – Industrial/Commercial Facilities Program)</p>	<p>The Group proposes to alter the commercial and industrial facility inspection frequencies in Parts VI.D.6.d and VI.D.6.e of the LA County MS4 Permit.</p> <p>The proposed modification includes a prioritization process in which the member Cities rate applicable facilities as high, medium, or low priority. High priority facilities are inspected more frequently and low priority facilities are inspected less frequently. The prioritization scheme included in Figure ICF-1 prioritizes facilities by their potential water quality impact. However, the draft WMP also notes that Cities "may follow an alternative prioritization method provided it results in a similar three-tiered scheme." The revised WMP should ensure, and explicitly state, that any alternative prioritization method used by a City must also be based on water quality impact.</p> <p>Furthermore, the draft WMP also notes that Cities can prioritize and reprioritize facilities at any time based on their discretion. The Group should revise their draft WMP to clearly state when the initial prioritization of facilities will occur. Additionally, the Group should be explicitly clear that</p>

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LA County MS4 Permit Provision*	Regional Water Board Staff Comment and Necessary Revision
	<p>during any reprioritization, the ratio of low priority to high priority facilities must always remain at 3:1 or lower to maintain inspection frequencies identified in the draft WMP.</p>
<p>Part VI.C.5.a.iv.(2)(a) (Prioritization)</p>	<p>Where data indicate impairment or exceedances of RWLs and the findings from the source assessment implicate discharges from the MS4, the Permit requires a strategy for controlling pollutants that is sufficient to achieve compliance as soon as possible. Although Section 5.0 describes compliance with RWLs and Section 6.0 includes an implementation schedule, the program needs to more clearly demonstrate that the compliance schedule described in Section 5.0 ensures compliance is "as soon as possible."</p>
<p>Part VI.C.5.b.iv.(4)(b)-(c) (Selection of Watershed Control Measures)</p>	<p>The RAA identifies potential areas for green street conversion and assumes a 30% conversion of the road length in the suitable areas; however, the specific locations and projects are not identified. Although it may not be possible to provide detailed information on specific projects at this time, the WMP should at least commit to the construction of the necessary number of projects within specific subbasins to ensure compliance with permit requirements per applicable compliance schedules.</p>
<p>Watershed Control Measures Part VI.C.5.b.iv.(4)(c)</p>	<p>The draft WMP does not include clear information on the nature, scope, and timing of implementation of all its watershed control measures.</p> <p>Regional Water Board staff recognizes the amount of information that the Group has provided on watershed control measures in its draft WMP. However, this information at times lacks specificity or is interspersed within different sections of the draft WMP (e.g. street sweeping is discussed in the draft WMP's chapter on strategy, but not in the chapter on control measures).</p> <p>Regional Water Board staff suggests that the Group construct a concise table or other organized listing of all its discussed control measures that contains the required information. This would clarify the descriptions that the Group includes in Sections 3 and 4 of its draft WMP.</p>

LA County MS4 Permit Provision*	Regional Water Board Staff Comment and Necessary Revision
<p>Part VI.C.5.b.iv.(4)(c) (Watershed Control Measures – Enhanced Street Sweeping)</p>	<p>The description of the enhanced street sweeping program lacks detail. It is discussed in Section 3 as part of the group's strategy, but details regarding implementation do not appear to be included in Section 4. In particular, since the City of Long Beach does not use vacuum or regenerative street sweepers, as indicated in Table 3-3, the WMP should be clear as to what enhancement to street sweeping the City of Long Beach will implement.</p>
<p>Part VI.C.5.b.iv.(4)(c) (Watershed Control Measures – SB 346 Copper Reductions)</p>	<p>The draft WMP appears to rely mostly on the phase-out of copper in automotive brake pads, via approved legislation SB 346, to achieve the necessary copper load reductions. Given the combination of other Cu sources identified in various LA TMDLs such as building materials, other vehicle wear, air deposition from fuel combustion and industrial facilities, and that SB 346 progressively phases out Cu content in brakes of new cars (5% by weight until 2021, 0.5% by weight until 2025), then other structural and non-structural BMPs may still be needed to reduce Cu loads sufficiently to achieve compliance deadlines for interim and/or final WQBELs.</p>

LA County MS4 Permit Provision*	Regional Water Board Staff Comment and Necessary Revision
<p>Part VI.C.5.b.iv.(4)(d) (Watershed Control Measures – Milestones)</p>	<p>The MS4 Permit requires that the WMP provide specificity with regard to structural and non-structural BMPs, including the number, type, and location(s), etc. adequate to assess compliance. In a number of cases, additional specificity on the number, type and general location(s) of watershed control measures as well as the timing of implementation for each is needed.</p> <p>Section 6 of the draft WMP includes a four-phase WMP implementation schedule for control measures (MCMs, source control measures, stormwater capture, etc.). Some of these actions are listed as, "encourage the use of ..." (e.g., p. 6-6); greater specificity is required as to what actions will be taken by the group to encourage these actions by others.</p> <p>Items in the schedule only reference the year (or years) that a measure or milestone will be implemented. This should be revised to include more specific and/or exact dates where appropriate. Furthermore, some items discussed as control measures do not appear to have milestones within the implementation schedule (e.g., enhanced street sweeping in Table 6-4).</p> <p>Additionally, many items in the implementation schedule are ongoing measures that are not new interim milestones (e.g. MCMs, implementation of SB 346, enhanced street sweeping, etc.). For transparency, Regional Water Board staff recommends that ongoing measures clearly be separated from interim milestones for structural controls and non-structural BMPs in the implementation schedule.</p> <p>Regional Water Board staff recognizes uncertainties may complicate establishment of specific implementation dates, however there should at least be more specificity on actions within the current and next permit terms to ensure that the following interim requirements are met: (1) a 10% reduction in metals loads during wet weather and a 30% reduction in dry weather by 2017 and (2) a 35% reduction in metals loads during wet weather and a 70% reduction during dry weather by 2020.</p>

LA County MS4 Permit Provision*	Regional Water Board Staff Comment and Necessary Revision
<p>Part VI.C.5.b.iv.(4)(e) (Watershed Control Measures – Permittee Responsibilities)</p>	<p>For MCMs and NSW discharge screening control measures, the draft WMP clearly lists responsibilities in Table 4-3. However, for other control measures, it is harder to identify Permittee responsibilities.</p> <p>The WMP Implementation Schedule groups together all actions that are being implemented. Although City specific items are marked (e.g. Skylinks Golf Course), it is hard to clearly read amongst the other group actions. The WMP could be improved by including a separate schedule for each City.</p> <p>Table 6-8 also breaks down control measure implementation; however, this is broken up into sub-basins rather than by City, making the responsibilities not immediately clear.</p>
<p>Part VI.C.5.b.iv.(5)(c) (Selection of Watershed Control Measures)</p>	<p>For waterbody-pollutant combinations not addressed by TMDLs, the MS4 Permit requires that the plan demonstrate using the reasonable assurance analysis (RAA) that the activities and control measures to be implemented will achieve applicable receiving water limitations as soon as possible. The RAA demonstrates the control measures would be adequate to comply with the limitations/deadlines for the "limiting pollutants" for TMDLs and concludes that this will ensure compliance for all other pollutants of concern. However, it does not address the question of whether compliance with limitations for pollutants not addressed by TMDLs could be achieved in a shorter time frame.</p>
<p>Part VI.C.5.b.iv.(5) (Reasonable Assurance Analysis – Limiting Pollutants)</p>	<p>The RAA identifies zinc and <i>E. coli</i> as the limiting pollutants for wet weather and dry weather, respectively. They note that these two pollutants will drive reductions of other pollutants.</p> <p>If the Group believes that that this approach demonstrates that activities and control measures will achieve applicable receiving water limitations, it should explicitly state and justify this for the category 2 and 3 pollutants. (This appears to have been done for category 1 pollutants and <i>E. coli</i> in Tables 5-6 and 5-9 and Figure 5-13, but not for other categories 2 and 3 pollutants.)</p>

LA County MS4 Permit Provision*	Regional Water Board Staff Comment and Necessary Revision
<p>Part VI.C.5.b.iv.(5) (Reasonable Assurance Analysis – New Non-Structural Controls)</p>	<p>The draft WMP assumes a 10% pollutant reduction from new non-structural controls. Although 10% is a modest fraction of the overall controls necessary, additional support for this assumption should be provided, particularly since the group appears to be relying almost entirely on these controls for near-term pollutant reductions to achieve early interim milestones/deadlines. Additionally, as part of the adaptive management process, the Permittees should commit to evaluate this assumption during program implementation and develop alternate controls if it becomes apparent that the assumption is not supported.</p>
<p>Part VI.C.5.b.iv.(5) (Reasonable Assurance Analysis – Irrigation Reductions)</p>	<p>For dry weather, the WMP assumes a 25% reduction in irrigation (RAA, section 7.1.2). Additional support should be provided for this assumption, particularly since the group appears to be relying almost entirely on this non-structural BMP for near-term pollutant reductions to meet early interim milestones/deadlines. Additionally, as part of the adaptive management process, the Permittees need to commit to evaluate this assumption during program implementation and develop alternate controls if it becomes apparent that the assumption is not supported.</p>
<p>Part VI.C.5.b.iv.(5) (Reasonable Assurance Analysis – Regional BMPs)</p>	<p>Section 1.4.2 of Attachment A to the RAA points out that additional potential regional BMPs were identified to provide the remaining BMP volume noted in Table 9-5. It indicates they can be found in Section 3 of the WMP. It is unclear if the RAA is referring to the "First Order Major BMP Sites" listed in Table 4-5 and the "Second Order Major BMP Sites" listed in Table 4-6. The RAA should clarify that sufficient sites were identified. Additionally, the WMP should mention how these sites relate to the RAA.</p>

LA County MS4 Permit Provision*	Regional Water Board Staff Comment and Necessary Revision
<p>Part VI.C.5.b.iv.(5) (Reasonable Assurance Analysis – Permitted Industrial Facilities)</p>	<p>The draft WMP, including the RAA, excludes stormwater runoff from non-MS4 facilities within the WMA from the stormwater treatment target. In particular, industrial facilities that are permitted by the Water Boards under the Industrial General Permit or an individual stormwater permit were identified and subtracted from the treatment target.</p> <p>Regional Water Board staff recognizes that this was done with the assumption that these industrial facilities will retain their runoff and/or eliminate their cause/contribution to receiving water exceedances, as required by their respective NPDES permit. However, it is important that the Group's actions under its Industrial/Commercial Facilities Program— including tracking critical industrial sources, educating industrial facilities regarding BMP requirements, and inspecting industrial facilities—ensure that all industrial facilities are implementing BMPs as required.</p>

LA County MS4 Permit Provision*	Regional Water Board Staff Comment and Necessary Revision
<p>Part VI.C.5.b.iv.(5) (Reasonable Assurance Analysis – Caltrans Facilities)</p>	<p>The draft WMP, including the RAA, takes a similar approach for areas under the jurisdiction of the California Department of Transportation (Caltrans). Caltrans facilities that are permitted under the Caltrans MS4 permit (Order No. 2012-0011-DWQ) were also identified and subtracted from the treatment target.</p> <p>It should be noted that the Amendment to the Caltrans Permit (Order WQ 2014-0077-DWQ) includes provisions to address TMDL requirements throughout the state. Revisions to Attachment IV of the Caltrans Permit require that Caltrans prioritize all TMDLs for implementation of source control measures and BMPs, with prioritization being “consistent with the final TMDL deadlines to the extent feasible.”</p> <p>Additionally, the Caltrans Permit also includes provisions for collaborative implementation through Cooperative Implementation Agreements between Caltrans and other responsible entities to conduct work to comply with a TMDL. By contributing funds to Cooperative Implementation Agreements and/or the Cooperative Implementation Grant Program, Caltrans may receive credit for compliance units, which are needed for compliance under the Caltrans Permit.</p> <p>In a similar manner, the LA County MS4 Permit includes provisions for Permittees to control the contribution of pollutants from one portion of the shared MS4 to another portion of the MS4 through interagency agreements with other MS4 owners—such as Caltrans—to successfully implement the provisions of the Order (see Parts VI.A.2.a.viii and VI.A.4.a.iii). Therefore, the Group should ensure that it is closely coordinating with appropriate Caltrans District staff regarding the identification and implementation of watershed control measures to achieve water quality requirements (i.e. applicable Receiving Water Limitations and WQBELs).</p> <p>Regional Water Board staff recognizes that the Group has taken the initial steps for such collaboration since Caltrans participates in the Group and the draft WMP notes Caltrans in its strategies for runoff reduction and total suspended solids reduction.</p>
<p>Part VI.C.5.b.iv.(6) (Legal Authority)</p>	<p>Attachment D to the draft WMP includes a copy of legal certifications for all Group members except for Long Beach. The legal certifications for Long Beach should be submitted in the revised WMP.</p>

LA County MS4 Permit Provision*	Regional Water Board Staff Comment and Necessary Revision
<p>Part VI.C.5.c.iii.(3) (Compliance Schedules – Bacteria)</p>	<p>The draft WMP proposes a final compliance date of September 2040 for <i>E. coli</i> and <i>Enterococcus</i>. However, the Group does not provide sufficient justification for this date. Additionally, milestones and a schedule of dates for achieving milestones are not defined for these two pollutants.</p> <p>In revising its draft WMP, the Group should evaluate compliance schedules of bacteria TMDLs that have been established within the region and modify the proposed compliance schedule for these pollutants to include interim milestones and dates for their achievement and a final compliance date that is as soon as possible. Justification for the final compliance date as well as interim milestones should also be included.</p>
<p>Part VI.C.5.c.iii.(3) (Compliance Schedules – Ammonia and pH)</p>	<p>The draft WMP does not propose milestones or final compliance dates for ammonia and pH, which were both identified as Category 2 pollutants. The WMP should include milestones and compliance dates for these pollutants and address them through watershed control measures, or alternatively, provide the data to support delisting (in the case of ammonia) and to support that exceedances of pH outside the acceptable range are due to natural causes.</p>
<p>Figures and Symbols in Draft WMP</p>	<p>Some figures in the draft WMP are distorted. Examples include:</p> <ul style="list-style-type: none"> - Figures 1-2 and 1-3 (on pages 1-6 and 1-8, respectively) have legends that are missing information - Table 4-4 (on page 4-13) does not display Figure ICF- 1 - Mathematical symbols used on pages 5-4 and 5-5 do not correctly display

*Equivalent provisions are also found in the Long Beach MS4 Permit



Los Angeles Regional Water Quality Control Board

TO: Los Cerritos Channel Watershed Management Group

FROM: C.P. Lai, Ph.D., P.E. and Thanhloan Nguyen
LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD

DATE: October 29, 2014

SUBJECT: COMMENTS ON REASONABLE ASSURANCE ANALYSIS REPORT FOR LOS CERRITOS CHANNEL WATERSHED MANAGEMENT AREA

This memorandum contains comments on the Reasonable Assurance Analysis (RAA), submitted on June 29, 2014, by the Los Cerritos Channel Watershed Management Group.

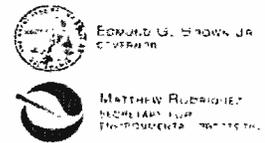
- A. General comments on the draft Reasonable Assurance Analysis (RAA) of the Watershed Management Program (WMP).
1. The Los Cerritos Channel Watershed Management Area (LCC WMA) is subject to interim and final water quality-based effluent limitations pursuant to Attachment Q, Part A "Los Cerritos Channel Metals TMDL" for both wet and dry weather conditions. By September 30, 2017, which aligns with the end of Phase 1 of the proposed implementation schedule in the draft WMP, the LCC WMA is required to demonstrate that 30% of the total drainage area served by the storm drain system is effectively meeting the dry weather metals WLAs and 10% of the total drainage area served by the storm drain system is effectively meeting the wet-weather metals WLAs. For the most part, during Phase 1 the selected watershed control measures to address water quality priorities and achieve applicable WQBELs include existing planning for implementation of SB 346 to remove copper in brake pads and other ongoing non-structural BMPs and source control measures. There is uncertainty in the ability of these BMPs to meet the required reductions by the end of Phase 1. Additional support for the anticipated pollutant load reductions from these non-structural BMPs and source control measures over the next two to three years should be provided to increase the confidence that these measures can achieve the near-term interim WQBELs by September 2017.
 2. LCC WMA is also subject to Category 2 priority pollutants, including coliform bacteria. The LCC WMP proposes to address bacteria with the same runoff reduction and stormwater capture measures proposed for Category 1 pollutants as well as ongoing implementation of minimum control measures. However, this might not be effective enough in reducing bacteria loading. The LCC WMP acknowledges that it will address bacteria more directly during the second and third adaptive management cycles. The LCC WMP should include a more specific strategy to implement pollutant controls necessary to address this and other Category 2 pollutants earlier.

CHARLES STRINGER, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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- B. Modeling comments regarding analysis of copper, lead, zinc, DDT, PCB, PAH, and bacteria concentrations/loads in Attachment A of the draft Los Cerritos Channel WMP:
1. The model predicted stormwater runoff volume is used as a surrogate for required pollutant load reductions for wet weather conditions. Thus, the predicted flow volume becomes a very important parameter for evaluating required volume reductions and BMP scenarios; however, there was not available flow data for Los Cerritos Channel to conduct a hydrology calibration assessment. The necessary hydrology data should be collected for Los Cerritos Channel so that model calibration/validation can be conducted during the adaptive management process.
 2. While we understand that there is significant reliance on a volume-based approach, the predicted baseline concentrations and loads for all modeled pollutants of concern, including TSS, should be presented in summary tables for wet weather conditions. This model output should be available, since it is the basis for the percent reductions in pollutant load presented in Table 5-6. (See Table 5. Model Output for Both Process-based BMP Models and Empirically-based BMP Models, pages 20-21 of the RAA Guidelines).
 3. Further, the differences between baseline concentrations/loads and allowable concentrations/loads should be presented in time series for each pollutant under long-term continuous simulation and as a summary of the differences between pollutant concentrations/loads and allowable concentrations/loads for the critical wet weather period. (See Table 5. Model Output for Both Process-based BMP Models and Empirically-based BMP Models, pages 20-21 of the RAA Guidelines).
 4. We note that modeling was not conducted for organics (DDT, PCBs, and PAHs). It is not clear why these pollutants were not modeled or why previous modeling of these pollutants could not be used, such as that conducted during the development of the Dominguez Channel and Greater LA and Long Beach Harbor Waters Toxic Pollutants TMDL. An explanation for the lack of modeling is needed.
 5. The report presents the existing runoff volumes, required volume reductions and proposed volume reductions from BMP scenarios to achieve the 85th percentile, 24-hour volume retention standard for each major watershed area. The same information on the runoff volume associated with the 85th percentile, 24-hour event and the proposed runoff volume reduction from each BMP scenario also needs to be presented for each modeled subbasin (e.g., a series of tables similar to 8-1 through 8-4 and 9-4 through 9-7). See Table 5 of the RAA Guidelines. Additionally, more explanation is needed as to what constitutes the "incremental" and "cumulative" critical year storm volumes in tables 9-4 through 9-7 and how these values were derived from previous tables.
 6. The report needs to present the same information, if available, for non-stormwater runoff. Alternatively, the report should include a commitment to collect the necessary data in each watershed area, through the non-stormwater outfall screening and monitoring program, so that the model can be re-calibrated during the adaptive management process to better characterize non-stormwater flow volumes and to demonstrate that proposed volume retention BMPs will capture 100 percent of non-stormwater that would otherwise be discharged through the MS4 in each watershed area.

7. The ID number for each of the subwatersheds from the model input file should be provided and be shown in the simulation domain to present the geographic relationship of subwatersheds, within each watershed area, that are simulated in the LSPC model.



Los Angeles Regional Water Quality Control Board

October 28, 2014

Lower Los Angeles River Watershed Management Group
(See Distribution List)

REVIEW OF THE LOWER LOS ANGELES RIVER WATERSHED MANAGEMENT GROUP'S DRAFT WATERSHED MANAGEMENT PROGRAM, PURSUANT TO PART VI.C OF THE LOS ANGELES COUNTY MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT (NPDES PERMIT NO. CAS004001; ORDER NO. R4-2012-0175) AND PART VII.C OF THE CITY OF LONG BEACH MS4 PERMIT (NPDES PERMIT NO. CAS004003; ORDER NO. R4-2014-0024)

Dear Lower Los Angeles River Watershed Management Group:

The Regional Water Board has reviewed the draft Watershed Management Program (WMP) submitted on June 27, 2014 by the Lower Los Angeles River Watershed Management Group. This program was submitted pursuant to the provisions of NPDES Permit No. CAS004001 (Order No. R4-2012-0175), which authorizes discharges from the municipal separate storm sewer system (MS4) operated by 86 municipal Permittees within Los Angeles County (hereafter, LA County MS4 Permit). The LA County MS4 Permit allows Permittees the option to develop either a WMP or Enhanced Watershed Management Program (EWMP) to implement permit requirements on a watershed scale through customized strategies, control measures, and best management practices (BMPs). Development of a WMP or EWMP is voluntary and may be developed individually or collaboratively.

NPDES Permit No. CAS004003 (Order No. R4-2014-0024) authorizes discharges from the MS4 originating within the City of Long Beach (hereafter, Long Beach MS4 Permit). The Long Beach MS4 Permit similarly allows for the City of Long Beach to develop either a WMP or EWMP to implement permit requirements, with the option of collaborating with LA County MS4 Permit Permittees. For simplicity, this letter and its enclosures cite provisions in the LA County MS4 Permit even though the City of Long Beach is a member of the Lower Los Angeles River Watershed Management Group and is permitted under its own individual permit.

The purpose of a WMP or EWMP is for a Permittee to develop and implement a comprehensive and customized program to control pollutants in MS4 discharges of stormwater and non-stormwater to address the highest water quality priorities. These include complying with the required water quality outcomes of Part V.A (Receiving Water Limitations) and Part VI.E and Attachments L through R (Total Maximum Daily Load (TMDL) Provisions) of the LA County MS4 Permit. If a Permittee opts to develop a WMP or EWMP, the WMP or EWMP must meet the requirements, including conducting a Reasonable Assurance Analysis (RAA), of Part VI.C (Watershed Management Programs) of the LA County MS4 Permit and must be approved by the Regional Water Board.

CHARLES STRINGER, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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As stated above, on June 27, 2014, the Lower Los Angeles River Watershed Management Group (Group) submitted a draft WMP to the Regional Water Board pursuant to Part VI.C.4.c of the LA County MS4 Permit.

The Regional Water Board has reviewed the draft WMP and has determined that, for the most part, the draft WMP includes the elements and analysis required in Part VI.C of the LA County MS4 Permit. However, some revisions to the Group's draft WMP are necessary. The Regional Water Board's comments on the draft WMP, including detailed information concerning necessary revisions to the draft WMP, are found in Enclosure 1 and Enclosure 2. The LA County MS4 Permit includes a process through which necessary revisions to the draft WMP can be made (Part VI.C.4 in the LA County MS4 Permit). The process requires that a final WMP, revised to address Regional Board comments identified in the enclosures, must be submitted to the Regional Water Board not later than three months after comments are received by the Permittees on the draft program. Please make the necessary revisions to the draft WMP as identified in the enclosures to this letter and submit the revised WMP as soon as possible and no later than **January 28, 2015**.

The revised WMP must be submitted to losangeles@waterboards.ca.gov with the subject line "LA County MS4 Permit – Revised Draft Lower LA River WMP" with a copy to Ivar.Ridgeway@waterboards.ca.gov and Chris.Lopez@waterboards.ca.gov.

If the necessary revisions are not made, the Permittees will be subject to the baseline requirements in Part VI.D of the Order and shall demonstrate compliance with receiving water limitations pursuant to Part V.A and with applicable interim and final water quality-based effluent limitations (WQBELs) in Part VI.E and Attachment O pursuant to subparts VI.E.2.d.i.(1)-(3) and VI.E.2.e.i.(1)-(3), respectively.

Until the draft Lower Los Angeles River WMP is approved, the Permittees are required to:

- (a) Continue to implement all watershed control measures in its existing storm water management programs, including actions within each of the six categories of minimum control measures consistent with Title 40, Code of Federal Regulations, section 122.26(d)(2)(iv);
- (b) Continue to implement watershed control measures to eliminate non-storm water discharges through the MS4 that are a source of pollutants to receiving waters consistent with Clean Water Act section 402(p)(3)(B)(ii);
- (c) Target implementation of watershed control measures in (a) and (b) above to address known contributions of pollutants from MS4 discharges to receiving waters; and
- (d) Implement watershed control measures, where possible from existing TMDL implementation plans, to ensure that MS4 discharges achieve compliance with interim and final trash water quality-based effluent limits (WQBELs) and all other final WQBELs and receiving water limitations by the applicable compliance deadlines occurring prior to approval of the WMP.

In addition on June 27, 2014, the Lower Los Angeles River Watershed Management Group submitted a draft Coordinated Integrated Monitoring Program (CIMP) to the Regional Water Board pursuant to Part IV.C of Attachment E of the LA County MS4 Permit. The Regional Water Board review and comments on the draft CIMP will be provided under separate cover.

If you have any questions, please contact Mr. Ivar Ridgeway, Chief of the Storm Water Permitting Unit, by electronic mail at Ivar.Ridgeway@waterboards.ca.gov or by phone at (213) 620-2150.

Sincerely,

A handwritten signature in blue ink that reads "Sam Unger for".

Samuel Unger, P.E.
Executive Officer

Enclosures:

- Enclosure 1 – Summary of Comments and Necessary Revisions
- Enclosure 2 – Comments on Reasonable Assurance Analysis

cc: John Hunter, John L. Hunter and Associates, Inc.

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Los Angeles Regional Water Quality Control Board

Enclosure 1 to October 28, 2014 Letter Regarding the Lower Los Angeles River
Watershed Management Area Draft Watershed Management Program

Summary of Comments and Required Revisions to the Draft Watershed Management Program

LA County MS4 Permit Provision*	Summary of Comments and Necessary Revisions
<p>Part VI.C.1.d (Purpose of Watershed Management Program, page 47)</p>	<p>Section 1.1 of the draft WMP states, "the goal of these requirements is to reduce the discharge of pollutants from MS4s to the maximum extent practicable." The goal of the three permits and of a WMP is broader than presented (p. 1-1). Per Part VI.C.1.d of the LA County MS4 Permit, the goals of the Watershed Management Programs are to "... ensure that discharges from the Permittee's MS4: (i) achieve applicable water quality-based effluent limitations in Part VI.E and Attachments L through R pursuant to the corresponding compliance schedules, (ii) do not cause or contribute to exceedances of receiving water limitations in Parts V.A and VI.E and Attachments L through R, and (iii) do not include non-storm water discharges that are effectively prohibited pursuant to Part III.A. The programs shall also ensure that controls are implemented to reduce the discharge of pollutants to the maximum extent practicable (MEP) pursuant to Part IV.A.1." The revised WMP needs to acknowledge the broader goals set forth in the permit.</p>
<p>Part VI.C.5.a.iii.(1)(a)(v) (Source Assessment, page 60)</p>	<p>The MS4 Permit requires that TMDL source investigations be considered in the source assessment. Although several TMDLs are discussed in Section 2.2, others with potentially useful insights such as the Los Angeles River metals TMDL were not. The group should consider the source investigations from all relevant TMDLs for possible insights into important sources that might be useful in designing an effective program.</p>
<p>Part VI.C.5.a.iii.(1)(a)(vi) (Source Assessment, page 60)</p>	<p>The MS4 Permit requires the source assessment to include data and conclusions from watershed model results. The Regional Water Board did not find any responsive information in the draft WMP and any available information should be noted in the final WMP. For example, relevant findings presented in the implementation plans for the LA River metals TMDL submitted in</p>

LA County MS4 Permit Provision*	Summary of Comments and Necessary Revisions
	<p>October 2010 by Reach 1 and Compton Creek participating jurisdictions and Reach 2 participating jurisdictions should be included.</p>
<p>Part VI.C.5.a.iii.(1)(a)(vii) (Source Assessment, page 60)</p>	<p>The MS4 Permit requires a map of the MS4 including major outfalls and major structural controls. Appendix H of the CIMP provides maps showing the major outfalls and Appendix D of the draft WMP provides a tabular list of existing and proposed BMPs. The revised WMP should include a map (or GIS project file) of these BMPs as well. Also, the outfall database should be submitted with the revised WMP. In addition, Section VII.A of Attachment E to the MS4 Permit requires maps of the drainage areas associated with the outfalls and these were not provided. Section 1.3.2 of the WMP does note that 53 catchments are located in the watershed, and maps showing these drainage areas should be provided. If these are not readily available, a process and timeline for developing this spatial information should be included in the revised WMP.</p>
<p>Part VI.C.5.a.iv.(1) (Prioritization, page 60)</p>	<p>The MS4 Permit requires a strategy to implement pollutant controls necessary to achieve WQBELs and/or receiving water limitations (RWLs) with compliance deadlines that have already passed and limitations have not been achieved. The LA River metals TMDL includes interim wet and dry water quality-based effluent limitations with a compliance deadline of January 2012; the WMP needs to address the compliance status of the Permittees with these limitations, and ensure compliance.</p> <p>In Section 3.4.1.6, the draft WMP states, “[a]s recognized by the footnote in Attachment K-4 of the Permit, the Participating Agencies have entered into an Amended Consent Decree with the United States and the State of California, including the Regional Board, pursuant to which the Regional Board has released the Participating Agencies from responsibility for toxic pollutants in the Dominguez Channel and the Greater Los Angeles and Long Beach Harbors.”</p> <p>This statement misinterprets the Regional Water Board’s findings. Footnote 1 to Table K-4 of the LA County MS4 Permit states, “[t]he requirements of this Order to Implement the obligations of this TMDL do not apply to a Permittee to the extent that it is determined that the Permittee has been released from that obligation pursuant to the Amended Consent Decree entered in</p>

LA County MS4 Permit Provision*	Summary of Comments and Necessary Revisions
	<p>United States v. Montrose Chemical Corp., Case No. 90-3122 AAH (JRx)." As stated in the responses to comments received on the Dominguez Channel and Greater Harbor Waters Toxic Pollutants TMDL, "...primarily one pollutant, DDT, is associated with the Superfund site and also addressed by the TMDL. The TMDL addresses numerous pollutants and utilizes a different process than Superfund. The other pollutants – heavy metals, PAHs, PCBs and other legacy pesticides are not within Superfund’s focus at the Montrose OU2 Site..."</p> <p>Further, the WQBELs in Attachment N, Part E of the LA County MS4 Permit and Part VIII.P of the Long Beach MS4 Permit are for ongoing discharges from the MS4, not for the historic contamination of the bed sediments. Therefore, the statement in the draft WMP incorrectly concludes that the aforementioned Consent Decree releases MS4 Permittees from any obligation to implement the WQBELs in the MS4 permits.</p>
<p>Part VI.C.5.a.iv.(2)(a) (Prioritization, page 60)</p>	<p>Where data indicate impairment or exceedances of RWLs and the findings from the source assessment implicate discharges from the MS4, the Permit requires a strategy for controlling pollutants that is sufficient to achieve compliance as soon as possible. Although Section 3 includes a compliance strategy, the program needs to more clearly demonstrate that the compliance schedule (Section 5) ensures compliance is "as soon as possible."</p>
<p>Part VI.C.5.b.iv.(5)(c) (Selection of Watershed Control Measures, page 64)</p>	<p>For waterbody-pollutant combinations not addressed by TMDLs, the MS4 Permit requires that the plan demonstrate using the reasonable assurance analysis (RAA) that the activities and control measures to be implemented will achieve applicable receiving water limitations as soon as possible. The RAA demonstrates the control measures would be adequate to comply with the limitations/deadlines for the "limiting pollutants" for TMDLs and concludes that this will ensure compliance for all other pollutants of concern. However, it does not address the question of whether compliance with limitations for pollutants not addressed by TMDLs could be achieved in a shorter time frame.</p>
<p>Part VI.C.5.b.iv.(4)(b)-(c) (Selection of Watershed Control Measures, page 63)</p>	<p>The MS4 Permit requires that the WMP provide specificity with regard to structural and non-structural BMPs, including the number, type, and location(s), etc. adequate to assess compliance. In a number of cases, additional specificity on the</p>

LA County MS4 Permit Provision*	Summary of Comments and Necessary Revisions
	<p>number, type and general location(s) of watershed control measures as well as the timing of implementation for each is needed. (Regional Water Board staff notes, for example, that many watershed control measures in the implementation schedule only reference the year (or years) that a measure or milestone will be implemented. This should be revised to include more specific and/or exact dates where appropriate.)</p> <p>Additionally, many watershed control measures in the implementation schedule are ongoing measures that are not new interim milestones (e.g. MCMs, implementation of SB 346, enhanced street sweeping, etc.). For transparency, Regional Water Board staff recommends that ongoing measures clearly be separated from interim milestones for structural controls and non-structural BMPs in the implementation schedule.</p> <p>Regional Water Board staff recognizes uncertainties may complicate establishment of specific implementation dates, however there should at least be more specificity on actions within the current and next permit terms.</p> <p><u>Green Street Conversion:</u> The RAA identifies potential areas for green street conversion and assumes a 30% conversion of the road length in the suitable areas; however, the specific locations and projects are not identified. Although it may not be possible to provide detailed information on specific projects at this time, the WMP should at least commit to the construction of the necessary number of projects to ensure compliance with permit requirements per applicable compliance schedules.</p> <p><u>Reductions from New Non-structural Controls:</u> The WMP assumes a 10% pollutant reduction from new non-structural controls. Although 10% is a modest fraction of the overall controls necessary, additional support for this assumption should be provided, or as part of the adaptive management process, the Permittees should commit to evaluate this assumption during program implementation and develop alternate controls if it becomes apparent that the assumption is not supported.</p>
<p>Part VI.C.5.b.iv.(4)(b)-(c) (Selection of Watershed Control Measures, page 63)</p>	<p><u>Reductions in Irrigation Runoff:</u> For dry weather, the WMP assumes a 25% reduction in irrigation (which results in a 60% reduction in pollutant discharges);</p>

LA County MS4 Permit Provision*	Summary of Comments and Necessary Revisions
	<p>additional support should be provided for this assumption, or as part of the adaptive management process, the Permittees need to commit to evaluate this assumption during program implementation and develop alternate controls if it becomes apparent that the assumption is not supported.</p> <p><u>Regional BMPs:</u> Section 1.4.2 of Attachment A to the RAA points out that additional potential regional BMPs were identified to provide the remaining BMP volume noted in Table 9-4. It indicates they can be found in Section 4 of the WMP (actually, they are found in Section 3). The RAA should clarify that sufficient sites were identified so that the remaining necessary BMP volume can be achieved by those sites that were not “excluded for privacy.”</p> <p><u>Industrial Facilities:</u> The draft WMP, including the RAA, excludes stormwater runoff from non-MS4 facilities within the WMA from the stormwater treatment target. In particular, industrial facilities that are permitted by the Water Boards under the Industrial General Permit or an individual stormwater permit were identified and subtracted from the treatment target.</p> <p>Regional Water Board staff recognizes that this was done with the assumption that these industrial facilities will retain their runoff and/or eliminate their cause/contribution to receiving water exceedances, as required by their respective NPDES permit. However, it is important that the Permittees’ actions under its Industrial/Commercial Facilities Program—including tracking critical industrial sources, educating industrial facilities regarding BMP requirements, and inspecting industrial facilities—ensure that all industrial facilities are implementing BMPs as required.</p> <p><u>Caltrans Facilities:</u> The draft WMP, including the RAA, takes a similar approach for areas under the jurisdiction of the California Department of Transportation (Caltrans). Caltrans facilities that are permitted under the Caltrans MS4 permit (Order No. 2012-0011-DWQ) were also identified and subtracted from the treatment target.</p> <p>It should be noted that the Amendment to the Caltrans Permit (Order WQ 2014-0077-DWQ) includes provisions to address TMDL requirements throughout the state. Revisions to Attachment IV of the Caltrans Permit require that Caltrans prioritize all TMDLs for implementation of source control measures and BMPs, with</p>

LA County MS4 Permit Provision*	Summary of Comments and Necessary Revisions
	<p>prioritization being "consistent with the final TMDL deadlines to the extent feasible."</p> <p>Additionally, the Caltrans Permit also includes provisions for collaborative implementation through Cooperative Implementation Agreements between Caltrans and other responsible entities to conduct work to comply with a TMDL. By contributing funds to Cooperative Implementation Agreements and/or the Cooperative Implementation Grant Program, Caltrans may receive credit for compliance units, which are needed for compliance under the Caltrans Permit.</p> <p>In a similar manner, the LA County MS4 Permit includes provisions for Permittees to control the contribution of pollutants from one portion of the shared MS4 to another portion of the MS4 through interagency agreements with other MS4 owners—such as Caltrans—to successfully implement the provisions of the Order (see Parts VI.A.2.a.viii and VI.A.4.a.iii). Therefore, the Permittees should ensure that they are closely coordinating with appropriate Caltrans District staff regarding the identification and implementation of watershed control measures to achieve water quality requirements (i.e. applicable Receiving Water Limitations and WQBELs).</p> <p>Regional Water Board Staff recognizes that the Group has taken the initial steps for such collaboration since Caltrans participates in the Group and the draft WMP notes Caltrans in its strategies for runoff reduction and total suspended solids reduction.</p>
<p>Part VI.C.5.b.iv.(4)(c) (Selection of Watershed Control Measures – SB 346 Copper Reductions)</p>	<p>The draft WMP appears to rely heavily on the phase-out of copper in automotive brake pads, via approved legislation SB 346, to achieve the necessary copper load reductions. Given the combination of other Cu sources identified in various LA TMDLs such as building materials, other vehicle wear, air deposition from fuel combustion and industrial facilities, and that SB 346 progressively phases out Cu content in brakes of new cars (5% by weight until 2021, 0.5% by weight until 2025), then other structural and non-structural BMPs may still be needed to reduce Cu loads sufficiently to achieve compliance deadlines for interim and/or final WQBELs.</p>
<p>Part VI.C.5.b.iv.(1)(a)(ii) (Minimum Control Measures – Industrial/Commercial Facilities)</p>	<p>The Group proposes to alter the commercial and industrial facility inspection frequencies in Parts VI.D.6.d and VI.D.6.e of the LA</p>

LA County MS4 Permit Provision*	Summary of Comments and Necessary Revisions
<p>Program)</p>	<p>County MS4 Permit.</p> <p>The proposed modification includes a prioritization process in which the MS4 Permittees rate applicable facilities as high, medium, or low priority. High priority facilities are inspected more frequently and low priority facilities are inspected less frequently. The prioritization scheme included in Figure ICF-1 prioritizes facilities by their potential water quality impact. However, the draft WMP also notes that Cities "may follow an alternative prioritization method provided it results in a similar three-tiered scheme." The revised WMP should ensure that any alternative prioritization method used by a City must also be based on water quality impact. No statement to this effect was included.</p> <p>Furthermore, the draft WMP also notes that Cities can prioritize and reprioritize facilities at any time based on their discretion. The Group should revise their draft WMP to clearly state when the initial prioritization of facilities will occur. Additionally, the Group should be explicitly clear that during any reprioritization, the ratio of low priority to high priority facilities must always remain at 3:1 or lower to maintain inspection frequencies identified in the draft WMP.</p>
<p>Part VI.C.5.b.iv.(5)</p>	<p>The RAA identifies zinc as the limiting pollutant and notes that this pollutant will drive reductions of other pollutants.</p> <p>If the Group believes that that this approach demonstrates that activities and control measures will achieve applicable receiving water limitations, it should explicitly state and justify this for each category 1, 2, and 3 pollutant.</p>
<p>Part VI.C.5.c.iii.(3) (Compliance Schedules – Bacteria)</p>	<p>The draft WMP proposes a final compliance date of September 2030 for bacteria in the LA River Estuary. However, the Group does not provide sufficient justification for this date. The compliance date for the lower Reach 2 and Reach 1 of the LA River is 2024 for achieving the dry-weather WQBELs. A Load Reduction Strategy must be submitted for this segment (Segment A in the TMDL) by September 2016. These dates are more appropriate to guide the schedule to address bacteria discharges during dry weather to the LA River Estuary.</p> <p>Additional milestones and a schedule of dates for achieving milestones should be defined for addressing bacteria discharges</p>

LA County MS4 Permit Provision*	Summary of Comments and Necessary Revisions
	to the LA River Estuary.

*Equivalent provisions are also found in the Long Beach MS4 Permit



Los Angeles Regional Water Quality Control Board

TO: Lower Los Angeles River Watershed Management Group

FROM: C.P. Lai, Ph.D., P.E. and Thanhloan Nguyen
LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD

DATE: October 27, 2014

SUBJECT: COMMENTS ON REASONABLE ASSURANCE ANALYSIS REPORT FOR
LOWER LOS ANGELES RIVER WATERSHED MANAGEMENT AREA

This memorandum contains comments on the Reasonable Assurance Analysis (RAA), dated June 27, 2014, which was submitted by the Lower Los Angeles River Watershed Management Group.

- A. General comments on the draft Reasonable Assurance Analysis (RAA) section of the Watershed Management Program.
1. The Lower Los Angeles River Watershed Management Area (LLAR WMA) is subject to interim and final water quality-based effluent limitations pursuant to Attachment O, Part A "Los Angeles River Watershed Trash TMDL, Part B "Los Angeles River Nitrogen Compounds and Related Effects TMDL", Part C "Los Angeles River and Tributaries Metals TMDL", and Part D "Los Angeles River Watershed Bacteria TMDL". To the extent that MS4 Permittees within the LLAR WMA discharge directly to the Los Angeles River Estuary and/or San Pedro Bay, those discharges are subject to the WQBELs in Attachment N, Part E "Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL".¹

To the extent that discharges to the Los Angeles River Estuary are to be addressed by the LLAR WMP, pursuant to Part VI.C.5.a.iv(1) and VI.C.5.b.iv, pages 60 and 62-63 of the LA County MS4 Permit, the Lower Los Angeles River Group is required to conduct a reasonable assurance analysis to demonstrate that the WQBELs that are established in the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL shall be achieved through implementation of the watershed control measure proposed in the WMP. However, the Dominguez Channel and Greater Los

¹ The LLAR WMP states that, "[a]ll of the Lower LAR Agencies ... discharge to the LAR above the Estuary." It also states, "[t]he areas under [the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants] TMDL discharging directly to the Los Angeles and Long Beach Harbors will be addressed separately in the Long Beach individual WMP..." (Section 3.4.1.6, p. 3-29). It is unclear whether discharges from the City of Long Beach to the Los Angeles River Estuary are being addressed in the LLAR WMP or in a separate individual WMP submitted by the City of Long Beach. In section 3.4.1.5, the draft WMP states, "[t]his Watershed Management Program incorporates the LARE..." (p. 3-28). Clarification is needed as to whether the LLAR WMP addresses discharges to the Los Angeles River Estuary or not.

Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL was appears to be completely omitted from the draft WMP. The draft WMP did not include and analyze a strategy to implement pollutant controls necessary to achieve all applicable interim and final water quality-based effluent limitations and/or receiving water limitations with interim or final compliance deadlines within the permit term pursuant to the corresponding compliance schedules in the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL.

2. The draft Lower Los Angeles River WMP identified water quality priorities for Los Angeles River (Estuary, Reaches 1 and 2), Compton Creek, and Rio Hondo), but not for San Pedro Bay. Pursuant to Section VI.C.5.a., the WMP should be revised to include an evaluation of existing water quality conditions, classify them into categories, identify potential sources, and identify strategies, control measures, and BMPs as required in the permit for San Pedro Bay unless MS4 discharges from the LLAR WMA directly to San Pedro Bay are being addressed in a separate WMP.
 3. The draft WMP provided corresponding implementation schedules for nonstructural BMPs, which are assumed to result a 10% reduction in pollutant load. For structural BMPs, general implementation timeframes are given for the Proposition 84 Grant Award projects (section 5.2), implementation of the Planning and Land Development Program by Permittees (section 5.3.1), and wet weather volume reductions to meet 31% and 50% of the compliance target by 2017 and 2024, respectively. However, greater specificity should be provided with regard to these dates, and additional milestones and dates for their achievement between 2017 and 2024 should be included.
- B. Modeling comments regarding analysis of copper, lead, zinc, DDT, PCB, PAH, and bacteria concentrations/loads in Appendix A-4-1 of the draft Lower Los Angeles River WMP:
1. The model predicted stormwater runoff volume is used as a surrogate for required pollutant load reductions for wet weather conditions. Thus, the predicted flow volume becomes a very important parameter for evaluating required volume reductions and BMP scenarios. Based on the results of the hydrology calibration shown in Table 4-2 and Table 4-3, the error differences between modeled flow volumes and observed data are 11.88% for the Lower Los Angeles River. For calibration purposes, upstream flow volume should be included to determine whether that improves the model performance to within the "Good" or "Very Good" range, per the RAA Guidelines. Once model calibration has been completed, the upstream flow volume can then be excluded when presenting the volume reduction targets in Tables 8-1 to 8-4.
 2. While we understand that there is significant reliance on a volume-based approach, the predicted baseline concentrations and loads for all modeled pollutants of concern, including TSS, should be presented in summary tables for wet weather conditions. This model output should be available, since it is the basis for the percent reductions in pollutant load presented in Table 5-6. (See Table 5. Model Output for Both Process-based BMP Models and Empirically-based BMP Models, pages 20-21 of the RAA Guidelines).
 3. Further, the differences between baseline concentrations/loads and allowable concentrations/loads should be presented in time series for each pollutant under long-term continuous simulation and as a summary of the differences between pollutant

concentrations/loads and allowable concentrations/loads for the critical wet weather period. (See Table 5. Model Output for Both Process-based BMP Models and Empirically-based BMP Models, pages 20-21 of the RAA Guidelines).

4. We note that modeling was not conducted for organics (DDT, PCBs, and PAHs). It is not clear why these pollutants were not modeled or why previous modeling of these pollutants could not be used, such as that conducted during the development of the Dominguez Channel and Greater LA and Long Beach Harbor Waters Toxic Pollutants TMDL. An explanation for the lack of modeling is needed.
5. The report presents the existing runoff volumes, required volume reductions and proposed volume reductions from BMP scenarios to achieve the 85th percentile, 24-hour volume retention standard for each major watershed area. The same information on the runoff volume associated with the 85th percentile, 24-hour event and the proposed runoff volume reduction from each BMP scenario also needs to be presented for each modeled subbasin (e.g., a series of tables similar to 8-1 through 8-4 and 9-4 through 9-7). See Table 5 of the RAA Guidelines. Additionally, more explanation is needed as to what constitutes the "incremental" and "cumulative" critical year storm volumes in tables 9-4 through 9-7 and how these values were derived from previous tables.
6. The report needs to present the same information, if available, for non-stormwater runoff. Alternatively, the report should include a commitment to collect the necessary data in each watershed area, through the non-stormwater outfall screening and monitoring program, so that the model can be re-calibrated during the adaptive management process to better characterize non-stormwater flow volumes and to demonstrate that proposed volume retention BMPs will capture 100 percent of non-stormwater that would otherwise be discharged through the MS4 in each watershed area.
7. The ID number for each of the 147 subwatersheds from the model input file should be provided and be shown in the simulation domain to present the geographic relationship of subwatersheds, within each watershed area, that are simulated in the LSPC model.



Los Angeles Regional Water Quality Control Board

October 30, 2014

Lower San Gabriel River Watershed Management Group
(See Distribution List)

REVIEW OF THE LOWER SAN GABRIEL RIVER WATERSHED MANAGEMENT AREA DRAFT WATERSHED MANAGEMENT PROGRAM, PURSUANT TO PART VI.C OF THE LOS ANGELES COUNTY MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT (NPDES PERMIT NO. CAS004001; ORDER NO. R4-2012-0175) AND PART VII.C OF THE LONG BEACH MS4 PERMIT (NPDES PERMIT NO. CAS004003; ORDER NO. R4-2014-0024)

Dear Lower San Gabriel River Watershed Management Group:

The Regional Water Board has reviewed the draft Watershed Management Program (WMP) submitted on June 30, 2014 by the Lower San Gabriel River Watershed Management Group. This program was submitted pursuant to the provisions of NPDES Permit No. CAS004001 (Order No. R4-2012-0175), which authorizes discharges from the municipal separate storm sewer system (MS4) operated by 86 municipal Permittees within Los Angeles County (hereafter, LA County MS4 Permit). The LA County MS4 Permit allows Permittees the option to develop either a Watershed Management Program (WMP) or Enhanced Watershed Management Program (EWMP) to implement permit requirements on a watershed scale through customized strategies, control measures, and best management practices (BMPs). Development of a WMP or EWMP is voluntary and may be developed individually or collaboratively.

NPDES Permit No. CAS004003 (Order No. R4-2014-0024) authorizes MS4 discharges from the City of Long Beach (hereafter, Long Beach MS4 Permit). The Long Beach MS4 Permit similarly allows for the City of Long Beach to develop either a WMP or EWMP to implement permit requirements, with the option of collaborating with LA County MS4 Permit Permittees. For simplicity, this letter and its enclosures cite provisions in the LA County MS4 Permit, though the City of Long Beach is a member of the Lower San Gabriel River Watershed Management Group and is permitted under its own individual permit.

The purpose of a WMP or EWMP is for a Permittee to develop and implement a comprehensive and customized program to control pollutants in MS4 discharges of stormwater and non-stormwater to address the highest water quality priorities. These include complying with the required water quality outcomes of Part V.A (Receiving Water Limitations) and Part VI.E and Attachments L through R (Total Maximum Daily Load (TMDL) Provisions) of the LA County MS4 Permit. If a Permittee opts to develop a WMP or EWMP, the WMP or EWMP must meet the requirements, including conducting a Reasonable Assurance Analysis (RAA), of Part VI.C (Watershed Management Programs) of the LA County MS4 Permit and must be approved by the Regional Water Board.

CHARLES STEINBERG, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

320 West 4th St., Suite 200, Los Angeles, CA 90013 | www.waterboards.ca.gov/losangeles

As stated above, on June 30, 2014, the Lower San Gabriel River Watershed Management Group submitted a draft WMP to the Regional Water Board pursuant to Part VI.C.4.c of the LA County MS4 Permit.

The Regional Water Board has reviewed the draft WMP and has determined that, for the most part, the draft WMP includes the elements and analysis required in Part VI.C of the LA County MS4 Permit. However, some revisions to the City's draft WMP are necessary. The Regional Water Board's comments on the draft WMP, including detailed information concerning necessary revisions to the draft WMP, are found in Enclosure 1 and Enclosure 2, respectively. The LA County MS4 Permit includes a process through which necessary revisions to the draft WMP can be made (Part VI.C.4 in the LA County MS4 Permit). The process requires that a final WMP, revised to address Regional Board comments identified in the enclosures, must be submitted to the Regional Water Board not later than three months after comments are received by the Permittees on the draft program. Please make the necessary revisions to the draft WMP as identified in the enclosures to this letter and submit the revised WMP as soon as possible and no later than **January 30, 2015**.

The revised WMP must be submitted to losangeles@waterboards.ca.gov with the subject line "LA County MS4 Permit – Revised Draft Lower San Gabriel River WMP" with a copy to Ivar.Ridgeway@waterboards.ca.gov and Chris.Lopez@waterboards.ca.gov.

If the necessary revisions are not made, the Lower San Gabriel River Cities will be subject to the baseline requirements in Part VI.D of the Order and shall demonstrate compliance with receiving water limitations pursuant to Part V.A and with applicable interim and final water quality-based effluent limitations (WQBELs) in Part VI.E and Attachment P pursuant to subparts VI.E.2.d.i.(1)-(3) and VI.E.2.e.i.(1)-(3), respectively.

Until the draft Lower San Gabriel River WMP is approved, the Cities are required to:

- (a) Continue to implement all watershed control measures in its existing storm water management programs, including actions within each of the six categories of minimum control measures consistent with Title 40, Code of Federal Regulations, section 122.26(d)(2)(iv);
- (b) Continue to implement watershed control measures to eliminate non-storm water discharges through the MS4 that are a source of pollutants to receiving waters consistent with Clean Water Act section 402(p)(3)(B)(ii); and
- (c) Target implementation of watershed control measures in (a) and (b) above to address known contributions of pollutants from MS4 discharges to receiving waters.

In addition on June 30, 2014, the Lower San Gabriel River Watershed Management Group submitted a draft Coordinated Integrated Monitoring Program (CIMP) to the Regional Water Board pursuant to Part IV.C of Attachment E of the LA County MS4 Permit. The Regional Water Board review and comments on the draft CIMP will be provided under separate cover.

If you have any questions, please contact Mr. Chris Lopez of the Storm Water Permitting Unit by electronic mail at Chris.Lopez@waterboards.ca.gov or by phone at (213) 576-6674. Alternatively, you may also contact Mr. Ivar Ridgeway, Chief of the Storm Water Permitting Unit, by electronic mail at Ivar.Ridgeway@waterboards.ca.gov or by phone at (213) 620-2150.

Sincerely,



Samuel Unger, P.E.
Executive Officer

Enclosures:

- Enclosure 1 – Summary of Comments and Necessary Revisions
- Enclosure 2 – Comments on Reasonable Assurance Analysis

cc: John Hunter, John L. Hunter and Associates, Inc.



Los Angeles Regional Water Quality Control Board

Enclosure 1 to October 30, 2014 Letter Regarding the Lower San Gabriel River Watershed Management Group's Draft Watershed Management Program

Summary of Comments and Necessary Revisions to Draft Watershed Management Program

LA County MS4 Permit Provision*	Regional Water Board Staff Comment and Necessary Revision
<p>Part VI.C.1.d (Purpose of Watershed Management Program)</p>	<p>Section 1.1 of the draft WMP states, "the goal of these requirements is to reduce the discharge of pollutants from MS4s to the maximum extent practicable." The goal of the three permits and of a WMP is broader than presented (p. 1-1). Per Part VI.C.1.d of the LA County MS4 Permit, the goals of the Watershed Management Programs are to "... ensure that discharges from the Permittee's MS4: (i) achieve applicable water quality-based effluent limitations in Part VI.E and Attachments L through R pursuant to the corresponding compliance schedules, (ii) do not cause or contribute to exceedances of receiving water limitations in Parts V.A and VI.E and Attachments L through R, and (iii) do not include non-storm water discharges that are effectively prohibited pursuant to Part III.A. The programs shall also ensure that controls are implemented to reduce the discharge of pollutants to the maximum extent practicable (MEP) pursuant to Part IV.A.1." The revised WMP needs to acknowledge the broader goals set forth in the permit.</p>
<p>Part VI.C.5.a.ii.(1) (Category 1 Pollutants)</p>	<p>The MS4 permit requires WMPs to include the applicable numeric WQBELs for each approved TMDL within the WMA. These should be clearly listed within the WMP. They are currently identified in the RAA in Tables 5-4 and 5-5, but do not appear presented in the main document.</p>
<p>Part VI.C.5.a.ii.(2)-(3) (Categories 2 and 3 Pollutants)</p>	<p>The WMP needs to specify the applicable receiving water limitations for Category 2 water body pollutant combinations. These should be clearly listed within the WMP. It appears these are listed in Tables 2-3 to 2-11 in association with monitoring site specific summaries of exceedances of water quality objectives; however, it would provide greater clarity to also summarize them in a single table.</p>

LA County MS4 Permit Provision*	Regional Water Board Staff Comment and Necessary Revision
<p>Part VI.C.5.a.iii.(1)(a)(vii) (Source Assessment)</p>	<p>The MS4 Permit requires a map of the MS4 including major outfalls and major structural controls. Appendix H of the CIMP provides maps showing the major outfalls and Appendix D of the draft WMP provides a tabular list of existing and proposed BMPs. The revised WMP should include a map (or GIS project file) of these BMPs as well. Also, the outfall database should be submitted with the revised WMP. In addition, Section VII.A of Attachment E to the MS4 Permit requires maps of the drainage areas associated with the outfalls and these were not provided. Section 1.3.2 of the WMP does note that 107 catchments are located in the watershed, and maps showing these drainage areas should be provided. If these are not readily available, a process and timeline for developing this spatial information should be included in the revised WMP.</p>
<p>Part VI.C.5.a.iv (Watershed Control Measures)</p>	<p>Where data indicate impairment or exceedances of RWLs and the findings from the source assessment implicate discharges from the MS4, the Permit requires a strategy for controlling pollutants that is sufficient to achieve compliance as soon as possible. Although Section 3 includes a compliance strategy, the program needs to more clearly demonstrate that the compliance schedules (Section 5) ensure compliance is "as soon as possible."</p> <p>The WMP needs to provide a clear schedule that demonstrates implementation of the BMPs will achieve the required interim metal reductions by the compliance deadlines. The WMP schedule should at the least provide specificity on actions within the current and next permit terms.</p> <p>Also, given the Gateway Proposition 84 project has received funding as of May 2014, and sites have been identified for BMP installation, it would be reasonable to update the WMP to contain project milestones and implementation timeframes for projects that will be implemented under this grant.</p>

LA County MS4 Permit Provision*	Regional Water Board Staff Comment and Necessary Revision
<p>Part VI.C.5.b.iv.(5)(c) (Selection of Watershed Control Measures)</p>	<p>For waterbody-pollutant combinations not addressed by TMDLs, the MS4 Permit requires that the plan demonstrate using the reasonable assurance analysis (RAA) that the activities and control measures to be implemented will achieve applicable receiving water limitations as soon as possible. The RAA demonstrates the control measures would be adequate to comply with the limitations/deadlines for the "limiting pollutants" for TMDLs and concludes that this will ensure compliance for all other pollutants of concern. However, it does not address the question of whether compliance with limitations for pollutants not addressed by TMDLs could be achieved in a shorter time frame.</p>
<p>Part VI.C.5.b.iv.(1)(a)(ii) (Minimum Control Measures – Industrial/Commercial Facilities Program)</p>	<p>The Group proposes to alter the commercial and industrial facility inspection frequencies in Parts VI.D.6.d and VI.D.6.e of the LA County MS4 Permit.</p> <p>The proposed modification includes a prioritization process in which the member Cities rate applicable facilities as high, medium, or low priority. High priority facilities are inspected more frequently and low priority facilities are inspected less frequently. The prioritization scheme included in Figure ICF-2 prioritizes facilities by their potential water quality impact. However, the draft WMP also notes that Cities "may follow an alternative prioritization method provided it results in a similar three-tiered scheme." The revised WMP should ensure that any alternative prioritization method used by a City must also be based on water quality impact. No statement to this effect was included.</p> <p>Furthermore, the draft WMP also notes that Cities can prioritize and reprioritize facilities at any time based on their discretion. The Group should revise their draft WMP to clearly state when the initial prioritization of facilities will occur. Additionally, the Group should be explicitly clear that during any reprioritization, the ratio of low priority to high priority facilities must always remain at 3:1 or lower to maintain inspection frequencies identified in the draft WMP.</p>
<p>Part VI.C.5.b.iv.(4)(b)-(c) (Selection of Watershed Control Measures)</p>	<p>The RAA identifies potential areas for green street conversion and assumes a 30% conversion of the road length in the suitable areas; however, the specific locations and projects are not identified. Although it may not be possible to provide detailed information on specific projects at this time, the WMP should at least commit to the construction of the necessary number of projects to ensure compliance with permit requirements per applicable compliance schedules.</p>

LA County MS4 Permit Provision*	Regional Water Board Staff Comment and Necessary Revision
<p>Part VI.C.5.b.iv.(4)(d) (Watershed Control Measures – Milestones)</p>	<p>The MS4 Permit requires that the WMP provide specificity with regard to structural and non-structural BMPs, including the number, type, and location(s), etc. adequate to assess compliance. In a number of cases, additional specificity on the number, type and general location(s) of watershed control measures as well as the timing of implementation for each is needed. (Regional Water Board staff notes, for example, that many watershed control measures in the implementation schedule only reference the year (or years) that a measure or milestone will be implemented. This should be revised to include more specific and/or exact dates where appropriate.)</p> <p>Additionally, many watershed control measures in the implementation schedule are ongoing measures that are not new interim milestones (e.g. MCMs, implementation of SB 346, enhanced street sweeping, etc.). For transparency, Regional Water Board staff recommends that ongoing measures clearly be separated from interim milestones for structural controls and non-structural BMPs in the implementation schedule.</p> <p>Regional Water Board staff recognizes uncertainties may complicate establishment of specific implementation dates, however there should at least be more specificity on actions within the current and next permit terms to ensure that the following interim requirements are met: (1) a 10% reduction in metals loads during wet weather and a 30% reduction in dry weather by 2017 and (2) a 35% reduction in metals loads during wet weather and a 70% reduction during dry weather by 2020.</p>
<p>Part VI.C.5.b.iv.(4)(c) (Watershed Control Measures – SB 346 Copper Reductions)</p>	<p>The draft WMP appears to rely mostly on the phase-out of copper in automotive brake pads, via approved legislation SB 346, to achieve the necessary copper load reductions. Given the combination of other Cu sources identified in various LA TMDLs such as building materials, other vehicle wear, air deposition from fuel combustion and industrial facilities, and that SB 346 progressively phases out Cu content in brakes of new cars (5% by weight until 2021, 0.5% by weight until 2025), then other structural and non-structural BMPs may still be needed to reduce Cu loads sufficiently to achieve compliance deadlines for interim and/or final WQBELs.</p>

LA County MS4 Permit Provision*	Regional Water Board Staff Comment and Necessary Revision
<p>Part VI.C.5.b.iv.(5) (Reasonable Assurance Analysis – Limiting Pollutant)</p>	<p>The RAA identifies zinc as the limiting pollutant and notes that this pollutant will drive reductions of other pollutants.</p> <p>If the Group believes that that this approach demonstrates that activities and control measures will achieve applicable receiving water limitations, it should explicitly state and justify this for each category 1, 2, and 3 pollutant.</p>
<p>Part VI.C.5.b.iv.(5) (Reasonable Assurance Analysis – New Non-Structural Controls)</p>	<p>The draft assumes a 10% pollutant reduction from new non-structural controls. Although 10% is a modest fraction of the overall controls necessary, additional support for this assumption should be provided, particularly since the group appears to be relying almost entirely on these controls for near-term pollutant reductions to achieve early interim milestones/deadlines. Additionally, as part of the adaptive management process, the Permittees should commit to evaluate this assumption during program implementation and develop alternate controls if it becomes apparent that the assumption is not supported.</p>
<p>Part VI.C.5.b.iv.(5) (Reasonable Assurance Analysis – Irrigation Reductions)</p>	<p>For dry weather, the WMP assumes a 25% reduction in irrigation (RAA, section 7.1.2). Additional support should be provided for this assumption, particularly since the group appears to be relying almost entirely on this non-structural BMP for near-term pollutant reductions to meet early interim milestones/deadlines. Additionally, as part of the adaptive management process, the Permittees need to commit to evaluate this assumption during program implementation and develop alternate controls if it becomes apparent that the assumption is not supported.</p>
<p>Part VI.C.5.b.iv.(5) (Reasonable Assurance Analysis – Regional BMPs)</p>	<p>Section 1.4.2 of Attachment A to the RAA points out that additional potential regional BMPs were identified to provide the remaining BMP volume noted in Table 9-4. It indicates they can be found in Section 4 of the WMP (actually, they are found in Section 3). The RAA should clarify that sufficient sites were identified so that the remaining necessary BMP volume can be achieved by those sites that were not "excluded for privacy."</p>

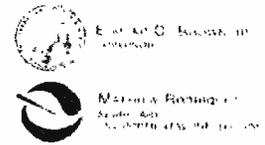
LA County MS4 Permit Provision*	Regional Water Board Staff Comment and Necessary Revision
<p>Part VI.C.5.b.iv.(5) (Reasonable Assurance Analysis – Permitted Industrial Facilities)</p>	<p>The draft WMP, including the RAA, excludes stormwater runoff from non-MS4 facilities within the WMA from the stormwater treatment target. In particular, industrial facilities that are permitted by the Water Boards under the Industrial General Permit or an individual stormwater permit were identified and subtracted from the treatment target.</p> <p>Regional Water Board staff recognizes that this was done with the assumption that these industrial facilities will retain their runoff and/or eliminate their cause/contribution to receiving water exceedances, as required by their respective NPDES permit. However, it is important that the Group's actions under its Industrial/Commercial Facilities Program—including tracking critical industrial sources, educating industrial facilities regarding BMP requirements, and inspecting industrial facilities—ensure that all industrial facilities are implementing BMPs as required.</p>

LA County MS4 Permit Provision*	Regional Water Board Staff Comment and Necessary Revision
<p>Part VI.C.5.b.iv.(5) (Reasonable Assurance Analysis – Caltrans Facilities)</p>	<p>The draft WMP, including the RAA, takes a similar approach for areas under the jurisdiction of the California Department of Transportation (Caltrans). Caltrans facilities that are permitted under the Caltrans MS4 permit (Order No. 2012-0011-DWQ) were also identified and subtracted from the treatment target.</p> <p>It should be noted that the Amendment to the Caltrans Permit (Order WQ 2014-0077-DWQ) includes provisions to address TMDL requirements throughout the state. Revisions to Attachment IV of the Caltrans Permit require that Caltrans prioritize all TMDLs for implementation of source control measures and BMPs, with prioritization being “consistent with the final TMDL deadlines to the extent feasible.”</p> <p>Additionally, the Caltrans Permit also includes provisions for collaborative implementation through Cooperative Implementation Agreements between Caltrans and other responsible entities to conduct work to comply with a TMDL. By contributing funds to Cooperative Implementation Agreements and/or the Cooperative Implementation Grant Program, Caltrans may receive credit for compliance units, which are needed for compliance under the Caltrans Permit.</p> <p>In a similar manner, the LA County MS4 Permit includes provisions for Permittees to control the contribution of pollutants from one portion of the shared MS4 to another portion of the MS4 through interagency agreements with other MS4 owners—such as Caltrans—to successfully implement the provisions of the Order (see Parts VI.A.2.a.viii and VI.A.4.a.iii). Therefore, the Group should ensure that it is closely coordinating with appropriate Caltrans District staff regarding the identification and implementation of watershed control measures to achieve water quality requirements (i.e. applicable Receiving Water Limitations and WQBELs).</p> <p>Regional Water Board staff recognizes that the Group has taken the initial steps for such collaboration since Caltrans participates in the Group.</p>

LA County MS4 Permit Provision*	Regional Water Board Staff Comment and Necessary Revision
<p>Part VI.C.5.b.iv.(4)(a) (Watershed Control Measures, page 63)</p>	<p>In Section 3.4.1.1, the draft WMP states, "[a]s recognized by the footnote in Attachment K-4 of the Permit, the Participating Agencies have entered into an Amended Consent Decree with the United States and the State of California, including the Regional Board, pursuant to which the Regional Board has released the Participating Agencies from responsibility for toxic pollutants in the Dominguez Channel and the Greater Los Angeles and Long Beach Harbors."</p> <p>This statement misinterprets the Regional Water Board's findings. Footnote 1 to Table K-4 of the LA County MS4 Permit states, "[t]he requirements of this Order to implement the obligations of this TMDL do not apply to a Permittee to the extent that it is determined that the Permittee has been released from that obligation pursuant to the Amended Consent Decree entered in United States v. Montrose Chemical Corp., Case No. 90-3122 AAH (JRx)." As stated in the responses to comments received on the Dominguez Channel and Greater Harbor Waters Toxic Pollutants TMDL, "...primarily one pollutant, DDT, is associated with the Superfund site and also addressed by the TMDL. The TMDL addresses numerous pollutants and utilizes a different process than Superfund. The other pollutants – heavy metals, PAHs, PCBs and other legacy pesticides are not within Superfund's focus at the Montrose OU2 Site..."</p> <p>Further, the WQBELs in Attachment P, Part E of the LA County MS4 Permit and Part VIII.P of the Long Beach MS4 Permit are for ongoing discharges from the MS4, not for the historic contamination of the bed sediments. Therefore, the statement in the draft WMP incorrectly concludes that the aforementioned Consent Decree releases MS4 Permittees from any obligation to implement the WQBELs in the MS4 permits.</p>
<p>Part VI.C.5.b.iv.(6) (Legal Authority)</p>	<p>Appendix 7 to the draft WMP includes a copy of legal certifications for all Group members except for Long Beach. The legal certification for Long Beach should be submitted in the revised WMP.</p>

LA County MS4 Permit Provision*	Regional Water Board Staff Comment and Necessary Revision
Part VI.C.5.c (Compliance Schedules)	Page 6-1 notes that "[t]he final non-TMDL water quality standard compliance date is projected to be sometime in 2040." However, the pollutant reduction plan milestones in Section 5 only appear to go up to the year 2026. For watershed priorities related to addressing exceedances for receiving water limitations, the permit requires milestones based on measureable criteria or indicators, a schedule with dates for achieving the milestones, and a final date for achieving the receiving water limitations as soon as possible. These need to be included in the revised WMP.

* Equivalent provisions are also found in the Long Beach MS4 Permit



Los Angeles Regional Water Quality Control Board

TO: Lower San Gabriel River Watershed Management Group

FROM: C.P. Lai, Ph.D., P.E. and Thanhloan Nguyen
LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD

DATE: October 30, 2014

SUBJECT: COMMENTS ON REASONABLE ASSURANCE ANALYSIS FOR LOWER SAN GABRIEL RIVER WATERSHED MANAGEMENT AREA

This memorandum contains comments on the Reasonable Assurance Analysis (RAA), dated June 6, 2014, which was submitted by the Lower San Gabriel River Watershed Management Group.

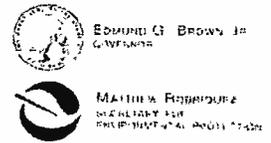
- A. General comments on the draft Reasonable Assurance Analysis section (Section 4 and Appendix A-4-1) of the Watershed Management Program.
1. The Lower San Gabriel River Watershed Management Area (LSGR WMA) is subject to interim and final water quality-based effluent limitations pursuant to Attachment P, Part A "San Gabriel River Metals and Impaired Tributaries Metals and Selenium TMDL" for both wet and dry weather conditions. The LSGR WMA is required to analyze a strategy to implement pollutant controls necessary to achieve applicable interim and final water quality-based effluent limitations for metals and selenium consistent with the interim and final implementation deadlines in the Basin Plan Amendment, Resolution No. R13-004 - Implementation Plan for the TMDLs for Metals and Selenium in the San Gabriel River and Impaired Tributaries. These include:
 - By September 30, 2017, for WQBELs applicable in wet weather a 10% reduction, and dry weather a 30% reduction in the difference between current pollutant loads and the WQBEL.
 - By September 30, 2020, for WQBELs applicable in wet weather a 35% reduction, and in dry weather a 70% reduction in the difference between current pollutant loads and the WQBEL.

As proposed in the WMP, the 10% load reduction was assumed to result from the cumulative effect of nonstructural BMPs. There is uncertainty in the ability of these BMPs to meet the required reductions by September 2017. Additional support for the anticipated pollutant load reductions from these non-structural BMPs and source control measures over the next two to three years should be provided to increase the confidence that these measures can achieve the near-term interim WQBELs by September 2017.

2. Section 5 Compliance Schedule of the draft Watershed Management Plan only provided implementation schedule for non-structural targeted control measures up to 2017. The LSGR Watershed Management Group must provide measureable milestones for implementing each one of the proposed control measures that will allow an assessment of progress toward the interim and final WQBELs and receiving water limitations every two years.
 3. LSGR WMA is also subject to Category 2 priority pollutants, including coliform bacteria. The LSGR WMP proposes to address bacteria with the same runoff reduction and stormwater capture measures proposed for Category 1 pollutants as well as ongoing implementation of minimum control measures. However, this might not be sufficient to reduce bacteria loading to the required levels. The LSGR WMP acknowledges that it will address bacteria more directly during the second and third adaptive management cycles. The LSGR WMP should include a more specific strategy to implement pollutant controls necessary to address this and other Category 2 pollutants prior to the second and third adaptive management cycles.
- B. Modeling comments regarding analysis of copper, lead, zinc, DDT, PCB, PAH, and bacteria concentrations/loads:
1. The model predicted stormwater runoff volume is used as a surrogate for required pollutant load reductions for wet weather conditions. Thus, the predicted flow volume becomes a very important parameter for evaluating required volume reductions and BMP scenarios. Based on the results of the hydrology calibration shown in Table 4-3, the error difference between modeled flow volumes and observed data is 19% for the Lower San Gabriel River. The higher error percentage could be due to the exclusion of contributions of flow volume from upstream. For calibration purposes, upstream flow volume should be included to determine whether that improves the model performance to within the "Good" or "Very Good" range, per the RAA Guidelines. Once model calibration has been completed, the upstream flow volume can then be excluded when presenting the volume reduction targets in Tables 8-3 to 8-4.
 2. While we understand that there is significant reliance on a volume-based approach, the predicted baseline concentrations and loads for all modeled pollutants of concern, including TSS, should be presented in summary tables for wet weather conditions. This model output should be available, since it is the basis for the percent reductions in pollutant load presented in Table 5-6. (See Table 5. Model Output for Both Process-based BMP Models and Empirically-based BMP Models, pages 20-21 of the RAA Guidelines).
 3. Further, the differences between baseline concentrations/loads and allowable concentrations/loads should be presented in time series for each pollutant under long-term continuous simulation and as a summary of the differences between pollutant concentrations/loads and allowable concentrations/loads for the critical wet weather period. (See Table 5. Model Output for Both Process-based BMP Models and Empirically-based BMP Models, pages 20-21 of the RAA Guidelines).
 4. We note that modeling was not conducted for organics (DDT, PCBs, and PAHs). It is not clear why these pollutants were not modeled or why previous modeling of these pollutants could not be used, such as that conducted during the development of the

Dominguez Channel and Greater LA and Long Beach Harbor Waters Toxic Pollutants TMDL. An explanation for the lack of modeling is needed.

5. The report presents the existing runoff volumes, required volume reductions and proposed volume reductions from BMP scenarios to achieve the 85th percentile, 24-hour volume retention standard for each major watershed area (e.g., LLAR, LCC and LSGR) and by jurisdiction. The same information on the runoff volume associated with the 85th percentile, 24-hour event and the proposed runoff volume reduction from each BMP scenario also needs to be presented for each modeled subbasin (e.g., a series of tables similar to 8-3 and 8-4 and 9-6 and 9-7). See Table 5 of the RAA Guidelines. Additionally, more explanation is needed as to what constitutes the "incremental" and "cumulative" critical year storm volumes in tables 9-6 and 9-7 and how these values were derived from previous tables.
6. The report needs to present the same information, if available, for non-stormwater runoff. Alternatively, the report should include a commitment to collect the necessary data in each watershed area, through the non-stormwater outfall screening and monitoring program, so that the model can be re-calibrated during the adaptive management process to better characterize non-stormwater flow volumes and to demonstrate that proposed volume retention BMPs will capture 100 percent of non-stormwater that would otherwise be discharged through the MS4 in each watershed area.
7. The ID number for each of the subwatersheds from the model input file should be provided and be shown in the simulation domain to present the geographic relationship of subwatersheds, within each watershed area, that are simulated in the LSPC model.



Los Angeles Regional Water Quality Control Board

October 27, 2014

Los Angeles River Upper Reach 2 Watershed
Management Group
(See Distribution List)

REVIEW OF THE LOS ANGELES RIVER UPPER REACH 2 WATERSHED MANAGEMENT GROUP'S DRAFT WATERSHED MANAGEMENT PROGRAM, PURSUANT TO PART VI.C OF THE LOS ANGELES COUNTY MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT (NPDES PERMIT NO. CAS004001; ORDER NO. R4-2012-0175)

Dear Los Angeles River Upper Reach 2 Watershed Management Group:

The Regional Water Board has reviewed the draft Watershed Management Program (WMP) submitted on June 26, 2014 by the Los Angeles River Upper Reach 2 Watershed Management Group. This program was submitted pursuant to the provisions of NPDES Permit No. CAS004001 (Order No. R4-2012-0175), which authorizes discharges from the municipal separate storm sewer system (MS4) operated by 86 municipal Permittees within Los Angeles County (hereafter, LA County MS4 Permit). The LA County MS4 Permit allows Permittees the option to develop either a Watershed Management Program (WMP) or Enhanced Watershed Management Program (EWMP) to implement permit requirements on a watershed scale through customized strategies, control measures, and best management practices (BMPs). Development of a WMP or EWMP is voluntary and may be developed individually or collaboratively.

The purpose of a WMP or EWMP is for a Permittee to develop and implement a comprehensive and customized program to control pollutants in MS4 discharges of stormwater and non-stormwater to address the highest water quality priorities. These include complying with the required water quality outcomes of Part V.A (Receiving Water Limitations) and Part VI.E and Attachments L through R (Total Maximum Daily Load (TMDL) Provisions) of the LA County MS4 Permit. If a Permittee opts to develop a WMP or EWMP, the WMP or EWMP must meet the requirements, including conducting a Reasonable Assurance Analysis (RAA), of Part VI.C (Watershed Management Programs) of the LA County Permit and must be approved by the Regional Water Board.

As stated above, on June 26, 2014, the Los Angeles River Upper Reach 2 Watershed Management Group submitted a draft Watershed Management Program (WMP) for their entire jurisdiction to the Regional Water Board pursuant to Part VI.C.4.c of the LA County MS4 Permit.

The Regional Water Board has reviewed the draft WMP and has determined that, for the most part, the draft WMP includes the elements and analysis required in Part VI.C of the LA County MS4 Permit. However, some revisions to the Los Angeles River Upper Reach 2 Watershed

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Management Group's draft WMP are necessary. The Regional Water Board's comments on the draft WMP, including detailed information concerning necessary revisions to the draft WMP, are found in Enclosure 1 and Enclosure 2, respectively. The specific Permit provisions cited in the enclosures refer to provisions in the LA County MS4 Permit. The LA County MS4 Permit includes a process through which necessary revisions to the draft WMP can be made (Part VI.C.4 in the LA County MS4 Permit). The process requires that a final WMP, revised to address Regional Board comments identified in the enclosures, must be submitted to the Regional Water Board not later than three months after comments are received by the Permittees on the draft program. Please make the necessary revisions to the draft WMP as identified in the enclosures to this letter and submit the revised WMP as soon as possible and no later than **January 27, 2015**.

The revised WMP must be submitted to losangeles@waterboards.ca.gov with the subject line "LA County MS4 Permit – Revised Draft LA River Upper Reach 2 WMP" with a copy to Ivar.Ridgeway@waterboards.ca.gov.

If the necessary revisions are not made, the Los Angeles River Upper Reach 2 Watershed Management Group will be subject to the baseline requirements in Part VI.D of the Order and shall demonstrate compliance with receiving water limitations pursuant to Part V.A and with applicable interim and final water quality-based effluent limitations (WQBELs) in Part VI.E and Attachments O and P pursuant to subparts VI.E.2.d.i.(1)-(3) and VI.E.2.e.i.(1)-(3), respectively.

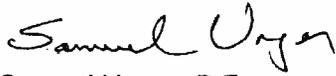
Until the draft WMP is approved, the Los Angeles River Upper Reach 2 Watershed Management Group is required to:

- (a) Continue to implement all watershed control measures in its existing storm water management programs, including actions within each of the six categories of minimum control measures consistent with Title 40, Code of Federal Regulations, section 122.26(d)(2)(iv);
- (b) Continue to implement watershed control measures to eliminate non-storm water discharges through the MS4 that are a source of pollutants to receiving waters consistent with Clean Water Act section 402(p)(3)(B)(ii);
- (c) Target implementation of watershed control measures in (a) and (b) above to address known contributions of pollutants from MS4 discharges to receiving waters; and
- (d) Implement watershed control measures to ensure that MS4 discharges are achieving compliance with final WQBELs for the Los Angeles River Nitrogen Compounds and Related Effects TMDL, and interim and final WQBELs for the Los Angeles River Trash TMDL pursuant to Part VI.E and set forth in Attachment O consistent with the compliance deadlines therein.

In addition on June 26, 2014, the Los Angeles River Upper Reach 2 Watershed Management Group submitted a draft Coordinated Integrated Monitoring Program (CIMP) to the Regional Water Board pursuant to Part IV.C of Attachment E of the LA County MS4 Permit. The Regional Water Board review and comments on the draft CIMP will be provided under separate cover.

If you have any questions, please contact Mr. Ivar Ridgeway, Chief of the Storm Water Permitting Unit, by electronic mail at Ivar.Ridgeway@waterboards.ca.gov or by phone at (213) 620-2150.

Sincerely,



Samuel Unger, P.E.
Executive Officer

Enclosures:

- Attachment 1 Comments and Necessary Revisions to Draft WMP
- Attachment 2 Comments on Reasonable Assurance Analysis for the Los Angeles River Upper Reach 2 Watershed Management Group

cc: Mr. Gerry Greene, CWE

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Los Angeles Regional Water Quality Control Board

Attachment to October 27, 2014 Letter Regarding the Los Angeles River Upper Reach 2 Watershed Management Group's Draft Watershed Management Program (WMP) Submittal Pursuant to Part VI.C of the LA County MS4 Permit (Order No. R4-2012-0175)

Comments and Necessary Revisions to Draft WMP

Issue and MS4 Permit Provision (Permit Page Number)	Regional Water Board Staff Comment and Necessary Revision
<p>Part VI.C.5.a.ii. Waterbody-Pollutant Classification (page 59)</p>	<p>The Group must identify and address Category 3 Waterbody-Pollutant Combinations (WBPCs). The water quality monitoring data from the sites located downstream is appropriate to use to characterize the receiving water quality in the vicinity of the Group's watershed area. The Group can use its monitoring data once available to confirm whether the Category 3 WBPCs are appropriate or whether the list should be modified. Regional Water Board staff note that Table 2-7 identifies several pollutants as Category 3; however, the reasonable assurance analysis (RAA) does not address these nor does the draft WMP analyze load reductions for these pollutants from the proposed watershed control measures. The revised WMP must include a discussion of the Category 3 pollutants identified in Table 2-7, and provide a similar analysis to what is provided for Category 1 pollutants.</p>
<p>Part VI.C.5.a.iii. Source Assessment (page 59-60)</p>	<ul style="list-style-type: none"> • The draft WMP, including the RAA, excludes stormwater runoff from non-MS4 facilities within the WMA from the stormwater treatment target. While the draft WMP inventories General Industrial Facilities within the watershed management area, the WMP should utilize General Industrial Storm Water Permittee monitoring results (available from SMARTS) to assess and potentially refine estimates of pollutant loading from the identified "non-MS4" areas. In addition to General Industrial Storm Water Permittee monitoring results, Permittees should also review their inspection findings, including past violations and enforcement actions, of Industrial/Commercial facilities to assess potential pollutant sources. • Although the RAA includes modeling to assess existing loads overall, the source assessment (Section 2.3) does not use modeling to evaluate specific sources. The draft WMP does refer to statements included in the various TMDLs applicable to the watershed area, but there is no indication that the model results from the different TMDLs were used in the pollutant source assessment. The draft WMP should consider existing TMDL modeling data, where available, when refining the source assessment. • A process and schedule for developing the required spatial information on catchment areas to major outfalls should be proposed, if this information does not already exist. (Regional Water Board staff note that Figure 1-5 in the CIMP provides a map of the MS4 including some outfalls. Additional information on outfalls and controls is provided in Appendices A and B of the CIMP as well as Appendix G to the draft WMP itself; this appears to be a good start in responding to the permit requirements. If additional information such as the catchment areas for the major outfalls still needs to be developed, the process and schedule for developing this should be indicated.)
<p>Part VI.C.5.a.iv. Prioritization (page 60)</p>	<p>While Table 2-7 acknowledges the past due dates for the Los Angeles River Nitrogen Compounds and Related Effects TMDL and final deadlines for the LA River Metals TMDL, LA River Bacteria, and other TMDLs, the LA River Metals TMDL includes interim dry and wet weather limitations with a deadline (2012) that has passed. The WMP needs to specify why this TMDL is not included in Table 2-7 in the priority 1a category (highest priority), since some compliance deadlines have already passed.</p>

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Issue and MS4 Permit Provision (Permit Page Number)	Regional Water Board Staff Comment and Necessary Revision
<p>Part VI.C.5.b. Selection of Watershed Control Measures (pages 61-64)</p>	<p><u>Selection of Watershed Control Measures to Comply with Interim WQBELs and Associated Compliance Deadlines</u></p> <ul style="list-style-type: none"> The draft WMP does not clearly specify a strategy to comply with the interim WQBELs for the LA River metals TMDL (January 11, 2012; January 11, 2020 and January 11, 2024 deadlines). Table 3-1 presents a phased implementation plan, which suggests that Phase 2 activities will be conducted to meet the 2020 deadline and Phase 3 activities, to meet the 2024 deadline; however, the draft WMP needs to be revised to include documentation that the 2012 past deadlines have been achieved or specify an appropriate strategy for achieving compliance with the past due interim WQBELs. Further discussion of current compliance with the LA River nitrogen compounds TMDL, for which there is a final compliance deadline of 2004, is also needed, since this is a priority 1a pollutant in Table 2-7. Section 1.3.3 of the CIMP notes that MS4 discharges appear to comply with applicable loads already, but additional discussion and support for this assertion should be included in the WMP itself. The draft WMP is unclear on a schedule for BMPs implemented to comply with the LA River Trash TMDL. The draft Plan states, Most of the cities are 90 percent or more compliant with the trash TMDL and are investigating opportunities to complete this implementation effort. The draft WMP needs to include a firm schedule for the implementation of Trash TMDL BMPs. <p><u>Support for Use of Limiting Pollutants</u></p> <ul style="list-style-type: none"> The draft WMP states, “[t]he limiting pollutant used to control the implementation efforts of the LAR UR2 WMA is bacteria for the area draining to the Los Angeles River and metals for the area draining to the Rio Hondo.” The draft WMP needs to clarify and provide support for the assumption that Category 2 and Category 3 pollutants will be addressed by focusing on these limiting pollutants. Alternatively, if Category 2 and 3 pollutants will not be addressed by focusing on the limiting pollutants, identified above, the WMP must separately address Category 2 and Category 3 pollutants. <p><u>Specificity of Proposed Watershed Control Measures</u></p> <ul style="list-style-type: none"> Although the draft WMP includes several specific regional BMPs (Section 4.3.3.3) the specific LID street projects and their locations are not identified. The draft WMP should provide as much specificity as feasible in describing the potential locations for LID streets. Additionally, the permittees that would be responsible for implementing LID street projects should be specified. Specificity is particularly important where LID streets are relied upon to achieve some of the pollutant reductions necessary to achieve interim WQBELs with compliance deadlines in this permit term and the next permit term. <p><u>Legal Authority</u></p> <ul style="list-style-type: none"> The draft WMP asserts that the “legal authority demonstration in respect to the WMP appears more specific than that required in the Annual Report.” The Plan appears to acknowledge appropriate legal authority to construct most projects but note that some of the proposed projects are located within property easements owned by other entities. The draft WMP needs to provide greater detail regarding the Group’s legal authority. <p><u>Adaptive Management Process</u></p> <ul style="list-style-type: none"> While the draft WMP notes revisions will occur as part of the “Adaptive Management Process” in referral to multiple proposed actions it does not include a comprehensive strategy for the Adaptive Management process. The draft WMP should provide more detail on how the “Adaptive Management Process” will be implemented.

Issue and MS4 Permit Provision (Permit Page Number)	Regional Water Board Staff Comment and Necessary Revision
<p><i>Part VI.C.5.b. Selection of Watershed Control Measures (pages 61-64)</i></p>	<p><u>Assumptions regarding Non-structural BMPs and Source Control Measures</u></p> <ul style="list-style-type: none"> • The draft WMP assumes a 5% load reduction from non-structural BMP enhancements. However, Section 3.3.1 of the WMP only indicates that such enhancements would be considered, and a firm commitment to implement them is lacking. The draft WMP needs to include specific commitments to implement the non-structural BMP enhancements, or it should not rely upon the 5% load reduction anticipated from these non-structural BMP enhancements to meet compliance deadlines in this permit term or the next permit term. • The WMP assumes a significant reduction in copper based on the phase-out of copper in automotive brake pads, via approved legislation SB346, to achieve the necessary copper load reductions. Given the combination of other copper sources identified in various LA TMDLs such as building materials, other vehicle wear, air deposition from fuel combustion and industrial facilities, and that SB346 progressively phases out copper content in brakes of new cars (5% by weight until 2021, 0.5% by weight until 2025), additional structural BMPs may still be needed to reduce copper loads prior to entering receiving waters and eliminate copper exceedences of RWLs. <p><u>Assumptions regarding Pollutant Loading from Permitted Industrial Facilities</u></p> <ul style="list-style-type: none"> • The draft WMP, including the RAA, excludes stormwater runoff from non-MS4 facilities within the WMA from the stormwater treatment target. In particular, industrial facilities that are permitted by the Water Boards under the Industrial General Permit or an individual stormwater permit were identified and subtracted from the treatment target. Regional Water Board staff recognizes that this was done with the assumption that these industrial facilities will eliminate their cause/contribution to receiving water exceedances, as required by their respective NPDES permit. However, it is important that the Group's actions under its Industrial/Commercial Facilities Program—including tracking critical industrial sources, educating industrial facilities regarding BMP requirements, and inspecting industrial facilities—ensure that all industrial facilities are implementing BMPs as required.
<p>Reasonable Assurance Analysis – Category 1 Pollutants</p> <p>Part VI.C.5.b.iv.(5)</p>	<p>See attached memorandum with specific comments on the Group's Reasonable Assurance Analysis for Category 1 pollutants.</p>

Issue and MS4 Permit Provision (Permit Page Number)	Regional Water Board Staff Comment and Necessary Revision
Reasonable Assurance Analysis – Categories 2 and 3 Pollutants Part VI.C.5.b.iv.(5)	The WMP did not model any pollutants in Categories 2 and 3. These pollutants or surrogates need to be included in the RAA, or supported justification for the use of the proposed limiting pollutants as surrogates for each Category 2 and Category 3 waterbody-pollutant combination.



Los Angeles Regional Water Quality Control Board

TO: Los Angeles River Upper Reach 2 Watershed Management Group

FROM: C.P. Lai, Ph.D., P.E. and Thanhloan Nguyen *TLN*
LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD

DATE: October 27, 2014

SUBJECT: COMMENTS ON SECTION 4, REASONABLE ASSURANCE ANALYSIS, OF THE DRAFT WATERSHED MANAGEMENT PROGRAM FOR THE LOS ANGELES RIVER UPPER REACH 2 WATERSHED MANAGEMENT AREA

This memorandum contains comments on Section 4, Reasonable Assurance Analysis, of the draft Watershed Management Program, dated June 26, 2014, which was submitted by the Los Angeles River Upper Reach 2 Management Group.

- A. General comments on the draft Reasonable Assurance Analysis (RAA) section of the Watershed Management Program.
1. The LA County MS4 Permittees in the Los Angeles River Upper Reach 2 Watershed Management Area are subject to interim and final water quality-based effluent limitations pursuant to Attachment O, Part A "Los Angeles River Watershed Trash TMDL", Part B "Los Angeles River Nitrogen Compounds and Related Effects TMDL", Part C "Los Angeles River and Tributaries Metals TMDL", and Part D "Los Angeles River Watershed Bacteria TMDL". Note that Table 1-5 on page 15 of the draft WMP should be updated to include the effective date for revisions to the Los Angeles River Nitrogen Compounds and Related Effects TMDL, which is August 7, 2014.
 2. The water quality monitoring data for the Los Angeles River Upper Reach 2 water body segments were gathered, assessed, and analyzed for both wet and dry weather in the draft WMP. Selected monitoring sites include LAR 008 30, LAR1-9, LAR1-10, and LALT500 which are located in Los Angeles River Reach 2, near or below confluence of Rio Hondo Reach 1 and above the confluence of Compton Creek. These sampling locations are suitable to represent the receiving water quality for the Los Angeles River Upper Reach 2 watershed management area. All data were analyzed to identify exceedances of water quality objectives and should be used to identify Category 3 priority pollutants. The draft WMP should be revised to include Category 3 waterbody-pollutant combinations based on the data that were already analyzed in the draft WMP. Pursuant to Section VI.C.5.a., the WMP should identify potential sources, strategies, control measures and BMPs to address Category 3 priority pollutants, as required. Category 3 WBPCs can be revised once monitoring data have been collected, through the adaptive management process.

CHARLES STANFORD, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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The concentration-based WQBELs for metals listed on page 78 of the WMP are incorrect and should not be used to set allowable loads. The correct concentration-based WQBELs for metals, which can be used in lieu of calculating allowable loads during dry weather, are identified in Attachment O, Part C.2.c. The load-based WQBELs for metals applicable during wet weather, which are identified in Attachment O, Part C.2.d of the permit should be used to calculate the allowable load and required reduction for metals during wet weather conditions. In summary, allowable pollutant loadings should be calculated separately for wet and dry weather using the WQBELs listed in Attachment O, Parts C.2.c and C.2.d of the permit. Loads must be expressed as daily loads, consistent with the expression of the WQBELs; Table 4-4 should be revised to specify that the loads presented are daily loads.

3. Allowable loads for metals based on the required WQBELs and potential WER / SSO values for copper and lead should be presented clearly and separately in Section 4.3.1.3 of the WMP, since the copper WERs and recalculated lead values have not been approved by the Regional Water Board as of this time. If concentration-based WQBELs are selected to be used to calculate the allowable loads, and these allowable loads are different from the mass-based WQBELs listed in Attachment O, the WMP should provide a clear explanation on how the proposed concentration-based WQBELs and allowable loads were derived from the WQBELs in Attachment O.
- B. Modeling comments regarding analysis of copper, lead, zinc, nitrogen and bacteria concentrations/loads:
1. The model predicted loads presented in Table 4-3 for the baseline condition are not consistent with those results directly from model output (see Figures A and B, for example). These discrepancies could be due to the usage of the 90th percentile year for the predicted results of pollutant loads. Further, all model results of pollutant loads are presented in terms of lbs/year in Table 4-3 through Table 4-6. However, the results for the RAA should be presented in units consistent with the expression of each of the WQBELs in Attachment O of the MS4 Permit.
 2. For the baseline condition, the model predicted runoff volume and the concentrations for copper, lead, zinc, nitrogen, and bacteria should also be presented in Table 4-3 for the wet weather condition. For cadmium, no model results are included in Table 4-3. An explanation is needed for the exclusion of cadmium from the modeling, or alternatively, supporting documentation/analysis to demonstrate that the model results for copper, lead and zinc or total sediment adequately represent the baseline condition and required reduction for cadmium.
 3. The differences between baseline concentrations/loads and allowable concentrations/loads should be presented in a time series for each pollutant under long term continuous simulation and then as a summary of 90th percentile of the differences between pollutant concentrations/loads and allowable concentrations/loads for wet weather periods, in units consistent with the applicable WQBELs and Receiving Water Limitations (e.g., mass or number per day), instead of using the predicted results of selected year presented only as an annual reduction in load to represent for load reduction target. In addition, a detailed explanation should be provided of the calculations used to derive the target load reductions.

4. The report used a pollutant load-based approach to evaluate BMP performance and compliance with applicable WQBELs for wet weather conditions. However, the report should also provide predicted concentrations in the receiving water or at the downstream outlets under the BMP scenarios. Additionally, Table 4-17 to Table 4-20 need to be revised to clarify the units for the values presented in each table. Finally, it appears that model output is only provided for final compliance deadlines. Model output should also be provided for phased BMP implementation to demonstrate that interim WQBELs for metals and bacteria will be met.
5. The ID number for each of the 50 subwatersheds from the model input file should be provided and be shown in the simulation domain to present the geographic relationship of the subwatersheds within the watershed area that are simulated in the LSPC model.
6. The flow, runoff volume and water quality (pollutant concentration and pollutant mass) time series output at the watershed outlet as well as for each modeled subbasin should be provided using the 90th percentile critical condition consistent with the expression of the WQBELs in Attachments N and O to estimate the baseline condition. In addition, per RAA Guidelines, the model output should include stormwater runoff volume and pollutant concentration/load at the outlet and for each modeled subbasin for each BMP scenario as well (see Table 5. Model Output for both Process-based BMP Models and Empirically-based BMP Models, pages 20-21 of the RAA Guidelines).
7. Model simulation for copper, lead, zinc, nitrogen, and bacteria under the dry weather condition was not included in the Report and needs to be addressed.
8. The report did not describe how the model was calibrated, including calibration results compared to calibration criteria in Table 3.0 of the RAA Guidelines, and no historical hydrology and water quality monitoring data were used for comparison with the model results for the baseline prediction. According to Part G, pages 12-13 of the RAA Guidelines, model calibration is necessary to ensure that the model can properly assess all the variables and conditions in a watershed system.
9. The identification of the 90th percentile years in Table 4-2 needs to be supported by presenting historical hydrological data to demonstrate the selected critical period will capture the variability of rainfall and storm sizes/conditions. The input rainfall should be also presented in the report along with the historical precipitation frequency analysis for wet days and rainfall depth.



Los Angeles Regional Water Quality Control Board

October 27, 2014

Dr. Shahram Kharaghani
City of Los Angeles
Department of Public Works, Bureau of
Sanitation
Watershed Protection Division
1149 South Broadway, 10th Floor
Los Angeles, CA 90015

Ms. Gail Farber, Chief Engineer
Los Angeles County Flood Control District
Department of Public Works
Watershed Management Division, 11th Floor
900 South Fremont Avenue
Alhambra, CA 91803

REVIEW OF THE DRAFT WATERSHED MANAGEMENT PROGRAM FOR THE CITY OF LOS ANGELES AREA IN SANTA MONICA BAY JURISDICTIONAL GROUP 7 SUBWATERSHED, PURSUANT TO PART VI.C OF THE LOS ANGELES COUNTY MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT (NPDES PERMIT NO. CAS004001; ORDER NO. R4-2012-0175)

Dear Dr. Kharaghani and Ms. Farber:

The Regional Water Board has reviewed the draft Watershed Management Program (WMP) submitted on June 27, 2014 by the City of Los Angeles and Los Angeles County Flood Control District (LACFCD) for the City of Los Angeles' land area and the LACFCD's infrastructure within Jurisdictional Group 7 of the Santa Monica Bay Watershed Management Area. This program was submitted pursuant to the provisions of NPDES Permit No. CAS004001 (Order No. R4-2012-0175), which authorizes discharges from the municipal separate storm sewer system (MS4) operated by 86 municipal Permittees within Los Angeles County (hereafter, LA County MS4 Permit). The LA County MS4 Permit allows Permittees the option to develop either a Watershed Management Program (WMP) or Enhanced Watershed Management Program (EWMP) to implement permit requirements on a watershed scale through customized strategies, control measures, and best management practices (BMPs). Development of a WMP or EWMP is voluntary and may be developed individually or collaboratively.

The purpose of a WMP or EWMP is for a Permittee to develop and implement a comprehensive and customized program to control pollutants in MS4 discharges of storm water and non-storm water to address the highest water quality priorities. These include complying with the required water quality outcomes of Part V.A (Receiving Water Limitations) and Part VI.E and Attachments L through R (Total Maximum Daily Load (TMDL) Provisions) of the LA County MS4 Permit. If a Permittee opts to develop a WMP or EWMP, the WMP or EWMP must meet the requirements, including conducting a Reasonable Assurance Analysis (RAA), of Part VI.C (Watershed Management Programs) of the LA County MS4 Permit and must be approved by the Regional Water Board.

As stated above, on June 27, 2014, the City of Los Angeles (City) and the LACFCD submitted a draft Watershed Management Program (WMP) for the City's land area and the LACFCD's

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infrastructure within Jurisdictional Group 7 (JG7) of the Santa Monica Bay (SMB) Watershed Management Area (WMA) to the Regional Water Board pursuant to Part VI.C.4.c of the LA County MS4 Permit.

The Regional Water Board has reviewed the draft WMP and has determined that, for the most part, the draft WMP includes the elements and analysis required in Part VI.C of the LA County MS4 Permit for the City's land area and the LACFCD's infrastructure within JG7 of the SMB WMA. However, some revisions to the City's and LACFCD's draft WMP are necessary. The Regional Water Board's comments on the draft WMP, including detailed information concerning necessary revisions to the draft WMP are found in Enclosure 1. The specific Permit provisions cited in the enclosure refer to provisions in the LA County MS4 Permit. The LA County MS4 Permit includes a process through which revisions to the draft WMP can be made (Part VI.C.4 in the LA County MS4 Permit). The process requires that a final WMP, revised to address Regional Water Board comments, must be submitted to the Regional Water Board not later than three months after comments are received by the Permittees on the draft program. Please make the necessary revisions to the draft WMP as identified in the enclosure to this letter and submit the revised WMP as soon as possible and no later than **January 27, 2015**.

The revised WMP must be submitted to losangeles@waterboards.ca.gov with the subject line "LA County MS4 Permit – Revised SMB JG7 WMP" with a copy to Ivar.Ridgeway@waterboards.ca.gov and Rebecca.Christmann@waterboards.ca.gov.

If the necessary revisions are not made, the City and the LACFCD will be subject to the baseline requirements in Part VI.D of the Order and shall demonstrate compliance with receiving water limitations pursuant to Part V.A and with applicable interim and final water quality-based effluent limitations (WQBELs) in Part VI.E and Attachment M pursuant to subparts VI.E.2.d.i.(1)-(3) and VI.E.2.e.i.(1)-(3), respectively.

Until the draft SMB JG7 WMP is approved, the City and LACFCD are required to:

- (a) Continue to implement all watershed control measures in its existing storm water management programs, including actions within each of the six categories of minimum control measures consistent with Title 40, Code of Federal Regulations, section 122.26(d)(2)(iv);
- (b) Continue to implement watershed control measures to eliminate non-storm water discharges through the MS4 that are a source of pollutants to receiving waters consistent with Clean Water Act section 402(p)(3)(B)(ii); and
- (c) Target implementation of watershed control measures in (a) and (b) above to address known contributions of pollutants from MS4 discharges to receiving waters.
- (d) Implement watershed control measures, where possible from existing TMDL implementation plans, to ensure that MS4 discharges achieve compliance with interim and final trash WQBELs and all other final WQBELs and receiving water limitations pursuant to Part VI.E and set forth in Attachment M by the applicable compliance deadlines occurring prior to approval of the WMP.

In addition on June 27 2014, the City and the LACFCD submitted a draft Coordinated Integrated Monitoring Program (CIMP) for the SMB JG7 WMA to the Regional Water Board pursuant to Part IV.C of Attachment E of the LA County MS4 Permit. The Regional Water Board review and comments on the draft CIMP will be provided under separate cover.

If you have any questions, please contact Ms. Rebecca Christmann of the Storm Water Permitting Unit by electronic mail at Rebecca.Christmann@waterboards.ca.gov or by phone at (213) 576-5734. Alternatively, you may also contact Mr. Ivar Ridgeway, Chief of the Storm Water Permitting Unit, by electronic mail at Ivar.Ridgeway@waterboards.ca.gov or by phone at (213) 620-2150.

Sincerely,



Chief Deputy E.O.
for

Samuel Unger, P.E.
Executive Officer

cc: Donna Chen, City of Los Angeles
Hubertus Cox, City of Los Angeles
Hamid Tadayon, City of Los Angeles
Angela George, Los Angeles County Flood Control District

Enclosure: Summary of Comments and Required Revisions

Los Angeles Regional Water Quality Control Board

Attachment to October 27, 2014 Letter Regarding the Draft Watershed Management Program for the City of Los Angeles Area in Santa Monica Bay Jurisdictional Group 7 Subwatershed, Pursuant to Part VI.C of the LA County MS4 Permit (Order No. R4-2012-0175)

Summary of Comments and Required Revisions to the Draft Watershed Management Program

LA County MS4 Permit Provision	Summary of Comments and Necessary Revisions
Part VI.C.5.a.i Water Quality Characterization	<p>The geographical scope of this WMP is the City of Los Angeles' land area and the LACFCD's infrastructure within Santa Monica Bay (SMB) Jurisdictional Group 7 (JG7) subwatershed. It appears that there are 4 shoreline monitoring locations (SMB 7-06 through SMB 7-09) adjacent to the City's area within SMB JG7, which includes Point Fermin Park Beach. Point Fermin Park Beach should be included in the bulleted list in Section 2.1.</p> <p>The WMP needs to include and evaluate the monitoring data from sampling location SMB 7-7 prior to the landslide in 2009, which is the only point zero sampling point, and the geometric mean data for all sampling locations.</p> <p>In addition, the WMP needs to analyze all available Bight data, in order to determine if there were exceedances of receiving water limitations besides PCBs and DDTs, Basin Plan objectives or the Screening Levels as listed in Attachment G of the LA MS4 Permit.</p>
Parts VI.C.5.a.ii(1) and iv(1) Water Body-Pollutant Classification	For completeness, the WMP could address the 303(d) listing of <i>Fish Consumption Advisory</i> as a footnote to Table 2-8 associated with the pollutants, DDTs and PCBs.
Part VI.C.5.a.ii(2) and iv(2) Water Body-Pollutant Classification	<p>The WMP needs to include a discussing of why sediment toxicity is not included as a Category 2 WBPC. The City and LACFCD could cite USEPA's recommendation that SMB not be identified as impaired by sediment toxicity in the next 303(d) List and provide data to support delisting.</p> <p>In addition, in Section 2.1.5, the WMP needs to discuss what data was evaluated and how the Permittees evaluated the available water quality data for water body-pollutant combinations that would fall into Category 2. It is assumed that the same Bight data that was evaluated for Category 3 pollutants could be used to evaluate whether there are exceedances of any pollutant that would meet the State's listing criteria.</p>
Part VI.C.5.a.ii(3) and iv(2) Water Body-Pollutant	The draft WMP states, "The only TMDL sediment-based targets applicable to the SMB JG7 WMP area are for DDTs and PCBs;

LA County MS4 Permit Provision	Summary of Comments and Necessary Revisions
Classification	therefore, DDTs and PCBs are the only analytes included in this analysis." However, the purpose of the water quality characterization is to identify other potential pollutants of concern, not just those that are already being addressed. The sediment data from 2003 and 2008 should be further evaluated to identify if there are other sediment bound pollutants at concentrations of concern in the area offshore from the SMB JG7 WMP area.
Part VI.C.5.a.iii Source Assessment	The WMP needs to include a source assessment regarding known and suspected storm water and non-storm water pollutant sources in discharges to the MS4 and from the MS4 to receiving waters. The source assessment should include (1) a discussion of findings from implementation of the minimum control measures under the 2001 Permit; (2) a discussion of the data and conclusions from the TMDL source investigations; and (3) known or suspected sources of storm water and non-storm water pollutants, which may cause or contribute to the water quality exceedances which have been observed at the shoreline monitoring sites.
Part VI.C.5.a.iii.(1)(b) Source Assessment	The WMP needs to identify on a map the City's and LACFCD's catch basins and major outfalls. Regional Water Board staff is aware that the CIMP (Figure 3, Table 12 and Attachment C) identifies outfalls to SMB. However, the WMP should include this information as well.
Part VI.C.5.a.iv.(1) Prioritization	<p>Section 4.1, page 28 of the draft WMP reports to be in compliance with the SMB bacteria TMDL. However, Table 2-6 clearly shows that the allowable exceedance days have been exceeded. The revised WMP needs to discuss the cause of these exceedances.</p> <p>The City and LACFCD will meet the interim and final WQBELs for trash by retrofitting all catch basins in the City's and LACFCD's area of Santa Monica Bay JG7 with full capture devices. The revised WMP needs to clarify if 218 or 220 catch basins will be retrofitted.</p>
Part VI.C.5.b.ii.(1) Selection of Watershed Control Measures	The WMP needs to specify a strategy that will be implemented to prevent or eliminate non-storm water discharges, if necessary based on the findings of the non-storm water screening program.
Part VI.C.5.b.iv.(4)(b)-(e) Selection of Watershed Control Measures	The draft WMP states that all catch basins will be retrofitted by 2016, ahead of the 2020 compliance deadline; however, the WMP needs to provide a schedule that demonstrates that the required 20% load reduction in debris will be achieved by the interim compliance deadline of March 20, 2016. The revised WMP needs to provide more specificity with regards to the schedule, location and agencies responsible for retrofitting the catch basins with full capture devices throughout the JG7 WMP area.
Part VI.C.5.b.iv.(5) Reasonable Assurance Analysis	A reasonable assurance analysis was not performed. As stated in the draft WMP, "For the SMB JG7 WMP, there are currently zero required load reductions for the Category 1 WBPCs: bacteria at the Santa Monica Bay Beaches and PCBs/DDTs in the Santa Monica Bay. Compliance with the Trash TMDL is being demonstrated through

LA County MS4 Permit Provision	Summary of Comments and Necessary Revisions
	retrofitting of catch basins as outlined in the Trash Monitoring and Reporting Program. ...Therefore, no quantitative RAA modeling is required for this WMP.”
Part VI.C.5.b.iv.(6) Legal Authority	The City and the LACFCD need to provide documentation that they have the legal authority to implement the Watershed Control Measures identified in the WMP, which includes the MCMs.
Part VI.C.5.c Compliance Schedules	the draft WMP did not develop a compliance schedule for the USEPA promulgated SMB TMDLs for DDT and PCBs, as required by the LA County MS4 Permit. Since this TMDL does not have a State-adopted implementation plan and further since the WLAs are based on existing conditions, the compliance deadline is immediate. The JG7 group should ensure that monitoring data are collected to demonstrate compliance with the applicable WQBELs.



Los Angeles Regional Water Quality Control Board

October 21, 2014

Ms. Melissa Barcelo
Community Services Division
City of Walnut
21201 La Fuente Road
Walnut, CA 91789

REVIEW OF THE CITY OF WALNUT'S DRAFT WATERSHED MANAGEMENT PROGRAM, PURSUANT TO PART VI.C OF THE LOS ANGELES COUNTY MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT (NPDES PERMIT NO. CAS004001; ORDER NO. R4-2012-0175)

Dear Ms. Barcelo:

The Regional Water Board has reviewed the draft Watershed Management Program (WMP) submitted on June 28, 2014 by the City of Walnut. This program was submitted pursuant to the provisions of NPDES Permit No. CAS004001 (Order No. R4-2012-0175), which authorizes discharges from the municipal separate storm sewer system (MS4) operated by 86 municipal Permittees within Los Angeles County (hereafter, LA County MS4 Permit). The LA County MS4 Permit allows Permittees the option to develop either a Watershed Management Program (WMP) or Enhanced Watershed Management Program (EWMP) to implement permit requirements on a watershed scale through customized strategies, control measures, and best management practices (BMPs). Development of a WMP or EWMP is voluntary and may be developed individually or collaboratively.

The purpose of a WMP or EWMP is for a Permittee to develop and implement a comprehensive and customized program to control pollutants in MS4 discharges of stormwater and non-stormwater to address the highest water quality priorities. These include complying with the required water quality outcomes of Part V.A (Receiving Water Limitations) and Part VI.E and Attachments L through R (Total Maximum Daily Load (TMDL) Provisions) of the LA County MS4 Permit. If a Permittee opts to develop a WMP or EWMP, the WMP or EWMP must meet the requirements, including conducting a Reasonable Assurance Analysis (RAA), of Part VI.C (Watershed Management Programs) of the LA County Permit and must be approved by the Regional Water Board.

As stated above, on June 28, 2014, the City of Walnut submitted a draft Watershed Management Program (WMP) to the Regional Water Board pursuant to Part VI.C.4.c of the LA County MS4 Permit.

The Regional Water Board has reviewed the draft WMP and has determined that, for the most part, the draft WMP includes the elements and analysis required in Part VI.C of the LA County MS4 Permit. However, some revisions to the City's draft WMP are necessary. The Regional

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Water Board's comments on the draft WMP, including detailed information concerning necessary revisions to the draft WMP, are found in Enclosure 1 and Enclosure 2, respectively. The specific Permit provisions cited in the enclosures refer to provisions in the LA County MS4 Permit. The LA County MS4 Permit includes a process through which necessary revisions to the draft WMP can be made (Part VI.C.4 in the LA County MS4 Permit). The process requires that a final WMP, revised to address Regional Board comments identified in the enclosures, must be submitted to the Regional Water Board not later than three months after comments are received by the Permittees on the draft program. Please make the necessary revisions to the draft WMP as identified in the enclosures to this letter and submit the revised WMP as soon as possible and no later than **January 21, 2015**.

The revised WMP must be submitted to losangeles@waterboards.ca.gov with the subject line "LA County MS4 Permit – Revised Draft Walnut WMP" with a copy to Ivar.Ridgeway@waterboards.ca.gov and Chris.Lopez@waterboards.ca.gov.

If the necessary revisions are not made, the City will be subject to the baseline requirements in Part VI.D of the Order and shall demonstrate compliance with receiving water limitations pursuant to Part V.A and with applicable interim and final water quality-based effluent limitations (WQBELs) in Part VI.E and Attachment P pursuant to subparts VI.E.2.d.i.(1)-(3) and VI.E.2.e.i.(1)-(3), respectively.

Until the draft Walnut WMP is approved, the City is required to:

- (a) Continue to implement all watershed control measures in its existing storm water management programs, including actions within each of the six categories of minimum control measures consistent with Title 40, Code of Federal Regulations, section 122.26(d)(2)(iv);
- (b) Continue to implement watershed control measures to eliminate non-storm water discharges through the MS4 that are a source of pollutants to receiving waters consistent with Clean Water Act section 402(p)(3)(B)(ii); and
- (c) Target implementation of watershed control measures in (a) and (b) above to address known contributions of pollutants from MS4 discharges to receiving waters.

In addition on June 28, 2014, the City submitted a draft Integrated Monitoring Program (IMP) to the Regional Water Board pursuant to Part IV.C of Attachment E of the LA County MS4 Permit. The Regional Water Board review and comments on the draft IMP will be provided under separate cover.

If you have any questions, please contact Mr. Chris Lopez of the Storm Water Permitting Unit by electronic mail at Chris.Lopez@waterboards.ca.gov or by phone at (213) 576-6674. Alternatively, you may also contact Mr. Ivar Ridgeway, Chief of the Storm Water Permitting Unit, by electronic mail at Ivar.Ridgeway@waterboards.ca.gov or by phone at (213) 620-2150.

Sincerely,



Samuel Unger, P.E.
Executive Officer

Enclosures:

Comments and Necessary Revisions to Draft WMP
Comments on Reasonable Assurance Analysis Report for City of Walnut

cc: Cody Howing, Assistant Engineer, RKA Consulting Group

Los Angeles Regional Water Quality Control Board

Attachment to October 21, 2014 Letter Regarding the City of Walnut's Draft Watershed Management Program Submittal Pursuant to Part VI.C of the LA County MS4 Permit (Order No. R4-2012-0175)

Comments and Necessary Revisions to Draft WMP

Issue and MS4 Permit Provision	Regional Water Board Staff Comment
<p>Water Quality Characterization Part VI.C.5.a.i</p>	<p>The City's submittal does not include a thorough evaluation of existing water quality conditions, including characterization of storm water and non-storm water discharges from the MS4 and receiving water quality, to support identification and prioritization/sequencing of management actions.</p> <p>The City should evaluate relevant monitoring data for its water quality characterization (e.g. Los Angeles County Sanitation Districts' receiving water monitoring data or mass emissions station and tributary monitoring conducted under the 2001 LA County MS4 Permit may be applicable).</p> <p>The City may be able to find examples of data sources applicable for its water quality characterization in the draft WMPs and EWMP workplans of nearby areas. Conducting representative sampling at the City's MS4 outfalls is another option to support a preliminary water quality characterization of storm water and non-storm water discharges from the City's MS4 if there is a lack of existing water quality data.</p>

Issue and MS4 Permit Provision	Regional Water Board Staff Comment
<p>Category 2 Pollutants – Bacteria</p> <p>Part VI.C.5.a.ii.(2)</p>	<p>The City's submittal correctly identifies coliform and indicator bacteria as 303(d) impairments and correspondingly categorizes coliform bacteria as a category 2 pollutant. However, the City incorrectly uses fecal coliform water quality objectives that no longer apply.</p> <p>The City needs to modify its WMP to be consistent with current freshwater bacteria objectives contained in the <i>Water Quality Control Plan for the Los Angeles Region</i> in which <i>E. coli</i> is used instead of fecal coliform. These objectives were amended in 2010 through Regional Water Board Resolution No. R10-005.</p> <p>The bacteria limitations listed in Table 2-5 (on page.9) should be revised to include the correct bacteria objectives expressed as <i>E. coli</i> density. Additionally, all subsequent sections of the WMP that address this pollutant (e.g. compliance schedules, reasonable assurance analysis, etc.) should address <i>E. coli</i> instead of fecal or total coliform.</p>
<p>Category 2 Pollutants – Benthic Macroinvertebrate Bioassessments</p> <p>Part VI.C.5.a.ii.(2)</p>	<p>The City's submittal incorrectly lists "benthic microinvertebrates." This should be listed as "benthic macroinvertebrates."</p>
<p>Category 3 Pollutants</p> <p>Part VI.C.5.a.ii.(3)</p>	<p>The City's submittal does not contain any discussion of Category 3 pollutants nor does it indicate that there was any type of review of existing water quality conditions to identify Category 3 pollutants.</p> <p>As the City completes its water quality characterization, the City must identify if there are any Category 3 pollutants and explicitly report its findings in its WMP and address these pollutants as appropriate in the revised draft WMP, including the City's Reasonable Assurance Analysis (RAA).</p>

Issue and MS4 Permit Provision	Regional Water Board Staff Comment
<p>Source Assessment and Prioritization</p> <p>Part VI.C.5.a.iii-iv</p>	<p>The City's source assessment section does not directly cite the bases for the identification of known and suspected sources of pollutants. For clarity, the City should at least cite the sources for its findings (e.g. TMDL source investigations, findings from 2001 MS4 MCM programs, etc.).</p> <p>Additionally, the City does not appear to prioritize the issues within the watershed based on the findings of its source assessment. The City may simply maintain the priorities from its water body-pollutant classification; however, the WMP should at least discuss and finalize a prioritization of watershed issues based on its source assessment findings.</p>
<p>Minimum Control Measures</p> <p>Part VI.C.5.b.iv.(1)</p>	<p>The City's submittal includes a section on MCMs (pages 12-37) that mostly incorporates and restates Parts VI.D.5 to VI.D.10 of the permit. However, it is not clear if the City did any assessment of the MCMs to identify if there are opportunities for focusing resources on high priority issues in the watershed. Furthermore, it's not clear if the City has made any modifications to MCMs.</p> <p>The City should discuss its evaluation of control measures and explicitly state if there are any modifications as it describes each program.</p>
<p>Public Agency Activities Program</p> <p>Part VI.C.5.b.iv.(1)(a)(iv)</p>	<p>In discussing its Public Agency Activities Program, the City doesn't state whether its public facility inventory will be updated at least once during the 5-year term of the Order per Part VI.D.9.c.iii.</p> <p>With respect to Landscape, Park, and Recreational Facilities Management, the City doesn't specifically state whether its landscaping maintenance program ensures no application of pesticides or fertilizers prior to rain events specified in Part VI.D.9.g.iii.(2).</p> <p>Since the draft WMP does not explicitly state whether any changes are going to be made to MCMs, it is unclear if these are just unintended omissions.</p>

Issue and MS4 Permit Provision	Regional Water Board Staff Comment
<p>Watershed Control Measures – Information on Structural Controls and BMPs Part VI.C.5.b.iv.(4)(b)</p>	<p>The City's submittal does not include sufficient information on the number, type, and location(s) and/or frequency for each structural control and non-structural best management practice.</p> <p>For example, the City does not include the locations of its four proposed Regional BMPs (on page 45), nor is there a thorough description of the type of BMP that will be installed. The City also references "a plan for the implementation of local BMPs," and states that biofilters are the type of local BMP that would be used, but provides no detail on the anticipated number and location(s) of these local BMPs.</p> <p>Regional Water Board staff recommends that the City include a separate section of the WMP to describe all control measures, and corresponding implementation schedules, in detail so that the City's plan and BMP implementation commitments are clear and explicit.</p>

Issue and MS4 Permit Provision	Regional Water Board Staff Comment
<p>Watershed Control Measures – Information on Pollution Prevention Measures</p> <p>Part VI.C.5.b.iv.(4)(c)</p>	<p>The City's submittal does not include sufficient information on the nature, scope, and timing of implementation for pollution prevention measures.</p> <p>For example, on page 45 the City describes that "[s]ource control BMPs proposed by the City include policies, programs, and ordinances that support practices that improve or prevent additional pollution from being deposited into the local rivers and creeks." However, there is no further information on this.</p> <p>While the City states that it will implement "enhanced street sweeping, enhanced catch basin and storm drain cleaning, enhanced commercial and food outlet inspection, enhanced pet waste controls, enhanced education and outreach, septic inspection/enforcement, and enhanced Illicit Discharge Detection Elimination (IDDE) efforts (including microbial source tracking to identify inputs of human fecal contamination into the MS4)," the draft WMP does not include specific, measurable commitments for each of these non-structural BMPs. For example, the revised draft WMP must indicate the nature of the enhancements to street sweeping (e.g., increased frequency from two times per month to four times per month, use of regenerative-air sweepers instead of mechanical [broom & conveyor belt] sweepers) and the schedule for implementing the enhancements. See comment below for more detail.</p> <p>As previously stated, Regional Water Board staff recommends that the City include a separate section of the WMP to describe all control measures in detail so that the City's plan and commitments with regard to pollution prevention measures are clear and explicit.</p>

Issue and MS4 Permit Provision	Regional Water Board Staff Comment
<p>Watershed Control Measures – Milestones</p> <p>Part VI.C.5.b.iv.(4)(d)</p>	<p>The City's submittal does not include sufficient interim milestones and dates for achievement for each structural control and non-structural best management practice to ensure that TMDL compliance deadlines will be met.</p> <p>The City's proposed BMP Implementation Plan (on page 45) should list interim milestones for the structural controls and non-structural BMPs that it plans to implement. Example milestones may include milestones for planning and design, beginning construction, and completing construction. The only interim milestone that is included is for "non-modeled, non-structural BMPs" with a date of December 2017 for their implementation. Greater specificity regarding the City's commitments for each non-modeled, non-structural BMP is necessary, as described above.</p> <p>Regional Water Board staff recommends that this information be included in full detail in a separate section of WMP outside of the Reasonable Assurance Analysis section.</p>
<p>Reasonable Assurance Analysis – Category 1 Pollutants</p> <p>Part VI.C.5.b.iv.(5)</p>	<p>The RAA does not consider dry weather conditions. However, the draft WMP only justifies this omission by stating that the City plans to eliminate 100% of non-exempt dry weather MS4 discharges.</p> <p>If this is the City's goal, the WMP needs to include a detailed plan of what control measures it plans to implement to ensure the elimination of non-exempt non-stormwater discharges. This plan should also include interim milestones. Additionally, the City must also justify in its WMP that these control measures will ensure compliance with the applicable compliance deadlines for selenium. Part of this justification should include an evaluation of whether any of the conditionally exempt, non-stormwater discharges may be a source of selenium that could cause or contribute to an exceedance of the selenium WQBEL.</p> <p>If the City cannot provide a feasible and measureable plan that ensures compliance, then it will need to demonstrate through its RAA that it will comply with the applicable compliance deadlines for selenium.</p>

Issue and MS4 Permit Provision	Regional Water Board Staff Comment
<p>Reasonable Assurance Analysis – Category 2 Pollutants</p> <p>Part VI.C.5.b.iv.(5)</p>	<p>The RAA does not address Category 2 pollutants aside from bacteria.</p> <p>As noted in a previous comment, bacteria should be modeled using <i>E. coli</i> instead of fecal coliform.</p> <p>For other Category 2 pollutants (ammonia, cyanide, pH, and TDS) the City must provide additional information to demonstrate that MS4 discharges will meet receiving water limitations.</p>
<p>Compliance Schedules for Category 1 Pollutants</p> <p>Part VI.C.5.c.iii.(1)-(2)</p>	<p>The draft WMP does not incorporate the interim and final implementation deadlines contained in the <i>Implementation Plan for Metals and Selenium in San Gabriel River and Impaired Tributaries</i>. The Basin Plan amendment (Regional Water Board Resolution No. R13-004) that incorporated this program of implementation into the Basin Plan was recently approved by the Office of Administrative Law. This plan includes an implementation schedule with interim compliance deadlines of September 30, 2017; September 30, 2020; and September 30, 2023; and a final compliance deadline of September 30, 2026.</p> <p>The City's submittal does not include any compliance deadlines occurring within the permit term for Category 1 pollutants (i.e. lead and selenium). While the City's analysis indicates that no load reductions are required to meet the lead WLA (p. 50), the September 30, 2017 compliance deadline should be included along with the corresponding structural and non-structural BMPs that will be implemented to achieve the dry weather WLA for selenium in 30% of the City's drainage area (or achieve a 30% reduction in the difference between the current loadings and the dry weather WLAs for selenium).</p> <p>Table 4-9 (on pages 50-51) only establishes a final compliance date of 2024.</p>

Issue and MS4 Permit Provision	Regional Water Board Staff Comment
<p>Compliance Schedules for Category 2 Pollutants</p> <p>Part VI.C.5.c.iii.(3)</p>	<p>The City's submittal does not include interim milestones and dates for achieving milestones for Category 2 (High Priority) pollutants— i.e. coliform bacteria, ammonia, pH, TDS, toxicity, cyanide, and benthic macroinvertebrate condition. As it does with Category 1 pollutants, Table 4-9 (on pages 50-51) only establishes a final compliance date of 2024 for bacteria load reductions. Per the LA County MS4 Permit, interim milestones and dates for their achievement must be adequate for measuring progress once every two years.</p> <p>Additionally, the City does not discuss or justify its reasoning for adopting a 10-year compliance schedule for bacteria.</p>



Los Angeles Regional Water Quality Control Board

TO: Melissa Barcelo
City of Walnut

FROM: C.P. Lai, Ph.D., P.E. and Thanhloan Nguyen
REGIONAL PROGRAMS SECTION

DATE: October 21, 2014

SUBJECT: COMMENTS ON REASONABLE ASSURANCE ANALYSIS REPORT FOR CITY OF WALNUT

This memorandum contains comments on Section 4.0 "Reasonable Assurance Analysis" of the City's draft Watershed Management Program, dated June 28, 2014, which was submitted by the City of Walnut.

- A. General comments on the draft Reasonable Assurance Analysis section of the draft Watershed Management Program.
1. Pursuant to Part VI.C.5.a.iv(1) and VI.C.5.b.iv.(3)-(4), pages 60 and 62-63 of the LA County MS4 Permit, the City is subject to final wasteload allocations (WLAs) pursuant to Attachment P, Part A "San Gabriel River and Impaired Tributaries Metals and Selenium TMDL." The LA County MS4 Permit specifies a WLA for lead during wet weather that applies to Reach 2 of the San Gabriel River and all upstream reaches and tributaries and for selenium during dry weather that applies to San Jose Creek 1 and 2, which are both applicable to the City's MS4 discharges.

The City's approach to estimate baseline loading for lead was not appropriate pursuant to Section B of the Reasonable Assurance Analysis Guidelines (see comment B.1 below for more detail).

For selenium, the City does not support its assumption that the source of selenium is natural with any available data or peer-reviewed scientific studies.

The City did not analyze a strategy to implement pollutant controls necessary to achieve applicable interim and final water quality-based effluent limitations for selenium consistent with the interim and final implementation deadlines in the Basin Plan Amendment, Resolution No. R13-004 - Implementation Plan for the TMDLs for Metals and Selenium in the San Gabriel River and Impaired Tributaries. These include:

- By September 30, 2017, for WQBELs applicable in wet weather a 10% reduction, and dry weather a 30% reduction in the difference between current pollutant loads and the WQBEL.
- By September 30, 2020, for WQBELs applicable in wet weather a 35% reduction, and in dry weather a 70% reduction in the difference between current pollutant loads and the WQBEL.

CHARLES STEINBLI, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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2. Target load reductions for bacteria in San Jose Creek were based on an incorrect water quality objective of 4000 MPN/100 mL. The correct water quality objective is an *E. coli* density of 235 per 100 mL as a single sample maximum, and an *E. coli* density of 126 per 100 mL as a geometric mean. (San Jose Creek has a Potential REC-1 beneficial use designation.) Similarly, target load reductions for Walnut Creek must be based on the current water quality objectives for *E. coli* contained in the Basin Plan.
 3. The City's submittal does not provide adequate support or justification from peer-reviewed sources for the fecal coliform load reduction from 22 to 44 10^{12} MPN (for 25th and 75th percentile) for San Jose Creek to be achieved by non-modeled non-structural BMPs. In order to take credit for the 8% reduction from baseline loading of bacteria as a result of implementation of non-modeled non-structural BMPs, greater specificity must be provided on the enhanced watershed control measures. The City must provide details regarding how, when and to what extent these measures will be enhanced during this permit term. Additionally, the City must provide measurable milestones for implementing each one of the control measures that will allow an assessment of progress toward the final receiving water limitations every two years.
- B. Modeling comments regarding analysis of total lead and bacteria for San Jose Creek and Walnut Creek Wash in San Gabriel River watershed:

1. The model predicted mass contributions of total lead and bacteria from the City shown in Table 4-2 are not consistent with those values directly from the model output. For example, the 90th percentiles of mass loads of lead presented in Figure A of this attachment are 32 lbs/day and 0.37 lbs/day respectively in San Jose Creek and in Walnut Creek Wash. In terms of 90th percentile model year, the total lead loads would be 2464 lbs/year and 28 lbs/year respectively, which are not consistent with the values presented in Table 4-2 of RAA Report. In addition, the predicted results of lead concentration in San Jose Creek obtained directly from the model output file as shown in Figure B. of this attachment are much higher than the EMC values and WQBEL value for lead. As such, the City should re-analyze baseline loading under the critical condition consistent with the expression of the WLA for lead (i.e., daily load) before concluding that the allowable lead load can be set equal to the baseline load (see p. 41). Additionally, the conclusion that no reduction for lead is required should be re-evaluated based on a daily load. Similarly, the model results presented in Table 4-2 and Table 4-3 should be presented in kg/day to be consistent with the expression of the WLA in Attachment P of the LA County MS4 Permit.

Pursuant to Section B.II.c of the RAA guideline, pollutant event mean concentrations (EMCs) should only be used when water quality data are not available. As soon as sufficient data are collected, the model should be refined/calibrated using updated data to estimate the baseline pollutant loading.

2. The expected reductions in pollutant load from baseline to be achieved by the proposed BMPs identified in Table 4-6 and Table 4-7 for bacteria need the detailed model results to support each BMP performance as shown in Table 4-6 and Table 4-7. For example, the RAA should include the time series of load reduction for bacteria over the simulation

period to demonstrate the variability of load reduction from the baseline condition for each BMP.

The report did not describe how the model was calibrated, including calibration results compared to calibration criteria in Table 3.0 of the RAA Guidelines, and no historical hydrology and water quality monitoring data were used for comparison with the model results for the baseline prediction. According to Part G, pages 12-13 of the RAA Guidelines, model calibration is necessary to ensure that the model can properly assess all the variables and conditions in a watershed system.

3. The report did not evaluate the critical condition for the modeling. For example, the input rainfall should be presented in the report and explain what the modeling periods are that are being simulated for the critical condition. Pursuant to Part B on pages 2-4 of the RAA Guidelines, a description of the process for identifying critical conditions is needed prior to the RAA modeling analysis. A summary of TMDL critical conditions relevant to MS4 discharges was provided in Appendix B of the RAA Guidelines for Permittees' reference. The report presents mass contributions of total lead and bacteria, but does not present concentration of those pollutants under the critical condition.
4. The ID for each of the 18 subwatersheds used in the model simulation must be provided and be shown in the simulation domain to present the geographic relationship of subwatersheds simulated in the LSPC model.
5. The flow and water quality time series output at the watershed outlet must be provided using the 90th percentile of modeled pollutant concentration and mass per day for wet event days consistent with the expression of the WLA over simulation periods to estimate the baseline concentration and mass. In addition, per RAA Guidelines, the model output should include storm water runoff volume at outlet for baseline and each BMP scenario as well (See Table 5. Model Output for Both Process Based BMP Models and Empirically Based BMP Models, pages 20-22 of the RAA Guidelines).
6. Model simulation under the dry weather condition for bacteria for San Jose Creek and Walnut Creek Wash was not included in the Report.
7. Per the RAA Guidelines, the required load reduction should be evaluated at the jurisdictional boundary of each subwatershed for each pollutant to demonstrate that the proposed control measures will ensure that the City's MS4 discharges achieve effluent limitations and do not cause or contribute to exceedances of receiving water limitations. The BMP performance model proposed in the RAA Guidelines should be used to predict the pollutant reduction for the proposed BMPs.

C. Modeling comments regarding lack of analysis for other Category 1 waterbody pollutant combination:

1. Model simulations, baseline loadings, and required reductions for selenium were not included in the Report.

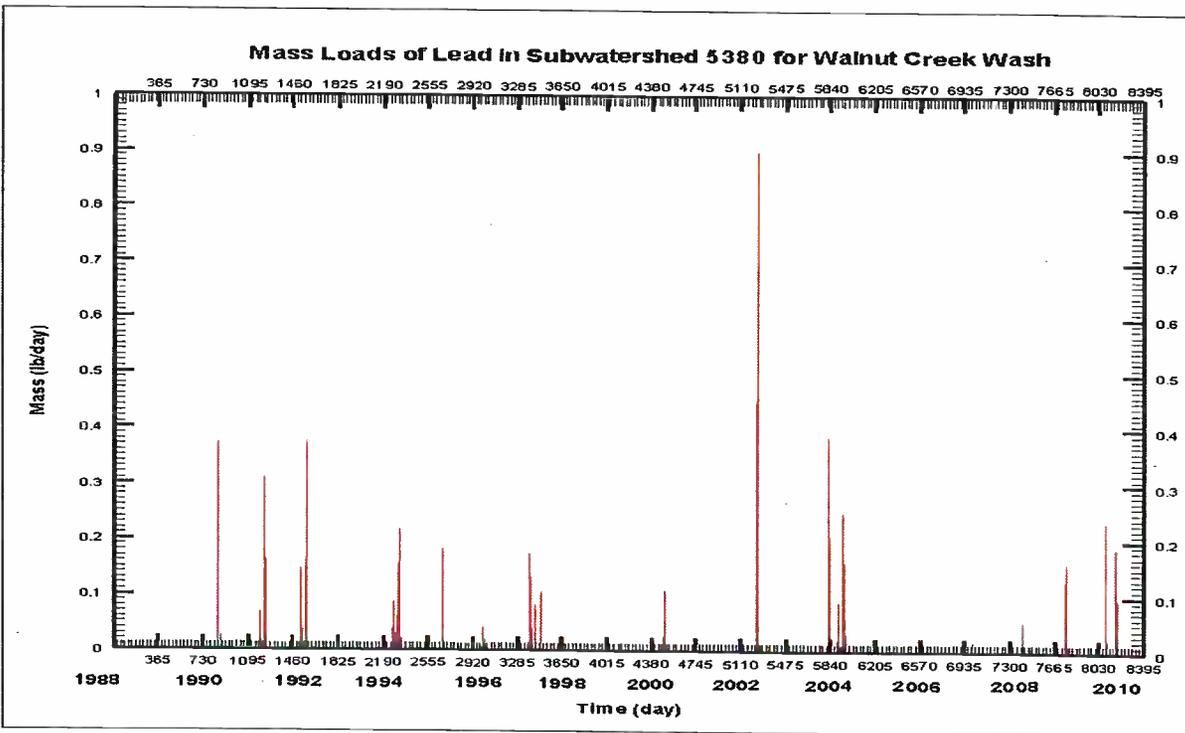
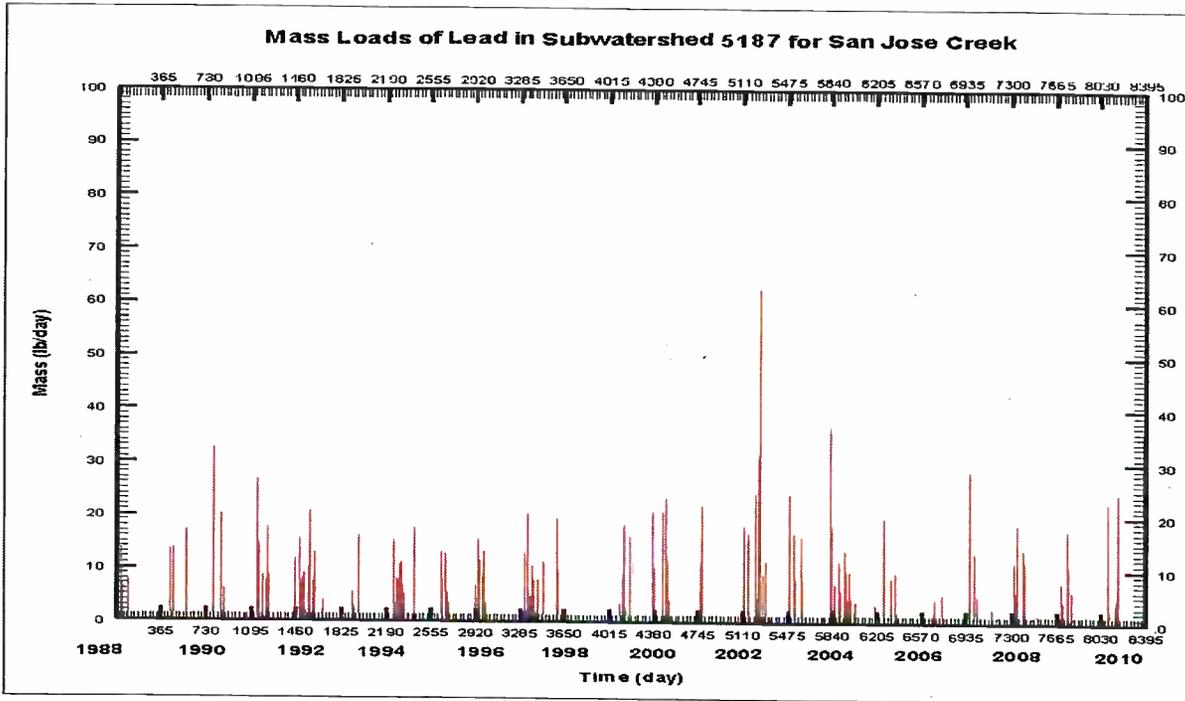


Figure A. Model predicted results for total loads of lead directly from the model output file

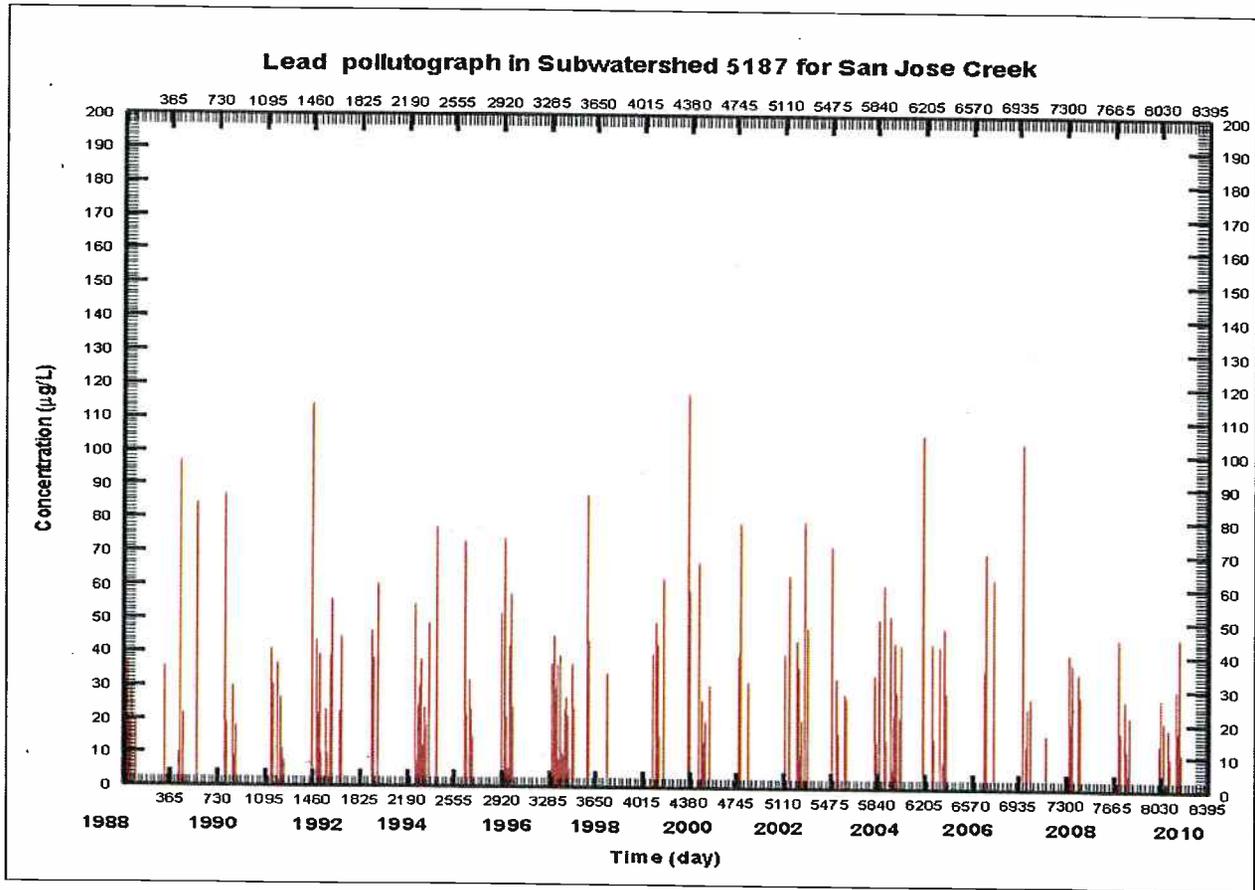


Figure B. Model predicted results of lead concentration in San Jose Creek directly from model output file



Los Angeles Regional Water Quality Control Board

October 22, 2014

Mr. Frank Senteno, City Engineer
City of El Monte
Department of Public Works
11333 Valley Blvd.
El Monte, CA 91731

REVIEW OF THE CITY OF EL MONTE'S DRAFT WATERSHED MANAGEMENT PROGRAM, PURSUANT TO PART VI.C OF THE LOS ANGELES COUNTY MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT (NPDES PERMIT NO. CAS004001; ORDER NO. R4-2012-0175)

Dear Mr. Senteno:

The Regional Water Board has reviewed the draft Watershed Management Program (WMP) submitted on June 26, 2014 by the City of El Monte. This program was submitted pursuant to the provisions of NPDES Permit No. CAS004001 (Order No. R4-2012-0175), which authorizes discharges from the municipal separate storm sewer system (MS4) operated by 86 municipal Permittees within Los Angeles County (hereafter, LA County MS4 Permit). The LA County MS4 Permit allows Permittees the option to develop either a Watershed Management Program (WMP) or Enhanced Watershed Management Program (EWMP) to implement permit requirements on a watershed scale through customized strategies, control measures, and best management practices (BMPs). Development of a WMP or EWMP is voluntary and may be developed individually or collaboratively.

The purpose of a WMP or EWMP is for a Permittee to develop and implement a comprehensive and customized program to control pollutants in MS4 discharges of stormwater and non-stormwater to address the highest water quality priorities. These include complying with the required water quality outcomes of Part V.A (Receiving Water Limitations) and Part VI.E and Attachments L through R (Total Maximum Daily Load (TMDL) Provisions) of the LA County MS4 Permit. If a Permittee opts to develop a WMP or EWMP, the WMP or EWMP must meet the requirements, including conducting a Reasonable Assurance Analysis (RAA), of Part VI.C (Watershed Management Programs) of the LA County Permit and must be approved by the Regional Water Board.

As stated above, on June 26, 2014, the City of El Monte submitted a draft Watershed Management Program (WMP) for their entire jurisdiction to the Regional Water Board pursuant to Part VI.C.4.c of the LA County MS4 Permit.

The Regional Water Board has reviewed the draft WMP and has determined that, for the most part, the draft WMP includes the elements and analysis required in Part VI.C of the LA County

CHARLES STRINGER, CHAIR | SAMUEL UNDER, EXECUTIVE OFFICER

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MS4 Permit. However, some revisions to the City's draft WMP are necessary. The Regional Water Board's comments on the draft WMP, including detailed information concerning necessary revisions to the draft WMP, are found in Enclosure 1 and Enclosure 2, respectively. The specific Permit provisions cited in the enclosures refer to provisions in the LA County MS4 Permit. The LA County MS4 Permit includes a process through which necessary revisions to the draft WMP can be made (Part VI.C.4 in the LA County MS4 Permit). The process requires that a final WMP, revised to address Regional Board comments identified in the enclosures, must be submitted to the Regional Water Board not later than three months after comments are received by the Permittees on the draft program. Please make the necessary revisions to the draft WMP as identified in the enclosures to this letter and submit the revised WMP as soon as possible and no later than **January 22, 2015**.

The revised WMP must be submitted to losangeles@waterboards.ca.gov with the subject line "LA County MS4 Permit – Revised Draft El Monte WMP" with a copy to lvar.Ridgeway@waterboards.ca.gov.

If the necessary revisions are not made, the City of El Monte will be subject to the baseline requirements in Part VI.D of the Order and shall demonstrate compliance with receiving water limitations pursuant to Part V.A and with applicable interim and final water quality-based effluent limitations (WQBELs) in Part VI.E and Attachments O and P pursuant to subparts VI.E.2.d.i.(1)-(3) and VI.E.2.e.i.(1)-(3), respectively.

Until the draft WMP is approved, the City of El Monte is required to:

- (a) Continue to implement all watershed control measures in its existing storm water management programs, including actions within each of the six categories of minimum control measures consistent with Title 40, Code of Federal Regulations, section 122.26(d)(2)(iv);
- (b) Continue to implement watershed control measures to eliminate non-storm water discharges through the MS4 that are a source of pollutants to receiving waters consistent with Clean Water Act section 402(p)(3)(B)(ii); and
- (c) Target implementation of watershed control measures in (a) and (b) above to address known contributions of pollutants from MS4 discharges to receiving waters.

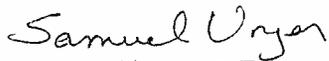
In addition on June 26, 2014, the City of El Monte submitted a draft Coordinated Integrated Monitoring Program (CIMP) to the Regional Water Board pursuant to Part IV.C of Attachment E of the LA County MS4 Permit. The Regional Water Board review and comments on the draft CIMP will be provided under separate cover.

Mr. Senteno, City of El Monte
Draft WMP Review

October 22, 2014
Page 3 of 3

If you have any questions, please contact Mr. Ivar Ridgeway, Chief of the Storm Water Permitting Unit, by electronic mail at Ivar.Ridgeway@waterboards.ca.gov or by phone at (213) 620-2150.

Sincerely,


Samuel Unger, P.E.
Executive Officer

Enclosures:

Attachment 1 Comments and Necessary Revisions to Draft WMP
Attachment 2 Comments on Reasonable Assurance Analysis for the City of El Monte

cc: Jesus Gomez, Assistant City Manager
Edmond Suher, Senior Project Engineer, CASC Engineering and Consulting

Los Angeles Regional Water Quality Control Board

Attachment to October 22, 2014 Letter Regarding the City of El Monte's Draft Watershed Management Program (WMP) Submittal Pursuant to Part VI.C of the LA County MS4 Permit (Order No. R4-2012-0175)

Comments and Necessary Revisions to Draft WMP

Issue and MS4 Permit Provision (Permit Page Number)	Regional Water Board Staff Comment
<p><i>Part VI.C.5.a.i. Water Quality Characterization (p. 58)</i></p>	<ul style="list-style-type: none"> • The Regional Board staff acknowledges the City's initiative in conducting outfall monitoring to characterize their storm water and non-storm water discharges at two outfalls, one in the Rio Hondo subwatershed and one in the San Gabriel River watershed. The City states that, "the drainage(s) to the selected outfall(s) are representative of the land uses within the City's jurisdiction. The City's land use is: <ul style="list-style-type: none"> ○ 7% office ○ 10% industrial/commercial ○ .11% retail ○ 58% residential ○ 14% other amenities" Corresponding land use for the drainage areas associated with Outfalls 5 and 7 should be presented for comparison. • At a minimum, the last five years of Mass Emissions data for S10 (LA River) and S14 (SG River) should be considered. Additionally, applicable tributary monitoring data (such as for Rio Hondo @ TS06 conducted from 2002-04) should be considered as well as data collected during TMDL development for Legg Lake (and Peck Road Park Lake, if applicable).
<p><i>Part VI.C.5.a.ii. Waterbody-Pollutant Classification (page 59)</i></p>	<p><u>Category 1 Waterbody-Pollutant Combinations:</u></p> <ul style="list-style-type: none"> • The City's draft WMP lists Category 1 pollutants but did not include cadmium, for which there is a WQBEL applicable to storm water per the LA River Metals TMDL. • Cadmium is omitted from the RAA, as are dry weather WQBELs for Cu, Pb, and Zn in the LA River, as well as interim bacteria WQBELs. All WQBELs should be included in the RAA or should be accounted for using a surrogate pollutant. <p><u>Category 2 Waterbody-Pollutant Combinations:</u></p> <ul style="list-style-type: none"> • The draft WMP should be revised to identify the applicable Receiving Water Limitations for Category 2 pollutants that are required to be addressed by the draft WMP. • Indicator Bacteria for San Gabriel River Reach 3 should be included as a Category 2 pollutant in accordance with the 2010 303(d) list. • Toxicity and pH for Rio Hondo should be included as Category 2 Pollutants in accordance with the 2010 303(d) list. • The draft WMP does not include Cyanide as a Category 2 pollutant though the WMP acknowledges water quality has been identified as having been impaired by Cyanide. The WMP needs to include Cyanide or explain why it was not included. • Lead, Odor, and Organic Enrichment/Low Dissolved Oxygen should be included as Category 2 pollutants for Peck Road Park Lake in accordance with the 2010 303(d) list, unless documentation confirming that there are no discharges from the City's

Issue and MS4 Permit Provision (Permit Page Number)	Regional Water Board Staff Comment
	<p>MS4 to Peck Road Park Lake is included in the revised WMP.</p> <ul style="list-style-type: none"> • Trash for Legg Lake and Peck Road Park Lake don't need to be included as Category 2 pollutants as they are already included as Category 1 pollutants. <p><u>Category 3 Waterbody-Pollutant Combinations:</u></p> <ul style="list-style-type: none"> • The City's submittal does not summarize the findings from the review of Annual Reports, IC/ID reports, SWAMP, Industrial/Commercial Facility baseline exceedances information from SMARTS, which are data sources listed in Section 1.7.3 as being used by the City to identify waterbody-pollutant combinations with exceedances of water quality objectives. The WMP should be revised to include the findings from the review of these data sources. • The draft WMP should be revised to identify the applicable Receiving Water Limitations for Category 3 pollutants that are required to be addressed by the draft WMP. • The WMP should also potentially include diazinon and arsenic as Category 3 pollutants for Rio Hondo based on the tributary monitoring data from TS06. • Copper and Zinc for the Los Angeles River do not need to be included as Category 3 pollutants since they are already in Category 1. • Lead in the San Gabriel River does not need to be included as a Category 3 pollutant as it is already included as a Category 1 pollutant.
<p>Part VI.C.5.a.iii. Source Assessment (page 59-60)</p>	<ul style="list-style-type: none"> • The City's draft WMP lists a variety of data sources used in developing the source assessment but does not present the findings from these data sources. The WMP should be revised to present the findings from the review of the data sources identified in Section 1.6. • The draft WMP did not include data and conclusions from TMDL source investigations regarding known and suspected stormwater and non-stormwater pollutant sources in discharges to the MS4 and from the MS4 to receiving waters. The data and conclusions from TMDL source investigations regarding known and suspected stormwater and non-stormwater pollutant sources should be included in the draft WMP's source assessment.

Issue and MS4 Permit Provision (Permit Page Number)	Regional Water Board Staff Comment
<p><i>Part VI.C.5.b. Selection of Watershed Control Measures (pages 61-64)</i></p>	<ul style="list-style-type: none"> • Section 1.8 of the draft WMP lists a general strategy to implement pollutant controls but few details are included and watershed control measures are not presented for the City's MS4 discharges to the San Gabriel River. Regional Board staff acknowledges that to a large degree the selection of watershed controls is based on the City's RAA, which indicates no pollutant reduction is required for the following pollutants: <ul style="list-style-type: none"> ○ Nitrogen-Peck Rd Park Lake ○ Lead-San Gabriel River ○ Copper, Zinc, and Lead-LA River ○ Nitrogen Compounds-LA River <p>However, some waterbody-pollutant combinations were omitted from the RAA, including cadmium in the LA River, non-stormwater discharges of copper, lead and zinc to the LA River, bacteria in the LA River and San Gabriel River, etc. Detailed comments on the City's RAA are provided in a separate memorandum.</p> • The draft WMP needs to include greater specificity in detailing how non-stormwater discharges will be identified and what measures will be taken to eliminate them, particularly in order to achieve applicable WQBELs for bacteria, copper, lead and zinc for non-stormwater discharges to the LA River per applicable interim and final compliance deadlines in the LA County MS4 Permit. • The draft WMP needs to include greater specificity on watershed control measures including how the pollutants identified in Categories 1, 2 and 3 are each addressed by the proposed control measures. • The draft WMP needs to include documentation demonstrating that the City's MS4 does not discharge to Peck Road Park Lake. • The draft WMP references trash control BMPs (full capture inserts) but does not reference any other control measures identified in TMDLs and corresponding TMDL implementation plans, specifically the Los Angeles River & Tributaries Total Maximum Daily Loads for Metals Final Implementation Plan for Reach 2 Participating Jurisdictions. • The draft WMP needs to ensure controls identified in TMDLs and TMDL Implementation plans are incorporated in the WMP. • Figure 1-7 in the draft WMP is fairly detailed; listing the location and type of structural controls proposed for implementation but the narrative language in the WMP is fairly general and does not match up with Figure 1-7. The WMP should be revised to include specific narrative language that is consistent with Figure 1-7. • Interim milestones for BMP implementation were only included for trash for the LA River and trash and nutrients for Legg Lake (Section 1.10). The WMP needs to be revised to include interim milestones for the implementation of each structural control and non-structural best management practice identified in Sections 1.8.3 and 1.8.4 and on Figure 1.7 to comply with interim and final compliance deadlines for the LA River metals and bacteria TMDLs as well as interim milestones for addressing pollutants in Categories 2 and 3. • The draft WMP needs to include documentation that the City has the necessary legal authority to implement the Watershed Control Measures identified in the WMP, or that other legal authority exists to compel implementation of the Watershed Control Measures. • The WMP does not specify a strategy for pollutants in Categories 2 and 3. Section 1.8 lists a general strategy that concludes with the statement, "The City will implement Watershed Control Measures based on the results of its watershed modeling and the necessary pollutant reductions." The WMP needs to be revised to specify a strategy for pollutants in Categories 2 and 3.

Issue and MS4 Permit Provision (Permit Page Number)	Regional Water Board Staff Comment
<p><i>Part VI.C.5.b. Selection of Watershed Control Measures (pages 61-64) continued</i></p>	<ul style="list-style-type: none"> As stated above, the RAA did not include all pollutants identified in Categories 1, 2 and 3, as required. The RAA needs to include these other pollutants and the City needs to propose appropriate BMPs in the WMP where the RAA indicates that load reductions for these pollutants are required.
<p>Reasonable Assurance Analysis – Category 1 Pollutants</p> <p>Part VI.C.5.b.iv.(5)</p>	<p>Not all Category 1 pollutants were included in the RAA. All Category 1 pollutants or surrogates need to be included in the RAA.</p>
<p>Reasonable Assurance Analysis – Categories 2 and 3 Pollutants</p> <p>Part VI.C.5.b.iv.(5)</p>	<p>The WMP did not model any pollutants in Categories 2 and 3. These pollutants or surrogates need to be included in the RAA.</p>



Los Angeles Regional Water Quality Control Board

TO: Mr. Frank Senteno, City Engineer
City of El Monte

FROM: C.P. Lai, Ph.D., P.E. and Thanhloan Nguyen
LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD

DATE: October 22, 2014

SUBJECT: COMMENTS ON DRAFT WATERSHED MANAGEMENT PROGRAM, SECTION 1.9, REASONABLE ASSURANCE ANALYSIS

This memorandum contains comments on Section 1.9 of the City of El Monte's Draft Watershed Management Program, "Reasonable Assurance Analysis" (RAA), dated June 2014, which was submitted by the City of El Monte.

A. General comments on the draft Reasonable Assurance Analysis section of the Watershed Management Program.

1. Pursuant to Part VI.C.5.a.iv(1) and VI.C.5.b.iv.(3)-(4), pages 60 and 62-63 of the MS4 Permit, the City is subject to final water quality-based effluent limitations pursuant to (i) Attachment O, Part A "Los Angeles River Watershed Trash TMDL", Part B "Los Angeles River Nitrogen Compounds and Related Effects TMDL", Part C "Los Angeles River and Tributaries Metals TMDL", Part D "Los Angeles River Watershed Bacteria TMDL", Part E "Legg Lake Trash TMDL", Part G.7 "Legg lake System Nutrient TMDL, Part G.8 to 13 "Peck Road Park Lake Nutrient, PCBs, Chlordane, DDT, Dieldrin, and and Trash TMDLs", and (ii) Attachment P, Part A "San Gabriel River and Impaired Tributaries Metals and Selenium TMDL." As identified below, some pollutants with applicable water quality-based effluent limitations (WQBELs) appear to have been omitted from the RAA, including bacteria in the Los Angeles River and non-stormwater discharges of copper, lead and zinc to the Los Angeles River.
2. The City has provided an evaluation of the existing water quality conditions for receiving water to which the City's MS4 discharges, including the Los Angeles River and San Gabriel River. However, lead for San Gabriel River and cadmium and nitrogen compounds for Los Angeles River were not summarized and included the receiving water characterization section (Section 1.2 of the draft Watershed Management Program). A summary of water quality conditions for these pollutants should be added to the revised WMP.
3. The City has estimated nutrient baseline loading and the required reduction for Peck Road Park Lake. However, the City did not include any pollutant reduction plan to reduce nutrient loading to the lake based on the review of the City and LACFCD that

CHARLES STINESET, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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there is no direct or indirect discharge from the City to the Lake (Section 1.8.3 *TMDL Control Measures* of the draft WMP). The City must submit the record and evidence to support the City's conclusion that there are no MS4 discharges from the City to Peck Road Park Lake.

4. Model simulation for pollutants in Categories 2 and 3 was not included in the RAA.
- B. Modeling comments regarding analysis of dissolved copper, dissolved lead, dissolved zinc, and nitrogen loads for Los Angeles River; nitrogen and phosphorous loads for Legg Lake and Peck Road Park Lake; and dissolved lead loads for San Gabriel River:
1. The model predicted mass contributions of pollutants from the City shown in Table 1-6 through Table 1-14 and Figure 1-8 through Figure 1-11 are not consistent with those values directly from the model output (see attached Figure A. and Figure B. for an example) . As such, the conclusion that no pollutant reduction is required should be re-evaluated.
 2. The RAA did not include the model results for cadmium, nitrogen compounds and bacteria for Los Angeles River. There are too many uncertainties involved in converting modeled TSS concentrations to predicted concentrations of nitrate + nitrite as nitrogen, as presented in Table 1-9. The RAA should present instead the directly modeled concentrations of nitrate + nitrite as nitrogen. Additionally, the RAA should include model output for cadmium loading as is done for copper, lead and zinc loading to the Los Angeles River or alternatively, include the rationale on how cadmium loading will be addressed by addressing the other metals.
 3. Section 1.9 of the draft WMP did not describe how the model was calibrated, including calibration results compared to calibration criteria in Table 3.0 of the RAA Guidelines, and no historical hydrology and water quality monitoring data were used for comparison with the model results for the baseline prediction. According to Part G, pages 12-13 of the RAA Guidelines, model calibration is necessary to ensure that the model can properly assess all the variables and conditions in a watershed system.
 4. The 90th percentile wet year was selected. However, the report did not present the precipitation data and frequency analysis used to select the critical condition for the modeling. The input rainfall should be presented in the report and explain what the modeling periods are that are being simulated for the critical condition. Pursuant to Part B on pages 2-4 of the RAA Guidelines, a presentation of the process and data used for identifying critical conditions is needed prior to the modeling analysis. A summary of TMDL critical conditions relevant to MS4 discharges was provided in Appendix B of the RAA Guidelines for Permittees' reference.
 5. The report presents mass contributions of copper, lead and zinc, but does not present the runoff volumes and concentrations of those pollutants under the critical condition.
 6. The ID number for each of the 313 subwatersheds from the model input file must be provided and be shown in the simulation domain to present the geographic relationship of these subwatersheds within the surrounding watershed area and within the City's boundaries, which are simulated in the LSPC model.

7. Where pollutant reductions are necessary, the model output should include the storm water runoff volume, flow, water quality concentration and pollutant loads in time series at the jurisdictional boundary of each subwatershed for each BMP scenario as well (See Table 5. Model Output for Both Process-based BMP Models and Empirically-based BMP Models, pages 20-22 of the RAA Guidelines).
8. Per the RAA Guidelines, the required load reduction should be evaluated at the jurisdictional boundary of each subwatershed to demonstrate that the proposed control measures will ensure that the City's MS4 discharges achieve effluent limitations and do not cause or contribute to exceedances of receiving water limitations. The BMP performance model proposed in the RAA Guidelines should be used to predict the pollutant reduction for the proposed BMPs.
9. Model simulation under the dry weather condition for dissolved copper, lead and zinc for Los Angeles River and for bacteria in the Los Angeles River was not included in the RAA.

Figure 1-8: Scatter Plot for LA River Copper

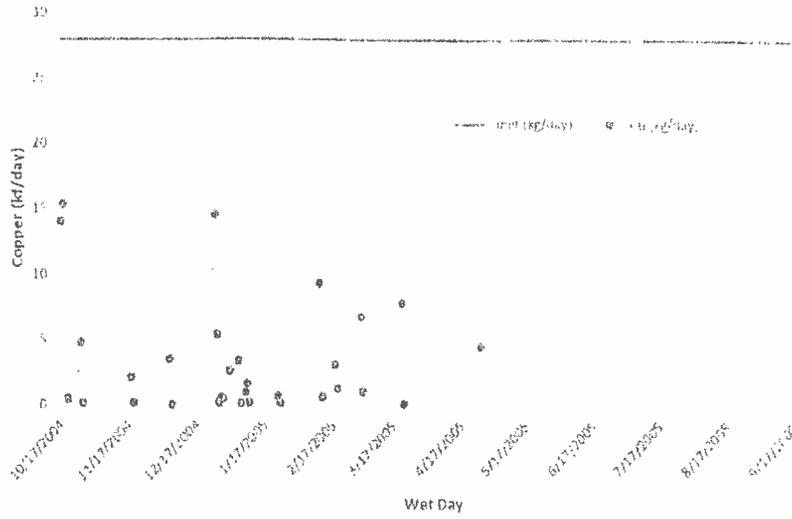


Figure 1-9: Scatter Plot for LA River Lead

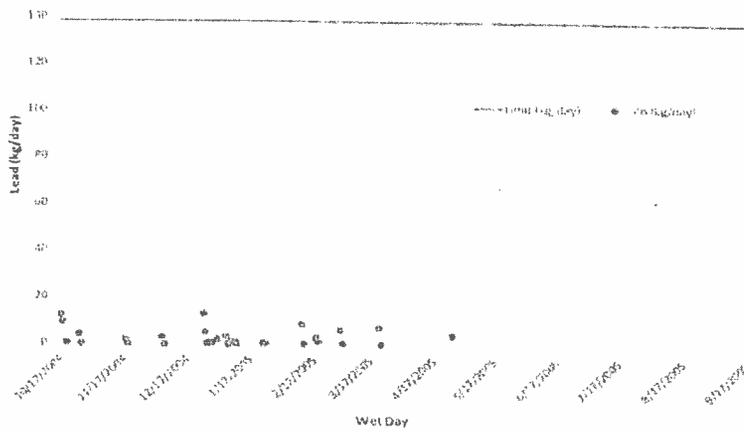


Figure 1-10: Scatter Plot for LA River Zinc

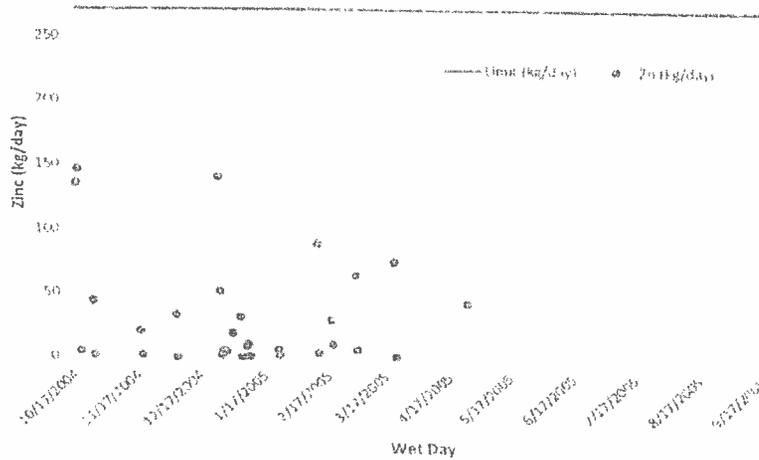


Figure A. Model predicted results from RAA Report for City of El Monte

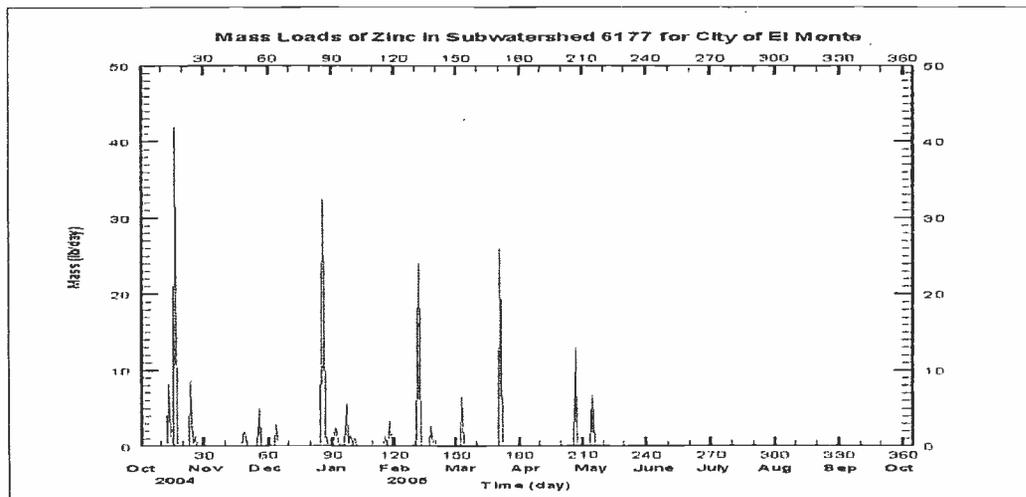
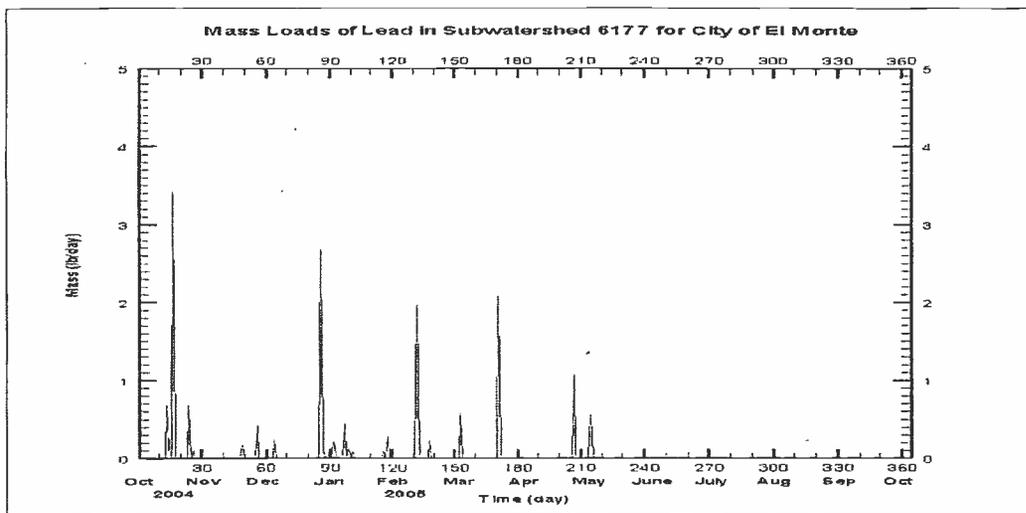
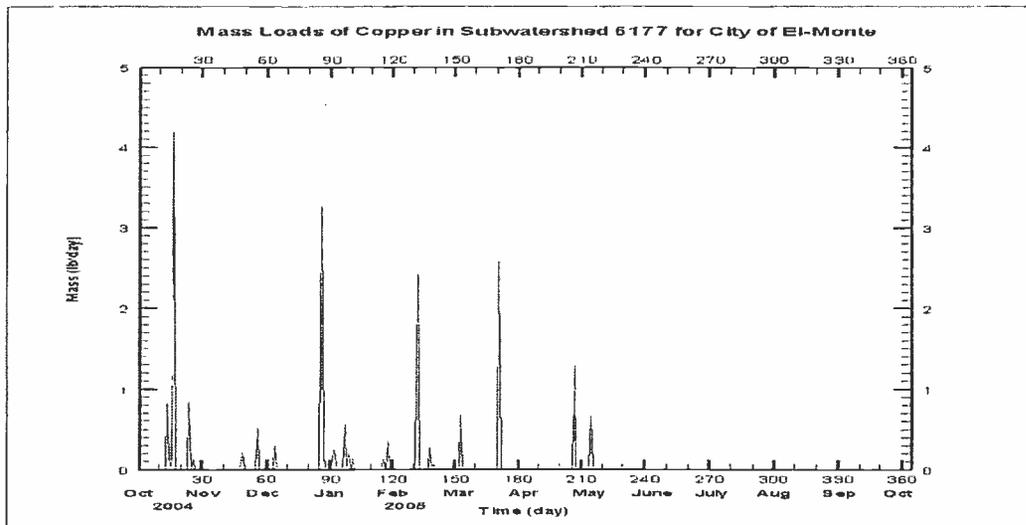


Figure B. Model predicted results directly from the output file for City of El Monte

Exhibit B



Los Angeles Regional Water Quality Control Board

April 28, 2015

Permittees of the East San Gabriel Valley Watershed Management Group¹

APPROVAL, WITH CONDITIONS, OF THE EAST SAN GABRIEL VALLEY GROUP'S WATERSHED MANAGEMENT PROGRAM (WMP), PURSUANT TO THE LOS ANGELES COUNTY MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT (NPDES PERMIT NO. CAS004001; ORDER NO. R4-2012-0175)

Dear Permittees of the East San Gabriel Valley Watershed Management Group:

On November 8, 2012, the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board or Board) adopted Order No. R4-2012-0175, *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* (hereafter, LA County MS4 Permit). Part VI.C of the LA County MS4 Permit allows Permittees the option to develop either a Watershed Management Program (WMP) or an Enhanced Watershed Management Program (EWMP) to implement permit requirements on a watershed scale through customized strategies, control measures, and best management practices (BMPs). Development of a WMP or EWMP is voluntary and allows a Permittee to address the highest watershed priorities, including complying with the requirements of Part V.A (Receiving Water Limitations), Part VI.E and Attachments L through R (Total Maximum Daily Load Provisions), and by customizing the control measures in Parts III.A (Prohibitions – Non-Storm Water Discharges) and VI.D (Minimum Control Measures), except the Planning and Land Development Program. Pursuant to Part VI.C.4.c of the LA County MS4 Permit, the Permittees of the East San Gabriel Valley Watershed Management Group (ESGV WMG) jointly submitted a draft WMP dated June 27, 2014, to the Los Angeles Water Board for review.

Public Review and Comment

On July 3, 2014, the Board provided public notice and a 46-day period to allow for public review and comment on the ESGV WMG's draft WMP. A separate notice of availability regarding the draft WMPs, including the ESGV WMP, was directed to State Senators and Assembly Members

¹ Permittees of the East San Gabriel Valley Watershed Management Group include the cities of Claremont, La Verne, Pomona, and San Dimas. See attached distribution list.

within the Coastal Watersheds of Los Angeles County. The Board received two comment letters that had comments on WMPs generally, which were in part applicable to the ESGV WMG draft WMP. One joint letter was from Natural Resources Defense Council (NRDC), Heal the Bay, and Los Angeles Waterkeeper, and the other letter was from the Construction Industry Coalition on Water Quality (CICWQ). On October 9, 2014, the Board held a workshop at its regularly scheduled Board meeting on the draft WMPs. The Board also held a public meeting on April 13, 2015 for permittees and interested persons to discuss the revised draft WMPs with the Executive Officer and staff. During its initial review and its review of the revised draft WMP, the Los Angeles Water Board considered those comments applicable to the ESGV WMG's proposed WMP.

Los Angeles Water Board Review

Concurrently with the public review, the Los Angeles Water Board, along with U.S. EPA Region IX staff, reviewed the draft WMPs. On October 27, 2014, the Los Angeles Water Board sent a letter to the ESGV WMG detailing the Board's comments on the draft WMP and identifying the revisions that needed to be addressed prior to the Board's approval of the ESGV WMG's WMP. The letter directed the ESGV WMG to submit a revised draft WMP addressing the Los Angeles Water Board's comments. Prior to the ESGV WMG's submittal of the revised draft WMP, Board staff had a meeting on January 13, 2015 with ESGV WMG representatives and consultants, and several follow-up teleconferences and e-mail exchanges, to discuss the Board's comments and the revisions to the draft WMP, including the supporting reasonable assurance analysis (RAA), which would address the Board's comments. The ESGV WMG submitted its revised draft WMP on January 28, 2015 for Los Angeles Water Board review and approval.

Approval of WMP, with Conditions

The Los Angeles Water Board hereby approves, subject to the following conditions, the ESGV WMG's January 28, 2015, revised draft WMP. The Board may rescind this approval if all of the following conditions are not met to the satisfaction of the Board within the timeframe provided below.

1. Correct Tables 3-3 and 5-5 of the revised draft WMP by removing reference to the dry-weather copper waste load allocations (WLAs). The East San Gabriel Valley Permittees' MS4 discharges are not subject to the dry-weather copper WLAs in the San Gabriel River and Impaired Tributaries Metals and Selenium TMDL (Attachment P of the LA County MS4 Permit) assigned to discharges to the San Gabriel River Reach 1 and San Gabriel River Estuary.²

² According to the TMDL, dry-weather WLAs for copper are assigned to San Gabriel River Reach 1 and Coyote Creek and its tributaries to meet the copper TMDL in the Estuary. No dry-weather copper WLAs are required for San Gabriel River Reaches 2, 3, 4, 5, San Jose Creek, or Walnut Creek because they do not drain to the Estuary during dry weather. Dry-weather WLAs are assigned to San Jose Creek Reach 2 to meet the selenium TMDL in San Jose Creek Reach 1. (USEPA 2007)

2. Revise Table 4-3 of the revised draft WMP to include "Interagency coordination," "Hydromodification Control Plan," and "Sewage system maintenance, overflow, and spill prevention," which are requirements of the LA County MS4 Permit. (See Parts VI.A.2.a.viii, VI.A.4.a.iii, and VI.D.2, among others, regarding "interagency coordination"; Part VI.D.7.c.iv regarding "Hydromodification Control Plan"; and Parts VI.D.9.h.ix and VI.D.10.c-e regarding "sewer system maintenance, overflow, and spill prevention.")
3. Revise and separate Table 4-2 of the revised draft WMP, "Recently Constructed and Planned BMPs in the WMP Area," into two tables to clearly distinguish between: (a) those best management practices (BMPs) that are already constructed (providing the completion date for each), and (b) those BMPs that are planned (providing the scheduled completion date for each).
4. Clarify the responsibilities of each Permittee of the ESGV WMG for implementation of watershed control measures in Table 5-17 of the revised draft WMP, "Control Measures to be Implemented for Attainment of 10% Milestone" and Table 5-18, "Schedule for Implementation of the Rooftop Runoff Reduction Program" to attain the 10% interim milestone in the San Gabriel River and Impaired Tributaries Metals and Selenium TMDL.
5. Correct inconsistencies between Table 5-4 and Table 5-6 of the revised draft WMP, including: (a) information on selenium, which indicates exceedances downstream in Table 5-4 of the revised draft WMP, but indicates that no reductions are necessary in Table 5-6, and (b) missing information on E. coli exceedances in Table 5-4.
6. Revise Appendix D of the revised draft WMP to include: (a) both the geometric mean water quality objective (126/100 mL) and the single sample maximum water quality objective (235/100 mL) for E. coli density and (b) a table of the water quality-based effluent limitations (WQBELs) applicable to the ESGV WMG for lead, selenium, total nitrogen, total phosphorus, total mercury, total PCBs, total chlordane, dieldrin, total DDT, and 4,4-DDT as set forth in Attachment P of the LA County MS4 Permit.
7. Confirm in the revised draft WMP that Permittees of the ESGV WMG shall implement permit provisions in Part III Discharge Prohibitions and Part VI.D Stormwater Management Program Minimum Control Measures as set forth in the LA County MS4 Permit, unless noted otherwise in the revised draft WMP.
8. Provide in an Appendix the comparison of the volume reductions required by the load-based and volume-based numeric goals conducted as the initial step in the WMP Reasonable Assurance Analysis (RAA).

The ESGV WMG shall submit a final WMP to the Los Angeles Water Board that satisfies all of the above conditions no later than June 12, 2015.

Determination of Compliance with WMP

Pursuant to Part VI.C.6 of the LA County MS4 Permit, the ESGV WMG shall begin implementation of the approved WMP immediately. To continue to be afforded the opportunity to implement permit provisions within the framework of the WMP, Permittees must fully and timely implement all actions per associated schedules set forth in the approved WMP regardless

of any contingencies indicated in the approved WMP (e.g., funding) unless a modification to the approved WMP, including any extension of deadlines where allowed, is approved by the Los Angeles Water Board pursuant to Part VI.C.6.a or Part VI.C.8.a.ii-iii. The Los Angeles Water Board will determine the ESGV Permittees' compliance with the WMP on the basis of the compliance actions and milestones included in the WMP, including, but not limited to, the following:

- Table 5-16 "Schedule of Control Measures and BMP Capacities to Interim Milestones for the ESGV WMP," which establishes the jurisdictional and subwatershed interim and final milestones for BMP capacities (in acre-feet);
- Table 5-17 "Control Measures to be Implemented for Attainment of 10% Milestone;" and
- Table 5-18 "Schedule for Implementation of the Rooftop Runoff Reduction Program."

Pursuant to Parts VI.C.3 and VI.E.2.d.i.(4)(a) of the LA County MS4 Permit, the ESGV Permittees' full and timely compliance with all actions and dates for their achievement in their approved WMP shall constitute compliance with permit provisions pertaining to applicable WQBELs/WLAs in Part VI.E and Attachment P of the LA County MS4 Permit. Further, per Part VI.C.2.b of the LA County MS4 Permit, the ESGV Permittees' full compliance with all requirements and dates for their achievement in their approved WMP constitutes compliance with the receiving water limitations provisions of Part V.A of the LA County MS4 Permit for the specific waterbody-pollutant combinations addressed by their approved WMP.

If the Permittees in the ESGV WMG fail to meet any requirement or date for its achievement in the approved WMP, which will be demonstrated through the ESGV WMG's Annual Reports and program audits (when conducted), the Permittees in the ESGV WMG shall be subject to the baseline requirements of the LA County MS4 Permit, including but not limited to demonstrating compliance with applicable receiving water limitations and TMDL-based WQBELs/WLAs through outfall and receiving water monitoring. See Parts VI.C.2.c and VI.E.2.d.i.(4)(c).

Annual Reporting

The ESGV WMG shall report on achievement of actions and milestones within the reporting year, as well as progress towards future milestones related to multi-year projects, through its Annual Report per Attachment E, Part XVIII of the LA County MS4 Permit. For multi-year efforts, the ESGV WMG shall include the status of the project, which includes the status with regard to standard project implementation steps. These steps include, but are not limited to, adopted or potential future changes to municipal ordinances to implement the project, site selection, environmental review and permitting, project design, acquisition of grant or loan funding and/or municipal approval of project funding, contractor selection, construction schedule, start-up, and effectiveness evaluation (once operational), where applicable. For all stormwater retention/infiltration projects, including the rooftop runoff reduction program, LID due to new/redevelopment, green streets, and regional BMPs, the ESGV WMG shall report annually on the volume of stormwater retained in each jurisdictional subwatershed area.

The ESGV WMG shall also include in its Annual Report the source(s) of funds used during the reporting year, and those funds proposed for the coming year, to meet necessary expenditures related to implementation of the actions identified in its WMP per Part VI.A.3 of the LA County MS4 Permit. Further, as part of the annual certification concerning a permittee's legal authority required by Part VI.A.2.b of the LA County MS4 Permit, each Permittee in the ESGV WMG shall also certify in the Annual Report that it has the necessary legal authority to implement each of the actions and milestones in the approved WMP as required by Part VI.C.5.b.iv.(6). If a Permittee does not have legal authority to implement an action or milestone at the time the ESGV WMG submits its Annual Report, the Permittee shall propose a schedule to establish and maintain such legal authority.

Adaptive Management

The ESGV WMG shall conduct a comprehensive evaluation of its WMP no later than April 28, 2017, and subsequently, every two years thereafter pursuant to the adaptive management process set forth in Part VI.C.8 of the Los Angeles County MS4 Permit. As part of this process, the ESGV WMG must evaluate progress toward achieving:

- Applicable WQBELs/WLAs in Attachment P of the LA County MS4 Permit according to the milestones set forth in its WMP;
- Improved water quality in MS4 discharges and receiving waters;
- Stormwater retention milestones; and
- Multi-year efforts that were not completed in the current year and will continue into the subsequent year(s), among other requirements.

The ESGV WMG's evaluation of the above shall be based on both progress implementing actions in the WMP and an evaluation of outfall-based monitoring data and receiving water data. Per Attachment E, Part XVIII.6 of the LA County MS4 Permit, the ESGV WMG shall implement adaptive management strategies, including but not limited to:

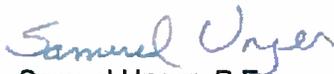
- Refinement and recalibration of the Reasonable Assurance Analysis (RAA) based on data specific to the ESGV WMP area that are collected through the ESGV WMG's Coordinated Integrated Monitoring Program and other data as appropriate;
- Identifying the most effective control measures, why they are the most effective, and how other control measures can be optimized based on this understanding;
- Identify the least effective control measures, why they are ineffective, and how the control measures can be modified or replaced to be more effective;
- Identify significant changes to control measures during the prior year(s) and the rationale for the changes; and
- Describe all significant changes to control measures anticipated to be made in the next year(s) and the rationale for each change.

As part of the adaptive management process, any modifications to the WMP, including any requests for extension of deadlines not associated with TMDL provisions, must be submitted to the Los Angeles Water Board for review and approval. The Permittees of the ESGV WMG must

implement any modifications to the WMP upon approval by the Los Angeles Water Board or its Executive Officer, or within 60 days of submittal of modifications if the Los Angeles Water Board or its Executive Officer expresses no objections. Note that the Permittees' Report(s) of Waste Discharge (ROWD) is due no later than July 1, 2017. To align any modifications to the WMP proposed through the adaptive management process with permit reissuance, results of the first adaptive management cycle should be submitted in conjunction with the Permittees' ROWD.

The Los Angeles Water Board appreciates the participation and cooperation of the ESGV WMG in the implementation of the LA County MS4 Permit. If you have any questions, please contact Ivar Ridgeway, Storm Water Permitting, at Ivar.Ridgeway@waterboards.ca.gov or by phone at (213) 620-2150.

Sincerely,



Samuel Unger, P.E.
Executive Officer

Enclosure: Distribution List

EAST SAN GABRIEL VALLEY WMG DISTRIBUTION LIST		
Name	City	Email Address
Latoya Cyrus	San Dimas	lcyrus@ci.san-dimas.ca.us
Loretta Mustafa	Claremont	lmustafa@ci.claremont.ca.us
Kathleen Tropa	Claremont	ktropa@ci.claremont.ca.us
Brian Desatnik	Claremont	bdesatnik@ci.claremont.ca.us
Cari Sneed	Claremont	csneed@ci.claremont.ca.us
Lisa O'Brien	La Verne	lobrien@ci.la-verne.ca.us
Rafferty Wooldridge	La Verne	rwooldridge@ci.la-verne.ca.us
Julie Carver	Pomona	julie_carver@ci.pomona.ca.us
Meg McWade	Pomona	Meg_McWade@ci.pomona.ca.us



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

April 28, 2015

Ms. Gail Farber, Director
County of Los Angeles
Department of Public Works
Watershed Management Division, 11th Floor
900 South Fremont Avenue
Alhambra, CA 91803

Ms. Gail Farber, Chief Engineer
Los Angeles County Flood Control District
Department of Public Works
Watershed Management Division, 11th Floor
900 South Fremont Avenue
Alhambra, CA 91803

APPROVAL, WITH CONDITIONS, OF THE ALAMITOS BAY/LOS CERRITOS CHANNEL WATERSHED MANAGEMENT AREA WATERSHED MANAGEMENT PROGRAM (WMP) PURSUANT TO THE LOS ANGELES COUNTY MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT (NPDES PERMIT NO. CAS004001; ORDER NO. R4-2012-0175)

Dear Ms. Farber:

On November 8, 2012, the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board or Board) adopted Order No. R4-2012-0175, *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* (hereafter, LA County MS4 Permit). Part VI.C of the LA County MS4 Permit allows Permittees the option to develop either a Watershed Management Program (WMP) or an Enhanced Watershed Management Program (EWMP) to implement permit requirements on a watershed scale through customized strategies, control measures, and best management practices (BMPs). Development of a WMP or EWMP is voluntary and allows a Permittee to address the highest watershed priorities, including complying with the requirements of Part V.A (Receiving Water Limitations), Part VI.E and Attachments L through R (Total Maximum Daily Load Provisions), and by customizing the control measures in Parts III.A (Prohibitions – Non-Storm Water Discharges) and VI.D (Minimum Control Measures), except the Planning and Land Development Program. Pursuant to Part VI.C.4.c of the LA County MS4 Permit, the County of Los Angeles (County) and the Los Angeles County Flood Control District (LACFCD) jointly submitted a draft WMP for the Alamitos Bay/Los Cerritos Channel (AB/LLC) Watershed Management Area (WMA) dated June 28, 2014, to the Los Angeles Water Board for review.

CHARLES STRINGER, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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Public Review and Comment

On July 3, 2014, the Board provided public notice and a 46-day period to allow for public review and comment on the County's and LACFCD's draft WMP. A separate notice of availability regarding the draft WMPs, including the AB/LCC WMP, was directed to State Senators and Assembly Members within the Coastal Watersheds of Los Angeles County. The Board received one comment letter that had specific comments on the County's and LACFCD's draft WMP and two letters that had comments on WMPs generally, which were in part applicable to the County's and LACFCD's draft WMP. One joint letter was from the Natural Resources Defense Council (NRDC), Heal the Bay, and Los Angeles Waterkeeper and the other letters were from the Construction Industry Coalition on Water Quality (CICWQ) and a private citizen, Joyce Dillard. On October 9, 2014, the Board held a workshop at its regularly scheduled Board meeting on the draft WMPs. The Board also held a public meeting on April 13, 2015 for permittees and interested persons to discuss the revised draft WMPs with the Executive Officer and staff. During its initial review and its review of the revised draft WMP, the Los Angeles Water Board considered those comments applicable to the County's and LACFCD's proposed WMP.

Los Angeles Water Board Review

Concurrently with the public review, the Los Angeles Water Board, along with U.S. EPA Region IX staff, reviewed the draft WMPs. On October 27, 2014, the Los Angeles Water Board sent a letter to the County and LACFCD detailing the Board's comments on the draft WMP and identifying the revisions that needed to be addressed prior to the Board's approval of the County's and LACFCD's WMP. The letter directed the County and LACFCD to submit a revised draft WMP addressing the Los Angeles Water Board's comments. Prior to the County's and LACFCD's submittal of the revised draft WMP, Board staff had a meeting on January 15, 2015, teleconferences, and e-mail exchanges with County representatives to discuss the Board's comments and the revisions to the draft WMP, including the supporting reasonable assurance analysis (RAA), which would address the Board's comments. The County and LACFCD submitted a revised draft WMP on January 27, 2015, for Los Angeles Water Board review and approval.

Approval of WMP, with Conditions

The Los Angeles Water Board hereby approves, subject to the following conditions, the County's and LACFCD's January 27, 2015, revised draft WMP for the AB/LLC WMA. The Board may rescind this approval if all of the following conditions are not met to the satisfaction of the Board within the timeframe provided below.

1. In Section 6.3.5.5 Full Capture Devices (Planned Structural BMP) of the revised draft WMP, pages 29 and 30, since the three catch basins can be retrofitted with full capture devices as confirmed during discussions with the County and LACFCD, delete the

following language: "Construction of the devices is contingent upon appropriate field conditions. CPS devices cannot be installed in areas where they may adversely affect flood protection or in catch basins that are too shallow to house CPS devices."

2. Correct the following typographical errors and omissions in the revised draft WMP:
 - a. Figure 3, page 7, correct the "Notable Permit Date" for "5 years after MS4 Permit Effective Date" to Dec. 28, 2017; and
 - b. Appendix B, Table B.1, include the wet weather data for diazinon.

The County and LACFCD shall submit a final WMP to the Los Angeles Water Board that satisfies all of the above conditions no later than May 28, 2015.

Determination of Compliance with WMP

Pursuant to Part VI.C.6 of the LA County MS4 Permit, the County and LACFCD shall begin implementation of the approved WMP immediately. To continue to be afforded the opportunity to implement permit provisions within the framework of the WMP, Permittees must fully and timely implement all actions per associated schedules set forth in the approved WMP regardless of any contingencies indicated in the approved WMP (e.g., funding) unless a modification to the approved WMP, including any extension of deadlines where allowed, is approved by the Los Angeles Water Board pursuant to Part VI.C.6.a or Part VI.C.8.a.ii-iii. The Los Angeles Water Board will determine the County's and LACFCD's compliance with the WMP on the basis of the compliance actions and milestones included in the WMP, including, but not limited to, the following:

- Section 5 "Watershed Control Measures;"
- Section 6.3.5 "Identification of Potential Non-Structural and Structural BMPs," which lists the existing and planned BMPs as well as identification of potential BMPs; and
- Section 6.3.6 "Schedule to Meet Needed Percent Reductions" Including Table 9 and Figures 18 and 19.

Pursuant to Parts VI.C.3 and VI.E.2.d.i.(4)(a) of the LA County MS4 Permit, the County's and LACFCD's full and timely compliance with all actions and dates for their achievement in their approved WMP shall constitute compliance with permit provisions pertaining to applicable WQBELs/WLAs in Part VI.E and Attachment Q of the LA County MS4 Permit. Further, per Part VI.C.2.b of the LA County MS4 Permit, the County's and LACFCD's full compliance with all requirements and dates for their achievement in their approved WMP constitutes compliance with the receiving water limitations provisions of Part V.A of the LA County MS4 Permit for the specific waterbody-pollutant combinations addressed by their approved WMP.

If the County and LACFCD Permittees fail to meet any requirement or date for its achievement in the approved WMP, which will be demonstrated through the County's and LACFCD's Annual Reports and program audits (when conducted), the County and LACFCD shall be subject to the baseline requirements of the LA County MS4 Permit, including but not limited to demonstrating

compliance with applicable receiving water limitations and TMDL-based WQBELs/WLAs through outfall and receiving water monitoring. See Parts VI.C.2.c and VI.E.2.d.i.(4)(c).

Annual Reporting

The County and LACFCD shall report on achievement of actions and milestones within the reporting year, as well as progress towards future milestones related to multi-year projects, through its Annual Report per Attachment E, Part XVIII of the LA County MS4 Permit. For multi-year efforts, the County and LACFCD shall include the status of the project, which includes the status with regard to standard project implementation steps. These steps include, but are not limited to, adopted or potential future changes to municipal ordinances to implement the project, site selection, environmental review and permitting, project design, acquisition of grant or loan funding and/or County/LACFCD approval of project funding, contractor selection, construction schedule, start-up, and effectiveness evaluation (once operational), where applicable. For all stormwater retention/infiltration projects, including LID due to new/redevelopment, green streets, and regional BMPs, the County and LACFCD shall report annually on the volume of stormwater retained within the area covered by the WMP.

The County and LACFCD shall also include in its Annual Report the source(s) of funds used during the reporting year, and those funds proposed for the coming year, to meet necessary expenditures related to implementation of the actions identified in its WMP per Part VI.A.3 of the LA County MS4 Permit. Further, as part of the annual certification concerning a permittee's legal authority required by Part VI.A.2.b of the LA County MS4 Permit, the County and LACFCD shall also certify in the Annual Report that it has the necessary legal authority to implement each of the actions and milestones in the approved WMP as required by Part VI.C.5.b.iv.(6). If a Permittee does not have legal authority to implement an action or milestone at the time the County and LACFCD submits its Annual Report, the Permittee shall propose a schedule to establish and maintain such legal authority.

Adaptive Management

The County and LACFCD shall conduct a comprehensive evaluation of the WMP no later than April 28, 2017, and subsequently, every two years thereafter pursuant to the adaptive management process set forth in Part VI.C.8 of the Los Angeles County MS4 Permit. As part of this process, the County and LACFCD must evaluate progress toward achieving:

- Applicable WQBELs/WLAs in Attachment Q of the LA County MS4 Permit according to the milestones set forth in its WMP;
- Improved water quality in MS4 discharges and receiving waters;
- Stormwater retention milestones; and
- Multi-year efforts that were not completed in the current year and will continue into the subsequent year(s), among other requirements.

The County's and LACFCD's evaluation of the above shall be based on both progress implementing actions in the WMP and an evaluation of outfall-based monitoring data and receiving water data. Per Attachment E, Part XVIII.6 of the LA County MS4 Permit, the County and LACFCD shall implement adaptive management strategies, including but not limited to:

- Refinement and recalibration of the Reasonable Assurance Analysis (RAA) based on data specific to the County's Island and LACFCD's infrastructure that are collected through the County's and LACFCD's Coordinated Integrated Monitoring Program and other data as appropriate;
- Identifying the most effective control measures, why they are the most effective, and how other control measures can be optimized based on this understanding;
- Identify the least effective control measures, why they are ineffective, and how the control measures can be modified or replaced to be more effective;
- Identify significant changes to control measures during the prior year(s) and the rationale for the changes; and
- Describe all significant changes to control measures anticipated to be made in the next year(s) and the rationale for each change.

As part of the adaptive management process, any modifications to the WMP, including any requests for extension of deadlines not associated with TMDL provisions, must be submitted to the Los Angeles Water Board for review and approval. The County and LACFCD must implement any modifications to the WMP upon approval by the Los Angeles Water Board or its Executive Officer, or within 60 days of submittal of modifications if the Los Angeles Water Board or its Executive Officer expresses no objections. Note that the Permittees' Report(s) of Waste Discharge (ROWD) is due no later than July 1, 2017. To align any modifications to the WMP proposed through the adaptive management process with permit reissuance, results of the first adaptive management cycle should be submitted in conjunction with the Permittees' ROWD.

The Regional Water Board appreciates the participation and cooperation of the County and LACFCD in the implementation of the LA County MS4 Permit. If you have any questions, please contact Rebecca Christmann, at Rebecca.Christmann@waterboards.ca.gov or by phone at (213) 576-5734. Alternatively, you may also contact Mr. Ivar Ridgeway, Chief Storm Water Permitting Unit, at Ivar.Ridgeway@waterboards.ca.gov or by phone at (213) 620-2150.

Sincerely,



Samuel Unger, P.E.
Executive Officer

Ms. Farber, County of Los Angeles
Alamitos Bay/Los Cerritos Channel WMP

April 28, 2015
Page 6 of 6

cc: Angela George, Los Angeles County Flood Control District
Jolene Guerrero, County of Los Angeles, Department of Public Works
William Johnson, County of Los Angeles, Department of Public Works

Development Program, of the LA County MS4 Permit.² Pursuant to Part VI.C.4.c of the LA County MS4 Permit and Part VII.C.4.c of the Long Beach MS4 Permit, the Permittees of the Los Cerritos Channel Watershed Management Group (LCC WMG) jointly submitted a draft WMP dated June 28, 2014, to the Los Angeles Water Board for review.

Public Review and Comment

On July 3, 2014, the Board provided public notice and a 46-day period to allow for public review and comment on the LCC WMG's draft WMP. A separate notice of availability regarding the draft WMPs, including the LCC WMG draft WMP, was directed to State Senators and Assembly Members within the Coastal Watersheds of Los Angeles County. The Board received two comment letters that had comments on WMPs generally, which were in part applicable to the LCC WMG draft WMP. One joint letter was from Natural Resources Defense Council (NRDC), Heal the Bay, and Los Angeles Waterkeeper, and the other letter was from the Construction Industry Coalition on Water Quality (CICWQ). On October 9, 2014, the Board held a workshop at its regularly scheduled Board meeting on the draft WMPs. The Board also held a public meeting on April 13, 2015 for permittees and interested persons to discuss the revised draft WMPs with the Executive Officer and staff. During its initial review and its review of the revised draft WMP, the Los Angeles Water Board considered those comments applicable to the LCC WMG's proposed WMP.

Los Angeles Water Board Review

Concurrently with the public review, the Los Angeles Water Board, along with U.S. EPA Region IX staff, reviewed the draft WMPs. On October 29, 2014, the Los Angeles Water Board sent a letter to the LCC WMG detailing the Board's comments on the draft WMP and identifying the revisions that needed to be addressed prior to the Board's approval of the LCC WMG's WMP. The letter directed the LCC WMG to submit a revised draft WMP addressing the Los Angeles Water Board's comments. Prior to the LCC WMG's submittal of the revised draft WMP, Board staff had a meeting on January 23, 2015 with LCC WMG representatives and consultants to discuss the Board's comments and the revisions to the draft WMP, including the supporting reasonable assurance analysis (RAA), which would address the Board's comments. The LCC WMG submitted a revised draft WMP on January 29, 2015 for Los Angeles Water Board review and approval.

² Equivalent requirements in the Long Beach MS4 Permit are as follows: Part VI.A (Receiving Water Limitations), Part VIII (Total Maximum Daily Load Provisions), Part IV.B (Prohibitions – Non-Storm Water Discharges), and Part VII.D-VII.M (Minimum Control Measures).

Approval of WMP, with Conditions

The Los Angeles Water Board hereby approves, subject to the following conditions, the LCC WMG's January 29, 2015 revised draft WMP. The Board may rescind this approval if all of the following conditions are not met to the satisfaction of the Board within the timeframe provided below.

1. Revise the discussion of ammonia in Section 5.2.2 of the revised draft WMP to include that the Permittees of the LCC WMG will monitor ammonia and pH as part of their Coordinated Integrated Monitoring Program and will re-evaluate ammonia as part of the adaptive management evaluation.
2. Revise the Phase 1 (2015-2017) milestones on Table 6-5 of the revised draft WMP (pg. 6-8) as follows:
 - a. Remove the footnote that conditions "TSS Reduction" and "Runoff Reduction and Stormwater Capture" milestones on trash amendment adoption (i.e., remove reference to the language: "Presuming adoption of trash amendments by State Water Board in spring of 2015").
 - b. Revise the table to include the specific days for milestone achievement rather than just the year and the quarter. For example, "Adoption of model TSS reduction ordinances by City of Signal Hill" should have a completion date of *December 31, 2015* instead of *Q4, 2015*.
 - c. For the "Construction of initial stormwater capture facility" milestone, replace "if funding available" with "as needed to achieve volume reduction milestones." If the Permittees of the LCC WMG cannot identify a funding source, they may submit a request for extension of the milestone deadline to the Los Angeles Water Board's Executive Officer.
3. Revise the Phase 2 (2018-2020) milestones on Table 6-7 of the revised draft WMP (pg. 6-12) by replacing the language "subject to availability of funding" with "as needed to achieve volume reduction milestones." If the Permittees of the LCC WMG cannot identify a funding source, they may submit a request for extension of the milestone deadline to the Los Angeles Water Board's Executive Officer.
4. The City of Long Beach submitted its Statement of Legal Authority to the Los Angeles Water Board on February 26, 2015. Include this Statement of Legal Authority in the WMP appendix section containing the other Permittees' legal authority statements.

The LCC WMG shall submit a final WMP to the Los Angeles Water Board that satisfies all of the above conditions no later than June 12, 2015.

Determination of Compliance with WMP

Pursuant to Part VI.C.6 of the LA County MS4 Permit and Part VII.C.6 of the Long Beach MS4 Permit, the Permittees of the LCC WMG shall begin implementation of the approved WMP

immediately. To continue to be afforded the opportunity to implement permit provisions within the framework of the WMP, Permittees must fully and timely implement all actions per associated schedules set forth in the approved WMP regardless of any contingencies indicated in the approved WMP (e.g., funding) unless a modification to the approved WMP, including any extension of deadlines where allowed, is approved by the Los Angeles Water Board pursuant to Part VI.C.6.a or Part VI.C.8.a.ii-iii of the LA County MS4 Permit, and/or Part VII.C.6 or Part VII.C.8.b-c of the Long Beach MS4 Permit. The Los Angeles Water Board will determine the LCC Permittees' compliance with the WMP on the basis of the compliance actions and milestones included in the WMP, including, but not limited to, the following:

- Sections 4.3 Minimum Control Measures, 4.4 Non-Stormwater Discharge Control Measures, 4.5 TMDL Control Measures, 4.6 Non-TMDL Impaired Waters Control Measures, 4.7 Control Measures for Non-Impairment Pollutants, 4.8 Control Measures to be Implemented at the Watershed and Sub-watershed Levels, and 4.9 Control Measures to be Implemented at the Jurisdictional Level
- Table 4-3: New Fourth Term MS4 Permit Non-Structural MCMs (Cities only) and NSWDs
- Table 6-1: Final Compliance Dates for Category 1, 2, and 3 Pollutants
- Table 6-2: Interim Milestone Targets between December 28, 2012 and December 28, 2017
- Table 6-3: Summary WMP Implementation and Milestone Schedule
- Table 6-4: WMP Implementation Schedule – Ongoing Measures Phase 1
- Table 6-5: WMP Implementation Schedule – Measures with Interim Milestones Phase 1
- Table 6-6: WMP Implementation Schedule – Ongoing Measures Phase 2
- Table 6-7: WMP Implementation Schedule – Measures with Interim Milestones Phase 2
- Table 6-12: Sub-Basin Implementation Measures
- RAA Attachment B: Detailed Jurisdictional Compliance Tables

Pursuant to Parts VI.C.3 and VI.E.2.d.i.(4)(a) of the LA County MS4 Permit³, the LCC Permittees' full and timely compliance with all actions and dates for their achievement in their approved WMP shall constitute compliance with permit provisions pertaining to applicable WQBELs/WLAs in Part VI.E and Attachments N and Q of the LA County MS4 Permit.⁴ Further, per Part VI.C.2.b of the LA County MS4 Permit and Part VII.C.2.e of the Long Beach MS4 Permit, the LCC Permittees' full compliance with all requirements and dates for their achievement in their approved WMP constitutes compliance with the receiving water limitations provisions of Part V.A of the LA County MS4 Permit and Part VI.A of the Long Beach MS4 Permit for the specific waterbody-pollutant combinations addressed by their approved WMP.

³ Corresponding provisions in the Long Beach MS4 Permit are Parts VII.C.3 and VIII.E.1.d.

⁴ Corresponding provisions in the Long Beach MS4 Permit are Part VIII (general TMDL provisions) and Parts VIII.J and VIII.P (provisions specific to Los Cerritos Channel and Greater Harbor TMDLs).

If the Permittees in the LCC WMG fail to meet any requirement or date for its achievement in the approved WMP, which will be demonstrated through the LCC WMG's Annual Reports and program audits (when conducted), the Permittees in the LCC WMG shall be subject to the baseline requirements of the LA County MS4 Permit and the Long Beach MS4 Permit, including demonstrating compliance with applicable receiving water limitations and TMDL-based WQBELs/WLAs through outfall and receiving water monitoring. See Parts VI.C.2.c and VI.E.2.d.i.(4)(c) of the LA County MS4 Permit, and Parts VII.C.2.f and VIII.E.1.d.iii of the Long Beach MS4 Permit.

Annual Reporting

The LCC WMG shall report on achievement of actions and milestones within the reporting year, as well as progress towards future milestones related to multi-year projects, through their Annual Report per Attachment E, Part XVIII of the LA County MS4 Permit and Attachment E, Parts XV to XIX of the Long Beach MS4 Permit. For multi-year efforts, the LCC WMG shall include the status of the project, which includes the status with regard to standard project implementation steps. These steps include, but are not limited to, adopted or potential future changes to municipal ordinances to implement the project, site selection, environmental review and permitting, project design, acquisition of grant or loan funding and/or municipal approval of project funding, contractor selection, construction schedule, start-up, and effectiveness evaluation (once operational), where applicable. For all stormwater retention/infiltration projects, including LID due to new/redevelopment, green streets, and regional BMPs, the Permittees in the LCC WMG shall report annually on the volume of stormwater retained in the area covered by the LCC WMG WMP. The LCC WMG shall also report annually on runoff reduction, total suspended solids (TSS) reduction, and pollutant reductions from source control in light of its Water Quality Improvement Strategy.

The LCC WMG shall also include in their Annual Report the source(s) of funds used during the reporting year, and those funds proposed for the coming year, to meet necessary expenditures related to implementation of the actions identified in its WMP per Part VI.A.3 of the LA County MS4 Permit and Part VII.A.3 of the Long Beach MS4 Permit. Further, as part of the annual certification concerning a Permittee's legal authority required by Part VI.A.2.b of the LA County MS4 Permit and Part VII.A.2.b of the Long Beach MS4 Permit, each Permittee in the LCC WMG shall also certify in the Annual Report that each has the necessary legal authority to implement each of the actions and milestones in the approved WMP as required by Part VI.C.5.b.iv.(6) of the LA County MS4 Permit and Part VII.C.5.vi of the Long Beach MS4 Permit. If a Permittee does not have legal authority to implement an action or milestone at the time the LCC WMG submits their Annual Report, the Permittee shall propose a schedule to establish and maintain such legal authority.

Adaptive Management

The LCC WMG shall conduct a comprehensive evaluation of its WMP no later than April 28, 2017, and subsequently, every two years thereafter pursuant to the adaptive management process set forth in Part VI.C.8 of the Los Angeles County MS4 Permit and Part VII.C.8 of the Long Beach MS4 Permit. As part of this process, the LCC WMG must evaluate progress toward achieving:

- Applicable WQBELs/WLAs in Attachments N and Q of the LA County MS4 Permit and Parts VIII.J, and VIII.P of the Long Beach MS4 Permit according to the milestones set forth in its WMP;
- Improved water quality in MS4 discharges and receiving waters;
- Stormwater retention milestones; and
- Multi-year efforts that were not completed in the current year and will continue into the subsequent year(s), among other requirements.

The LCC WMG's evaluation of the above shall be based on both progress implementing actions in the WMP and an evaluation of outfall-based monitoring data and receiving water data. Per Attachment E, Part XVIII.6 of the LA County MS4 Permit and Attachment E, Part XVIII.6 of the Long Beach MS4 Permit, the LCC WMG shall implement adaptive management strategies, including but not limited to:

- Refinement and recalibration of the Reasonable Assurance Analysis (RAA) based on data specific to the LCC WMP area that are collected through the LCC WMG's Coordinated Integrated Monitoring Program and other data as appropriate;
- Identifying the most effective control measures, why they are the most effective, and how other control measures can be optimized based on this understanding;
- Identify the least effective control measures, why they are ineffective, and how the control measures can be modified or replaced to be more effective;
- Identify significant changes to control measures during the prior year(s) and the rationale for the changes; and
- Describe all significant changes to control measures anticipated to be made in the next year(s) and the rationale for each change.

As part of the adaptive management process, any modifications to the WMP, including any requests for extension of deadlines not associated with TMDL provisions, must be submitted to the Los Angeles Water Board for review and approval. The Permittees of the LCC WMG must implement any modifications to the WMP upon approval by the Los Angeles Water Board or its Executive Officer, or within 60 days of submittal of modification if the Los Angeles Water Board or its Executive Officer expresses no objections. Note that the LA County MS4 Permittees' Report(s) of Waste Discharge (ROWD) are due no later than July 1, 2017 and the City of Long Beach's ROWD is due no later than September 29, 2018. To align any modifications to the WMP proposed through the adaptive management process with permit reissuance, results of

the first adaptive management cycle should be submitted in conjunction with the Permittees' ROWD.

The Los Angeles Water Board appreciates the participation and cooperation of the LCC WMG in the implementation of the LA County MS4 Permit. If you have any questions, please contact Chris Lopez at Chris.Lopez@waterboards.ca.gov or by phone at (213) 576-6674. Alternatively, you may also contact Ivar Ridgeway, Storm Water Permitting, at Ivar.Ridgeway@waterboards.ca.gov or by phone at (213) 620-2150.

Sincerely,



Samuel Unger, P.E.
Executive Officer

Enclosure: Mailing Distribution List

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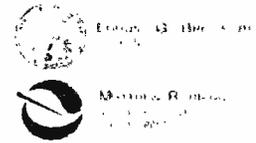
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Los Angeles Regional Water Quality Control Board

April 28, 2015

Permittees of the Lower Los Angeles River Watershed Management Group¹

APPROVAL, WITH CONDITIONS, OF THE LOWER LOS ANGELES RIVER GROUP'S WATERSHED MANAGEMENT PROGRAM (WMP), PURSUANT TO THE LOS ANGELES COUNTY MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT (NPDES PERMIT NO. CAS004001; ORDER NO. R4-2012-0175) AND THE CITY OF LONG BEACH MS4 PERMIT (NPDES PERMIT NO. CAS004003; ORDER NO. R4-2014-0024)

Dear Permittees of the Lower Los Angeles River Watershed Management Group:

On November 8, 2012, the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board or Board) adopted Order No. R4-2012-0175, *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* (hereafter, LA County MS4 Permit). On February 6, 2014, the Board adopted Order No. R4-2014-0024, *Waste Discharge Requirements for Municipal Separate Storm Sewer System Discharges from the City of Long Beach* (hereafter, Long Beach MS4 Permit). Part VI.C of the LA County MS4 Permit and Part VII.C of the Long Beach MS4 Permit allow Permittees the option to develop either a Watershed Management Program (WMP) or an Enhanced Watershed Management Program (EWMP) to implement permit requirements on a watershed scale through customized strategies, control measures, and best management practices (BMPs).

Development of a WMP or EWMP is voluntary and allows a Permittee to address the highest watershed priorities, including complying with the requirements of Part V.A (Receiving Water Limitations), Part VI.E and Attachments L through R (Total Maximum Daily Load Provisions), and by customizing the control measures in Parts III.A (Prohibitions – Non-Storm Water Discharges) and VI.D (Minimum Control Measures), except the Planning and Land

¹ Permittees of the Lower Los Angeles River Watershed Management Group include the Los Angeles County Flood Control District; and the cities of Downey, Lakewood, Long Beach, Lynwood, Paramount, Pico Rivera, Signal Hill, and South Gate. See attached distribution list.

Development Program, of the LA County MS4 Permit.² Pursuant to Part VI.C.4.c of the LA County MS4 Permit and Part VII.C.4.c of the Long Beach MS4 Permit, the Permittees of the Lower Los Angeles River Watershed Management Group (LLAR WMG) jointly submitted a draft WMP dated June 27, 2014, to the Los Angeles Water Board for review.

Public Review and Comment

On July 3, 2014, the Board provided public notice and a 46-day period to allow for public review and comment on the LLAR WMG's draft WMP. A separate notice of availability regarding the draft WMPs, including the LLAR WMG draft WMP, was directed to State Senators and Assembly Members within the Coastal Watersheds of Los Angeles County. The Board received two comment letters that had comments on WMPs generally, which were in part applicable to the LLAR WMG draft WMP. One joint letter was from Natural Resources Defense Council (NRDC), Heal the Bay, and Los Angeles Waterkeeper, and the other letter was from the Construction Industry Coalition on Water Quality (CICWQ). On October 9, 2014, the Board held a workshop at its regularly scheduled Board meeting on the draft WMPs. The Board also held a public meeting on April 13, 2015 for permittees and interested persons to discuss the revised draft WMPs with the Executive Officer and staff. During its initial review and its review of the revised draft WMP, the Los Angeles Water Board considered those comments applicable to the LLAR WMG's proposed WMP.

Los Angeles Water Board Review

Concurrently with the public review, the Los Angeles Water Board, along with U.S. EPA Region IX staff, reviewed the draft WMPs. On October 28, 2014, the Los Angeles Water Board sent a letter to the LLAR WMG detailing the Board's comments on the draft WMP and identifying the revisions that needed to be addressed prior to the Board's approval of the LLAR WMG's WMP. The letter directed the LLAR WMG to submit a revised draft WMP addressing the Los Angeles Water Board's comments. Prior to the LLAR WMG's submittal of the revised draft WMP, Board staff had a meeting on January 23, 2015 with LLAR WMG representatives and consultants to discuss the Board's comments and the revisions to the draft WMP, including the supporting reasonable assurance analysis (RAA), which would address the Board's comments. The LLAR WMG submitted a revised draft WMP on January 28, 2015 for Los Angeles Water Board review and approval.

Approval of WMP, with Conditions

The Los Angeles Water Board hereby approves, subject to the following conditions, the LLAR WMG's January 28, 2015 revised draft WMP. The Board may rescind this approval if all of the

² Equivalent requirements in the Long Beach MS4 Permit are as follows: Part VI.A (Receiving Water Limitations), Part VIII (Total Maximum Daily Load Provisions), Part IV.B (Prohibitions – Non-Storm Water Discharges), and Part VII.D-VII.M (Minimum Control Measures).

following conditions are not met to the satisfaction of the Board within the timeframe provided below.

1. Revise the Load Reduction Strategy (LRS) schedule for Los Angeles River Estuary as outlined in Table 3-8 of the revised draft WMP as follows:
 - a. Revise "Submit LRS to Regional Board" deadline to April 28, 2017.
 - b. Revise "Complete Implementation of LRS" deadline to October 28, 2021.
 - c. Revise deadlines for the achievement of interim or final dry-weather WQBELs to October 28, 2024.
 - d. Revise dates included in the asterisked comment such that, if applicable, a second phase LRS is submitted by October 28, 2025; second phase LRS implementation is completed by April 28, 2029; and final WQBELs are achieved by April 28, 2031.
2. Include the revised LRS schedule for Los Angeles River Estuary (Table 3-8) in Chapter 5 of the revised draft WMP as part of the LLAR WMG's compliance schedule.
3. Correct Table 3-2 of the revised draft WMP (pg. 3-9) so that it shows that the City of Paramount will implement the new fourth term nonstructural minimum control measures. Additionally, revise any inapplicable control measures inadvertently listed for LACFCD.
4. Revise Section 5.2 of the revised draft WMP to include a table that lists definitive interim and final milestone achievement dates and the responsible Permittee(s) for each LID BMP in the Proposition 84 project. The responsible Permittees within the LLAR WMG will be responsible for meeting these milestone achievement dates. Currently, the revised WMP only provides "expected" dates for construction and completion.
5. Correct the units for the cadmium concentrations (i.e. 0.55 mg/L and 0.26 mg/L) referenced in Section 2.2.5 of the revised draft WMP (pg. 2-23).
6. Revise Table 5-1 of the revised draft WMP to state that for control measures listed as being a "jurisdictional effort," the Permittees that are responsible for completion of each milestone are identified in Table 3-11.
7. Revise Table 5-1 of the revised draft WMP to include the milestones and milestone completion dates for the following targeted control measures (TCMs) as follows:
 - a. TCM-PLD-2 (LID Ordinance): Remove the phrase "when practicable" and set a milestone date for ordinance adoption to 12/28/17 (i.e., end of permit term).
 - b. TCM-TSS-1 (Exposed Soil Ordinance): Remove the phrase "if practicable" from the milestone description.
 - c. TCM-TSS-3 (Private Lot Sweeping Ordinance): Remove the phrase "when practicable" from the milestone description.
 - d. TCM-RET-1 (Encourage downspout disconnects): Identify interim milestone(s) and date(s) for milestone achievement and include in table.
8. Remove "Statewide Trash Amendments" from Table 5-1 of the revised draft WMP, since the amendments are inapplicable to the Los Angeles River Watershed given the existing trash TMDL, and change the Chapter 3 ID for "Increased street sweeping frequency or routes" to TCM-PAA-3.

9. In Section 4.3 of the revised draft WMP, include references to Table 3-2, Table 3-11, and any other relevant tables that list BMPs contributing to the 10% pollutant reduction assumption for non-modeled BMPs.
10. Provide further detail and specificity in Section 3.4.2.2 of the revised draft WMP on what incentives are being included in TCM-NSWD-1 and whether any incentives are being offered apart from Metropolitan Water District's rebate program.
11. The City of Long Beach submitted its Statement of Legal Authority to the Los Angeles Water Board on February 26, 2015. Include this Statement of Legal Authority in the WMP appendix section containing the other Permittees' legal authority statements.

The LLAR WMG shall submit a final WMP to the Los Angeles Water Board that satisfies all of the above conditions no later than June 12, 2015.

Determination of Compliance with WMP

Pursuant to Part VI.C.6 of the LA County MS4 Permit and Part VII.C.6 of the Long Beach MS4 Permit, the Permittees of the LLAR WMG shall begin implementation of the approved WMP immediately. To continue to be afforded the opportunity to implement permit provisions within the framework of the WMP, Permittees must fully and timely implement all actions per associated schedules set forth in the approved WMP regardless of any contingencies indicated in the approved WMP (e.g., funding) unless a modification to the approved WMP, including any extension of deadlines where allowed, is approved by the Los Angeles Water Board pursuant to Part VI.C.6.a or Part VI.C.8.a.ii-iii of the LA County MS4 Permit, and/or Part VII.C.6 or Part VII.C.8.b-c of the Long Beach MS4 Permit. The Los Angeles Water Board will determine the LLAR Permittees' compliance with the WMP on the basis of the compliance actions and milestones included in the WMP, including, but not limited to, the following:

- Pollutant Reduction Plan to Attain Interim & Final Limits (Section 5.4)
- Nonstructural Best Management Practices Schedule, including Table 5-1 Nonstructural TCM Compliance Schedule (Section 5.1)
- List of Nonstructural Targeted Control Measures, including Table 3-11 Nonstructural TCMs (Section 3.4.2)
- Proposition 84 Grant Award LID BMPs (Section 5.2)
- Structural Best Management Practice Schedule (Section 5.3)
- RAA Attachment B: Detailed Jurisdictional Compliance Tables

Pursuant to Parts VI.C.3 and VI.E.2.d.i.(4)(a) of the LA County MS4 Permit³, the LLAR Permittees' full and timely compliance with all actions and dates for their achievement in their approved WMP shall constitute compliance with permit provisions pertaining to applicable WQBELs/WLAs in Part VI.E and Attachment O of the LA County MS4 Permit.⁴ Further, per Part

³ Corresponding provisions in the Long Beach MS4 Permit are Parts VII.C.3 and VIII.E.1.d.

⁴ Corresponding provisions in the Long Beach MS4 Permit are Part VIII (general TMDL provisions) and Parts VIII.K, VIII.L, VIII.M, VIII.N, and VIII.O (provisions specific to Los Angeles River Watershed TMDLs).

VI.C.2.b of the LA County MS4 Permit and Part VII.C.2.e of the Long Beach MS4 Permit, the LLAR Permittees' full compliance with all requirements and dates for their achievement in their approved WMP constitutes compliance with the receiving water limitations provisions of Part V.A of the LA County MS4 Permit and Part VI.A of the Long Beach MS4 Permit for the specific waterbody-pollutant combinations addressed by their approved WMP.

If the Permittees in the LLAR WMG fail to meet any requirement or date for its achievement in the approved WMP, which will be demonstrated through the LLAR WMG's Annual Reports and program audits (when conducted), the Permittees in the LLAR WMG shall be subject to the baseline requirements of the LA County MS4 Permit and the Long Beach MS4 Permit, including demonstrating compliance with applicable receiving water limitations and TMDL-based WQBELs/WLAs through outfall and receiving water monitoring. See Parts VI.C.2.c and VI.E.2.d.i.(4)(c) of the LA County MS4 Permit, and Parts VII.C.2.f and VIII.E.1.d.iii of the Long Beach MS4 Permit.

Annual Reporting

The LLAR WMG shall report on achievement of actions and milestones within the reporting year, as well as progress towards future milestones related to multi-year projects, through their Annual Report per Attachment E, Part XVIII of the LA County MS4 Permit and Attachment E, Parts XV to XIX of the Long Beach MS4 Permit. For multi-year efforts, the LLAR WMG shall include the status of the project, which includes the status with regard to standard project implementation steps. These steps include, but are not limited to, adopted or potential future changes to municipal ordinances to implement the project, site selection, environmental review and permitting, project design, acquisition of grant or loan funding and/or municipal approval of project funding, contractor selection, construction schedule, start-up, and effectiveness evaluation (once operational), where applicable. For all stormwater retention/infiltration projects, including LID due to new/redevelopment, green streets, and regional BMPs, the Permittees in the LLAR WMG shall report annually on the volume of stormwater retained in the area covered by the LLAR WMG WMP. The LLAR WMG shall also report annually on runoff reduction, total suspended solids (TSS) reduction, and pollutant reductions from source control.

The LLAR WMG shall also include in their Annual Report the source(s) of funds used during the reporting year, and those funds proposed for the coming year, to meet necessary expenditures related to implementation of the actions identified in its WMP per Part VI.A.3 of the LA County MS4 Permit and Part VII.A.3 of the Long Beach MS4 Permit. Further, as part of the annual certification concerning a Permittee's legal authority required by Part VI.A.2.b of the LA County MS4 Permit and Part VII.A.2.b of the Long Beach MS4 Permit, each Permittee in the LLAR WMG shall also certify in the Annual Report that each has the necessary legal authority to implement each of the actions and milestones in the approved WMP as required by Part VI.C.5.b.iv.(6) of the LA County MS4 Permit and Part VII.C.5.vi of the Long Beach MS4 Permit. If a Permittee does not have legal authority to implement an action or milestone at the time the

LLAR WMG submits their Annual Report, the Permittee shall propose a schedule to establish and maintain such legal authority.

Adaptive Management

The LLAR WMG shall conduct a comprehensive evaluation of its WMP no later than April 28, 2017, and subsequently, every two years thereafter pursuant to the adaptive management process set forth in Part VI.C.8 of the Los Angeles County MS4 Permit and Part VII.C.8 of the Long Beach MS4 Permit. As part of this process, the LLAR WMG must evaluate progress toward achieving:

- Applicable WQBELs/WLAs in Attachment O of the LA County MS4 Permit and Parts VIII.K, VIII.L, VIII.M, VIII.N, and VIII.O of the Long Beach MS4 Permit according to the milestones set forth in its WMP;
- Improved water quality in MS4 discharges and receiving waters;
- Stormwater retention milestones; and
- Multi-year efforts that were not completed in the current year and will continue into the subsequent year(s), among other requirements.

The LLAR WMG's evaluation of the above shall be based on both progress implementing actions in the WMP and an evaluation of outfall-based monitoring data and receiving water data. Per Attachment E, Part XVIII.6 of the LA County MS4 Permit and Attachment E, Part XVIII.6 of the Long Beach MS4 Permit, the LLAR WMG shall implement adaptive management strategies, including but not limited to:

- Refinement and recalibration of the Reasonable Assurance Analysis (RAA) based on data specific to the LLAR WMP area that are collected through the LLAR WMG's Coordinated Integrated Monitoring Program and other data as appropriate;
- Identifying the most effective control measures, why they are the most effective, and how other control measures can be optimized based on this understanding;
- Identify the least effective control measures, why they are ineffective, and how the control measures can be modified or replaced to be more effective;
- Identify significant changes to control measures during the prior year(s) and the rationale for the changes; and
- Describe all significant changes to control measures anticipated to be made in the next year(s) and the rationale for each change.

As part of the adaptive management process, any modifications to the WMP, including any requests for extension of deadlines not associated with TMDL provisions, must be submitted to the Los Angeles Water Board for review and approval. The Permittees of the LLAR WMG must implement any modifications to the WMP upon approval by the Los Angeles Water Board or its Executive Officer, or within 60 days of submittal of modification if the Los Angeles Water Board or its Executive Officer expresses no objections. Note that the LA County MS4 Permittees' Report(s) of Waste Discharge (ROWD) are due no later than July 1, 2017 and the City of Long Beach's ROWD is due no later than September 29, 2018. To align any modifications to the

WMP proposed through the adaptive management process with permit reissuance, results of the first adaptive management cycle should be submitted in conjunction with the Permittees' ROWD.

The Los Angeles Water Board appreciates the participation and cooperation of the LLAR WMG in the implementation of the LA County MS4 Permit. If you have any questions, please contact Chris Lopez at Chris.Lopez@waterboards.ca.gov or by phone at (213) 576-6674. Alternatively, you may also contact Ivar Ridgeway, Storm Water Permitting, at Ivar.Ridgeway@waterboards.ca.gov or by phone at (213) 620-2150.

Sincerely,



Samuel Unger, P.E.
Executive Officer

Enclosure: Mailing Distribution List

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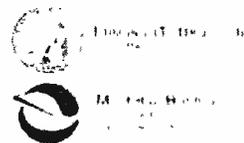
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Los Angeles Regional Water Quality Control Board

April 28, 2015

Permittees of the Lower San Gabriel River Watershed Management Group¹

APPROVAL, WITH CONDITIONS, OF THE LOWER SAN GABRIEL RIVER GROUP'S WATERSHED MANAGEMENT PROGRAM (WMP), PURSUANT TO THE LOS ANGELES COUNTY MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT (NPDES PERMIT NO. CAS004001; ORDER NO. R4-2012-0175) AND THE CITY OF LONG BEACH MS4 PERMIT (NPDES PERMIT NO. CAS004003; ORDER NO. R4-2014-0024)

Dear Permittees of the Lower San Gabriel River Watershed Management Group:

On November 8, 2012, the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board or Board) adopted Order No. R4-2012-0175, *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* (hereafter, LA County MS4 Permit). On February 6, 2014, the Board adopted Order No. R4-2014-0024, *Waste Discharge Requirements for Municipal Separate Storm Sewer System Discharges from the City of Long Beach* (hereafter, Long Beach MS4 Permit). Part VI.C of the LA County MS4 Permit and Part VII.C of the Long Beach MS4 Permit allow Permittees the option to develop either a Watershed Management Program (WMP) or an Enhanced Watershed Management Program (EWMP) to implement permit requirements on a watershed scale through customized strategies, control measures, and best management practices (BMPs).

Development of a WMP or EWMP is voluntary and allows a Permittee to address the highest watershed priorities, including complying with the requirements of Part V.A (Receiving Water Limitations), Part VI.E and Attachments L through R (Total Maximum Daily Load Provisions), and by customizing the control measures in Parts III.A (Prohibitions – Non-Storm Water Discharges) and VI.D (Minimum Control Measures), except the Planning and Land

¹ Permittees of the Lower San Gabriel River Management Group include the Los Angeles County Flood Control District and the cities of Artesia, Bellflower, Cerritos, Diamond Bar, Downey, Hawaiian Gardens, La Mirada, Lakewood, Long Beach, Norwalk, Pico Rivera, Santa Fe Springs, and Whittier. See attached distribution list.

Development Program, of the LA County MS4 Permit.² Pursuant to Part VI.C.4.c of the LA County MS4 Permit and Part VII.C.4.c of the Long Beach MS4 Permit, the Permittees of the Lower San Gabriel River Watershed Management Group (LSGR WMG) jointly submitted a draft WMP dated June 27, 2014, to the Los Angeles Water Board for review.

Public Review and Comment

On July 3, 2014, the Board provided public notice and a 46-day period to allow for public review and comment on the LSGR WMG's draft WMP. A separate notice of availability regarding the draft WMPs, including the LSGR WMG draft WMP, was directed to State Senators and Assembly Members within the Coastal Watersheds of Los Angeles County. The Board received two comment letters that had comments on WMPs generally, which were in part applicable to the LSGR WMG draft WMP. One joint letter was from Natural Resources Defense Council (NRDC), Heal the Bay, and Los Angeles Waterkeeper, and the other letter was from the Construction Industry Coalition on Water Quality (CICWQ). On October 9, 2014, the Board held a workshop at its regularly scheduled Board meeting on the draft WMPs. The Board also held a public meeting on April 13, 2015 for permittees and interested persons to discuss the revised draft WMPs with the Executive Officer and staff. During its initial review and its review of the revised draft WMP, the Los Angeles Water Board considered those comments applicable to the LSGR WMG's proposed WMP.

Los Angeles Water Board Review

Concurrently with the public review, the Los Angeles Water Board, along with U.S. EPA Region IX staff, reviewed the draft WMPs. On October 28, 2014, the Los Angeles Water Board sent a letter to the LSGR WMG detailing the Board's comments on the draft WMP and identifying the revisions that needed to be addressed prior to the Board's approval of the LSGR WMG's WMP. The letter directed the LSGR WMG to submit a revised draft WMP addressing the Los Angeles Water Board's comments. Prior to the LSGR WMG's submittal of the revised draft WMP, Board staff had a meeting on January 23, 2015 with LSGR WMG representatives and consultants to discuss the Board's comments and the revisions to the draft WMP, including the supporting reasonable assurance analysis (RAA), which would address the Board's comments. The LSGR WMG submitted a revised draft WMP on January 28, 2015 for Los Angeles Water Board review and approval.

² Equivalent requirements in the Long Beach MS4 Permit are as follows: Part VI.A (Receiving Water Limitations), Part VIII (Total Maximum Daily Load Provisions), Part IV.B (Prohibitions – Non-Storm Water Discharges), and Part VII.D-VII.M (Minimum Control Measures).

Approval of WMP, with Conditions

The Los Angeles Water Board hereby approves, subject to the following conditions, the LSGR WMG's January 28, 2015 revised draft WMP. The Board may rescind this approval if all of the following conditions are not met to the satisfaction of the Board within the timeframe provided below.

1. Revise Table 5-1 of the revised draft WMP to state that for control measures listed as being a "jurisdictional effort," the Permittees that are responsible for milestone completion are identified in Table 3-5.
2. Revise Table 5-1 of the revised draft WMP to include the milestones and milestone completion dates for the following targeted control measures (TCMs) as follows:
 - a. TCM-PLD-2 (LID Ordinance): Remove the phrase "when practicable" and set a milestone date for ordinance adoption to 12/28/17 (i.e., end of permit term).
 - b. TCM-TSS-1 (Exposed Soil Ordinance): Remove the phrase "if practicable" from the milestone description.
 - c. TCM-TSS-3 (Private Lot Sweeping Ordinance): Remove the phrase "when practicable" from the milestone description.
 - d. TCM-RET-1 (Encourage downspout disconnects): Identify interim milestone(s) and date(s) for milestone achievement and include in table.
3. Revise Section 5.2 of the revised draft WMP to include a table that lists definitive interim and final milestone achievement dates and the responsible Permittees for the Proposition 84 projects. Currently, the revised draft WMP only provides "expected" dates for construction and completion. The responsible Permittees within the LSGR WMG will be responsible for meeting these milestone achievement dates.
4. In Section 4.3 of the revised draft WMP, include references to Table 3-2, Table 3-5, and any other relevant tables that list BMPs contributing to the 10% pollutant reduction assumption for non-modeled BMPs.
5. Provide further detail and specificity in Section 3.4.1.3 of the revised draft WMP on what incentives are being included in TCM-NSWD-1 and whether any incentives are being offered apart from Metropolitan Water District's rebate program.
6. Revise the last sentence of Section 5.4.14 of the revised draft WMP to the following: "If it is determined through the adaptive management process that required bacteria load reductions may not be met by controlling for zinc, then the WMP will be modified to incorporate bacteria milestones with measureable criteria or indicators consistent with any future bacteria TMDL for the San Gabriel River and with, at the latest, a final deadline of 2040."
7. The City of Long Beach submitted its Statement of Legal Authority to the Los Angeles Water Board on February 26, 2015. Include this Statement of Legal Authority in the WMP appendix section containing the other Permittees' legal authority statements.

The LSGR WMG shall submit a final WMP to the Los Angeles Water Board that satisfies all of the above conditions no later than June 12, 2015.

Determination of Compliance with WMP

Pursuant to Part VI.C.6 of the LA County MS4 Permit and Part VII.C.6 of the Long Beach MS4 Permit, the Permittees of the LSGR WMG shall begin implementation of the approved WMP immediately. To continue to be afforded the opportunity to implement permit provisions within the framework of the WMP, Permittees must fully and timely implement all actions per associated schedules set forth in the approved WMP regardless of any contingencies indicated in the approved WMP (e.g., funding) unless a modification to the approved WMP, including any extension of deadlines where allowed, is approved by the Los Angeles Water Board pursuant to Part VI.C.6.a or Part VI.C.8.a.ii-iii of the LA County MS4 Permit, and/or Part VII.C.6 or Part VII.C.8.b-c of the Long Beach MS4 Permit. The Los Angeles Water Board will determine the LSGR Permittees' compliance with the WMP on the basis of the compliance actions and milestones included in the WMP, including, but not limited to, the following:

- Pollutant Reduction Plan to Attain Interim & Final Limits (Section 5.4)
- Nonstructural Best Management Practices Schedule (Section 5.1)
- Table 3-2 New Fourth Term MS4 Permit Nonstructural MCMs (Cities only) and NSWD Measures (Section 3.2.4)
- Table 3-5 Nonstructural TCMs (Section 3.4.1)
- Proposition 84 Grant Award LID BMPs (Section 5.2)
- Structural Best Management Practice Schedule (Section 5.3)
- RAA Attachment B: Detailed Jurisdictional Compliance Tables

Pursuant to Parts VI.C.3 and VI.E.2.d.i.(4)(a) of the LA County MS4 Permit³, the LSGR Permittees' full and timely compliance with all actions and dates for their achievement in their approved WMP shall constitute compliance with permit provisions pertaining to applicable WQBELs/WLAs in Part VI.E and Attachments N and P of the LA County MS4 Permit.⁴ Further, per Part VI.C.2.b of the LA County MS4 Permit and Part VII.C.2.e of the Long Beach MS4 Permit, the LSGR Permittees' full compliance with all requirements and dates for their achievement in their approved WMP constitutes compliance with the receiving water limitations provisions of Part V.A of the LA County MS4 Permit and Part VI.A of the Long Beach MS4 Permit for the specific waterbody-pollutant combinations addressed by their approved WMP.

³ Corresponding provisions in the Long Beach MS4 Permit are Parts VII.C.3 and VIII.E.1.d.

⁴ Corresponding provisions in the Long Beach MS4 Permit are Part VIII (general TMDL provisions) and Parts VIII.P and VIII.Q (provisions specific to the Greater Harbors and San Gabriel River Watershed TMDLs).

If the Permittees in the LSGR WMG fail to meet any requirement or date for its achievement in the approved WMP, which will be demonstrated through the LSGR WMG's Annual Reports and program audits (when conducted), the Permittees in the LSGR WMG shall be subject to the baseline requirements of the LA County MS4 Permit and the Long Beach MS4 Permit, including demonstrating compliance with applicable receiving water limitations and TMDL-based WQBELs/WLAs through outfall and receiving water monitoring. See Parts VI.C.2.c and VI.E.2.d.i.(4)(c) of the LA County MS4 Permit, and Parts VII.C.2.f and VIII.E.1.d.iii of the Long Beach MS4 Permit.

Annual Reporting

The LSGR WMG shall report on achievement of actions and milestones within the reporting year, as well as progress towards future milestones related to multi-year projects, through their Annual Report per Attachment E, Part XVIII of the LA County MS4 Permit and Attachment E, Parts XV to XIX of the Long Beach MS4 Permit. For multi-year efforts, the LSGR WMG shall include the status of the project, which includes the status with regard to standard project implementation steps. These steps include, but are not limited to, adopted or potential future changes to municipal ordinances to implement the project, site selection, environmental review and permitting, project design, acquisition of grant or loan funding and/or municipal approval of project funding, contractor selection, construction schedule, start-up, and effectiveness evaluation (once operational), where applicable. For all stormwater retention/infiltration projects, including LID due to new/redevelopment, green streets, and regional BMPs, the Permittees in the LSGR WMG shall report annually on the volume of stormwater retained in the area covered by the LSGR WMG WMP. The LSGR WMG shall also report annually on runoff reduction, total suspended solids (TSS) reduction, and pollutant reductions from source control.

The LSGR WMG shall also include in their Annual Report the source(s) of funds used during the reporting year, and those funds proposed for the coming year, to meet necessary expenditures related to implementation of the actions identified in its WMP per Part VI.A.3 of the LA County MS4 Permit and Part VII.A.3 of the Long Beach MS4 Permit. Further, as part of the annual certification concerning a Permittee's legal authority required by Part VI.A.2.b of the LA County MS4 Permit and Part VII.A.2.b of the Long Beach MS4 Permit, each Permittee in the LSGR WMG shall also certify in the Annual Report that it has the necessary legal authority to implement each of the actions and milestones in the approved WMP as required by Part VI.C.5.b.iv.(6) of the LA County MS4 Permit and Part VII.C.5.vi of the Long Beach MS4 Permit. If a Permittee does not have legal authority to implement an action or milestone at the time the LSGR WMG submits their Annual Report, the Permittee shall propose a schedule to establish and maintain such legal authority.

Adaptive Management

The LSGR WMG shall conduct a comprehensive evaluation of its WMP no later than April 28, 2017, and subsequently, every two years thereafter pursuant to the adaptive management process set forth in Part VI.C.8 of the Los Angeles County MS4 Permit and Part VII.C.8 of the Long Beach MS4 Permit. As part of this process, the LSGR WMG must evaluate progress toward achieving:

- Applicable WQBELs/WLAs in Attachments N and P of the LA County MS4 Permit and Parts VIII.P and VIII.Q of the Long Beach MS4 Permit according to the milestones set forth in its WMP;
- Improved water quality in MS4 discharges and receiving waters;
- Stormwater retention milestones; and
- Multi-year efforts that were not completed in the current year and will continue into the subsequent year(s), among other requirements.

The LSGR WMG's evaluation of the above shall be based on both progress implementing actions in the WMP and an evaluation of outfall-based monitoring data and receiving water data. Per Attachment E, Part XVIII.6 of the LA County MS4 Permit and Attachment E, Part XVIII.6 of the Long Beach MS4 Permit, the LSGR WMG shall implement adaptive management strategies, including but not limited to:

- Refinement and recalibration of the Reasonable Assurance Analysis (RAA) based on data specific to the LSGR WMP area that are collected through the LSGR WMG's Coordinated Integrated Monitoring Program and other data as appropriate;
- Identifying the most effective control measures, why they are the most effective, and how other control measures can be optimized based on this understanding;
- Identify the least effective control measures, why they are ineffective, and how the control measures can be modified or replaced to be more effective;
- Identify significant changes to control measures during the prior year(s) and the rationale for the changes; and
- Describe all significant changes to control measures anticipated to be made in the next year(s) and the rationale for each change.

As part of the adaptive management process, any modifications to the WMP, including any requests for extension of deadlines not associated with TMDL provisions, must be submitted to the Los Angeles Water Board for review and approval. The Permittees of the LSGR WMG must implement any modifications to the WMP upon approval by the Los Angeles Water Board or its Executive Officer, or within 60 days of submittal of modification if the Los Angeles Water Board or its Executive Officer expresses no objections. Note that the LA County MS4 Permittees' Report(s) of Waste Discharge (ROWD) are due no later than July 1, 2017 and the City of Long Beach's ROWD is due no later than September 29, 2018. To align any modifications to the WMP proposed through the adaptive management process with permit reissuance, results of

the first adaptive management cycle should be submitted in conjunction with the Permittees' ROWD.

Review by the State Water Board

The Los Angeles Water Board appreciates the participation and cooperation of the LSGR WMG in the implementation of the LA County MS4 Permit. If you have any questions, please contact Chris Lopez at Chris.Lopez@waterboards.ca.gov or by phone at (213) 576-6674. Alternatively, you may also contact Ivar Ridgeway, Storm Water Permitting, at Ivar.Ridgeway@waterboards.ca.gov or by phone at (213) 620-2150.

Sincerely,



Samuel Unger, P.E.
Executive Officer

Enclosure: Mailing Distribution List

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draft WMPs, including the ULAR2 WMP, was directed to State Senators and Assembly Members within the Coastal Watersheds of Los Angeles County. The Board received three comment letters, including a joint letter from Heal the Bay, Los Angeles Waterkeeper, and the Natural Resources Defense Council; a letter from the Construction Industry Coalition on Water Quality; and a letter from Joyce Dillard, a private citizen, which were in part applicable to the LAR UR2 WMG draft WMP. On October 9, 2014, the Board held a workshop at its regularly scheduled Board meeting on the draft WMPs. The Board also held a public meeting on April 13, 2015 for permittees and interested persons to discuss the revised draft WMPs with the Executive Officer and staff. During its initial review and its review of the revised draft WMP, the Los Angeles Water Board considered those comments applicable to the LAR UR2 WMG's proposed WMP.

Los Angeles Water Board Review

Concurrently with the public review, the Los Angeles Water Board, along with U.S. EPA Region IX staff, reviewed the draft WMP. On October 27, 2014, the Los Angeles Water Board sent a letter to the LAR UR2 WMG detailing the Board's comments on the draft WMP and identifying the revisions that needed to be addressed prior to the Board's approval of the LAR UR2 WMG's WMP. The letter directed the LAR UR2 WMG to submit a revised draft WMP addressing the Los Angeles Water Board's comments. Prior to the LAR UR2 WMG's submittal of the revised draft WMP, Board staff had a meeting on December 3, 2014 with LAR UR2 WMG representatives and consultants and subsequent e-mail exchanges to discuss the Board's comments and the revisions to the draft WMP, including the supporting reasonable assurance analysis (RAA), which would address the Board's comments. The LAR UR2 WMG submitted its revised draft WMP on January 27, 2015, for Los Angeles Water Board review and approval.

Approval of WMP, with Conditions

The Los Angeles Water Board hereby approves, subject to the following conditions, the LAR UR2 WMG's January 27, 2015 revised draft WMP. The Board may rescind this approval if all of the following conditions are not met to the satisfaction of the Board within the timeframe provided below.

1. Remove the following language in Section 1.3.1.1. of the revised draft WMP (p. 15):
"The Cities are reserving all of their rights to subsequently assert that the identified BMPs need not be implemented, on the grounds that they are not technically or economically feasible. In other words, that the BMPs are impracticable and contrary to the MEP standard, and that it is not possible to provide the reasonable assurances required under the Permit in a manner that is consistent with the MEP standard, if at all. The Cities agree that it is not possible to provide the reasonable assurances required under the Permit in a manner that is consistent with the MEP standard." It is unclear to the Los Angeles Water Board what the LAR UR2 WMG's intention is of including this language. The Board finds this language confusing and inconsistent with the provisions

of the permit. Development and implementation of WMPs are voluntary. Permittees may reserve their rights to challenge the permit, but Permittees must still comply with permit provisions either through the baseline requirements of the permit or through an approved WMP. To the extent the LAR UR2 WMG determines that any BMPs identified in its approved WMP should not be implemented due to infeasibility or impracticability, the LAR UR2 WMG must propose modifications to its approved WMP as part of the adaptive management process for Los Angeles Water Board review and approval. If you prefer, you can replace the stricken language above with the following language: "Nothing in this WMP shall affect the Cities' administrative petitions, nor shall anything in this WMP constitute a waiver of any positions or rights therein."²In Table 1-6 of the revised draft WMP, include First Phase deadlines for full implementation of the LAR UR2 WMG's Load Reduction Strategy (LRS) of March 23, 2019 for Segment B and September 23, 2020 for Segment B Tributaries, respectively, per the LA County MS4 Permit, Attachment O, Table O-1. Include implementation actions and milestones associated with full implementation of the Segment B LRS by March 23, 2019, including interim milestones within this permit term.

2. Reference the Los Angeles River Bacteria TMDL LRS, which was submitted by the LAR UR2 WMG in December 2014, in Section 3.1.5 of the revised draft WMP and include specific steps and dates for their achievement to be taken to investigate outlier outfalls consistent with the general approach of the LRS.
3. Section 3.1.5 of the revised draft WMP notes that the remaining catch basins that are not retrofitted with full capture devices are incompatible with the devices and will probably require significant and costly reconstruction prior to October 1, 2015. Revise the revised draft WMP to include a strategy to comply with the Los Angeles River Trash TMDL. When drafting a strategy, the LAR UR2 WMG should consider the language in the Tentative Basin Plan Amendment for the Reconsideration of the Los Angeles River Watershed Trash TMDL, which was publicly noticed on April 3, 2015.
4. Delete the reference to "Potential" and "Proposed" in Table 3-8 and revise table to only include specific commitments to non-structural BMP enhanced implementation actions. Indicate each Permittee's specific commitment(s) to each action in Table 3-8 "Potential Non-Structural BMP Enhanced Implementation Efforts," since these actions are the basis for the 5% load reduction from baseline.
5. Revise the revised draft WMP to present all model results of pollutant loads, allowable loads, target load reductions, and load reductions associated with control measures in units consistent with the respective TMDL (e.g., Los Angeles River Metals TMDL allowable loads should be given as daily loads not annual loads in Table 4-3). Each table in Section 4.0 must include units per time step (e.g., lbs/day) for the numeric values for clarity.

² This alternative language is included in two other revised draft WMPs and is acceptable to the Los Angeles Water Board. See footnote 23 of the Lower Los Angeles River revised draft WMP and footnote 17 of the Lower San Gabriel River revised draft WMP.

6. Section 4.5, Modeling Calibration, of the revised draft WMP discusses a comparison of SBPAT and LSPC runoff volumes "to show the difference between simulated and observed values to ensure the model properly assess conditions and variables." Provide this comparison of SBPAT and LSPC runoff volumes as an appendix or subsection to the model calibration section.
7. In Table 5-1 of the revised draft WMP, "Tentative Control Measure Implementation Schedule," delete all instances of the word "tentative." If you prefer, you can replace the word "tentative" with "approved" or "current." In the last sentence of the second paragraph of Section 5.1, change the sentence "The WMP, including the schedule aspect, will be updated through the adaptive management process, therefore the schedule identified is always tentative." to "The WMP, including the schedule aspect, will be updated through the adaptive management process; to that extent, the schedule identified is tentative unless the schedule is associated with TMDL provisions. However, any extensions of the dates in this schedule must be approved by the Los Angeles Water Board's Executive Officer pursuant to Part VI.C.6.a or Part VI.C.8.a.ii-iii of the LA County MS4 Permit." Where there is a failure to meet scheduled milestones without obtaining Executive Officer approval (or non-objection in the case of Part VI.C.8.a.iii of the LA County MS4 Permit), then the Permittees in the LAR UR2 WMG shall be subject to the baseline requirements of the LA County MS4 Permit, including demonstrating compliance with applicable receiving water limitations and TMDL-based WQBELs/WLAs through outfall and receiving water monitoring. See Parts VI.C.2.c and VI.E.2.d.i.(4)(c) of the LA County MS4 Permit.
8. Include interim milestones for LID Street implementation for each Permittee, associated with the LID Street Required Tributary Area by LAR UR2 WMG WMA Permittee in Table 5-1 and Figures 5-1 to 5-4 of the revised draft WMP that demonstrate progress toward achieving the final deadline of 2037.
9. In addition to conducting inspections and follow-up enforcement as required under the 2012 LA County MS4 Permit Industrial/Commercial Facilities Program, include specific actions and interim dates to *enhance* industrial facility inspections and follow-up enforcement, if necessary, particularly in those jurisdictions where industrial land use comprises a significant portion of the land area (e.g., Commerce and Vernon) to achieve the "Non-MS4 NPDES Parcels" control measure by December 2017 as indicated in Table 5-1 of the revised draft MS4. Indicate each Permittee's responsibilities for these actions. Indicate how efforts will be focused on achieving progress toward reducing discharges of zinc and bacteria. Related to this, correct discussion in Section 4.3.2.3 of the revised draft WMP, which states that the 2001 LA County MS4 Permit did not require that Permittees enforce BMPs at industrial and commercial facilities. The 2001 LA County MS4 Permit did require Permittees to conduct progressive enforcement, per Part 4.C.3.c) and d) of the 2001 LA County MS4 Permit. Therefore, enforcement is not a change from the 2001 permit.

The LAR UR2 WMG shall submit a final WMP to the Los Angeles Water Board that satisfies all of the above conditions no later than June 12, 2015.

Determination of Compliance with WMP

Pursuant to Part VI.C.6 of the LA County MS4 Permit, the Permittees of the LAR UR2 WMG shall begin implementation of the approved WMP immediately. To continue to be afforded the opportunity to implement permit provisions within the framework of the WMP, Permittees must fully and timely implement all actions per associated schedules set forth in the approved WMP regardless of any contingencies indicated in the approved WMP (e.g., funding and purported reservation of rights) unless a modification to the approved WMP, including any extension of deadlines where allowed, is approved by the Los Angeles Water Board pursuant to Part VI.C.6.a or Part VI.C.8.a.ii-iii. The Los Angeles Water Board will determine the LAR UR2 WMG Permittees' compliance with the WMP on the basis of the compliance actions and milestones included in the WMP, including, but not limited to, the following:

- Section 3 "Watershed Control Measures," including Section 3.3 "Proposed Control Measures;"
- Table 3-1 "LAR Metals TMDL Jurisdictional Group 2 Non-Structural BMPs Phased Implementation Plan;"
- Table 3-8 "Potential Non-Structural BMP Enhanced Implementation Efforts;"
- Table 4-10 "LID Street Required Tributary area by LAR UR2 WMA Permittee;"
- Tables 4-17 to 4-20, which present load reductions associated with non-structural BMPs, regional BMPs, and distributed BMPs;
- Table 5-1 "Tentative Control Measure Implementation Schedule" which establishes the implementation dates for non-structural BMPs, regional BMPs, and distributed BMPs; and
- Additional compliance actions and milestones established in response to Conditions 1, 2, 8 and 9, above.

Pursuant to Parts VI.C.3 and VI.E.2.d.i.(4)(a) of the LA County MS4 Permit, the LAR UR2 WMG Permittees' full and timely compliance with all actions and dates for their achievement in their approved WMP shall constitute compliance with permit provisions pertaining to applicable WQBELs/WLAs in Part VI.E and Attachment O of the LA County MS4 Permit. Further, per Part VI.C.2.b of the LA County MS4 Permit, the LAR UR2 WMG Permittees' full compliance with all requirements and dates for their achievement in their approved WMP constitutes compliance with the receiving water limitations provisions of Part V.A of the LA County MS4 Permit for the specific waterbody-pollutant combinations addressed by their approved WMP.

If the Permittees in the LAR UR2 WMG fail to meet any requirement or date for its achievement in the approved WMP, which will be demonstrated through the LAR UR2 WMG's Annual Reports and program audits (when conducted), the Permittees in the LAR UR2 WMG shall be subject to the baseline requirements of the LA County MS4 Permit, including demonstrating compliance with applicable receiving water limitations and TMDL-based WQBELs/WLAs through outfall and receiving water monitoring. See Parts VI.C.2.c and VI.E.2.d.i.(4)(c).

Annual Reporting

The LAR UR2 WMG shall report on achievement of actions and milestones within the reporting year, as well as progress towards future milestones related to multi-year projects, through its Annual Report per Attachment E, Part XVIII of the LA County MS4 Permit. For multi-year efforts, the LAR UR2 WMG shall include the status of the project, which includes the status with regard to standard project implementation steps. These steps include, but are not limited to, adopted or potential future changes to municipal ordinances to implement the project, site selection, environmental review and permitting, project design, acquisition of grant or loan funding and/or municipal approval of project funding, contractor selection, construction schedule, start-up, and effectiveness evaluation (once operational), where applicable. For all stormwater retention projects, including but not limited to LID due to new/redevelopment, green streets, and regional BMPs, the Permittees in the LAR UR2 WMG shall report annually on the volume of stormwater retained in each jurisdictional subwatershed area.

The LAR UR2 WMG shall also include in its Annual Report the source(s) of funds used during the reporting year, and those funds proposed for the coming year, to meet necessary expenditures related to implementation of the actions identified in its WMP per Part VI.A.3 of the LA County MS4 Permit. Further, as part of the annual certification concerning a permittee's legal authority required by Part VI.A.2.b of the LA County MS4 Permit, each Permittee in the LAR UR2 WMG shall also certify in the Annual Report that it has the necessary legal authority to implement each of the actions and milestones in the approved WMP as required by Part VI.C.5.b.iv.(6). If a Permittee does not have legal authority to implement an action or milestone at the time the LAR UR2 WMG submits its Annual Report, the Permittee shall propose a schedule to establish and maintain such legal authority.

Adaptive Management

The LAR UR2 WMG shall conduct a comprehensive evaluation of its WMP no later than April 28, 2017, and subsequently, every two years thereafter pursuant to the adaptive management process set forth in Part VI.C.8 of the Los Angeles County MS4 Permit. As part of this process, the LAR UR2 WMG must evaluate progress toward achieving:

- Applicable WQBELs/WLAs in Attachment O of the LA County MS4 Permit according to the milestones set forth in its WMP;
- Improved water quality in MS4 discharges and receiving waters;
- Stormwater retention milestones; and
- Multi-year efforts that were not completed in the current year and will continue into the subsequent year(s), among other requirements.

The LAR UR2 WMG's evaluation of the above shall be based on both progress implementing actions in the WMP and an evaluation of outfall-based monitoring data and receiving water data. Per Attachment E, Part XVIII.6 of the LA County MS4 Permit, the LAR UR2 WMG shall implement adaptive management strategies, including but not limited to:

- Refinement and recalibration of the Reasonable Assurance Analysis (RAA) based on data specific to the LAR UR2 WMG WMP area that are collected through the LAR UR2 WMG's Coordinated Integrated Monitoring Program and other data as appropriate;
- Identifying the most effective control measures, why they are the most effective, and how other control measures can be optimized based on this understanding;
- Identify the least effective control measures, why they are ineffective, and how the control measures can be modified or replaced to be more effective;
- Identify significant changes to control measures during the prior year(s) and the rationale for the changes; and
- Describe all significant changes to control measures anticipated to be made in the next year(s) and the rationale for each change.

As part of the adaptive management process, any modifications to the WMP, including any requests for extension of deadlines not associated with TMDL provisions, must be submitted to the Los Angeles Water Board for review and approval. The Permittees of the LAR UR2 WMG must implement any modifications to the WMP upon approval by the Los Angeles Water Board or its Executive Officer, or within 60 days of submittal of modifications if the Los Angeles Water Board or its Executive Officer expresses no objections. Note that the Permittees' Report(s) of Waste Discharge (ROWD) is due no later than July 1, 2017. To align any modifications to the WMP proposed through the adaptive management process with permit reissuance, results of the first adaptive management cycle should be submitted in conjunction with the Permittees' ROWD.

The Los Angeles Water Board appreciates the participation and cooperation of the LAR UR2 WMG in the implementation of the LA County MS4 Permit. If you have any questions, please contact Ivar Ridgeway, Storm Water Permitting, at Ivar.Ridgeway@waterboards.ca.gov or by phone at (213) 620-2150.

Sincerely,



Samuel Unger, P.E.
Executive Officer

Enclosure: Distribution List

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Los Angeles Regional Water Quality Control Board

April 28, 2015

Dr. Shahram Kharaghani
City of Los Angeles
Department of Public Works, Bureau of
Sanitation
Watershed Protection Division
1149 South Broadway, 10th Floor
Los Angeles, CA 90015

Ms. Gail Farber, Chief Engineer
Los Angeles County Flood Control District
Department of Public Works
Watershed Management Division, 11th Floor
900 South Fremont Avenue
Alhambra, CA 91803

APPROVAL, WITH CONDITIONS, OF THE CITY OF LOS ANGELES AREA IN SANTA MONICA BAY JURISDICTIONAL GROUP 7 SUBWATERSHED WATERSHED MANAGEMENT PROGRAM (WMP), PURSUANT TO THE LOS ANGELES COUNTY MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT (NPDES PERMIT NO. CAS004001; ORDER NO. R4-2012-0175)

Dear Dr. Kharaghani and Ms. Farber:

On November 8, 2012, the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board or Board) adopted Order No. R4-2012-0175, *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* (hereafter, LA County MS4 Permit). Part VI.C of the LA County MS4 Permit allows Permittees the option to develop either a Watershed Management Program (WMP) or an Enhanced Watershed Management Program (EWMP) to implement permit requirements on a watershed scale through customized strategies, control measures, and best management practices (BMPs). Development of a WMP or EWMP is voluntary and allows a Permittee to address the highest watershed priorities, including complying with the requirements of Part V.A (Receiving Water Limitations), Part VI.E and Attachments L through R (Total Maximum Daily Load Provisions), and by customizing the control measures in Parts III.A (Prohibitions – Non-Storm Water Discharges) and VI.D (Minimum Control Measures), except the Planning and Land Development Program. Pursuant to Part VI.C.4.c of the LA County MS4 Permit, the City of Los Angeles (City) and the Los Angeles County Flood Control District (LACFCD) jointly submitted a draft WMP for the City's land area and the LACFCD's infrastructure within Jurisdictional Group 7 (JG7) of the Santa Monica Bay (SMB) Watershed Management Area (WMA) dated June 27, 2014, to the Los Angeles Water Board for review.

CHARLES STRINGER, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

320 West 4th St., Suite 200, Los Angeles, CA 90013 | www.waterboards.ca.gov/losangeles

Public Review and Comment

On July 3, 2014, the Board provided public notice and a 46-day period to allow for public review and comment on the City's and LACFCD'S draft WMP. A separate notice of availability regarding the draft WMPs, including the City's and LACFCD's draft WMP, was directed to State Senators and Assembly Members within the Coastal Watersheds of Los Angeles County. The Board received two comment letters that had specific comments on the City's and LACFCD's draft WMP and one letter that had comments on WMPs generally, which were in part applicable to the City's and LACFCD's draft WMP. One joint letter was from the Natural Resources Defense Council (NRDC), Heal the Bay, and Los Angeles Waterkeeper and the other letters were from the Construction Industry Coalition on Water Quality (CICWQ) and a private citizen, Joyce Dillard. On October 9, 2014, the Board held a workshop at its regularly scheduled Board meeting on the draft WMPs. The Board also held a public meeting on April 13, 2015 for Permittees and interested persons to discuss the revised draft WMPs with the Executive Officer and staff. During its initial review and its review of the revised draft WMP, the Los Angeles Water Board considered those comments applicable to the City's and LACFCD's proposed WMP.

Los Angeles Water Board Review

Concurrently with the public review, the Los Angeles Water Board, along with U.S. EPA Region IX staff, reviewed the draft WMPs. On October 27, 2014, the Los Angeles Water Board sent a letter to the City and LACFCD detailing the Board's comments on the draft WMP and identifying the revisions that needed to be addressed prior to the Board's approval of the City's and LACFCD's WMP. The letter directed the City and LACFCD to submit a revised draft WMP addressing the Los Angeles Water Board's comments. Prior to the City's and LACFCD's submittal of the revised draft WMP, Board staff had teleconferences and e-mail exchanges with City representatives to discuss the Board's comments and the revisions to the draft WMP, which would address the Board's comments. The City and LACFCD submitted a revised draft WMP on January 27, 2015, for Los Angeles Water Board review and approval.

Approval of WMP, with Conditions

The Los Angeles Water Board hereby approves, subject to the following conditions, the City's and LACFCD's January 27, 2015, revised draft WMP for the City's land area and the LACFCD's infrastructure within JG7 of the SMB WMA. The Board may rescind this approval if all of the following conditions are not met to the satisfaction of the Board within the timeframe provided below.

1. Clarify the responsibilities of the City and LACFCD for implementation of the watershed control measures in Table 3-2, "Catch Basin Retrofit Implementation Schedule" of the revised draft WMP to comply with the Santa Monica Bay Nearshore and Offshore Debris TMDL requirements.

2. Revise Table 3-1 of the revised draft WMP to include "Interagency coordination," "Hydromodification Control Plan," and "Sewage system maintenance, overflow, and spill prevention," which are requirements of the LA County MS4 Permit. (See Parts VI.A.2.a.viii, VI.A.4.a.iii, and VI.D.2, among others, regarding "interagency coordination"; Part VI.D.7.c.iv regarding "Hydromodification Control Plan"; and Parts VI.D.9.h.ix and VI.D.10.c-e regarding "sewer system maintenance, overflow, and spill prevention.")
3. In Section 5.2 of the revised draft WMP, Re-Characterization of Water Quality Priorities on page 32, delete the second criterion (second bullet point) regarding the demonstration that MS4 discharges have caused or contributed to an exceedance of receiving water limitations. The second bullet point references the criteria for listing a waterbody on the Clean Water Act section 303(d) list as impaired due to a specific pollutant, which requires a higher threshold than the threshold to determine that a MS4 discharge has caused or contributed to an exceedance of receiving water limitations. A demonstration that a MS4 discharge has caused or contributed to an exceedance of receiving water limitations can be made solely based on the criterion in the first bullet, "Simultaneously collected water samples ... exceed the receiving water limitations as sampled in the receiving water and exceed the WQBELs, action levels as defined in Appendix G, or receiving water limits ... at the MS4 outfall."
4. Correct the following typographical errors in the revised draft WMP:
 - a. In Section 1.2, clarify the area that is addressed by the City's and LACFCD's WMP, since 47 acres excluded from 1056 acres does not equal 976 acres;
 - b. Table 2-1, page 7, revise the last footnote to read "Nearshore is defined as the zone bounded by the shoreline and a line 1000 feet from the shoreline or the 30-foot depth contours, whichever is further from the shoreline. The underlined language needs to be add to the footnote;
 - c. Section 2.2, page 14, correct the reference to Section VI.C.5(a)ii of the Permit instead of Section IV.C.5(a)ii of the Permit;
 - d. Footnote 5, page 27, the percentage referenced in the footnote does not match the percentages referenced in the text;
 - e. Correct the table number for the table "Effectiveness Assessment Measures for Various Activities under the Storm Water Management Program" on page 28 to Table 3-3 (currently numbered as Table 3-2); Table 3-2 is located on page 27; and
 - f. Section 4.3, page 30, correct the number of catch basins that are City owned and County owned. The current numbers in the revised draft WMP do not add up to 218 catch basins.

The City and LACFCD shall submit a final WMP to the Los Angeles Water Board that satisfies all of the above conditions no later than May 28, 2015.

Determination of Compliance with WMP

Pursuant to Part VI.C.6 of the LA County MS4 Permit, the City and LACFCD shall begin implementation of the approved WMP immediately. To continue to be afforded the opportunity

to implement permit provisions within the framework of the WMP, Permittees must fully and timely implement all actions per associated schedules set forth in the approved WMP unless a modification to the approved WMP, including any extension of deadlines where allowed, is approved by the Los Angeles Water Board pursuant to Part VI.C.6.a or Part VI.C.8.a.ii-iii. The Los Angeles Water Board will determine the City's and LACFCD's compliance with the WMP on the basis of the compliance actions and milestones included in the WMP, including, but not limited to, the following:

- Section 3.1.2 "MCMs and Outcome Levels," which summarizes the Program MCMs and outcome levels that will be achieved; and
- Table 3-2 "Catch Basin Retrofit Implementation Schedule."

Pursuant to Parts VI.C.3 and VI.E.2.d.i.(4)(a) of the LA County MS4 Permit, the City's and LACFCD's full and timely compliance with all actions and dates for their achievement in their approved WMP shall constitute compliance with permit provisions pertaining to applicable WQBELs/WLAs in Part VI.E and Attachment M of the LA County MS4 Permit. Further, per Part VI.C.2.b of the LA County MS4 Permit, the City's and LACFCD's full compliance with all requirements and dates for their achievement in their approved WMP constitutes compliance with the receiving water limitations provisions of Part V.A of the LA County MS4 Permit for the specific waterbody-pollutant combinations addressed by their approved WMP.

If the City and LACFCD fail to meet any requirement or date for its achievement in the approved WMP, which will be demonstrated through the City's and LACFCD's Annual Reports and program audits (when conducted), the City and LACFCD shall be subject to the baseline requirements of the LA County MS4 Permit, including but not limited to demonstrating compliance with applicable receiving water limitations and TMDL-based WQBELs/WLAs through outfall and receiving water monitoring. See Parts VI.C.2.c and VI.E.2.d.i.(4)(c).

Annual Reporting

The City and LACFCD shall report on achievement of actions and milestones within the reporting year, as well as progress towards future milestones related to multi-year projects, through their Annual Report per Attachment E, Part XVIII of the LA County MS4 Permit. For multi-year efforts, the City and LACFCD shall include the status of the project, which includes the status with regard to standard project implementation steps. These steps include, but are not limited to, adopted or potential future changes to municipal ordinances to implement the project, site selection, environmental review and permitting, project design, acquisition of grant or loan funding and/or municipal/LACFCD approval of project funding, contractor selection, construction schedule, start-up, and effectiveness evaluation (once operational), where applicable. For all stormwater retention/infiltration projects, including LID due to new/redevelopment, green streets, and regional BMPs, the City and LACFCD shall report annually on the volume of stormwater retained in the area covered by the SMB JG7 WMP.

The City and LACFCD shall also include in their Annual Report the source(s) of funds used during the reporting year, and those funds proposed for the coming year, to meet necessary expenditures related to implementation of the actions identified in its WMP per Part VI.A.3 of the LA County MS4 Permit. Further, as part of the annual certification concerning a Permittee's legal authority required by Part VI.A.2.b of the LA County MS4 Permit, the City and LACFCD shall also certify in the Annual Report that each has the necessary legal authority to implement each of the actions and milestones in the approved WMP as required by Part VI.C.5.b.iv.(6). If a Permittee does not have legal authority to implement an action or milestone at the time the City and LACFCD submits their Annual Report, the Permittee shall propose a schedule to establish and maintain such legal authority.

Adaptive Management

The City and LACFCD shall conduct a comprehensive evaluation of its WMP no later than April 28, 2017, and subsequently, every two years thereafter pursuant to the adaptive management process set forth in Part VI.C.8 of the Los Angeles County MS4 Permit. As part of this process, the City and LACFCD must evaluate progress toward achieving:

- Applicable WQBELs/WLAs in Attachment M of the LA County MS4 Permit according to the milestones set forth in its WMP;
- Improved water quality in MS4 discharges and receiving waters;
- Stormwater retention milestones; and
- Multi-year efforts that were not completed in the current year and will continue into the subsequent year(s), among other requirements.

The City's and LACFCD's evaluation of the above shall be based on both progress implementing actions in the WMP and an evaluation of outfall-based monitoring data and receiving water data. Per Attachment E, Part XVIII.6 of the LA County MS4 Permit, the City and LACFCD shall implement adaptive management strategies, including but not limited to:

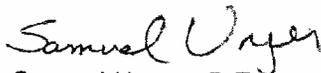
- Refinement of the Reasonable Assurance Analysis (RAA) based on data specific to the City's area and the LACFCD's infrastructure within JG7 of the SMB WMA that are collected through the City's and LACFCD's Coordinated Integrated Monitoring Program and other data as appropriate;
- Identifying the most effective control measures, why they are the most effective, and how other control measures can be optimized based on this understanding;
- Identify the least effective control measures, why they are ineffective, and how the control measures can be modified or replaced to be more effective;
- Identify significant changes to control measures during the prior year(s) and the rationale for the changes; and
- Describe all significant changes to control measures anticipated to be made in the next year(s) and the rationale for each change.

As part of the adaptive management process, any modifications to the WMP, including any requests for extension of deadlines not associated with TMDL provisions, must be submitted to

the Los Angeles Water Board for review and approval. The City and LACFCD must implement any modifications to the WMP upon approval by the Los Angeles Water Board or its Executive Officer, or within 60 days of submittal of modifications if the Los Angeles Water Board or its Executive Officer expresses no objections. Note that the Permittees' Report(s) of Waste Discharge (ROWD) is due no later than July 1, 2017. To align any modifications to the WMP proposed through the adaptive management process with permit reissuance, results of the first adaptive management cycle should be submitted in conjunction with the Permittees' ROWD.

The Los Angeles Water Board appreciates the participation and cooperation of the City and LACFCD in the implementation of the LA County MS4 Permit. If you have any questions, please contact Rebecca Christmann at Rebecca.Christmann@waterboards.ca.gov or by phone at (213) 576-5734. Alternatively, you may also contact Ivar Ridgeway, Chief Storm Water Permitting Unit, at Ivar.Ridgeway@waterboards.ca.gov or by phone at (213) 620-2150.

Sincerely,


Samuel Unger, P.E.
Executive Officer

cc: Donna Chen, City of Los Angeles
Hubertus Cox, City of Los Angeles
Hamid Tadayon, City of Los Angeles
Angela George, Los Angeles County Flood Control District
Paul Alva, Los Angeles County Flood Control District



Los Angeles Regional Water Quality Control Board

April 28, 2015

Ms. Mary Rooney
City of Walnut
Community Services Division
21201 La Puente Road
Walnut, CA 91789

APPROVAL, WITH CONDITIONS, OF THE CITY OF WALNUT'S WATERSHED MANAGEMENT PROGRAM (WMP), PURSUANT TO THE LOS ANGELES COUNTY MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT (NPDES PERMIT NO. CAS004001; ORDER NO. R4-2012-0175)

Dear Ms. Rooney:

On November 8, 2012, the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board or Board) adopted Order No. R4-2012-0175, *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* (hereafter, LA County MS4 Permit). Part VI.C of the LA County MS4 Permit allows Permittees the option to develop either a Watershed Management Program (WMP) or an Enhanced Watershed Management Program (EWMP) to implement permit requirements on a watershed scale through customized strategies, control measures, and best management practices (BMPs). Development of a WMP or EWMP is voluntary and allows a Permittee to address the highest watershed priorities, including complying with the requirements of Part V.A (Receiving Water Limitations), Part VI.E and Attachments L through R (Total Maximum Daily Load Provisions), and by customizing the control measures in Parts III.A (Prohibitions – Non-Storm Water Discharges) and VI.D (Minimum Control Measures), except the Planning and Land Development Program. Pursuant to Part VI.C.4.c of the LA County MS4 Permit, the City of Walnut (City) submitted a draft WMP dated June 30, 2014, to the Los Angeles Water Board for review.

Public Review and Comment

On July 3, 2014, the Board provided public notice and a 46-day period to allow for public review and comment on the City's draft WMP. A separate notice of availability regarding the draft WMPs, including the City's WMP, was directed to State Senators and Assembly Members

CHARITZ STRINGER, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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within the Coastal Watersheds of Los Angeles County. The Board received two comment letters that had comments applicable to the City's draft WMP. One joint letter was from the Natural Resources Defense Council (NRDC), Heal the Bay, and Los Angeles Waterkeeper, and the other letter was from the Construction Industry Coalition on Water Quality (CICWQ). On October 9, 2014, the Board held a workshop at its regularly scheduled Board meeting on the draft WMPs. The Board also held a public meeting on April 13, 2015 for permittees and interested persons to discuss the revised draft WMPs with the Executive Officer and staff. During its initial review and its review of the revised draft WMP, the Los Angeles Water Board considered those comments applicable to the City's proposed WMP.

Los Angeles Water Board Review

Concurrently with the public review, the Los Angeles Water Board, along with U.S. EPA Region IX staff, reviewed the draft WMPs. On October 21, 2014, the Los Angeles Water Board sent a letter to the City detailing the Board's comments on the draft WMP and identifying the revisions that needed to be addressed prior to the Board's approval of the City's WMP. The letter directed the City to submit a revised draft WMP addressing the Los Angeles Water Board's comments. The City submitted its revised draft WMP on January 21, 2015 for Los Angeles Water Board review and approval. After the City's submittal of the revised draft WMP, Board staff had two teleconferences on April 14 and 15, 2015, and subsequent e-mail exchanges, with City representatives and consultants to discuss the Board's remaining comments and necessary revisions to the January 2015 WMP, including the supporting reasonable assurance analysis (RAA). On April 22, 2015, the City submitted additional revisions to the revised draft WMP for the Los Angeles Water Board review and approval.

Approval of WMP, with Conditions

The Los Angeles Water Board hereby approves, subject to the following conditions, the City's April 22, 2015, revised draft WMP. The Board may rescind this approval if all of the following conditions are not met to the satisfaction of the Board within the timeframe provided below.

1. Sections 4.11 and 5.1 of the revised draft WMP require more detail on the scope of the program enhancements (beyond the Permit minimum) for the list of non-modeled, non-structural BMPs, including how, when, and to what extent these BMPs will be enhanced during this permit term. Measurable milestones for implementing each one of the non-modeled, non-structural BMPs must be established (e.g., specify a milestone for the installation of Pet Waste Stations listed in Table 5-1 and provide details on the number and location of these Pet Waste Stations).
2. Correct the following typographical errors and omissions in the revised draft WMP :
 - a. Correct table and figure referencing (e.g., Section 6.0 incorrectly references Table 4-8 as the City's proposed BMP Implementation Schedule, whereas the reference should be to Table 4-11)

- b. Correct references to the effective date of the permit (e.g., Sections 1.0 and 3.2.3 indicate a date of December 28, 2013, while the correct date is December 28, 2012)
- c. Correct references to permit limitations (e.g., Section 2.1 and Tables 2-4, 2-5, and 5-6 identify permit limits for Category 2 pollutants as WLAs or WQBELs, however, WQBELs/WLAs are only established for pollutants addressed by a TMDL. All other permit limitations applicable to the City's MS4 discharges are "Receiving Water Limitations.")
- d. Delete erroneous statement on page 9, "Each of these sub-watersheds has a different beneficial use assigned for recreational activities. Subsequently the individual sub-watershed areas have different allowable coliform bacteria loadings."
- e. Revise Table 5-6, Compliance Schedule as follows: (i) for E. coli, include December 2017 deadline for achieving 8% reduction in fecal coliform load, consistent with Table 4-11; (ii) for other Category 2 pollutants, include an interim milestone within the permit term (i.e., prior to December 28, 2017); and (iii) clarify what the percentages mean for each pollutant (e.g., for selenium, 30% of the San Jose Creek drainage area within the City is meeting the dry-weather WLA).

The City shall submit a final WMP to the Los Angeles Water Board that satisfies all of the above conditions no later than June 12, 2015.

Determination of Compliance with WMP

Pursuant to Part VI.C.6 of the LA County MS4 Permit, the City shall begin implementation of the approved WMP immediately. To continue to be afforded the opportunity to implement permit provisions within the framework of the WMP, the City must fully and timely implement all actions per associated schedules set forth in the approved WMP regardless of any contingencies indicated in the approved WMP (e.g., funding) unless a modification to the approved WMP, including any extension of deadlines where allowed, is approved by the Los Angeles Water Board pursuant to Part VI.C.6.a or Part VI.C.8.a.ii-iii. The Los Angeles Water Board will determine the City's compliance with the WMP on the basis of the compliance actions and milestones included in the WMP including, but not limited to, the following:

- Section 3.0 Minimum Control Measures
- Table 4-4 Allowable Daily Lead Loads (Computed for the Baseline Wet Day with the 90th Percentile Lead Load)
- Table 4-5 Allowable Bacteria Loads for 90th percentile year
- Table 4-6 Target Load Reductions for the Critical Condition (as a percent of baseline load)
- Section 4.8 Low Impact Development Ordinance
- Section 4.9 Green Streets
- Section 4.10 Regional BMPs

- Section 4.11 Non-Modeled Non-Structural BMPs (Establishes a milestone of an 8% load reduction for fecal coliform, with a range of 5% to 10%).
- Table 4-9 Fecal Coliform Load Reductions as a Percentage of Total Baseline Load for the San Jose Creek Drainage Area for the 90th Percentile Year
- Table 4-10 Fecal Coliform Load Reductions as a Percentage of Total Baseline Load for the Walnut Creek Wash Drainage Area for the 90th Percentile Year
- Table 4-11 Assumed BMP Implementation Schedule
- Figure 4-14 Fecal Coliform Interim and Final Load Reductions for the San Jose Creek Drainage Area
- Figure 4-15 Fecal Coliform Interim and Final Load Reductions for Walnut Creek Wash Drainage Area
- Table 5-1 MCM Program Enhancements
- Table 5-2 Green Streets BMPs
- Table 5-3 City of Walnut Green Streets Interim Implementation Schedule
- Table 5-4 Dry Weather Flow Elimination Program
- Table 5-5 Dry Weather Flow Elimination Program Implementation Schedule
- Table 5-6 Compliance Schedule (for TMDL and 303(d) listed pollutants)

Pursuant to Parts VI.C.3 and VI.E.2.d.i.(4)(a) of the LA County MS4 Permit, the City's full and timely compliance with all actions and dates for their achievement in its approved WMP shall constitute compliance with permit provisions pertaining to applicable WQBELs/WLAs in Part VI.E and Attachment P of the LA County MS4 Permit. Further, per Part VI.C.2.b of the LA County MS4 Permit, the City's full compliance with all requirements and dates for their achievement in its approved WMP constitutes compliance with the receiving water limitations provisions of Part V.A of the LA County MS4 Permit for the specific waterbody-pollutant combinations addressed by the approved WMP.

If the City fails to meet any requirement or date for its achievement in the approved WMP, which will be demonstrated through the City's' Annual Reports and program audits (when conducted), the City shall be subject to the baseline requirements of the LA County MS4 Permit, including but not limited to demonstrating compliance with applicable receiving water limitations and TMDL-based WQBELs/WLAs through outfall and receiving water monitoring. See Parts VI.C.2.c and VI.E.2.d.i.(4)(c).

Annual Reporting

The City shall report on achievement of actions and milestones within the reporting year, as well as progress towards future milestones related to multi-year projects, through its Annual Report per Attachment E, Part XVIII of the LA County MS4 Permit. For multi-year efforts, the City shall include the status of the project, which includes the status with regard to standard project implementation steps. These steps include, but are not limited to, adopted or potential future changes to municipal ordinances to implement the project, site selection, environmental review and permitting, project design, acquisition of grant or loan funding and/or municipal approval of

project funding, contractor selection, construction schedule, start-up, and effectiveness evaluation (once operational), where applicable. For all stormwater retention projects, including LID due to new/redevelopment, green streets, and regional BMPs, the City shall report annually on the volume of stormwater retained in each subwatershed area (i.e., San Jose Creek subwatershed and Walnut Creek Wash subwatershed).

The City shall also include in its Annual Report the source(s) of funds used during the reporting year, and those funds proposed for the coming year, to meet necessary expenditures related to implementation of the actions identified in its WMP per Part VI.A.3 of the LA County MS4 Permit. Further, as part of the annual certification concerning a permittee's legal authority required by Part VI.A.2.b of the LA County MS4 Permit, the City shall also certify in the Annual Report that it has the necessary legal authority to implement each of the actions and milestones in the approved WMP as required by Part VI.C.5.b.iv.(6). If the City does not have legal authority to implement an action or milestone at the time it submits the Annual Report, the City shall propose a schedule to establish and maintain such legal authority.

Adaptive Management

The City shall conduct a comprehensive evaluation of its WMP no later than April 28, 2017, and subsequently, every two years thereafter pursuant to the adaptive management process set forth in Part VI.C.8 of the Los Angeles County MS4 Permit. As part of this process, the City must evaluate progress toward achieving:

- Applicable WQBELs/WLAs in Attachment P of the LA County MS4 Permit according to the milestones set forth in its WMP;
- Improved water quality in MS4 discharges and receiving waters;
- Stormwater retention milestones; and
- Multi-year efforts that were not completed in the current year and will continue into the subsequent year(s), among other requirements.

As part of the adaptive management process, the City shall also re-evaluate its Category 2 and Category 3 water quality priorities based on data collected through its Integrated Monitoring Program. Where new water quality priorities are identified, the City shall conduct a RAA for the pollutants and identify and incorporated into its WMP appropriate watershed control measures to address them.

The City's evaluation of the above shall be based on both progress implementing actions in the WMP and an evaluation of outfall-based monitoring data and receiving water data. Per Attachment E, Part XVIII.6 of the LA County MS4 Permit, the City shall implement adaptive management strategies, including but not limited to:

- Refinement and recalibration of the Reasonable Assurance Analysis (RAA) based on data specific to the City's WMP area that are collected through the City's Integrated Monitoring Program and other data as appropriate;
- Identifying the most effective control measures, why they are the most effective, and how other control measures can be optimized based on this understanding;

- Identify the least effective control measures, why they are ineffective, and how the control measures can be modified or replaced to be more effective;
- Identify significant changes to control measures during the prior year(s) and the rationale for the changes; and
- Describe all significant changes to control measures anticipated to be made in the next year(s) and the rationale for each change.

As part of the adaptive management process, any modifications to the WMP, including any requests for extension of deadlines not associated with TMDL provisions, must be submitted to the Los Angeles Water Board for review and approval. The City must implement any modifications to the WMP upon approval by the Los Angeles Water Board or its Executive Officer, or within 60 days of submittal of modifications if the Los Angeles Water Board or its Executive Officer expresses no objections. Note that the City's Report of Waste Discharge (ROWD) is due no later than July 1, 2017. To align any modifications to the WMP proposed through the adaptive management process with permit reissuance, results of the first adaptive management cycle should be submitted in conjunction with the City's ROWD.

The Los Angeles Water Board appreciates the participation and cooperation of the City in the implementation of the LA County MS4 Permit. If you have any questions, please contact Ivar Ridgeway, Storm Water Permitting, at Ivar.Ridgeway@waterboards.ca.gov or by phone at (213) 620-2150.

Sincerely,



Samuel Unger, P.E.
Executive Officer

cc: Alicia Jensen, City of Walnut
Robert Wishner, City of Walnut
Melissa Barcelo, City of Walnut
Cody Howing, Assistant Engineer, RKA Consulting Group



Los Angeles Regional Water Quality Control Board

April 28, 2015

Mr. Frank Senteno, City Engineer
City of El Monte
Department of Public Works
11333 Valley Blvd.
El Monte, CA 91731

APPROVAL, WITH CONDITIONS, OF THE CITY OF EL MONTE'S WATERSHED MANAGEMENT PROGRAM (WMP), PURSUANT TO THE LOS ANGELES COUNTY MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT (NPDES PERMIT NO. CAS004001; ORDER NO. R4-2012-0175)

Dear Mr. Senteno:

On November 8, 2012, the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board or Board) adopted Order No. R4-2012-0175, *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* (hereafter, LA County MS4 Permit). Part VI.C of the LA County MS4 Permit allows Permittees the option to develop either a Watershed Management Program (WMP) or an Enhanced Watershed Management Program (EWMP) to implement permit requirements on a watershed scale through customized strategies, control measures, and best management practices (BMPs). Development of a WMP or EWMP is voluntary and allows a Permittee to address the highest watershed priorities, including complying with the requirements of Part V.A (Receiving Water Limitations), Part VI.E and Attachments L through R (Total Maximum Daily Load Provisions), and by customizing the control measures in Parts III.A (Prohibitions – Non-Storm Water Discharges) and VI.D (Minimum Control Measures), except the Planning and Land Development Program. Pursuant to Part VI.C.4.c of the LA County MS4 Permit, the City of El Monte (City) submitted a draft WMP dated June 30, 2014, to the Los Angeles Water Board for review.

Public Review and Comment

On July 3, 2014, the Board provided public notice and a 46-day period to allow for public review and comment on the City's draft WMP. A separate notice of availability regarding the draft WMPs, including the City's WMP, was directed to State Senators and Assembly Members

within the Coastal Watersheds of Los Angeles County. The Board received two comment letters that had comments applicable to the City's draft WMP. One joint letter was from the Natural Resources Defense Council (NRDC), Heal the Bay, and Los Angeles Waterkeeper, and the other letter was from the Construction Industry Coalition on Water Quality (CICWQ). On October 9, 2014, the Board held a workshop at its regularly scheduled Board meeting on the draft WMPs. The Board also held a public meeting on April 13, 2015 for permittees and interested persons to discuss the revised draft WMPs with the Executive Officer and staff. During its initial review and its review of the revised draft WMP, the Los Angeles Water Board considered those comments applicable to the City's proposed WMP.

Los Angeles Water Board Review

Concurrently with the public review, the Los Angeles Water Board, along with U.S. EPA Region IX staff, reviewed the draft WMPs. On October 22, 2014, the Los Angeles Water Board sent a letter to the City detailing the Board's comments on the draft WMP and identifying the revisions that needed to be addressed prior to the Board's approval of the City's WMP. The letter directed the City to submit a revised draft WMP addressing the Los Angeles Water Board's comments. The City submitted its revised draft WMP on January 22, 2015 for Los Angeles Water Board review and approval. After the City's submittal of the revised draft WMP, Board staff had several telephone and e-mail exchanges with City representatives and consultants to discuss the Board's remaining comments and necessary revisions to the January 22, 2015 revised draft WMP, including the supporting reasonable assurance analysis (RAA). On April 27, 2015, the City submitted additional revisions to the revised draft WMP for Los Angeles Water Board review and approval, which consisted of the following:

1. Figure 1-10 "Existing and Planned Control Measures," which clarifies the location of planned modular wetland systems and tree well filters. As per Figure 1-10, 6 planned modular wetland systems are located along Mountain View Road where the MS4 discharges to Legg Lake.
2. Table 1-9 "LA River Copper" and Figure 1-11 "Scatter Plot for LA River Copper," which show that a 26-98 percent load reduction is required for copper.
3. Table 1-10 "LA River Lead" and Figure 1-12 "Scatter Plot for LA River Lead," which show that a 48-87 percent load reduction is required for lead.
4. Table 1-11 "LA River Zinc" and Figure 1-13 "Scatter Plot and LA River Zinc," which show that a 26-98 percent load reduction is required for zinc.
5. Section 1.9.2.3 LA River Watershed Bacteria TMDL and Table 1-14 "LA River Bacteria," which show that a 99 percent load reduction is required for bacteria.
6. Section 1.9.2.5 San Gabriel River and Impaired Metals and Selenium TMDLs, Table 1-19 "San Gabriel River Lead", and Figure 1-17 "Scatter Plot for San Gabriel River Lead," which show that a 31-67 percent load reduction is required for lead.
7. Section 1.9.2.6 "San Gabriel River, Estuary and Tributaries Indicator Bacteria TMDL (Pending)" and Table 1-20 "San Gabriel River Bacteria," which shows that a 98-99 percent load reduction is required for bacteria.

8. Table 1-21 "TMDL Summary and Action Required," which revises the actions required for Los Angeles River Tributaries Metals TMDL, Los Angeles River Watershed Bacteria TMDL, San Gabriel River and Impaired Tributaries Metals and Selenium TMDL, and San Gabriel River Bacterial TMDL (Pending), stating that BMPs will be installed/implemented to achieve required percent reductions.
9. Text was added to Section 1.8.3 under sub-section Legg Lake stating, "In order to address the required pollutant reductions for Legg Lake, six catch basins along Mountain View Road will be retrofitted with Modular Wetland Systems to remove both trash and nutrients."
10. "Maintenance Guidelines for Modular Wetland System – Linear," which is a reference document for the Appendix outlining the procedures for maintaining the modular wetland systems.
11. "General Use Level Designation for Basic, Enhanced, and Phosphorus Treatment," which is a reference document for the Appendix giving expected percent pollutant load reductions as per laboratory and field testing by the Washington State Department of Ecology.
12. "MWS-Linear 2.0 Stormwater Filtration System," which is a reference document for the Appendix giving the expected percent pollutant load reductions as per the manufacturer.
13. "MASTEP Technology Review," which is a reference document for the Appendix giving the expected pollutant load reductions as per a study by the University of Massachusetts at Amherst.
14. Text was added to Section 1.9.1 under sub-section Calibration stating, "There is limited or insufficient storm flow and water quality data currently available near El Monte to facilitate additional calibration of modeling parameters. This lack of data was confirmed by Los Angeles County Department of Public Works employees that were involved in the development of the WMMS model. As the City collects monitoring data from both outfall and receiving water monitoring, the collected data will be used to further calibrate the model as part of the Adaptive Management Process."

Approval of WMP, with Conditions

The Los Angeles Water Board hereby approves, subject to the following conditions, the City's January 22, 2015 revised draft WMP, as supplemented by the April 27, 2015 additional revisions noted above. The Board may rescind this approval if all of the following conditions are not met to the satisfaction of the Board within the timeframe provided below.

1. Remove selenium from Table 1-4 ("WBPCs with TMDLs (Category 1))" of the revised draft WMP. The City's MS4 discharges are not subject to the dry-weather selenium waste load allocations (WLAs) in the San Gabriel River and Impaired Tributaries Metals and Selenium TMDL (Attachment P of the LA County MS4 Permit) assigned to discharges to the San Jose Reach 1 and 2.
2. Remove Trash for Legg Lake from Table 1-5 of the revised draft WMP ("WBPCs on 2010 303(d) list (Category 2)"). Trash for Legg Lake is a Category 1 pollutant already addressed in Table 1-4.

3. Ammonia, odor, and pH for Legg Lake and pH for Los Angeles River are Category 1 pollutants, since they are being addressed through the Legg Lake Nutrients TMDL and Los Angeles River Nitrogen Compounds and Related Effects TMDL. Move these Category 1 pollutants from Table 1-5 to Table 1-4 of the revised draft WMP.
4. Although Sections 1.2.1, 1.2.2, and 1.2.3 of the revised draft WMP provide a summary of recent data on pollutant exceedances, include further discussion in Section 1.7.3 on each of the Category 3 pollutants listed in Table 1-6 explaining how monitoring data sources show exceedances and possible sources of those exceedances. Additionally, clarify or remove the entry for indicator bacteria in the San Gabriel River in Table 1-6, since indicator bacteria is identified as a Category 2 pollutant for San Gabriel River (Reach 3) in Table 1-5.
5. Add applicable Receiving Water Limitations where left blank in Tables 1-5 and 1-6 of the revised draft WMP.
6. Specify that the effluent limitations applicable to the City in Table 1-12 of the revised draft WMP are those for the Los Angeles Tributaries.
7. Use the suggested BMP performance parameters given in the RAA Guidelines in Table 4-2 of the revised draft WMP (p. 18) to provide the estimated pollutant load reduction for the proposed BMPs. Include demonstration that the proposed BMPs will achieve pollutant load reductions needed for those pollutants addressed in the RAA (as shown in Tables 1-9, 1-10, 1-11, 1-14, 1-19, and 1-20 provided as a supplement to the revised draft WMP) consistent with interim milestones within this permit term and the next permit term (i.e., through December 2022).
8. Revise Table 1-25 of the revised draft WMP, TMDL Milestones for Los Angeles River, for Los Angeles River Watershed Bacteria TMDL by separating the deadlines for wet and dry as is done for other pollutants in the table. March 23, 2037 is the final deadline for compliance in wet weather. Dry weather deadlines are per the applicable schedule in Table O-1 of Attachment O in the LA County MS4 Permit, as follows.
 - a. First Phase actions and deadlines:
 - i. "Submit a Load Reduction Strategy (LRS) for Segment B tributaries (or submit an alternative compliance plan) by March 23, 2016;
 - ii. "Complete Implementation of LRS" by September 23, 2020;
 - iii. "Achieve interim (or final) water quality-based effluent limitations and submit report to Regional Water Board" by September 23, 2023;
 - b. Second Phase actions and deadlines:
 - i. "Submit a New LRS" by September 23, 2024;
 - ii. "Complete Implementation of LRS" by March 23, 2028;
 - iii. "Achieve final water quality-based effluent limitations or demonstrate that non-compliance is due to upstream contributions and submit report to Regional Water Board" by March 23, 2030.
9. Revise Table 1-26 of the revised draft WMP, TMDL Milestones for San Gabriel River, to include interim milestones consistent with the San Gabriel River and Impaired Tributaries Metals and Selenium TMDL Implementation Plan adopted by the Los Angeles Water Board through Resolution No. R13-004. These milestones include: a 10% reduction in the difference between the current loadings and the wet-weather WLAs

at MS4 outfalls (or a demonstration that 10% of the total drainage area to the San Gabriel River within the City is effectively meeting the wet-weather WLAs) by September 30, 2017; a 35% reduction by September 30, 2020; a 65% reduction by September 30, 2023; and a 100% reduction by September 30, 2026.

10. Review and revise the entire revised draft WMP for correct table and figure labeling and referencing.

The City shall submit a final WMP to the Los Angeles Water Board that satisfies all of the above conditions, and also includes all of the additional revisions submitted on April 27, 2015 as listed under "Los Angeles Water Board Review" above, no later than June 12, 2015.

Determination of Compliance with WMP

Pursuant to Part VI.C.6 of the LA County MS4 Permit, the City shall begin implementation of the approved WMP immediately. To continue to be afforded the opportunity to implement permit provisions within the framework of the WMP, the City must fully and timely implement all actions per associated schedules set forth in the approved WMP regardless of any contingencies indicated in the approved WMP (e.g., funding) unless a modification to the approved WMP, including any extension of deadlines where allowed, is approved by the Los Angeles Water Board pursuant to Part VI.C.6.a or Part VI.C.8.a.ii-iii. The Los Angeles Water Board will determine the City's compliance with the WMP on the basis of the compliance actions and milestones included in the WMP, including, but not limited to, the following:

- Section 1.8 "Selection of Watershed Control Measures"
- Section 1.8.1 "Minimum Control Measures (MCMs)"
- Section 1.8.2 "Non-Storm Water Discharge Control Measures"
- Section 1.8.3 "TMDL Control Measures"
- Section 1.8.4 "Existing and Planned Structural Control Measures," including Figure 10 (as revised on April 27, 2015)
- Table 1-9 "LA River Copper" (as revised on April 27, 2015)
- Table 1-10 "LA River Lead" (as revised on April 27, 2015)
- Table 1-11 "LA River Zinc" (as revised on April 27, 2015)
- Table 1-14 "LA River Bacteria" (as revised on April 27, 2015)
- Table 1-15 "Legg Lake Modeled Nutrients Reduction Required"
- Table 1-19 "San Gabriel River Lead" (as revised on April 27, 2015)
- Table 1-20 "San Gabriel River Bacteria" (as revised on April 27, 2015)
- Table 1-21 "TMDL Summary and Action Required" (as revised on April 27, 2015)
- Table 1-23 "Los Angeles River Trash TMDL BMP Implementation Schedule"
- Table 1-24 "Legg Lake Trash and Nutrients TMDL BMP Implementation Schedule"
- Table 1-25 "TMDL Milestones for Los Angeles River"
- Table 1-26 "TMDL Milestones for San Gabriel River"

Pursuant to Parts VI.C.3 and VI.E.2.d.i.(4)(a) of the LA County MS4 Permit, the City's full and timely compliance with all actions and dates for their achievement in its approved WMP shall constitute compliance with permit provisions pertaining to applicable WQBELs/WLAs in Part VI.E and Attachment O and P of the LA County MS4 Permit. Further, per Part VI.C.2.b of the LA County MS4 Permit, the City's' full compliance with all requirements and dates for their achievement in its approved WMP constitutes compliance with the receiving water limitations provisions of Part V.A of the LA County MS4 Permit for the specific waterbody-pollutant combinations addressed by the approved WMP.

If the City fails to meet any requirement or date for its achievement in the approved WMP, which will be demonstrated through the City's' Annual Reports and program audits (when conducted), the City shall be subject to the baseline requirements of the LA County MS4 Permit, including but not limited to demonstrating compliance with applicable receiving water limitations and TMDL-based WQBELs/WLAs through outfall and receiving water monitoring. See Parts VI.C.2.c and VI.E.2.d.i.(4)(c).

Annual Reporting

The City shall report on achievement of actions and milestones within the reporting year, as well as progress towards future milestones related to multi-year projects, through its Annual Report per Attachment E, Part XVIII of the LA County MS4 Permit. For multi-year efforts, the City shall include the status of the project, which includes the status with regard to standard project implementation steps. These steps include, but are not limited to, adopted or potential future changes to municipal ordinances to implement the project, site selection, environmental review and permitting, project design, acquisition of grant or loan funding and/or municipal approval of project funding, contractor selection, construction schedule, start-up, and effectiveness evaluation (once operational), where applicable. For all stormwater retention projects, LID due to new/redevelopment, and green streets, the City shall report annually on the volume of stormwater retained in each subwatershed area (i.e., Legg Lake subwatershed, Rio Hondo subwatershed, and San Gabriel River subwatershed).

The City shall also include in its Annual Report the source(s) of funds used during the reporting year, and those funds proposed for the coming year, to meet necessary expenditures related to implementation of the actions identified in its WMP per Part VI.A.3 of the LA County MS4 Permit. Further, as part of the annual certification concerning a permittee's legal authority required by Part VI.A.2.b of the LA County MS4 Permit, the City shall also certify in the Annual Report that it has the necessary legal authority to implement each of the actions and milestones in the approved WMP as required by Part VI.C.5.b.iv.(6). If the City does not have legal authority to implement an action or milestone at the time it submits the Annual Report, the City shall propose a schedule to establish and maintain such legal authority.

Adaptive Management

The City shall conduct a comprehensive evaluation of its WMP no later than April 28, 2017, and subsequently, every two years thereafter pursuant to the adaptive management process set forth in Part VI.C.8 of the Los Angeles County MS4 Permit. As part of this process, the City must evaluate progress toward achieving:

- Applicable WQBELs/WLAs in Attachment O and P of the LA County MS4 Permit according to the milestones set forth in its WMP;
- Improved water quality in MS4 discharges and receiving waters;
- Stormwater retention milestones; and
- Multi-year efforts that were not completed in the current year and will continue into the subsequent year(s), among other requirements.

The City's evaluation of the above shall be based on both progress implementing actions in the WMP and an evaluation of outfall-based monitoring data and receiving water data. Per Attachment E, Part XVIII.6 of the LA County MS4 Permit, the City shall implement adaptive management strategies, including but not limited to:

- Refinement and recalibration of the Reasonable Assurance Analysis (RAA) based on data specific to the City's WMP area that are collected through the City's Integrated Monitoring Program and other data as appropriate;
- Identifying the most effective control measures, why they are the most effective, and how other control measures can be optimized based on this understanding;
- Identify the least effective control measures, why they are ineffective, and how the control measures can be modified or replaced to be more effective;
- Identify significant changes to control measures during the prior year(s) and the rationale for the changes; and
- Describe all significant changes to control measures anticipated to be made in the next year(s) and the rationale for each change.

As part of the adaptive management process, any modifications to the WMP, including any requests for extension of deadlines not associated with TMDL provisions, must be submitted to the Los Angeles Water Board for review and approval. The City must implement any modifications to the WMP upon approval by the Los Angeles Water Board or its Executive Officer, or within 60 days of submittal of modifications if the Los Angeles Water Board or its Executive Officer expresses no objections. Note that the City's Report of Waste Discharge (ROWD) is due no later than July 1, 2017. To align any modifications to the WMP proposed through the adaptive management process with permit reissuance, results of the first adaptive management cycle should be submitted in conjunction with the City's ROWD.

The Los Angeles Water Board appreciates the participation and cooperation of the City in the implementation of the LA County MS4 Permit. If you have any questions, please contact Ivar Ridgeway, Storm Water Permitting, at Ivar.Ridgeway@waterboards.ca.gov or by phone at (213) 620-2150.

Sincerely,

A handwritten signature in cursive script that reads "Samuel Unger".

Samuel Unger, P.E.
Executive Officer

cc: Jesus Gomez, Assistant City Manager
Edmond Suher, Senior Project Engineer, CASC Engineering and Consulting

Exhibit C

Revised Watershed Management Programs

Please find below hyperlinks to the following revised WMPs:

1. East San Gabriel Valley Watershed Management Area
http://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/watershed_management/san_gabriel/east_san_gabriel/RevisedESGV%20WMP_012815.pdf
2. Alamitos Bay/Los Cerritos Channel Watershed Management Area
http://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/watershed_management/los_cerritos_channel/alamitos_bay/2015-01-27_AB-LCC_WMP_Resubmittal.pdf
3. Los Cerritos Channel Watershed
http://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/watershed_management/los_cerritos_channel/LosCerritosChannel_WMP_Revised1.pdf
4. Lower Los Angeles River Watershed
http://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/watershed_management/los_angeles/lower_losangeles/LowerLAR_WMP_DraftRevised1.pdf
5. Lower San Gabriel River Watershed
http://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/watershed_management/san_gabriel/lower_sangabriel/LowerSGR_WMP_DraftRevised1.pdf
6. Los Angeles River Upper Reach 2 Watershed Management Area
http://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/watershed_management/los_angeles/upper_reach2/15-01-27LARUR2WMARevWMP.pdf
7. Santa Monica Bay Watershed Jurisdictional Group 7 Area within the City of Los Angeles
http://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/watershed_management/santa_monica/santamonicaj7/SMB%20JG7%20Revised%20WMP%20-%20012715.pdf
8. City of Walnut
http://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/watershed_management/walnut/WatershedManagementPlanREV42215.pdf
9. City of El Monte
http://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/watershed_management/el_monte/ElMonteRevisedDraftWatershedManagementProgram1-22-15.pdf

All nine revised WMPs can also be found on the Regional Board's website at:

http://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/watershed_management/index.shtml

Exhibit D

Lower Los Angeles River

Permit Citation	Staff Comments from October 30, 2014	Analysis of Revised WMP Responsiveness to Staff Comments	Conditional Approval Requirements
Part VI.C.5.b.iv.(4)(b)-(c)	"The MS4 Permit requires that the WMP provide specificity with regard to structural and non-structural BMPs, including the number, type, and location(s), etc. adequate to assess compliance. In a number of cases, additional specificity...is needed....[T]here should at least be more specificity on actions within the current and next permit terms."	The response, and other statements throughout the document, demonstrate that no commitments to "specificity of actions" or associated timelines are made.	No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.
Part VI.C.5.b.iv.(4)(b)-(c)	"...the WMP should at least commit to the construction of the necessary number of projects to ensure compliance with permit requirements per applicable compliance schedules."	No change was made in the document in response to the comment.	No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.
Part VI.C.5.b.iv.(5)	"The RAA should clarify that sufficient sites were identified so that the remaining necessary BMP volume can be achieved by those sites that were not 'excluded for privacy.'"	No change was made in the document in response to the comment.	No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.
Part VI.C.5.b.iv.(5)	"The RAA identifies zinc as the limiting pollutant and notes that this pollutant will drive reductions of other pollutants. If the Group believes that that [sic] this approach demonstrates that activities and control measures will achieve applicable receiving water limitations, it should explicitly state and justify this for each category 1, 2, and 3 pollutant."	No change was made in the document in response to the comment.	No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.
Part VI.C.5.b.iv.(5)	"We note that modeling was not conducted for organics (DDT, PCBs, and PAHs). It is not clear why these pollutants were not modeled or why previous modeling of these pollutants could not be used....An explanation for the lack of modeling is needed."	No change was made in the document in response to the comment.	No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.
Part VI.C.5.b.iv.(5)	"...the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL was [sic] appears to be completely omitted from the draft WMP."	No change was made in this section of the document and there is no inclusion of analysis of pollutant controls, as requested.	No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.
Part VI.C.5.b.iv.(5)	"Pursuant to Section VI.C.5.a., the WMP should be revised to include an evaluation of existing water quality conditions, classify them into categories, identify potential sources, and identify strategies, control measures, and BMPs as required in the permit for San Pedro Bay unless MS4 discharges from the LLAR WMA directly to San Pedro Bay are being addressed in a separate WMP."	There is only one reference in the document to San Pedro Bay, and it remains unchanged from the 2014 version of the WMP.	No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.
Part VI.C.5.b.iv.(4)(c)	"The draft WMP appears to rely mostly on the phase-out of copper in automotive brake pads...to achieve the necessary copper load reductions....[O]ther structural and non-structural BMPs may still be needed to reduce Cu loads sufficiently to achieve compliance deadlines for interim and/or final WQBELs."	No change was made in the document in response to the comment.	No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.
Part VI.C.5.b.iv.(5)(c)	"For waterbody-pollutant combinations not addressed by TMDLs, the MS4 Permit requires that the plan demonstrate using the reasonable assurance analysis (RAA) that the activities and control measures to be implemented will achieve applicable receiving water limitations as soon as possible....[The RAA] does not address the question of whether compliance with limitations for pollutants not addressed by TMDLs could be achieved in a shorter time frame."	No response identified.	No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.
Part VI.C.5.b.iv.(5)	"The WMP assumes a 10% pollutant reduction from new non-structural controls....additional support for this assumption should be provided, or as part of the adaptive management process, the Permittees should commit to evaluate this assumption during program implementation and develop alternate controls if it becomes apparent that the assumption is not supported."	No change was made in the document in response to the comment.	No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.

Lower Los Angeles River

Part VI.C.5.b.iv.(5)	"...the predicted baseline concentrations and loads for all modeled pollutants of concern, including TSS, should be presented in summary tables for wet weather conditions."	No change was made in the document in response to the comment.	No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.
Part VI.C.5.b.iv.(5)	<p>"The report presents the existing runoff volumes, required volume reductions and proposed volume reductions from BMP scenarios to achieve the 85th percentile, 24-hour volume retention standard for each major watershed area....The same information...also needs to be presented for each modeled subbasin...Additionally, more explanation is needed as to what constitutes the 'incremental' and 'cumulative' critical year storm volumes in table 9-4 through 9-7 and how these values were derived from previous tables.</p> <p>"The report needs to present the same information, if available, for non-stormwater runoff."</p>	No change was made in the document in response to the comment.	No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.

Lower San Gabriel River

Permit Citation	Staff Comments from October 30, 2014	Analysis of Revised WMP Response to Staff Comments	Conditional Approval Requirements
Part VI.C.5.b.iv.(4)(b)-(d)	"...the WMP should at least commit to the construction of the necessary number of projects to ensure compliance with permit requirements per applicable compliance schedules."	The response implies no commitment beyond good intentions and a willingness to track progress (or its lack thereof) through the permit cycle.	No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.
Part VI.C.5.b.iv.(4)(d)	"The MS4 Permit requires that the WMP provide specificity with regard to structural and non-structural BMPs, including the number, type, and location(s), etc. adequate to assess compliance. In a number of cases, additional specificity...is needed....there should at least be more specificity on actions within the current and next permit terms to ensure that the following interim requirements are met..."	The response, and other statements throughout the document, make it clear that no commitments to "specificity or actions" or associated timelines are made. There is also no cross-walk between scheduled completion dates and interim compliance deadlines. Given the vague nature of nearly all of the "milestones," it's not surprising that there is no direct linkage between actions, meeting interim requirements, and the schedule.	No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.
Part VI.C.5.b.iv.(5)	"The RAA identifies zinc as the limiting pollutant and notes that this pollutant will drive reductions of other pollutants. If the Group believes that that [sic] this approach demonstrates that activities and control measures will achieve applicable receiving water limitations, it should explicitly state and justify this for each category 1,2, and 3 pollutant."	The draft WMP does not appear to have been modified in response to this comment.	No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.
Part VI.C.5.b.iv.(5)	"We note that modeling was not conducted for organics (DDT, PCBs, and PAHs). It is not clear why these pollutants were not modeled or why previous modeling of these pollutants could not be used...An explanation for the lack of modeling is needed."	No change was made in the document in response to the comment.	No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.
Part VI.C.5.b.iv.(4)(c)	"The draft WMP appears to rely mostly on the phase-out of copper in automotive brake pads...to achieve the necessary copper load reductions....[O]ther structural and non-structural BMPs may still be needed to reduce Cu loads sufficiently to achieve compliance deadlines fro interim and/or final WQBELs."	No change was made in the document in response to the comment.	No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.
Part VI.C.5.b.iv.(5)(c)	"For waterbody-pollutant combinations not addressed by TMDLs, the MS4 Permit requires that the plan demonstrate using the reasonable assurance analysis (RAA) that the activities and control measures to be implemented will achieve applicable receiving water limitations as soon as possible....[The RAA] does not address the question of whether compliance with limitations for pollutants not addressed by TMDLs could be achieved in a shorter time frame."	There is no response to this comment.	No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.

Lower San Gabriel River

Part VI.C.5.b.iv.(5)	"The draft assumes a 10% pollutant reduction from new non-structural controls....additional support for this assumption should be provided, particularly since the group appears to be relying almost entirely on these controls for near-term pollutant reductions to achieve early interim milestones/deadlines."	There was no substantial advance over what was previously included, though the issue is acknowledged explicitly.	No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.
Part VI.C.5.b.iv.(5)	"Based on the results of the hydrology calibration shown in Table 4-3, the error difference between modeled flow volumes and observed data is 19%....The higher error percentage could be due to the exclusion of contributions of flow volume from upstream. For calibration purposes, upstream volume should be included....Once model calibration has been completed, the upstream flow volume can then be excluded...."	Between the 2014 and 2015 RAA's, the % error improves from -19.0% to -3.31%. There is no text change to explain this difference, nor any difference in the graphed monthly hydrographs for observed and modeled flows.	No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.
Part VI.C.5.b.iv.(5)	"...the predicted baseline concentrations and loads for all modeled pollutants of concern, including TSS, should be presented in summary tables for wet weather conditions."	No change in the RAA to address this comment.	No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.
Part VI.C.5.b.iv.(5)	<p>"The report presents the existing runoff volumes, required volume reductions and proposed volume reductions from BMP scenarios to achieve the 85th percentile, 24-hour volume retention standard for each major watershed area....The same information...also needs to be presented for each modeled subbasin...Additionally, more explanation is needed as to what constitutes the 'incremental' and 'cumulative' critical year storm volumes in table 9-6 and 9-7 and how these values were derived from previous tables.</p> <p>"The report needs to present the same information, if available, for non-stormwater runoff."</p>	The request for a series of tables by subbasin has not been met; an added sentence defines the terms used but not how the values were derived from previous tables. No new information addressing comment about non-stormwater runoff.	No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.

Los Angeles River Upper Reach 2

Permit Citation	Staff Comments from October 30, 2014	Analysis of Revised WMP Responsiveness to Staff Comments	Conditional Approval Requirements
Part VI.C.5.b.iv.(5)	"The WMP did not model and pollutants in Categories 2 and 3. These pollutants or surrogates need to be included in the RAA, or supported justification for the use of the proposed limiting pollutants as surrogates for each Category 2 and Category 3 waterbody-pollutant combination."	There is no evidence that this comment was considered or addressed.	No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.
Part VI.C.5.a.iii	"...the WMP should utilize General Industrial Storm Water Permittee monitoring results...to assess and potentially refine estimates of pollutant loading from the identified "non-MS4" areas.	The recommended action was not done.	No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.
Part VI.C.5.a.iii	"The draft WMP should consider existing TMDL modeling data, where available, when refining the source assessment.	There is no evidence that this comment was considered or addressed.	No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.
Part VI.C.5.a.iii	"A process and schedule for developing the required spatial information on catchment areas to major outfalls should be proposed, if this information does not already exist."	There is no evidence that this comment was considered or addressed.	No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.
Part VI.C.5.b Part VI.C.5.b.iv.(5)	"The draft WMP does not clearly specify a strategy to comply with the interim WQBELs for the LA River metals TMDL...Further discussion of current compliance with the LA River nitrogen compounds TMDL, for which there is a final compliance deadline of 2004, is also needed..."	There is no evidence that this comment was considered or addressed.	No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.
Part VI.C.5.b	"...the specific LID street projects and their locations are not identified. The draft WMP should provide as much specificity as feasible in describing the potential locations for LID streets. Additionally, the permittees that would be responsible for implementing LID street projects should be specified."	Section 4.3.3.2 identifies on proposed LID street BMP in Vernon and one completed and one potential LID street BMP in Commerce. It went on to give some budgetary rationalizations. Mere mention of three LID street BMPs, only one finished or with a solid commitment, is unresponsive.	No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.
Part VI.C.5.b	"The WMP assumes a significant reduction in copper based on the phase-out of copper in automotive brake pads...to achieve the necessary copper load reductions...[A]dditional structural BMPs may still be needed to reduce copper loads prior to entering receiving waters and eliminate copper exceedances of RWLs."	Section 3.3.2 reasons that the phase-out is ahead of schedule and that other copper reductions will be afforded by source controls for zinc. Section 4.3.2.2 also discusses the issue but with nothing beyond the content of the draft WMP. The WMP shows no analysis of other sources and their magnitudes, how the accelerated phase-out might affect copper concentrations and loadings, or how source controls for zinc will affect copper. Sources of zinc and copper are not necessarily coincident, and frequently are not.	No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.
Part VI.C.5.b.iv.(5)	"Table 1-5 should be updated...The concentration-based WQBELs for metals on page 78 are incorrect..."	There is no evidence that this comment was considered or addressed.	No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.
Part VI.C.5.b.iv.(5)	"The differences between baseline concentrations/loads and allowable concentrations/loads should be presented in a time series...and then as a summary of 90th percentile of the differences between pollutant concentrations/loads and allowable concentrations/loads for wet weather periods, in units consistent with the applicable WQBELs and Receiving Water Limitations..."	There is no evidence that this comment was considered or addressed.	No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.
Part VI.C.5.b.iv.(5)	"...a detailed explanation should be provided of the calculations used to derive the target load reductions."	There is no evidence that this comment was considered or addressed.	No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.
Part VI.C.5.b.iv.(5)	"Model output should also be provided for phased BMP implementation to demonstrate that interim WQBELs for metals and bacteria will be met."	There is no evidence that this comment was considered or addressed.	No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.
Part VI.C.5.b.iv.(5)	"The ID number for each of the 50 subwatersheds from the model input file should be provided and be shown in the simulation domain to present the geographic relationship of subwatersheds within the watershed area that are simulated in the LSPC model."	There is no evidence that this comment was considered or addressed.	No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.

Los Angeles River Upper Reach 2

Part VI.C.5.b.iv.(5)	<p>"The flow, runoff volume and water quality...time series output at the watershed outlet as well as for each modeled subbasin should be provided using the 90th percentile critical conditions...to estimate the baseline condition. In addition, per RAA Guidelines, the model output should include stormwater runoff volume and pollutant concentration/load at the outlet and for each modeled subbasin for each BMP scenario as well..."</p>	<p>There is no evidence that this comment was considered or addressed.</p>	<p>No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.</p>
Part VI.C.5.b.iv.(5)	<p>"The identification of the 90th percentile years in Table 4-2 needs to be supported by presenting historical hydrological data to demonstrate the selected critical period will capture the variability of rainfall and storm sizes/conditions."</p>	<p>The presentation does not demonstrate that the choice of critical years given in Table 4-2 is correct. The analysis and graphing are not for precipitation frequency, as requested by the comment, but flow rate frequency. The addition to the WMP is thus unresponsive.</p>	<p>No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.</p>
Part VI.C.5.b.iv.(5)	<p>"Model simulation for copper, lead, zinc, nitrogen, and bacteria under the dry weather condition was not included in the Report and needs to be addressed."</p>	<p>Two paragraphs were added to the WMP in section 4.3 reasoning that the approved models are not applicable to dry weather. Yet the consultant who prepared the Lower San Gabriel River RAA developed methodology to simulate dry weather conditions and to develop dry-weather pollutant reduction targets.</p>	<p>No Requirement to address Oct. 30, 2014 Staff comment or to comply with Permit term.</p>

From: West, Laura <lwest@nrdc.org>
Sent: Thursday, May 28, 2015 4:26 PM
To: Fordyce, Jennifer@Waterboards; Purdy, Renee@Waterboards; Smith, Deborah@Waterboards; Bashaw, Jeannette@Waterboards
Subject: Petition for Review of Conditional Approvals of WMPs
Attachments: NRDC LAWK HTB Petition to Reg and State Bd Conditional Approval of WMPs POS Email 05-28-15 FINAL.pdf; NRDC LAWK HTB Memo of Ps and As re Conditional Approval of WMPs 05-28-15 FINAL.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Mr. Stringer and Mmes. Fordyce, Purdy, Smith, and Bashaw:

Please find attached a petition for review submitted by the Natural Resources Defense Council, Los Angeles Waterkeeper, and Heal the Bay, captioned: **Petition of NRDC, Los Angeles Waterkeeper, and Heal the Bay, for Review by the California Regional Water Quality Control Board, Los Angeles Region, of the Regional Board Executive Officer's Action to Conditionally Approve Nine Watershed Management Programs Pursuant to the Los Angeles County Municipal Separate Stormwater National Pollutant Discharge Elimination System (NPDES) Permit, Order No. R4-2012-0175, NPDES Permit No. CAS004001.** Please also find attached a Memorandum of Points and Authorities in support of the Petition. Exhibits A – D in support of the Memorandum will be submitted in a separate email and are also available at: <https://www.dropbox.com/s/i1mud0ei7ggl4lk/NRDC%20LAWK%20HTB%20Exhibits%20A-D%20re%20Conditional%20Approval%20of%20WMPs%2005-28-15%20FINAL%20%282%29.pdf?dl=0>.

If you have any questions, please do not hesitate to contact us.

Sincerely,

LAURA WEST
Program Assistant, Water Program

NATURAL RESOURCES DEFENSE COUNCIL
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Please save paper.
Think before printing.

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9 AND HEAL THE BAY

10 (Additional Counsel on Page 2)

11 STATE OF CALIFORNIA
12 REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION
13 AND
14 STATE WATER RESOURCES CONTROL BOARD

15 Petition of NRDC, Los Angeles Waterkeeper, and)
16 Heal the Bay, for Review by the California)
17 Regional Water Quality Control Board, Los)
18 Angeles Region, of the Regional Board Executive)
19 Officer's Action to Conditionally Approve Nine)
20 Watershed Management Programs Pursuant to the)
21 Los Angeles County Municipal Separate)
22 Stormwater National Pollutant Discharge)
23 Elimination System (NPDES) Permit, Order No.)
24 R4-2012-0175, NPDES Permit No. CAS004001;)

PETITION FOR REVIEW OF LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD EXECUTIVE OFFICER'S ACTION TO CONDITIONALLY APPROVE NINE WMPs PURSUANT TO THE L.A. COUNTY MS4 PERMIT

25 Petition of NRDC, Los Angeles Waterkeeper, and
26 Heal the Bay, for Review by the State Water
27 Resources Control Board of the Regional Board
28 Executive Officer's Action to Conditionally
Approve Nine Watershed Management Programs
Pursuant to the Los Angeles County Municipal
Separate Stormwater National Pollutant
Discharge Elimination System (NPDES) Permit,
Order No. R4-2012-0175, NPDES Permit No.
CAS004001

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1 Pursuant to Part VI.A.6 of the Los Angeles County Municipal Separate Storm Sewer
2 System (MS4) Permit (Order No. R4-2012-0175) (“2012 MS4 Permit” or “Permit”), the Natural
3 Resources Defense Council (“NRDC”), Los Angeles Waterkeeper, and Heal the Bay (collectively
4 “Petitioners”) hereby petition the Los Angeles Regional Water Quality Control Board (“Regional
5 Board”) to review the Regional Board Executive Officer’s action in conditionally approving nine
6 Watershed Management Programs (“WMPs”) prepared by dischargers regulated by the 2012 MS4
7 Permit. Additionally, in accordance with Section 13320 of the California Water Code and Section
8 2050 of Title 23 of the California Code of Regulations, Petitioners hereby petition the State Water
9 Resources Control Board (“State Board”) to review the Executive Officer’s action to issue these
10 conditional approvals.

11 The 2012 MS4 Permit regulates stormwater discharges from municipal separate storm
12 sewer systems (“MS4s”) for Los Angeles County and the 84 incorporated cities therein
13 (collectively “Permittees”). The 2012 MS4 Permit is the fourth iteration of the MS4 permit for Los
14 Angeles County. Unlike the prior 2001 Permit, the 2012 MS4 Permit provides Permittees the
15 option of developing a WMP or an Enhanced Watershed Management Program (“EWMP”) as an
16 alternative mechanism to implement permit requirements.

17 On April 28, 2015, the Executive Officer, on behalf of the Regional Board, conditionally
18 approved nine WMPs that were submitted by Permittees. For reasons discussed below, Petitioners
19 request that the Regional Board invalidate the Executive Officer’s conditional approvals and deny
20 all nine WMPs as required by the 2012 MS4 Permit. Absent such action by the Regional Board,
21 Petitioners request that the State Board invalidate the Executive Officer’s conditional approvals as
22 such action constitutes an abuse of discretion pursuant to Cal. Water Code §§ 13220 and 13330.

23 1. NAME, ADDRESS, TELEPHONE NUMBER, AND E-MAIL ADDRESS OF THE
24 PETITIONERS:

25 Natural Resources Defense Council, Inc.
26 1314 Second Street
27 Santa Monica, CA 90401
28 Attention: Steve Fleischli, Esq. (sfleischli@nrdc.org)
Becky Hayat, Esq. (bhayat@nrdc.org)
(310) 434-2300

1 Los Angeles Waterkeeper
2 120 Broadway, Suite 105
3 Santa Monica, CA 90401
4 Attention: Liz Crosson (liz@lawaterkeeper.org)
5 Tatiana Gaur (tgaur@lawaterkeeper.org)
6 (310) 394-6162

7 Heal the Bay
8 1444 9th Street
9 Santa Monica, CA 90401
10 Attention: Rita Kampalath (rkampalath@healthebay.org)
11 (310) 451-1500

- 12 2. THE SPECIFIC ACTION OR INACTION OF THE REGIONAL BOARD WHICH THE
13 STATE BOARD IS REQUESTED TO REVIEW AND A COPY OF ANY ORDER OR
14 RESOLUTION OF THE REGIONAL BOARD WHICH IS REFERRED TO IN THE
15 PETITION:

16 Petitioners seek review of the Regional Board Executive Officer's action to conditionally
17 approve nine WMPs pursuant to the 2012 MS4 Permit. Copies of the Executive Officer's letters of
18 conditional approvals are attached as Exhibit B.

- 19 3. THE DATE ON WHICH THE REGIONAL BOARD ACTED OR REFUSED TO ACT
20 OR ON WHICH THE REGIONAL BOARD WAS REQUESTED TO ACT:

21 April 28, 2015.

- 22 4. A FULL AND COMPLETE STATEMENT OF THE REASONS THE ACTION OR
23 FAILURE TO ACT WAS INAPPROPRIATE OR IMPROPER:

24 In conditionally approving the nine WMPs, the Executive Officer failed to act in
25 accordance with relevant governing law, acted inappropriately and improperly, and abused his
26 discretion. Specifically, but without limitation, the Executive Officer:

- 27 A. Improperly acted outside the scope of delegated authority in "conditionally"
28 approving WMPs because the only authority explicitly delegated to the
Executive Officer by the Regional Board was to approve or deny the
WMPs. Such action, therefore, constitutes an abuse of discretion. (Cal.
Water Code § 13223(a); *see also* California Regional Water Quality Control
Board Los Angeles Region (April 11, 2014), Resolution No. R14-005
amending Resolution No. R10-009, Delegation of Authority to the
Executive Officer.)

1 B. Improperly modified the 2012 MS4 Permit by failing to comply with the
2 substantive and procedural requirements pursuant to state and federal law,
3 and exceeded the statutory limits for delegation. (*See Environmental*
4 *Defense Center, Inc. v. EPA*, 344 F.3d 832, 853 (9th Cir.2003); 40 C.F.R. §§
5 124.5-124.15; Cal. Water Code Section § 13223(a).)

6 C. Improperly imposed conditions in the approvals that are inconsistent with
7 Permit requirements and the federal Clean Water Act (“CWA”).

8 5. THE MANNER IN WHICH THE PETITIONERS ARE AGGRIEVED:

9 Petitioners are non-profit, environmental organizations that have a direct interest in
10 protecting, *inter alia*, the quality of Los Angeles County’s aquatic resources, including Santa
11 Monica Bay, the Los Angeles River, and other Los Angeles area waters, as well as the health of
12 beachgoers and other users. NRDC is a non-profit organization whose purpose is to safeguard the
13 Earth: its people, its plants and animals, and the natural systems on which all life depends. NRDC
14 represents approximately 72,000 members in California, approximately 12,600 of whom reside in
15 Los Angeles County. Los Angeles Waterkeeper is a non-profit organization dedicated to the
16 preservation, protection, and defense of the rivers, creeks and coastal waters of Los Angeles
17 County from all sources of pollution and degradation. Waterkeeper represents approximately 3,000
18 members who live and/or recreate in and around the Los Angeles area. Heal the Bay is a non-profit
19 organization whose mission is making southern California's coastal waters and watersheds,
20 including Santa Monica Bay, safe, healthy and clean. Heal the Bay represents approximately
21 13,000 members in Los Angeles County.

22 Petitioners’ members recreate in and around the waters to which the 2012 MS4 Permit
23 regulates discharges of stormwater runoff and are impacted by pollution in stormwater runoff and
24 its resulting health impacts, and by beach closures which restrict the ability of residents and
25 visitors in Los Angeles County to use the beach and local waters for recreation and other purposes.
26 In particular, Petitioners’ members directly benefit from Los Angeles County waters in the form of
27 recreational swimming, surfing, diving, photography, birdwatching, fishing, and boating.
28

1 Petitioners' members are aggrieved by the Executive Officer's action to conditionally
2 approve the nine WMPs pursuant to the 2012 MS4 Permit because such action is an obstruction to
3 achieving the Permit's ultimate goal of meeting Water Quality Standards ("WQS"), as required by
4 the CWA. Specifically, the Executive Officer's failure to deny the WMPs as required by the 2012
5 MS4 Permit – and thereby failure to adequately control urban stormwater runoff through the
6 Permit and to ensure that pollution in stormwater discharges will not degrade the region's waters –
7 has enormous consequences for Los Angeles County residents and Petitioners' members. Urban
8 stormwater runoff is one of the largest sources of pollution to the coastal and other receiving
9 waters of the nation, and is a particularly severe problem in the Los Angeles region. Waters
10 discharged from municipal storm drains carry bacteria, metals, and other pollutants at unsafe levels
11 to rivers, lakes, and beaches in Los Angeles County. This pollution has damaging effects on both
12 human health and aquatic ecosystems, causing increased rates of human illness and resulting in an
13 economic loss of tens to hundreds of millions of dollars every year from public health impacts
14 alone. The pollutants also adversely impact aquatic animals and plant life in receiving waters.

15 Receiving waters in the Permittees' jurisdiction continue to be impaired for a variety of
16 pollutants, and monitoring data show that stormwater discharges continue to contain pollutants at
17 levels that cause or contribute to these impairments. Urban development increases impervious land
18 cover and exacerbates problems of stormwater volume, rate, and pollutant loading. Consequently,
19 Los Angeles County's high rate of urbanization and persistent water quality problems demand that
20 the most effective stormwater management tools be required. Both the Regional and State Board
21 have defined the WMPs as the means by which compliance with WQSS is determined. By
22 conditionally approving clearly deficient WMPs, however, the Executive Officer is allowing
23 Permittees to defer compliance with WQSS, resulting in zero improvement in water quality.

24 All of these documented facts demonstrate the considerable negative impact on Petitioners'
25 members and the environment that continues today as a result of the Executive Officer's failure to
26 comply with the terms of the 2012 MS4 Permit.

27 ///

1 6. THE SPECIFIC ACTION BY THE REGIONAL OR STATE BOARD WHICH
2 PETITIONER REQUESTS:

3 Petitioners seek an Order by the Regional or State Board that:

4 Invalidates the Executive Officer's conditional approvals and Denies all Nine
5 WMPs as required by the Los Angeles County Municipal Separate Stormwater
6 National Pollutant Discharge Elimination System (NPDES) Permit, Order No. R4-
7 2012-0175, NPDES Permit No. CAS004001.

8 7. A STATEMENT IN SUPPORT OF LEGAL ISSUES RAISED IN THE PETITION:

9 See, Section 4, above. Petitioners have enclosed a separate Memorandum of Points and
10 Authorities in support of this Petition.

11 8. A STATEMENT THAT THE PETITION HAS BEEN SENT TO THE APPROPRIATE
12 REGIONAL BOARD AND TO THE DISCHARGERS, IF NOT THE PETITIONER:

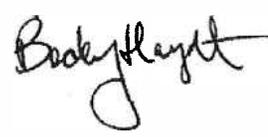
13 A true and correct copy of this petition was delivered by electronic mail to the Regional
14 Board and the Permittees on May 28, 2015. A true and correct copy of this petition was also
15 mailed via First Class mail to the Regional Board on May 28, 2015.

16 9. A STATEMENT THAT THE SUBSTANTIVE ISSUES OR OBJECTIONS RAISED IN
17 THE PETITION WERE RAISED BEFORE THE REGIONAL BOARD, OR AN
18 EXPLANATION OF WHY THE PETITIONER WAS NOT REQUIRED OR WAS
19 UNABLE TO RAISE THESE SUBSTANTIVE ISSUES OR OBJECTIONS BEFORE
20 THE REGIONAL BOARD.

21 All of the substantive issues and objections raised herein were presented to the Regional
22 Board during the period for public comment on the draft WMPs. Petitioners submitted written
23 comments regarding the revised WMPs on March 25, 2015. Petitioners presented testimony
24 before the Regional Board on April 13, 2015.

25 Respectfully submitted via electronic mail and Federal Express,

26 Dated: May 28, 2015 NATURAL RESOURCES DEFENSE COUNCIL, INC.

27 

28 _____
Becky Hayat
Steve Fleischli
Attorneys for NATURAL RESOURCES
DEFENSE COUNCIL, INC. & HEAL THE BAY

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Dated: May 28, 2015

LOS ANGELES WATERKEEPER



Elizabeth Crosson
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Attorneys for LOS ANGELES WATERKEEPER
& HEAL THE BAY

Dated: May 28, 2015

HEAL THE BAY



Rita Kampalath
Director of Science and Policy, HEAL THE BAY

1 **PROOF OF SERVICE**

2 I am employed in the County of Los Angeles, State of California. I am over the age of 18
3 and not a party to the within action. My business address is: 1314 Second Street, Santa Monica,
4 California 90401.

5 On May 28, 2015, I served the within documents described as PETITION FOR REVIEW
6 OF LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD EXECUTIVE
7 OFFICER'S ACTION TO CONDITIONALLY APPROVE NINE WMPs PURSUANT TO THE
8 L.A. COUNTY MS4 PERMIT and MEMORANDUM OF POINTS AND AUTHORITIES IN
9 SUPPORT OF PETITION FOR REVIEW OF LOS ANGELES REGIONAL WATER QUALITY
CONTROL BOARD EXECUTIVE OFFICER'S ACTION TO CONDITIONALLY APPROVE
NINE WMPs PURSUANT TO THE L.A. COUNTY MS4 PERMIT on the following interested
parties in said action by submitting a true copy thereof via electronic mail to the email addresses
below:

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14 Ken Berkman, City Engineer
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 28, 2015, at Santa Monica, California.



Laura West

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AND HEAL THE BAY
6

7 (Additional Counsel on Page 2)
8
9

10 STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION
11 AND
STATE WATER RESOURCES CONTROL BOARD
12
13

14 Petition of NRDC, Los Angeles Waterkeeper, and)
Heal the Bay, for Review by the California)
15 Regional Water Quality Control Board, Los)
Angeles Region, of the Regional Board Executive)
16 Officer's Action to Conditionally Approve Nine)
Watershed Management Programs Pursuant to the)
17 Los Angeles County Municipal Separate)
Stormwater National Pollutant Discharge)
18 Elimination System (NPDES) Permit, Order No.)
R4-2012-0175, NPDES Permit No. CAS004001;)
20)

MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
PETITION FOR REVIEW OF LOS
ANGELES REGIONAL WATER
QUALITY CONTROL BOARD
EXECUTIVE OFFICER'S ACTION
TO CONDITIONALLY APPROVE
NINE WMPs PURSUANT TO THE
L.A. COUNTY MS4 PERMIT

21 Petition of NRDC, Los Angeles Waterkeeper, and
Heal the Bay, for Review by the State Water
22 Resources Control Board of the Regional Board
Executive Officer's Action to Conditionally
23 Approve Nine Watershed Management Programs
Pursuant to the Los Angeles County Municipal
24 Separate Stormwater National Pollutant
Discharge Elimination System (NPDES) Permit,
25 Order No. R4-2012-0175, NPDES Permit No.
26 CAS004001

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1 **I. INTRODUCTION**

2 This petition seeks review of the Los Angeles Regional Water Quality Control Board's
3 ("Regional Board") Executive Officer's action to conditionally approve nine Watershed
4 Management Programs ("WMPs") pursuant to the Los Angeles County Municipal Separate Storm
5 Sewer System ("MS4") Permit (Order No. R4-2012-0175) ("2012 MS4 Permit" or "Permit"). The
6 2012 MS4 Permit regulates the discharge of stormwater for Los Angeles County and 84
7 incorporated cities therein (collectively "Permittees"). Petitioners request that the Executive
8 Officer's action be reviewed by the Regional Board pursuant to Part VI.A.6 of the 2012 MS4
9 Permit, which states that concerns with the WMP approval process must be appealed to the
10 Regional Board. However, the California Water Code requires all improper actions by the
11 Executive Officer be appealed to the State Water Resources Control Board ("State Board") within
12 30 day of such action. Therefore, Petitioners also file this appeal with the State Board and request
13 that, absent Regional Board action, the Executive Officer's action be reviewed by the State Board
14 in accordance with Cal. Water Code § 13320 and 23 C.C.R. § 2050 *et seq.*

15 The 2012 MS4 Permit provides Permittees the option of developing a WMP or an
16 Enhanced Watershed Management Program ("EWMP") as an alternative mechanism for meeting
17 water quality-based permit requirements. The Permit requires that the Regional Board, or
18 Executive Officer on behalf of the Board, must approve or deny the final WMPs submitted by
19 Permittees by April 28, 2015.¹ However, on April 28, 2015, the Executive Officer neither
20 approved nor denied the final WMPs pursuant to delegated authority in the Permit; rather, the
21 Executive Officer granted so-called "conditional approvals" for a total of nine final WMPs that
22 were submitted by Permittees.² For reasons discussed below, the Executive Officer's action in
23 issuing the "conditional approvals" fails to comply with legal requirements. Petitioners therefore
24 request that the Regional Board invalidate the Executive Officer's conditional approvals and deny
25

26 _____
27 ¹ Final WMPs were submitted to the Regional Board at the end of January 2015. Within three months of receiving the
28 final WMPs, the Regional Board, or Executive Officer on behalf of the Board, must approve or deny the programs.
2012 MS4 Permit, at Table 9. That deadline was April 28, 2015.

² See Exhibit B: Letters of Conditional Approvals from the Executive Officer.

1 all nine final WMPs as required by the 2012 MS4 Permit. (2012 MS4 Permit, at Part VI.A.6.)
2 Absent such action by the Regional Board, Petitioners request that the State Board invalidate the
3 Executive Officer's conditional approvals as such action constitutes an abuse of discretion
4 pursuant to Cal. Water Code § 13330(e) and Cal. Civ. Proc. Code §§ 1094.5(b) and 1094(c).

5 The Executive Officer's action to conditionally approve nine WMPs pursuant to the 2012
6 MS4 Permit is an abuse of discretion for three principal reasons: 1) the Executive Officer acted
7 outside of his delegated authority in conditionally approving the WMPs; 2) the Executive Officer's
8 conditional approvals – a step nowhere allowed in the 2012 MS4 Permit – is an improper permit
9 modification without notice, hearing, or Regional Board approval as required by law and
10 furthermore, exceeds the statutory limits for delegation imposed by Cal. Water Code § 13223(a);
11 and 3) the terms of the conditional approvals are inconsistent with core Permit requirements and
12 the federal Clean Water Act ("CWA"), and therefore demonstrate that the only available course of
13 action for the Executive Officer was to deny the WMPs.

14 **A. Legal Background**

15 In 1972, Congress enacted the CWA to "restore and maintain the chemical, physical, and
16 biological integrity of the Nation's waters."³ Because of the serious threats imposed by stormwater
17 runoff, Congress amended the CWA in 1987 with a phased schedule for developing stormwater
18 permitting regulations under the National Pollutant Discharge Elimination System ("NPDES")
19 program.⁴ Twenty years later, the U.S. Environmental Protection Agency ("EPA") has noted the
20 continuing problems caused by stormwater, stating that "[s]tormwater has been identified as one of
21 the leading sources of pollution for all waterbody types in the United States."⁵

22 The CWA requires each state to adopt Water Quality Standards ("WQSs") for all waters
23 within its boundaries, which include maximum permissible pollutant levels that must be
24 sufficiently stringent to protect public health and enhance water quality.⁶ States must also identify
25

26 ³ 33 U.S.C. § 1251(a); *Arkansas v. Oklahoma*, 503 U.S. 91, 101 (1992).

27 ⁴ See 33 U.S.C. § 1342.

28 ⁵ U.S. EPA (December, 2007), *Reducing Stormwater Costs through Low Impact Development (LID) Strategies and Practices*, at 1.

⁶ 33 U.S.C. § 1311(b)(1)(C), 1313, 1313(c)(2)(A).

1 as impaired any water bodies that fail to meet WQSs for specific designated uses.⁷ For impaired
2 waters, states must establish total maximum daily loads (“TMDLs”), which set a daily limit on the
3 discharge of each pollutant necessary to achieve WQSs.⁸ TMDLs assign a waste load allocation
4 (“WLA”) to each source for which an NPDES permit is required, and “once a TMDL is developed,
5 effluent limitations in NPDES permits must be consistent with the WLAs in the TMDL.”⁹

6 Beginning in 1990, the Regional Board issued a NPDES permit to cover stormwater
7 discharges by the County and municipalities in the region. (2012 MS4 Permit, at Finding B.)
8 Whenever a permit is reissued, modified, or revoked, a new draft permit must be prepared and
9 fully comply with certain substantive and procedural requirements under state and federal law,
10 such as being accompanied by a fact sheet, and providing public notice, comment period, and
11 hearings.¹⁰

12 **B. The 2012 MS4 Permit**

13 On November 8, 2012, the Regional Board approved the current 2012 MS4 Permit for Los
14 Angeles County.¹¹ The previous MS4 Permit for Los Angeles County issued in 2001 (Order No.
15 01-182) (“2001 Permit”) set receiving water limitations (“RWLs”) for Los Angeles County waters,
16 stating that discharges from the municipal storm drain system that “cause or contribute” to
17 violations of WQSs or water quality objectives are prohibited. (2001 Permit, at Part 2.3.) The 2012
18 MS4 Permit contains the same RWLs provisions as the 2001 Permit, but unlike the 2001 Permit,
19 incorporates several “safe harbors” that create an alternative means to comply with the RWLs
20 provisions in certain circumstances. Specifically, under the 2012 MS4 Permit, Permittees may
21 develop a WMP or an EWMP whereby they can select their own control measures, best
22 management practices, and compliance schedules to implement permit requirements, subject to
23 minimum standards set forth in the Permit. (2012 MS4 Permit, at Part VI.C.) Under certain
24 circumstances, if a Permittee fully complies with the WMP development and implementation
25

26 ⁷ 33 U.S.C. § 1313(d).

27 ⁸ 33 U.S.C. § 1313(d)(1).

28 ⁹ *Communities for a Better Env't v. State Water Res. Control Bd.*, 132 Cal.App.4th 1313, 1321 (2005).

¹⁰ See 40 C.F.R. §§ 124.5-124.15.

¹¹ Regional Board Order No. R4-2012-0175.

1 requirements pursuant to the Permit, it will be deemed in compliance with the RWLs, at least
2 temporarily, whether or not such limitations are *actually* achieved. (*Id.*, at Part VI.C.2.b.)

3 On December 10, 2012, Petitioners filed a petition for review to the State Board
4 challenging the Regional Board’s adoption of the 2012 MS4 Permit. The State Board has yet to
5 make a final determination on Petitioners’ petition, but it has issued a Draft Order as well as a
6 subsequent revised Draft Order on the various Permit petitions. In the revised Draft Order, the
7 State Board continues to assert that the WMP alternative compliance approach “is a clearly
8 defined, implementable, and enforceable alternative to the receiving water limitations
9 provisions.”¹² Thus, the Revised Draft Order defines the WMPs as an acceptable means by which
10 compliance with WQSs – a core CWA requirement for all NPDES permits – is determined.

11 According to the 2012 MS4 Permit, once Permittees elect to participate in the Permit’s
12 alternative compliance approach and develop a WMP, the Regional Board, or Executive Officer on
13 behalf of the Board, must approve or deny the final draft WMPs submitted by Permittees. (*Id.*, at
14 Table 9.) The Permit provides a clear schedule for WMP development, submission, and approval
15 or denial as well as opportunity for public comments on the draft WMPs. (*Id.*) Furthermore, the
16 Permit contains a detailed section specifying the minimum requirements that must be included in a
17 draft WMP prior to approval, such as: 1) identification of water quality priorities; 2) selection of
18 watershed control measures; and 3) compliance schedules. (*See id.*, at Part VI.C.5.) The Permit
19 does not allow for “conditional approvals” of final draft WMPs submitted by Permittees by the
20 Regional Board or Executive Officer on behalf of the Board. (*Id.*, at Table 9).

21 The WMPs subject to this Petition were first submitted in June 2014. On August 18, 2014,
22 Petitioners submitted comments on most of the draft WMPs, which, among other things, addressed
23 the many deficiencies in the programs. Regional Board staff also reviewed the draft WMPs and in
24 October 2014, sent a letter to each of the nine WMP groups identifying significant deficiencies to
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27 ¹² State Water Resources Control Board, Revised Draft Order: In Re Petitions Challenging 2012 Los Angeles
28 Municipal Separate Storm Sewer System Permit (Order No. R4-2012-0175), April 24, 2015, at p. 55 (“Revised Draft
Order”).

1 be corrected as a prerequisite to the Board's approval of the WMPs.¹³ The Permittees were
2 directed to submit revised WMPs addressing the Board's concerns, and accordingly all nine WMP
3 groups submitted revised plans in January 2015 – with the exception of City of Walnut, which
4 submitted its revised WMP in April 2015 – for Regional Board review and approval.¹⁴

5 In all nine revised WMPs, Permittees failed to correct many, if not most, of the deficiencies
6 that Regional Board staff had identified.¹⁵ Despite the revised plans' near complete disregard for
7 the Regional Board demands and thereby Permit requirements, on April 28, 2015, the Executive
8 Officer, on behalf of the Board, illegally issued conditional approvals for the nine revised WMPs.

9 II. STANDARD OF REVIEW

10 In reviewing the Executive Officer's decision, both the Regional and State Boards must
11 exercise their independent judgment as to whether the Executive Officer's action is reasonable.¹⁶
12 The Executive Officer's action constitutes an "[a]buse of discretion...if [he] has not proceeded in
13 the manner required by law, the order or decision is not supported by the findings, or the findings
14 are not supported by the evidence."¹⁷ "Where it is claimed that the findings are not supported by
15 the evidence, . . . abuse of discretion is established if the court determines that the findings are not
16 supported by the weight of the evidence."¹⁸

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22 ¹³ See Exhibit A: Regional Board Staff Review of Draft WMPs.

23 ¹⁴ See Exhibit C: Links to Revised WMPs.

24 ¹⁵ Petitioners have conducted a detailed analysis of draft WMPs, Regional Board staff comments, and revised WMPs
25 for three watershed management groups: Lower San Gabriel River, Los Angeles River Upper Reach 2, and Lower Los
26 Angeles River. *See* Comments on Revised Watershed Management Plans under the Los Angeles County Municipal
27 Separate Storm Sewer System Permit, NPDES Permit No. CAS004001, Order No. R4-2012-0175 submitted by
28 NRDC, Los Angeles Waterkeeper, and Heal the Bay, March 25, 2015. Petitioners' detailed comments on these three
WMPs are representative of inadequacies in all nine WMPs that were conditionally approved pursuant to the 2012
MS4 Permit.

¹⁶ *See Stinnes-Western Chemical Corp.*, State Board WQ Order No. 86-16 (1986).

¹⁷ Cal. Civ. Proc. Code § 1094.5(b); *see also Zuniga v. Los Angeles County Civil Serv. Comm'n* (2006) 137
Cal.App.4th 1255, 1258 (applying same statutory standard).

¹⁸ Cal. Civ. Proc. Code § 1094.5(c).

1 **III. ARGUMENT**

2 **A. The Executive Officer's Action to Grant Conditional Approvals Was Beyond His**
3 **Delegated Authority and Thus Constitutes an Abuse of Discretion**

4 The Executive Officer "conditionally" approved nine WMPs when the only authority
5 delegated to him by the Regional Board was to approve or deny the WMPs. (*Id.*, at Table 9.) By
6 granting conditional approvals, the Executive Officer has acted outside of his legally delegated
7 authority as provided for in the 2012 MS4 Permit, and therefore has abused his discretion.

8 The 2012 MS4 Permit allows Permittees the option to develop a WMP to implement permit
9 requirements. However, the Permit provisions make it clear that draft WMPs must meet certain
10 minimum requirements in order to receive Regional Board approval and thus before Permittees
11 can begin implementation of the approved WMPs. (*See id.*, at Part VI.C.5.) The Regional Board,
12 or the Executive Officer on behalf of the Board, must approve or deny the final plans within three
13 months after Permittees' submittal of those plans. (*Id.*, at Table 9.)

14 Under state law, a Regional Board can delegate any of its powers and duties, with limited
15 exceptions, to its Executive Officer.¹⁹ The Executive Officer's actions, however, are limited to
16 only carrying out the duties that have been explicitly delegated and, in any event, may not exceed
17 the statutory limits imposed by Cal. Water Code § 13223(a). As indicated in Table 9 of the 2012
18 MS4 Permit, the Board delegated to the Executive Officer the power to approve or deny WMPs,
19 which is a delegable duty under Section 13223(a).

20 Permittees submitted their revised final WMPs at the end of January 2015, making April
21 28, 2015 the date by which the Regional Board, or Executive Officer on behalf of the Board, had
22 to approve or deny the final WMPs. In its October 2014 comments on the draft WMPs, the
23 Regional Board staff required specific revisions that Permittees must make before their WMPs can
24 be approved.²⁰ Unfortunately, there was not a single revised WMP that fully and properly

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27 ¹⁹ Cal. Water Code § 13223(a); *see also* California Regional Water Quality Control Board Los Angeles Region (April
28 11, 2014), Resolution No. R14-005 amending Resolution No. R10-009, Delegation of Authority to the Executive
Officer ("Resolution No. R14-005").

²⁰ *See* Exhibit A: Regional Board Staff Review of Draft WMPs.

1 responded to the Board's requests for revisions. In fact, as demonstrated by the Executive Officer's
2 issuance of "conditional approvals" all nine WMPs failed to comply with the Regional Board's
3 directive and thus fell short of meeting the Permit requirements necessary to allow Permittees to
4 pursue the Permit's alternative compliance approach.²¹ Because the nine WMPs, as finally
5 submitted, failed to meet the program development requirements by the designated schedule set
6 forth in the Permit, neither the Regional Board nor the Executive Officer on its behalf could
7 approve the final WMPs. Therefore, the only course of action available to the Executive Officer
8 pursuant to the Permit was to deny the final WMPs by the April 28, 2015 deadline.

9 Not only did the Executive Officer improperly issue conditional approvals instead of
10 denying the WMPs, but by conditionally approving the WMPs, the Executive Officer also
11 provided Permittees an additional 45 days to comply with the Permit's WMP development
12 requirements and thereby improperly extended the Permit's WMP deadlines. Notwithstanding the
13 fact that the conditions imposed by the Executive Officer are themselves insufficient (as discussed
14 in Section III.C. below), they were aimed at correcting the WMPs' failures to comply with the
15 Permit requirements and clearly demonstrate that the WMPs should have been properly denied on
16 April 28, 2015. The Executive Officer's action to conditionally approve the final WMPs is thus not
17 only contrary to the Permit requirements, but also outside the scope of the Executive Officer's
18 specifically-delegated authority to *only* approve or deny the WMPs on or before April 28, 2015.

19 Furthermore, the conditional approvals left the extension open-ended, specifying that "[t]he
20 Board *may* rescind this approval if all of the following conditions are not met to the satisfaction of
21 the Board" by June 12, 2015.²² Thus, the "conditional approvals" left open the possibility that the
22 Executive Officer/Regional Board may *further* extend the 45-day deadline and issue another round
23 of conditional approvals beyond June 12, 2015. However, the Executive Officer did not have any
24 authority to indefinitely extend the Permit's deadlines. More significantly, the Regional Board
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26 _____
27 ²¹ See Exhibit B: Letters of Conditional Approvals from the Executive Officer; Exhibit C: Links to Revised WMPs.
28 ²² See Los Angeles Regional Water Quality Control Board, *Notice of Approval, with Conditions, of Nine WMPs Pursuant to the LA County MS4 Permit, Order No. R4-2012-0174, Including Three WMPs Also Pursuant to the City of Long Beach MS4 Permit, Order No. R4-2014-0024*, April 28, 2015 (emphasis added).

1 itself has repeatedly noted that the 2001 Permit’s iterative approach has been ineffective at
2 bringing Permittees into compliance with WQSS and therefore wants to avoid a process of
3 continual WMP implementation and endless extensions without ever achieving Permit
4 compliance.²³ The Permit required that the Executive Officer must approve or deny the final
5 WMPs by April 28, 2015. (*Id.*) Therefore, the conditional approvals’ open-ended extensions are a
6 further abuse of discretion.

7 As a result of the Executive Officer’s unauthorized actions, Permittees that have not
8 complied with the 2012 MS4 Permit’s WMP development requirements by April 28, 2015 – and
9 therefore have not demonstrated that their WMPs will achieve the RWLs and TMDL-specific
10 limitations – are nevertheless improperly allowed to continue to avail themselves of the Permit’s
11 “safe harbor” provisions. This directly undermines the Permit’s scheme and shows the validity of
12 Petitioners’ long-standing concern that the WMP/EWMP provisions and process allow an endless
13 loop of permit implementation without ultimate achievement of WQSS, specifically via the
14 adaptive management process.²⁴ Additionally, this is in direct contradiction to statements made by
15 Regional Board staff themselves asserting their commitment to following the WMP
16 approval/denial timeline.²⁵

17 While the State Board continues to claim that the WMP alternative compliance approach
18 provides a finite, concrete, and rigorous process for meeting Permit requirements,²⁶ it is quite
19 evident that the exact opposite is happening here. By granting conditional approvals, the Executive
20 Officer is creating yet another process and a new, unauthorized schedule that will only defer
21 compliance with the Permit’s RWLs and TMDL-limitations. Moreover, once a WMP is approved,
22 Permittees must immediately begin implementing measures and actions proposed in the WMP.

23 California Regional Water Quality Control Board, Los Angeles Region, *2012 MS4 Permit Adoption Hearing Transcript*, November 8, 2012, at pgs. 69-70, 326 (“2012 Permit Adoption Hearing Transcript”); *see also* Los Angeles Regional Water Quality Control Board Comments on Receiving Water Limitations Questions, August 15, 2013, at 4.

24 *See* Comments on Proposed Draft Order SWRCB/OCC Files to A-2236(a)-(kk): In Re Petitions Challenging 2012 Los Angeles Municipal Separate Storm Sewer System Permit (Order No. R4-2012-0175) submitted by NRDC, Los Angeles Waterkeeper, and Heal the Bay, January 21, 2015.

25 2012 Permit Adoption Hearing Transcript, at p. 69.

26 Revised Draft Order, at p. 36.

1 (*Id.*, at Part VI.C.6.) However, if the WMPs are approved in their deficient state, implementing
2 such deficient programs will, by definition, fail to put Permittees on a rigorous path to achieving
3 Permit compliance.

4 **B. The Executive Officer's Conditional Approvals Constitute an Improper Permit**
5 **Modification**

6 By conditionally approving WMPs – a procedure nowhere provided for in the 2012 MS4
7 Permit – the Executive Officer improperly modified the 2012 MS4 Permit in violation of the
8 substantive and procedural requirements of state and federal law. Specifically, in issuing the
9 conditional approvals, the Executive Officer created new permit terms by: 1) inventing an
10 intermediate approval process not provided for in the 2012 MS4 Permit; 2) modifying the WMP
11 provisions by imposing conditions inconsistent with the express requirements of the Permit;²⁷ and
12 3) providing for an open-ended extension to the deadline for complying with the Permit's WMP
13 provisions (allowing Permittees at least an additional 45 days to satisfy the conditions outlined by
14 the Executive Officer after which the Executive Officer “may,” or may not, withdraw the
15 approval).

16 The 2012 MS4 Permit's terms specifically require that the Executive Officer, on behalf of
17 the Regional Board, must either approve or deny the final draft WMPs by a date certain – in this
18 case on or before April 28, 2015. (*Id.*, at Table 9.) The Executive Officer did neither, and instead
19 de facto amended the Permit terms, creating a new process, timeline, and set of standards by
20 conditionally approving WMPs. The Permit's WMP provisions constitute the Permit's alternative
21 compliance approach to meeting RWLs and TMDL-specific limitations and are therefore a key
22 part of the Permit. (*Id.*, at Part VI.C.6.) Moreover, once approved, the contents of the WMPs
23 become enforceable, substantive terms of the Permit – terms that are at the core of the 2012 MS4
24 Permit. (*Id.*)²⁸ Thus, by conditionally approving the WMPs and thereby extending the deadline by
25 which new substantive pollution control measures may be incorporated into the 2012 MS4 Permit,

26 _____
²⁷ See *infra* Section III.C.

27 ²⁸ See also *Environmental Defense Center, Inc. v. EPA*, 344 F.3d 832, 853 (9th Cir. 2003) (where a submission
28 establishes what the discharger will do to reduce discharges to the maximum extent practicable, it crosses the threshold
from being an item of procedural correspondence to being a substantive component of the regulatory regime).

1 the Executive Officer is modifying the Permit terms,²⁹ but without circulation of a draft permit,
2 public notice, fact sheet, or public hearing date, as required by law.

3 When a NPDES permit is reissued, or as here, modified, the issuing agency must follow
4 substantive and procedural requirements set out in the CWA's implementing regulations.³⁰ While
5 for modifications, the requirements apply only to those permit sections that are changed, the
6 issuing agency must nevertheless prepare and circulate a draft permit reflecting those changes.³¹
7 The draft permit must include, among other things, compliance schedules, monitoring
8 requirements, and a fact sheet.³² The fact sheet accompanying the draft permit must include,
9 among other things: 1) a brief statement of the activity at issue; 2) the type of waste discharged; 3)
10 a summary of the basis for the changed permit conditions, including citations to statutory and
11 regulatory authorization, and facts in the record; 4) a description of the procedures by which a final
12 decision on the modification will be reached, including the beginning and end dates for the
13 required notice to the public; and 5) procedures for requesting a hearing.³³ The issuing agency is
14 required to provide at least 30 days from notice of the draft permit modification to allow for public
15 comment.³⁴ Finally, under state law, modification of a NPDES permit is not delegable from the
16 Regional Board itself to the Executive Officer.³⁵ Therefore, any NPDES permit modification must
17 be adopted at a properly-noticed public hearing before the Regional Board members.

18 The conditional approvals constitute a modification of the 2012 MS4 Permit terms; yet, the
19 Regional Board failed to follow the required permit modification procedure. Instead, the
20

21 ²⁹ In certain circumstances where a permit modification satisfies the criteria for a "minor modification," which are not
22 applicable here, the permit may be modified without a draft permit or public review. 40 C.F.R. § 122.62. For
23 stormwater permits, minor modifications are narrowly defined as those needed to correct typographical errors, require
24 more frequent monitoring or reporting by the Permittee, change an interim compliance date in a schedule of
25 compliance, allow for changes in ownership or operational control of a facility (as long as no other changes are
26 needed), or to terminate a discharge outfall. 40 C.F.R. § 122.63. Conditionally approving WMPs – which, once
27 approved, become the enforceable, binding terms of the 2012 MS4 Permit – when the Permit only allows for approval
28 or denial does *not* constitute a minor modification.

³⁰ See 40 C.F.R. §§ 124.5-124.15.

³¹ 40 C.F.R. § 124.5.

³² 40 C.F.R. § 124.6.

³³ 40 C.F.R. § 124.8(b).

³⁴ 40 C.F.R. § 124.10(b).

³⁵ Cal. Water Code § 13223(a); *see also* Resolution No. R14-005 ("...the Executive Officer is specifically precluded from...[i]ssuing, modifying, or revoking any waste discharge requirements.").

1 conditional approvals were issued as letters to the Permittees. The Executive Officer's action,
2 therefore, failed to meet the requirements of the federal regulations for modifying a NPDES permit
3 and constitutes an abuse of discretion.

4 **C. The Terms of the Conditional Approvals Are Inconsistent with Permit Requirements**
5 **and the Federal CWA and Therefore Establish That the Only Available Course of**
6 **Action for the Executive Officer Was to Deny the WMPs**

7 Following submission of the initial draft WMPs, Regional Board staff identified numerous
8 and significant failures to comply with Permit requirements and therefore directed Permittees, in
9 writing, to submit revised plans to address the deficiencies.³⁶ Unfortunately, the revised draft
10 WMPs failed to address virtually all of the identified non-compliance issues.³⁷ Rather than denying
11 the insufficient WMPs as required by the 2012 MS4 Permit, however, the Executive Officer
12 approved the WMPs with conditions – conditions that fail to address all of the WMP inadequacies
13 previously cited by Regional Board staff itself.³⁸ As such, the terms of the Executive Officer's
14 conditional approvals are inconsistent with Permit requirements, and constitute an abuse of
15 discretion.

16 **1. Reasonable Assurance Analysis**

17 Perhaps the most glaring deficiency in the WMPs is the flawed Reasonable Assurance
18 Analysis (“RAA”) in each. The 2012 MS4 Permit requires:

- 19 (5) Permittees shall conduct a Reasonable Assurance Analysis for each
20 water body-pollutant combination addressed by the Watershed
21 Management Program. A Reasonable Assurance Analysis (RAA) shall
22 be quantitative and performed using a peer-reviewed model in the
23 public domain. Models to be considered for the RAA, without
24 exclusion, are the Watershed Management Modeling System
(WMMS), Hydrologic Simulation Program-FORTRAN (HSPF), and the
25 Structural BMP Prioritization and Analysis Tool (SBPAT). The RAA

26 ³⁶ See Exhibit A: Regional Board Staff Review of Draft WMPs.

27 ³⁷ See Exhibit C: Links to Revised WMPs.

28 ³⁸ While Petitioners' review of the revised WMPs and their correlating letters of conditional approvals was mainly
focused on three watershed management groups (Lower San Gabriel, Los Angeles River Upper Reach 2, and Lower
Los Angeles River), Petitioners' argument about the illegality of the conditional approvals applies to all nine WMPs
that were conditionally approved.

1 shall commence with assembly of all available, relevant subwatershed
2 data collected within the last 10 years, including land use and pollutant
3 loading data, establishment of quality assurance/quality control
4 (QA/QC) criteria, QA/QC checks of the data, and identification of the
5 data set meeting the criteria for use in the analysis. Data on
6 performance of watershed control measures needed as model input
7 shall be drawn only from peer-reviewed sources. These data shall be
8 statistically analyzed to determine the best estimate of performance
9 and the confidence limits on that estimate for the pollutants to be
10 evaluated. The objective of the RAA shall be to demonstrate the ability
11 of Watershed Management Programs and EWMPs to ensure that
12 Permittees' MS4 discharges achieve applicable water quality based
13 effluent limitations and do not cause or contribute to exceedances of
14 receiving water limitations.

- 15 (a) Permittees shall demonstrate using the RAA that the activities
16 and control measures identified in the Watershed Control
17 Measures will achieve applicable water quality-based effluent
18 limitations and/or receiving water limitations in Attachments L
19 through R with compliance deadlines during the permit term.
- 20 (b) Where the TMDL Provisions in Part VI.E and Attachments L
21 through R do not include interim or final water quality-based
22 effluent limitations and/or receiving water limitations with
23 compliance deadlines during the permit term, Permittees shall
24 identify interim milestones and dates for their achievement to
25 ensure adequate progress toward achieving interim and final
26 water quality-based effluent limitations and/or receiving water
27 limitations with deadlines beyond the permit term.
- 28 (c) For water body-pollutant combinations not addressed by TMDLs,
Permittees shall demonstrate using the RAA that the activities
and control measures identified in the Watershed Control
Measures will achieve applicable receiving water limitations as
soon as possible.

(*Id.* at Part VI.C.5.b.iv.5.)

Thus, the RAA is a detailed modeling exercise, intended to ensure that the WMPs
implement stormwater pollution control measures of the correct type, location, and size to achieve
compliance with WQSs in receiving water bodies. The RAA forms the bedrock for WMP
development, and therefore for pollution control and compliance with the CWA for those
Permittees that choose to develop WMPs. As noted by the State Board in the most recent Draft
Order on the 2014 MS4 Permit,

1 ...the requirement for a reasonable assurance analysis in particular is
2 designed to ensure that Permittees are choosing appropriate controls and milestones
3 for the WMP/EWMP. Competent use of the reasonable assurance analysis
4 should facilitate achievement of final compliance within the specified deadlines.³⁹

5 Moreover, Regional Board staff has also recognized the importance of the RAA in WMP
6 development and implementation and thereby need for a robust analysis.⁴⁰ As a result, Regional
7 Board staff generated extensive comments on the RAAs that were described in the initial drafts of
8 the WMPs. For example, for the Lower San Gabriel River WMP, Regional Board staff's list of
9 inadequacies included:

- 10 1) No modeling of organics (PAH, DDT, PCB);
- 11 2) No explanation for use of zinc as limiting pollutant and no assurance that zinc will
12 lead to compliance with other parameters;
- 13 3) No predicted baseline presented for modeled pollutants;
- 14 4) No summary or time series comparisons of baseline data and applicable limits;
- 15 5) No measurable milestones for implementing BMPs in two year intervals provided;
- 16 6) No table providing existing runoff volume, required reduction, and proposed
17 reduction to achieve 85% retention, by sub-basin; and
- 18 7) No table providing existing non-stormwater volume, required reduction, and
19 proposed reduction by sub-basin.⁴¹

20 For the Lower Los Angeles River WMP, Regional Board staff's list of identified
21 inadequacies included:

- 22 1) Dominguez Channel, LA and Long Beach Harbor Toxics TMDL completely
23 omitted from WMP (and thus RAA); and
- 24 2) San Pedro Bay itself completely omitted from WMP (and thus RAA).⁴²

25 For the Los Angeles River Upper Reach 2 WMP, Regional Board staff identified a litany of
26 inadequacies:

27 ³⁹ Revised Draft Order, at p. 41.

28 ⁴⁰ 2012 Permit Adoption Hearing Transcript, at p 67.

⁴¹ See Exhibit A: Regional Board Staff Review of Draft WMPs.

⁴² *Id.*

- 1 1) Failed to separately calculate wet and dry weather allowable pollutant loading;
- 2 2) Failed to provide any dry weather modeling;
- 3 3) Failed to provide model outputs for interim WQBELs;
- 4 4) Failed to provide justification for 90th percentile rain years for use in model;
- 5 5) Failed to include category 2 and 3 pollutants in the RAA; and
- 6 6) Failed to calibrate the model – to compare modeling results to real world data and
7 adjust on that basis.⁴³

8 In each of the initial comment letters, Regional Board staff warned Permittees that failure
9 to revise the WMPs to address the inadequacies would result in them being subject to the baseline
10 requirements of the Permit – in other words, the WMPs would be denied.⁴⁴

11 Despite the detailed comments from Regional Board staff, and the admonition that failure
12 to conduct the required corrections to the RAA modeling would result in denials, the final draft
13 WMPs for the Lower San Gabriel, Los Angeles River Upper Reach 2, and Lower Los Angeles
14 River watershed management groups either failed to meaningfully address or completely ignored
15 all of the Regional Board staff's comments listed above. Furthermore, for the Los Angeles River
16 Upper Reach 2 WMP, the revised plan confirms that the model had not been calibrated and is thus
17 an almost entirely speculative exercise.

18 Rather than denying the facially inadequate final WMPs as required by the 2014 MS4
19 Permit, however, the Executive Officer, on behalf of the Regional Board, chose to conditionally
20 approve nine final WMPs, ostensibly requiring corrections within 45 days. Yet, the conditions
21 included in the conditional approvals *fail to address any of the RAA inadequacies identified by*
22 *RWQCB staff*. Therefore, even if fully complied with, the terms of the conditional approvals will
23 *not* ensure that the RAA – the basis for development, implementation, and evolution of the
24 pollution control measures to be implemented via the WMPs – will provide *any* level of assurance
25 that the WMP implementation will achieve compliance with WQs and the CWA, let alone the
26

27 ⁴³ *Id.*

28 ⁴⁴ *Id.*

1 “reasonable” assurance that the 2012 MS4 Permit and the State Board require. For this reason
2 alone, the WMPs must be denied.

3 **2. Substantive Program Requirements**

4 In addition to the RAA-related deficiencies, Regional Board staff’s review of the draft
5 WMPs identified basic failures to comply with the program development requirements pursuant to
6 the 2012 MS4 Permit. Unfortunately, similar to the RAA-related deficiencies, many of the other
7 inadequacies that Regional Board staff originally identified in their October 2015 comments were
8 not addressed by the conditional approvals. Notably, there is a lack of specificity with regards to
9 types and locations of structural projects, as well as schedules for implementation in the Lower
10 San Gabriel River and Lower Los Angeles River WMPs. The initial Regional Board staff
11 comments on the WMPs directed the Permittees to at least “commit to the construction of the
12 necessary number of projects to ensure compliance with permit requirements per applicable
13 compliance schedules” and to “clarify that sufficient sites were identified so that the remaining
14 necessary BMP volume can be achieved...”;⁴⁵ however, no changes were made in response to
15 either of these comments, and the conditional approvals did not require any additional response.
16 This lack of specificity makes it near impossible to track whether Permittees are making adequate
17 effort towards compliance, or even to assess whether the WMPs present a path to compliance.

18 A comprehensive list of the substantive requirements of the Permit that the conditional
19 approvals fail to address is provided in Exhibit D. The failure of the revised WMPs to address
20 these deficiencies should have resulted in denial of the WMPs.

21 **IV. CONCLUSION**

22 For all the foregoing reasons, the instant Petition for Review should be GRANTED, and all
23 nine WMPs that were conditionally approved on April 28, 2015 should be DENIED.

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28 ⁴⁵ See Exhibit A: Regional Board Staff Review of Draft WMPs.

1 Respectfully submitted,

2 Dated: May 28, 2015

NATURAL RESOURCES DEFENSE COUNCIL, INC.

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4 

5
6
7 _____
8 Becky Hayat
9 Steve Fleischli
10 Attorneys for NATURAL RESOURCES
11 DEFENSE COUNCIL, INC. & HEAL THE BAY

11 Dated: May 28, 2015

LOS ANGELES WATERKEEPER

12 

13 _____
14 Elizabeth Crosson
15 Tatiana Gaur
16 Attorneys for LOS ANGELES WATERKEEPER
17 & HEAL THE BAY
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From: Fordyce, Jennifer@Waterboards
Sent: Friday, August 14, 2015 10:27 AM
To: Wyels, Philip@Waterboards; Wadhvani, Emel@Waterboards
Subject: RE: I left a message for Becky Hayat.

Ok, thanks.

From: Wyels, Philip@Waterboards
Sent: Friday, August 14, 2015 7:25 AM
To: Fordyce, Jennifer@Waterboards; Wadhvani, Emel@Waterboards
Subject: I left a message for Becky Hayat.

I explained the timing issue and the abeyance option.
Just fyi.
Phil

From: Lauffer, Michael@Waterboards
Sent: Tuesday, August 18, 2015 11:27 AM
To: Hayat, Becky
Cc: thomas.howard@waterboards.ca.gov; Daniel Cooper
(daniel@lawyersforcleanwater.com); Wadhvani, Emel@Waterboards
Subject: Re: 5/28/15 NRDC Petition of Review

Hi Becky,

Contact Emel, who is copied on this email.

-maml

MICHAEL A.M. LAUFFER, CHIEF COUNSEL
STATE WATER RESOURCES CONTROL BOARD
1001 I STREET, 22ND FLOOR
SACRAMENTO, CA 95814-2828

PHONE: 916.341.5183

FACSIMILE: 916.341.5199

michael.lauffer@waterboards.ca.gov

For tips on what you can do to save water, visit <http://saveourwater.com>

On Aug 18, 2015, at 11:17 AM, Hayat, Becky <bhayat@nrdc.org> wrote:

Hi Michael,

I received a voicemail from Phil Wyels last Friday regarding the administrative petition we filed on May 28, 2015 to review Sam Unger's conditional approvals of nine WMPs under the 2012 LA County MS4 Permit. We understand that under the State Board's new regulations, our petition would be dismissed by operation of law on August 26th unless the Board acted on it or if we placed the petition into abeyance.

Phil explained that it is unlikely the State Board will act on the petition until the Regional Board first had an opportunity to review Sam Unger's decision on September 10th. We would consider putting the petition into abeyance *for a limited period* because Felicia Marcus, at the June 16th State Board hearing, stated on the record that the State Board would consider any appeal to the WMP petition on an expedited basis. However, we will need to negotiate the abeyance deadline with someone, and unfortunately Phil did not indicate who would be covering for him in his absence until next Monday. Please let me know who we can speak with about requesting an abeyance. Thank you.

My very best,
Becky Hayat

BECKY HAYAT

*Attorney**
Water Program

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1314 SECOND STREET
SANTA MONICA, CA 90401
T 310.434.2308

BHAYAT@NRDC.ORG
NRDC.ORG
*ADMITTED IN CALIFORNIA

Please save paper.
Think before printing.

From: Hayat, Becky <bhayat@nrdc.org>
Sent: Tuesday, August 18, 2015 1:52 PM
To: Wadhvani, Emel@Waterboards
Cc: Daniel Cooper (daniel@lawyersforcleanwater.com)
Subject: RE: 5/28/15 NRDC Petition of Review

That sounds great. I'll send out a calendar invite. Thanks, Emel.

From: Wadhvani, Emel@Waterboards [<mailto:Emel.Wadhvani@waterboards.ca.gov>]
Sent: Tuesday, August 18, 2015 1:46 PM
To: Hayat, Becky
Cc: Daniel Cooper (daniel@lawyersforcleanwater.com)
Subject: RE: 5/28/15 NRDC Petition of Review

How about 2:30 on Thursday?

Emel G. Wadhvani
Senior Staff Counsel
Office of Chief Counsel
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
916-322-3622
Fax: 916-341-5199

From: Hayat, Becky [<mailto:bhayat@nrdc.org>]
Sent: Tuesday, August 18, 2015 1:43 PM
To: Wadhvani, Emel@Waterboards
Cc: Daniel Cooper (daniel@lawyersforcleanwater.com)
Subject: RE: 5/28/15 NRDC Petition of Review

Hi Emel,

Unfortunately, Daniel and I are unavailable today at the times you proposed. Are you available any time after 1pm on Thurs.? Thank you.

-Becky

From: Wadhvani, Emel@Waterboards [<mailto:Emel.Wadhvani@waterboards.ca.gov>]
Sent: Tuesday, August 18, 2015 11:41 AM
To: Hayat, Becky
Cc: Daniel Cooper (daniel@lawyersforcleanwater.com)
Subject: RE: 5/28/15 NRDC Petition of Review

Hi Becky,

I am available now if you'd like to speak or any time between 1 and 3 this afternoon.

Emel

Emel G. Wadhvani
Senior Staff Counsel
Office of Chief Counsel
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
916-322-3622
Fax: 916-341-5199

From: Hayat, Becky [<mailto:bhayat@nrdc.org>]
Sent: Tuesday, August 18, 2015 11:39 AM
To: Wadhvani, Emel@Waterboards
Cc: Daniel Cooper (daniel@lawyersforcleanwater.com)
Subject: FW: 5/28/15 NRDC Petition of Review

Hi Emel,

Please see email below to Michael. Is there a time you can get on the phone with me and Daniel to chat about this? If so, please let me know your availability. Thank you.

Best,
Becky

From: Lauffer, Michael@Waterboards [<mailto:michael.lauffer@waterboards.ca.gov>]
Sent: Tuesday, August 18, 2015 11:27 AM
To: Hayat, Becky
Cc: thomas.howard@waterboards.ca.gov; Daniel Cooper (daniel@lawyersforcleanwater.com); Wadhvani, Emel@Waterboards
Subject: Re: 5/28/15 NRDC Petition of Review

Hi Becky,

Contact Emel, who is copied on this email.

-maml
MICHAEL A.M. LAUFFER, CHIEF COUNSEL
STATE WATER RESOURCES CONTROL BOARD
1001 I STREET, 22ND FLOOR
SACRAMENTO, CA 95814-2828

PHONE: 916.341.5183
FACSIMILE: 916.341.5199
michael.lauffer@waterboards.ca.gov

For tips on what you can do to save water, visit <http://saveourwater.com>

On Aug 18, 2015, at 11:17 AM, Hayat, Becky <bhayat@nrdc.org> wrote:

Hi Michael,

I received a voicemail from Phil Wyels last Friday regarding the administrative petition we filed on May 28, 2015 to review Sam Unger's conditional approvals of nine WMPs under the 2012 LA County MS4 Permit. We understand that under the State Board's new regulations, our petition would be dismissed by operation of law on August 26th unless the Board acted on it or if we placed the petition into abeyance.

Phil explained that it is unlikely the State Board will act on the petition until the Regional Board first had an opportunity to review Sam Unger's decision on September 10th. We would consider putting the petition into abeyance *for a limited period* because Felicia Marcus, at the June 16th State Board hearing, stated on the record that the State Board would consider any appeal to the WMP petition on an expedited basis. However, we will need to negotiate the abeyance deadline with someone, and unfortunately Phil did not indicate who would be covering for him in his absence until next Monday. Please let me know who we can speak with about requesting an abeyance. Thank you.

My very best,
Becky Hayat

BECKY HAYAT
*Attorney**
Water Program

NATURAL RESOURCES
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1314 SECOND STREET
SANTA MONICA, CA 90401
T 310.434.2308
BHAYAT@NRDC.ORG
NRDC.ORG
*ADMITTED IN CALIFORNIA

Please save paper.
Think before printing.

Daniel Cooper of Bedley Hayat re

May 28th → August 26th

Shortly after September 30th

would want Co. to see come out

~~of the~~ 30 day letter

Is that our intent? I explained

that it takes us a few weeks to get

brief Board members of get a letter out

Daniel or Bedley Co send email with proposed

From: Wadhvani, Emel@Waterboards
Sent: Thursday, August 20, 2015 2:56 PM
To: 'Hayat, Becky'; Daniel Cooper (daniel@lawyersforcleanwater.com)
Subject: RE: Discuss WMP Petition Abeyance

Becky and Daniel,

I should have mentioned that I will be out of the office and out of e-mail contact after 12:00 noon tomorrow. I expect to be back in the office Monday morning, but may have jury duty, so do please cc Phil Wyels as well on any e-mails.

Emel

Emel G. Wadhvani
Senior Staff Counsel
Office of Chief Counsel
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
916-322-3622
Fax: 916-341-5199

-----Original Appointment-----

From: Hayat, Becky [<mailto:bhayat@nrdc.org>]
Sent: Tuesday, August 18, 2015 1:53 PM
To: Hayat, Becky; Wadhvani, Emel@Waterboards; Daniel Cooper (daniel@lawyersforcleanwater.com)
Subject: Discuss WMP Petition Abeyance
When: Thursday, August 20, 2015 2:30 PM-3:00 PM (UTC-08:00) Pacific Time (US & Canada).
Where: Conference Call Number: 212-727-4600; Participant ID: 4605045

From: Hayat, Becky <bhayat@nrdc.org>
Sent: Thursday, August 20, 2015 9:06 PM
To: Wadhvani, Emel@Waterboards
Cc: Daniel Cooper (daniel@lawyersforcleanwater.com)
Subject: WMP Petition Abeyance
Attachments: NRDC LAWK HTB - WMP CA Petition Abeyance Extension 8 20 15.pdf

Hi Emel,

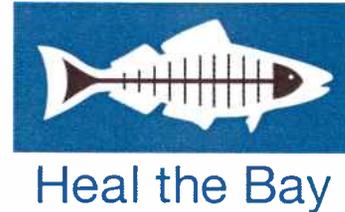
Attached is our letter requesting that the State Board place our petition for review of Sam Unger's action to conditionally approve nine WMPs into abeyance until November 9, 2015. Please confirm receipt of this request and if you have any questions, please do not hesitate to contact me. Thank you.

My very best,
Becky

BECKY HAYAT
*Attorney**
Water Program

**NATURAL RESOURCES
DEFENSE COUNCIL**
1314 SECOND STREET
SANTA MONICA, CA 90401
T 310.434.2308
BHAYAT@NRDC.ORG
NRDC.ORG
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Please save paper.
Think before printing.



August 20, 2015

Ms. Emel G. Wadhvani
State Water Resources Control Board
Office of Chief Counsel
1001 I Street, 22nd Floor
Sacramento, CA 95812-0100
emel.wadhvani@waterboards.ca.gov

Via Electronic Mail

Re: Extension of Period for Review and Request for Abeyance of Petition of the Natural Resources Defense Council, Los Angeles Waterkeeper, and Heal the Bay for Review of the Regional Board Executive Officer's Action to Conditionally Approve Nine WMPs Pursuant to the 2012 LA County MS4 Permit

Dear Ms. Wadhvani:

On behalf of the Natural Resources Defense Council, Los Angeles Waterkeeper, and Heal the Bay (collectively, Environmental Groups), I am writing with regard to our petition for review of the Los Angeles Regional Water Quality Control Board (Regional Board) Executive Officer's action to conditionally approve nine Watershed Management Programs pursuant to the 2012 LA County MS4 Permit, Order No. R4-2012-0175, NPDES Permit No. CAS004001.

Pursuant to Title 23 of Cal. Code of Regulations section 2050.5(e), our petition would be dismissed by operation of law on August 26, 2015 unless the State Water Resources Control Board (State Board or Board) reviewed and acted on the petition. At the June 16, 2015 State Board meeting, the Chair of the Board stated on the record that her Board will consider the petition on an expedited basis. However, given the fact that the State Board is unlikely to act on the petition until the Regional Board first gets the opportunity to review the petition on September 10, 2015, Environmental Groups take the following further actions in order to allow the State Board additional time to address our petition:

1. Environmental Groups agree to grant the State Board an additional sixty (60) day extension from September 10, 2015 for review of our petition under Title 23 of Cal. Code of Regulations section 2050.5(b).

August 20, 2015

Page 2

2. Environmental Groups request that the State Board extend our petition's abeyance, under Title 23 of Cal. Code of Regulations section 2050.5(d), until November 9, 2015. Environmental Groups reserve the right to remove the petition from abeyance prior to this time at their discretion.

We look forward to working with the State Board to resolve the issues raised in our petition. Please do not hesitate to contact us with any questions, and thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Becky Hayat". The signature is written in a cursive, flowing style.

Becky Hayat
Project Attorney
Natural Resources Defense Council

From: Wadhvani, Emel@Waterboards
Sent: Friday, August 21, 2015 10:41 AM
To: bhayat@nrdc.org; daniel@lawyersforcleanwater.com
Cc: Wyels, Philip@Waterboards; Crowl, Adrianna@Waterboards
Subject: FW: WMP Petition Abeyance
Attachments: NRDC LAWK HTB - WMP CA Petition Abeyance Extension 8 20 15.pdf

Becky,

This acknowledges receipt of your request to have put into abeyance until November 9, 2015, your petition for review of the Los Angeles Regional Water Quality Control Board Executive Officer's action to conditionally approve nine watershed management plans. I am transmitting the letter to Phil Wyels and Adrianna Crowl with this message.

Thank you.

Emel

Emel Wadhvani
Senior Staff Counsel
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
916-322-3622
Fax: 916-341-5199

From: Hayat, Becky [bhayat@nrdc.org]
Sent: Thursday, August 20, 2015 9:06 PM
To: Wadhvani, Emel@Waterboards
Cc: Daniel Cooper (daniel@lawyersforcleanwater.com)
Subject: WMP Petition Abeyance

Hi Emel,

Attached is our letter requesting that the State Board place our petition for review of Sam Unger's action to conditionally approve nine WMPs into abeyance until November 9, 2015. Please confirm receipt of this request and if you have any questions, please do not hesitate to contact me. Thank you.

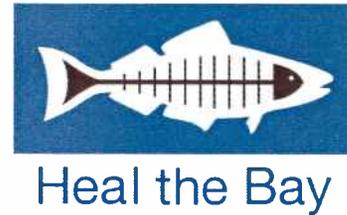
My very best,
Becky

BECKY HAYAT
*Attorney**
Water Program

NATURAL RESOURCES
DEFENSE COUNCIL

1314 SECOND STREET
SANTA MONICA, CA 90401
T 310.434.2308
BHAYAT@NRDC.ORG
NRDC.ORG
*ADMITTED IN CALIFORNIA

Please save paper.
Think before printing.



August 20, 2015

Ms. Emel G. Wadhvani
State Water Resources Control Board
Office of Chief Counsel
1001 I Street, 22nd Floor
Sacramento, CA 95812-0100
emel.wadhvani@waterboards.ca.gov

Via Electronic Mail

Re: Extension of Period for Review and Request for Abeyance of Petition of the Natural Resources Defense Council, Los Angeles Waterkeeper, and Heal the Bay for Review of the Regional Board Executive Officer's Action to Conditionally Approve Nine WMPs Pursuant to the 2012 LA County MS4 Permit

Dear Ms. Wadhvani:

On behalf of the Natural Resources Defense Council, Los Angeles Waterkeeper, and Heal the Bay (collectively, Environmental Groups), I am writing with regard to our petition for review of the Los Angeles Regional Water Quality Control Board (Regional Board) Executive Officer's action to conditionally approve nine Watershed Management Programs pursuant to the 2012 LA County MS4 Permit, Order No. R4-2012-0175, NPDES Permit No. CAS004001.

Pursuant to Title 23 of Cal. Code of Regulations section 2050.5(e), our petition would be dismissed by operation of law on August 26, 2015 unless the State Water Resources Control Board (State Board or Board) reviewed and acted on the petition. At the June 16, 2015 State Board meeting, the Chair of the Board stated on the record that her Board will consider the petition on an expedited basis. However, given the fact that the State Board is unlikely to act on the petition until the Regional Board first gets the opportunity to review the petition on September 10, 2015, Environmental Groups take the following further actions in order to allow the State Board additional time to address our petition:

1. Environmental Groups agree to grant the State Board an additional sixty (60) day extension from September 10, 2015 for review of our petition under Title 23 of Cal. Code of Regulations section 2050.5(b).

August 20, 2015

Page 2

2. Environmental Groups request that the State Board extend our petition's abeyance, under Title 23 of Cal. Code of Regulations section 2050.5(d), until November 9, 2015. Environmental Groups reserve the right to remove the petition from abeyance prior to this time at their discretion.

We look forward to working with the State Board to resolve the issues raised in our petition. Please do not hesitate to contact us with any questions, and thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Becky Hayat". The signature is written in a cursive, flowing style with a large initial 'B' and a long, sweeping underline.

Becky Hayat
Project Attorney
Natural Resources Defense Council

From: Wadhvani, Emel@Waterboards
Sent: Monday, August 24, 2015 1:55 PM
To: 'Hayat, Becky'
Cc: Daniel Cooper (daniel@lawyersforcleanwater.com); Wyels, Philip@Waterboards
Subject: RE: WMP Petition Abeyance
Attachments: abeyance letter.docx

Becky,

Per our phone conversation a few minutes ago, here is my recommended phrasing of the abeyance letter for consistency with the regulatory provisions. I created a word document from your pdf, but I hope it is still readable.

Please also make sure to copy the letter to regional board and the dischargers.

Thank you,

Emel

Emel G. Wadhvani
Senior Staff Counsel
Office of Chief Counsel
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
916-322-3622
Fax: 916-341-5199

From: Hayat, Becky [<mailto:bhayat@nrdc.org>]
Sent: Thursday, August 20, 2015 9:06 PM
To: Wadhvani, Emel@Waterboards
Cc: Daniel Cooper (daniel@lawyersforcleanwater.com)
Subject: WMP Petition Abeyance

Hi Emel,

Attached is our letter requesting that the State Board place our petition for review of Sam Unger's action to conditionally approve nine WMPs into abeyance until November 9, 2015. Please confirm receipt of this request and if you have any questions, please do not hesitate to contact me. Thank you.

My very best,
Becky

BECKY HAYAT
*Attorney**
Water Program

NATURAL RESOURCES
DEFENSE COUNCIL
1314 SECOND STREET

SANTA MONICA, CA 90401
T 310.434.2308
BHAYAT@NRDC.ORG
NRDC.ORG
*ADMITTED IN CALIFORNIA

Please save paper.
Think before printing.

Dear Ms. Wadhvani:

On behalf of the Natural Resources Defense Council, Los Angeles Waterkeeper, and Heal the Bay (collectively, Environmental Groups), I am writing with regard to our petition for review of the Los Angeles Regional Water Quality Control Board (Regional Board) Executive Officer's action to conditionally approve nine Watershed Management Programs pursuant to the 2012 LA County MS4 Permit, Order No. R4-2012-0175, NPDES Permit No. CAS004001.

Pursuant to Title 23 of Cal. Code of Regulations section 2050.5(e), our petition would be dismissed by operation of law on August 26, 2015, unless the State Water Resources Control Board (State Board or Board) ~~reviewed and indicates that it will act on the petition by issuing a written notification pursuant to section 2050.5(a) acted on the petition prior to that date.~~ At the June 16, 2015 State Board meeting, the Chair of the Board stated on the record that her Board will consider the petition on an expedited basis. However, given the fact that the State Board is unlikely to act on the petition until the Regional Board first gets the opportunity to review the petition on September 10, 2015, Environmental Groups ~~take the following further actions in order to allow the State Board additional time to address our petition:~~

~~1. Environmental Groups agree to grant the State Board an additional sixty (60) day extension from September 10, 2015 for review of our petition under Title 23 of Cal. Code of Regulations section 2050.5(b).~~

~~2. Environmental Groups request that the State Board extend our petition's abeyance, request that the State Board place the petition in abeyance -under Title 23 of Cal. Code of Regulations section 2050.5(d) effective as of the date of this letter. -, until November 9, 2015. Environmental Groups further request that the State Board take out of abeyance and activate the petition on November 9, 2015.~~ Environmental Groups reserve the right to remove the petition from abeyance prior to this time at their discretion.

We look forward to working with the State Board to resolve the issues raised in our petition. Please do not hesitate to contact us with any questions, and thank you for your attention to this matter.

From: Hayat, Becky <bhayat@nrdc.org>
Sent: Monday, August 24, 2015 3:37 PM
To: Wadhvani, Emel@Waterboards
Subject: NRDC LAWK HTB - WMP Petition Abeyance Letter
Attachments: NRDC LAWK HTB - WMP Petition Abeyance 8 24 15.pdf

Hi Emel,

Please find attached Environmental Groups' letter requesting that the State Board place our petition for review of Sam Unger's action to conditionally approve nine WMPs into abeyance, effective as of today, until November 9, 2015. Please confirm receipt of this request and if you have any questions, please do not hesitate to contact me. Thank you.

My very best,
Becky

BECKY HAYAT
*Attorney**
Water Program

NATURAL RESOURCES
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1314 SECOND STREET
SANTA MONICA, CA 90401
T 310.434.2308
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*ADMITTED IN CALIFORNIA

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August 24, 2015

Via Electronic Mail

Ms. Emel G. Wadhvani
State Water Resources Control Board
Office of Chief Counsel
1001 I Street, 22nd Floor
Sacramento, CA 95812-0100
emel.wadhvani@waterboards.ca.gov

Re: *Extension of Period for Review and Request for Abeyance of Petition of the Natural Resources Defense Council, Los Angeles Waterkeeper, and Heal the Bay for Review of the Regional Board Executive Officer's Action to Conditionally Approve Nine WMPs Pursuant to the 2012 LA County MS4 Permit*

Dear Ms. Wadhvani:

On behalf of the Natural Resources Defense Council, Los Angeles Waterkeeper, and Heal the Bay (collectively, Environmental Groups), I am writing with regard to our petition for review of the Los Angeles Regional Water Quality Control Board (Regional Board) Executive Officer's action to conditionally approve nine Watershed Management Programs pursuant to the 2012 LA County MS4 Permit, NPDES Permit No. CAS004001, Order No. R4-2012-0175.

Pursuant to Title 23 of Cal. Code of Regulations section 2050.5(e), our petition would be dismissed by operation of law on August 26, 2015, unless the State Water Resources Control Board (State Board or Board) indicates that it will act on the petition by issuing a written notification pursuant to section 2050.5(a) prior to that date. At the June 16, 2015 State Board meeting, the Chair of the Board stated on the record that her Board will consider the petition on an expedited basis.

However, given the fact that the State Board is unlikely to act on the petition until the Regional Board first gets the opportunity to review the petition on September 10, 2015, Environmental Groups request that the State Board place the petition in abeyance under Title 23 of Cal. Code of Regulations section 2050.5(d), effective as of the date of this letter, until November 9, 2015. Environmental Groups reserve the right to remove the petition from abeyance prior to this time at their discretion.

August 24, 2015
Page 2

We look forward to working with the State Board to resolve the issues raised in our petition. Please do not hesitate to contact me with any questions, and thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Becky Hayat". The signature is written in a cursive style with a large, looped initial 'B' and a long horizontal stroke extending to the right.

Becky Hayat
Project Attorney
Natural Resources Defense Council

From: Wadhvani, Emel@Waterboards
Sent: Tuesday, August 25, 2015 8:27 AM
To: 'Hayat, Becky'
Cc: Wyels, Philip@Waterboards; Crowl, Adrianna@Waterboards; Daniel Cooper (daniel@lawyersforcleanwater.com)
Subject: FW: NRDC LAWK HTB - WMP Petition Abeyance Letter
Attachments: NRDC LAWK HTB - WMP Petition Abeyance 8 24 15.pdf

Becky,

This confirms receipt of the Environmental Groups' request to place in abeyance the petition for review of the Los Angeles Water Board Executive Officer's action to conditionally approve nine WMPs, effective as of yesterday, until November 9, 2015. With this message, I am transmitting the letter to Ms. Adrianna Crowl for processing.

Thank you,

Emel

Emel G. Wadhvani
Senior Staff Counsel
Office of Chief Counsel
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
916-322-3622
Fax: 916-341-5199

From: Hayat, Becky [mailto:bhayat@nrdc.org]
Sent: Monday, August 24, 2015 3:37 PM
To: Wadhvani, Emel@Waterboards
Cc: Fleischli, Steve; 'rkampalath@healthebay.org'; 'daniel@lawyersforcleanwater.com'; 'jennifer.fordyce@waterboards.ca.gov'; 'renee.purdy@waterboards.ca.gov'; 'samuel.unger@waterboards.ca.gov'; 'lbond@rwglaw.com'; 'clee@rwglaw.com'; 'abradly@rwglaw.com'; 'jschaefer@cityofsanmarino.org'; 'citymanager@rpv.com'; 'tybarra@soelmonte.org'; 'administration@norwalkca.gov'; 'sgomes@cityofartesia.us'; 'ljackson@torranceca.gov'; 'rbeste@torranceca.gov'; 'jkolin@beverlyhills.org'; 'staff@hiddenhillscity.org'; 'andre.monette@bbklaw.com'; 'bdesatnik@ci.claremont.ca.us'; 'dlazzaretto@ci.arcadia.ca.us'; 'ttait@ci.arcadia.ca.us'; 'rmontevideo@rutan.com'; 'georged@accessduarte.com'; 'rbobaddilla@huntingtonpark.org'; 'wayne@leechlaw.com'; 'city_manager@ci.glendora.ca.us'; 'ddavies@ci.glendora.ca.us'; 'cary@wkrklaw.com'; 'mlansdell@ci.gardena.ca.us'; 'cary@wkrklaw.com'; 'mkeith@cityofbradbury.org'; 'ray@wlv.org'; 'beth@wlv.org'; 'citycontact@cityoflamirada.org'; 'cm@citymb.info'; 'vcastro@covinaca.gov'; 'carellano@ci.vernon.ca.us'; 'rolivarez@ogplaw.com'; 'cityhall@ci.monrovia.ca.us'; 'gramirez@ci.agoura-hills.ca.gov'; 'tchen@agclawfirm.com'; 'Andrew@agclawfirm.com'; 'wwynder@awattorneys.com'; 'mhogan@awattorneys.com'; 'pquilizapa@awattorneys.com'; 'dboyer@awattorneys.com'; 'wmiliband@awattorneys.com'; 'dbiggs@carson.ca.us'; 'fabolfathi@carson.ca.us'; 'pelkins@carson.ca.us'; 'tisrael@awattorneys.com'; 'smandoki@lawndalecity.org'; 'nabbaszadeh@lawndalecity.org'; 'linda_lowry@ci.pomona.ca.us'; 'Julie_carver@ci.pomona.ca.us'; 'thighsmith@cclaw.us'; 'hwhatley@cclaw.us'; 'eaguliar@cityofsierramadre.com'; 'ygarcia@downeyca.org'; 'jyen@downeyca.org'; 'lamimoto@cityofinglewood.org'; 'brai@cityofinglewood.org'; 'latwell@cityofinglewood.org'; 'ndupont@rwglaw.com'; 'afields@cityofinglewood.org'; 'fgalante@awattorneys.com'; 'jkekula@lynwood.ca.us'; 'esaikaly@lynwood.ca.us'; 'wtam@ci.irwindale.ca.us'; 'john.nachbar@culvercity.org'; 'daleshire@awattorneys.com'; 'kfarfsing@cityofsignalhill.org'; 'mbolanos@biasc.org';

'sbeltran@biasec.org'; 'bdesatnik@ci.claremont.ca.us'; 'lmustafa@ci.claremont.ca.us'; 'ahenderson@biasec.org';
'kberkman@agoura-hills.ca.us'; 'radeva@ci.agoura-hills.ca.us'; 'ddolphin@cityofalhambra.org';
'vhevener@ci.arcadia.ca.us'; 'chassel@ci.azusa.ca.us'; 'dbobadilla@ci.azusa.ca.us'; 'dlopez@baldwinpark.com';
'trodrigue@cityofbell.org'; 'cvll@bellgardens.org'; 'biniguez@bellflower.org'; 'jdescalzo@beverlyhills.org';
'bteaford@ci.burbank.ca.us'; 'afarassati@cityofcalabasas.com'; 'mogrady@cerritos.us'; 'gnila@ci.commerce.ca.us';
'hnguyen@comptoncity.org'; 'vcastro@ci.covina.ca.us'; 'hrodriguez@cityofcudahy.ca.us'; 'asantos@cityofcudahyca.gov';
'damian.skinner@culvercity.org'; 'dliu@diamondbarca.gov'; 'jwen@downeyca.org'; 'rcasillas@accessduarte.com';
'pwmaintenance@elmonte.ca.gov'; 'skatsouleas@elsegundo.org'; 'jfelix@ci.gardena.ca.us';
'moillataguerre@ci.glendale.ca.us'; 'ddavies@ci.glendora.ca.us'; 'jcolombo@hgcity.org'; 'ashadbehr@cityofhawthorne.org';
'hbehboodi@hermosabch.org'; 'jbellomo@willdan.com'; 'jenriquez@huntingtonpark.org'; 'thelling@cityofindustry.org';
'lamimoto@cityofinglewood.org'; 'ktam@ci.irwindale.ca.us'; 'ehitti@lcf.ca.gov'; 'shaunac@lhcity.org';
'mstowell@cityoflamirada.org'; 'jdimario@lapuente.org'; 'dkeesey@ci.la-verne.ca.us'; 'kvivanti@lakewoodcity.org';
'nabbaszadeh@lawndalecity.org'; 'shahram.kharaghani@lacity.org'; 'jkekula@lynwood.ca.us'; 'jbrown@malibucity.org';
'andre.dupret@cityofmaywood.org'; 'jhunter@jhla.net'; 'dgarcia@norwalkca.gov'; 'mshay@redondo.org';
'croberts@aaeinc.com'; 'amho@montereypark.ca.gov'; 'bzimmerman@norwalkca.gov'; 'allanrigg@caaprofessionals.com';
'ccash@paramountcity.com'; 'jcarlson@cityofsierramadre.com'; 'swalker@cityofpasadena.net'; 'acervantes@pico-
rivera.org'; 'ttlange@santa-clarita.com'; 'dgrilley@sgca.org'; 'crichtie@cityofsanmarino.org';
'ggrammer@rollinghillsestate.ca.gov'; 'julie_carver@ci.pomona.ca.us'; 'mike.witzansky@redondo.org';
'lcortez@torrence.ca.gov'; 'carellano@ci.vernon.ca.us'; 'ajensen@ci.walnut.ca.us'; 'gregg@ci.rolling-hills-estates.ca.us';
'lcyrus@ci.san-dimas.ca.us'; 'rruiz@sfcity.org'; 'RPadilla@omlawyers.com'; 'smorales-choate@santafesprings.org';
'neal.shapiro@smgov.net'; 'sam.gutierrez@westcovina.org'; 'sperlstein@weho.org'; 'jbellomo@willdan.com';
'pubwks@cityofwhittier.org'; 'ghildeb@dpw.lacounty.gov'; 'smith.davidw@epa.gov'; 'dpelser@cityofwhittier.org';
'm.rock@lomitacity.com'; 'm.mcavoy@lomitacity.com'; 'mdanaj@citymb.info'; 'sgallant@ci.monrovia.ca.us';
'ochi@ci.monrovia.ca.us'; 'jackrydell@caaprofessionals.com'; 'srepp@pvestates.org'; 'rbobadilla@pico-rivera.org';
'citymanager@rpv.com'; 'dwillmore@rpvca.gov'; 'MichaelT@rpvca.gov'; 'mhawkesworth@cityofrosemead.org';
'cmarcarello@sfcity.org'

Subject: NRDC LAWK HTB - WMP Petition Abeyance Letter

Hi Emel,

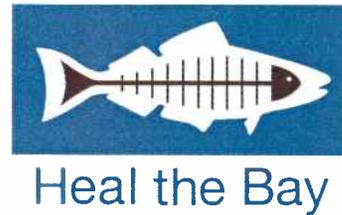
Please find attached Environmental Groups' letter requesting that the State Board place our petition for review of Sam Unger's action to conditionally approve nine WMPs into abeyance, effective as of today, until November 9, 2015. Please confirm receipt of this request and if you have any questions, please do not hesitate to contact me. Thank you.

My very best,
Becky

BECKY HAYAT
*Attorney**
Water Program

**NATURAL RESOURCES
DEFENSE COUNCIL**
1314 SECOND STREET
SANTA MONICA, CA 90401
T 310.434.2308
BHAYAT@NRDC.ORG
NRDC.ORG
*ADMITTED IN CALIFORNIA

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Think before printing.



August 24, 2015

Via Electronic Mail

Ms. Emel G. Wadhvani
State Water Resources Control Board
Office of Chief Counsel
1001 I Street, 22nd Floor
Sacramento, CA 95812-0100
emel.wadhvani@waterboards.ca.gov

Re: *Extension of Period for Review and Request for Abeyance of Petition of the Natural Resources Defense Council, Los Angeles Waterkeeper, and Heal the Bay for Review of the Regional Board Executive Officer's Action to Conditionally Approve Nine WMPs Pursuant to the 2012 LA County MS4 Permit*

Dear Ms. Wadhvani:

On behalf of the Natural Resources Defense Council, Los Angeles Waterkeeper, and Heal the Bay (collectively, Environmental Groups), I am writing with regard to our petition for review of the Los Angeles Regional Water Quality Control Board (Regional Board) Executive Officer's action to conditionally approve nine Watershed Management Programs pursuant to the 2012 LA County MS4 Permit, NPDES Permit No. CAS004001, Order No. R4-2012-0175.

Pursuant to Title 23 of Cal. Code of Regulations section 2050.5(e), our petition would be dismissed by operation of law on August 26, 2015, unless the State Water Resources Control Board (State Board or Board) indicates that it will act on the petition by issuing a written notification pursuant to section 2050.5(a) prior to that date. At the June 16, 2015 State Board meeting, the Chair of the Board stated on the record that her Board will consider the petition on an expedited basis.

However, given the fact that the State Board is unlikely to act on the petition until the Regional Board first gets the opportunity to review the petition on September 10, 2015, Environmental Groups request that the State Board place the petition in abeyance under Title 23 of Cal. Code of Regulations section 2050.5(d), effective as of the date of this letter, until November 9, 2015. Environmental Groups reserve the right to remove the petition from abeyance prior to this time at their discretion.

August 24, 2015

Page 2

We look forward to working with the State Board to resolve the issues raised in our petition. Please do not hesitate to contact me with any questions, and thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Becky Hayat". The signature is written in a cursive style with a large, looped initial 'B' and a long horizontal stroke extending to the right.

Becky Hayat
Project Attorney
Natural Resources Defense Council

From: Crowl, Adrianna@Waterboards
Sent: Tuesday, August 25, 2015 9:39 AM
To: Wyels, Philip@Waterboards; Wadhvani, Emel@Waterboards
Subject: RE: NRDC LAWK HTB - WMP Petition Abeyance Letter

Got it 😊

From: Wyels, Philip@Waterboards
Sent: Tuesday, August 25, 2015 9:37 AM
To: Wadhvani, Emel@Waterboards
Cc: Crowl, Adrianna@Waterboards
Subject: RE: NRDC LAWK HTB - WMP Petition Abeyance Letter

Thanks, Emel.

Adrianna, this one is special (I keep saying that, don't I?!)
Please draft an "active to abeyance" letter, but instead of giving them two years of abeyance, give them just until November 9. They REALLY don't want it in abeyance longer than that. You can just plug in the actual dates (hold in abeyance until November 9, and if we don't take any action, will be automatically dismissed on November 10). Thanks!

Phil

From: Wadhvani, Emel@Waterboards
Sent: Tuesday, August 25, 2015 8:27 AM
To: Hayat, Becky
Cc: Wyels, Philip@Waterboards; Crowl, Adrianna@Waterboards; Daniel Cooper (daniel@lawyersforcleanwater.com)
Subject: FW: NRDC LAWK HTB - WMP Petition Abeyance Letter

Becky,

This confirms receipt of the Environmental Groups' request to place in abeyance the petition for review of the Los Angeles Water Board Executive Officer's action to conditionally approve nine WMPs, effective as of yesterday, until November 9, 2015. With this message, I am transmitting the letter to Ms. Adrianna Crowl for processing.

Thank you,

Emel

Emel G. Wadhvani
Senior Staff Counsel
Office of Chief Counsel
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
916-322-3622
Fax: 916-341-5199

From: Hayat, Becky [<mailto:bhayat@nrdc.org>]

Sent: Monday, August 24, 2015 3:37 PM

To: Wadhvani, Emel@Waterboards

Cc: Fleischli, Steve; 'rkampalath@healthebay.org'; 'daniel@lawyersforcleanwater.com'; 'jennifer.fordyce@waterboards.ca.gov'; 'renee.purdy@waterboards.ca.gov'; 'samuel.unger@waterboards.ca.gov'; 'lbond@rwglaw.com'; 'clee@rwglaw.com'; 'abrady@rwglaw.com'; 'jschaefer@cityofsanmarino.org'; 'citymanager@rpv.com'; 'tybarra@soelmonte.org'; 'administration@norwalkca.gov'; 'sgomes@cityofartesia.us'; 'ljackson@torranceca.gov'; 'rbeste@torranceca.gov'; 'jkolin@beverlyhills.org'; 'staff@hiddenhillscity.org'; 'andre.monette@bbklaw.com'; 'bdesatnik@ci.claremont.ca.us'; 'dlazzaretto@ci.arcadia.ca.us'; 'ttait@ci.arcadia.ca.us'; 'rmontevideo@rutan.com'; 'georged@accessduarte.com'; 'rbobaddilla@huntingtonpark.org'; 'wayne@leechlaw.com'; 'city_manager@ci.glendora.ca.us'; 'ddavies@ci.glendora.ca.us'; 'cary@wkrklaw.com'; 'mlansdell@ci.gardena.ca.us'; 'cary@wkrklaw.com'; 'mkeith@cityofbradbury.org'; 'ray@wlv.org'; 'beth@wlv.org'; 'citycontact@cityoflamirada.org'; 'cm@citymb.info'; 'vcastro@covinaca.gov'; 'carellano@ci.vernon.ca.us'; 'rolivarez@ogplaw.com'; 'cityhall@ci.monrovia.ca.us'; 'gramirez@ci.agoura-hills.ca.gov'; 'tchen@agclawfirm.com'; 'Andrew@agclawfirm.com'; 'wwynder@awattorneys.com'; 'mhogan@awattorneys.com'; 'pquilizapa@awattorneys.com'; 'dboyer@awattorneys.com'; 'wmiliband@awattorneys.com'; 'dbiggs@carson.ca.us'; 'fabolfathi@carson.ca.us'; 'pelkins@carson.ca.us'; 'tisrael@awattorneys.com'; 'smandoki@lawndalecity.org'; 'nabbaszadeh@lawndalecity.org'; 'linda_lowry@ci.pomona.ca.us'; 'Julie_carver@ci.pomona.ca.us'; 'thighsmith@cflaw.us'; 'hwhatley@cflaw.us'; 'eaguliar@cityofsierramadre.com'; 'ygarcia@downeyca.org'; 'jyen@downeyca.org'; 'lamimoto@cityofinglewood.org'; 'brai@cityofinglewood.org'; 'latwell@cityofinglewood.org'; 'ndupont@rwglaw.com'; 'afields@cityofinglewood.org'; 'fgalante@awattorneys.com'; 'jkekula@lynwood.ca.us'; 'esaikaly@lynwood.ca.us'; 'wtam@ci.irwindale.ca.us'; 'john.nachbar@culvercity.org'; 'daleshire@awattorneys.com'; 'kfarfsing@cityofsignalhill.org'; 'mbolanos@biasec.org'; 'sbeltran@biasec.org'; 'bdesatnik@ci.claremont.ca.us'; 'lmustafa@ci.claremont.ca.us'; 'ahenderson@biasec.org'; 'kberkman@agoura-hills.ca.us'; 'radeva@ci.agoura-hills.ca.us'; 'ddolphin@cityofalhambra.org'; 'vhevener@ci.arcadia.ca.us'; 'chassel@ci.azusa.ca.us'; 'dbobadilla@ci.azusa.ca.us'; 'dlopez@baldwinpark.com'; 'trodrigue@cityofbell.org'; 'cvll@bellgardens.org'; 'biniguez@bellflower.org'; 'jdescalzo@beverlyhills.org'; 'bteaford@ci.burbank.ca.us'; 'afarassati@cityofcalabasas.com'; 'mogradys@cerritos.us'; 'gnila@ci.commerce.ca.us'; 'hnguyen@comptoncity.org'; 'vcastro@ci.covina.ca.us'; 'hrodriguez@cityofcudahy.ca.us'; 'asantos@cityofcudahyca.gov'; 'damian.skinner@culvercity.org'; 'dliu@diamondbarca.gov'; 'jwen@downeyca.org'; 'rcasillas@accessduarte.com'; 'pwmaintenance@elmonte.ca.gov'; 'skatsouleas@elsegundo.org'; 'jfelix@ci.gardena.ca.us'; 'moillataguerra@ci.glendale.ca.us'; 'ddavies@ci.glendora.ca.us'; 'jcolombo@hgcity.org'; 'ashadbahr@cityofhawthorne.org'; 'hbehboodi@hermosabch.org'; 'jbellomo@willdan.com'; 'jenriquez@huntingtonpark.org'; 'thelling@cityofindustry.org'; 'lamimoto@cityofinglewood.org'; 'ktam@ci.irwindale.ca.us'; 'ehitti@lcf.ca.gov'; 'shaunac@lhcity.org'; 'mstowell@cityoflamirada.org'; 'jdimario@lapuente.org'; 'dkeesey@ci.la-verne.ca.us'; 'kvivanti@lakewoodcity.org'; 'nabbaszadeh@lawndalecity.org'; 'shahram.kharaghani@lacity.org'; 'jkekula@lynwood.ca.us'; 'jbrown@malibucity.org'; 'andre.dupret@cityofmaywood.org'; 'jhunter@jhla.net'; 'dgarcia@norwalkca.gov'; 'mshay@redondo.org'; 'croberts@aaeinc.com'; 'amho@montereypark.ca.gov'; 'bzimmerman@norwalkca.gov'; 'allanrigg@caaprofessionals.com'; 'ccash@paramountcity.com'; 'jcarlson@cityofsierramadre.com'; 'swalker@cityofpasadena.net'; 'acervantes@pico-rivera.org'; 'ttlange@santa-clarita.com'; 'dgrilley@sgca.org'; 'crichtie@cityofsanmarino.org'; 'ggrammer@rollinghillsestate.ca.gov'; 'julie_carver@ci.pomona.ca.us'; 'mike.witzansky@redondo.org'; 'lcortez@torrence.ca.gov'; 'carellano@ci.vernon.ca.us'; 'ajensen@ci.walnut.ca.us'; 'gregg@ci.rolling-hills-estates.ca.us'; 'lcyrus@ci.san-dimas.ca.us'; 'rruiz@sfcity.org'; 'RPadilla@omlawyers.com'; 'smorales-choate@santafesprings.org'; 'neal.shapiro@smgov.net'; 'sam.gutierrez@westcovina.org'; 'sperlstein@weho.org'; 'jbellomo@willdan.com'; 'pubwks@cityofwhittier.org'; 'ghildeb@dpw.lacounty.gov'; 'smith.davidw@epa.gov'; 'dpelser@cityofwhittier.org'; 'm.rock@lomitacity.com'; 'm.mcavoy@lomitacity.com'; 'mdanaj@citymb.info'; 'sgallant@ci.monrovia.ca.us'; 'ochi@ci.monrovia.ca.us'; 'jackrydell@caaprofessionals.com'; 'srepp@pvestates.org'; 'rbobadilla@pico-rivera.org'; 'citymanager@rpv.com'; 'dwillmore@rpvca.gov'; 'MichaelT@rpvca.gov'; 'mhawkesworth@cityofrosemead.org'; 'cmarcarello@sfcity.org'

Subject: NRDC LAWK HTB - WMP Petition Abeyance Letter

Hi Emel,

Please find attached Environmental Groups' letter requesting that the State Board place our petition for review of Sam Unger's action to conditionally approve nine WMPs into abeyance, effective as of today, until November 9, 2015. Please confirm receipt of this request and if you have any questions, please do not hesitate to contact me. Thank you.

My very best,

Becky

BECKY HAYAT

*Attorney**

Water Program

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SANTA MONICA, CA 90401
T 310.434.2308

BHAYAT@NRDC.ORG

NRDC.ORG

*ADMITTED IN CALIFORNIA

Please save paper.
Think before printing.

From: Hayat, Becky <bhayat@nrdc.org>
Sent: Tuesday, August 25, 2015 9:13 AM
To: Wadhvani, Emel@Waterboards
Subject: RE: NRDC LAWK HTB - WMP Petition Abeyance Letter

Thanks, Emel.

From: Wadhvani, Emel@Waterboards [mailto:Emel.Wadhvani@waterboards.ca.gov]
Sent: Tuesday, August 25, 2015 8:27 AM
To: Hayat, Becky
Cc: Wyels, Philip@Waterboards; Crowl, Adrianna@Waterboards; Daniel Cooper (daniel@lawyersforcleanwater.com)
Subject: FW: NRDC LAWK HTB - WMP Petition Abeyance Letter

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Thank you,

Emel

Emel G. Wadhvani
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Office of Chief Counsel
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'linda_lowry@ci.pomona.ca.us'; 'Julie_carver@ci.pomona.ca.us'; 'thighsmith@cllaw.us'; 'hwhatley@cllaw.us';
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'neal.shapiro@smgov.net'; 'sam.gutierrez@westcovina.org'; 'sperlstein@weho.org'; 'jbellomo@willdan.com';
'pubwks@cityofwhittier.org'; 'ghildeb@dpw.lacounty.gov'; 'smith.davidw@epa.gov'; 'dpelser@cityofwhittier.org';
'm.rock@lomitacity.com'; 'm.mcavoy@lomitacity.com'; 'mdanaj@citymb.info'; 'sgallant@ci.monrovia.ca.us';
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Subject: NRDC LAWK HTB - WMP Petition Abeyance Letter

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My very best,
Becky

BECKY HAYAT
*Attorney**
Water Program

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*ADMITTED IN CALIFORNIA

Please save paper.
Think before printing.

From: Hayat, Becky <bhayat@nrdc.org>
Sent: Thursday, September 24, 2015 12:00 PM
To: Wadhvani, Emel@Waterboards
Cc: Daniel Cooper (daniel@lawyersforcleanwater.com)
Subject: NRDC Letter re Petition Addendum
Attachments: NRDC letter re Petition Addendum 9 24 15.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Hi Emel,

Please see attached letter regarding our conversation on Wednesday, Sept. 22, 2015, about our petition before the State Board that is currently in abeyance. If you have any questions or concerns, please do not hesitate to contact me.

My very best,
Becky

BECKY HAYAT
*Attorney**
Water Program

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Please save paper.
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September 24, 2015

Dear. Ms. Wadhvani,

Thank you for our telephonic discussion on September 22, 2015. On that call, we discussed NRDC, Heal the Bay, and Los Angeles Waterkeeper's (Environmental Petitioners) pending petition before the State Water Resources Control Board (State Board or Board), which is currently in abeyance until November 9, 2015. You indicated to me that you spoke with Phil Wyels and you both agreed that there is nothing under the California Code of Regulations (C.C.R.) Title 23, Division 3, Chapter 6, section 2050.5 that prevents Environmental Petitioners from supplementing their current petition before the State Board in light of the Los Angeles Regional Water Quality Control Board's action on September 10, 2015.

You further stated that should Environmental Petitioners decide to supplement their current petition before the State Board, the Board would be required to issue a 30-day response letter to the dischargers and all interested persons within two days after November 9, 2015, or the petition would be deemed dismissed by operation of law. You also stated that while there is no format for how Environmental Petitioners may supplement their current petition, but something akin to an addendum would be appropriate. Finally, we agreed that the deadline to file such an addendum would be November 9, 2015.

Consistent with this guidance from your office, Environmental Petitioners intend to submit an addendum to its pending petition to address the Regional Board's action on September 10, 2015 on or before November 9, 2015. However, Environmental Petitioners will make best efforts to give the State Board at least two weeks to review the addendum before the Board has to issue the 30-day response letter.

Thank you for your cooperation on these issues. If anything in this letter is inconsistent with your understanding, please contact my office immediately.

My very best,

Becky Hayat

NATURAL RESOURCES DEFENSE COUNCIL

1314 2ND STREET | SANTA MONICA, CA | 90401 | T 310.434.2300 | F 310.434.2399 | NRDC.ORG

From: Wadhvani, Emel@Waterboards
Sent: Monday, September 28, 2015 11:15 AM
To: 'Hayat, Becky'
Cc: 'daniel@lawyersforcleanwater.com'; Wyels, Philip@Waterboards
Subject: FW: NRDC Letter re Petition Addendum
Attachments: NRDC letter re Petition Addendum 9 24 15.pdf

Becky,

Thank you for your letter summarizing our phone conversation of September 22, 2015.

In general, your summary accurately reflects our discussion. One point of clarification: You state that “should Environmental Petitioners decide to supplement their current petition before the State Board, the Board would be required to issue a 30-day response letter to the dischargers and all interested persons within two days after November 9, 2015, or the petition would be deemed dismissed by operation of law.” It is accurate that the petition will be deemed dismissed by operation of law two days after November 9, 2015, if the State Water Board does not issue a 30-day letter, but this is true regardless of whether Environmental Petitioners decide to supplement their current petition. The supplement does not alter the time frame for action on the petition, but rather serves to provide the State Water Board with a more complete submission on the issues raised by the Environmental Petitioners and of the procedural history at the Regional Water Board level in addressing those issues, and thereby assists the State Water Board in making a determination as to whether to issue the 30-day letter.

Feel free to call me if you have any questions.

Emel

Emel G. Wadhvani
Senior Staff Counsel
Office of Chief Counsel
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
916-322-3622
Fax: 916-341-5199

From: Hayat, Becky [<mailto:bhayat@nrdc.org>]
Sent: Thursday, September 24, 2015 12:00 PM
To: Wadhvani, Emel@Waterboards
Cc: Daniel Cooper (daniel@lawyersforcleanwater.com)
Subject: NRDC Letter re Petition Addendum

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My very best,
Becky

BECKY HAYAT
*Attorney**
Water Program

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Dear Ms. Wadhwani,

Thank you for our telephonic discussion on September 22, 2015. On that call, we discussed NRDC, Heal the Bay, and Los Angeles Waterkeeper's (Environmental Petitioners) pending petition before the State Water Resources Control Board (State Board or Board), which is currently in abeyance until November 9, 2015. You indicated to me that you spoke with Phil Wyels and you both agreed that there is nothing under the California Code of Regulations (C.C.R.) Title 23, Division 3, Chapter 6, section 2050.5 that prevents Environmental Petitioners from supplementing their current petition before the State Board in light of the Los Angeles Regional Water Quality Control Board's action on September 10, 2015.

You further stated that should Environmental Petitioners decide to supplement their current petition before the State Board, the Board would be required to issue a 30-day response letter to the dischargers and all interested persons within two days after November 9, 2015, or the petition would be deemed dismissed by operation of law. You also stated that while there is no format for how Environmental Petitioners may supplement their current petition, but something akin to an addendum would be appropriate. Finally, we agreed that the deadline to file such an addendum would be November 9, 2015.

Consistent with this guidance from your office, Environmental Petitioners intend to submit an addendum to its pending petition to address the Regional Board's action on September 10, 2015 on or before November 9, 2015. However, Environmental Petitioners will make best efforts to give the State Board at least two weeks to review the addendum before the Board has to issue the 30-day response letter.

Thank you for your cooperation on these issues. If anything in this letter is inconsistent with your understanding, please contact my office immediately.

My very best,

Becky Hayat

NATURAL RESOURCES DEFENSE COUNCIL

1314 2ND STREET | SANTA MONICA, CA | 90401 | T 310.434.2300 | F 310.434.2399 | NRDC.ORG

From: Wadhvani, Emel@Waterboards
Sent: Monday, September 28, 2015 11:19 AM
To: Crowl, Adrianna@Waterboards
Subject: FW: NRDC Letter re Petition Addendum
Attachments: NRDC letter re Petition Addendum 9 24 15.pdf

Adrianna,

This is correspondence on a petition that is currently in abeyance (A-2386). Could you please keep the e-mail correspondence and the attached letter with the file.

Thanks!

Emel

Emel G. Wadhvani
Senior Staff Counsel
Office of Chief Counsel
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
916-322-3622
Fax: 916-341-5199

From: Wadhvani, Emel@Waterboards
Sent: Monday, September 28, 2015 11:15 AM
To: 'Hayat, Becky'
Cc: 'daniel@lawyersforcleanwater.com'; Wyels, Philip@Waterboards
Subject: FW: NRDC Letter re Petition Addendum

Becky,

Thank you for your letter summarizing our phone conversation of September 22, 2015.

In general, your summary accurately reflects our discussion. One point of clarification: You state that “should Environmental Petitioners decide to supplement their current petition before the State Board, the Board would be required to issue a 30-day response letter to the dischargers and all interested persons within two days after November 9, 2015, or the petition would be deemed dismissed by operation of law.” It is accurate that the petition will be deemed dismissed by operation of law two days after November 9, 2015, if the State Water Board does not issue a 30-day letter, but this is true regardless of whether Environmental Petitioners decide to supplement their current petition. The supplement does not alter the time frame for action on the petition, but rather serves to provide the State Water Board with a more complete submission on the issues raised by the Environmental Petitioners and of the procedural history at the Regional Water Board level in addressing those issues, and thereby assists the State Water Board in making a determination as to whether to issue the 30-day letter.

Feel free to call me if you have any questions.

Emel

Emel G. Wadhvani
Senior Staff Counsel
Office of Chief Counsel
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
916-322-3622
Fax: 916-341-5199

From: Hayat, Becky [<mailto:bhayat@nrdc.org>]
Sent: Thursday, September 24, 2015 12:00 PM
To: Wadhvani, Emel@Waterboards
Cc: Daniel Cooper (daniel@lawyersforcleanwater.com)
Subject: NRDC Letter re Petition Addendum

Hi Emel,

Please see attached letter regarding our conversation on Wednesday, Sept. 22, 2015, about our petition before the State Board that is currently in abeyance. If you have any questions or concerns, please do not hesitate to contact me.

My very best,
Becky

BECKY HAYAT
*Attorney**
Water Program

**NATURAL RESOURCES
DEFENSE COUNCIL**
1314 SECOND STREET
SANTA MONICA, CA 90401
T 310.434.2308
BHAYAT@NRDC.ORG
NRDC.ORG
*ADMITTED IN CALIFORNIA

Please save paper.
Think before printing.



September 24, 2015

Dear Ms. Wadhvani,

Thank you for our telephonic discussion on September 22, 2015. On that call, we discussed NRDC, Heal the Bay, and Los Angeles Waterkeeper's (Environmental Petitioners) pending petition before the State Water Resources Control Board (State Board or Board), which is currently in abeyance until November 9, 2015. You indicated to me that you spoke with Phil Wyels and you both agreed that there is nothing under the California Code of Regulations (C.C.R.) Title 23, Division 3, Chapter 6, section 2050.5 that prevents Environmental Petitioners from supplementing their current petition before the State Board in light of the Los Angeles Regional Water Quality Control Board's action on September 10, 2015.

You further stated that should Environmental Petitioners decide to supplement their current petition before the State Board, the Board would be required to issue a 30-day response letter to the dischargers and all interested persons within two days after November 9, 2015, or the petition would be deemed dismissed by operation of law. You also stated that while there is no format for how Environmental Petitioners may supplement their current petition, but something akin to an addendum would be appropriate. Finally, we agreed that the deadline to file such an addendum would be November 9, 2015.

Consistent with this guidance from your office, Environmental Petitioners intend to submit an addendum to its pending petition to address the Regional Board's action on September 10, 2015 on or before November 9, 2015. However, Environmental Petitioners will make best efforts to give the State Board at least two weeks to review the addendum before the Board has to issue the 30-day response letter.

Thank you for your cooperation on these issues. If anything in this letter is inconsistent with your understanding, please contact my office immediately.

My very best,

Becky Hayat

NATURAL RESOURCES DEFENSE COUNCIL

1314 2ND STREET | SANTA MONICA, CA | 90401 | T 310.434.2300 | F 310.434.2399 | NRDC.ORG

From: Wadhvani, Emel@Waterboards
Sent: Monday, October 19, 2015 1:44 PM
To: 'Hayat, Becky'
Cc: Wyels, Philip@Waterboards; Mallory-Jones, Ryan@Waterboards
Subject: RE: Env Groups' WMP petition addendum

Becky,

Thank you for letting me know. We will plan accordingly. I am cc'ing Phil Wyels, as well as Ryan Mallory-Jones, who is also with OCC and assigned to the review team for this petition.

Emel

Emel G. Wadhvani
Senior Staff Counsel
Office of Chief Counsel
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
916-322-3622
Fax: 916-341-5199

From: Hayat, Becky [<mailto:bhayat@nrdc.org>]
Sent: Monday, October 19, 2015 12:34 PM
To: Wadhvani, Emel@Waterboards
Subject: Env Groups' WMP petition addendum

Hi Emel,

Hope this email finds you well. I know we had previously discussed giving the State Board staff around two weeks to review our petition addendum on the WMP approvals before having to take action on our pending petition that is currently held in abeyance. Unfortunately, as of now, it's proving to be a little difficult for us to meet that internal deadline. Our hope is to submit our petition addendum by **next Friday, 10/30**. Please let me know if that would pose a huge problem for folks on your end. Thank you in advance for your understanding.

Best,
Becky

BECKY HAYAT
*Attorney**
Water Program

NATURAL RESOURCES
DEFENSE COUNCIL
1314 SECOND STREET
SANTA MONICA, CA 90401
T 310.434.2308
BHAYAT@NRDC.ORG
NRDC.ORG
*ADMITTED IN CALIFORNIA

Please save paper.
Think before printing.

From: Hayat, Becky <bhayat@nrdc.org>
Sent: Wednesday, October 28, 2015 7:34 AM
To: Crowl, Adrianna@Waterboards
Subject: RE: updated email list for 2012 LA County MS4 Permittees

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Adriana,

Hope this email finds you well. Quick question for you – are the email and address lists for the 2012 LA County MS4 Permittees that you sent me in May (see your email below) still the most current and updated versions? Thank you so much.

Best,
Becky

From: Crowl, Adrianna@Waterboards [<mailto:Adrianna.Crowl@waterboards.ca.gov>]
Sent: Wednesday, May 27, 2015 2:15 PM
To: Hayat, Becky
Subject: RE: updated email list for 2012 LA County MS4 Permittees

Ok so Becky,

I have the list of all the addresses, which I believe are the same. However, we have had to update the email addresses on a constant basis. Even so, some still bounce back. So I have a complete updated (as good as that gets) email list separate from the address list. The only difference is the emails are updated on the “email” list and the addresses on the actual mailing list are as far as we have checked still good.

If I have not confused you totally (I may not be doing my job ☺), however, I am attaching the email list of names and addresses AND my updated list of emails so you can just cut and paste. I hope that takes care of any confusion.

Please let me know if I can make it any easier for you.

Thank you.

Adrianna M. Crowl
Staff Services Analyst
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor
Sacramento CA 95814
PH: (916) 341-5156
E-Mail: Adrianna.Crowl@waterboards.ca.gov

From: Hayat, Becky [<mailto:bhayat@nrdc.org>]
Sent: Wednesday, May 27, 2015 11:47 AM
To: Crowl, Adrianna@Waterboards
Subject: FW: updatd email list for 2012 LA County MS4 Permittees

From: Hayat, Becky
Sent: Tuesday, May 26, 2015 12:10 PM
To: 'adrianna.crowl@waterboards.ca.gov'
Subject: updatd email list for 2012 LA County MS4 Permittees

Hi Adrianna,

At your earliest convenience, can you please provide me the most recently updated list of the email addresses for all the Permittees under the 2012 LA County MS4 Permit? Thank you.

Sincerely,
Becky

BECKY HAYAT
*Attorney**
Water Program

NATURAL RESOURCES
DEFENSE COUNCIL
1314 SECOND STREET
SANTA MONICA, CA 90401
T 310.434.2308
BHAYAT@NRDC.ORG
NRDC.ORG
*ADMITTED IN CALIFORNIA

Please save paper.
Think before printing.

From: Hayat, Becky <bhayat@nrdc.org>
Sent: Wednesday, October 28, 2015 12:31 PM
To: Crowl, Adrianna@Waterboards
Subject: RE: updated email list for 2012 LA County MS4 Permittees

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you so much, Adrianna.

From: Crowl, Adrianna@Waterboards [<mailto:Adrianna.Crowl@waterboards.ca.gov>]
Sent: Wednesday, October 28, 2015 2:23 PM
To: Hayat, Becky
Subject: RE: updated email list for 2012 LA County MS4 Permittees

I apologize I sent the wrong one . Please use this one. Thank you.

~Adrianna

From: Hayat, Becky [<mailto:bhayat@nrdc.org>]
Sent: Wednesday, October 28, 2015 7:34 AM
To: Crowl, Adrianna@Waterboards
Subject: RE: updated email list for 2012 LA County MS4 Permittees

Hi Adriana,

Hope this email finds you well. Quick question for you – are the email and address lists for the 2012 LA County MS4 Permittees that you sent me in May (see your email below) still the most current and updated versions? Thank you so much.

Best,
Becky

From: Crowl, Adrianna@Waterboards [<mailto:Adrianna.Crowl@waterboards.ca.gov>]
Sent: Wednesday, May 27, 2015 2:15 PM
To: Hayat, Becky
Subject: RE: updated email list for 2012 LA County MS4 Permittees

Ok so Becky,

I have the list of all the addresses, which I believe are the same. However, we have had to update the email addresses on a constant basis. Even so, some still bounce back. So I have a complete updated (as good as that gets) email list separate from the address list. The only difference is the emails are updated on the “email” list and the addresses on the actual mailing list are as far as we have checked still good.

If I have not confused you totally (I may not be doing my job ☺), however, I am attaching the email list of names and addresses AND my updated list of emails so you can just cut and paste. I hope that takes care of any confusion.

Please let me know if I can make it any easier for you.

Thank you.

Adrianna M. Crowl

Staff Services Analyst

Office of Chief Counsel

State Water Resources Control Board

1001 I Street, 22nd Floor

Sacramento CA 95814

PH: (916) 341-5156

E-Mail: Adrianna.Crowl@waterboards.ca.gov

From: Hayat, Becky [<mailto:bhayat@nrdc.org>]

Sent: Wednesday, May 27, 2015 11:47 AM

To: Crowl, Adrianna@Waterboards

Subject: FW: updatd email list for 2012 LA County MS4 Permittees

From: Hayat, Becky

Sent: Tuesday, May 26, 2015 12:10 PM

To: 'adrianna.crowl@waterboards.ca.gov'

Subject: updatd email list for 2012 LA County MS4 Permittees

Hi Adrianna,

At your earliest convenience, can you please provide me the most recently updated list of the email addresses for all the Permittees under the 2012 LA County MS4 Permit? Thank you.

Sincerely,

Becky

BECKY HAYAT

*Attorney**

Water Program

**NATURAL RESOURCES
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SANTA MONICA, CA 90401
T 310.434.2308

BHAYAT@NRDC.ORG
NRDC.ORG

*ADMITTED IN CALIFORNIA

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From: Hayat, Becky <bhayat@nrdc.org>
Sent: Wednesday, October 28, 2015 3:50 PM
To: Wadhvani, Emel@Waterboards
Subject: RE: WMP petition addendum

Thanks, Emel.

From: Wadhvani, Emel@Waterboards [<mailto:Emel.Wadhvani@waterboards.ca.gov>]
Sent: Wednesday, October 28, 2015 4:50 PM
To: Hayat, Becky
Subject: RE: WMP petition addendum

Becky,

It will be fine to just submit the addendum without the "cover sheet," as long as we have the updated information relevant to any of those nine items somewhere in the addendum (i.e. you are now requesting that the State Board review the Regional Board action, in addition to Executive Officer action, the date of that action, etc.) It might be easier for you to just list them, but there is no particular format for an addendum, so I would organize it as it works best for you.

Emel

Emel G. Wadhvani
Senior Staff Counsel
Office of Chief Counsel
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
916-322-3622
Fax: 916-341-5199

From: Hayat, Becky [<mailto:bhayat@nrdc.org>]
Sent: Wednesday, October 28, 2015 12:28 PM
To: Wadhvani, Emel@Waterboards
Subject: WMP petition addendum

Hi Emel,

Hope your week is going well. Quick question about the WMP petition addendum we'll be filing this Friday – do we need to submit another "cover sheet" (listing the nine items pursuant to CCR section 2050) or may we file just the addendum only? Thank you.

Best,
Becky

BECKY HAYAT
*Attorney**
Water Program

NATURAL RESOURCES
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SANTA MONICA, CA 90401
T 310.434.2308
BHAYAT@NRDC.ORG
NRDC.ORG
*ADMITTED IN CALIFORNIA

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From: Crowl, Adrianna@Waterboards
Sent: Thursday, October 29, 2015 9:23 AM
To: Wadhvani, Emel@Waterboards; Wyels, Philip@Waterboards
Subject: RE: WMP petition addendum

Thank you.

From: Wadhvani, Emel@Waterboards
Sent: Thursday, October 29, 2015 9:14 AM
To: Wyels, Philip@Waterboards; Crowl, Adrianna@Waterboards
Subject: FW: WMP petition addendum

Should have cc'd you on my response.

Emel G. Wadhvani
Senior Staff Counsel
Office of Chief Counsel
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
916-322-3622
Fax: 916-341-5199

From: Wadhvani, Emel@Waterboards
Sent: Wednesday, October 28, 2015 2:50 PM
To: 'Hayat, Becky'
Subject: RE: WMP petition addendum

Becky,

It will be fine to just submit the addendum without the "cover sheet," as long as we have the updated information relevant to any of those nine items somewhere in the addendum (i.e. you are now requesting that the State Board review the Regional Board action, in addition to Executive Officer action, the date of that action, etc.) It might be easier for you to just list them, but there is no particular format for an addendum, so I would organize it as it works best for you.

Emel

Emel G. Wadhvani
Senior Staff Counsel
Office of Chief Counsel
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
916-322-3622
Fax: 916-341-5199

From: Hayat, Becky [<mailto:bhayat@nrdc.org>]
Sent: Wednesday, October 28, 2015 12:28 PM
To: Wadhvani, Emel@Waterboards
Subject: WMP petition addendum

Hi Emel,

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Best,
Becky

BECKY HAYAT
*Attorney**
Water Program

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T 310.434.2308
BHAYAT@NRDC.ORG
NRDC.ORG
*ADMITTED IN CALIFORNIA

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From: Wadhvani, Emel@Waterboards
Sent: Monday, November 02, 2015 11:40 AM
To: Fordyce, Jennifer@Waterboards
Subject: FW: NRDC LAWK HTB WMP Petition Addendum
Attachments: NRDC LAWK HTB WMP Petition Addendum 10-30-15 FINAL.pdf; NRDC LAWK HTB Exhibits A-B to Petition Addendum 10-30-15 FINAL.pdf

Emel G. Wadhvani
Senior Staff Counsel
Office of Chief Counsel
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
916-322-3622
Fax: 916-341-5199

From: Crowl, Adrianna@Waterboards **On Behalf Of** WaterQualityPetitions
Sent: Monday, November 02, 2015 11:10 AM
To: Wadhvani, Emel@Waterboards; Wyels, Philip@Waterboards; Mallory-Jones, Ryan@Waterboards
Subject: FW: NRDC LAWK HTB WMP Petition Addendum

See below.

From: Hayat, Becky [<mailto:bhayat@nrdc.org>]
Sent: Friday, October 30, 2015 4:05 PM
To: WaterQualityPetitions; Crowl, Adrianna@Waterboards
Cc: Fleischli, Steve; West, Laura; Daniel Cooper (daniel@lawyersforcleanwater.com); Rita Kampalath (rkampalath@healthebay.org); arthur@lawwaterkeeper.org; bruce@lawwaterkeeper.org; 'lbond@rwglaw.com'; 'clee@rwglaw.com'; 'abrady@rwglaw.com'; 'jschaefer@cityofsanmarino.org'; 'citymanager@rpv.com'; 'tybarra@soelmonte.org'; 'administration@norwalkca.gov'; 'sgomes@cityofartesia.us'; 'ljackson@torranceca.gov'; 'rbeste@torranceca.gov'; 'jkolin@beverlyhills.org'; 'staff@hiddenhillscity.org'; 'andre.monette@bbklaw.com'; 'bdesatnik@ci.claremont.ca.us'; 'dlazzaretto@ci.arcadia.ca.us'; 'ttait@ci.arcadia.ca.us'; 'rmontevideo@rutan.com'; 'georged@accessduarte.com'; 'rbobaddilla@huntingtonpark.org'; 'wayne@leechlaw.com'; 'city_manager@ci.glendora.ca.us'; 'ddavies@ci.glendora.ca.us'; 'cary@wkrklaw.com'; 'mlansdell@ci.gardena.ca.us'; 'cary@wkrklaw.com'; 'mkeith@cityofbradbury.org'; 'ray@wlv.org'; 'beth@wlv.org'; 'citycontact@cityoflamirada.org'; 'cm@citymb.info'; 'vcastro@covinaca.gov'; 'carellano@ci.vernon.ca.us'; 'rolivarez@ogplaw.com'; 'cityhall@ci.monrovia.ca.us'; 'gramirez@ci.agoura-hills.ca.gov'; 'tchen@agclawfirm.com'; 'Andrew@agclawfirm.com'; 'wwynder@awattorneys.com'; 'mhogan@awattorneys.com'; 'pquilizapa@awattorneys.com'; 'dboyer@awattorneys.com'; 'wmiliband@awattorneys.com'; 'dbiggs@carson.ca.us'; 'fabolfathi@carson.ca.us'; 'pelkins@carson.ca.us'; 'tisrael@awattorneys.com'; 'smandoki@lawndalecity.org'; 'nabbaszadeh@lawndalecity.org'; 'linda_lowry@ci.pomona.ca.us'; 'Julie_carver@ci.pomona.ca.us'; 'thighsmith@cclaw.us'; 'hwhatley@cclaw.us'; 'eaguliar@cityofsierramadre.com'; 'ygarcia@downeyca.org'; 'jyen@downeyca.org'; 'lamimoto@cityofinglewood.org'; 'brai@cityofinglewood.org'; 'latwell@cityofinglewood.org'; 'ndupont@rwglaw.com'; 'afields@cityofinglewood.org'; 'fgalante@awattorneys.com'; 'jkekula@lynwood.ca.us'; 'esaikaly@lynwood.ca.us'; 'wtam@ci.irwindale.ca.us'; 'john.nachbar@culvercity.org'; 'daleshire@awattorneys.com'; 'kfarfsing@cityofsignalhill.org'; 'mbolanos@biasc.org'; 'sbeltran@biasc.org'; 'bdesatnik@ci.claremont.ca.us'; 'lmustafa@ci.claremont.ca.us'; 'ahenderson@biasc.org'; 'kberkman@agoura-hills.ca.us'; 'radeva@ci.agoura-hills.ca.us'; 'ddolphin@cityofalhambra.org'; 'vhevener@ci.arcadia.ca.us'; 'chassel@ci.azusa.ca.us'; 'dbobadilla@ci.azusa.ca.us'; 'dlopez@baldwinpark.com'; 'trodrigue@cityofbell.org'; 'cvll@bellgardens.org'; 'biniguez@bellflower.org'; 'jdescalzo@beverlyhills.org';

'bteaford@ci.burbank.ca.us'; 'afarassati@cityofcalabasas.com'; 'mogradycerritos.us'; 'gnila@ci.commerce.ca.us';
'hnguyen@comptoncity.org'; 'vcastro@ci.covina.ca.us'; 'hrodriguez@cityofcudahy.ca.us'; 'asantos@cityofcudahyca.gov';
'damian.skinner@culvercity.org'; 'dliu@diamondbarca.gov'; 'jwen@downeyca.org'; 'rcasillas@accessduarte.com';
'pwmaintenance@elmonte.ca.gov'; 'skatsouleas@elsegundo.org'; 'jfelix@ci.gardena.ca.us';
'moillataguerre@ci.glendale.ca.us'; 'ddavies@ci.glendora.ca.us'; 'jcolombo@hgcity.org'; 'ashadbehr@cityofhawthorne.org';
'hbehboodi@hermosabch.org'; 'jbellomo@willdan.com'; 'jenriquez@huntingtonpark.org'; 'thelling@cityofindustry.org';
'lamimoto@cityofinglewood.org'; 'ktam@ci.irwindale.ca.us'; 'ehitti@lcf.ca.gov'; 'shaunac@lhhcity.org';
'mstowell@cityoflamirada.org'; 'jdimario@lapuente.org'; 'dkeesey@ci.la-verne.ca.us'; 'kvivanti@lakewoodcity.org';
'nabbaszadeh@lawndalecity.org'; 'shahram.kharaghani@lacity.org'; 'jkekula@lynwood.ca.us'; 'jbrown@malibucity.org';
'andre.dupret@cityofmaywood.org'; 'jhunter@jhla.net'; 'dgarcia@norwalkca.gov'; 'mshay@redondo.org';
'croberts@aaeinc.com'; 'amho@montereypark.ca.gov'; 'bzimmerman@norwalkca.gov'; 'allanrigg@caaprofessionals.com';
'ccash@paramountcity.com'; 'jcarlson@cityofsierramadre.com'; 'swalker@cityofpasadena.net'; 'acervantes@pico-
rivera.org'; 'ttlange@santa-clarita.com'; 'dgrilley@sgca.org'; 'crichtie@cityofsanmarino.org';
'ggrammer@rollinghillsestate.ca.gov'; 'julie_carver@ci.pomona.ca.us'; 'mike.witzansky@redondo.org';
'lcortez@torrence.ca.gov'; 'carellano@ci.vernon.ca.us'; 'ajensen@ci.walnut.ca.us'; 'gregg@ci.rolling-hills-estates.ca.us';
'lcyrus@ci.san-dimas.ca.us'; 'rruiz@sfcity.org'; 'RPadilla@omlawyers.com'; 'smorales-choate@santafesprings.org';
'neal.shapiro@smgov.net'; 'sam.gutierrez@westcovina.org'; 'sperlstein@weho.org'; 'jbellomo@willdan.com';
'pubwks@cityofwhittier.org'; 'ghildeb@dpw.lacounty.gov'; 'smith.davidw@epa.gov'; 'dpelser@cityofwhittier.org';
'm.rock@lomitacity.com'; 'm.mcavoy@lomitacity.com'; 'mdanaj@citymb.info'; 'sgallant@ci.monrovia.ca.us';
'ochi@ci.monrovia.ca.us'; 'jackrydell@caaprofessionals.com'; 'srepp@pvestates.org'; 'rbobadilla@pico-rivera.org';
'citymanager@rpv.com'; 'dwillmore@rpvca.gov'; 'MichaelT@rpvca.gov'; 'mhawkesworth@cityofrosemead.org';
'cmarcarello@sfcity.org'

Subject: NRDC LAWK HTB WMP Petition Addendum

Dear Ms. Crowl,

Please find attached a petition addendum submitted by the Natural Resources Defense Council, Los Angeles Waterkeeper, and Heal the Bay, captioned: **Addendum for Petition for Review of Los Angeles Regional Water Quality Control Board Executive Officer's Action to Conditionally Approve Nine WMPs Pursuant to the L.A. County MS4 Permit**. Also attached are Exhibits A-B in support of the petition addendum.

Please confirm receipt of this email. Also, if you have any questions or concerns, please do not hesitate to contact me.

My very best,
Becky

BECKY HAYAT
*Attorney**
Water Program

**NATURAL RESOURCES
DEFENSE COUNCIL**
1314 SECOND STREET
SANTA MONICA, CA 90401
T 310.434.2308
BHAYAT@NRDC.ORG
NRDC.ORG
*ADMITTED IN CALIFORNIA

Please save paper.
Think before printing.

1 BECKY HAYAT, Bar No. 293986
2 NATURAL RESOURCES DEFENSE COUNCIL, INC.
3 1314 Second Street
4 Santa Monica, CA 90401
5 (310) 434-2300

6 Attorneys for
7 NATURAL RESOURCES DEFENSE COUNCIL, INC.
8 AND HEAL THE BAY

9
10 (Additional Counsel on Next Page)

11 STATE OF CALIFORNIA
12 REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION
13 AND
14 STATE WATER RESOURCES CONTROL BOARD

15 Petition of NRDC, Los Angeles Waterkeeper, and)
16 Heal the Bay, for Review by the California)
17 Regional Water Quality Control Board, Los)
18 Angeles Region, of the Regional Board Executive)
19 Officer's Action to Conditionally Approve Nine)
20 Watershed Management Programs Pursuant to the)
21 Los Angeles County Municipal Separate)
22 Stormwater National Pollutant Discharge)
23 Elimination System (NPDES) Permit, Order No.)
24 R4-2012-0175, NPDES Permit No. CAS004001;

25 Petition of NRDC, Los Angeles Waterkeeper, and)
26 Heal the Bay, for Review by the State Water)
27 Resources Control Board of the Regional Board)
28 Executive Officer's Action to Conditionally)
Approve Nine Watershed Management Programs)
Pursuant to the Los Angeles County Municipal)
Separate Stormwater National Pollutant)
Discharge Elimination System (NPDES) Permit,)
Order No. R4-2012-0175, NPDES Permit No.)
CAS004001)

ADDENDUM FOR PETITION FOR
REVIEW OF LOS ANGELES
REGIONAL WATER QUALITY
CONTROL BOARD EXECUTIVE
OFFICER'S ACTION TO
CONDITIONALLY APPROVE NINE
WMPs PURSUANT TO THE L.A.
COUNTY MS4 PERMIT

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1 **I. INTRODUCTION**

2 This petition addendum seeks review of the Los Angeles Regional Water Quality Control
3 Board’s (“Regional Board”) action on September 10, 2015 to ratify the Regional Board Executive
4 Officer’s final approvals of three specific Watershed Management Programs (“WMPs”) prepared
5 by dischargers (collectively “Permittees”) regulated by the 2012 Los Angeles County Municipal
6 Separate Storm Sewer System (“MS4”) Permit (Order No. R4-2012-0175) (“Permit”). The 2012
7 Permit gives Permittees “safe harbors,” which under certain circumstances excuse their violations
8 of water quality standards so long as they are developing and implementing voluntary WMPs.
9 However, the approved, final WMPs for the Los Angeles River Upper Reach 2, Lower San Gabriel
10 River, and Lower Los Angeles River contain significant deficiencies and fail to meet the explicit
11 requirements of the 2012 Permit.

12 Adequate WMPs are critical to protect water quality in the Los Angeles area, and are also
13 the means by which the Regional Board, U.S. Environmental Protection Agency (“EPA”), and the
14 public will determine compliance with the Permit and the federal Clean Water Act.¹ As the State
15 Water Resources Control Board (“State Board”) stated in its precedential Order on the 2012 Permit
16 (“State Board Order”),

17 ...we are keenly aware that the success of the Los Angeles MS4 Order in addressing
18 water quality issues depends primarily on the careful and effective development and
19 implementation of programs consistent with the requirements of the Order...²
20
21

22 ¹ The Regional Board Executive Officer conditionally approved all nine WMPs on April 28, 2015,
23 despite the failure of the WMPs to meet Permit requirements, to address inadequacies identified by
24 the Regional Board staff itself, and to protect water quality in area rivers and beaches. Moreover,
25 the Executive Officer’s action on April 28, 2015 was illegal because by “conditionally” approving
26 the nine WMPs – a step nowhere allowed by the 2012 Permit – he acted outside the scope of his
27 delegated authority and he improperly modified the terms of the Permit. This addendum focuses
28 on the substantive failures of the WMPs, and their water quality impacts, rather than the flawed
process, however, as that issue was fully addressed in our original petition.

² State Water Resources Control Board, *In the Matter of Review of Order No. R4-2012-0175, NPDES Permit No CAS004001*, June 16, 2015, at p. 7 (“State Board Order”).

1 Yet, on September 10, 2015, the Regional Board ignored facial deficiencies and ratified
2 the Executive Officer's approvals of the Los Angeles River Upper Reach 2, Lower San Gabriel
3 River, and Lower Los Angeles River final WMPs. The Regional Board's decision ensures that
4 Permittees in those watershed groups, and therefore the Los Angeles and San Gabriel Rivers, will
5 *not* achieve water quality standards – a core requirement of the 2012 Permit, the State Board
6 Order, and the Clean Water Act. For these reasons and those explained in detail below, the
7 Regional Board's action on September 10, 2015 was inappropriate, improper, and an abuse of
8 discretion.

9 II. PROCEDURAL HISTORY

10 Draft WMPs for the Los Angeles River Upper Reach 2, Lower San Gabriel River, and
11 Lower Los Angeles River were first submitted in June 2014. On August 18, 2014, Petitioners
12 submitted comments on these three specific draft WMPs, which, among other things, addressed the
13 many deficiencies in the draft plans. Regional Board staff also reviewed the draft WMPs and in
14 October 2014, sent a letter to all three WMP groups identifying significant deficiencies to be
15 corrected as a prerequisite to the Board's approval of the WMPs.³ The Permittees were directed to
16 submit revised WMPs addressing the Board's concerns. Shortly thereafter, Los Angeles River
17 Upper Reach 2, Lower San Gabriel River, and Lower Los Angeles River watershed groups
18 submitted revised plans in January 2015 for Regional Board review and approval.⁴

19 In all three revised WMPs, Permittees failed to correct many, if not most, of the
20 deficiencies previously identified by Regional Board staff. Nonetheless, on April 28, 2015, the
21 Executive Officer issued conditional approvals for all nine revised WMPs,⁵ wherein Permittees
22 were directed to submit final WMPs to the Regional Board that satisfy all of the conditions
23 imposed by the Executive Officer. According to the conditional approvals, failure to satisfy all of
24 the conditions would result in a rescission of the conditional approvals.

25
26
27 ³ See Exhibit A to original Petition: Regional Board Staff Review of Draft WMPs.

28 ⁴ See Exhibit C to original Petition: Links to Revised WMPs.

⁵ See Exhibit B to original Petition: Letters of Conditional Approvals from the Executive Officer.

1 The final WMPs for the Los Angeles River Upper Reach 2, Lower San Gabriel River, and
2 Lower Los Angeles River, unfortunately, did *not* satisfy all of the Executive Officer’s conditions.
3 Even if they had, however, the final plans still should have been denied because the conditions did
4 not address all of the WMP inadequacies that remained – inadequacies that are in violation of
5 explicit Permit requirements. Rather than rescinding the conditional approvals, the Executive
6 Officer issued “final” approval letters for all nine WMPs asserting that the final plans satisfied all
7 the conditions that were identified in the Executive Officer’s conditional approval letters.⁶

8 On May 28, 2015, the Natural Resources Defense Council (“NRDC”), Los Angeles
9 Waterkeeper, and Heal the Bay (collectively “Petitioners”) petitioned the Regional Board to
10 review the Executive Officer’s illegal conditional approvals, and pursuant to Section 13320 of the
11 California Water Code and Section 2050 of Title 23 of the California Code of Regulations, also
12 sought review by the State Board.

13 At the June 16, 2015 State Board meeting, the Chair of the State Board indicated that the
14 board was unlikely to act on the petition until the Regional Board first had the opportunity to
15 review the petition, and on July 1, 2015, the Regional Board gave notice that it would consider
16 Petitioners’ petition for review at its September 10, 2015 public meeting. On August 24, 2015,
17 Petitioners placed their petition for review with the State Board in abeyance until November 9,
18 2015, to allow the Regional Board review to proceed.

19 On September 10, 2015, the Regional Board considered Petitioners’ petition for review.
20 Notwithstanding Petitioners’ concerns, the Regional Board ratified the Executive Officer’s final
21 approvals for all nine WMPs. Petitioners now submit this addendum to challenge the Regional
22 Board’s September 10, 2015 decision and approval of the Los Angeles River Upper Reach 2,
23 Lower San Gabriel River, and Lower Los Angeles River final WMPs.

24 **III. STANDARD OF REVIEW**

25 Petitioners’ authority to seek State Board review of the Regional Board’s action on
26 September 10, 2015 is provided under Water Code § 13320, which states, “Upon finding that the

27
28 ⁶ See Exhibit A to this Petition Addendum: Final Approval Letters from the Executive Officer.

1 action of the regional board, or the failure of the regional board to act, was inappropriate or
2 improper, the state board may direct that the appropriate action be taken by the regional board,
3 refer the matter to any other state agency having jurisdiction, take the appropriate action itself, or
4 take any combination of those actions.” Moreover, in reviewing the Executive Officer’s action
5 pursuant to Water Code § 13320, the State Board must exercise its independent judgment as to
6 whether the action was reasonable and in order to uphold a Regional Board action, the State Board
7 must find that the action was based on substantial evidence.⁷

8 **IV. ARGUMENT**

9 The final WMPs for the Los Angeles River Upper Reach 2, Lower San Gabriel River, and
10 Lower Los Angeles River do not comply with the express requirements of the Permit. As a result,
11 these WMPs, which are intended to provide Permittees a finite, rigorous and enforceable pathway
12 toward achievement of water quality standards, instead provide a mechanism for further delay,
13 waste of resources, and continued degradation in receiving waterways in three of the most
14 urbanized sub-watersheds in the Los Angeles region. Specific deficiencies identified in each of the
15 three final WMPs are discussed in further detail below.

16 **A. The Los Angeles River Upper Reach 2 WMP Does Not Comply with the 2012 Permit** 17 **or the State Board Order, and Does Not Ensure Compliance With Water Quality** 18 **Standards**

19 Covering one of the most industrialized watersheds in Los Angeles County, and addressing
20 a reach of the Los Angeles River impaired for ammonia, coliform bacteria, copper, lead, nutrients,
21 oil, and trash, the Los Angeles River Upper Reach 2 WMP is a linchpin of the Permit’s scheme to
22 address impairment in the Los Angeles River.

23 Yet the Los Angeles River Upper Reach 2 WMP suffers from a litany of deficiencies, that
24 go to the heart of the function of a WMP and the Permit’s requirements, including: 1) inadequate
25 Reasonable Assurance Analysis, receiving water quality data, model calibration and verification,
26 2) no strategy to comply with interim water quality based effluent limitations (“WQBELs”), 3) an

27 ⁷ See State Water Resources Control Board, *In the Matter of the Petition of Stinnes-Western*
28 *Chemical Corporation*, September 18, 1986, at 11.

1 inadequate and undefined adaptive management process, and 4) no enforceable commitment to
2 meeting interim milestones and final deadlines.

3 **1. Inadequate Reasonable Assurance Analysis, Receiving Water Quality Data,
4 Model Calibration, and Verification**

5 The 2012 Permit requires Permittees to conduct a Reasonable Assurance Analysis for each
6 water body-pollutant combination addressed by a WMP, with the objective of demonstrating the
7 ability of the proposed control measure to ensure that MS4 discharges “do not cause or contribute
8 to exceedances of receiving water limitations.” (2012 Permit, at Part VI.C.5.b.iv.(5).) The
9 Reasonable Assurance Analysis, therefore, forms the bedrock for WMP development as it is
10 necessary to ensure that in the long-term, the WMPs will achieve the necessary water quality
11 goals.⁸ As the State Board confirmed:

12 ... the requirement for a reasonable assurance analysis in particular is designed to ensure
13 that Permittees are choosing appropriate controls and milestones for the WMP/EWMP.
14 Competent use of the reasonable assurance analysis should facilitate achievement of final
15 compliance within the specified deadlines.⁹

16 The Reasonable Assurance Analysis is a modeling exercise, and modeling requires
17 adequate data both to populate the model, and to calibrate and verify that model by comparing the
18 modeling results to real world conditions. Thus, the confidence in any model – or the assurance it
19 provides – is dependent on the volume and quality of available data. Unfortunately, the Los
20 Angeles River Upper Reach 2 WMP does not contain sufficient receiving water data to provide the
21 required reasonable assurance that the control measures proposed in the WMP will lead to the
22 achievement of water quality standards.

23 On October 27, 2014, the staff provided written comments on the Los Angeles River
24 Upper Reach 2 group’s draft WMP, which, among other things, identified and provided extensive
25 commentary on the poor model calibration. Specifically, the staff commented that the plan did not

26 ⁸ See California Regional Water Quality Control Board, Los Angeles Region, *2012 MS4 Permit*
27 *Adoption Hearing Transcript*, November 8, 2012, at p. 67 (“2012 Permit Adoption Hearing
28 Transcript”).

⁹ State Board Order, at p. 37.

1 describe how the model was calibrated in accordance with the calibration criteria set forth Table
2 3.0 of the Reasonable Assurance Analysis Guidelines.¹⁰ Moreover, no historical hydrology and
3 water quality monitoring data were used for comparison with the model results for the baseline
4 prediction. On January 27, 2015, the Los Angeles River Upper Reach 2 group submitted a revised
5 WMP, represented to have addressed all of staff's concerns from their October 27, 2014 letter.
6 Specifically, in response to staff's comments about the inadequate Reasonable Assurance Analysis
7 modeling, a new section (Section 4.5) was added to the revised WMP. However, all references to
8 model calibration and verification were in the future tense - confirming that it has not been done
9 for the WMP:

10 For the RAA hydrologic series of 1986 to 2011, daily baseline concentrations and loads
11 will be determined from the 90th percentile. The runoff values from the storm events will
12 first be found, then any loads less than a tenth of an inch will be removed. From there, the
13 load days from the 90th percentile will be retrieved. Once these values are found, the 90th
14 percentile daily load reduction values can be identified for each pollutant. Also, once the
15 loads for the pollutants are identified, a comparison of SBPAT and LSPC runoff volumes
16 can be completed to show the difference between simulated and observed values to ensure
17 the model can properly assess conditions and variables, as required from RAA guidelines.¹¹

18 This inadequate model calibration was noted again in the Executive Officer's April 28,
19 2015 conditional approval.¹² Yet the final Los Angeles River Upper Reach 2 WMP makes clear

20 ¹⁰ Los Angeles Regional Water Quality Control Board, *Guidelines for Conducting Reasonable*
21 *Assurance Analysis in a Watershed Management Program, Including an Enhanced Watershed*
22 *Management Program* (March 25, 2014), available at
23 http://www.swrcb.ca.gov/rwqcb4/water_issues/programs/stormwater/municipal/watershed_management/docs/RevisedRAAModelingCriteriaFinal-withAtts.pdf.

24 ¹¹ Los Angeles River Upper Reach 2 Watershed Management Area, Revised Watershed
25 Management Program (WMP) Plan, January 27, 2015, at p. 103 ("Los Angeles River Upper Reach
26 2 Revised WMP").

27 ¹² See Los Angeles Regional Water Quality Control Board, Approval, With Conditions, of the Los
28 Angeles River Upper Reach 2 Watershed Management Group's Watershed Management Program
(WMP), Pursuant to the Los Angeles County Municipal Separate Storm Sewer System (MS4)
Permit, April 28, 2015, at p. 4 ("Section 4.5, Modeling Calibration, of the revised draft WMP
discusses a comparison of SBPAT and LSPC runoff volumes "to show the difference between
simulated and observed values to ensure the model properly assess conditions and variables."
Provide this comparison of SBPA T and LSPC runoff volumes as an appendix or subsection to the
model calibration section.") ("Conditional Approval Letter for Los Angeles River Upper Reach 2
WMP").

1 that no calibration of the current model has been conducted in the Los Angeles River Upper Reach
2 watershed using data from current conditions. The calibration information presented in the final
3 WMP only address "...some of the broader hydrology and pollutant modeling and calibration
4 efforts, to which LSPC and SBPAT were subjected and evaluated."¹³ In other words, only limited
5 calibration is presented, which, to make matters worse, was all conducted by others and over the
6 span of a decade, outside the river reach at issue. Given the irrelevance and inapplicability of these
7 results to the Los Angeles River Upper Reach 2 watershed, the WMP's Reasonable Assurance
8 Analysis cannot provide "reasonable assurance" of any outcome, and thus cannot serve as the basis
9 for providing Permittees "safe harbor" benefits and excusing their violations of water quality
10 standards.

11 **2. No Strategy to Comply with Interim QBELs**

12 The 2012 Permit requires Permittees to incorporate the compliance schedules found in
13 Attachments L through R of the Permit, consistent with implementation schedules for water body-
14 pollutant combinations addressed by TMDLs, and to develop interim milestones and dates for their
15 achievement. (2012 Permit, at Part VI.C.5.c.) Yet the Los Angeles River Upper Reach 2 WMP
16 lacks any plan to comply with interim QBELs. In the Regional Board staff's comments from
17 October 27, 2014, staff noted:

18 The draft WMP does not clearly specify a strategy to comply with the interim QBELs for
19 the LA River metals TMDL (January 11, 2012; January 11, 2020 and January 11, 2024
20 deadlines). Table 3-1 presents a phased implementation plan, which suggests that Phase 2
21 activities will be conducted to meet the 2020 deadline and Phase 3 activities, to meet the
22 2024 deadline; however, the draft WMP needs to be revised to include documentation that
the 2012 past deadlines have been achieved or specify an appropriate strategy for achieving
compliance with the past due interim QBELs.¹⁴

23
24 ¹³ Los Angeles River Upper Reach 2 Watershed Management Area, Watershed Management
Program (WMP) Plan, June 12, 2015, at p. 75, available at
25 http://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/watershed_management/los_angeles/upper_reach2/Upper_LA_River_R2_FinalWMP.pdf ("Los Angeles
26 River Upper Reach 2 Final WMP").

27 ¹⁴ Los Angeles Regional Water Quality Control Board, Review of the Los Angeles River Upper
28 Reach 2 Watershed Management Group's Draft Watershed Management Program, Pursuant to Part
VI.C of the Los Angeles County Municipal Separate Storm Sewer System (MS4) Permit, October

1 In response to this staff concern, a single line was added to Section 5.1 of the Los Angeles
2 River Upper Reach 2 group's revised WMP: "The Los Angeles River Trash TMDL will be
3 implemented by October 1, 2015, in order to meet the annual compliance assessment date on
4 September 30, 2016."¹⁵ Furthermore, the revised WMP maintains from the draft WMP the
5 following caveat, "The WMP, including the schedule aspect, will be updated through the adaptive
6 management process, therefore the schedule identified is always tentative."¹⁶ While there is now
7 acknowledgment that requirements existed prior to 2020 in the Los Angeles River Upper Reach 2
8 group's final WMP, there is still no provision of an actual strategy for future compliance or a
9 documentation of past compliance. Rather, the final plan states:

10 Interim and final compliance dates in the LAR Metals and Bacteria TMDLs are the primary
11 drivers for the LAR UR2 WMA RAA and WMP Plan implementation schedule. The dates
12 identified in this WMP Plan are subject to the procurement of grants or other financing
13 support commensurate with the existing and future fiduciary responsibilities of the
14 Permittees. They may furthermore be adjusted based on evolving information developed
15 through the iterative adaptive management process identified in the 2012 MS4 Permit or
16 similar Parts within future MS4 Permits.¹⁷

15 The final WMP for the Los Angeles River Upper Reach 2 provides neither a
16 documentation of past compliance nor any future commitment to meet interim WQBELs. As such,
17 implementation of the Los Angeles River Upper Reach 2 WMP cannot ensure the achievement of
18 interim milestones or final compliance deadlines for water body-pollutant combinations addressed
19 by TMDLs – an outcome in violation of Permit requirements.

20 3. Inadequate Adaptive Management Process

21 The 2012 Permit requires Permittees that participate in a WMP to implement an adaptive
22 management process – evaluating sampling data and adjusting program elements to ensure that
23 receiving water limitations and TMDL compliance can be achieved. (2012 Permit, at Part VI.C.8.)
24

25 27, 2014, at p. 2 ("Regional Board Staff Comments on Los Angeles River Upper Reach 2 Draft
26 WMP").

27 ¹⁵ Los Angeles River Upper Reach 2 Revised WMP, at p. 104.

28 ¹⁶ *Id.*

¹⁷ Los Angeles River Upper Reach 2 Final WMP, at p. 116.

1 The Los Angeles River Upper Reach 2 WMP, however, fails to describe how adaptive
2 management will be carried out, or to commit to any real program change as part of adaptive
3 management. Regional Board staff identified this shortcoming in October of 2014:

4 While the draft WMP notes revisions will occur as part of the “Adaptive Management
5 Process” in referral to multiple proposed actions it does not include a comprehensive
6 strategy for the Adaptive Management process. The draft WMP should provide more detail
 on how the “Adaptive Management Process” will be implemented.¹⁸

7 Despite staff’s explicit instruction to the Los Angeles River Upper Reach 2 Permittees to provide
8 more detail on the adaptive management process, the adaptive management process section was
9 resubmitted unchanged in the revised WMP. Nonetheless, the Executive Officer’s April 28, 2015
10 conditional approval letter required no adaptive management process improvements, and the final
11 WMP as “officially” approved included no new language to address this problem.

12 The 2012 Permit relies on the adaptive management process as a backstop to correct other
13 program inadequacies and to ensure the “reasonable assurance” of ultimate receiving water
14 limitations and TMDL compliance that underpins the “alternative compliance approach” scheme.
15 In its final Order approving the 2012 Permit, the State Board cites to adaptive management as a
16 means to ensure the appropriate rigor and accountability in the WMP approach,¹⁹ and to ensure
17 that the 85th percentile, 24-hour storm event retention approach will actually achieve compliance
18 with receiving water limitations and TMDL-based limitations, despite a lack of current data or
19 analysis to demonstrate that it will.²⁰ Because the adaptive management process in the Los
20 Angeles River Upper Reach 2 WMP fails to meet the requirements of the Permit, it cannot serve as
21 an adequate backstop for the WMP’s modeling shortcomings.

22 Acknowledging the lack of data for model calibration and verification described above,
23 Regional Board staff at the September 10, 2015 public meeting argued that any existing WMP
24
25

26 _____
27 ¹⁸ Regional Board Staff Comments on Los Angeles River Upper Reach 2 Draft WMP, at p. 2.

28 ¹⁹ State Board Order, at p. 38.

²⁰ *Id.* at p. 43.

1 deficiencies will be corrected in the future via the adaptive management process.²¹ Yet the Los
2 Angeles River Upper Reach WMP relies on a vague and circular adaptive management process to
3 fix, in the future, a currently inadequate program. Like the previous permit's failed "iterative
4 process" condemned by the State Board,²² the Los Angeles River Upper Reach 2 WMP's adaptive
5 management process will be nothing more than a paper process, leading to an endless loop of
6 WMP implementation without producing real progress towards permit compliance.

7 **4. No Commitment to Meeting Interim Milestones and Final Deadlines**

8 The initial draft WMP submitted by the Los Angeles River Upper Reach 2 watershed group
9 on June 26, 2014 failed to commit to any schedule for achieving interim milestones and final
10 deadlines as required by the Permit (2012 Permit, at Part VI.C.5.c.), yet the Regional Board staff
11 did not raise the issue in their October 27, 2014 comments. When the Regional Board Executive
12 Officer conditionally approved the Los Angeles River Upper Reach 2 group's revised WMP, he
13 did note the plan's lack of commitment to meeting milestones and final compliance schedules.
14 Specifically, he stated:

15
16 In Table 5-1 of the revised draft WMP, "Tentative Control Measure Implementation
17 Schedule," delete all instances of the word "tentative." If you prefer, you can replace the
18 word "tentative" with "approved" or "current." In the last sentence of the second paragraph
19 of Section 5.1, change the sentence "The WMP, including the schedule aspect, will be
20 updated through the adaptive management process, therefore the schedule identified is
always tentative." to "The WMP, including the schedule aspect, will be updated through
the adaptive management process; to that extent, the schedule identified is tentative unless
the schedule is associated with TMDL provisions..."²³

21 In the final WMP submitted on June 12, 2015, the word "Current" has been substituted, along with
22 the insertion of "Final" (in quotes) to read "Current Control Measure 'Final' Implementation
23
24

25 ²¹ The final transcript for the September 10, 2015 Regional Board meeting was not made publicly
26 available until the afternoon of October 30, 2015 – the date of this filing. Petitioners will provide
27 citations to the transcript, and reserve the right to address additional arguments raised by Regional
Board staff, as appropriate.

²² State Board Order, at p. 14.

28 ²³ Conditional Approval Letter for Los Angeles River Upper Reach 2 WMP, at p. 4.

1 Dates.”²⁴ However, the requested sentence change was only slightly modified and now reads,
2 “...the implementation schedules identified are tentative unless determined as a date certain
3 associated with specific TMDL provisions”²⁵ (as opposed to the requested “...unless the schedule
4 is associated with TMDL provisions”). The final WMP also states:

5 The dates identified in this WMP Plan are subject to the procurement of grants or other
6 financing support commensurate with the existing and future fiduciary responsibilities of
7 the Permittees. They may furthermore be adjusted based on evolving information
8 developed through the iterative adaptive management process identified in the 2012 MS4
Permit or similar Parts within future MS4 Permits.²⁶

9 In addition, most of the implementation actions in Table 5-1 will not occur or be complete
10 until 2028 or later (and none prior to 2016). Thus, there remains no commitment to meeting these
11 final deadlines, and no identification whatsoever of actions to meet interim milestones in the final
12 WMP that was ultimately approved by the Executive Officer. Without such a commitment to
13 achieving interim milestones and final compliance deadlines for TMDL-specific limitations, the
14 Los Angeles River Upper Reach 2 WMP cannot ensure a rigorous and transparent process toward
15 the achievement of receiving water limitations, as required by the Permit and the State Board
16 Order.

17 Furthermore, the implementation of proposed control measures and meeting of compliance
18 deadlines are conditioned on the procurement of funding.²⁷ In other words, where Permittees of the
19 Los Angeles River Upper Reach 2 group demonstrate a failure to secure funding for WMP
20 implementation, for whatever reason, the enforceable requirements of the Permit’s WMP
21 provisions (e.g. the interim milestones and final compliance deadlines) are effectively rendered
22 unenforceable. Given the financial constraints and conflicting priorities municipalities consistently
23 complain of, a claim of failure to secure funding for WMP implementation is a virtual certainty.

24 ²⁴ Los Angeles River Upper Reach 2 Final WMP, Table 5-1, at p. 117.

25 ²⁵ *Id.* at 116.

26 ²⁶ *Id.*

27 ²⁷ Los Angeles River Upper Reach 2 Final WMP, at p. 116.

1 In reviewing the 2012 Permit, the State Board concluded that the Permit’s WMP approach
2 ensures “the appropriate rigor, transparency, and accountability... to lead to achievement of
3 receiving water limitations.”²⁸ Yet the Los Angeles River Upper Reach 2 WMP fails to commit the
4 dischargers to anything, and instead conditions every element of the program on unidentified
5 funding, permitting, government approvals, and other contingencies.²⁹ As such, it violates explicit
6 requirements of the 2012 Permit, and the Regional Board’s action on September 10, 2015 to ratify
7 the Los Angeles River Upper Reach 2 final WMP was inappropriate, improper, and an abuse of
8 discretion.

9 **B. The Lower San Gabriel River WMP Does Not Comply with the 2012 Permit or the**
10 **State Board Order, and Does Not Ensure Compliance With Water Quality Standards**

11 The Regional Board, on September 10, 2015, also ratified the Executive Officer’s final
12 approval for the Lower San Gabriel River WMP, despite Petitioners’ presentation, which revealed
13 significant inadequacies that continue to remain in the final WMP. As with the Los Angeles River
14 Upper Reach 2 WMP, the Lower San Gabriel River WMP fails to comply with Permit
15 requirements in numerous aspects, six of which pertain to core WMP requirements: 1) no clear
16 schedule to demonstrate that compliance will be achieved “as soon as possible,” 2) no commitment
17 or demonstration that receiving water limitations for pollutants not addressed by TMDLs will be
18 achieved, 3) insufficient specificity with regard to structure and non-structural BMPs, 4)
19 insufficient specificity with regard to the achievement of interim milestones, 5) lack of measurable
20 milestones to evaluate compliance, and 6) unenforceable and contingent volumetric reduction
21 targets. As a result of these deficiencies, Permittees of the Lower San Gabriel River watershed
22 group will engage in an endless loop of WMP implementation without ever achieving compliance
23
24
25

26 _____
27 ²⁸ State Board Order, at p. 33.

28 ²⁹ For a complete list of all the deficiencies that continue to exist in the Los Angeles River Upper
Reach 2 final WMP, please see Exhibit B attached to this petition addendum.

1 with receiving water limitations – an outcome that the State Board has repeatedly stated it cannot
2 accept.³⁰

3 **1. No Clear Schedule to Demonstrate that Compliance will be Achieved “as**
4 **Soon as Possible”**

5 The Lower San Gabriel River WMP fails to provide a compliance schedule to demonstrate
6 that receiving water limitations will be achieved “as soon as possible.” The 2012 Permit requires
7 that for exceedances of receiving water limitations, the WMP must provide a schedule that ensures
8 compliance “as soon as possible.” (2012 Permit, at Part VI.C.5.a.iv.) Parts VI.C.2.a.ii.(4) and
9 VI.C.2.a.iii.(2)(c) of the Permit provide further clarification on the meaning of “as soon as
10 possible.” In their review of the Lower San Gabriel River group’s draft WMP, the Regional Board
11 staff commented:

12 Where data indicate impairment or exceedances of RWLs and the findings from the source
13 assessment implicate discharges from the MS4, the Permit requires a strategy for
14 controlling pollutants that is sufficient to achieve compliance as soon as possible. Although
15 Section 3 includes a compliance strategy, the program needs to more clearly demonstrate
16 that the compliance schedule (Section 5) ensures compliance is “as soon as possible.
17 The WMP needs to provide a clear schedule that demonstrates implementation of the
18 BMPs will achieve the required interim metal reductions by the compliance deadlines. The
19 WMP schedule should at the least provide specificity on actions within the current and next
20 permit terms.

21 ...it would be reasonable to update the WMP to contain project milestones and
22 implementation timeframes for projects that will be implemented under this grant.³¹

23 In response to staff’s concern about the inadequate compliance schedule, text was added to
24 p. 5-1 of the Lower San Gabriel River group’s revised WMP:

25 Meeting the load reductions determined by the RAA results in an aggressive compliance
26 schedule in terms of the technological, operational, and economic factors that affect the
27 design, development, and implementation of the necessary control measures. Notably, as
28

25 ³⁰ State Board Order, at p. 33.

26 ³¹ Los Angeles Regional Water Quality Control Board, Review of the Lower San Gabriel River
27 Watershed Management Area Draft Watershed Management Program, Pursuant to Part VI.C of the
28 Los Angeles County Municipal Separate Storm Sewer System (MS4) Permit, October 30, 2014, at
p. 2 (“Regional Board Staff Comments on Lower San Gabriel River Draft WMP”).

1 described in Chapter 6, there is currently no funding source to pay for these controls... As
2 such the Group considers the compliance schedule to be as short as possible... the
3 aggressive schedule in place to target zinc provides an equally aggressive schedule to target
4 the remaining WQPs, and as such it is considered to be as short as possible for all WQPs.³²

5 However, this passage interpreted staff's requirement for "as soon as possible" compliance in
6 strictly financial terms, with additional indeterminate delays added for acquisition and
7 "conversion." Thus, there is no effort to show that compliance will occur "as soon as possible" –
8 only an assertion that it is considered to be so.

9 The Regional Board Executive Officer flagged this issue in his April 28, 2015 letter
10 conditionally approving the Lower San Gabriel River group's revised WMP. Specifically, he
11 wrote:

- 12 1. Revise Table 5-1 of the revised draft WMP to state that for control measures listed as
13 being a "jurisdictional effort," the Permittees that are responsible for completion of
14 each milestone are identified in Table 3-11.
- 15 2. Revise Table 5-1 of the revised draft WMP to include the milestones and milestone
16 completion dates for the following targeted control measures (TCMs) as follows:
 - 17 a. TCM-PLD-2 (LID Ordinance): Remove the phrase "when practicable" and set a
18 milestone date for ordinance adoption to 12/28/17 (i.e., end of permit term).
 - 19 b. TCM-TSS-1 (Exposed Soil Ordinance): Remove the phrase "if practicable" from the
20 milestone description.
 - 21 c. TCM-TSS-3 (Private Lot Sweeping Ordinance): Remove the phrase "when
22 practicable" from the milestone description.
 - 23 d. TCM-RET-1 (Encourage downspout disconnects): Identify interim milestone(s) and
24 date(s) for milestone achievement and include in table.³³

25 While the requested wording changes were made for the Lower San Gabriel River group's
26 final WMP that was submitted on June 12, 2015, none of the substantive comments (e.g.
27 Permittees should propose an implementation schedule that will ensure compliance "as soon as
28 possible") from the Regional Board staff's October 30, 2014 letter has been addressed. Without a

24 ³² Lower San Gabriel River Watershed Management Program, January 30, 2015, at 5-1 ("Lower
25 San Gabriel River Revised WMP").

26 ³³ Los Angeles Regional Water Quality Control Board, Approval, With Conditions, of the Lower
27 San Gabriel River Watershed Management Group's Watershed Management Program (WMP),
28 Pursuant to the Los Angeles County Municipal Separate Storm Sewer System (MS4) Permit, April
28, 2015, at p. 3 ("Conditional Approval Letter for Lower San Gabriel River WMP").

1 clear commitment and demonstration to achieve compliance as soon as possible, the Lower San
2 Gabriel River final WMP is inconsistent with explicit Permit terms, and as importantly, the WMP
3 cannot provide Permittees the ambitious, well-defined, and implementable alternative path to
4 permit compliance that the Regional Board envisioned for the WMP approach – *and* that served as
5 the basis for the State Board’s ultimate approval of the Permit’s WMP provisions.³⁴

6 **2. No Commitment or Demonstration that Compliance with Receiving Water**
7 **Limitations for Pollutants Not Addressed by TMDLs will be Achieved As**
8 **Soon as Possible**

9 For waterbody-pollutant combinations not addressed by TMDLs, the Lower San Gabriel
10 River WMP does not commit to any schedule or strategy to achieve compliance as soon as
11 possible. The 2012 Permit requires that for exceedances of receiving water limitations not
12 addressed by TMDLs, Permittees must demonstrate that the proposed control measures will
13 achieve compliance in the shortest timeframe possible. (2012 Permit, at Part VI.C.5.b.iv.(5)(c);
14 VI.C.5.c.iii.(3)(c).) Regional Board staff reviewed the draft WMP in October of 2014 and
15 commented:

16 For waterbody-pollutant combinations not addressed by TMDLs, the MS4 Permit requires
17 that the plan demonstrate using the reasonable assurance analysis (RAA) that the activities
18 and control measures to be implemented will achieve applicable receiving water limitations
19 as soon as possible. The RAA demonstrates the control measures would be adequate to
20 comply with the limitations/deadlines for the “limiting pollutants” for TMDLs and
21 concludes that this will ensure compliance for all other pollutants of concern. However, it
22 does not address the question of whether compliance with limitations for pollutants not
23 addressed by TMDLs could be achieved in a shorter time frame.³⁵

24 In response to staff’s concerns, changes were made to the Executive Summary of the
25 Reasonable Assurance Analysis section (Section 4.1) in the revised WMP, stating that the
26 Reasonable Assurance Analysis “determined that the metal zinc will be the primary or ‘limiting’
27 pollutant and that by implementing the structural and non-structural measures... to reduce zinc, the
28 remaining pollutant goals will be achieved... The rationale for this modeling approach is included

³⁴ State Board Order, at 76.

³⁵ Regional Board Staff Comments on Lower San Gabriel River Draft WMP, at p. 3.

1 Section 5.3.1 of the RAA (Appendix 4-1).” However, the staff request was for the Lower San
2 Gabriel River Permittees to determine if “compliance with limitations for pollutants not addressed
3 by TMDLs could be achieved in a *shorter time frame* (emphasis added)” – this comment was not
4 addressed in the revised WMP.

5 No additional requirement was requested to address this issue in the Executive Officer’s
6 April 28, 2015 conditional approval letter, and consequently, no further changes were made to the
7 final WMP to rectify this deficiency. The Lower San Gabriel River final WMP, therefore, will not
8 ensure that compliance with receiving water limitations for pollutants not addressed by TMDLs
9 will be achieved as soon as possible, and as a result, water quality improvement will continue to be
10 delayed for the Lower San Gabriel River watershed.

11 **3. Insufficient Specificity with Regard to Structural and Non-Structural** 12 **BMPs**

13 The Lower San Gabriel River WMP lacks the required specificity regarding the proposed
14 structural and non-structural control measures to meet compliance deadlines. The 2012 Permit
15 requires a WMP to identify specific structural and non-structural control measures and BMPs,
16 including the number, type, and location(s), as well as the nature, scope, timing, and frequency of
17 implementation. (2012 Permit, at Parts VI.C.5.iv.(4)(b)-(c).) Regional Board staff identified this
18 as a deficiency in the Lower San Gabriel River group’s draft WMP in their October 30, 2014
19 written comments:

20 The RAA identifies potential areas for green street conversion and assumes a 30%
21 conversion of the road length in the suitable areas; however, the specific locations and
22 projects are not identified. Although it may not be possible to provide detailed information
23 on specific projects at this time, the WMP should at least commit to the construction of the
24 necessary number of projects to ensure compliance with permit requirements per applicable
25 compliance schedules.³⁶

26 Despite staff’s explicit request for Permittees to provide more details, the revised WMP did
27 not include any changes to the section of the draft WMP that discusses green streets projects. Thus,
28 the paragraph continues to read:

³⁶ *Id.*

1 Specific green streets projects were not investigated during this initial analysis for potential
2 BMPs, therefore, the City-specific summary lists potential regional LID BMPs that *could*
3 (emphasis added) be used to achieve the required interim milestones and targets. Since this
4 WMP is a planning-level document, over time the Watershed Group will report and
demonstrate that the summative effect of projects implemented add up to the required
reductions for interim milestones and final targets.”³⁷

5 Permittees’ failure to revise this section demonstrates disregard for staff’s concern and explicit
6 instructions for revision. Section 5.1.3, however, was revised and now states:

7
8 Uncertainties associated with the targeted nonstructural controls complicate establishment
9 of specific implementation dates. Despite this uncertainty, the Group has made a diligent
10 effort to provide a clear schedule of specific actions within the current and next permit
11 terms in order to achieve target load reductions. In addition, the status of these controls will
be included in the annual watershed reports as well as through the adaptive management
process in order to assess their progress in attaining targeted load reductions.”³⁸

12 Even though Section 5.1.3 was slightly revised, there is still no commitment made beyond
13 self-proclaimed good-faith intentions and an asserted willingness to track progress (or its lack
14 thereof) through the permit cycle. No additional changes were made to address the deficiency in
15 the Executive Officer’s April 28, 2015 conditional approval letter, and no further changes were
16 made to the final WMP that was submitted on June 12, 2015, which was ultimately approved by
17 the Executive Officer and ratified by the Regional Board on September 10, 2015. Lacking
18 specificity on proposed control measures and BMPs, the Lower San Gabriel River group’s
19 Permittees cannot provide the required assurance that the implementation of their final WMP will
20 put them on a well-defined, transparent, and finite path toward the achievement of receiving water
21 limitations.

22 **4. Insufficient Specificity with Regard to the Achievement of Interim Milestones for TMDLs**

23 The Lower San Gabriel River WMP fails to provide any specificity on actions to ensure the
24 achievement of interim milestones for receiving water limitations addressed by TMDLs. For each
25 proposed structural and non-structural BMP geared toward the achievement of TMDL compliance,
26

27 ³⁷ Lower San Gabriel River Revised WMP, at 5-5.

28 ³⁸ *Id.* at 5-2.

1 the WMP must provide interim milestones and dates, and sufficient detail to ensure adequate
2 progress toward the achievement of interim milestones, and ultimately final compliance deadlines.
3 (2012 Permit, at Part VI.C.5.b.iv(4)(d).) Regional Board staff, in their October 30, 2014
4 comments, stated:

5 In a number of cases, additional specificity on the number, type and general location(s) of
6 watershed control measures well *as the timing of implementation for each* (emphasis
7 added) is needed... there should at least be more specificity on actions within the current
8 and next permit terms to ensure that the following interim requirements are met (1) a 10%
9 reduction in metals loads during wet weather and a 30% reduction in dry weather by 2017
and (2) a 35% reduction in metals loads during wet weather and a 70% reduction during
dry weather by 2020.³⁹

10 There are no changes between the draft and revised WMP that directly address this comment.
11 Given the vague nature of nearly all of the nonstructural “milestones” and provisional nature of
12 virtually all of the BMPs, it is not surprising that there is no direct linkage between committed
13 actions and achieving interim requirements by specified dates.

14 In conditionally approving the Lower San Gabriel River group’s revised WMP, the
15 Regional Board Executive Officer did not identify this issue as one of the remaining deficiencies,
16 thus no further changes were made to the final WMP to rectify this shortcoming. Consequently,
17 the deficiency remains uncured in the officially approved Lower San Gabriel River WMP. As
18 such, implementation of the final WMP will not provide Permittees a clearly defined,
19 implementable, and enforceable alternative to TMDL compliance, as required by the WMP
20 provisions of the 2012 Permit and mandated by the State Board in its final Order approving the
21 Permit’s WMP approach.

22 **5. Lack of Measurable Milestones to Evaluate Compliance**

23 The compliance schedules proposed in the Lower San Gabriel River WMP fails to include
24 milestones based on measurable criteria or indicators. To ensure that a WMP provides “the
25 appropriate rigor, transparency, and accountability”⁴⁰ to lead to the achievement of receiving water

26 _____
27 ³⁹ Regional Board Staff Comments on Lower San Gabriel River Draft WMP, at p. 4.
28 ⁴⁰ State Board Order, at p. 33.

1 limitations, the 2012 Permit requires measureable milestones and dates for their achievement
2 within the permit term. (2012 Permit, at Part VI.C.5.c.iii.) Yet the initial draft WMP for the Lower
3 San Gabriel River watershed group only provided an implementation schedule for non-structural
4 BMPs up to 2017. In response, in their October 30, 2014 written comments, staff requested: “The
5 LSGR Watershed Management Group must provide measureable milestones for implementing
6 each one of the proposed control measures that will allow an assessment of progress toward the
7 interim and final WQBELs and receiving water limitations every two years.”⁴¹

8 The revised WMP included only minor additional “milestones”:

- 9 • For Right-of-Way BMP’s: “Every two years the adaptive management process will
10 include an assessment of the effectiveness of both 1) right-of-way BMPs incorporated
11 into CIP projects and 2) the STP in contributing toward targeted load reductions.”
- 12 • For Regional BMP’s: “The preliminary site assessments and feasibility study will be
13 completed by March 2016. Field analysis at selected sites will begin in December
14 2016.”
- 15 • Near the end of this section, the following sentence has been added: “Even though not
16 all projects can be specified and scheduled at this time, the Participating Agencies are
17 committed to constructing the necessary regional and right-of-way BMPs to meet the
18 determined load reductions per applicable compliance schedules.”⁴²

16 However, these vague additions do not represent meaningful, let alone measureable,
17 milestones for assessment of progress towards receiving water limitations compliance. There was
18 no additional requirement to fix this deficiency in the Executive Officer’s April 28, 2015
19 conditional approval letter, and no further revisions were made with regard to this issue in the final
20 WMP. Without clear and concrete milestones, the Lower San Gabriel River WMP cannot
21 demonstrate – let alone ensure – the achievement of final compliance deadlines.

22 **6. Unenforceable and Contingent Volumetric Reduction Targets**

23 Confronted by Petitioners with the Lower San Gabriel River WMP’s lack of commitment
24 to meeting interim milestones and final compliance deadlines at the September 10, 2015 Regional
25 Board public meeting, the Board staff responded that they interpreted the volumetric reductions set

26 _____
27 ⁴¹ Regional Board Staff comments on Lower San Gabriel River Draft WMP, at Reasonable
Assurance Analysis Memorandum.

28 ⁴² Lower San Gabriel River Revised WMP, at 5-6.

1 forth in the WMPs as enforceable requirements.⁴³ The staff went on to assert that failure to meet
2 these volumetric reductions on time would be a Permit violation, subject to enforcement by the
3 Regional Board, U.S. EPA, and the affected public. The volumetric reductions in the Lower San
4 Gabriel River WMP, however, are conditioned on obtaining funding; and, for pollutants not
5 addressed by a TMDL, any deadlines are tentative at best.⁴⁴ As soon as Permittees of the Lower
6 San Gabriel River group demonstrate a failure to obtain funding for WMP implementation, the
7 volumetric reduction requirements will be effectively rendered unenforceable. Given the financial
8 constraints and conflicting priorities municipalities consistently complain of, a claim of failure to
9 secure funding for WMP implementation is a virtual certainty. Permittees of the Lower San
10 Gabriel River watershed group should not be allowed to evade enforceable requirements of the
11 Permit; therefore, a final WMP containing such wavering and uncertain commitment should have
12 been denied.

13 The final WMP for the Lower San Gabriel River fails to comply with explicit Permit
14 requirements for what ought to be included in a WMP for Regional Board approval.⁴⁵ The WMP,
15 therefore, should have been denied as required by the Permit. As such, the Regional Board's action
16 on September 10, 2015 to ratify the Lower San Gabriel River final WMP was inappropriate,
17 improper, and an abuse of discretion.

18 **C. The Lower Los Angeles River WMP Does Not Comply with the 2012 Permit or the**
19 **State Board Order, and Does Not Ensure Compliance With Water Quality Standards**

20 The final WMP for the Lower Los Angeles River watershed group does not comply with
21 the Permit's explicit program development requirements, and therefore, should have been denied

22 ⁴³ The final transcript for the September 10, 2015 Regional Board meeting was not made publicly
23 available until the afternoon of October 30, 2015 – the date of this filing. Petitioners will provide
24 citations to the transcript, and reserve the right to address additional arguments raised by Regional
25 Board staff, as appropriate.

26 ⁴⁴ Lower San Gabriel River Watershed Management Program, June 12, 2015, at 5-1, 6-1, available
27 at
http://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/watershed_management/san_gabriel/lower_sangabriel/LowerSGRiver_FinalWMP.pdf.

28 ⁴⁵ For a complete list of all the deficiencies that continue to exist in the Lower San Gabriel River
final WMP, please see Exhibit B attached to this petition addendum.

1 as required by the Permit. Yet, the Lower Los Angeles River WMP, in its deficient state, was
2 approved by the Executive Officer, and then ratified by the Regional Board. As with the Los
3 Angeles River Upper Reach 2 and Lower San Gabriel River final WMPs, the Lower Los Angeles
4 River group's WMP suffers from a whole host of shortcomings, but four go to the heart of WMP
5 requirements: 1) no clear schedule to demonstrate that compliance will be achieved "as soon as
6 possible," 2) no commitment or demonstration that receiving water limitations for pollutants not
7 addressed by TMDLs will be achieved, 3) insufficient specificity with regard to structure and non-
8 structural BMPs, 4) unenforceable and contingent volumetric reduction targets.

9 **1. No Clear Schedule to Demonstrate that Compliance will be Achieved "as**
10 **Soon as Possible"**

11 The Lower Los Angeles River WMP does not provide compliance schedule to demonstrate
12 that receiving water limitations will be achieved "as soon as possible." The 2012 Permit requires
13 that for exceedances of receiving water limitations, the WMP must provide a schedule that ensures
14 compliance "as soon as possible." (2012 Permit, at Part VI.C.5.a.iv.) Parts VI.C.2.a.ii.(4) and
15 VI.C.2.a.iii.(2)(c) of the Permit provide further clarification on the meaning of "as soon as
16 possible." In their review of the Lower Los Angeles River group's draft WMP, the Regional Board
17 staff commented:

18 Where data indicate impairment or exceedances of RWLs and the findings from the source
19 assessment implicate discharges from the MS4, the Permit requires a strategy for
20 controlling pollutants that is sufficient to achieve compliance as soon as possible. Although
21 Section 3 includes a compliance strategy, the program needs to more clearly demonstrate
22 that the compliance schedule (Section 5) ensures compliance is "as soon as possible."⁴⁶

23 In response to staff's concern about the inadequate compliance schedule, text was added to
24 p. 5-1 of the Lower Los Angeles River revised WMP:

25 Meeting the load reductions determined by the RAA results in an aggressive compliance
26 schedule in terms of the technological, operational, and economic factors that affect the

27 ⁴⁶ Los Angeles Regional Water Quality Control Board, Review of the Lower Los Angeles River
28 Watershed Management Group's Draft Watershed Management Program, Pursuant to Part VI.C
of the Los Angeles County Municipal Separate Storm Sewer System (MS4) Permit, October 28,
2014, at p. 3 ("Regional Board Staff Comments on Lower Los Angeles River Draft WMP").

1 design, development, and implementation of the necessary control measures. Notably, as
2 described in Chapter 6, there is currently no funding source to pay for these controls... As
3 such the Group considers the compliance schedule to be as short as possible... the
aggressive schedule in place to target zinc provides an equally aggressive schedule to target
the remaining WQPs, and as such it is considered to be as short as possible for all WQPs.⁴⁷

4 However, this passage seems to have interpreted staff's requirement for "as soon as possible"
5 compliance in strictly financial terms, with additional indeterminate delays added for acquisition
6 and "conversion." Thus, there is no effort to show that compliance will occur "as soon as possible"
7 – only an assertion that it is considered to be so.

8 The Regional Board Executive Officer flagged this issue in his letter conditionally
9 approving the Lower Los Angeles River group's revised WMP on April 28, 2015. Specifically, he
10 wrote:

- 11 6. Revise Table 5-1 of the revised draft WMP to state that for control measures listed as
12 being a "jurisdictional effort," the Permittees that are responsible for completion of
each milestone are identified in Table 3-11.
- 13 7. Revise Table 5-1 of the revised draft WMP to include the milestones and milestone
14 completion dates for the following targeted control measures (TCMs) as follows:
 - 15 a. TCM-PLD-2 (LID Ordinance): Remove the phrase "when practicable" and set a
milestone date for ordinance adoption to 12/28/17 (i.e., end of permit term).
 - 16 b. TCM-TSS-1 (Exposed Soil Ordinance): Remove the phrase "if practicable" from the
milestone description.
 - 17 c. TCM-TSS-3 (Private Lot Sweeping Ordinance): Remove the phrase "when
practicable" from the milestone description.
 - 18 d. TCM-RET-1 (Encourage downspout disconnects): Identify interim milestone(s) and
19 date(s) for milestone achievement and include in table.⁴⁸

20 While the requested wording changes were made for the Lower Los Angeles River final
21 WMP that was submitted on June 12, 2015, none of the substantive comments (e.g. Permittees
22 should propose an implementation schedule that will ensure compliance "as soon as possible")
23 from the Regional Board staff's October 28, 2014 letter have been addressed. Without a clear
24

25 ⁴⁷ Lower Los Angeles River Watershed Management Program, January 28, 2015, at 5-1 ("Lower
Los Angeles River Revised WMP").

26 ⁴⁸ Los Angeles Regional Water Quality Control Board, Approval, With Conditions, of the Lower
27 Los Angeles River Watershed Management Group's Watershed Management Program (WMP),
Pursuant to the Los Angeles County Municipal Separate Storm Sewer System (MS4) Permit, April
28 28, 2015, at p. 3 ("Conditional Approval Letter for Lower Los Angeles River WMP").

1 commitment and demonstration to achieve compliance as soon as possible, the Lower Los Angeles
2 River final WMP is inconsistent with explicit Permit terms, and as importantly, the WMP cannot
3 provide Permittees the ambitious, well-defined, and implementable alternative path to permit
4 compliance that the Regional Board envisioned for the WMP approach – *and* that served as the
5 basis for the State Board’s ultimate approval of the Permit’s WMP provisions.⁴⁹

6 **2. No Commitment or Demonstration that Compliance with Receiving Water**
7 **Limitations for Pollutants Not Addressed by TMDLs will be Achieved As**
8 **Soon as Possible**

9 For waterbody-pollutant combinations not addressed by TMDLs, the Lower Los Angeles
10 River WMP does not commit to any schedule or strategy to achieve compliance as soon as
11 possible. The 2012 Permit requires that for exceedances of receiving water limitations not
12 addressed by TMDLs, Permittees must demonstrate that the proposed control measures will
13 achieve compliance in the shortest timeframe possible. (2012 Permit, at Part VI.C.5.b.iv.(5)(c);
14 VI.C.5.c.iii.(3)(c).) Regional Board staff reviewed the draft WMP in October of 2014 and
15 commented:

16 For waterbody-pollutant combinations not addressed by TMDLs, the MS4 Permit requires
17 that the plan demonstrate using the reasonable assurance analysis (RAA) that the activities
18 and control measures to be implemented will achieve applicable receiving water limitations
19 as soon as possible. The RAA demonstrates the control measures would be adequate to
20 comply with the limitations/deadlines for the “limiting pollutants” for TMDLs and
21 concludes that this will ensure compliance for all other pollutants of concern. However, it
22 does not address the question of whether compliance with limitations for pollutants not
23 addressed by TMDLs could be achieved in a shorter time frame.⁵⁰

24 In response to staff’s concerns, changes were made to the Executive Summary of the
25 Reasonable Assurance Analysis section (Section 4.1) in the revised WMP, stating that the
26 Reasonable Assurance Analysis “determined that the metal zinc will be the primary or ‘limiting’
27 pollutant and that by implementing the structural and non-structural measures... to reduce zinc, the
28 remaining pollutant goals will be achieved... The rationale for this modeling approach is included

⁴⁹ See State Board Order, at 76.

⁵⁰ Regional Board Staff Comments on Lower Los Angeles River Draft WMP, at p. 3.

1 Section 5.3.1 of the RAA (Appendix 4-1).” However, the staff request was for the Lower Los
2 Angeles River Permittees to determine if “compliance with limitations for pollutants not addressed
3 by TMDLs could be achieved in a *shorter time frame* (emphasis added)”– this comment was not
4 addressed in the revised WMP.

5 No additional requirement was requested to address this issue in the Executive Officer’s
6 April 28, 2015 conditional approval letter, and consequently, no further changes were made to the
7 final WMP to rectify this deficiency. The Lower Los Angeles River final WMP, therefore, will not
8 ensure that compliance with receiving water limitations for pollutants not addressed by TMDLs
9 will be achieved as soon as possible, and as a result, water quality improvement will continue to be
10 delayed for the Lower Los Angeles River watershed.

11 **3. Insufficient Specificity with Regard to Structural and Non-Structural**
12 **BMPs**

13 The Lower Los Angeles River WMP lacks the required specificity regarding the proposed
14 structural and non-structural control measures to meet compliance deadlines. The 2012 Permit
15 requires a WMP to identify specific structural and non-structural control measures and BMPs,
16 including the number, type, and location(s), as well as the nature, scope, timing, and frequency of
17 implementation. (2012 Permit, at Parts VI.C.5.iv.(4)(b)-(c).) Regional Board staff identified this
18 as a deficiency in the Lower Los Angeles River group’s draft WMP in their October 28, 2014
19 written comments:

20 The RAA identifies potential areas for green street conversion and assumes a 30%
21 conversion of the road length in the suitable areas; however, the specific locations and
22 projects are not identified. Although it may not be possible to provide detailed information
23 on specific projects at this time, the WMP should at least commit to the construction of the
24 necessary number of projects to ensure compliance with permit requirements per applicable
25 compliance schedules.⁵¹

26 Despite staff’s explicit request for Permittees to provide more details, the revised WMP did
27 not include any changes to the section of the draft WMP that discusses green streets projects. Thus,
28 the paragraph continues to read:

⁵¹ *Id.* at p. 4.

1 Specific green streets projects were not investigated during this initial analysis for potential
2 BMPs, therefore, the City-specific summary lists potential regional LID BMPs that *could*
3 (emphasis added) be used to achieve the required interim milestones and targets. Since this
4 WMP is a planning-level document, over time the Watershed Group will report and
demonstrate that the summative effect of projects implemented add up to the required
reductions for interim milestones and final targets.”⁵²

5 Since this wording elicited the initial staff comment on the draft WMP, Permittees’ failure to
6 revise this section demonstrates their disregard for staff’s concern and explicit instructions for
7 revision. Section 5.1.3, however, was revised and now states:

8
9 Uncertainties associated with the targeted nonstructural controls complicate establishment
of specific implementation dates. Despite this uncertainty, the Group has made a diligent
10 effort to provide a clear schedule of specific actions within the current and next permit
terms in order to achieve target load reductions. In addition, the status of these controls will
11 be included in the annual watershed reports as well as through the adaptive management
process in order to assess their progress in attaining targeted load reductions.”⁵³

12 Even though Section 5.1.3 was slightly revised, there is still no commitment made beyond
13 self-proclaimed good-faith intentions and an asserted willingness to track progress (or its lack
14 thereof) through the permit cycle. No additional requirements were made to address this deficiency
15 in the Executive Officer’s April 28, 2015 conditional approval letter, and no further changes were
16 made to the final WMP that was submitted on June 12, 2015, which was ultimately approved by
17 the Executive Officer and ratified by the Regional Board on September 10, 2015. Lacking
18 specificity on proposed control measures and BMPs, the Lower Los Angeles River group’s
19 Permittees cannot provide the required assurance that the implementation of their final WMP will
20 put them on a well-defined, transparent, and finite path toward the achievement of receiving water
21 limitations.

22 **1. Unenforceable and Contingent Volumetric Reduction Targets**

23 In responding to Petitioners’ argument on September 10, 2015 about the Lower Los
24 Angeles River WMP’s lack of commitment to meeting interim milestones and final compliance
25 deadlines, Regional Board staff stated that the volumetric reductions set out in the final WMP
26

27 ⁵² Lower Los Angeles River Revised WMP, at 5-5.

28 ⁵³ *Id.* at 5-2.

1 represent an enforceable commitment from the Permittees.⁵⁴ In other words, failure to meet these
2 volumetric reductions in accordance with the provided schedule would be non-compliance, at
3 which point Permittees could be subject to enforcement by the Regional Board, U.S. EPA, and the
4 affected public. However, like the Lower San Gabriel River WMP, the volumetric reductions in
5 the Lower Los Angeles River WMP are also expressly conditioned on obtaining funding; and, for
6 pollutants not addressed by a TMDL, any deadlines are tentative at best.⁵⁵ If Permittees of the
7 Lower Los Angeles River group demonstrate a failure to obtain funding for WMP implementation,
8 the volumetric reduction requirements will be effectively rendered unenforceable. Given the
9 financial constraints and conflicting priorities municipalities consistently complain of, a claim of
10 failure to secure funding for WMP implementation is a virtual certainty. Permittees of the Lower
11 Los Angeles River watershed group should not be allowed to evade enforceable requirements of
12 the Permit, thus their final WMP, by having such uncertain language, should have been denied

13 The Lower Los Angeles River WMP fails to comply with core program development
14 requirements pursuant to the 2012 Permit.⁵⁶ As a result, the WMP cannot ensure the appropriate
15 rigor, accountability, and transparency to put Permittees on an alternative path toward the
16 achievement of water quality goals. The Lower Los Angeles River WMP should have been denied,
17 as required by the Permit, and therefore Permittees would have had to immediately demonstrate
18 compliance with receiving water limitations. Instead, however, Permittees of the Lower Los
19 Angeles River watershed group are given “safe harbor” benefits as a result of their WMP approval,
20 thereby allowing them to continue discharging highly polluted stormwater for years to come.

22 ⁵⁴ The final transcript for the September 10, 2015 Regional Board meeting was not made publicly
23 available until the afternoon of October 30, 2015 – the date of this filing. Petitioners will provide
24 citations to the transcript, and reserve the right to address additional arguments raised by Regional
25 Board staff, as appropriate.

26 ⁵⁵ Lower Los Angeles River Watershed Management Program, June 12, 2015, at 5-1, 6-1,
27 available at
http://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/watershed_management/los_angeles/lower_losangeles/LowerLARiver_FinalWMP.pdf.

28 ⁵⁶ For a complete list of all the deficiencies that continue to exist in the Lower Los Angeles River
final WMP, please see Exhibit B attached to this petition addendum.

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V. REVISED REQUEST FOR RELIEF

Petitioners seek an order by the State Board to invalidate the Regional Board's action on September 10, 2015 to ratify the Executive Officer's final approvals of the Los Angeles River Upper Reach 2, Lower San Gabriel River, and Lower Los Angeles River WMPs. In addition, Petitioners request an order remanding the matter to the Regional Board with instructions for staff to require WMP compliance with Permit requirements and the State Board Order.

VI. CONCLUSION

For all the foregoing reasons, the pending Petition for Review and Petition Addendum, should be GRANTED, and the Regional Board's ratification of the Executive Officer's final approvals for the Los Angeles River Upper Reach 2, Lower San Gabriel River, and Lower Los Angeles River WMPs should be OVERTURNED.

Respectfully submitted,

Dated: October 30, 2015

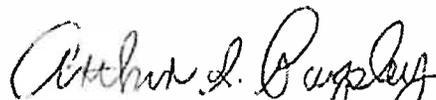
NATURAL RESOURCES DEFENSE COUNCIL, INC.



Becky Hayat
Attorneys for NATURAL RESOURCES
DEFENSE COUNCIL, INC. & HEAL THE BAY

Dated: October 30, 2015

LOS ANGELES WATERKEEPER



Arthur S. Pugsley
Attorneys for LOS ANGELES WATERKEEPER
& HEAL THE BAY

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EXHIBIT A



Los Angeles Regional Water Quality Control Board

August 13, 2015

Permittees of the Los Angeles River Upper Reach 2 Watershed Management Group¹

FINAL APPROVED LOS ANGELES RIVER UPPER REACH 2 GROUP'S WATERSHED MANAGEMENT PROGRAM (WMP), PURSUANT TO THE LOS ANGELES COUNTY MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT (NPDES PERMIT NO. CAS004001; ORDER NO. R4-2012-0175)

Dear Permittees of the Los Angeles River Upper Reach 2 Watershed Management Group:

On November 8, 2012, the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) adopted Order No. R4-2012-0175, *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* (hereafter, LA County MS4 Permit). The LA County MS4 Permit allows Permittees the option to develop either a Watershed Management Program (WMP) or an Enhanced Watershed Management Program (EWMP) to implement permit requirements on a watershed scale through customized strategies, control measures, and best management practices (BMPs). Development of a WMP or EWMP is voluntary and allows a Permittee to address the highest watershed priorities, including complying with the requirements of Part V.A (Receiving Water Limitations), Part VI.E and Attachments L through R (Total Maximum Daily Load Provisions), by customizing the control measures in Parts III.A (Prohibitions – Non-Storm Water Discharges) and VI.D (Minimum Control Measures), except the Planning and Land Development Program.

On April 28, 2015, on behalf of the Los Angeles Water Board, I approved, with conditions, the Los Angeles River Upper Reach 2 (LAR UR2) Group's WMP. My approval letter directed the LAR UR2 Group to submit a final WMP that satisfies all the conditions listed in the letter no later than June 12, 2015. On June 12, 2015, the LAR UR2 Group submitted its final WMP, as directed.

After review of the final LAR UR2 Group's WMP submitted on June 12, 2015, I have determined that the ULAR2 Group's WMP satisfies all of the conditions identified in my April 28, 2015

¹ Permittees of the Los Angeles River Upper Reach 2 Watershed Management Group include the City of Bell, City of Bell Gardens, City of Commerce, City of Cudahy, City of Huntington Park, City of Maywood, City of Vernon, and the Los Angeles County Flood Control District. See attached distribution list.

August 13, 2015

approval letter. The WMP dated June 12, 2015 constitutes the final approved WMP for the LAR UR2 Group.

The Los Angeles Water Board appreciates the participation and cooperation of the LAR UR2 Group in the implementation of the LA County MS4 Permit. If you have any questions, please contact Ivar Ridgeway, Storm Water Permitting, at Ivar.Ridgeway@waterboards.ca.gov or by phone at (213) 620-2150.

Sincerely,

A handwritten signature in blue ink that reads "Samuel Unger". The signature is written in a cursive style.

Samuel Unger, P.E.
Executive Officer

Enclosure: Distribution List

LOS ANGELES RIVER UPPER REACH 2

Name	City	Email Address
Terry Rodrigue	Bell	trodrigue@cityofbell.org
Al Cablay	Bell	acablay@cityofbell.org
Philip Wagner	Bell Gardens	pwagner@bellgardens.org
Young Park	Bell Gardens	ypark@infeng.co
Chau Vu	Bell Gardens	cvu@bellgardens.org
Gina Nila	Commerce	ginan@ci.comerce.ca.us
Aaron Hernandez-Torres	Cudahy	ahernandez@cityofcudahyca.gov
Elroy Kiepke	Cudahy	ekiepke@willdan.ocm
Jose Pulido	Cudahy	jpulido@cityofcudahyca.gov
Michael Ackerman	Huntington Park	mackerman@hpca.gov
Christina Dixon	Huntington Park	cdixon@hpca.gov
Angela George	LA Co DPW	ageorge@dpw.lacounty.gov
Genevieve Osmena	LA Co DPW	gosmena@dpw.lacounty.gov
Jolene Guerrero	LA Co DPW	jguerrer@dpw.lacounty.gov
Andre Dupret	Maywood	andre.dupret@cityofmaywood.org
Lilian Myers	Maywood	lmyers@cityofmaywood.org
Elroy Kiepke	Maywood	ekiepke@willdan.ocm
Cladia Arellano	Vernon	carellano@ci.vernon.ca.us
Kevin Wilson	Vernon	kwilson@ci.vernon.ca.us
Dr. Gerald Greene	CWE	GGreene@cwecorp.com



Los Angeles Regional Water Quality Control Board

July 21, 2015

Permittees of the Lower San Gabriel River Watershed Management Group¹

FINAL APPROVED LOWER SAN GABRIEL RIVER WATERSHED MANAGEMENT PROGRAM (WMP), PURSUANT TO THE LOS ANGELES COUNTY MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT (NPDES PERMIT NO. CAS004001; ORDER NO. R4-2012-0175) AND THE CITY OF LONG BEACH MS4 PERMIT (NPDES PERMIT NO. CAS004003; ORDER NO. R4-2014-0024)

Dear Permittees of the Lower San Gabriel River Watershed Management Group:

On November 8, 2012, the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) adopted Order No. R4-2012-0175, *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* (hereafter, LA County MS4 Permit). On February 6, 2014, the Board adopted Order No. R4-2014-0024, *Waste Discharge Requirements for Municipal Separate Storm Sewer System Discharges from the City of Long Beach* (hereafter, Long Beach MS4 Permit). The LA County MS4 Permit and the Long Beach MS4 Permit allow Permittees the option to develop either a Watershed Management Program (WMP) or an Enhanced Watershed Management Program (EWMP) to implement permit requirements on a watershed scale through customized strategies, control measures, and best management practices (BMPs). Development of a WMP or EWMP is voluntary and allows a Permittee to address the highest watershed priorities, including complying with the requirements of Part V.A (Receiving Water Limitations), Part VI.E and Attachments L through R (Total Maximum Daily Load Provisions), by customizing the control measures in Parts III.A (Prohibitions – Non-Storm Water Discharges) and VI.D (Minimum Control Measures), except the Planning and Land Development Program².

On April 28, 2015, on behalf of the Los Angeles Water Board, I approved, with conditions, the Lower San Gabriel River (LSGR) Group's WMP. My approval letter directed the LSGR Group to

¹ Permittees of the Lower San Gabriel River Watershed Management Group include the Los Angeles County Flood Control District; and the cities of Artesia, Bellflower, Cerritos, Diamond Bar, Downey, Hawaiian Gardens, La Mirada, Lakewood, Long Beach, Norwalk, Pico Rivera, Santa Fe Springs, and Whittier.

² The cited permit sections are from the LA County MS4 Permit. Equivalent requirements in the Long Beach MS4 Permit are as follows: Part VI.A (Receiving Water Limitations), Part VIII (Total Maximum Daily Load Provisions), Part IV.B (Prohibitions – Non-Storm Water Discharges), and Part VII.D-VII.M (Minimum Control Measures).

July 21, 2015

submit a final WMP that satisfies all the conditions listed in the letter no later than June 12, 2015. On June 12, 2015 the LSGR Group submitted its final WMP, as directed.

After review of the final LSGR WMP submitted on June 12, 2015, I have determined that the LSGR Group's WMP satisfies all of the conditions identified in my April 28, 2015 approval letter. The WMP dated June 12, 2015 hereby constitutes the final approved WMP for the LSGR Group.

The Los Angeles Water Board appreciates the participation and cooperation of the LSGR Group in the implementation of the LA County MS4 Permit and the Long Beach MS4 Permit. If you have any questions, please contact Ivar Ridgeway, Storm Water Permitting, at Ivar.Ridgeway@waterboards.ca.gov or by phone at (213) 620-2150.

Sincerely,



Samuel Unger, P.E.
Executive Officer



Los Angeles Regional Water Quality Control Board

July 21, 2015

Permittees of the Lower Los Angeles River Watershed Management Group¹

FINAL APPROVED LOWER LOS ANGELES RIVER WATERSHED MANAGEMENT PROGRAM (WMP), PURSUANT TO THE LOS ANGELES COUNTY MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT (NPDES PERMIT NO. CAS004001; ORDER NO. R4-2012-0175) AND THE CITY OF LONG BEACH MS4 PERMIT (NPDES PERMIT NO. CAS004003; ORDER NO. R4-2014-0024)

Dear Permittees of the Lower Los Angeles River Watershed Management Group:

On November 8, 2012, the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) adopted Order No. R4-2012-0175, *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* (hereafter, LA County MS4 Permit). On February 6, 2014, the Board adopted Order No. R4-2014-0024, *Waste Discharge Requirements for Municipal Separate Storm Sewer System Discharges from the City of Long Beach* (hereafter, Long Beach MS4 Permit). The LA County MS4 Permit and the Long Beach MS4 Permit allow Permittees the option to develop either a Watershed Management Program (WMP) or an Enhanced Watershed Management Program (EWMP) to implement permit requirements on a watershed scale through customized strategies, control measures, and best management practices (BMPs). Development of a WMP or EWMP is voluntary and allows a Permittee to address the highest watershed priorities, including complying with the requirements of Part V.A (Receiving Water Limitations), Part VI.E and Attachments L through R (Total Maximum Daily Load Provisions), by customizing the control measures in Parts III.A (Prohibitions – Non-Storm Water Discharges) and VI.D (Minimum Control Measures), except the Planning and Land Development Program².

On April 28, 2015, on behalf of the Los Angeles Water Board, I approved, with conditions, the Lower Los Angeles River (LLAR) Group's WMP. My approval letter directed the LLAR Group to

¹ Permittees of the Lower Los Angeles River Watershed Management Group include the Los Angeles County Flood Control District; and the cities of Downey, Lakewood, Long Beach, Lynwood, Paramount, Pico Rivera, Signal Hill, and South Gate.

² The cited permit sections are from the LA County MS4 Permit. Equivalent requirements in the Long Beach MS4 Permit are as follows: Part VI.A (Receiving Water Limitations), Part VIII (Total Maximum Daily Load Provisions), Part IV.B (Prohibitions – Non-Storm Water Discharges), and Part VII.D-VII.M (Minimum Control Measures).

July 21, 2015

submit a final WMP that satisfies all the conditions listed in the letter no later than June 12, 2015. On June 12, 2015 the LLAR Group submitted its final WMP, as directed.

After review of the final LLAR WMP submitted on June 12, 2015, I have determined that the LLAR Group's WMP satisfies all of the conditions identified in my April 28, 2015 approval letter. The WMP dated June 12, 2015 hereby constitutes the final approved WMP for the LLAR Group.

The Los Angeles Water Board appreciates the participation and cooperation of the LLAR Group in the implementation of the LA County MS4 Permit and the Long Beach MS4 Permit. If you have any questions, please contact Ivar Ridgeway, Storm Water Permitting, at Ivar.Ridgeway@waterboards.ca.gov or by phone at (213) 620-2150.

Sincerely,



Samuel Unger, P.E.
Executive Officer

EXHIBIT B

Oct. 2014 Comments

Los Angeles River Upper Reach 2

Index LAR	Index LAR	INDEX LAR UR2	Permit Citation	Board Staff Comments from October 27, 2014	Analysis of Revised WMP (January 27, 2015) in response to Board Comments	Conditional Approval Requirements (April 28, 2015)	Analysis of Final WMP (June 12, 2015)	In August 3, 2015 LAR UR2 Response Letter	Analysis of Response Letter statements	Staff Response (August 2015)	Analysis of Staff Response
			Part VI.C.5.a.i Waterbody Pollutant Classification (page 59)	<p>The Group must identify and address Category 3 Waterbody Pollutant Combinations (WBPCs). The water quality monitoring data from the sites located downstream is appropriate to use to characterize receiving water quality in the vicinity of the Group's watershed area. The Group can use its monitoring data once available to confirm whether the Category 3 WBPCs are appropriate or whether the list should be modified. Regional Water Board note that Table 2-7 identifies several pollutants as Category 3; however, the reasonable assurance analysis (RAA) does not address these nor does the draft WMP analyze load reductions for these pollutants from the proposed watershed control measures. The revised WMP must include a discussion of the Category 3 pollutants identified in Table 2-7, and provide a similar analysis to what is provided for Category 1 pollutants.</p>	<p>The recommended action was not done, with the reasoning (Revised WMP section 2.4, page 33) –</p> <p>“...Category 3 pollutants overlap significantly with Category 1 or 2 pollutants and in some cases, such as fecal coliform and E. coli, or total nitrogen and nitrate, they are essentially the same pollutant. Carrying out separate analyses for these overlapping WBPCs risks producing an RAA with conflicting implementation priorities, based on inaccurate assumptions regarding the independence of the variables and an [sic] misapplied implementation effort on duplicative parameters.”</p> <p>However, the Category 3 pollutants total phosphorus, pH, total suspended solids, chromium, and nickel are not represented on the Category 1 or 2 list. It is unclear that total nitrogen (TN) and Category 1 inorganic nitrogen compounds are “the same pollutant.” This mandatory requirement (“The Group must identify and address Category 3 waterbody Pollutant Combinations”) was not met.</p>	<p>No Requirement to address October 27, 2014 Board comment.</p>	<p>No change from Revised WMP.</p>	<p>The assertion was discussed with Regional Board Staff and a consensus formed that, for RAA purposes, Category 2 and 3 pollutants were suitably well represented by Category 1 pollutants. Sections 2.4 and 4.2.3 of the Final WMP were revised to better convey that Category 2 and 3 pollutants were suitably similar to Category 1 pollutants, to satisfy RAA requirements. Monitoring will develop additional data for the AMP.”</p>	<p>There is no change in wording between the Revised and Final WMP's. Section 2.4, contrary to this statement.</p> <p>Section 4.2 was substantially rewritten between Revised and Final WMP's. However, there is no reference in this section to Category 2 or Category 3 pollutants, so it is unclear in what this statement is referring.</p> <p>Every version of the WMP (Draft, Revised, Final) includes the same non-responsive text in Section 2.3 and quoted in the Board's Initial comments from October 2014. “Category 3 pollutants were not identified for LAR UR2 WMA because all available water quality data was obtained downstream of LAR UR2 WMA, therefore its applicability is unknown.”</p>	<p>See #9</p>	
			2	<p>“...the WMP should utilize General Industrial Storm Water Permittee monitoring results, to assess and potentially refine estimates of pollutant loading from the identified “non-MSA” areas. In addition to General Industrial Storm Water Permittee monitoring results, Permittees should also review their inspection findings, including past violations and enforcement actions, of Industrial/Commercial facilities to assess potential pollutant sources.</p>	<p>The recommended action was not done, under the following reasoning (Revised WMP section 2.3, page 30) –</p> <p>“...the LAR UR2 WMA Permittees were asked to provide summary data resulting from past industrial and commercial inspections, [which] did not provide useful information... Monitoring data from non-MSA Permittees in the LAR UR2 WMA, were also reviewed, however of 161 General Industrial Permittees within the WMA, only 35 were found to have submitted data...”</p> <p>“...did not meet the RAA Guideline criteria for being substantive [sic] and defensible... TMDL pollutant source assessments and models reviewed during preparation of the WMP were inconclusive and overly broad upon which to take actionable source determinations or source control efforts.”</p> <p>Despite data quality issues, there are some data from the region, and some of those are reliable from the literature of the field; and from permitted industries elsewhere. Using the best available data for this purpose would not be inconsistent with other modeling and analysis strategies pursued in the WMP, e.g., almost all receiving water data relied upon in the WMP are outside the reach in question.</p>	<p>In addition to conducting inspections and follow-up enforcement as required under the 2012 LA County MSA Permit Industrial/Commercial Facilities Program, include specific actions and interim dates to enhance industrial facility inspections and follow-up enforcement, if necessary, to achieve the “non-MSA NPDES Parcel” control measure by December 2017 as indicated in Table 5-1 of the revised draft MSA. Indicate each Permittee's responsibilities for these actions, indicate how efforts will be focused on achieving progress toward reducing discharges of zinc and bacteria, related to this, correct the 2001 LA County MSA Permit did not require that Permittees enforce BMPs at industrial and commercial facilities, enforcement is not a change from the 2001 permit.</p>	<p>The original October 27 comment remains inadequately addressed. In response to the April 28 comment, the wording in what was Section 4.2.3 of the Revised WMP (now section 4.4.4 of the Final WMP) states “There are many substantial changes between the 2001 to 2012 MSA Permits which can reasonably be assumed to result in substantially reduced pollutant generation, increased source controls, and significant watershed zone of measure induced load reductions.” Presumably this is in response to the observation that “enforcement is not a change from the 2001 permit,” but in fact its meaning is the opposite from what the Board comments intended (i.e., emphasizing changes from the 2001 permit instead of acknowledging continuity of regulations). Nowhere in the Final WMP is “enforcement” referenced with respect to Industrial Storm Water Permits or permittees.</p>	<p>“WMP section 2.3 was modified to reiterate our prior findings and board staff acknowledgment that: 1) the majority of the SMARTS data did not meet the “defensible” standards; 2) there are insufficient land use categories in the current model to accommodate the many Industrial General Permittees; and 3) including these discharges could distort BMP designs.</p>	<p>Response is limited to only one of the several issues raised by the Board's Initial and follow-up comments, namely the use of the SMARTS database. Other elements remain unaddressed.</p>	<p>“Section 2 of the revised and final WMP was amended to include details on the Group's analysis of non-MSA industrial stormwater data. The following discussion was included on page 30 both the revised WMP and Final WMP.”</p>	<p>Response is limited to only one of the several issues raised by the Board's Initial and follow-up comments, namely the use of the SMARTS database. Other elements remain unaddressed.</p>
			Part VI.C.5.a.ii	<p>there is no indication that the model results from the different TMDLs were used in the pollutant source assessment. The draft WMP should consider existing TMDL modeling data, where available, when refining the source assessment.</p>	<p>Section 2.3 of the Revised WMP had additional text that asserted “As apparent from the following subsections, TMDL pollutant source assessments and models reviewed during preparation of the WMP were inconclusive and overly broad upon which to take actionable source determinations or source control efforts,” and that “Current models are inadequate for modeling copper loads from a residential area adjacent to a freeway with those from a rural area.” Although the “flowing subsections” are referenced, almost no text has changed in them between the Draft and Revised WMP, and so it is unclear what is being referenced.</p>	<p>No additional requirement to address October 27, 2014 Board comment.</p>	<p>No further changes.</p>	<p>“WMP section 2.3 was expanded to explicitly state that prior findings from TMDL source assessments and models were inconclusive and overly broad for initiating actionable source assessments. One example being oversight of the impact of SPS-346 on copper in the Los Angeles River Metals TMDL.”</p>	<p>The referenced “expansion” was made in the Revised WMP and was highlighted in the Final WMP. However, the Lower LAR WMP made direct use of the TMDL modeling results and apparently found them “not useful” (that plan's Section 2.2.4). Why such a difference in value was determined by the same board staff on the same river is unclear.</p>	<p>“The Group and Board staff discussed the existing TMDL modeling and found it too general to refine the Group's source assessment for its watershed area. The Group did, however, add detail to the discussion of TMDL source assessments in Section 2.3 of its Revised WMP, including consideration of recent TMDL monitoring data. This is appropriate as the comment was for the Group to consider refining TMDL modeling data.”</p>	<p>The Board is technically correct, the use of those data were “considered” (and subsequently rejected) acceptance of such prior Agency response. However, particularly in light of the LAR use of these data, is nonetheless surprising.</p>

Green = Substantively Addressed
Red = The darker the red, the more serious the deficiency

Oct. 2014 Comments

Los Angeles River Upper Reach 2

Index L50R	Index L14R	INDEX LAR UR2	Permit Citation	Board Staff Comments from October 27, 2014	Analysis of Revised WMP (January 27, 2015) in response to Board Comments	Conditional Approval Requirements (April 28, 2015)	Analysis of Final WMP (June 12, 2015)	In August 3, 2015 LAR UR2 Response Letter	Analysis of Response Letter statements	Staff Response (August 2015)	Analysis of Staff Response	
		4		A process and schedule for developing the required spatial information on catchment areas to major outfalls should be proposed, if this information does not already exist. If additional information such as the catchment areas for the major outfalls still needs to be developed, the process and schedule for developing this should be indicated.	It is unclear whether this comment was considered or addressed. Table 3-5 ("Estimate Runoff Volume and Regional BMP Area by City and Catchment") appears unchanged. In both the Draft and Revised WMP without change, implying that more was expected under the Board comment.	No additional requirement to address October 27, 2014 Board comment.	No further changes.	"Board staff were directed to the CIMP which demonstrated that seven outfalls conveyed about 75% of the LAR UR2 WMA's tributary area. Definition of remaining catchments would occur through the K/D and NWW Outfall Prioritization Permit programs."	It is unclear if a schedule is associated with either of these programs.	"The Group clarified that some of the required spatial information was presented in the Coordinate Integrated Monitoring Program (CIMP). For the remainder, the Group committed to developing it as it implements its BACT, connection/fill/discharge activities, nonstormwater screening and prioritization, and source identification."	It is unclear where the "commitment" resides, and if it is binding.	
		5	Part V, C.S.A.v. Prioritization (page 60)	While Table 2-7 acknowledges the past due dates for the Los Angeles River Nitrogen Compounds and Related Effects TMDL and final deadlines for the LA River Metals TMDL, LA River Bacteria, and other TMDLs, the LA River Metals TMDL includes interim dry and wet weather loadings with a deadline (2012) that has passed. The WMP needs to specify why this TMDL is not included in Table 2-7 in the priority category (highest priority), since some compliance deadlines have already passed.	New text was added to introduce Table 3-7 (Revised WMP, p. 33): "...Category 3 pollutants overlap significantly with Category 1 or 2 pollutants and in some cases, such as fecal coliform and E. coli, or total nitrogen and nitrate, they are essentially the same pollutant. Carrying out separate analyses for these overlapping WBP/CRS risks producing an RAA with confusing implementation priorities, based on inaccurate assumptions regarding the independence of the variables and an [sic] misapplied implementation effort on duplicative parameters." However, the Category 3 pollutants total phosphorus, pH, total suspended solids, chromium, and nickel are not represented on the Category 1 or 2 lists. It is untrue that total nitrogen (TN) and Category 1 inorganic nitrogen compounds are "the same pollutant." TN consists of, in addition, various organic nitrogen compounds. This statement is simply inaccurate, and not responsive.	No additional requirement to address October 27, 2014 Board comment.	Error for correcting the typographical error on the bottom of page 13 introduced into the Revised WMP ("...an misapplied..."). Table 2-7 and its explanatory text are unchanged in the final WMP. This comment was not addressed.					
		6		The draft WMP does not clearly specify a strategy to comply with the Interim WQBELs for the LA River metals TMDL (January 11, 2012; January 11, 2020 and January 11, 2024 deadlines). Table 3-1 presents a phased implementation plan, which suggests that Phase 2 activities will be conducted to meet the 2020 deadline and Phase 3 activities, to meet the 2024 deadline. However, the draft WMP needs to be revised to include documentation that the 2012 past deadlines have been achieved or specify an appropriate strategy for achieving compliance with the past due Interim WQBELs.	Section 3.5 of the Revised WMP has addressed the WQBELs in response to the comments in the Los Angeles River TMDL. This will be implemented by October 3, 2015. It will be necessary to update the Revised WMP and monitor from a 2014 WMP. The WMP is being updated to include the 2012 past deadlines through the adaptive management process. The adaptive management process is a "living document" that requires periodic updates to the WMP. The adaptive management process is a "living document" that requires periodic updates to the WMP. The adaptive management process is a "living document" that requires periodic updates to the WMP.	No additional requirement to address October 27, 2014 Board comment (but see #12 below)	The BMP implementation schedules and Figures 5-1 to 5-6 were reviewed with Board staff to clarify how they addressed this comment. Data from the nitrogen RAA, showing that existing nitrogen loads were already below the allowable loads, were shared with Board staff. Section 4 of the Final WMP was completely reformatting and expanded to more clearly convey data developed for the draft BSA and WMP regarding nitrogen loads and compliance with Interim WQBELs.	"The BMP implementation schedules and Figures 5-1 to 5-6 were reviewed with Board staff to clarify how they addressed this comment. Data from the nitrogen RAA, showing that existing nitrogen loads were already below the allowable loads, were shared with Board staff. Section 4 of the Final WMP was completely reformatting and expanded to more clearly convey data developed for the draft BSA and WMP regarding nitrogen loads and compliance with Interim WQBELs."	"Section 4 of the Final WMP was revised to add clarity and specificity to the Group's phased implementation schedule relative to Interim TMDL compliance deadlines. The Revised WMP also summarizes monitoring programs, which indicate that metals rarely exceed receiving water limitations during dry weather at monitoring stations adjacent to the LAR UR2 watershed management area. (The Interim compliance deadline of 2020 for metals in dry weather is one of the nearest term deadlines for the Group.)"	"Sections 4 and 5 of the Revised WMP were revised to add clarity and specificity to the Group's phased implementation schedule relative to Interim TMDL compliance deadlines. The Revised WMP also summarizes monitoring programs, which indicate that metals rarely exceed receiving water limitations during dry weather at monitoring stations adjacent to the LAR UR2 watershed management area. (The Interim compliance deadline of 2020 for metals in dry weather is one of the nearest term deadlines for the Group.)"	"The Group will further evaluate whether past Interim and final deadlines have been met as data are collected through the Group's CIMP."	This response continues to address only a subset of the original comment elements, which raised concerns about the lack of clarity in specifying compliance changes and whether interim changes are necessary. The WMP should be revised to include the 2012 past deadlines through the adaptive management process. The adaptive management process is a "living document" that requires periodic updates to the WMP. The adaptive management process is a "living document" that requires periodic updates to the WMP.

Green = Substantively Addressed
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Oct. 2014 Comments

Los Angeles River Upper Reach 2

INDEX LAR UR2	Permit Citation	Board Staff Comments from October 27, 2014	Analysis of Revised WMP (January 27, 2015) in response to Board Comments	Conditional Approval Requirements (April 28, 2015)	Analysis of Final WMP (June 12, 2015)	In August 3, 2015 LAR UR2 Response Letter	Analysis of Response Letter statements	Staff Response (August 2015)	Analysis of Staff Response
7		Further discussion of current compliance with the LA river nitrogen compounds TMDL, for which there is a final compliance deadline of 2004, is also needed, since this is a priority pollutant in Table 2-7. Section 1.3.3 of the CMAP notes that NOD discharges appear to comply with applicable loads already, but additional discussion and support for this assertion should be included in the WMP itself.	There is no evidence that this comment was considered or addressed.	No additional requirement to address October 27, 2014 Board comment.	Reference is made to the existence of trapping information in the Final WMP Section 4.2.4, although no "additional discussion" is provided: "For total lead and nitrogen, critical condition baseline loads achieve the MS4 Permit Attachment 10 WQOL, therefore no reductions are necessary." (Final WMP, p. 94)				
8		The draft WMP is unclear on a schedule for BMPs implemented to comply with the LA River Trash TMDL. The draft Plan states, "Most of the cities are 90 percent or more compliant with the trash TMDL and are investigating opportunities to complete the implementation effort. The draft WMP needs to include a firm schedule for the implementation of Trash TMDL BMPs."	The referenced sentence (p. 33 of both the Draft and Revised WMP) is unchanged. The Revised WMP now includes a revision to Table 1-8, "Potential Non-Structural BMP Enhancement Implementation Efforts" that provides identical information but has removed the word "Consider" from every action (e.g., "Consider more frequent street sweeping" in the Draft WMP now "more frequent street sweeping" in the Revised WMP. Despite the deletion of one word, the table is introduced with text that is unchanged from the Draft WMP: "Each LAR UR2 WMA City will have the flexibility to implement some or all of the enhancements, which may vary among the group members based on their individual assessment of priorities and the applicability of the potential enhancement" (p. 67). This falls short of a commitment to a "firm schedule" required by the Board comment.	Section 3.1.5 of the revised draft WMP notes that the remaining catch basins that are not retrofitted with full capture devices and will probably require significant and costly reconstruction prior to October 1, 2015. Revise the revised draft WMP to include a strategy to comply with the Los Angeles River Trash TMDL. When drafting a strategy, the LAR UR2 WMA should consider the language in the Tentative Basin Plan Amendment for the Reconsideration of the Los Angeles River Watershed Trash TMDL, which was publicly noticed on April 3, 2015.	The Final WMP has further updated Table 3-8 and revised 8 "Non-Structural BMP Enhanced Implementation Efforts and Data" that includes implementation dates of some trash-TMDL-related actions for individual jurisdictions, but the table is introduced with text that is unchanged since the original Draft WMP: "Each LAR UR2 WMA City will have the flexibility to implement some or all of the enhancements, which may vary among the group members based on their individual assessment of priorities and the applicability of the potential enhancement" (p. 67). In all drafts, this falls far short of a commitment to a "firm schedule" required by the Board comment.				
9		The draft WMP states, "[t]he limiting pollutant used to control the implementation efforts of the LAR UR2 WMA is bacteria for the area draining to the Los Angeles River and metals for the area draining to the Rio Hondo." The draft WMP needs to clarify and provide support for the assumption that Category 2 and Category 3 pollutants will be addressed by focusing on these limiting pollutants. Alternatively if Category 2 and 3 pollutants will not be addressed by focusing on the limiting pollutants identified above, the WMP must separately address Category 2 and Category 3 pollutants.	In the Reasonable Assurance Analysis (RAA) Section 4, the original "justification" for this assertion was stated in the Draft WMP (p. 69) as follows: "The limiting pollutant used to control the implementation efforts of the LAR UR2 WMA is bacteria for the area draining to the Los Angeles River and metals for the area draining to the Rio Hondo. Bacteria and metals were determined to be the limiting pollutants because they meet the following criteria: • Relatively high priority with respect to meeting TMDL, WLA and/or other WQOL; • Conservative with respect to attenuation during fate and transport modeling; and • Require the greatest amount of volumetric control to achieve TMDL, WLA and other objectives." This wording is unchanged in the Revised WMP.	For the LAR UR2 WMA TMDL identified bacteria and metal pollutants were anticipated to be priority and BMP design limiting pollutants as a result of the following physical characteristics, approved RAA guidelines, and regulatory criteria: • Ambitious TMDL interim and final compliance schedules for achieving WLA; • Reported and previously observed conservative fate and transport characteristics; and • Treatability and abatement characteristics that impose implementation of volumetric watershed control measures on Permittees in order to demonstrate achievement of TMDL, WLA and WQOL. This (minimally) revised text does not provide meaningful support for this assertion, particularly since these attributes are supposed to apply to both metals and bacteria alike, two very different pollutants.	The Final WMP includes the following modified text (Section 4, p. 73): "For the LAR UR2 WMA TMDL identified bacteria and metal pollutants were anticipated to be priority and BMP design limiting pollutants as a result of the following physical characteristics, approved RAA guidelines, and regulatory criteria: • Ambitious TMDL interim and final compliance schedules for achieving WLA; • Reported and previously observed conservative fate and transport characteristics; and • Treatability and abatement characteristics that impose implementation of volumetric watershed control measures on Permittees in order to demonstrate achievement of TMDL, WLA and WQOL." This (minimally) revised text does not provide meaningful support for this assertion, particularly since these attributes are supposed to apply to both metals and bacteria alike, two very different pollutants.			"Section 2.4 of the Revised WMP was revised to clarify that Category 2 and Category 3 pollutants are well represented by Category 1 pollutants (see Table 2-7). For example, "coliform bacteria," a Category 2 pollutant, is represented by E. coli, a Category 1 pollutant, while various metals identified as Category 3 pollutants are represented by other metals that are Category 1 pollutants. This adequately addressed board staff's comment."	The new text in the Revised WMP in Section 2.4 asserts that "it should be noted that the Category 3 pollutants overlap significantly with Category 1 or 2 pollutants and in some cases, such as fecal coliform and E. coli, or total nitrogen and nitrite, they are essentially the same pollutant." As noted in #8 above, it is untrue that fecal nitrogen (FN) and Category 3 inorganic nitrogen compounds are "the same pollutants" (FN consists of, in addition, various organic nitrogen compounds). This statement is simply incorrect. Table 2-7 is a list of pollutants but does not further "clarify" anything (see also #8, above).

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10			Part VI.C.5.b Selection of Watershed Control Measures (pages 61-64)	Although the draft WMP includes several specific regional BMPs (Section 4.3.3.3) the specific UD street projects and their locations are not identified. The draft WMP should provide as much specificity as feasible in describing the potential locations for UD streets. Additionally, the permittees that would be responsible for implementing UD street projects should be specified.	A brief narrative description of three UD projects has been added.	include interim milestones for UD Street implementation for each Permittee associated with the UD Street Required Tributary Area by LAR UR2 WMA WMA Permittee in Table 5-1 and Figures 5-1 to 5-4 of the revised draft WMP that demonstrate progress toward achieving the final deadline of 2037.	The Final WMP (Section 3.3.3) has added a list of three UD street BMPs: one planned, one under construction, and one completed. Merit mention of three UD street BMPs, only one finished or with a solid commitment (and which affect only two permittees), is marginally responsive to the request but also demonstrates minimal commitment.	"Section 4 of the Final WMP was completely reformatted and expanded, including section 4.5.2 which now identifies examples of Green or UD streets currently under construction by LAR UR2 WMA Permittees. Cities with Pavement Management Plans or Systems, which guide the implementation of UD or Green Streets, were identified in WMP Sections 3.2.2 and 4.5.2."	Section 4.5.2 does articulate seven modeled UD projects, but it is not clear whether any of them have been committed to construction (the text states "UD Streets will be implemented on smaller street projects"). Indeed, this section goes on to warn "It is important to note that the majority of LAR UR2 WMA Permittees do not yet have a Pavement Management System (PMS), or pre-approved street maintenance budget, and that UD or Green Street project implementation may vary substantially from one year to the next", suggesting an absence of any binding commitment.	"Table 4-10 of the revised and Final WMP lists the extent of UD streets that will be required within the jurisdiction of each LAR UR2 Permittee."	The next introducing Table 4-10 ("2038 UD-based Redeveloped Area in Areas by City and Land Use") reads: "Average annual redevelopment rates released by the City of Los Angeles (City of Los Angeles Bureau of Sanitation, 2009) were used to establish what size within each land use category can be expected to be retrofitted consistent with the Permittee's past construction and retention requirements." The remainder of this section (4.4.2) discusses modeling assumptions. There may be a "requirement" associated with these areas that "can be expected to be retrofitted," but the WMP does not state that to be the case.
11				The draft WMP asserts that the "legal authority demonstration" respect to the WMP is more specific than that required in the Annual Report." The Plan appears to acknowledge appropriate legal authority to construct most projects but note that some of the proposed projects are located within property easements owned by other entities. The draft WMP needs to provide greater detail regarding the Group's legal authority.	The Revised WMP has added statements of Legal Authority provided by the Cities of Bell, Bell Gardens, Commerce, Cudahy, Huntington Park, Maywood, and Vernon, and Los Angeles County Flood Control District.	No additional requirement to address October 27, 2014 Board comment.	None needed.				
12				While the draft WMP notes revisions will occur as part of the "Adaptive Management Process" in referral to multiple proposed sections it does not include a comprehensive strategy for the Adaptive Management process. The draft WMP should provide more detail on how the "Adaptive Management Process" will be implemented.	There is no evidence that the comments were considered or addressed. The next iteration remains to be seen and will be implemented as a "best practice" (the reporting of the issue and the response to the LAR and CDR is well). Create an absence of Board comments on this issue for issue (WMP).	No additional requirement to address October 27, 2014 Board comment.	Not in scope.				

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13				<p>The draft WMP assumes a 5K load reduction from non-structural BMP enhancements. However, Section 3.3.1 of the WMP only indicates that such enhancements would be considered, and a firm commitment to implement them is lacking. The draft WMP needs to include specific commitments to implement the non-structural BMP enhancements, or it should not rely upon the 5K load reduction anticipated from these non-structural BMP enhancements to meet compliance deadlines in this permit term or the next permit term.</p>	<p>The text relating to the assumed 1% load reduction was revised as follows: "Based on input from the Regional Board, load reductions derived from non-modeled non-structural BMPs can be assumed to be five percent of baseline loads." (Draft WMP, p. 87) "Load reductions derived from non-modeled non-structural BMPs are assumed to be five percent of baseline loads, based on the extensive additional permit requirements and programs as previously identified in Section 3.1.1." (Revised WMP, p. 87) However, this change was not carried over into Section 4.3.2.3, which states in both versions "Load reductions derived from non-modeled, non-structural BMPs were assumed to be 5 percent of baseline loads for all pollutants following discussions with the Regional Board." (Draft WMP, p. 82; Revised WMP, p. 87). None of these "changes" are substantive responses to this comment.</p>	<p>No additional requirement to address October 27, 2014 Board comment.</p>	<p>The discussion of an assumed 5% load reduction was further revised between the Revised and Final WMP as follows: "Load reductions derived from non-modeled, non-structural BMPs were assumed to be 5 percent of baseline loads for all pollutants following discussions with the Regional Board." (Revised WMP, p. 87) "Following discussions with the Regional Board, load reductions derived from non-otherwise modeled, non-structural BMPs were estimated to result in a modest 5 percent of baseline loads for all pollutants." (Final WMP, p. 100) Although the "assumptions" of the Revised WMP are now "estimates" in the Final WMP, this is not a substantive response to this comment.</p>					
14				<p>The WMP assumes a significant reduction in copper based on the phase-out of copper in automotive brake pads, via approved legislation SB 346, to achieve the necessary copper load reductions. Given the combination of other copper sources identified in various LA TMDLs such as building materials, other vehicle wear, air deposition from fuel combustion and industrial facilities, and the SB 346 progressive phase out copper content in brakes of new cars (5% by weight until 2021, 0.5% by weight until 2025), additional structural BMPs may still be needed to reduce copper loads prior to entering receiving waters and eliminate copper exceedances of RWLs.</p>	<p>Section 3.3.2 reasons that the phase-out is ahead of schedule and that other copper reductions will be afforded by source controls for zinc. Section 4.3.2.2 also discusses the issue but with no changes in text between the Draft and Revised WMP. No analysis of other sources and their magnitudes, how the accelerated phase-out might affect copper concentrations and loading, or how source controls for zinc will affect copper are provided. This issue is of significant concern because sources of zinc and copper are not necessarily coincident, and frequently are not. This comment has not been addressed.</p>	<p>No additional requirement to address October 27, 2014 Board comment.</p>	<p>Minimal changes of wording between Section 4.3.2.2 (Revised) and 4.3.3 (Final), but they provide no substantive change or response to the original Board comment.</p>	<p>"Section 4 of the final WMP was completely reformatted and expanded, including section 4.4.3 which includes a sensitivity analysis, included as Table 4-12, demonstrating that the RAA assumed 50% reduction, by 2028, in copper loads attributable to changing brake pad formulations, was conservative."</p>		<p>Table 4-12 only demonstrates that if the 50% reduction occurs then the reductions will be achievable. A "conservative assumption", however, would evaluate with reasonable skepticism how the reduction in the copper content of new cars' brakes would translate into reduced copper loadings, based on the 2007 AquaTerra study, a "conservative" estimate would be that 12% of copper (that is, wind-blown) enters from brake pad wear (a similar study in Washington State put the percentage of this source at 20%), given that the average age of cars on the road is about 11 years, this suggests that zero-copper brake pads imposed as of 2025 might reduce copper loads by only about 10% by 2036, nowhere near what is required for the TMDL compliance date. The original Board's comment is still relevant and unanswered.</p>	<p>"The RAA's approach of using zinc as a limiting pollutant, while anticipating copper reductions through Senate Bill 346 is an adequate approach to compliance with copper WQBEL. Therefore, no condition was included in the Executive Officer's approval letter to address this comment. The WMP Group has clarified its approach and estimates of copper reductions under Senate Bill 346 have been provided since issuance of comments on the draft WMP. Specifically, the Revised WMP provided detail on expected reductions in copper runoff under various implementation scenarios at TMDL compliance milestones (Section 4.3.2.2, Table 4-8, pg. 87)."</p>	<p>See prior responses (the relevant section in the Final WMP is 4.4.3, Table 4-12, p. 100).</p>

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23		15		The draft WMP, including the RAA, excludes stormwater runoff from non-MS4 facilities within the WMA from the stormwater treatment target. In particular, industrial facilities that are permitted by the Water Boards under the Industrial General Permit or an individual stormwater permit were identified and subtracted from the treatment target. Regional Water Board recognizes that this was done with the assumption that these industrial facilities will eliminate their cause/contribution to receiving water exceedances, as required by their respective NPDES permit. However, it is important that the Group's actions under its Industrial/Commercial Facilities Program—including tracking critical industrial sources, educating industrial facilities regarding BMP requirements, and inspecting industrial facilities—ensure that all industrial facilities are implementing BMPs as required.	The closest the WMP comes to responding to this comment is an added sentence in Section 3.1.1 (p. 35 of the Revised WMP) stating "The Industrial and Commercial Facilities Inspection programs will significantly benefit from the greater emphasis on annual progress reporting and also the tables identified in the Permit and specifying specific BMPs, source controls, AOCs, and watershed control measures that should be apparent during commercial and industrial inspections." The statement is vague and does not even name, let alone commit to specific measures such as those mentioned in the Board's comment. This comment has not been addressed.	No additional requirement to address October 27, 2014 Board comment.	No change.				
		16	Part VI.C.5.b.iv(5) Reasonable Assurance Analysis Categories 2 and 3 Pollutants	"The WMP did not model and pollutants in Categories 2 and 3. These pollutants or surrogates need to be included in the RAA, or supported justification for the use of the proposed limiting pollutants as surrogates for each Category 2 and Category 3 waterbody-pollutant combination."	There is no evidence that this comment was considered or addressed.	No additional requirement to address October 27, 2014 Board comment.	No change.			See also #9	
RAA SUPPLEMENTATION LETTER											
		17	(A.1. "General comments")	The LA County MS4 Permits in the Los Angeles River Upper Reach 2 Watershed Management Area are subject to Interim and Final water quality-based effluent limitations pursuant to Attachment O, Part A "Los Angeles River Watershed Trash TMDL", Part B "Los Angeles River Nitrogen Compounds and Related Effects TMDL", Part C "Los Angeles River and Tributaries Metals TMDL", and Part D "Los Angeles River Watershed Bacteria TMDL". Table 1-5 on page 15 of the draft WMP should be updated to include the effective date for revisions to the Los Angeles River Nitrogen Compounds and Related Effects TMDL, which is August 7, 2014.	The table was unchanged from Draft to Revised WMP.	No additional requirement to address October 27, 2014 Board comment.	Table 1-5 was updated for the Final WMP.				"The revised WMP did not correct the error. However, during a subsequent meeting, Board staff directed the Group to correct Table 1.5 to reflect the correct effective date for the Los Angeles River Nitrogen Compounds and Related Effects TMDL."

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		18	(A.2. "General comments")	<p>The draft WMP should be revised to include Category 3 waterbody-pollutant combinations based on the data that were already analyzed in the draft WMP. Pursuant to Section V.L.5.a. - the WMP should identify potential sources, strategies, control measures and BMPs to address Category 3 priority pollutants, as required. Category 3 WBPCs can be revised once monitoring data have been collected, through the adaptive management process.</p> <p>The concentration-based WQBELs for metals listed on page 78 of the WMP are incorrect and should not be used to set allowable loads. The correct concentration-based WQBELs for metals, which can be used in lieu of calculating allowable loads during dry weather, are identified in Attachment O, Part C.2.c. The load-based WQBELs for metals applicable during wet weather, which are identified in Attachment O, Part C.2.d of the permit should be used to calculate the allowable load and required reduction for metals during wet weather conditions. In summary, allowable pollutant loadings should be calculated separately for wet and dry weather using the WQBELs listed in Attachment O, Parts C.2.c and C.2.d of the permit. Loads must be expressed as daily loads, consistent with the expression of the WQBELs. Table 4-4 should be revised to specify that the loads presented are daily loads.</p>	<p>The previously noted statement added to the Revised WMP, "It should be noted that the Category 3 pollutants overlap significantly with Category 1 or 2 pollutants and in some cases, such as fecal coliform and E. coli, or total nitrogen and nitrate, they are essentially the same pollutant" (p. 33 of the Revised WMP) is presumably intended to be responsive to this comment, but is not.</p> <p>The referenced table [Table 4-4] is identical in both Draft and Revised WMPs.</p>	No additional requirement to address October 27, 2014 Board comment.	Updated table (Table 4-6 in the Final WMP) presents daily loads, as requested.				
		19	(A.3. "General comments")	<p>Allowable loads for metals based on the required WQBELs and potential WQFSSO values for copper and lead should be presented clearly and separately in Section 4.3.1.3 of the WMP, since the copper WQBELs and recalculated lead values have not been approved by the Regional Water Board as of the time. If concentration-based WQBELs are selected to be used to calculate the allowable loads, and these allowable loads are different from the mass-based WQBELs listed in Attachment O, the WMP should provide a clear explanation on how the proposed concentration-based WQBELs and allowable loads were derived from the WQBELs in Attachment O.</p>	<p>The only change in the Revised WMP in this section was the addition of a sentence, "The observed or modeled daily flow volumes can be used to translate concentration-based WQBELs to load-based WQBELs by multiplying the daily flow volumes with concentration-based WQBELs" (p. 82). This is not responsive.</p>	Revise the revised draft WMP to present all model results of pollutant loads, allowable loads, target load reductions, and load reductions associated with control measures in units consistent with the respective TMDL (e.g., Los Angeles River Metals TMDL allowable loads should be given as daily loads not annual loads in Table 4-3). Each table in Section 4.3 must include units per time step (e.g., lbs/day) for the numeric values for clarity.	This section was substantively rewritten and improved.				
		20	(B.1. "Modeling comments")	<p>The model predicted loads presented in Table 4-3 for the baseline condition are not consistent with those results directly from model output (see Figures A and B, for example). These discrepancies could be due to the usage of the 90th percentile year for the predicted results of pollutant loads. Further, all model results of pollutant loads are presented in terms of lbs/yr in Table 4-3 through Table 4-6. However, the results for the RAA should be presented in units consistent with the expression of each of the WQBELs in Attachment O of the MS4 Permit.</p>	No change was made in the tables.		This section was substantively rewritten and improved.				

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		21	(B.2. "Modeling comments")	For the baseline condition, the model predicted runoff volume and the concentrations for copper, Mn, zinc, nitrogen, and bacteria should also be presented in Table 4.3 for the wet weather condition. For cadmium, no model results are included in Table 4.3. An explanation is needed for the exclusion of cadmium from the modeling, or alternatively, supporting documentation/analysis to demonstrate that the model results for copper, lead and zinc or total sediment adequately represent the baseline condition and required reduction for cadmium.	No changes were made with respect to Table 4.3 or the use of surrogates for cadmium.	No additional requirement to address October 27, 2014 Board comment.	The table of baseline loads (Table 4.3 in the Revised WMP, Table 4.5 in the Final WMP) has been revised to show daily wet weather loads, but not the predicted runoff volume or concentrations. The sentence on page 73 of the Revised WMP that references the topic, "total cadmium (copper, lead, and zinc will be used as surrogates)" has simply been eliminated in the Final WMP. No discussion of cadmium is present at all in the final Plan.				
		22	(B.3. "Modeling comments")	The differences between baseline concentrations/loads and allowable concentrations/loads should be presented in a time series for each pollutant under long term continuous simulation and then as a summary of 90th percentile of the differences between pollutant concentrations/loads and allowable concentrations/loads for wet weather periods, in units consistent with the applicable WQBELs and Flowing Water Limitations (e.g., mass or number per day). Instead of using the predicted results of selected year presented only as an annual reduction in load to represent for load reduction target. In addition, a detailed explanation should be provided of the calculations used to derive the target load reductions.	There is no evidence that this comment was considered or addressed.	No additional requirement to address October 27, 2014 Board comment.	This section was substantially rewritten and improved. Results with the desired outcome (i.e., simulated concentrations/loads vs. allowable concentrations/loads) are summarized, but the requested time series for each pollutant have not been provided as part of the WMP.	"Section 4 of the Final WMP was significantly revised and expanded to address many of the Board Staff identified comments, including the final choice of pollutant load units and analysis periods in the draft WMP. Figures 5-1 to 5-6 were also revised to address comments on the pollutant load units and other requested changes in the RAA."		"Time series data were provided in model output files. Total BSM load reductions that exceed the target load reductions indicate that reasonable assurance (of meeting the permit limits) has been demonstrated for that pollutant for that drainage area. The tables in combination with the model output files adequately address Board staff's comment." "Section 4.3.1, Target Load Reductions, details how the Target Load Reductions were calculated. The Group provided model input and output files that allowed Board staff to verify the calculated Target Load Reductions. The Group's explanation adequately addressed Board staff's comment."	

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		23	(B.4 "Modeling comments")	The report used a pollutant load-based approach to evaluate BMP performance and compliance with applicable WQBELs for wet weather conditions. However, the report should also provide predicted concentrations in the receiving water or at the downstream outlets under the BMP scenarios. Additionally, Table 4-17 to Table 4-20 need to be revised to clarify the units for the values presented in each table. Finally, it appears that model output is only provided for final compliance deadlines. Model output should also be provided for phased BMP implementation to demonstrate that interim WQBELs for metals and bacteria will be met.	There is no evidence that this comment was considered or addressed.	No additional requirement to address October 27, 2014 Board comment.	This section was substantially rewritten and improved, but model outputs for Bacteria and metals (Tables 20-23) still do not show any interim performance as originally requested by the Board comment, only end-of-data performance. Note that 5 call falls to meet the required reductions under the "Low (25th percentile)" condition.	"Section 4 of the Final WMP was significantly revised and expanded to address the comments. Figures 5-1 to 5-6 were further revised to address comments on pollutant load units and other requested changes in the RAA."	This statement is only partly responsive to Board's comments; analysis of Final WMP is still unaddressed.	"The Group submitted the model input and output file in response to Board staff's request. The revised WMP relies on a storm water volume capture approach to demonstrate compliance with WQBELs and receiving water limitations. The modeling calculated the necessary volume capture to achieve compliance with WQBELs and receiving water limitations. Section 4.3.1, Target Load Reductions includes the calculated volume capture of the MPA that need to be implemented to achieve compliance. Table 5-1 of the revised WMP identifies the proposed control measure implementation schedule based on the phasing needed to achieve compliance with interim and final compliance targets for both bacteria and metals. The final WMP was revised in response to a condition in the Executive Officer's approval letter to modify the title of Table 5-1 to Control Measure Implementation Schedule, removing the word "tentative" from the title."	The text associated with Table 5-1 has added the following text: "The WMP, including the schedule project, will be updated through the adaptive management process, to that extent, the implementation schedule identified are tentative unless determined as a date certain associated with specific TMDL populations." Thus, removal of the word "tentative" from the title of Table 5-1 does not appear to align with any substantive change.
		24	(B.5 "Modeling comments")	The ID number for each of the 50 subwatersheds from the model input file should be provided and be shown in the simulation domain to present the geographic relationship of the subwatersheds within the watershed area that are simulated in the LSPC model.	There is no evidence that this comment was considered or addressed.	No additional requirement to address October 27, 2014 Board comment.	No change.	"The requested subwatershed ID numbers were provided, along with the Draft and Final RAA model input and output data files, to the Regional Board Staff."		"The Group provided the subwatershed ID numbers as well as submitted the model input and output files in response to Board staff's request."	
		25	(B.6 "Modeling comments")	The flow, runoff volume and water quality (pollutant concentration and pollutant mass) time series output at the watershed outlet as well as for each modeled subbasin should be provided using the 90th percentile critical condition consistent with the expression of the WQBELs in Attachments H and O to estimate the baseline condition. In addition, per RAA Guidelines, the model output should include stormwater runoff volume and pollutant concentration/flux at the outlet and for each modeled subbasin for each BMP scenario as well (see Table 5. Model Output for both Process-based BMP Models and Empirically-based BMP Models, pages 20-21 of the RAA Guidelines).	There is no evidence that this comment was considered or addressed.	No additional requirement to address October 27, 2014 Board comment.	This information may be provided in an appendix, but no such tabulation is provided in any draft of the WMP.	"The subject subwatershed time series, flow volume, and pollutant data were provided, as part of the Draft and Final RAA model input and output data files, to the Regional Board Staff."		"The Group submitted the model input and output files in response to Board staff's request. The time series output is contained within the submitted model files."	These data are not available for review.

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		26	(B.7. "Modeling comments")	Model simulation for copper, lead, zinc, nitrogen, and bacteria under the dry weather condition was not included in the Report and needs to be addressed.	Two paragraphs were added to the WMP in section 4.3 reasoning that the approved models are not applicable to dry weather. Yet the consultant who prepared the Lower San Gabriel River RAA developed methodology to simulate dry weather conditions and to develop dry-weather pollutant reduction targets.	No additional requirement to address October 27, 2014 Board comment.	The Final WMP omits the rationale of Section 4.3 of the revised WMP ("Two approved models are applicable") and replaces it with the following text (p. 73): "With the Permit requirement to eliminate non-exempted, non-stormwater discharges, there is no technical basis upon which to develop a credible quantitative dry-weather RAA and compliance can be assured through demonstrated implementation of requirements and prohibitions." Thus, any analysis of reasonable assurance is deferred to other programs. Although the WMP quotes the bacteria TMDL in observing that "dry-weather urban runoff and stormwater conveyed by storm drains are the primary sources of elevated bacterial indicator densities in the Los Angeles River Watershed during dry- and wet-weather." (Final WMP, p. 30)	"Non-Stormwater (dry-weather) Discharge Control Measures are Identified in Final WMP section 3.1.3 on page 39. Despite receiving runoff from over 4 square miles of the LAR UR2 WMA, and an approximately 120 square mile tributary watershed, dry-weather flows are typically absent from the Rio Hondo Reach 1."	Section 3.1.3 is identical in all versions of the WMP and it states: "Part W.C.S.b.(2) of the MSA Permit states that where Permits allow non-stormwater discharges from the MSA as a source of pollutants that cause or contribute to exceedance of RWLs, the proposed watershed control measures must include strategies, control measures, and/or BMPs that must be implemented to effectively eliminate the source of pollutants consistent with Parts 61.A and W.D.10 of the MSA Permit. These may include measures to prohibit the non-stormwater discharge to the MSA, additional BMPs to reduce pollutants in the non-stormwater discharge or conveyed by the non-stormwater discharge, diversion to a sanitary sewer for treatment, or strategies to ensure the non-stormwater discharge to be separately regulated under a general NPDES Permit."	"Generally, modeling of non-stormwater discharges is not conducted due to uncertainties in predicting dry-weather runoff volume, which is driven by variable and unpredictable human activities rather than climatic factors. As such, dry-weather compliance strategies are generally more conceptual. The Final WMP includes a new section 3.1.5.3 and revisions to Table 1-6, which identify steps and dates for investigating outlier outfalls as required by the condition in the approval letter (pg. 41). The dry-weather RAA approach is appropriate."	The new referenced Section 3.1.5.3 is limited to dry-weather bacteria sources. Other elements of the original comment have not been substantively addressed.
		27	(B.8. "Modeling comments")	The report did not describe how the model was calibrated, including calibration results compared to calibration criteria in Table 3.0 of the RAA Guidelines, and no historical hydrology and water quality monitoring data were used for comparison with the model results for the baseline prediction. According to Part C, pages 12-13 of the RAA Guidelines, model calibration is necessary to ensure that the model can properly assess all the variables and conditions in a watershed system.	A new section 4.5.3 was added to the Revised WMP, being a new modeling section of future water in the future. The RAA hydrology section of 1989 to 2011, 1999 to 2001, and 2001 to 2003 will be determined from the data on file. The model results from the system assessment will be used to determine the data days from the 90th percentile will be reviewed. (p. 12) This suggests that the change will be made in response to the comment.	Section 4.5. Modeling Calibration, of the revised draft WMP discusses a comparison of SBPAT and LSPC runoff volumes "to show the difference between simulated and observed values to ensure the model properly assesses conditions and variables." Provide this comparison of SBPAT and LSPC runoff volumes as an appendix or subsection to the model calibration section.	Section 4.5 Modeling Calibration was deleted in its entirety in the Final WMP. Calibration is now discussed in new section 4.1.3, the RAA Model Calibration, where it is made clear that no calibration of the current model has been completed on the LAR UR2 watershed using the most recent available, all available information presented in the Final WMP. "To ensure more of the modeling and modeling modeling and calibration efforts, which LSPC and SBPAT was published and assessed." (p. 73). Limited calibration are presented, as indicated by other data available in the report, without final, comprehensive calibration for the region and appropriate applicability of the results in the watershed, the proposed RAA cannot provide a reasonable assurance of dry-weather.	"Section 4 of the Final WMP was significantly revised and expanded to address several of the Regional Board and Petitioner comments. Table 4-1 and Figures 4-15 and 4-16 in particular address this comment."	"The final WMP was revised to include Table 4-1, which lists the annual rainfall depth, for each year, for the period of 1989 to 2011. The comment was appropriately addressed."		
		28	(B.9. "Modeling comments")	The identification of the 90th percentile years in Table 4.1 needs to be supported by presenting historical hydrological data to demonstrate the selected critical period will capture the variability of rainfall and storm sizes/conditions. The input rainfall should be also presented in the report along with the historical precipitation frequency analysis for wet days and rainfall depth.	The presentation does not demonstrate that the choice of critical years given in Table 4-1 is correct. The analysis and modeling are not for precipitation frequency, as required by the comment, but flow rate frequency. The addition to the WMP is thus unresponsive.	No additional requirement to address October 27, 2014 Board comment.	This approach was (properly) abandoned in the Final WMP.	"Section 4 of the Final WMP was significantly revised and expanded to address several of the Regional Board and Petitioner comments. Table 4-1 and Figures 4-15 and 4-16 in particular address this comment."	"The final WMP was revised to include Table 4-1, which lists the annual rainfall depth, for each year, for the period of 1989 to 2011. The comment was appropriately addressed."		

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Index ISGR	Index IAR	INDEX LAR UR2	Permit Citation	Board Staff Comments from October 23, 2014	Analysis of Revised WMP (January 27, 2015) in response to Board Comments	Conditional Approval Requirements (April 24, 2015)	Analysis of Final WMP (June 12, 2015)	In August 3, 2015 LAR UR2 Response Letter	Analysis of Response Letter statements	Staff Response (August 2015)	Analysis of Staff Response
COUWRETHVAL APPROVAL LETTER											
		29				Remove the following language in Section 1.3.1.1 of the revised draft WMP (p. 15): "The Cities are reserving all of their rights to subsequently assert that the identified BMPs need not be implemented, on the grounds that they are not technically or economically feasible. In other words, that the BMPs are impracticable and contrary to the MEP standard, and that it is not possible to provide the reasonable assurances required under the Permit in a manner that is consistent with the MEP standard if at all. The Cities agree that it is not possible to provide the reasonable assurances required under the Permit in a manner that is consistent with the MEP standard."	The offending sentences were removed in the Final WMP. They were replaced with the following: "Nothing in this WMP shall affect the administrative petitions of those Cities, nor shall anything in this WMP constitute a waiver of any Permittee positions or rights therein." (p. 15)				
		30				Reference the Los Angeles River Bacteria TMDL LRS, which was submitted by the LAR UR2 WMP in December 2014. In Section 3.1.5 of the revised draft WMP, (a) include specific steps and dates for their achievement to be taken to investigate outlier outfalls consistent with the general approach of the LRS.	A new Section 3.1.5.3 Los Angeles River Bacteria TMDL Implementation Plans was added to the Final WMP (p. 43) that notes the December 2014 submittal and commits to the "investigation" of 4 outfalls at 6-month intervals beginning in September 2015.				
		31				Delete the reference to "Potential" and "Proposed" in Table 3-8 and revise table to only include specific commitments to non-structural BMP enhanced implementation actions. Indicate each Permittee's specific commitment(s) to each action in Table 3-8 "Potential Non-Structural BMP Enhanced Implementation Efforts," since these actions are the basis for the 5% load reduction from baseline.	The offending words have been removed, and (generally) specific implementation dates for specific actions/permittees have been added. For two permittees (Ball and Maywood), several actions have "Fiscal Constraints" in the space otherwise reserved for dates.				

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Index LAR URL	Index LIAR	INDEX ISGR	Permit Citation	Board Staff Comments from October 30, 2014	Analysis of Revised WMP (January 30, 2015) in response to Board Comments	Conditional Approval Requirements (April 28, 2015)	Analysis of Final WMP (June 22, 2015)	In ISGR Response Letter #2	Analysis of Response Letter statements	Staff Response (August 2015)	Analysis of Staff Response	
		1	Part VI.C.1.d (Purpose of Watershed Management Program)	Section 1.1 of the draft WMP states, "the goal of these requirements is to reduce the discharge of pollutants from MS4 to the maximum extent practicable." The goal of the three permits and of a WMP is broader than presented (p. 1-1). Per the LA County MS4 Permit, "The programs shall also ensure that controls are implemented to reduce the discharge of pollutants to the maximum extent practicable (MEP) pursuant to Part IV.A.L." The revised WMP needs to acknowledge the broader goals set forth in the permit.	Section 1.1 now paraphrases the above-stated goals of the Regional Board, and as in the Draft WMP further notes that "The ultimate goals of the WMP are listed in Section 1.2.3." However, no mention in either draft of the WMP includes the last concern of the Board, that "controls are implemented to reduce the discharge of pollutants to the maximum extent practicable (MEP) pursuant to Part IV.A.L."	No additional requirement to address October 30, 2014 Board comment.	No change.					
		2	Part VI.C.5.a.II (1) (Category 1 Pollutants)	The MS4 permit requires WMPs to include the applicable numeric WQBELs for each approved TMDL within the WMA. These should be clearly listed within the WMP. They are currently identified in the BAA in Tables S-4 and S-5, but do not appear presented in the main document.	This has been added as Table 2-3 (p. 2-6).							
		3	Part VI.C.5.a.II(2)-(3) (Categories 2 and 3 Pollutants)	The WMP needs to specify the applicable receiving water limitations for Category 2 water body pollutant combinations. These should be clearly listed within the WMP. It appears these are listed in Tables 2-3 to 2-11 in association with monitoring site specific summaries of exceedences of water quality objectives; however, it would provide greater clarity to also summarize them in a single table.	This has been added as Table 2-4 (p. 2-10)							
		4	Part VI.C.5.a.III (a)(i) (Source Assessment)	The MS4 Permit requires a map of the MS4 including major outfalls and major structural controls. Section VII A of Attachment E to the MS4 Permit requires maps of the drainage areas associated with the outfalls and these were not provided.	This has been addressed in part as Figure 3-16 (Locations of Existing Structural BMPs) p. 3-48)							
		5	Part VI.C.5.a.IV (Watershed Control Measures)	the program needs to more clearly demonstrate that the compliance schedule (Section 5) ensure compliance "as soon as possible." The WMP needs to provide a clear schedule that demonstrates implementation of the BMPs will achieve the required interim metal reductions by the compliance deadlines. The WMP schedule should at the least provide specificity on actions within the current and next permit terms. ...it would be reasonable to update the WMP to contain project milestones and implementation timelines for projects that will be implemented under this grant.	There has been added to p. 5-11 "Meeting the final reductions determined by the BAA results in an aggressive compliance strategy in terms of the development, implementation and monitoring of the necessary control measures. Finally, as described in Chapter 6, there is currently no funding source to pay for these controls... As such the Board considers the compliance schedule to be as short as possible... an aggressive compliance plan to implement or monitor an equally aggressive schedule to meet the permit's goals. And as such it is more likely to be as short as possible for all WMPs." This position had interpreted the Board's requirements for ADAP compliance in strict financial terms, with a substantial understanding being added for acquisition and "compliance." In response to the recent comment for "clear schedule," a table containing had been added on page 5-2, "Implementation associated with the long term non-structural controls implementation of the WMP implementation details. The status of these controls will be provided in the annual report and future reports through the adaptive management process in order to assess their progress in attaining the general goal reductions. Table 5-3 lists the non-structural ADAP compliance schedule." This response makes clear that the commitments to "full implementation" of associated BMPs, for example, at the 8 project on February 2nd and the first 100% of a 2014 construction, were not included in the Revised WMP as having a 2013 start date. There were no clear work between set-up, had compliance with the law and interim compliance deadline, as requested by the Board's comments.	Revise Table 5-1 of the revised draft WMP to include the milestones and milestone completion dates for the following targeted control measures (TCMs) as follows: a. TCM-PLD-2 (EID Ordinance): Remove the phrase "when practicable" and set a milestone date for ordinance adoption to 12/28/17 (i.e., end of permit term). b. TCM-TS-1 (Exposed Soil Ordinance): Remove the phrase "when practicable" from the milestone description. c. TCM-TS-3 (Private Lot Sweeping Ordinance): Remove the phrase "when practicable" from the milestone description. d. TCM-BET-1 (Encourage downspout disconnect): Identify interim milestone(s) and date(s) for milestone achievement and include in table.					A-1 required updating changes were made to the final WMP. However, some of the milestones (see comments of the October 30, 2014 Board comments) have been met.	

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	6		Part W.C.S.b.v.(5)(c) (Selection of Watershed Control Measures)	For waterbody-pollutant combinations not addressed by TMDLs, the MSA Permit requires that the plans demonstrate using the reasonable assurance analysis (RAA) that the activities and control measures to be implemented will achieve applicable receiving water limitations as soon as possible. It does not address the question of whether compliance with limitations for pollutants not addressed by TMDLs could be achieved in a shorter time frame.	The only part of the Executive Summary of the RAA (Section 4.1) states that the RAA "demonstrated that the initial clock will be the primary compliance option and that by implementing the structural best management measures... to reduce point and nonpoint runoff, goals will be achieved. The violation... is limited to Section 5.1.3 of the RAA (Appendix 4) (Table 4.1.1.1) however, the violation will be achieved if compliance with limitations for pollutants not addressed by TMDLs could be achieved in a shorter time frame." (emphasis added) The comment has not been addressed.	No additional requirement to address October 30, 2014 Board comment.	No change.	"The introduction to Section 5 was modified to more clearly demonstrate that the compliance schedule is as soon as possible for pollutants not addressed by TMDLs."	The relevant modification in the Revised Final Final WMP Report is follows: "Meeting the load reduction goal required by the RAA is to be achieved through a combination of structural, nonstructural, and implementation of the necessary structural measures. Funding is described in Chapter 5.0. Once the necessary funding source is pay for these structural measures, funding will be used to implement the structural measures as soon as possible. Funding will be used to implement the structural measures as soon as possible. Funding will be used to implement the structural measures as soon as possible." (emphasis added)	"The revised WMP provides an estimate of the cost of structural BMPs and based on this estimated cost, reiterates the financial difficulties and uncertainties of implementing the WMP (particularly the lack of funding sources for controls) and provides that the compliance schedule is as short as possible to allow time to both address technological and operational challenges and to secure the necessary funding to implement the watershed control measures in the WMP... The Group's existing strategy to control pollutants "as soon as possible" is sound." (emphasis added)	Yes "strategy" is inherent in the response.
	7		Part W.C.S.b.v.(1)(a) (Minimum Control Measures - Industrial Facilities Program)	The revised WMP should ensure that any alternative prioritization method used by a City must also be based on water quality impact. The Group should revise their draft WMP to clearly state when the initial prioritization of facilities will occur. Additionally, the Group should be explicitly clear that during any prioritization, the ratio of low priority to high priority facilities must always remain at 3:1 or lower to maintain inspection frequencies identified in the draft WMP.	These changes have been made.						

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	8		Part W.C.S.B.N (4)(b) (d) (Selection of Watershed Control Measures)	The RAA identifies potential areas for green street conversion and assumes a 30% conversion of the road length in the suitable areas; however, the specific locations and projects are not identified. Although it may not be possible to provide detailed information on specific projects at this time, the WMP should at least commit to the construction of the necessary number of projects to ensure compliance with permit requirements per applicable compliance schedules.	Both the Draft and Revised WMP have the following text verbatim: "The RAA identifies potential areas for green street conversion and assumes a 30% conversion of the road length in the suitable areas; however, the specific locations and projects are not identified. Although it may not be possible to provide detailed information on specific projects at this time, the WMP should at least commit to the construction of the necessary number of projects to ensure compliance with permit requirements per applicable compliance schedules." (emphasis in original) Since this wording violated the total Board comment on the Draft WMP, its persistence in the Revised WMP is a non-assurance. Section 3 was revised and now states: "The RAA identifies potential areas for green street conversion and assumes a 30% conversion of the road length in the suitable areas; however, the specific locations and projects are not identified. Although it may not be possible to provide detailed information on specific projects at this time, the WMP should at least commit to the construction of the necessary number of projects to ensure compliance with permit requirements per applicable compliance schedules." (emphasis in original) This, too, is a non-assurance. The RAA identifies potential areas for green street conversion and assumes a 30% conversion of the road length in the suitable areas; however, the specific locations and projects are not identified. Although it may not be possible to provide detailed information on specific projects at this time, the WMP should at least commit to the construction of the necessary number of projects to ensure compliance with permit requirements per applicable compliance schedules.	No additional requirement to address October 30, 2014 Board comment.	NO CHANGE	The commitment language was included in the Revised (and Final) WMP in Section 5.3. Also included were modifications to increase the degree of clarity and specificity regarding schedules and actions for the current and next permit terms. Of particular note, WMP Section 5.3 was revised to include a 2015-2016 schedule of feasibility studies and site assessments to determine specific projects to address the milestones in the compliance tables of the RAA, Attachment B. The RAA identifies potential areas for green street conversion and assumes a 30% conversion of the road length in the suitable areas; however, the specific locations and projects are not identified. Although it may not be possible to provide detailed information on specific projects at this time, the WMP should at least commit to the construction of the necessary number of projects to ensure compliance with permit requirements per applicable compliance schedules.	The only change in this section that pertains to the RAA is the addition of the following text: "The RAA identifies potential areas for green street conversion and assumes a 30% conversion of the road length in the suitable areas; however, the specific locations and projects are not identified. Although it may not be possible to provide detailed information on specific projects at this time, the WMP should at least commit to the construction of the necessary number of projects to ensure compliance with permit requirements per applicable compliance schedules." (emphasis in original) The Final WMP includes two new tables, Tables 5-2 and 5-3, which provide detail on the Permittees responsible for each LID BMP, and the deadlines and status for the project tasks (e.g. 5-4 to 5-5). The Group has conveyed to Board staff that the information contained in Section 5 is the maximum practicable given uncertainties and that greater certainty will be provided through the adaptive management process.	Given the information provided in the "Adaptive Management Process" (Section 5) of the RAA, the RAA identifies potential areas for green street conversion and assumes a 30% conversion of the road length in the suitable areas; however, the specific locations and projects are not identified. Although it may not be possible to provide detailed information on specific projects at this time, the WMP should at least commit to the construction of the necessary number of projects to ensure compliance with permit requirements per applicable compliance schedules.	
13	9		Part W.C.S.B.N (4)(b) (Watershed Control Measures - Milestones)	The MSA Permit requires that the WMP provide specificity with regard to structural and non-structural BMPs, including the number, type, and location(s), etc. adequate to assess compliance. In a number of cases, additional specificity... is needed... there should at least be more specificity on actions within the current and next permit terms to ensure that the following interim requirements are met (1) a 10% reduction in metals loads during wet weather and a 30% reduction in dry weather by 2015 and (2) a 35% reduction in metals loads during wet weather and a 70% reduction during dry weather by 2020.	The RAA identifies potential areas for green street conversion and assumes a 30% conversion of the road length in the suitable areas; however, the specific locations and projects are not identified. Although it may not be possible to provide detailed information on specific projects at this time, the WMP should at least commit to the construction of the necessary number of projects to ensure compliance with permit requirements per applicable compliance schedules. The RAA identifies potential areas for green street conversion and assumes a 30% conversion of the road length in the suitable areas; however, the specific locations and projects are not identified. Although it may not be possible to provide detailed information on specific projects at this time, the WMP should at least commit to the construction of the necessary number of projects to ensure compliance with permit requirements per applicable compliance schedules. The RAA identifies potential areas for green street conversion and assumes a 30% conversion of the road length in the suitable areas; however, the specific locations and projects are not identified. Although it may not be possible to provide detailed information on specific projects at this time, the WMP should at least commit to the construction of the necessary number of projects to ensure compliance with permit requirements per applicable compliance schedules.	No additional requirement to address October 30, 2014 Board comment.	NO CHANGE	"Section 5 of the Revised (and Final) WMP was modified to increase the degree of clarity and specificity regarding schedules and actions for the current and next permit terms. The corrections to the Final WMP further refined these commitments. The Group has also addressed the inherent uncertainty as to which specific BMPs will be implemented to address the milestones in the RAA compliance tables (RAA Attachment B). Section 5.3 was revised to include a 2015-2016 schedule of feasibility studies and site assessments to determine specific projects."	"The Revised WMP provided more specificity in Section 5 regarding structural and non-structural best management practices (BMPs)... The Revised WMP did not contain definitive milestone dates, nor did it specify the Permittees responsible for the projects. The Executive Officer's approval letter included a condition that the Group add definitive dates for these LID BMPs... The Final WMP addresses this condition by including additional milestones and dates for their achievement."	The inclusion of a specific date for the completion of the RAA is a positive change. The RAA identifies potential areas for green street conversion and assumes a 30% conversion of the road length in the suitable areas; however, the specific locations and projects are not identified. Although it may not be possible to provide detailed information on specific projects at this time, the WMP should at least commit to the construction of the necessary number of projects to ensure compliance with permit requirements per applicable compliance schedules.	
14	10		Part W.C.S.B.N (4)(c) (345 Copper Reductions)	The draft WMP appears to rely mostly on the phase-out of copper in automotive brake pads... to achieve the necessary copper load reductions... (Other structural and non-structural BMPs may still be needed to reduce Cu loads sufficiently to achieve compliance deadlines for interim and/or final WQBELs.	No change was made in the document in response to the comment.	No additional requirement to address October 30, 2014 Board comment.	No change.	"A change to the document was not necessary as explained in a response letter to the RB. The RAA approach of controlling zinc, in concert with the modeled effect of copper load reductions anticipated through SB 345, anticipates that the application of the Watershed Control Measures and Compliance Schedule of Chapter 3 and 5, respectively, will reduce copper loads sufficiently to achieve compliance deadlines from interim and/or final WQBELs."	"The RAA's approach of using zinc as a limiting pollutant, while anticipating copper reductions through Senate Bill 345 is an adequate approach to compliance with copper WQBELs. Therefore, no condition was included in the Executive Officer's approval letter to address this comment."	This response suggests that the Board's original judgment ("The draft WMP appears to rely mostly on the phase-out of copper in automotive brake pads... to achieve the necessary copper load reductions") was simply incorrect. If that is the present conclusion of the staff it should be clearly articulated as such.	

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		13	Part VI.C.5.b.iv.(5) (Reasonable Assurance Analysis - Limiting Pollutant)	The RAA identifies zinc as the limiting pollutant and notes that this pollutant will drive reductions of other pollutants. If the Group believes that this approach demonstrates that activities and control measures will achieve applicable receiving water limitations, it should explicitly state and justify this for each category 1, 2, and 3 pollutant.	A microscopic change in wording has been made on p. 4-1 between the Draft and the Revised WMP DRAFT. The RAA has determined that the metal zinc will be the primary or "limiting" pollutant and that by implementing structural and non-structural measures to reduce zinc, the remaining pollutant goals will be achieved. REVISED: The RAA has determined that the metal zinc will be the primary or "limiting" pollutant and that by implementing the structural and non-structural measures in Chapter 3 to reduce zinc, the remaining pollutant goals will be achieved for the Water Quality Priorities defined in Chapter 2. The rationale for this modeling approach is included Section 5.3.1.1 (sic) of the RAA (Appendix 4-1). (Note the identical typo is present in the Lower Los Angeles River revised WMP.) The request for explicit explanations for each pollutant has not been followed.	No additional requirement to address October 30, 2014 Board comment.	No change.	"Section 5.3.1 of the RAA justifies how Category 1, 2, and 3 pollutants are controlled through the limiting pollutant approach. This statement, along with a reference to the RAA for justification, is included in Section 4.3. The revised introduction to Section 5 provides explicit statements regarding the implementation of this approach in order to achieve applicable receiving water limitations."	The revised text of Section 5 states "This is true for all WQPs—by the nature of the limiting pollutant approach, it is expected that each of the remaining WQPs will be controlled at a faster rate than zinc. As such it is a derivation of a limiting pollutant approach but nothing more."	"The Group has added additional clarification on its limiting pollutant approach in Section 5 (pg. 5-1) of the WMP and in Section 5.3.1 of the RAA (Appendix 4-1, pg. 38). The revised WMP does not state and justify this approach for each category 1, 2, and 3 pollutant; however, this is not necessary given the Group's limiting pollutant approach."	Section 5.3 of the RAA notes "Overall findings of the study estimated that of the anthropogenic sources of copper, approximately 55 percent are attributed to brake pad releases (BPP 2010). Even if the reduction was only half of this amount, the adjustment to the required copper reduction would still result in zinc being the limiting pollutant in LAR, LCC, and LSGR." Setting aside whether "only half" is a reasonable expectation for copper reductions from SB 246, it suggests that other pollutants might have similarly significant required reductions relative to zinc, but because they were not modeled this cannot be assumed. Simply asserting that zinc is limiting based on only a few point sources (and then redefining the term) does not constitute proof.
		12	Part VI.C.5.b.iv.(5) (Reasonable Assurance Analysis - New Non-Structural Controls)	"The draft assumes a 10% pollutant reduction from new non-structural controls...additional support for this assumption should be provided, particularly since the group appears to be relying almost entirely on these controls for near-term pollutant reductions to achieve early interim milestones/deadlines...the Permittees should commit to evaluate this assumption during program implementation and develop alternate controls if it becomes apparent that the assumption is not supported."	The following passage was added to Section 4.3: "Currently there is insufficient information to accurately model the implementation of the controls listed in Section 3.2.3 through 3.4.1. These non-modeled controls were instead assigned a modest fraction of 10% for their cumulative load reduction. As part of the adaptive management process the Participating Agencies will evaluate this assumption during Program Implementation and develop alternate controls if it becomes apparent that the assumption is not supported. However, despite the uncertainty surrounding the specific load reductions for these controls, there is support to suggest that the assumption is in fact a modest one." (p. 4-2 and 4-3)			"Section 4.3 was added to the revised WMP to address the Regional Board comment. The Regional Board also states that, "as part of the adaptive management process, the Permittees should commit to evaluate this assumption during Program Implementation and develop alternate controls if it becomes apparent that the assumption is not supported." This commitment was also included in the Section 4.3."	"Section 4.3 also clarifies the support for the 10% pollutant reduction and commits to a re-evaluation of the assumption. Agencies will evaluate this assumption during Program Implementation and develop alternate controls if it becomes apparent that the assumption is not supported."		
		13	Part VI.C.5.b.iv.(5) (Reasonable Assurance Analysis - Irrigation Reductions)	For dry weather, the WMP assumes a 25% reduction in irrigation (RAA, section 7.1.2). Additional support should be provided for this assumption, particularly since the group appears to be relying almost entirely on this non-structural BMP for near-term pollutant reductions to meet early interim milestones/deadlines...the Permittees need to commit to evaluate this assumption during program implementation and develop alternate controls if it becomes apparent that the assumption is not supported.	A new section (4.2.1.1) was added to the 2015 WMP that summarized the results of 4 studies (1997, 1998, 2004, 2010) on reductions in residential water use, which suggest that 25% reduction is a plausible outcome. The referenced RAA section is only 1 page and was not changed between the 2014 and 2015 versions. The justification for 25% reductions is plausible, as current response to emergency drought measures have recently demonstrated, but it is hardly "conservative" (as stated in the text). It also presupposed implementation of actions that would lead to such an outcome. By using emergency drought regulations as an example of how public education can reduce water use, it begs the question of their applicability to sustainable, long-term reductions.	No additional requirement to address October 30, 2014 Board comment.	No change.				
		14	Part VI.C.5.b.iv.(5) (Reasonable Assurance Analysis - Regional BMPs)	Section 1.4.2 of Attachment A to the RAA points out that additional potential regional BMPs were identified to provide the remaining BMP volume noted in Table 9.4...The RAA should clarify that sufficient sites were identified so that the remaining necessary BMP volume can be achieved by those sites that were not "excluded for privacy."	No change was made in the document in response to the comment.	No additional requirement to address October 30, 2014 Board comment.	No change.				

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		15	Part VI C.S.B.iv.(5) (Reasonable Assurance Analyses - Permitted Industrial Facilities)	...It is important that the Group's actions under its Industrial/Commercial Facilities Program - including tracking critical industrial sources, educating industrial facilities regarding BMP requirements, and inspecting industrial facilities - ensure that all industrial facilities are implementing BMPs as required.	A substantial amount of new information was added to the RAA, although the organization (e.g., multiple "Attachment A" documents) make a clear understanding of their interrelationships difficult. A new "Attachment C: Minimum Control Measure Guidance" includes 10 pages on implementing an Industrial/Commercial Facilities Program, although the document explicitly "provides guidance" rather than stating a requirement of the WMP.						
		16	Part VI C.S.B.iv.(4)(b) (Watershed Control Measures, page 63)	In Section 3.4.1.1, the draft WMP states, "[a]s recognized by the footnote in Attachment K 4 of the Permit, the Participating Agencies have entered into an Amended Consent Decree with the United States and the State of California, including the Regional Board, pursuant to which the Regional Board has released the Participating Agencies from responsibility for toxic pollutants in the Dominguez Channel and the Greater Los Angeles and Long Beach Harbors." [This statement misinterprets the Regional Water Board's findings...the statement in the draft WMP incorrectly concludes that the aforementioned Consent Decree releases MSA Permittees from any obligation to implement the WQBELs in the MSA permits.	The 2015 text has been modified and now reads: "The footnote specifically states: 'The requirements of this Order to implement the obligations of [the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL] do not apply to a Permittee to the extent that it is determined that the Permittee has been released from that obligation pursuant to the Amended Consent Decree entered in United States v. Montrose Chemical Corp., Case No. 90-3122 (AM) (9th). The submission of this WMP and its associated QMP and any action or implementation taken pursuant to it shall not constitute a waiver of any such release of obligations established by that Amended Consent Decree.'" (p. 3-22)						
		17	Part VI C.S.C (Compliance Schedules)	Page 6-1 notes that "the final non-TMDL water quality standard compliance date is projected to be sometime in 2040." However, the pollutant reduction plan milestones in Section 5 only appear to go up to the year 2026. For watershed priorities related to addressing exceedances for receiving water limitations, the permit requires milestones based on measurable criteria or indicators, a schedule with dates for achieving the milestones, and a final date for achieving the receiving water limitations as soon as possible. These need to be included in the revised WMP.	The offending phrase in Section 6.1 ("The final non-TMDL water quality standard compliance date is projected to be sometime in 2040") was simply deleted in the Revised WMP. The only mention of the year 2040 in the Revised WMP is in the added section 5.4.14 ("The State of California"). "For bacteria, the existing Los Angeles River Bacteria TMDL is applicable. This results in a final wet and dry weather deadline of 2040, which extends beyond the 2026 deadline for the limiting pollutant zinc. If it is determined through the relative management process (e.g., due to future model simulations) that required bacteria load reductions may not be met by controlling for zinc, then the WMP will be modified to incorporate bacteria milestones with measurable criteria or indicators with a final deadline of 2040." This is unlikely to be the type of response that the Board was seeking through this comment. There are no milestones, based on measurable criteria or indicators, an explicit schedule, nor a final date.	Revise the last sentence of Section 5.4.14 of the revised draft WMP to the following: "If it is determined through the relative management process that required bacteria load reductions may not be met by controlling for zinc, then the WMP will be modified to incorporate bacteria milestones with measurable criteria or indicators consistent with any future bacteria TMDL for the San Gabriel River and with, at the latest, a final deadline of 2040."	Section 5.4.14 was modified as directed by the Conditional Approval requirements, but these changes are still not responsive to original comment with its explicit request for: "Milestones based on measurable criteria or indicators, or schedule with dates for achieving the milestones, and a final date for achieving the receiving water limitations as soon as possible". (Emphasis added)				

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RAA EVALUATION LETTER											
		18	(A.1. "General comments")	Additional support for the anticipated pollutant load reductions from these non-structural BMPs and source control measures over the next two to three years should be provided to increase the confidence that these measures can achieve the next-term interim WQBELs by September 2017.	The Revised WMP now states "As expressed in the tables of Section 5.4, the Participating Agencies can meet the September 30, 2017, 10% milestone without structural controls." (p. 5-5) However, the revised tables do not reference either no "support" whatsoever for the 10% milestone, every one of them simply states "Nonstructural practices achieve 10% milestone". A bold assertion is not the same as providing additional support.	No additional requirement to address October 30, 2014 Board comment.	No change.				
		19	(A.2. "General comments")	Section 5 Compliance Schedule of the draft Watershed Management Plan only provided implementation schedule for non-structural targeted control measures up to 2017. The LSGR Watershed Management Group must provide measurable milestones for implementing each one of the proposed control measures that will allow an assessment of progress toward the interim and final WQBELs and receiving water limitations every two years.	The RAA (Table 4.1.1) has been added to Table 5.4. Additionally, TCM Compliance Schedule and a new section was added to the Revised WMP (Table 5.4) to implement the schedule of controls. In Section 5.4.1, the following additions for scheduling of the required WQBELs: "Every two years, the adaptive management process will include an assessment of the effectiveness of both 1) right-of-way BMPs implemented from 01/01/2012 and 1) 01/01/17 in progress to meet targeted load reductions." The compliance schedule and reporting study will be completed by March 2015. Field analysis of watershed sites will begin in September 2015. In response to the Board comment, the following section has been added: "The Participating Agencies are committed to completing the necessary reports and data to meet the determined load reductions per Adaptive Compliance Schedule." The "measurable milestones for implementing each one of the proposed control measures" requested by the Board comments have not been provided.	No additional requirement to address October 30, 2014 Board comment.	No change.				
		20	(A.3. "General comments")	The LSGR WMP should include a more specific strategy to implement pollutant controls necessary to address this [bacteria] and other Category 2 pollutants prior to the second and third adaptive management cycles.	A new passage in the Revised WMP (Section 5.4.14) states "A bacteria TMDL has not been adopted for the Lower SGR Watershed. The RAA Guidelines state that in such an instance targets and critical conditions from other TMDLs in the region should be utilized. For bacteria, the existing Los Angeles River Bacteria TMDL is applicable." No other bacteria-specific control measures appear to have been added to the 2015 WMP. Thus, this issue does not appear to have been addressed.	No additional requirement to address October 30, 2014 Board comment.	No change.				
		21	(B.1. "Modeling comments")	Based on the results of the hydrology calibration shown in Table 4.3, the error difference between modeled flow volumes and observed data is 19%... The higher error percentage could be due to the exclusion of contributions of flow volume from upstream. For calibration purposes, upstream volume should be included... Once model calibration has been completed, the upstream flow volume can then be excluded...	Between the Draft and Revised WMP's RAA, the % error improves from -19.0% to -3.31%. There is no text change to explain this difference, nor any apparent differences in the graphed monthly hydrographs for observed and modeled flows.	No additional requirement to address October 30, 2014 Board comment.	No change.	"It should be noted that the entire watershed was included in the model for calibration purposes, including areas upstream and outside of the area addressed by the RAA. As such, there was no absence of upstream flow contributing to the error difference. As stated in the Regional Board comment, once calibration was completed, upstream areas were subtracted from the model for presenting load reduction targets. The plots in Attachment E were updated to show the daily calibration results. The Tables in Section 4.1.1 and 4.1.2 were updated to show the modeled versus observed volume error for the daily calibration results (versus the monthly that were shown previously)."	"The Group has clarified that upstream flows were taken into account in the RAA. Additionally, the Group has also clarified that the tables in Sections 4.1.1 and 4.1.2 have been updated to show the modeled versus observed volume error for the daily calibration results as opposed to the monthly calibration results used in the draft WMP."	It is unusual that calibration results improve when evaluated on shorter time steps, but the results are presumed correct. Note that nowhere in Section 4.1.1 is the time step specified.	

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	22	22	(B.2. "Modeling comments")	"...the predicted baseline concentrations and loads for all modeled pollutants of concern, including TSS, should be presented in summary tables for wet weather conditions."	A new set of tables and maps (Section 5.3.1 of the RAA) has been added to the Revised WMP that is responsive to this comment. Only 7 pollutants are shown, however.	No additional requirement to address October 30, 2014 Board comment.	No change.	"An additional table was added to the RAA to reflect the baseline loads. Found on page 39 as Table 5-6."		"Table 5-6 of the RAA (Appendix A-6-1, pg. 40) reflects baseline loads for organics, metals, and bacteria. Although TSS is not included, the sediment associated pollutants are included (DDT, PCB, and PAHs)."	
	23	23	(B.3. "Modeling comments")	"...the differences between baseline concentrations/loads and allowable concentrations/loads should be presented in time series for each pollutant under long-term continuous simulation and as a summary of the differences between pollutant concentrations/loads and allowable concentrations/loads for the critical wet weather period."	In the Revised RAA, a new section has been added: "Attachment F: Modeled Existing Versus Allowable Pollutant Loadings Plot." As suggested by the title, it provides the requested time series of loads, but not concentrations. No summaries, just time-series graphs, are provided. This is a partial response to one part of the Board's request.	No additional requirement to address October 30, 2014 Board comment.	No change.				
	24	24	(B.4. "Modeling comments")	"We note that modeling was not conducted for organics (DDT, PCBs, and PAHs). It is not clear why these pollutants were not modeled or why previous modeling of these pollutants could not be used...An explanation for the lack of modeling is needed."	New results in Section 5.3.1 of the Revised RAA suggest that modeling has occurred for these pollutants.			"It should be noted that the original watershed modeling (based on LSPC) supporting the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxics Pollutants TMDL did not include simulation of DDT, PCBs, and PAHs. Rather, modeled sediment was used as a surrogate to estimate watershed loadings. Therefore, the 90th percentile of observed concentrations were assigned, meeting requirements set forth by RAA guidance provided by the Regional Water Quality Control Board."		"The Group has clarified that the Harbor Toxics TMDL did not directly model these pollutants, but instead used sediment as a surrogate. To establish baseline pollutant loading, the Group uses the 90th percentile of observed concentrations for DDT, PCBs, and PAHs."	

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		25	(B.5. "Modeling comments")	<p>The report presents the existing runoff volumes, required volume reductions and proposed volume reductions from BMP scenarios to achieve the 85th percentile, 24-hour volume retention standard for each major watershed area. The same information also needs to be presented for each modeled subbasin. Additionally, more explanation needed as to what constitutes the "incremental and cumulative" critical year storm volumes in table 9-5 and 9-7 and how these values were derived from previous tables.</p> <p>The report needs to present the same information, if available, for non-stormwater runoff.</p>	<p>A single sentence was added to Section 9-2 in response to one item in this comment: "The Incremental column shows the total additional BMP volume required for each milestone while the cumulative measures the total BMP volume required by each milestone to hit the final compliance target." No other change was made in the document in response to the comment.</p>	<p>No additional requirement to address October 30, 2014 Board comment.</p>	<p>No change.</p>	<p>Regarding the required information for the modeled subbasins, Attachment 9 of the RAA was updated to include the requested tables, along with a sentence to provide some clarification in RAA Section 9.2.1 (third paragraph) regarding non-stormwater runoff, the complete comment from the Regional Board is as follows: "The report needs to present the same information. If available, for non-stormwater runoff. Alternatively, the report should include a commitment to collect the necessary data in each watershed area, through the non-stormwater outfall screening and monitoring program, so that the model can be recalibrated during the adaptive management process to better characterize non-stormwater flow volumes and to demonstrate that proposed volume retention BMPs will capture 100 percent of non-stormwater that would otherwise be discharged through the MS4 in each watershed area."</p> <p>A commitment to the recalibration alternative was included in WMP Section 4.2.</p>	<p>"Attachment 8 to the revised WMP includes detailed jurisdictional compliance tables that include runoff volumes, required volume reductions, and proposed volume reductions for each subwatershed. Language was added in section 9.2.1 of the RAA (Appendix, pg. 55) that clarifies the incremental and cumulative columns in Tables 9-4 through 9-7. Section 4.2 of the revised WMP commits to recalibrate the RAA based on data collected through the monitoring program (which includes the non-stormwater outfall screening and monitoring program)."</p>	<p>This commitment is stated as follows: "The Reasonable Assurance Analysis for the Lower Los Angeles River Watershed is included in Appendix A-4-1. As data is collected through the monitoring program the model will be recalibrated during the adaptive management process, which will allow for improved simulation of physical processes such as flow volumes and volume retention BMPs." Section 9 of the WMP, however ("Adaptive Management Process"), however, provides no clear assurances that such recalibration will occur. This "commitment" should be strengthened and made explicit.</p>	
		26	(B.6. "Modeling comments")	<p>The report needs to present the same information (see above, comment B5), if available, for non-stormwater runoff. Alternatively, the report should include a commitment to collect the necessary data in each watershed area, through the non-stormwater outfall screening and monitoring program, so that the model can be recalibrated during the adaptive management process to better characterize non-stormwater flow volumes and to demonstrate that proposed volume retention BMPs will capture 100 percent of non-stormwater that would otherwise be discharged through the MS4 in each watershed area.</p>	<p>No change was made in the document in response to the comment.</p>	<p>No additional requirement to address October 30, 2014 Board comment.</p>	<p>No change.</p>				

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CONDITIONAL APPROVAL LETTER										
	27				Revise Table 3-1 of the revised draft WMP to state that for control measures listed as being a "jurisdictional effort," the Permittees that are responsible for milestone completion are identified in Table 3-5.	Equivalent text was already present in Section 5.1.3.				
	28				Revise Section 5.2 of the revised draft WMP to include a table that lists definitive interim and final milestone achievement dates and the responsible Permittees for the Proposition 65 projects. Currently, the revised draft WMP only provides "expected" dates for construction and completion. The responsible Permittees within the LSGR WMS will be responsible for meeting these milestone achievement dates.	Done.				
	29				In Section 4.3 of the revised draft WMP, include references to Table 3-2, Table 3-5, and any other relevant tables that list BMPs contributing to the 10% pollutant reduction assumption for non-modeled BMPs.	One sentence has been added: "The nonstructural measures are summarized in Tables 3-2 and 3-5."				
	30				Provide further detail and specificity in Section 3.4.1.3 of the revised draft WMP on what incentives are being included in TCM-NOWD-1 and whether any incentives are being offered apart from Metropolitan Water District's rebate program.	Done.				
	31				The City of Long Beach submitted its statement of Legal Authority to the Los Angeles Water Board on February 26, 2015. Include this Statement of Legal Authority in the WMP appendix section containing the other Permittees' legal authority statements.	Done.				

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	1	1	Part VI.C.1.d (Purpose of Watershed Management Program)	Section 1.1 of the draft WMP states, "the goal of these requirements is to reduce the discharge of pollutants from MS4s to the maximum extent practicable." The goal of the three permits and of a WMP is broader than presented (p. 1-1). Per...the LA County MSA Permit, "...the programs shall also ensure that controls are implemented to reduce the discharge of pollutants to the maximum extent practicable (MEP) pursuant to Part IV.A.L." The revised WMP needs to acknowledge the broader goals set forth in the permit.	Section 1.1 now paraphrases the above-stated goals of the Regional Board, and as in the Draft WMP further notes that "The ultimate goals of the WMP are listed in Section 1.2.3." However, no mention in either draft of the WMP includes the last concern of the Board, that "controls are implemented to reduce the discharge of pollutants to the maximum extent practicable (MEP) pursuant to Part IV.A.L."	No additional requirement to address October 28, 2014 Board comment.	No change.				
		2	Part VI.C.5.a.ii.(v)(X) (Source Assessment, page 60)	The MSA Permit requires that TMDL source investigations be considered in the source assessment. Although several TMDLs are discussed in Section 2.2, others with potentially useful insights such as the Los Angeles River metals TMDL were not. The group should consider the source investigations from all relevant TMDLs for possible insights into important sources that might be useful in designing an effective program.	There are no apparent changes to Section 2.2.	No additional requirement to address October 28, 2014 Board comment.	No change.				
		3	Part VI.C.5.a.ii.(ii)(v) (Source Assessment, page 60)	The MSA Permit requires the source assessment to include data and conclusions from watershed model results. The Regional Water Board did not find any responsive information in the draft WMP and any available information should be noted in the final WMP. For example, relevant findings presented in the implementation plans for the LA River metals TMDL submitted in October 2010 by Reach 1 and Compton Creek participating jurisdictions and Reach 2 participating jurisdictions should be included.	Section 2.3 Source Assessment was significantly expanded.						
	4	4	Part VI.C.5.a.ii.(ii)(vi) (Source Assessment)	The MSA Permit requires a map of the MSA including major outfalls and major structural controls...Section VII.A of Attachment I to the MSA Permit requires maps of the drainage areas associated with the outfalls and these were not provided.	This has been addressed in part as Figure 3-16 (Locations of Existing Structural BMPs; p. 3-54).						
	5	5	Part VI.C.5.a.ii.(ii) (Prioritization, page 60)	The MSA Permit requires a strategy to implement pollutant controls necessary to achieve WQBELs and/or receiving water limitations (RWLs) with compliance deadlines that have already passed and limitations have not been achieved. The LA River metals TMDL includes Interim wet and dry water quality based effluent limitations with a compliance deadline of January 2012; the WMP needs to address the compliance status of the permittees with these limitations, and ensure compliance. ...Therefore, the statement in the draft WMP incorrectly concludes that the aforementioned Consent Decree releases MSA Permittees from any obligation to implement the WQBELs in the MSA permits.	Citing a 2010 CDM report, section 3.A.L.3 now asserts "Specifically, the Reach 2 Implementation Plan indicates that the 2012 dry weather targets are currently being met and analyses of the Reach 2 watershed (which includes the Rio Hondo Spreading Grounds) indicates that the 2012 wet weather target is currently being met. With recent existing Reach 1 Regional Projects and the continued implementation of SUSMP/AID projects and nonstructural controls, the Group considers that the 2012 targets for Reach 1 have also been met." The assertion of release from obligations has been corrected in the Revised WMP.						

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		5	Part 6 VIC.S.6.N (2)(A) (Prioritization, page 60)	Where data indicate impairment or exceedances of RWAs and the findings from the source assessment indicate discharges from the MSA, the Permit requires a strategy for controlling pollutants that is sufficient to achieve compliance as soon as possible. Although Section 3 includes a compliance strategy, the program needs to more clearly demonstrate that the compliance schedule (Section 5) ensures compliance "as soon as possible."	<p>The following table lists the "Meeting the load" reductions determined by the SAM Model in an approximate compliance schedule in terms of the technological, operational, and economic (i.e., capital) costs of the design, development, and implementation of the necessary control measures. Possible funding sources for these controls, such as grants, are listed in the table. The group considers the compliance schedule to be as short as possible. The group also includes in the table the specific funding sources for each control measure. The group will continue to explore other funding sources, and as a result, it is considered to be as short as possible for all RWAs.</p> <p>The language that identified the structural requirement for ANP compliance to reduce financial burden on individual property owners is being added for education and "reference." This is added to show that compliance will occur as soon as possible, with an assurance that it is considered to be so.</p>	<p>Revise Table 5-1 of the revised draft WMP to state that for control measures listed as being a "jurisdictional effort," the Permittees that are responsible for completion of each milestone are identified in Table 3-11.</p> <p>Revise Table 5-1 of the revised draft WMP to include the milestones and milestone completion dates for the following targeted control measures (TCMs) as follows:</p> <ul style="list-style-type: none"> TCM-PLD-2 (UD Ordinance): Remove the phrase "when practicable" and set a milestone date for ordinance adoption to 12/28/17 (i.e., end of permit term). TCM-TS-1 (Proposed Self-Ordinance): Remove the phrase "if practicable" from the milestone description. TCM-TS-3 (Private Lot Sweeping Ordinance): Remove the phrase "when practicable" from the milestone description. TCM-RET-1 (Encourage downspout disconnects): Identify interim milestone(s) and date(s) for milestone achievement and include in table. 	<p>All requested wording changes were made for the Final WMP. However, one of the outstanding requirements of the October 28, 2014 Board comments have been met.</p>				
		6	Part 7 VIC.S.6.W (5)(c) (Selection of Watershed Control Measures)	For waterbody-pollutant combinations not addressed by TMDLs, the MSA Permit requires that the plan demonstrate using the reasonable assurance analysis (RAA) that the activities and control measures to be implemented will achieve applicable receiving water limitations as soon as possible. It does not address the question of whether compliance with limitations for pollutants not addressed by TMDLs could be achieved in a shorter time frame.	<p>The only changes to the Executive Summary of the RAA (Section 4.1) states that the RAA "determined that the measures will be the primary (1) and (2) pollutant and the (3) implementing (4) structural and non-structural measures... the receiving waterbody pollutant goals will be achieved... The table(s) included in Section 4.3.1 of the RAA (Appendix B) (see R-12 below). However, the records was of demonstrating compliance with limitations for pollutants not addressed by TMDLs could be achieved in a shorter time frame" (emphasis added). This comment has been addressed.</p>	<p>No additional requirement to address October 28, 2014 Board comment.</p>	<p>NO CHANGE</p>	<p>"The introduction to Section 5 was modified to more clearly demonstrate that the compliance schedule is as soon as possible for pollutants not addressed by TMDLs."</p>	<p>The referenced modification to the Revised (and Final) WMP reads as follows: "Meeting the load reductions determined by the RAA through more aggressive structural measures in terms of the technological, operational, and economic factors that affect the design, development, and implementation of the necessary control measures. Now, by it [sic] included in the table, there is more direct funding source to pay for these controls. Assuring that there is a viable, consistent of available funding into a regional WMP is a significant success that occurs several years (not a counting acquisition, when required). As such, the Group considers the compliance schedule to be as short as possible."</p> <p>There is not an analysis of non-TMDL pollutants but a more detailed analysis of the water quality improvements. The problem may be similar to the WMP and the non-responsive and affords guidance on how to proceed.</p>	<p>"The revised WMP provides an estimate of the cost of structural funds and based on this estimated cost, reiterates the financial difficulties and uncertainties of implementing the WMP (particularly the lack of funding sources for controls), and concludes that the compliance schedule is as short as possible to allow time to both address technological and operational challenges and to secure the necessary funding to implement the watershed control measures in the WMP...The Group's assisting strategy to control pollutants "as soon as possible" is sound." (emphasis added)</p>	<p>NO CHANGE (in response to the question)</p>

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				The draft assumes a 10% pollutant reduction from new non-structural controls... additional support for this assumption should be provided, or, the Permittees should commit to evaluate this assumption during program implementation and develop alternate controls if it becomes apparent that the assumption is not supported.	The following passage was added to Section 4.3: "Currently there is insufficient information to accurately model the implementation of the controls listed in Section 3.2.3 through 3.4.1. These non-modeled controls were instead assigned a modest fraction of 10% for their cumulative load reduction. As part of the adaptive management process the Participating Agencies will evaluate this assumption during Program implementation and develop alternate controls if it becomes apparent that the assumption is not supported. However, despite the uncertainty surrounding the specific load reductions for these controls, there is support to suggest that the assumption is in fact a modest one." (p. 4-4)			"Section 4.3 was added to the Revised WMP to address the Regional Board comment. The Regional Board also states that, "as part of the adaptive management process, the Permittees should commit to evaluate this assumption during Program implementation and develop alternate controls if it becomes apparent that the assumption is not supported." This commitment was also included in Section 4.3."		"Section 4.3 also clarifies the support for the 10% pollutant reduction and commits to a reevaluation of the assumption. Agencies will evaluate this assumption during Program implementation and develop alternate controls if it becomes apparent that the assumption is not supported."		
				For dry weather, the WMP assumes a 25% reduction in irrigation (which results in a 60% reduction in pollutant discharges). Additional support should be provided for this assumption, or, as part of the adaptive management process, the Permittees need to commit to evaluate this assumption during program implementation and develop alternate controls if it becomes apparent that the assumption is not supported. milestones/deadlines, the Permittees need to commit to evaluate this assumption during program implementation and develop alternate controls if it becomes apparent that the assumption is not supported.	A new section (4.2.1) was added to the 2015 WMP that summarized the results of 4 studies (1997, 1998, 2004, 2010) on reductions in residential water use, which suggest that 25% reduction is a plausible outcome. The referenced RAA section is only 1 page and was not changed between the 2014 and 2015 versions. The justification for 25% reductions is plausible, as current response to emergency drought measures have recently demonstrated, but it is hardly "conservative" (as stated in the text). It also presupposed implementation of actions that would lead to such an outcome. By using emergency drought regulations as an example of how public education can reduce water use, it begs the question of their applicability to sustainable, long-term reductions.	No additional requirement to address October 28, 2014 Board comment.	No change					
			Part VI.C.5.b.iv.(4)(b)-(f)	Section 1.4.2 of Attachment A to the RAA points out that additional potential regional BMPs were identified to provide the remaining BMP volume noted in Table 6.4. The RAA should clarify that sufficient sites were identified so that the remaining necessary BMP volume can be achieved by those sites that were not "excluded for privacy."	No change was made in the document in response to the comment.	No additional requirement to address October 28, 2014 Board comment.	No change	"Though specific addresses were not provided in the WMP, these locations are still potential sites for regional structural BMPs and may be used as such. The complete list of potential sites in Section 3 of the WMP, including those where the address has been excluded for privacy, provide the necessary BMP volume needed as established through the RAA."		"The Group has indicated to Board staff that the complete list of potential sites – including the sites that were "excluded for privacy" – provide the necessary BMP volume and that the "excluded for privacy" sites should be considered since they are still potential regional BMP sites within the watershed. Since the Group's Pollution Reduction Plan is an "initial scenario" that may adapt over time by substituting BMPs that produce an equivalent volume reduction, the above information given by the Group is sufficient."	This response says "even though we required demonstration that non-excluded sites are sufficient to meet BMP volumes, we accept as sufficient the explanation that they are not sufficient." The purpose of the original comment is therefore unclear.	
				It is important that the Group's actions under its Industrial/Commercial Facilities Program including tracking critical industrial sources, educating industrial facilities regarding BMP requirements, and inspecting industrial facilities—ensure that all industrial facilities are implementing BMPs as required.	A substantial amount of new information was added to the RAA, although the organization (e.g., multiple "Attachment A" documents) make a clear understanding of their interrelationships difficult. A new Attachment E: Minimum Control Measure Guidance "includes 10 pages on implementing an Industrial/Commercial Facilities Program, although the document explicitly "provides guidance" rather than stating a requirement of the WMP.							

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Lower Los Angeles River

Index LAR URG	Index LAR	INDEX LAR	Permit Citation	Board Staff Comments from October 28, 2014	Analysis of Revised WMP (January 26, 2015) in response to Board Comments	Condition of Approval Requirements (April 28, 2015)	Analysis of Final WMP (June 11, 2015)	In LAR Response Letter #2	Analysis of Response Letter statements	Staff Response (August 2015)	Analysis of Staff Response
14	2	10	Part V.C.5.b.iv.(4)(c) (Selection of Watershed Control Measures - SB 346 Copper Reductions)	The draft WMP appears to rely mostly on the phase-out of copper in automotive brake pads...to achieve the necessary copper load reductions...[O]ther structural and non-structural BMPs may still be needed to reduce Cu loads sufficiently to achieve compliance deadlines for interim and/or final WQBELs	No change was made in the document in response to the comment.	No additional requirement to address October 28, 2014 Board comment.	No change.	"As explained in a response table provided to the Regional Board along with the Revised WMP, a change to the document was not necessary. The RAA approach of controlling zinc, in concert with the modeled effect of copper load reductions anticipated through SB 346, anticipates that the application of the Watershed Control Measures and Compliance Schedule of Chapter 3 and 5, respectively, will reduce copper loads sufficiently to achieve compliance deadlines for interim and/or final WQBELs."	The response table was not available for review, but this response suggests that the Board's original judgment ("The draft WMP appears to rely mostly on the phase-out of copper in automotive brake pads...to achieve the necessary copper load reductions") was simply incorrect. If that is the present conclusion of the staff it should be clearly articulated as such.	"The RAA's approach of using zinc as a limiting pollutant, while anticipating copper reductions through Senate Bill 346 is an adequate approach to compliance with copper WQBELs. Therefore, no condition was included in the Executive Officer's approval letter to address this comment"	The basis of the staff's reversal of judgment from the first review is unclear.
7		11	Part V.C.5.b.iv.(4)(ii)(iii) Maximum Control Measures - Industrial/Commercial Facilities Program	The revised WMP should ensure that any alternative prioritization method used by a City must also be based on water quality impact. The group should revise their draft WMP to clearly state when the initial prioritization of facilities will occur. Additionally, the Group should be explicitly clear that during any reprioritization, the ratio of low priority to high priority facilities must always remain at 3:1 or lower to maintain inspection frequencies identified in the draft WMP.	These changes have been made.						
5	11	12	Part V.C.5.b.iv.(5)	The RAA identifies zinc as the limiting pollutant and notes that this pollutant will drive reductions of other pollutants If the Group believes that that [sic] this approach demonstrates that activities and control measures will achieve applicable receiving water limitations, it should explicitly state and justify this for each category 1, 2, and 3 pollutant.	A microscopic change in wording has been made on p. 4-1 between the Draft and the Revised WMP. DRAFT: "The RAA has determined that the metal zinc will be the primary or "limiting" pollutant and that by implementing structural and non-structural measures to reduce zinc, the remaining pollutant goals will be achieved." REVISED: "The RAA has determined that the metal zinc will be the primary or "limiting" pollutant and that by implementing the structural and non-structural measures in Chapter 3 to reduce zinc, the remaining pollutant goals will be achieved for the Water Quality Priorities defined in Chapter 2. The rationale for this modeling approach is included Section 5.3.1 [54] of the RAA [Appendix 4-11]." [Note the identical typo is present in the Lower San Gabriel River Revised WMP.] The request for explicit explanations for each pollutant has not been followed.	No additional requirement to address October 28, 2014 Board comment.	No change.	"Section 5.3.1 of the RAA (WMP Appendix A-4) justifies how category 1, 2, and 3 pollutants are controlled through the limiting pollutant approach. This statement, along with a reference to the RAA for justification, is included in Section 4.1. The revised introduction to Section 5 of the WMP provides explicit statements regarding the implementation of this approach in order to achieve applicable receiving water limitations."	The revised text of Section 5 states "This is true for all WQPs--by the nature of the limiting pollutant approach, it is expected that each of the remaining WQPs will be controlled at a faster rate than zinc." As such it is a definition of a limiting pollutant approach but nothing more.	"The Group has added additional clarification on its limiting pollutant approach in Section 5 (pg. 5-1) of the WMP and in Section 5.3.1 of the RAA (Appendix A-4-1, pg. 38). The revised WMP does not state and justify this approach for each category 1, 2, and 3 pollutant; however, this is not necessary given the Group's limiting pollutant approach."	Section 5.3 of the RAA notes "Overall findings of the study estimated that of the anthropogenic sources of copper, approximately 35 percent are attributed to brake pad releases (BPP 2010). Even if the reduction was only half of this amount, the adjustment to the required copper reduction would still result in zinc being the limiting pollutant in LAR, ICC, and CGR." Setting aside whether "only half" is a reasonable expectation for copper reductions from SB 346, it suggests that other pollutants might have similarly significant required reductions relative to zinc, but because they were not modeled this cannot be assumed. Simply asserting that zinc is limiting based on only a few constituents (and then redefining the term) does not constitute proof.

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Lower Los Angeles River

Index LAR UP?	Index LSGR	INDEX LLAR	Permit Citation	Board Staff Comments from October 28, 2014	Analysis of Revised WMP (January 28, 2015) in response to Board Comments	Conditional Approval Requirements (April 28, 2015)	Analysis of Final WMP (June 12, 2015)	In LLAR Response Letter #2	Analysis of Response Letter statements	Staff Response (August 2015)	Analysis of Staff Response
		13	Part VI.C.S.6(R)(8) (Compliance Schedules Bacteria)	The draft WMP proposes a final compliance date of September 2020 for bacteria in the LA River Estuary. However, the Group does not provide sufficient justification for this date. The compliance date for the lower reaches 2 and Reach 1 of the LA River is 2024 for achieving the dry-weather WQBELs. A Load Reduction Strategy must be submitted for this segment (Segment A) in the TMDL by September 2016. These dates are more appropriate to guide the schedule to address bacteria discharges during dry weather to the LA River Estuary. Additional milestones and a schedule of dates for achieving milestones should be defined for addressing bacteria discharges to the LA River Estuary.	The Revised WMP was completely nonresponsive to this comment, adding only a single "additional" milestone that did nothing to address the issue being raised: "Achieve final WQBELs or demonstrate that noncompliance is due to upstream contributions and submit report to Regional Water Board", also with a due date of September 23, 2020.	Revise the Load Reduction Strategy (LRS) schedule for Los Angeles River Estuary as outlined in Table 3-8 of the revised draft WMP as follows: a. Revise "Submit LRS to Regional Board" deadline to April 28, 2017. b. Revise "Complete Implementation of LRS" deadline to October 28, 2021. c. Revise deadlines for the achievement of interim or final dry-weather WQBELs to October 28, 2024. d. Revise dates included in the asterisked comment such that, if applicable, a second phase LRS is submitted by October 28, 2025; second phase LRS implementation is completed by April 28, 2029; and final WQBELs are achieved by April 28, 2031.	The requested wording changes and dates were inserted verbatim.				
RAA EVALUATION LETTERS											
		14	(A.1. "General comments")	To the extent that discharges to the Los Angeles River Estuary are to be addressed by the LLAR WMP, the Lower Los Angeles River Group is required to conduct a reasonable assurance analysis to demonstrate that the WQBELs that are established in the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters toxic pollutants TMDL shall be achieved through implementation of the watershed control measure proposed in the WMP. However, the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL was completely omitted from the draft WMP. The draft WMP did not include and analyze a strategy to implement pollutant controls necessary to achieve all applicable interim and final water quality-based effluent limitations and/or receiving water limitations with interim or final compliance deadlines within the permit term pursuant to the corresponding compliance schedules in the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL.	The section on the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL (Section 3.4.1.6) is unchanged between the Draft and Revised WMP. The text (judged inadequate by the Board comment) continues to read as follows: "The Watershed Control Measures described in this chapter will provide reasonable assurance that the Lower LAR WQBELs are achieved by addressing the TMDL pollutants of concern in their discharges and conducting activities to support the achievement of WQBELs. Monitoring conducted through the CMP along with an Annual Report of Implementation will document the Lower LAR Watershed Group's progress. In addition, the sediment management efforts in the LAR Estuary will likely achieve significant contaminant reduction." (p. 3-10, both versions)	No additional requirement to address October 28, 2014 Board comment.	No change.	"The Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL was addressed in the Draft (and Final) WMP (Section 3.4.1.6). The RAA concludes that the WQBELs of the TMDL are not "attainable", as defined by the limiting pollutant approach which is also justified and implemented in the RAA. Zinc was predicted to be the limiting pollutant, and following the strategies and compliance schedules of the WMP (Chapters 3 and 5, respectively), targeting load reductions to achieve zinc WQBELs will simultaneously result in load reduction to achieve the WQBELs of the Toxics TMDL."	"On pgs. 38-39 of Appendix 4, A-4-1, Reasonable Assurance Analysis, the Group demonstrates that their limiting pollutant approach relies into account the Harbor Toxics TMDL. By evaluating DDT, PCB, and PAHs in its RAA, the Group states that implementing control measures that control zinc will achieve the load reductions required to achieve the water quality based effluent limitations (WQBELs) of the Harbor Toxics TMDL. This is a reasonable assumption and consistent with the Harbor Toxics TMDL. In which the Board acknowledges that implementation of other TMDLs in the watershed may contribute to the implementation of the Harbor Toxics TMDL."	Footnotes to the tables on p. 38-39 of the RAA acknowledge that "Organic load reductions above influenced by assigned concentrations at half the MDLs (monitoring data below MDLs), and therefore are suspect and not conservative limiting." This is a reasonable assumption but should be highlighted more prominently as the "suspect" data prove to be too low rather than too high.	
		15	(A.2. "General comments")	2. The draft Lower Los Angeles River WMP identified water quality priorities for Los Angeles River (Estuary, Reaches 1 and 2), Compton Creek, and Rio Hondo, but not for San Pedro Bay. Pursuant to Section VI.C.S.6, the WMP should be revised to include an evaluation of existing water quality conditions, classify them into categories, identify potential sources, and identify strategies, control measures, and BMPs as required in the permit for San Pedro Bay unless MSA discharges from the LLAR WMA directly to San Pedro Bay are being addressed in a separate WMP.	San Pedro Bay is reference only once in both the Draft and Revised WMP (Section 3.4.1.6) without change. The requested revision was ignored.	No additional requirement to address October 28, 2014 Board comment.	No change.	"MSA discharges directly to San Pedro Bay will be addressed in the WMP developed by the City of Long Beach as required by the Long Beach MSA WQBEL Permit."	"The Group explained to Board staff that discharges to San Pedro Bay will be addressed by the City of Long Beach's WMP, which is currently under review by Board staff."	Information not previously available.	

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		16	(A.3 "General comments")	For structural BMPs, general implementation timeframes are given for the Proposition 84 Grant Award projects (Section 5.2), implementation of the Planning and Land Development Program by Permittees (Section 5.3.1), and wet weather volume reductions to meet 33% and 50% of the compliance target by 2017 and 2024, respectively. However, greater specificity should be provided with regard to these dates, and additional milestones and dates for their achievement between 2017 and 2024 should be included.	Section 5.3.1 has been nominally revised, but only to the extent that 2017 dates now read "September 30, 2017", and 2024 dates now read "January 31, 2024". No "additional milestones and dates for their achievement" have been provided.	No additional requirement to address October 28, 2014 Board comment.	No change.				
	21	17	(B.1 "Modeling comments")	Based on the results of the hydrology calibration shown in Table 4-2 and Table 4-3, the error differences between modeled flow volumes and observed data are 11.88% for the Lower Los Angeles River; for calibration purposes, upstream flow volume should be included to determine whether that improves the model performance to within the "Good" or "Very Good" range, per the RAA Guidelines. Once model calibration has been completed, the upstream flow volume can then be excluded when presenting the volume reduction targets in Tables 8-1 to 8-4.	Between the 2014 and 2015 RAA's, the % error improves from 11.88% to 8.73%. There is no text change to explain this difference, nor any apparent differences in the graphed monthly hydrographs for observed and modeled flows.	No additional requirement to address October 28, 2014 Board comment.	No change.				
	22	18	(B.2 "Modeling comments")	"...the predicted baseline concentrations and loads for all modeled pollutants of concern, including TSS, should be presented in summary tables for wet weather conditions."	A new set of tables and maps (Section 5.3.1 of the RAA) has been added to the Revised WMP that is responsive to this comment. Only 7 pollutants are shown, however.	No additional requirement to address October 28, 2014 Board comment.	No change.	"An additional table was added to the RAA to reflect the baseline loads. Found on page 39 as Table 5-5."		"Table 5-6 of the RAA (Appendix A-1, pg. 40) reflects baseline loads for organics, metals, and bacteria. Although TSS is not included, the sediment associated pollutants are included (DDT, PCB, and PAH)."	
	23	19	(B.3 "Modeling comments")	"...the differences between baseline concentrations/loads and allowable concentrations/loads should be presented in time series for each pollutant under long-term continuous simulation as a summary of the differences between pollutant concentrations/loads and allowable concentrations/loads for the critical wet weather period."	In the Revised RAA, a new section has been added: "Attachment F: Modeled Existing Versus Allowable Pollutant Loadings Plots". As suggested by the title, it provides the requested time series of loads, but not concentrations. No summaries, just time-series graphs, are provided. This is a partial response to one part of the Board's request.	No additional requirement to address October 28, 2014 Board comment.	No change.				
	24	20	(B.4 "Modeling comments")	"We note that modeling was not conducted for organics (DDT, PCBs, and PAHs). It is not clear why these pollutants were not modeled or why previous modeling of these pollutants could not be used...An explanation for the lack of modeling is needed."	New results in Section 5.3.1 of the Revised RAA suggest that modeling was occurred for these pollutants.			"It should be noted that the original watershed modeling (based on LSPC) supporting the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL did not include simulation of DDT, PCBs, and PAHs. Rather, modeled sediment was used as a surrogate to estimate watershed loadings. Therefore, the 90th percentile of observed concentrations were assigned, meeting requirements set forth by RAA guidance provided by the Regional Water Quality Control Board."		"The Group has clarified that the Harbor Toxics TMDL did not directly model these pollutants, but instead used sediment as a surrogate. To establish baseline pollutant loading, the Group uses the 90th percentile of observed concentrations for DDT, PCBs, and PAHs."	

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		21	(B.5. "Modeling comments")	<p>The report presents the existing runoff volumes, required volume reductions and proposed volume reductions from BMP scenarios to achieve the 85th percentile, 24-hour volume retention standard for each major watershed area. The same information also needs to be presented for each modeled subbasin. Additionally, more explanation is needed as to what constitutes the "incremental" and "cumulative" critical year storm volumes in tables 9-4 through 9-7 and how these values were derived from previous tables.</p> <p>The report needs to present the same information, if available, for non-stormwater runoff.</p>	<p>A single sentence was added to Section 9.2 in response to one item in this comment: "The incremental column shows the total additional BMP volume required for each milestone while the cumulative measures the total BMP volume required by each milestone to hit the final compliance targets." No other change was made in the document in response to the comment.</p>	<p>No additional requirement to address October 28, 2014 Board comment.</p>	<p>No change.</p>	<p>"Regarding the required information for the modeled subbasins, Attachment B of the RAA was updated to include the requested tables, along with a sentence to provide some clarification in RAA Section 9.2.1 (third paragraph). Regarding non-stormwater runoff, the complete comment from the Regional Board is as follows: "The report needs to present the same information, if available, for non-stormwater runoff. Alternatively, the report should include a commitment to collect the necessary data in each watershed area, through the non-stormwater outfall screening and monitoring program, so that the model can be recalibrated during the adaptive management process to better characterize non-stormwater flow volumes and to demonstrate that proposed volume retention BMPs will capture 100 percent of non-stormwater that would otherwise be discharged through the MS4 in each watershed area."</p> <p>A commitment to the recalibration alternative was included in WMP Section 4.2."</p>	<p>"Attachment B to the revised WMP includes detailed jurisdictional compliance tables that include runoff volumes, required volume reductions, and proposed volume reductions for each subwatershed. Language was added in section 9.2.1 of the RAA (Appendix, pg. 55) that clarifies the incremental and cumulative columns in Tables 9-4 through 9-7. Section 4.2 of the revised WMP commits to recalibrate the RAA based on data collected through the monitoring program (which includes the non-stormwater outfall screening and monitoring program)."</p>	<p>This comment is stated as follows: "The Reasonable Assurance Analysis for the Lower Los Angeles River Watershed is included in Appendix A-4.1. As data is collected through the monitoring program the model will be recalibrated during the adaptive management process, which will allow for improved simulation of physical processes such as flow volumes and volume retention BMPs." Section 9 of the WMP, however ("Adaptive Management Process"), however, provides no clear assurances that such recalibration will occur. This "commitment" should be strengthened and made explicit.</p>	
		22	(B.6. "Modeling comments")	<p>The report needs to present the same information (see above, comment B5), if available, for non-stormwater runoff. Alternatively, the report should include a commitment to collect the necessary data in each watershed area, through the non-stormwater outfall screening and monitoring program, so that the model can be recalibrated during the adaptive management process to better characterize non-stormwater flow volumes and to demonstrate that proposed volume retention BMPs will capture 100 percent of non-stormwater that would otherwise be discharged through the MS4 in each watershed area.</p>	<p>No change was made in the document in response to the comment.</p>	<p>No additional requirement to address October 28, 2014 Board comment.</p>	<p>No change.</p>				
INDIVIDUAL APPROVAL LETTERS											
		23				<p>include the revised LRS schedule for Los Angeles River Estuary (Table 3-8) in Chapter 5 of the revised draft WMP as part of the LLAR WMP's compliance schedule.</p>	<p>Table 3-8 is now reproduced as Table 5-4 (see #13 above).</p>				
		24				<p>Correct Table 3-2 of the revised draft WMP (pg. 3-9) so that it shows that the City of Paramount will implement the new fourth term non-structural minimum control measure. Additionally, revise any inapplicable control measures inadvertently listed for LACPCD.</p>	<p>These changes have been made.</p>				

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	25	25				Revise Section 5.2 of the revised draft WMP to include a table that lists definitive interim and final milestone achievement dates and the responsible Permittee(s) for each UD BMP in the Proposition 84 project. The responsible Permittees within the LLAR WMA will be responsible for meeting these milestone achievement dates. Currently, the revised WMP only provides "expected" dates for construction and completion.	Done.				
		26				Correct the units for the cadmium concentrations (i.e. 0.55 mg/L and 0.26 mg/L) referenced in Section 2.2.5 of the revised draft WMP (pg. 2-23).	Done.				
		27				Remove "Statewide Trash Amendments" from Table 3-1 of the revised draft WMP, since the amendments are inapplicable to the Los Angeles River Watershed given the existing trash TMDL, and change the Chapter 3 ID for "increased street sweeping frequency or routes" to TCM-PA-A-3.	Done.				
	28	28				In Section 4.3 of the revised draft WMP, include references to Table 3-2, Table 3-11, and any other relevant tables that list BMPs contributing to the 10% pollutant reduction assumption for non-modeled BMPs.	The only change in this section is the added sentence, "The nonstructural measures are summarized in Tables 3-2 and 3-11."				
	29	29				Provide further detail and specificity in Section 3.4.2.2 of the revised draft WMP on what incentives are being included in TCM-ND-1 and whether any incentives are being offered apart from Metropolitan Water District's rebate program.	Done.				
	30	30				The City of Long Beach submitted its Statement of Legal Authority to the Los Angeles Water Board on February 26, 2015. Include this Statement of Legal Authority in the WMP appendix section containing the other Permittees' legal authority statements.	Done.				

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From: Wadhvani, Emel@Waterboards
Sent: Monday, November 02, 2015 11:13 AM
To: 'Hayat, Becky'
Subject: RE: WMP petition addendum

Thanks! Adrianna Crowl just forwarded to me.

Emel G. Wadhvani
Senior Staff Counsel
Office of Chief Counsel
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
916-322-3622
Fax: 916-341-5199

-----Original Message-----

From: Hayat, Becky [<mailto:bhayat@nrdc.org>]
Sent: Monday, November 02, 2015 11:12 AM
To: Wadhvani, Emel@Waterboards
Subject: WMP petition addendum

Hi Emel,

Just wanted to let you know that we submitted our petition addendum on Friday to waterqualitypetitions@waterboards.ca.gov. Please let me know if you've received it. Thank you.

-Becky

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From: Hayat, Becky <bhayat@nrdc.org>
Sent: Monday, November 02, 2015 11:47 AM
To: Wadhvani, Emel@Waterboards
Subject: RE: WMP petition addendum

I meant to forward them the email on Friday, but it seems like it didn't go through. I just tried re-sending. My sincerest apologies.

-----Original Message-----

From: Wadhvani, Emel@Waterboards [<mailto:Emel.Wadhvani@waterboards.ca.gov>]
Sent: Monday, November 02, 2015 1:40 PM
To: Hayat, Becky
Subject: RE: WMP petition addendum

Becky,
Did the regional board receive a copy? I did not see their names on the distribution list. If not, could you forward it to them? (At least to Jennifer Fordyce, Sam Unger, Deb Smith, and Renee Purdy).
Thanks.

Emel G. Wadhvani
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-Becky

From: Crowl, Adrianna@Waterboards
Sent: Tuesday, November 10, 2015 3:06 PM
To: bhayat@nrdc.org; daniel@lawyersforcleanwater.com; arthur@lawwaterkeeper.org; Unger, Samuel@Waterboards
Cc: Smith, Deborah@Waterboards; Rasmussen, Paula@Waterboards; Ridgeway, Ivar@Waterboards; Purdy, Renee@Waterboards; Okun, Lori@Waterboards; Wyels, Philip@Waterboards; Smith, Davidw@epamail.epa.gov; McChesney, Frances@Waterboards; Fordyce, Jennifer@Waterboards; Coupe, David@Waterboards; Wadhvani, Emel@Waterboards; Lauffer, Michael@Waterboards; Bishop, Jonathan@Waterboards; sgomes@cityofartesia.us; acecivil@aol.com; trodrigue@cityofbell.org; acablays@cityofbell.org; biniguez@bellflower.org; Igorecki@bellflower.org; cvll@bellgardens.org; pwagner@bellgardens.org; ypark@infeng.co; cvu@bellgardens.org; mogrady@cerritos.us; bdesatnik@ci.claremont.ca.us; lmustafa@ci.claremont.ca.us; ktrep@ci.claremont.ca.us; csneed@ci.claremont.ca.us; gnila@ci.commerce.ca.us; ginan@ci.commerce.ca.us; hrodriguez@cityofcudahy.ca.us; asantos@cityofcudahyca.gov; ahernandez@cityofcudahyca.gov; jpulido@cityofcudahyca.gov; dliu@diamondbarca.gov; JWen@downeyca.org; ygarcia@downeyca.org; pwmaintenance@elmonte.ca.gov; jesusgomez@elmonteca.gov; ejeng@elmonteca.gov; jcolombo@ghcity.org; inoorbaksh@hgcity.org; jenriquez@huntingtonpark.org; mackerman@hpc.ca.gov; cdixon@hpc.ca.gov; mstowell@cityoflamirada.org; mmunoz@cityoflamirada.org; dkeesey@ci.la-verne.ca.us; lobrien@ci.la-verne.ca.us; rwooldridge@ci.la-verne.ca.us; kvivanti@lakewoodcity.org; Anthony.Arevalo@longbeach.gov; shahram.kharaghani@lacity.org; vivian.marquez@lacity.org; hubertus.cox@lacity.org; hamid.tadayon@lacity.org; jkekula@lynwood.ca.us; esaikaly@lynwood.ca.us; abeltran@lynwood.ca.us; andre.dupret@cityofmaywood.org; mdanaj@citymb.info; lmyers@cityofmaywood.org; ekiepke@willdan.com; dgarcia@norwalkca.gov; administration@norwalkca.gov; bzimmerman@norwalkca.gov; afigueroa@norwalkca.gov; ccash@paramountcity.com; sho@paramountcity.com; rbobadilla@pico-rivera.org; gderas@pico-rivera.org; julie_carver@ci.pomona.ca.us; linda_lowry@ci.pomona.ca.us; Meg_McWade@ci.pomona.ca.us; lcyrus@ci.san-dimas.ca.us; smorales-choate@santafesprings.org; Morales-Choate, Sarina@SANTAFESPRINGS; jhunter@jlha.net; kfarfsing@cityofsignalhill.org; smyrter@cityofsignalhill.org; jhunter@jlha.net; acervantes@sogate.org; carellano@ci.vernon.ca.us; KWilson@ci.vernon.ca.us; ajensen@ci.walnut.ca.us; mrooney@ci.walnut.ca.us; rwishner@ci.walnut.ca.us; MBarcelo@ci.walnut.ca.us; dpelser@cityofwhittier.org; pubwks@cityofwhittier.org; palva@dpw.lacounty.gov; tgrant@dpw.lacounty.gov; gfarber@dpw.lacounty.gov; ageorge@dpw.lacounty.gov; jguerrero@dpw.lacounty.gov; jesusgomez@elmonteca.gov; gosmena@dpw.lacounty.gov; jguerrer@dpw.lacounty.gov; Jones, Keith K@DOT
Subject: SWRCB/OCC FILE A-2386 - COMPLETE PETITION (30-DAY RESPONSE)
Attachments: A-2386 Complete Petition 30-Day Response Letter [11-10-15].pdf; Attachment A _ A-2386 Permittee list 11-10-15.pdf

Good afternoon,

Please see the attached Complete Petition (30-Day Response) Letter for Petition A-2386. If you cannot open the attached or if you have questions, please let me know.

Thank you.

Adrianna M. Crowl

Staff Services Analyst

Office of Chief Counsel

State Water Resources Control Board

1001 I Street, 22nd Floor

Sacramento CA 95814

PH: (916) 341-5156

E-Mail: Adrianna.Crowl@waterboards.ca.gov

Save some water for our children's children.....



State Water Resources Control Board

November 10, 2015

CERTIFIED MAIL AND EMAIL

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Mr. Samuel Unger
Executive Officer
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013
Samuel.Unger@waterboards.ca.gov

Dear Ms. Hayat, and Messrs. Cooper, Pugsley, and Unger,

**PETITION OF NATURAL RESOURCES DEFENSE COUNCIL, HEAL THE BAY, AND LOS ANGELES WATERKEEPER FOR REVIEW OF APPROVAL OF WATERSHED MANAGEMENT PROGRAMS PURSUANT TO THE LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD ORDER R4-2012-0175: COMPLETE PETITION (30-DAY RESPONSE)
SWRCB/OCC FILE A-2386**

The above-referenced petition is complete and the State Water Resources Control Board (State Water Board) will begin its review.

The Los Angeles Water Quality Control Board (Los Angeles Water Board) and other interested persons may file a written response to the petition, filed May 28, 2015, and to the petition addendum, filed October 30, 2015. Responses are due within 30 days of the date of this letter, addressed to my attention. In addition, all responses must be sent to the Petitioners at the addresses listed above, to the Los Angeles Water Board, and to the Permittees listed in Attachment A.¹ Please also copy all persons listed on the cc list below. Electronic submissions and copies are strongly encouraged. Copies of the petition are available at the State Water Board web site at:

http://www.swrcb.ca.gov/public_notices/petitions/water_quality/a2386_losangeles_wmp.shtml.

The Los Angeles Water Board is requested to file the administrative record (copied on both sides) within this 30-day period. The Los Angeles Water Board is encouraged to file the administrative record electronically (e.g., on compact disc or flash drive) if feasible.

¹ Permittees listed on Attachment A are those permittees participating in the challenged watershed management programs.

The administrative record to be filed by the Los Angeles Water Board constitutes the evidentiary record for the State Water Board's review of the petition. Any person requesting that the State Water Board consider evidence that was not part of the administrative record before the Los Angeles Water Board must do so in accordance with California Code of Regulations, title 23, section 2050.6.

Prohibition on Ex Parte Communications

The matters addressed by the petition are subject to the prohibition on ex parte communications.² Interested persons, therefore, may not communicate with State Water Board members regarding the above questions except through submission of timely written comments and through oral comments at any future workshop and meetings.

Future Correspondence

**IN ALL FUTURE CORRESPONDENCE, PLEASE REFER TO
SWRCB/OCC FILE A-2386
AND SUBMIT COPIES TO
PETITIONERS, THE LOS ANGELES WATER BOARD, & PERMITTEES LISTED IN
ATTACHMENT A**

Future correspondence regarding this matter will be sent in hard copy only to the addressees of this letter. Permittees and interested persons (including those who received this letter via e-mail) will not receive future correspondence unless they either (1) subscribe to the electronic mailing list named "A-2386 NRDC, Los Angeles Waterkeeper and Heal the Bay [R4-2012-0175]" under "Legal Notices" on the internet at http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml to receive future correspondence via e-mail or (2) request to receive future correspondence in hard copy by writing to Adrianna M. Crowl at the Office of Chief Counsel at the address in the letterhead above. You should act as soon as possible to ensure you receive all items of future correspondence.

The Petitioners may not file a response to the petition. Additional submissions regarding this petition will only be allowed upon written request and approval of such requests is at the discretion of this Board.

If you have any questions regarding this letter, please contact me at (916) 341-5173 or ryan.mallory-jones@waterboards.ca.gov.

Sincerely,

 FOR R.M.-J

Ryan Mallory-Jones
Graduate Legal Assistant

cc Attachment A (Permittee List)

² Gov. Code, § 11430.10 et seq.

cc: Deborah Smith **[via email only]**
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Paula Rasmussen **[via email only]**
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(Continued)

Ms. Hayat, et al.

- 4 -

November 10, 2015

cc: David W. Smith, Chief **[via email only]**
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75 Hawthorne Street
San Francisco, CA 94105
smith.davidw@epa.gov

A-2386

List of Permittees/Partners for Watershed Management Programs

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City of Bellflower
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City of Bell Gardens
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c/o Hector Rodriguez, City Manager

Albert Santos, Acting City Manager, Assistant to the City Manager

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c/o Jason Wen, Utilities Superintendent

Yvette M. Abich Garcia, City Attorney

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c/o Konya Vivanti, Environmental Programs Manager
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City of Santa Fe Springs
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County of Los Angeles
c/o Paul Alva
palva@dpw.lacounty.gov

Los Angeles County Flood Control District
c/o Terri Grant
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Los Angeles County Department of Public Works
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California Department of Transportation
c/o Keith Jones
kjones@dot.ca.gov

From: Crowl, Adrianna@Waterboards
Sent: Thursday, November 12, 2015 11:16 AM
To: bhayat@nrdc.org; daniel@lawyersforcleanwater.com; arthur@lawwaterkeeper.org; Unger, Samuel@Waterboards
Cc: Smith, Deborah@Waterboards; Rasmussen, Paula@Waterboards; Ridgeway, Ivar@Waterboards; Purdy, Renee@Waterboards; Okun, Lori@Waterboards; Wyels, Philip@Waterboards; Smith, Davidw@epamail.epa.gov; McChesney, Frances@Waterboards; Fordyce, Jennifer@Waterboards; Coupe, David@Waterboards; Wadhwani, Emel@Waterboards; Lauffer, Michael@Waterboards; Bishop, Jonathan@Waterboards; sgomes@cityofartesia.us; acecivil@aol.com; trodrigue@cityofbell.org; acabl@cityofbell.org; biniguez@bellflower.org; lgorecki@bellflower.org; cvll@bellgardens.org; pwagner@bellgardens.org; ypark@infeng.co; cvu@bellgardens.org; mogrady@cerritos.us; bdesatnik@ci.claremont.ca.us; lmustafa@ci.claremont.ca.us; ktropa@ci.claremont.ca.us; csneed@ci.claremont.ca.us; gnila@ci.commerce.ca.us; ginan@ci.commerce.ca.us; hrodriguez@cityofcudahy.ca.us; asantos@cityofcudahyca.gov; ahernandez@cityofcudahyca.gov; jpulido@cityofcudahyca.gov; dliu@diamondbarca.gov; JWen@downeyca.org; ygarci@downeyca.org; pwmaintenance@elmonte.ca.gov; jesusgomez@elmonteca.gov; ejeng@elmonteca.gov; jcolombo@ghcity.org; inoorbaksh@hgcity.org; jenriquez@huntingtonpark.org; mackerman@hpca.gov; cdixon@hpca.gov; mstowell@cityoflamirada.org; mmunoz@cityoflamirada.org; dkeesey@ci.la-verne.ca.us; lobrien@ci.la-verne.ca.us; rwooldridge@ci.la-verne.ca.us; kvivanti@lakewoodcity.org; Anthony.Arevalo@longbeach.gov; shahram.kharaghani@lacity.org; vivian.marquez@lacity.org; hubertus.cox@lacity.org; hamid.tadayon@lacity.org; jkekula@lynwood.ca.us; esaikaly@lynwood.ca.us; abeltran@lynwood.ca.us; andre.dupret@cityofmaywood.org; mdanaj@citymb.info; lmyers@cityofmaywood.org; ekiepke@willdan.com; dgarcia@norwalkca.gov; administration@norwalkca.gov; bzimmerman@norwalkca.gov; afigueroa@norwalkca.gov; ccash@paramountcity.com; sho@paramountcity.com; rbobadilla@pico-rivera.org; gderas@pico-rivera.org; julie_carver@ci.pomona.ca.us; linda_lowry@ci.pomona.ca.us; Meg_McWade@ci.pomona.ca.us; lcyrus@ci.san-dimas.ca.us; smorales-choate@santafesprings.org; Morales-Choate, Sarina@SANTAFESPRINGS; jhunter@jlha.net; kfarfsing@cityofsignalhill.org; smyrter@cityofsignalhill.org; jhunter@jlha.net; acervantes@sogate.org; carellano@ci.vernon.ca.us; Kwilson@ci.vernon.ca.us; ajensen@ci.walnut.ca.us; mrooney@ci.walnut.ca.us; rwishner@ci.walnut.ca.us; MBarcelo@ci.walnut.ca.us; dpelser@cityofwhittier.org; pubwks@cityofwhittier.org; palva@dpw.lacounty.gov; tgrant@dpw.lacounty.gov; gfarber@dpw.lacounty.gov; ageorge@dpw.lacounty.gov; jguerrer@dpw.lacounty.gov; jesusgomez@elmonteca.gov; gosmena@dpw.lacounty.gov; jguerrero@dpw.lacounty.gov; Jones, Keith K@DOT
Subject: Correction on link: SWRCB/OCC FILE A-2386 - COMPLETE PETITION (30-DAY RESPONSE)
Attachments: A-2386 Complete Petition 30-Day Response Letter [11-10-15].pdf

Good morning,

This is coming to you again (**already sent 11-10-15**) as the link on the last notice did not work for everyone. If you have any questions, please let me know.

Thank you.

Adrianna M. Crawl
Staff Services Analyst
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor
Sacramento CA 95814
PH: (916) 341-5156
E-Mail: Adrianna.Crawl@waterboards.ca.gov

Save some water for our children's children.....

From: Crawl, Adrianna@Waterboards
Sent: Tuesday, November 10, 2015 3:02 PM
To:
Cc: Subject: SWRCB/OCC FILE A-2386 - COMPLETE PETITION (30-DAY RESPONSE)

Good afternoon,

Please see the attached Complete Petition (30-Day Response) Letter for Petition A-2386. If you cannot open the attached or if you have questions, please let me know.

Thank you.

Adrianna M. Crawl
Staff Services Analyst
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor
Sacramento CA 95814
PH: (916) 341-5156
E-Mail: Adrianna.Crawl@waterboards.ca.gov

Save some water for our children's children.....



State Water Resources Control Board

November 10, 2015

CERTIFIED MAIL AND EMAIL

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Mr. Samuel Unger
Executive Officer
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320 West 4th Street, Suite 200
Los Angeles, CA 90013
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Dear Ms. Hayat, and Messrs. Cooper, Pugsley, and Unger,

**PETITION OF NATURAL RESOURCES DEFENSE COUNCIL, HEAL THE BAY, AND LOS ANGELES WATERKEEPER FOR REVIEW OF APPROVAL OF WATERSHED MANAGEMENT PROGRAMS PURSUANT TO THE LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD ORDER R4-2012-0175: COMPLETE PETITION (30-DAY RESPONSE)
SWRCB/OCC FILE A-2386**

The above-referenced petition is complete and the State Water Resources Control Board (State Water Board) will begin its review.

The Los Angeles Water Quality Control Board (Los Angeles Water Board) and other interested persons may file a written response to the petition, filed May 28, 2015, and to the petition addendum, filed October 30, 2015. Responses are due within 30 days of the date of this letter, addressed to my attention. In addition, all responses must be sent to the Petitioners at the addresses listed above, to the Los Angeles Water Board, and to the Permittees listed in Attachment A.¹ Please also copy all persons listed on the cc list below. Electronic submissions and copies are strongly encouraged. Copies of the petition are available at the State Water Board web site at:

http://www.swrcb.ca.gov/public_notices/petitions/water_quality/a2386_losangeles_wmp.shtml.

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¹ Permittees listed on Attachment A are those permittees participating in the challenged watershed management programs.

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The matters addressed by the petition are subject to the prohibition on ex parte communications.² Interested persons, therefore, may not communicate with State Water Board members regarding the above questions except through submission of timely written comments and through oral comments at any future workshop and meetings.

Future Correspondence

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SWRCB/OCC FILE A-2386
AND SUBMIT COPIES TO
PETITIONERS, THE LOS ANGELES WATER BOARD, & PERMITTEES LISTED IN
ATTACHMENT A**

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The Petitioners may not file a response to the petition. Additional submissions regarding this petition will only be allowed upon written request and approval of such requests is at the discretion of this Board.

If you have any questions regarding this letter, please contact me at (916) 341-5173 or ryan.mallory-jones@waterboards.ca.gov.

Sincerely,

 FOR R.M.-J

Ryan Mallory-Jones
Graduate Legal Assistant

cc Attachment A (Permittee List)

² Gov. Code, § 11430.10 et seq.

cc: Deborah Smith **[via email only]**
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Los Angeles Regional Water Quality
Control Board
320 West 4th Street, Suite 200
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(Continued)

Ms. Hayat, et al.

- 4 -

November 10, 2015

cc: David W. Smith, Chief **[via email only]**
Permits Office
U.S. EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105
smith.davidw@epa.gov

From: Crowl, Adrianna@Waterboards
Sent: Thursday, November 12, 2015 11:16 AM
To: bhayat@nrdc.org; daniel@lawyersforcleanwater.com; arthur@lawwaterkeeper.org; Unger, Samuel@Waterboards
Cc: Smith, Deborah@Waterboards; Rasmussen, Paula@Waterboards; Ridgeway, Ivar@Waterboards; Purdy, Renee@Waterboards; Okun, Lori@Waterboards; Wyels, Philip@Waterboards; Smith, Davidw@epamail.epa.gov; McChesney, Frances@Waterboards; Fordyce, Jennifer@Waterboards; Coupe, David@Waterboards; Wadhvani, Emel@Waterboards; Lauffer, Michael@Waterboards; Bishop, Jonathan@Waterboards; sgomes@cityofartesia.us; acecivil@aol.com; trodrigue@cityofbell.org; acablay@cityofbell.org; biniguez@bellflower.org; lgorecki@bellflower.org; cvll@bellgardens.org; pwagner@bellgardens.org; ypark@infeng.co; cvu@bellgardens.org; mogrady@cerritos.us; bdesatnik@ci.claremont.ca.us; lmustafa@ci.claremont.ca.us; ktrep@ci.claremont.ca.us; csneed@ci.claremont.ca.us; gnila@ci.commerce.ca.us; ginan@ci.commerce.ca.us; hrodriguez@cityofcudahy.ca.us; asantos@cityofcudahyca.gov; ahernandez@cityofcudahyca.gov; jpulido@cityofcudahyca.gov; dliu@diamondbarca.gov; JWen@downeyca.org; ygarcia@downeyca.org; pwmaintenance@elmonte.ca.gov; jesusgomez@elmonteca.gov; ejeng@elmonteca.gov; jcolombo@ghcity.org; inoorbaksh@hgcity.org; jenriquez@huntingtonpark.org; mackerman@hpca.gov; cdixon@hpca.gov; mstowell@cityoflamirada.org; mmunoz@cityoflamirada.org; dkeesey@ci.la-verne.ca.us; lobrien@ci.la-verne.ca.us; rwooldridge@ci.la-verne.ca.us; kvivanti@lakewoodcity.org; Anthony.Arevalo@longbeach.gov; shahram.kharaghani@lacity.org; vivian.marquez@lacity.org; hubertus.cox@lacity.org; hamid.tadayon@lacity.org; jkekula@lynwood.ca.us; esaikaly@lynwood.ca.us; abeltran@lynwood.ca.us; andre.dupret@cityofmaywood.org; mdanaj@citymb.info; lmyers@cityofmaywood.org; ekiepk@willdan.com; dgarcia@norwalkca.gov; administration@norwalkca.gov; bzimmerman@norwalkca.gov; afigueroa@norwalkca.gov; ccash@paramountcity.com; sho@paramountcity.com; rbobadilla@pico-rivera.org; gderas@pico-rivera.org; julie_carver@ci.pomona.ca.us; linda_lowry@ci.pomona.ca.us; Meg_McWade@ci.pomona.ca.us; lcyrus@ci.san-dimas.ca.us; smorales-choate@santafesprings.org; Morales-Choate, Sarina@SANTAFESPRINGS; jhunter@jlha.net; kfarfsing@cityofsignalhill.org; smyrter@cityofsignalhill.org; jhunter@jlha.net; acervantes@sogate.org; carellano@ci.vernon.ca.us; KWilson@ci.vernon.ca.us; ajensen@ci.walnut.ca.us; mrooney@ci.walnut.ca.us; rwishner@ci.walnut.ca.us; MBarcelo@ci.walnut.ca.us; dpelser@cityofwhittier.org; pubwks@cityofwhittier.org; palva@dpw.lacounty.gov; tgrant@dpw.lacounty.gov; gfarber@dpw.lacounty.gov; ageorge@dpw.lacounty.gov; jguerrer@dpw.lacounty.gov; jesusgomez@elmonteca.gov; gosmena@dpw.lacounty.gov; jguerrero@dpw.lacounty.gov; Jones, Keith K@DOT
Subject: Correction on link: SWRCB/OCC FILE A-2386 - COMPLETE PETITION (30-DAY RESPONSE)
Attachments: A-2386 Complete Petition 30-Day Response Letter [11-10-15].pdf

Good morning,

This is coming to you again (already sent 11-10-15) as the link on the last notice did not work for everyone. If you have any questions, please let me know.

Thank you.

Adrianna M. Crowl
Staff Services Analyst
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor
Sacramento CA 95814
PH: (916) 341-5156
E-Mail: Adrianna.Crowl@waterboards.ca.gov

Save some water for our children's children.....

From: Crowl, Adrianna@Waterboards
Sent: Tuesday, November 10, 2015 3:02 PM
To:
Cc: Subject: SWRCB/OCC FILE A-2386 - COMPLETE PETITION (30-DAY RESPONSE)

Good afternoon,

Please see the attached Complete Petition (30-Day Response) Letter for Petition A-2386. If you cannot open the attached or if you have questions, please let me know.

Thank you.

Adrianna M. Crowl
Staff Services Analyst
Office of Chief Counsel
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PH: (916) 341-5156
E-Mail: Adrianna.Crowl@waterboards.ca.gov

Save some water for our children's children.....



EDMUND G. BROWN, JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

November 10, 2015

CERTIFIED MAIL AND EMAIL

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Mr. Samuel Unger
Executive Officer
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013
Samuel.Unger@waterboards.ca.gov

Dear Ms. Hayat, and Messrs. Cooper, Pugsley, and Unger,

**PETITION OF NATURAL RESOURCES DEFENSE COUNCIL, HEAL THE BAY, AND LOS ANGELES WATERKEEPER FOR REVIEW OF APPROVAL OF WATERSHED MANAGEMENT PROGRAMS PURSUANT TO THE LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD ORDER R4-2012-0175: COMPLETE PETITION (30-DAY RESPONSE)
SWRCB/OCC FILE A-2386**

The above-referenced petition is complete and the State Water Resources Control Board (State Water Board) will begin its review.

The Los Angeles Water Quality Control Board (Los Angeles Water Board) and other interested persons may file a written response to the petition, filed May 28, 2015, and to the petition addendum, filed October 30, 2015. Responses are due within 30 days of the date of this letter, addressed to my attention. In addition, all responses must be sent to the Petitioners at the addresses listed above, to the Los Angeles Water Board, and to the Permittees listed in Attachment A.¹ Please also copy all persons listed on the cc list below. Electronic submissions and copies are strongly encouraged. Copies of the petition are available at the State Water Board web site at:

http://www.swrcb.ca.gov/public_notices/petitions/water_quality/a2386_losangeles_wmp.shtml.

The Los Angeles Water Board is requested to file the administrative record (copied on both sides) within this 30-day period. The Los Angeles Water Board is encouraged to file the administrative record electronically (e.g., on compact disc or flash drive) if feasible.

¹ Permittees listed on Attachment A are those permittees participating in the challenged watershed management programs.

The administrative record to be filed by the Los Angeles Water Board constitutes the evidentiary record for the State Water Board's review of the petition. Any person requesting that the State Water Board consider evidence that was not part of the administrative record before the Los Angeles Water Board must do so in accordance with California Code of Regulations, title 23, section 2050.6.

Prohibition on Ex Parte Communications

The matters addressed by the petition are subject to the prohibition on ex parte communications.² Interested persons, therefore, may not communicate with State Water Board members regarding the above questions except through submission of timely written comments and through oral comments at any future workshop and meetings.

Future Correspondence

**IN ALL FUTURE CORRESPONDENCE, PLEASE REFER TO
SWRCB/OCC FILE A-2386
AND SUBMIT COPIES TO
PETITIONERS, THE LOS ANGELES WATER BOARD, & PERMITTEES LISTED IN
ATTACHMENT A**

Future correspondence regarding this matter will be sent in hard copy only to the addressees of this letter. Permittees and interested persons (including those who received this letter via e-mail) will not receive future correspondence unless they either (1) subscribe to the electronic mailing list named "A-2386 NRDC, Los Angeles Waterkeeper and Heal the Bay [R4-2012-0175]" under "Legal Notices" on the internet at http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml to receive future correspondence via e-mail or (2) request to receive future correspondence in hard copy by writing to Adrianna M. Crowl at the Office of Chief Counsel at the address in the letterhead above. You should act as soon as possible to ensure you receive all items of future correspondence.

The Petitioners may not file a response to the petition. Additional submissions regarding this petition will only be allowed upon written request and approval of such requests is at the discretion of this Board.

If you have any questions regarding this letter, please contact me at (916) 341-5173 or ryan.mallory-jones@waterboards.ca.gov.

Sincerely,

 FOR RM-J

Ryan Mallory-Jones
Graduate Legal Assistant

cc Attachment A (Permittee List)

² Gov. Code, § 11430.10 et seq.

cc: Deborah Smith **[via email only]**
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(Continued)

cc: David W. Smith, Chief **[via email only]**
Permits Office
U.S. EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105
smith.davidw@epa.gov

From: Crowl, Adrianna@Waterboards
Sent: Thursday, November 12, 2015 11:18 AM
To: Rebecca Andrews
Subject: RE: Inquiry re Water Quality Petition A-2386
Attachments: A-2386 Complete Petition 30-Day Response Letter [11-10-15].pdf

Hello Ms. Andrews,

Here is the Complete 30-Day Letter with the link that leads to the petition. If you have further questions, please let me know.

Thank you.

*Adrianna M. Crowl
Staff Services Analyst
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor
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PH: (916) 341-5156
E-Mail: Adrianna.Crowl@waterboards.ca.gov*

Save some water for our children's children.....

From: Rebecca Andrews [<mailto:Rebecca.Andrews@bbklaw.com>]
Sent: Wednesday, November 11, 2015 8:41 AM
To: Crowl, Adrianna@Waterboards
Subject: Inquiry re Water Quality Petition A-2386

Adrianna,

I received a lyris notification on Nov. 4, that NRDC filed a petition related to Los Angeles Regional Board Order R4-2012-0175 (Petition No. A-2386). When I checked the State Water Board's website listing the petitions, I only see the petition dated May 28, 2015. Can you provide me copies of any filings made in this matter since May 28, 2015?

Thank you,

Rebecca

Rebecca Andrews
Attorney

Best Best & Krieger LLP
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O: (619) 525-1392
F: (619) 233-6118
C: (404) 273-3418
www.bbklaw.com
[Biography](#)

This email and any files or attachments transmitted with it may contain privileged or otherwise confidential information. If you are not the intended recipient, or believe that you may have received this communication in error, please advise the sender via reply email and immediately delete the email you received.



State Water Resources Control Board

November 10, 2015

CERTIFIED MAIL AND EMAIL

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daniel@lawyersforcleanwater.com

Mr. Samuel Unger
Executive Officer
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013
Samuel.Unger@waterboards.ca.gov

Dear Ms. Hayat, and Messrs. Cooper, Pugsley, and Unger,

**PETITION OF NATURAL RESOURCES DEFENSE COUNCIL, HEAL THE BAY, AND LOS ANGELES WATERKEEPER FOR REVIEW OF APPROVAL OF WATERSHED MANAGEMENT PROGRAMS PURSUANT TO THE LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD ORDER R4-2012-0175: COMPLETE PETITION (30-DAY RESPONSE)
SWRCB/OCC FILE A-2386**

The above-referenced petition is complete and the State Water Resources Control Board (State Water Board) will begin its review.

The Los Angeles Water Quality Control Board (Los Angeles Water Board) and other interested persons may file a written response to the petition, filed May 28, 2015, and to the petition addendum, filed October 30, 2015. Responses are due within 30 days of the date of this letter, addressed to my attention. In addition, all responses must be sent to the Petitioners at the addresses listed above, to the Los Angeles Water Board, and to the Permittees listed in Attachment A.¹ Please also copy all persons listed on the cc list below. Electronic submissions and copies are strongly encouraged. Copies of the petition are available at the State Water Board web site at:

http://www.swrcb.ca.gov/public_notices/petitions/water_quality/a2386_losangeles_wmp.shtml.

The Los Angeles Water Board is requested to file the administrative record (copied on both sides) within this 30-day period. The Los Angeles Water Board is encouraged to file the administrative record electronically (e.g., on compact disc or flash drive) if feasible.

¹ Permittees listed on Attachment A are those permittees participating in the challenged watershed management programs.

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Prohibition on Ex Parte Communications

The matters addressed by the petition are subject to the prohibition on ex parte communications.² Interested persons, therefore, may not communicate with State Water Board members regarding the above questions except through submission of timely written comments and through oral comments at any future workshop and meetings.

Future Correspondence

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AND SUBMIT COPIES TO
PETITIONERS, THE LOS ANGELES WATER BOARD, & PERMITTEES LISTED IN
ATTACHMENT A**

Future correspondence regarding this matter will be sent in hard copy only to the addressees of this letter. Permittees and interested persons (including those who received this letter via e-mail) will not receive future correspondence unless they either (1) subscribe to the electronic mailing list named "A-2386 NRDC, Los Angeles Waterkeeper and Heal the Bay [R4-2012-0175]" under "Legal Notices" on the internet at http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml to receive future correspondence via e-mail or (2) request to receive future correspondence in hard copy by writing to Adrianna M. Crowl at the Office of Chief Counsel at the address in the letterhead above. You should act as soon as possible to ensure you receive all items of future correspondence.

The Petitioners may not file a response to the petition: Additional submissions regarding this petition will only be allowed upon written request and approval of such requests is at the discretion of this Board.

If you have any questions regarding this letter, please contact me at (916) 341-5173 or ryan.mallory-jones@waterboards.ca.gov.

Sincerely,

 FOR RM-J

Ryan Mallory-Jones
Graduate Legal Assistant

cc Attachment A (Permittee List)

² Gov. Code, § 11430.10 et seq.

cc: Deborah Smith **[via email only]**
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(Continued)

Ms. Hayat, et al.

- 4 -

November 10, 2015

cc: David W. Smith, Chief **[via email only]**
Permits Office
U.S. EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105
smith.davidw@epa.gov

From: Crowl, Adrianna@Waterboards
Sent: Thursday, November 12, 2015 11:21 AM
To: a2386@swrcb18.waterboards.ca.gov
Subject: SWRCB/OCC FILE A-2386 - COMPLETE PETITION (30-DAY RESPONSE)
Attachments: A-2386 Complete Petition 30-Day Response Letter [11-10-15].pdf

Please see the attached Complete Petition 30-Day Response letter for A-2386. If you have any questions or cannot open the attached, please let me know.

Thank you.

Adrianna M. Crowl
Staff Services Analyst
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor
Sacramento CA 95814
PH: (916) 341-5156
E-Mail: Adrianna.Crowl@waterboards.ca.gov

Save some water for our children's children.....



EDMUND G. BROWN, JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR ENVIRONMENTAL PROTECTION

State Water Resources Control Board

November 10, 2015

CERTIFIED MAIL AND EMAIL

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Mr. Samuel Unger
Executive Officer
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013
Samuel.Unger@waterboards.ca.gov

Dear Ms. Hayat, and Messrs. Cooper, Pugsley, and Unger,

**PETITION OF NATURAL RESOURCES DEFENSE COUNCIL, HEAL THE BAY, AND LOS ANGELES WATERKEEPER FOR REVIEW OF APPROVAL OF WATERSHED MANAGEMENT PROGRAMS PURSUANT TO THE LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD ORDER R4-2012-0175: COMPLETE PETITION (30-DAY RESPONSE)
SWRCB/OCC FILE A-2386**

The above-referenced petition is complete and the State Water Resources Control Board (State Water Board) will begin its review.

The Los Angeles Water Quality Control Board (Los Angeles Water Board) and other interested persons may file a written response to the petition, filed May 28, 2015, and to the petition addendum, filed October 30, 2015. Responses are due within 30 days of the date of this letter, addressed to my attention. In addition, all responses must be sent to the Petitioners at the addresses listed above, to the Los Angeles Water Board, and to the Permittees listed in Attachment A.¹ Please also copy all persons listed on the cc list below. Electronic submissions and copies are strongly encouraged. Copies of the petition are available at the State Water Board web site at:

http://www.swrcb.ca.gov/public_notices/petitions/water_quality/a2386_losangeles_wmp.shtml.

The Los Angeles Water Board is requested to file the administrative record (copied on both sides) within this 30-day period. The Los Angeles Water Board is encouraged to file the administrative record electronically (e.g., on compact disc or flash drive) if feasible.

¹ Permittees listed on Attachment A are those permittees participating in the challenged watershed management programs.

The administrative record to be filed by the Los Angeles Water Board constitutes the evidentiary record for the State Water Board's review of the petition. Any person requesting that the State Water Board consider evidence that was not part of the administrative record before the Los Angeles Water Board must do so in accordance with California Code of Regulations, title 23, section 2050.6.

Prohibition on Ex Parte Communications

The matters addressed by the petition are subject to the prohibition on ex parte communications.² Interested persons, therefore, may not communicate with State Water Board members regarding the above questions except through submission of timely written comments and through oral comments at any future workshop and meetings.

Future Correspondence

**IN ALL FUTURE CORRESPONDENCE, PLEASE REFER TO
SWRCB/OCC FILE A-2386
AND SUBMIT COPIES TO
PETITIONERS, THE LOS ANGELES WATER BOARD, & PERMITTEES LISTED IN
ATTACHMENT A**

Future correspondence regarding this matter will be sent in hard copy only to the addressees of this letter. Permittees and interested persons (including those who received this letter via e-mail) will not receive future correspondence unless they either (1) subscribe to the electronic mailing list named "A-2386 NRDC, Los Angeles Waterkeeper and Heal the Bay [R4-2012-0175]" under "Legal Notices" on the internet at http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml to receive future correspondence via e-mail or (2) request to receive future correspondence in hard copy by writing to Adrianna M. Crowl at the Office of Chief Counsel at the address in the letterhead above. You should act as soon as possible to ensure you receive all items of future correspondence.

The Petitioners may not file a response to the petition. Additional submissions regarding this petition will only be allowed upon written request and approval of such requests is at the discretion of this Board.

If you have any questions regarding this letter, please contact me at (916) 341-5173 or ryan.mallory-jones@waterboards.ca.gov.

Sincerely,

 FOR R.M.-J

Ryan Mallory-Jones
Graduate Legal Assistant

cc Attachment A (Permittee List)

² Gov. Code, § 11430.10 et seq.

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(Continued)

Ms. Hayat, et al.

- 4 -

November 10, 2015

cc: David W. Smith, Chief **[via email only]**
Permits Office
U.S. EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105
smith.davidw@epa.gov

From: Fordyce, Jennifer@Waterboards
Sent: Friday, November 20, 2015 2:16 PM
To: Mallory-Jones, Ryan@Waterboards
Cc: bhayat@nrdc.org; daniel@lawyersforcleanwater.com; arthur@lawwaterkeeper.org; Unger, Samuel@Waterboards; Smith, Deborah@Waterboards; Rasmussen, Paula@Waterboards; Ridgeway, Ivar@Waterboards; Purdy, Renee@Waterboards; Okun, Lori@Waterboards; Wyels, Philip@Waterboards; McChesney, Frances@Waterboards; Fordyce, Jennifer@Waterboards; Coupe, David@Waterboards; Wadhvani, Emel@Waterboards; Lauffer, Michael@Waterboards; Bishop, Jonathan@Waterboards; Smith, Davidw@epamail.epa.gov; sgomes@cityofartesia.us; acecivil@aol.com; trodrigue@cityofbell.org; acablay@cityofbell.org; biniguez@bellflower.org; lgorecki@bellflower.org; cvll@bellgardens.org; pwagner@bellgardens.org; ypark@infeng.co; cvu@bellgardens.org; mogrady@cerritos.us; bdesatnik@ci.claremont.ca.us; lmustafa@ci.claremont.ca.us; ktrep@ci.claremont.ca.us; csneed@ci.claremont.ca.us; gnila@ci.commerce.ca.us; ginan@ci.commerce.ca.us; hrodriguez@cityofcudahy.ca.us; asantos@cityofcudahyca.gov; ahernandez@cityofcudahyca.gov; jpulido@cityofcudahyca.gov; dliu@diamondbarca.gov; JWen@downeyca.org; ygarci@downeyca.org; pwmaintenance@elmonte.ca.gov; jesusgomez@elmonteca.gov; ejeng@elmonteca.gov; jcolombo@ghcity.org; inoorbaksh@hgcity.org; jenriquez@huntingtonpark.org; mackerman@hpca.gov; cdixon@hpca.gov; mstowell@cityoflamirada.org; mmunoz@cityoflamirada.org; dkeesey@ci.la-verne.ca.us; lobrien@ci.la-verne.ca.us; rwooldridge@ci.la-verne.ca.us; kvivanti@lakewoodcity.org; Anthony.Arevalo@longbeach.gov; shahram.kharaghani@lacity.org; vivian.marquez@lacity.org; hubertus.cox@lacity.org; hamid.tadayon@lacity.org; jkekula@lynwood.ca.us; esaikaly@lynwood.ca.us; abeltran@lynwood.ca.us; andre.dupret@cityofmaywood.org; mdanaj@citymb.info; lmyers@cityofmaywood.org; ekipeke@willdan.com; dgarcia@norwalkca.gov; administration@norwalkca.gov; bzimmerman@norwalkca.gov; afigueroa@norwalkca.gov; ccash@paramountcity.com; sho@paramountcity.com; rbobadilla@pico-rivera.org; gderas@pico-rivera.org; julie_carver@ci.pomona.ca.us; linda_lowry@ci.pomona.ca.us; Meg_McWade@ci.pomona.ca.us; lcyrus@ci.san-dimas.ca.us; smorales-choate@santafesprings.org; Morales-Choate, Sarina@SANTAFESPRINGS; jhunter@jlha.net; kfarfsing@cityofsignalhill.org; smyrter@cityofsignalhill.org; jhunter@jlha.net; acervantes@sogate.org; carellano@ci.vernon.ca.us; Kwilson@ci.vernon.ca.us; ajensen@ci.walnut.ca.us; mrooney@ci.walnut.ca.us; rwishner@ci.walnut.ca.us; MBarcelo@ci.walnut.ca.us; dpelser@cityofwhittier.org; pubwks@cityofwhittier.org; palva@dpw.lacounty.gov; tgrant@dpw.lacounty.gov; gfarber@dpw.lacounty.gov; ageorge@dpw.lacounty.gov; jguerrer@dpw.lacounty.gov; jesusgomez@elmonteca.gov; gosmena@dpw.lacounty.gov; jguerrero@dpw.lacounty.gov; Jones, Keith K@DOT; Crowl, Adrianna@Waterboards
Subject: SWRCB/OCC FILE A-2386 - Los Angeles Water Board Request for Extension of Time to File Response to Petition
Attachments: LARWQCB Request for Extension (11-20-2015).pdf; Attachment A _ A-2386 Permittee list 11-10-15.pdf

Mr. Mallory-Jones,

Please find attached the Los Angeles Water Board's Request for Extension of Time to File its Response to the above-referenced petition. If you cannot open the attachment or if you have questions, please let me know.

Sincerely,

Jennifer Fordyce

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EDMUND G. BROWN, JR.
GOVERNOR

MATTHEW RODRIGUEZ
DIRECTOR
CALIFORNIA ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

November 20, 2015

VIA EMAIL ONLY

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**PETITION OF NATURAL RESOURCES DEFENSE COUNCIL, HEAL THE BAY, AND LOS ANGELES WATERKEEPER FOR REVIEW OF APPROVAL OF WATERSHED MANAGEMENT PROGRAMS PURSUANT TO THE LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD ORDER R4-2012-0175: LOS ANGELES WATER BOARD REQUEST FOR EXTENSION OF TIME TO FILE RESPONSE TO PETITION
SWRCB/OCC FILE A-2386**

Dear Mr. Mallory-Jones:

The Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) has received your letter dated November 10, 2015, whereby the State Water Resources Control Board (State Water Board) requested that the Los Angeles Water Board submit the administrative record in this matter and provided an opportunity for the Los Angeles Water Board and other interested persons to submit responses to the Natural Resources Defense Council, Heal the Bay, and Los Angeles Waterkeeper's (collectively, Petitioners) petition, filed May 28, 2015, and to a petition addendum, filed October 30, 2015. For the following reasons, the Los Angeles Water Board respectfully requests a 36-day extension of time, until January 15, 2016, (i.e., 66 days total) to submit the Los Angeles Water Board's response to the petition:

- The administrative record for this matter is very large - consisting of several thousand pages - and includes numerous documents related to the submission of the watershed management programs (WMPs) and monitoring and reporting programs pertaining to nine WMPs (including documentation of Technical Advisory Committee meetings, notifications of intent, and draft, revised, and final WMPs), several workshops and meetings with permittees and stakeholders, and the Los Angeles Water Board's review of the petition. The Los Angeles Water Board is again preparing the entire record in electronic format to make review of the record more accessible. In so doing, significant staff time is required to assure the record is prepared in an organized way that will be helpful to the State Water Board in its review and to assure that it is complete, as well as time required to be spent on technical factors - such as converting documents to PDF format, the need to reduce the size of the PDF files to meet the processing capacity of the conversion software, the process of merging the individual PDF files into one file by record section and Bates numbering each section of the record sequentially, and the process of creating the corresponding index with

CHARLES STRINVER, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

320 West 4th St., Suite 200, Los Angeles, CA 90013 | www.waterboards.ca.gov/losangeles

the Bates numbering for each document to facilitate navigating the record. At this time, the Los Angeles Water Board is not requesting an extension of time to submit the administrative record and intends to submit the record by December 10, 2015. However, since considerable time will be required to prepare the record, several key Los Angeles Water Board staff will be unavailable to assist in drafting the Board's response to the petition, and neither these staff nor the attorney assigned to this matter will have access to the complete record in order to make references to documents in the record, as well as to include Bates numbering for ease of reference. Thus, the Los Angeles Water Board needs the first 30 days to prepare the record, and additional time to prepare its response.

- The Los Angeles Water Board intends to respond to both the Petitioners' original petition filed on May 28, 2015 and petition addendum filed on October 30, 2015. While the Los Angeles Water Board reviewed and responded to the Petitioners' original petition as part of its own proceeding on the petition on September 10, 2015, we have not had adequate time to review and respond to the new petition addendum, or to determine whether the addendum contains new contentions that were not previously raised. It is necessary and appropriate for the Los Angeles Water Board to have additional to respond to each of the contentions raised.
- The Los Angeles Water Board staff and the attorney assigned to this matter have limited availability until December 10, 2015. The 30-day letter was received on November 10, 2015. Three state holidays (November 11 and November 26-27) fall within this timeframe and many staff have pre-planned vacations during Thanksgiving week. The Executive Officer and attorney assigned to this matter also have an enforcement hearing on December 2, 2015, which requires preparation. In addition, the Los Angeles Water Board's next meeting is on December 10, 2015 and several staff and the attorney involved in this matter are involved in matters at that Board meeting and, therefore, cannot work on the petition response until after the Board meeting. The staff and attorney involved in this matter, as well as the other two attorneys for the Los Angeles Water Board, must also continue to handle all the other day-to-day matters before the Board.
- Lastly, an extension until January 15, 2016 is needed due to several Los Angeles Water Board staff and attorneys' pre-planned holiday vacations during the last two weeks of December. These staff members are instrumental in the Los Angeles Water Board's response to the petition, and their availability to work on the response is vital. Taking into account the availability of staff and the attorney assigned to work on this matter during December, granting an extension until January 15, 2016 will allow the Los Angeles Water Board adequate time to respond to the petition after the busy holiday season.

Given these reasons, 30 days is not sufficient time for the Los Angeles Water Board to both prepare a proper response to the petition and to complete preparation of the administrative record. The Los Angeles Water Board respectfully requests that the State Water Board grant the Los Angeles Water Board's request to submit its response to the petition and addendum by January 15, 2016. In the event the Los Angeles Water Board can prepare its response prior to that date, the Board will submit its response sooner. The Los Angeles Water Board does not oppose the granting of the same amount of additional time for others to respond to the petition as well.

Thank you for your consideration of this request. If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink that reads "Samuel Unger". The signature is written in a cursive style with a large, stylized 'S' and 'U'.

Samuel Unger, PE
Executive Officer

cc: Attachment A (Permittee List)

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A-2386

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c/o Hector Rodriguez, City Manager

Albert Santos, Acting City Manager, Assistant to the City Manager

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California Department of Transportation
c/o Keith Jones
kjones@dot.ca.gov

From: lyris@swrcb18.waterboards.ca.gov
Sent: Tuesday, November 24, 2015 1:10 PM
To: Wyels, Philip@Waterboards
Subject: SWRCB/OCC File A-2386 Letter Requesting Extension of Time from Richards Watson Gershon [11-24-15]
Attachments: A-2386 Letter To SWRCB Regarding Extension [11-24-15].pdf



Water Boards This is a message from the State Water Resources Control Board, Office of Chief Counsel

Please see this additional attachment for Petition A-2386. If you cannot open the attached, please let me know.

Thank you.

*Adrianna M. Crowl
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Save some water for our children's children.....

You are currently subscribed to a2386 as: philip.wyels@waterboards.ca.gov.

To unsubscribe click here: leave-5667254-4901575.4d6a1aff602bf9a4ab29d835b96c0546@swrcb18.waterboards.ca.gov



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November 24, 2015

VIA ELECTRONIC MAIL

Ryan Mallory-Jones
 Office of Chief Counsel
 State Water Resources Control Board
 1101 I Street, 22nd Floor
 Sacramento, CA. 95814
 ryan.mallory-jones@waterboards.ca.gov

Re: *Petition No. A-2386: Natural Resources Defense Council, Inc., et al. Petition to Review Approval of Watershed Management Plans--Municipal Permittee Request for Extension of Time to File Response*

Dear Mr. Mallory-Jones:

This firm represents the cities of Artesia, Norwalk, and La Mirada (Municipal Permittees), who are part of the Lower San Gabriel River Watershed Management Group. That group submitted and received approval for its Watershed Management Plan that is now part of the challenge raised in the Petition filed by the Natural Resources Defense Council, Heal the Bay and Los Angeles Waterkeeper ("Petitioners"). For the reasons set forth below, the Municipal Permittees request a 36-day extension to prepare their response to the Petition.

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Ryan Mallory-Jones

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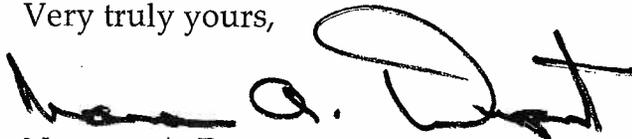
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Very truly yours,



Norman A. Dupont

cc: All Interested Parties (list attached)

82001-0012\1903756v1.doc

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A-2386

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jguerrerr@dpw.lacounty.gov

California Department of Transportation
c/o Keith Jones
kjones@dot.ca.gov

From: Crawl, Adrianna@Waterboards
Sent: Tuesday, November 24, 2015 1:10 PM
To: a2386@swrcb18.waterboards.ca.gov
Subject: SWRCB/OCC File A-2386 Letter Requesting Extension of Time from Richards Watson Gershon [11-24-15]
Attachments: A-2386 Letter To SWRCB Regarding Extension [11-24-15].pdf

Please see this additional attachment for Petition A-2386. If you cannot open the attached, please let me know.

Thank you.

Adrianna M. Crawl
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Save some water for our children's children.....



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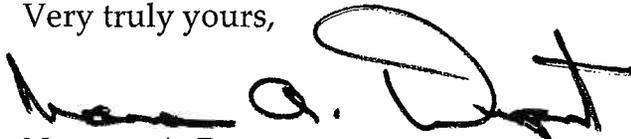
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A-2386

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From: Crowl, Adrianna@Waterboards
Sent: Tuesday, November 24, 2015 1:01 PM
To: bhayat@nrdc.org; daniel@lawyersforcleanwater.com; arthur@lawwaterkeeper.org; Unger, Samuel@Waterboards
Cc: Smith, Deborah@Waterboards; Rasmussen, Paula@Waterboards; McChesney, Frances@Waterboards; Fordyce, Jennifer@Waterboards; Coupe, David@Waterboards; Wadhvani, Emel@Waterboards; Lauffer, Michael@Waterboards; Bishop, Jonathan@Waterboards; Smith, Davidw@epamail.epa.gov; Ridgeway, Ivar@Waterboards; Purdy, Renee@Waterboards; Okun, Lori@Waterboards; Wyels, Philip@Waterboards
Subject: SWRCB/OCC File A-2386 LARWQCB Request for Extension to File Response; A-2386 SWRCB Letter Granting Extension
Attachments: A-2386 LARWQCB Request for Extension (11-20-2015).pdf; A-2386 Letter Granting Extension A-2386 [11-24-15].pdf

Please see the attached letters regarding Petition A-2386. If you cannot open the attachments, please let me know.

Thank you.

*Adrianna M. Crowl
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Save some water for our children's children.....

Los Angeles Regional Water Quality Control Board

November 20, 2015

VIA EMAIL ONLY

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PETITION OF NATURAL RESOURCES DEFENSE COUNCIL, HEAL THE BAY, AND LOS ANGELES WATERKEEPER FOR REVIEW OF APPROVAL OF WATERSHED MANAGEMENT PROGRAMS PURSUANT TO THE LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD ORDER R4-2012-0175: LOS ANGELES WATER BOARD REQUEST FOR EXTENSION OF TIME TO FILE RESPONSE TO PETITION
SWRCB/OCC FILE A-2386

Dear Mr. Mallory-Jones:

The Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) has received your letter dated November 10, 2015, whereby the State Water Resources Control Board (State Water Board) requested that the Los Angeles Water Board submit the administrative record in this matter and provided an opportunity for the Los Angeles Water Board and other interested persons to submit responses to the Natural Resources Defense Council, Heal the Bay, and Los Angeles Waterkeeper's (collectively, Petitioners) petition, filed May 28, 2015, and to a petition addendum, filed October 30, 2015. For the following reasons, the Los Angeles Water Board respectfully requests a 36-day extension of time, until January 15, 2016, (i.e., 66 days total) to submit the Los Angeles Water Board's response to the petition:

- The administrative record for this matter is very large - consisting of several thousand pages – and includes numerous documents related to the submission of the watershed management programs (WMPs) and monitoring and reporting programs pertaining to nine WMPs (including documentation of Technical Advisory Committee meetings, notifications of intent, and draft, revised, and final WMPs), several workshops and meetings with permittees and stakeholders, and the Los Angeles Water Board's review of the petition. The Los Angeles Water Board is again preparing the entire record in electronic format to make review of the record more accessible. In so doing, significant staff time is required to assure the record is prepared in an organized way that will be helpful to the State Water Board in its review and to assure that it is complete, as well as time required to be spent on technical factors - such as converting documents to PDF format, the need to reduce the size of the PDF files to meet the processing capacity of the conversion software, the process of merging the individual PDF files into one file by record section and Bates numbering each section of the record sequentially, and the process of creating the corresponding index with

CHARLES STRINGER, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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the Bates numbering for each document to facilitate navigating the record. At this time, the Los Angeles Water Board is not requesting an extension of time to submit the administrative record and intends to submit the record by December 10, 2015. However, since considerable time will be required to prepare the record, several key Los Angeles Water Board staff will be unavailable to assist in drafting the Board's response to the petition, and neither these staff nor the attorney assigned to this matter will have access to the complete record in order to make references to documents in the record, as well as to include Bates numbering for ease of reference. Thus, the Los Angeles Water Board needs the first 30 days to prepare the record, and additional time to prepare its response.

- The Los Angeles Water Board intends to respond to both the Petitioners' original petition filed on May 28, 2015 and petition addendum filed on October 30, 2015. While the Los Angeles Water Board reviewed and responded to the Petitioners' original petition as part of its own proceeding on the petition on September 10, 2015, we have not had adequate time to review and respond to the new petition addendum, or to determine whether the addendum contains new contentions that were not previously raised. It is necessary and appropriate for the Los Angeles Water Board to have additional to respond to each of the contentions raised.
- The Los Angeles Water Board staff and the attorney assigned to this matter have limited availability until December 10, 2015. The 30-day letter was received on November 10, 2015. Three state holidays (November 11 and November 26-27) fall within this timeframe and many staff have pre-planned vacations during Thanksgiving week. The Executive Officer and attorney assigned to this matter also have an enforcement hearing on December 2, 2015, which requires preparation. In addition, the Los Angeles Water Board's next meeting is on December 10, 2015 and several staff and the attorney involved in this matter are involved in matters at that Board meeting and, therefore, cannot work on the petition response until after the Board meeting. The staff and attorney involved in this matter, as well as the other two attorneys for the Los Angeles Water Board, must also continue to handle all the other day-to-day matters before the Board.
- Lastly, an extension until January 15, 2016 is needed due to several Los Angeles Water Board staff and attorneys' pre-planned holiday vacations during the last two weeks of December. These staff members are instrumental in the Los Angeles Water Board's response to the petition, and their availability to work on the response is vital. Taking into account the availability of staff and the attorney assigned to work on this matter during December, granting an extension until January 15, 2016 will allow the Los Angeles Water Board adequate time to respond to the petition after the busy holiday season.

Given these reasons, 30 days is not sufficient time for the Los Angeles Water Board to both prepare a proper response to the petition and to complete preparation of the administrative record. The Los Angeles Water Board respectfully requests that the State Water Board grant the Los Angeles Water Board's request to submit its response to the petition and addendum by January 15, 2016. In the event the Los Angeles Water Board can prepare its response prior to that date, the Board will submit its response sooner. The Los Angeles Water Board does not oppose the granting of the same amount of additional time for others to respond to the petition as well.

Thank you for your consideration of this request. If you have any questions, please contact me.

Sincerely,



Samuel Unger, PE
Executive Officer

cc: Attachment A (Permittee List)

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State Water Resources Control Board

November 24, 2015

VIA U.S. MAIL AND EMAIL

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Mr. Samuel Unger
Executive Officer
Los Angeles Regional Water Quality Control Board
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Samuel.Unger@waterboards.ca.gov

Dear Ms. Hayat, and Messrs. Cooper, Pugsley, and Unger,

**PETITION OF NATURAL RESOURCES DEFENSE COUNCIL, HEAL THE BAY, AND LOS ANGELES WATERKEEPER FOR REVIEW OF APPROVAL OF WATERSHED MANAGEMENT PROGRAMS PURSUANT TO THE LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD ORDER R4-2012-0175: EXTENSION OF TIME TO FILE RESPONSES
SWRCB/OCC FILE A-2386**

The State Water Resources Control Board (State Water Board) has received a letter dated November 20, 2015, from the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) and a letter dated November 24, 2015 from Richards, Watson, & Gershon, counsel for the cities of Artesia, Norwalk, and La Mirada, both requesting an extension to January 15, 2016, of the deadline to file responses to the petition in the above matter. The Los Angeles Water Board indicated that it will file the administrative record by the original deadline of December 10, 2015 at 5:00 pm.

The State Water Board informed interested persons by letter dated November 10, 2015, that the petition in the above matter was complete and that the administrative record and responses to the petition were due within thirty days. The letter and notice are available at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality/a2386_losangeles_wmp.s.html.

For the reasons stated in the Los Angeles Water Board's request and Richards, Watson, & Gershon's request, the State Water Board will now grant an extension to all parties and interested persons to file responses to the petition.

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov

The new deadline is set as follows:

Submission of the responses to the petition (for all parties and interested persons, including the Los Angeles Water Board): **Friday, January 15, 2016, at 5:00 pm.**

The State Water Board notes that the new deadline does not extend the 270-day time period in which the State Water Board must review and act on the petition under California Code of Regulations, title 23, section 2050.5, subdivision (b).

If you have any questions regarding this letter, please contact me at (916) 341-5173 or at ryan.mallory-jones@waterboards.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ryan Mallory-Jones', with a long horizontal flourish extending to the right.

Ryan Mallory-Jones
Graduate Legal Assistant

cc: See next page

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(Continued)

Ms. Hayat, et al.

- 4 -

November 24, 2015

cc: David W. Smith, Chief **[via email only]**
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smith.davidw@epa.gov

From: Fordyce, Jennifer@Waterboards
Sent: Monday, December 07, 2015 5:06 PM
To: Mallory-Jones, Ryan@Waterboards
Cc: bhayat@nrdc.org; daniel@lawyersforcleanwater.com; arthur@lawwaterkeeper.org; Unger, Samuel@Waterboards; Smith, Deborah@Waterboards; Rasmussen, Paula@Waterboards; Ridgeway, Ivar@Waterboards; Purdy, Renee@Waterboards; Okun, Lori@Waterboards; Wyels, Philip@Waterboards; McChesney, Frances@Waterboards; Coupe, David@Waterboards; Wadhwani, Emel@Waterboards; Lauffer, Michael@Waterboards; Bishop, Jonathan@Waterboards; Smith, Davidw@epamail.epa.gov; sgomes@cityofartesia.us; acecivil@aol.com; trodrigue@cityofbell.org; acablay@cityofbell.org; biniguez@bellflower.org; lgorecki@bellflower.org; cvll@bellgardens.org; pwagner@bellgardens.org; ypark@infeng.co; cvu@bellgardens.org; mogrady@cerritos.us; bdesatnik@ci.claremont.ca.us; lmustafa@ci.claremont.ca.us; ktrep@ci.claremont.ca.us; csneed@ci.claremont.ca.us; gnila@ci.commerce.ca.us; ginan@ci.commerce.ca.us; hrodriguez@cityofcudahy.ca.us; asantos@cityofcudahyca.gov; ahernandez@cityofcudahyca.gov; jpulido@cityofcudahyca.gov; dliu@diamondbarca.gov; JWen@downeyca.org; ygarcia@downeyca.org; pwmaintenance@elmonte.ca.gov; jesusgomez@elmonteca.gov; ejeng@elmonteca.gov; jcolombo@ghcity.org; inoorbaksh@hgcity.org; jenriquez@huntingtonpark.org; mackerman@hpca.gov; cdixon@hpca.gov; mstowell@cityoflamirada.org; mmunoz@cityoflamirada.org; dkeesey@ci.la-verne.ca.us; lobrien@ci.la-verne.ca.us; rwooldridge@ci.la-verne.ca.us; kvivanti@lakewoodcity.org; Anthony.Arevalo@longbeach.gov; shahram.kharaghani@lacity.org; vivian.marquez@lacity.org; hubertus.cox@lacity.org; hamid.tadayon@lacity.org; jkekula@lynwood.ca.us; esaikaly@lynwood.ca.us; abeltran@lynwood.ca.us; andre.dupret@cityofmaywood.org; mdanaj@citymb.info; lmyers@cityofmaywood.org; ekiepke@willdan.com; dgarcia@norwalkca.gov; administration@norwalkca.gov; bzimmerman@norwalkca.gov; afigueroa@norwalkca.gov; ccash@paramountcity.com; sho@paramountcity.com; rbobadilla@pico-rivera.org; gderas@pico-rivera.org; julie_carver@ci.pomona.ca.us; linda_lowry@ci.pomona.ca.us; Meg_McWade@ci.pomona.ca.us; lcyrus@ci.san-dimas.ca.us; smorales-choate@santafesprings.org; Morales-Choate, Sarina@SANTAFESPRINGS; jhunter@jlha.net; kfarfsing@cityofsignalhill.org; smyrter@cityofsignalhill.org; jhunter@jlha.net; acervantes@sogate.org; carellano@ci.vernon.ca.us; KWilson@ci.vernon.ca.us; ajensen@ci.walnut.ca.us; mrooney@ci.walnut.ca.us; rwishner@ci.walnut.ca.us; MBarcelo@ci.walnut.ca.us; dpelser@cityofwhittier.org; pubwks@cityofwhittier.org; palva@dpw.lacounty.gov; tgrant@dpw.lacounty.gov; gfarber@dpw.lacounty.gov; ageorge@dpw.lacounty.gov; jguerrer@dpw.lacounty.gov; jesusgomez@elmonteca.gov; gosmena@dpw.lacounty.gov; jguerrero@dpw.lacounty.gov; Jones, Keith K@DOT; Crowl, Adrianna@Waterboards
Subject: SWRCB/OCC FILE A-2386 - Los Angeles Water Board Request for One Week Extension of Time to Submit Administrative Record
Attachments: Request for Extension to Submit Admin Record (12-7-2015).pdf

Mr. Mallory-Jones,

Please find attached the Los Angeles Water Board's Request for a One Week Extension of Time to Submit the Administrative Record to the above-referenced petition. If you cannot open the attachment or if you have questions, please let me know.

Sincerely,

Jennifer Fordyce

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EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

December 7, 2015

VIA EMAIL ONLY

Ryan Mallory-Jones
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PETITION OF NATURAL RESOURCES DEFENSE COUNCIL, HEAL THE BAY, AND LOS ANGELES WATERKEEPER FOR REVIEW OF APPROVAL OF WATERSHED MANAGEMENT PROGRAMS PURSUANT TO THE LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD ORDER R4-2012-0175: LOS ANGELES WATER BOARD REQUEST FOR ONE WEEK EXTENSION OF TIME TO SUBMIT ADMINISTRATIVE RECORD
SWRCB/OCC FILE A-2386

Dear Mr. Mallory-Jones:

The Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) received your letter dated November 10, 2015, whereby the State Water Resources Control Board (State Water Board) requested that the Los Angeles Water Board submit the administrative record in this matter and provided an opportunity for the Los Angeles Water Board and other interested persons to submit responses to the Natural Resources Defense Council, Heal the Bay, and Los Angeles Waterkeeper's (collectively, Petitioners) petition, filed May 28, 2015, and to a petition addendum, filed October 30, 2015. On November 20, 2015, the Los Angeles Water Board requested and was granted an extension of time, until 5:00 pm on January 15, 2016, to submit the Los Angeles Water Board's response to the petition. At that time, the Los Angeles Water Board did not request an extension of time to submit the administrative record and intended to submit the record by December 10, 2015. For the reasons stated in that letter and for these additional reasons, the Los Angeles Water Board requests a one-week extension of time, until 5:00 pm on December 17, 2015, to submit the administrative record:

- As noted in the Los Angeles Water Board's November 20, 2015 request, the administrative record for this matter is large. In developing the administrative record index for this matter, however, we have realized that the record contains more documents than we first contemplated. As previously noted, the Los Angeles Water Board is again preparing the entire record in electronic format, which requires significant staff time to assure the record is prepared in an organized way that will be helpful to the State Water Board in its review and to assure that it is complete, as well as time required to be spent on technical factors - such as converting documents to PDF format, the need to reduce the size of the PDF files to meet the processing capacity of the conversion software, the process of merging the

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individual PDF files into one file by record section, and Bates numbering each section of the record sequentially, and the process of creating the corresponding administrative record index with the Bates numbering for each document to facilitate navigating the record.

- The Los Angeles Water Board staff and attorney working on this matter have had limited availability to work on preparing the administrative record since receiving the State Water Board's letter on November 10, 2015. Three state holidays (November 11 and November 26-27) fall on business days within this timeframe and many staff had pre-planned vacations during Thanksgiving week. The Los Angeles Water Board has been diligently working on preparing the administrative record since receiving the State Water Board's letter on November 10, 2015. However, despite best efforts, it has become apparent that the time lost due to the three state holidays and Thanksgiving week vacations is necessary to complete preparation of the record.

Given these additional reasons, the Los Angeles Water Board respectfully requests that the State Water Board grant the Los Angeles Water Board's request for a one-week extension of time, until 5:00 pm on December 17, 2015, to submit the administrative record for this matter. In the event the Los Angeles Water Board can submit the administrative record prior to that date, the Board will submit it sooner.

Thank you for your consideration of this request. If you have any questions, please contact me.

Sincerely,



Samuel Unger, PE
Executive Officer

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From: Crowl, Adrianna@Waterboards
Sent: Tuesday, December 08, 2015 1:19 PM
To: bhayat@nrdc.org; daniel@lawyersforcleanwater.com; arthur@lawaterkeeper.org; Unger, Samuel@Waterboards
Cc: Smith, Deborah@Waterboards; McChesney, Frances@Waterboards; Rasmussen, Paula@Waterboards; Fordyce, Jennifer@Waterboards; Ridgeway, Ivar@Waterboards; Coupe, David@Waterboards; Purdy, Renee@Waterboards; Wadhwani, Emel@Waterboards; Okun, Lori@Waterboards; Lauffer, Michael@Waterboards; Wyels, Philip@Waterboards; Bishop, Jonathan@Waterboards; Smith, Davidw@epamail.epa.gov
Subject: A-2386 Letter Granting Admin Record Extension [12-08-15 - A-2386 Letter Requesting the Extension [12-07-15]
Attachments: A-2386 Letter Granting Admin Record Extension A-2386 12-8-15.pdf; A-2386 Request for Extension to Submit Admin Record (12-7-2015).pdf

Good afternoon,

Please see the attached, if you cannot open the attached, please let me know.

Thank you.

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Save some water for our children's children.....



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

December 08, 2015

VIA U.S. MAIL AND EMAIL

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San Francisco, CA 94129
daniel@lawyersforcleanwater.com

Mr. Samuel Unger
Executive Officer
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013
Samuel.Unger@waterboards.ca.gov

Dear Ms. Hayat, and Messrs. Cooper, Pugsley, and Unger,

**PETITION OF NATURAL RESOURCES DEFENSE COUNCIL, HEAL THE BAY, AND LOS ANGELES WATERKEEPER FOR REVIEW OF APPROVAL OF WATERSHED MANAGEMENT PROGRAMS PURSUANT TO THE LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD ORDER R4-2012-0175: EXTENSION OF TIME TO SUBMIT ADMINISTRATIVE RECORD
SWRCB/OCC FILE A-2386**

The State Water Resources Control Board (State Water Board) has received a letter dated December 7, 2015, from the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) requesting an extension to December 17, 2015, of the deadline to submit the administrative record to the petition in the above matter. Previously, the Los Angeles Water Board and other interested parties requested and were granted an extension to January 15, 2016 at 5:00 pm of the time to file responses to the petition.

The State Water Board informed interested persons by letter dated November 10, 2015, that the petition in the above matter was complete and that the administrative record and responses to the petition were due within thirty days. The letter and notice are available at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality/a2386_losangeles_wmp.s.html.

The Los Angeles Water Board, in its request for an extension of time to file responses to the petition, indicated that it would submit the administrative record by December 10, 2015 at 5:00 pm. Due, however, to the size of the record, the limited availability of staff during the holidays, and the reasons stated in its request for an extension of time to file responses to the petition, the Los Angeles Water Board now requests a one-week extension of time. For these reasons,

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov

the State Water Board will now grant an extension to the Los Angeles Water Board to submit the administrative record to the petition in the above matter.

The new deadline is set as follows:

Submission of the administrative record to the petition: **Thursday, December 17, at 5:00 pm.**

The deadline for filing of the responses to the petition (for all parties and interested persons, including the Los Angeles Water Board) will remain **Friday, January 15, 2016, at 5:00 pm.**

The State Water Board notes that the new deadline does not extend the 270-day time period in which the State Water Board must review and act on the petition under California Code of Regulations, title 23, section 2050.5, subdivision (b).

If you have any questions regarding this letter, please contact me at (916) 341-5173 or at ryan.mallory-jones@waterboards.ca.gov.

Sincerely,



Ryan Mallory-Jones
Graduate Legal Assistant

cc: See next page

cc: Deborah Smith **[via email only]**
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(Continued)

Ms. Hayat, et al.

- 4 -

December 08, 2015

cc: David W. Smith, Chief **[via email only]**
Permits Office
U.S. EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105
smith.davidw@epa.gov

Los Angeles Regional Water Quality Control Board

December 7, 2015

VIA EMAIL ONLY

Ryan Mallory-Jones
Office of Chief Counsel
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PETITION OF NATURAL RESOURCES DEFENSE COUNCIL, HEAL THE BAY, AND LOS ANGELES WATERKEEPER FOR REVIEW OF APPROVAL OF WATERSHED MANAGEMENT PROGRAMS PURSUANT TO THE LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD ORDER R4-2012-0175: LOS ANGELES WATER BOARD REQUEST FOR ONE WEEK EXTENSION OF TIME TO SUBMIT ADMINISTRATIVE RECORD SWRCB/OCC FILE A-2386

Dear Mr. Mallory-Jones:

The Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) received your letter dated November 10, 2015, whereby the State Water Resources Control Board (State Water Board) requested that the Los Angeles Water Board submit the administrative record in this matter and provided an opportunity for the Los Angeles Water Board and other interested persons to submit responses to the Natural Resources Defense Council, Heal the Bay, and Los Angeles Waterkeeper's (collectively, Petitioners) petition, filed May 28, 2015, and to a petition addendum, filed October 30, 2015. On November 20, 2015, the Los Angeles Water Board requested and was granted an extension of time, until 5:00 pm on January 15, 2016, to submit the Los Angeles Water Board's response to the petition. At that time, the Los Angeles Water Board did not request an extension of time to submit the administrative record and intended to submit the record by December 10, 2015. For the reasons stated in that letter and for these additional reasons, the Los Angeles Water Board requests a one-week extension of time, until 5:00 pm on December 17, 2015, to submit the administrative record:

- As noted in the Los Angeles Water Board's November 20, 2015 request, the administrative record for this matter is large. In developing the administrative record index for this matter, however, we have realized that the record contains more documents than we first contemplated. As previously noted, the Los Angeles Water Board is again preparing the entire record in electronic format, which requires significant staff time to assure the record is prepared in an organized way that will be helpful to the State Water Board in its review and to assure that it is complete, as well as time required to be spent on technical factors - such as converting documents to PDF format, the need to reduce the size of the PDF files to meet the processing capacity of the conversion software, the process of merging the

CHARLES STRINGER, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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individual PDF files into one file by record section, and Bates numbering each section of the record sequentially, and the process of creating the corresponding administrative record index with the Bates numbering for each document to facilitate navigating the record.

- The Los Angeles Water Board staff and attorney working on this matter have had limited availability to work on preparing the administrative record since receiving the State Water Board's letter on November 10, 2015. Three state holidays (November 11 and November 26-27) fall on business days within this timeframe and many staff had pre-planned vacations during Thanksgiving week. The Los Angeles Water Board has been diligently working on preparing the administrative record since receiving the State Water Board's letter on November 10, 2015. However, despite best efforts, it has become apparent that the time lost due to the three state holidays and Thanksgiving week vacations is necessary to complete preparation of the record.

Given these additional reasons, the Los Angeles Water Board respectfully requests that the State Water Board grant the Los Angeles Water Board's request for a one-week extension of time, until 5:00 pm on December 17, 2015, to submit the administrative record for this matter. In the event the Los Angeles Water Board can submit the administrative record prior to that date, the Board will submit it sooner.

Thank you for your consideration of this request. If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink that reads "Samuel Unger for".

Samuel Unger, PE
Executive Officer

cc: Attachment A (Permittee List)

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David W. Smith, Chief [via email only]
Permits Office
U.S. EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105
smith.davidw@epa.gov

From: Wadhvani, Emel@Waterboards
Sent: Thursday, January 14, 2016 9:14 AM
To: 'Hayat, Becky'
Cc: Wyels, Philip@Waterboards; Mallory-Jones, Ryan@Waterboards
Subject: RE: our conversation yesterday

Becky,

Your summary below accurately reflects our conversation. Feel free to follow up if you have any additional questions.

Thanks,

Emel

Emel G. Wadhvani
Senior Staff Counsel
Office of Chief Counsel
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
916-322-3622
Fax: 916-341-5199

From: Hayat, Becky [<mailto:bhayat@nrdc.org>]
Sent: Wednesday, January 13, 2016 1:15 PM
To: Wadhvani, Emel@Waterboards
Subject: our conversation yesterday

Hi Emel,

Thanks again for taking the time to chat yesterday, always much appreciated. I understand from our conversation that there is no specific deadline to file our opposition to the cities' motion filed on 1/8, the earliest the cities' motion will be considered is a few weeks from today, and we will not be prejudiced if we choose not to file one. Out of abundance of caution though, we will file our opposition to the cities' motion ASAP.

Please let me know if any of the above is inaccurate. Thank you, and hope you have a great rest of your day.

My very best,
Becky

BECKY HAYAT
*Attorney**
Water Program

NATURAL RESOURCES
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SANTA MONICA, CA 90401
T 310.434.2308
BHAYAT@NRDC.ORG

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*ADMITTED IN CALIFORNIA

Please save paper.
Think before printing.

From: Fordyce, Jennifer@Waterboards
Sent: Friday, January 15, 2016 3:32 PM
To: Mallory-Jones, Ryan@Waterboards
Subject: Exhibit C to LARWQCB Response to Petition
Attachments: Exhibit C - Detailed Response to Exhibit B of Addendum.xlsx

Hi Ryan,

Here is Exhibit C in Excel format. Hopefully this is easier to read. We originally got this Excel file from the Petitioners, and then we added the last column.

Jennifer

From: Mallory-Jones, Ryan@Waterboards
Sent: Friday, January 15, 2016 3:35 PM
To: Fordyce, Jennifer@Waterboards
Subject: RE: Exhibit C to LARWQCB Response to Petition

Thanks!

From: Fordyce, Jennifer@Waterboards
Sent: Friday, January 15, 2016 3:32 PM
To: Mallory-Jones, Ryan@Waterboards
Subject: Exhibit C to LARWQCB Response to Petition

Hi Ryan,

Here is Exhibit C in Excel format. Hopefully this is easier to read. We originally got this Excel file from the Petitioners, and then we added the last column.

Jennifer

From: Fordyce, Jennifer@Waterboards
Sent: Friday, January 15, 2016 2:40 PM
To: Mallory-Jones, Ryan@Waterboards
Cc: bhayat@nrdc.org; daniel@lawyersforcleanwater.com; arthur@lawwaterkeeper.org; Unger, Samuel@Waterboards; Smith, Deborah@Waterboards; Rasmussen, Paula@Waterboards; Ridgeway, Ivar@Waterboards; Purdy, Renee@Waterboards; Okun, Lori@Waterboards; Wyels, Philip@Waterboards; Fordyce, Jennifer@Waterboards; McChesney, Frances@Waterboards; Coupe, David@Waterboards; Wadhvani, Emel@Waterboards; Lauffer, Michael@Waterboards; Bishop, Jonathan@Waterboards; Smith, Davidw@epamail.epa.gov; sgomes@cityofartesia.us; acecivil@aol.com; trodrigue@cityofbell.org; acablay@cityofbell.org; biniguez@bellflower.org; lgorecki@bellflower.org; cvll@bellgardens.org; pwagner@bellgardens.org; ypark@infeng.co; cvu@bellgardens.org; mogrady@cerritos.us; bdesatnik@ci.claremont.ca.us; lmustafa@ci.claremont.ca.us; ktrep@ci.claremont.ca.us; csneed@ci.claremont.ca.us; gnila@ci.commerce.ca.us; ginan@ci.commerce.ca.us; hrodriguez@cityofcudahy.ca.us; asantos@cityofcudahyca.gov; ahernandez@cityofcudahyca.gov; jpulido@cityofcudahyca.gov; dliu@diamondbarca.gov; JWen@downeyca.org; ygarci@downeyca.org; pwmaintenance@elmonte.ca.gov; jesusgomez@elmonteca.gov; ejeng@elmonteca.gov; jcolombo@ghcity.org; inoorbaksh@hgcity.org; jenriquez@huntingtonpark.org; mackerman@hpcga.gov; cdixon@hpcga.gov; mstowell@cityoflamirada.org; mmunoz@cityoflamirada.org; dkeesey@ci.la-verne.ca.us; lobrien@ci.la-verne.ca.us; rwooldridge@ci.la-verne.ca.us; kvivanti@lakewoodcity.org; Anthony.Arevalo@longbeach.gov; shahram.kharaghani@lacity.org; vivian.marquez@lacity.org; hubertus.cox@lacity.org; hamid.tadayon@lacity.org; jkekula@lynwood.ca.us; esaikaly@lynwood.ca.us; abeltran@lynwood.ca.us; andre.dupret@cityofmaywood.org; mdanaj@citymb.info; lmyers@cityofmaywood.org; ekipeke@willdan.com; dgarcia@norwalkca.gov; administration@norwalkca.gov; bzimmerman@norwalkca.gov; afigueroa@norwalkca.gov; ccash@paramountcity.com; sho@paramountcity.com; rbobadilla@pico-rivera.org; gderas@pico-rivera.org; julie_carver@ci.pomona.ca.us; linda_lowry@ci.pomona.ca.us; Meg_McWade@ci.pomona.ca.us; lcyrus@ci.san-dimas.ca.us; smorales-choate@santafesprings.org; Morales-Choate, Sarina@SANTAFESPRINGS; jhunter@jlha.net; kfarfsing@cityofsignalhill.org; smyrter@cityofsignalhill.org; jhunter@jlha.net; acervantes@sogate.org; carellano@ci.vernon.ca.us; Kwilson@ci.vernon.ca.us; ajensen@ci.walnut.ca.us; mrooney@ci.walnut.ca.us; rwishner@ci.walnut.ca.us; MBarcelo@ci.walnut.ca.us; dpelser@cityofwhittier.org; pubwks@cityofwhittier.org; palva@dpw.lacounty.gov; tgrant@dpw.lacounty.gov; gfarber@dpw.lacounty.gov; ageorge@dpw.lacounty.gov; jguerrer@dpw.lacounty.gov; jesusgomez@elmonteca.gov; gosmena@dpw.lacounty.gov; jguerrero@dpw.lacounty.gov; Jones, Keith K@DOT; Crowl, Adrianna@Waterboards; Tracy J. Egoscue (Tracy@egoscuelaw.com); Norman A. Dupont
Subject: SWRCB/OCC FILE A-2386 - Los Angeles Water Board Response to Petition and Addendum and Request for Official Notice
Attachments: LARWQCB Request for Official Notice (1-15-2016).pdf; LARWQCB Response to Petition A-2386 with Exhibits (1-15-2016).pdf

Mr. Mallory-Jones,

Please find attached the Los Angeles Regional Water Quality Control Board's (Los Angeles Water Board) response to Natural Resources Defense Council, Los Angeles Waterkeeper, and Heal the Bay's: 1) Petition for Review of Los Angeles Water Board's Executive Officer's Action to Conditionally Approve Nine Watershed Management Programs (WMPs) Pursuant to the Los Angeles County MS4 Permit (Petition), and 2) Addendum for Petition for Review of Los Angeles Water Board's Executive Officer's Action to Conditionally Approve Nine WMPs Pursuant to the Los Angeles County MS4 Permit (Addendum).

Also attached is the Los Angeles Water Board's request for the State Water Resources Control Board to take official notice of or to accept as supplemental evidence certain documents.

If you cannot open the attachments or if you have questions, please let me know.

Sincerely,

Jennifer Fordyce

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EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

January 15, 2016

VIA EMAIL ONLY

Ryan Mallory-Jones
Office of Chief Counsel
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PETITION OF NATURAL RESOURCES DEFENSE COUNCIL, HEAL THE BAY, AND LOS ANGELES WATERKEEPER FOR REVIEW OF APPROVAL OF WATERSHED MANAGEMENT PROGRAMS PURSUANT TO THE LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD ORDER R4-2012-0175: LOS ANGELES WATER BOARD REQUEST FOR STATE WATER BOARD TO TAKE OFFICIAL NOTICE OF OR TO ACCEPT AS SUPPLEMENTAL EVIDENCE EXHIBITS A THROUGH D
SWRCB/OCC FILE A-2386

Dear Mr. Mallory-Jones:

The Los Angeles Regional Water Quality Control Board (Los Angeles Water Board or Board) hereby requests the State Water Resources Control Board (State Water Board) to take official notice of or to accept as supplemental evidence the documents identified in the index below, copies of which are contemporaneously submitted as Exhibits A through D. This request is made pursuant to California Government Code section 11515 and California Code of Regulations, title 23, sections 648.2 and 2050.6. The request is made in connection with the Los Angeles Water Board's response to the above-referenced petition challenging the Los Angeles Water Board's approval of nine watershed management programs (WMPs).

Exhibit	Description
A	Los Angeles Water Board's Meeting Minutes for September 10, 2015
B	Resolution No. R14-005, "Delegation of Authority to the Executive Officer"
C	Chapter 6 (Procedures for Review and Revision of Water Quality Standards) of the United States Environmental Protection Agency's Water Quality Standards Handbook
D	Letter, dated July 7, 2015, from Thomas Howard, Executive Director of the State Water Board, to Ron Milligan, U.S. Bureau of Reclamation, approving, with conditions, the June 25, 2015 Temperature Plan

California Government Code section 11515 states that official notice may be taken "of any facts which may be judicially noticed by the courts of this State." California Evidence Code section 452(c) permits courts to take judicial notice of "[o]fficial acts of the legislative, executive, and

judicial departments of the United States and of any state of the United States. The term 'official acts' has been interpreted to include 'records, reports, and orders of administrative agencies.'"¹

Exhibit A:

Exhibit A is the Los Angeles Water Board's Meeting Minutes for September 10, 2015. Pursuant to Cal. Code Regs., tit. 23, § 647.5, the Los Angeles Water Board is required to keep minutes of its meetings, which shall be the official record of actions taken at any meeting. The meeting minutes for September 10, 2015 were inadvertently omitted from the Administrative Record provided to the State Water Board on December 16, 2015. The meeting minutes are the official record of the Los Angeles Water Board's actions taken on September 10, 2015, at which time the Los Angeles Water Board considered the petition filed on May 28, 2015 by the Natural Resources Defense Council, Heal the Bay, and Los Angeles Waterkeeper (collectively, Petitioners) and ratified its Executive Officer's action to approve, with conditions, nine WMPs. The meeting minutes are an official act of the Los Angeles Water Board, and therefore may be the subject of official notice by the State Water Board.

Exhibit B:

Exhibit B is Los Angeles Water Board Resolution No. R14-005, "Delegation of Authority to the Executive Officer." This resolution was inadvertently omitted from the Administrative Record provided to the State Water Board on December 16, 2015. This document was cited by Los Angeles Water Board staff in its response to the Los Angeles Water Board for its consideration of the petition on September 10, 2015.² This document is relevant to the contentions raised by the Petitioners in their May 28, 2015 petition regarding the Los Angeles Water Board Executive Officer's authority to approve, with conditions, the nine WMPs. Resolution No. R14-005 is an official act of the Los Angeles Water Board, and therefore may be the subject of official notice by the State Water Board.

Exhibit C:

Exhibit C is Chapter 6 (Procedures for Review and Revision of Water Quality Standards) of the United States Environmental Protection Agency's (USEPA) Water Quality Standards Handbook. This document was inadvertently omitted from the Administrative Record provided to the State Water Board on December 16, 2015. This document was cited by Los Angeles Water Board staff in its response to the Los Angeles Water Board for its consideration of the petition on September 10, 2015, indicating that USEPA also utilizes conditional approvals under the Clean Water Act.³ This document is an official act by USEPA, of which the State Water Board may take official notice.

¹ *Ordlock v. Franchise Tax Bd.* (2006) 38 Cal.4th 897, 912 n.8 (quoting *Rodas v. Spiegel* (2001) 87 Cal.App.4th 513, 518).

² See Section 32, RB-AR18214.

³ See Section 32, RB-AR18217.

Exhibit D:

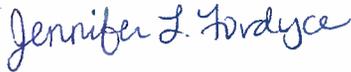
Exhibit D is a letter, dated July 7, 2015, from Thomas Howard, Executive Director of the State Water Board, to Ron Milligan, U.S. Bureau of Reclamation, approving, with conditions, the June 25, 2015 Temperature Plan. This document is relevant to the contentions raised by the Petitioners in their May 28, 2015 petition regarding the Los Angeles Water Board Executive Officer's authority to approve, with conditions, the nine WMPs. This document is an example that the State Water Board has also recently provided conditional approval of a plan. This document is an official act by the State Water Board, of which the State Water Board may take official notice.

Request to the State Water Board:

The Los Angeles Water Board respectfully requests that the State Water Board approve this request to take official notice of or to accept as supplemental evidence Exhibits A through D. True and correct copies of Exhibits A through D are attached to this request.

If you have any questions, please contact me at Jennifer.Fordyce@waterboards.ca.gov.

Sincerely,



Jennifer L. Fordyce
Attorney III

Enclosures

cc: Permittee List (see next page)

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EXHIBIT A



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

**Los Angeles Water Board Meeting Minutes
September 10, 2015**

The Metropolitan Water District of Southern California
(Board Room)
700 North Alameda Street
Los Angeles, California

The meeting was called to Order by Chair Charles Stringer at 9:09 a.m.

1. Roll Call.

Board Members Present: Fran Diamond, Maria Camacho, Madelyn Glickfeld, Maria Mehranian, Irma Muñoz, Charles Stringer, and Lawrence Yee

Board Members Absent: None.

Staff Present: Samuel Unger, Deborah Smith, Paula Rasmussen, Jennifer Fordyce, David Coupe, Ronji Moffett, Gerardo Rabelo, Susana Lagudis, Ivar Ridgeway, Chris Lopez, Dr. C.P. Lai, Dr. Rebecca Chou, Renee Purdy, Theresa Rodgers, Dr. Yue Rong, Dr. Arthur Heath, Cassandra Owens, Rosario Aston, Elizabeth Erickson, Hugh Marley, Cris Morris, Steven Webb, Michael Lyons, David Hung, Thomas Siebels, Ching To

Individuals whose Names Appear on the Sign-In Sheet and/or Speaker Cards

Ms. Tracy Egoscue, Egoscue Law Group	Ms. Uzi Daniel, West Basin MWD
Ms. Angela George, L.A. County Flood Control	Ms. Lisa Kay, Alta
Ms. Katherine Rubin, L.A. Department of Water & Power	Mr. Chris Sanders, Ellison, Schneider & Harris/AES Alamitos
Ms. Rita Kampalath, Heal the Bay	Ms. Jacqueline McMillan, Alta
Mr. Richard Watson, Richard Watson Associates	Ms. Linda Lee Miller, Los Angeles County Department of Public Works
Ms. Elaine Jeng, City of El Monte	Mr. James Alamillo, Heal the Bay
Mr. Richard Nagel, West Basin Municipal Water District	Mr. Anthony Arevalo, Los Cerritos Channel Watershed Group
Mr. Ryan Thiha, City of Los Angeles	Mr. Frank Wu, L.A. County Public Works
Ms. Becky Hyat, National Resources Defense Council (NRDC)	Mr. Daniel Cooper, Los Angeles Waterkeeper
Mr. Steve Carter, Consultant	Ms. Joyce Dillard, Representing self

CHARLES STRINGER, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

320 West 4th St., Suite 200, Los Angeles, CA 90013 | www.waterboards.ca.gov/losangeles

2. Order of Agenda.

Executive Officer (EO) requested item 18 to be heard before item 16.

3. Approval of draft meeting Minutes for the July 9, 2015 Board meeting.

MOTION: Board member Fran Diamond to approve the July 9, 2015 draft Board meeting minutes.

Seconded by: Board vice Chair Irma Muñoz
Motion Carried: Approved by roll call vote

Maria Camacho – Abstained (due to absence at July 9 meeting.)
Francine Diamond – Yea
Madelyn Glickfeld – Absent at time of vote
Maria Mehranian – Yea
Irma Muñoz – Yea
Charles Stringer – Abstained (due to absence at July 9 meeting.)
Lawrence Yee – Yea

4. Board Member Communications.

Board member Fran Diamond reported on her and Board member Maria Camacho's meeting of the Los Angeles County MS4 Permit subcommittee.

Uncontested Items Calendar.

EO stated the Uncontested Calendar as: Items 5, 6, 7, 8, 9, and 10.

MOTION: Board member Lawrence Yee moved to approve the Uncontested items calendar as items 5, 6, 7, 8, 9, and 10.

Seconded by: Board vice Chair Irma Muñoz.
Motion Carried: Approved unanimously by roll call vote

Maria Camacho – Yea
Francine Diamond – Yea
Madelyn Glickfeld – Absent at time of vote
Maria Mehranian – Yea
Irma Muñoz – Yea
Charles Stringer – Yea
Lawrence Yee – Yea

11. Executive Officer's Report. *(Presented by Executive Officer, Samuel Unger)*

Report and Addendum Report was given to the Board. The Report was posted on the Board's website:

<http://www.waterboards.ca.gov/losangeles>

**Board member Madelyn Glickfeld arrived at the meeting at 9:19 am.*

During this meeting, a Sustained Superior Accomplishment award was presented to staff member Angelica Castenada by Dr. Arthur Heath, Chief of the Remediation section.

12. Update from State Board was presented by Ms. Fran Spivy-Weber, State Board member and liaison.
13. Public Forum.

There were no speakers during the Public Forum for this meeting.

(Items 14 and 15 were heard as a joint presentation, but voted on separately)

14. Consideration of tentative Resolution approving the City of Los Angeles Hyperion Treatment Plant's temporary 6-week bypass of disinfected secondary treated wastewater to the 1-mile outfall from the 5-mile outfall with conditions; NPDES No. CA0109991.
15. Consideration of tentative Resolution approving West Basin Municipal Water District's (MWD) temporary 6-week bypass of brine to the Hyperion Treatment Plant 1-mile outfall from the Edward C. Little Water Recycling Plant with conditions; NPDES No. CA0063401.

Staff report was made by Ms. Cris Morris, Municipal Permitting Unit Chief.

Speakers:

- Mr. Moss Dojiri, City of Los Angeles representing Hyperion (in support)
- Mr. James Alamillo, Heal the Bay (in support)
- Mr. Richard Nagel, West Basin Municipal; Water District (in support)

MOTION: Board member Fran Diamond moved to approve item 14 tentative Resolution approving City of Los Angeles Hyperion 6-week bypass with changes as proposed in discussion.

Seconded by: Board member Maria Mehranian
Motion Carried: Approved unanimously by roll call vote

Maria Camacho – Yea
Francine Diamond – Yea
Madelyn Glickfeld – Yea
Maria Mehranian – Yea
Irma Muñoz – Yea
Charles Stringer – Yea
Lawrence Yee – Yea

MOTION: Board member Lawrence Yee moved to approve item 15 tentative Resolution approving West Basin MWD 6-week bypass of brine to Hyperion Treatment Plant.

Seconded by: Board member Irma Muñoz
Motion Carried: Approved unanimously by roll call vote

Maria Camacho – Yea
Francine Diamond – Yea

Madelyn Glickfeld – Yea
Maria Mehranian – Yea
Irma Muñoz – Yea
Charles Stringer – Yea
Lawrence Yee – Yea

17. Consideration of tentative Waste Discharge Requirements for NRG California South LP, Ormond Beach Generating Station, Oxnard.

Executive Officer, Samuel Unger stated that there were no speaker requests for this matter, and that the discharger was not opposed to the conditions of the permit and asked the Board to adopt this item on consent.

MOTION: Board member Lawrence Yee moved to approve item 17, tentative Waste Discharge Requirements for NRG California South LP, Ormond Beach.

Seconded by: Board member Maria Mehranian
Motion Carried: Approved unanimously by roll call vote

Maria Camacho – Yea
Francine Diamond – Yea
Madelyn Glickfeld – Yea
Maria Mehranian – Yea
Irma Muñoz – Yea
Charles Stringer – Yea
Lawrence Yee – Yea

18. Consideration of tentative Waste Discharge Requirements and Time Schedule Order for AES Alamitos, LLC.

Introductory remarks were made by Mr. David Hung, Watershed Regulatory Section Chief. Staff presentation was made by Ms. Cassandra Owens, Industrial Permitting unit Chief.

Speakers:

- Mr. Chris Sanders, AES Alamitos, LLC (opposed)
- Ms. Rita Kampalath, Heal the Bay (opposed)

(The Board adjourned to Closed Session at 12:50 pm. Counsel announced that the Board would discuss items 19.4 and 19.15(c). The Board reconvened at 1:49 pm and resumed item 18.)

MOTION: Board member Fran Diamond moved to approve items 18.1 (tentative WDRs) and 18.2 (Times Schedule Order), with a change sheet for items 18.1 and 18.2, and changes as proposed during discussion for item 18.2 only.

Seconded by: Board member Lawrence Yee
Motion Carried: Approved unanimously by roll call vote

Maria Camacho – Absent at time of vote
Francine Diamond – Yea
Madelyn Glickfeld – Yea

Maria Mehranian – Yea
Irma Muñoz – Yea
Charles Stringer – Yea
Lawrence Yee – Yea

16. Consideration of Petition for Review of the Executive Officer's Action to Approve, with Conditions, Nine Watershed Management Programs (WMPs) Pursuant to the Los Angeles County Municipal Separate Storm Sewer System (MS4) Permit, Order No. R4-2012-0175.

Ms. Jennifer Fordyce, Board attorney, introduced the item to provide the Board with background and context of the item, summarize the contentions that were raised in the petition, and explain what the Board's options are in its consideration.

The Petitioners made a joint presentation on the petition. Speakers included:

- Ms. Becky Hayat, National Resources Defense Council
- Mr. Derek Booth, Ph.D., University of California at Santa Barbara
- Ms. Rita Kampalath, Heal the Bay
- Mr. Daniel Cooper, L.A. Waterkeeper

Board staff provided responses to the petition:

- Ms. Jennifer Fordyce responded to the legal contentions in the petition (contentions #1 and #2) that were raised concerning the Executive Officer's authority.
- Mr. Sam Unger, Executive Officer, made introductory remarks and gave an overview to responses to contention #3.
- Ms. Renee Purdy, Regional Programs Section Chief, provided an overview of the WMP review and approval process and responses to the technical contentions concerning the WMPs in contention #3.

Los Angeles County MS4 Permittees responded to the petition. Speakers included:

- Ms. Angela George and Mr. Steve Carter, Los Angeles County and Los Angeles County Flood Control District (opposed to petition)
- Ms. Gina Nila (City of Commerce) and Dr. Gerald Greene, representing the Los Angeles River Upper Reach 2 Watershed Management Group (WMG) (opposed to petition)
- Mr. Norman Dupont and Mr. John Hunter, representing the Lower Los Angeles River WMG and Lower San Gabriel River WMG (joint presentation) (opposed to petition)
- Mr. Anthony Arevalo (City of Long Beach) and Mr. Richard Watson, representing the Los Cerritos Channel WMG (opposed to petition)
- Mr. Andre Monette, representing the City of Claremont (opposed to petition)
- Mr. Ryan Thiha, City of Los Angeles (opposed to petition)
- Ms. Elaine Jeng, City of El Monte (opposed to petition)

Other speakers:

- Ms. Joyce Dillard, Representing self (expressed no position with regards to the petition)

Mr. Derek Booth spoke for the Petitioners' rebuttal.

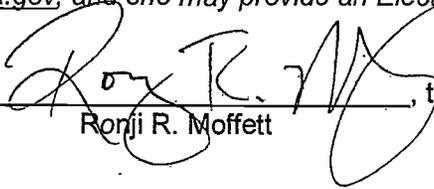
Board members asked questions, made statements, and deliberated on the information presented concerning both the legal contentions and the technical contentions raised in the petition.

MOTION: Board member Lawrence Yee moved to ratify the Executive Officer's approvals, with conditions, of all nine WMPs.

Seconded by: Board member Maria Camacho
Motion Carried: Approved by roll call vote

Maria Camacho – Yea
Francine Diamond – Yea
Madelyn Glickfeld – Abstained
Maria Mehranian – Yea
Irma Muñoz – Yea
Charles Stringer – Yea
Lawrence Yee – Yea

The meeting adjourned at 6:07 pm. (For more detailed information on any matter at our meetings, you may contact Ronji Moffett at (213) 576-6612 or email at: ronji.moffett@waterboards.ca.gov, and she may provide an Electronic copy of the transcript or audio, if available.)

Written and submitted by:  then finalized on

Ronji R. Moffett

10/08/15,

EXHIBIT B

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

RESOLUTION NO. R14-005

amending

RESOLUTION NO. R10-009

DELEGATION OF AUTHORITY TO THE EXECUTIVE OFFICER

WHEREAS, the California Regional Water Quality Control Board, Los Angeles Region (Regional Board) finds:

1. The Executive Officer is the Regional Board's confidential employee appointed pursuant to Water Code section 13220, subdivision (c).
2. Water Code section 13223, subdivision (a), authorizes the Regional Board to delegate to the Executive Officer any of its powers and duties vested in it by the Porter-Cologne Water Quality Control Act, excepting: (1) the promulgation of any regulation, (2) the issuance, modification or revocation of any water quality control plan, water quality objectives or waste discharge requirements, (3) the issuance, modification or revocation of any cease and desist order, (4) the holding of any hearing on water quality control plans, and (5) the application to the Attorney General for judicial enforcement but excluding cases of specific delegation in a cease and desist order and excluding the cases described in Water Code sections 13002, subdivision (c), 13304 and 13340.
3. Water Code section 7 generally authorizes the Executive Officer to delegate any of the Executive Officer's powers, including those powers delegated by the Regional Board to the extent allowed by the Regional Board.
4. Orderly and efficient operation of the Regional Board requires the Executive Officer to be able to carry out the Regional Board's day-to-day powers and duties to the maximum extent authorized by Water Code section 13223.
5. The Regional Board's obligations to the citizens of California and the Los Angeles Region require the Regional Board to retain the power and duty to act on any item within its jurisdiction, even if the Executive Officer would typically carry out that power or have that duty pursuant to this delegation, or has already carried out that power or exercised that duty pursuant to this delegation.
6. While the Regional Board has previously delegated to the Executive Officer its powers and duties to the maximum extent allowed by Water Code section 13223, it is nonetheless appropriate to update the delegation to reaffirm the Regional Board's intent to allow the Executive Officer to carry out the Regional Board's

day-to-day responsibilities and to clarify the circumstances under which authority conveyed by this delegation may be further delegated.

7. Nothing in this delegation is intended to diminish the force, effect or validity of any action the Executive Officer has previously taken in the name of the Regional Board.

NOW, THEREFORE, IT IS HEREBY RESOLVED pursuant to sections 7 and 13223 of the Water Code that:

1. The Regional Board delegates to its Executive Officer all powers and duties to conduct and to supervise the activities of the Regional Board.
2. Such activities include, but are not limited to, noticing Regional Board meetings and hearings, managing the staff, meeting with other agency officials, implementing the policies and regulations of the Regional Board and the State Water Resources Control Board and exercising any powers and duties of the Regional Board.
3. Except as otherwise provided in section 4 below, the Executive Officer is specifically precluded from taking the following actions:
 - 3.1 Promulgating regulations;
 - 3.2 Issuing, modifying, or revoking any water quality control plan;
 - 3.3 Issuing, modifying, or revoking any water quality objectives;
 - 3.4 Issuing, modifying, or revoking any waste discharge requirements;
 - 3.5 Issuing, modifying, or revoking any cease and desist order;
 - 3.6 Holding any hearing on water quality control plans; or
 - 3.7 Applying to the Attorney General for judicial enforcement unless there has been an explicit delegation in a cease and desist order that authorizes the application for judicial enforcement, or unless the judicial enforcement involves a request to the Attorney General to bring an action in the name of the people of the State of California to enjoin any pollution or nuisance or unless the judicial enforcement involves Water Code sections 13304 or 13340.
4. The Executive Officer may set aside a Regional Board action, in whole or in part, as commanded by a peremptory writ of mandate issued to the Regional Board.

5. The Executive Officer may settle an Administrative Civil Liability (ACL) Complaint, and/or issue a stipulated ACL Order, where no hearing is required, in any manner in which the liability sought in the complaint is less than fifty-thousand dollars (\$50,000) and in which the potential maximum liability is less than one-hundred-thousand dollars (\$100,000). In matters involving liability or potential liability in excess of those amounts, the Executive Officer may exercise the authority described above if after consultation with the Board Chair, the Executive Officer determines that the proposed settlement or order is not controversial, and would not be likely to generate significant debate among the full Board.
6. The Executive Officer may hold evidentiary hearings to consider allegations in ACL Complaints and may issue final ACL Orders where the ACL Complaint alleges violations subject to a mandatory minimum penalty pursuant to Water Code sections 13385, 13385.1, and/or 13399.33. The Executive Officer shall consult with the Board Chair prior to holding evidentiary hearings on ACL Complaints that are, or could be, highly controversial to determine if the matter should be heard by the Board. The Executive Officer shall not hold evidentiary hearings on ACL Complaints that seek to impose discretionary liability in any amount and may not further delegate the authority granted herein.
7. The Executive Officer may further delegate in writing or via electronic mail such of his or her duties as the Executive Officer deems appropriate. However, the Executive Officer may not delegate, nor may a delegatee further delegate, to anyone other than the Chief Deputy Executive Officer, an Assistant Executive Officer or a Section Chief the power to issue an order or directive that may be directly petitioned to the State Water Resources Control Board, including but not limited to:
 - 7.1 Water quality certifications;
 - 7.2 Technical report and investigation orders under Water Code sections 13225 and 13267;
 - 7.3 Time schedule orders under Water Code sections 13300 and 13308; and
 - 7.4 Administrative civil liability complaints under Water Code section 13323.
8. In exercising the authority herein delegated, the Regional Board directs the Executive Officer, without restricting the authority specified, to bring the following matters to the attention of the members of the Regional Board at a board meeting or by other appropriate communication:
 - 8.1 Matters of a unique or unusual nature;
 - 8.2 Matters that appear to depart from the policies of the Regional Board;

- 8.3 Matters involving significant policy questions;
 - 8.4 Highly controversial matters;
 - 8.5 Matters that involve a substantial risk of litigation;
 - 8.6 Any matter that a Regional Board Member requests to be brought to the attention of the Regional Board; and
 - 8.7 Any matter that, in the judgment of the Executive Officer, should be brought to the attention of the Regional Board.
9. The Regional Board may revoke in whole or in part any specific or implied delegation to the Executive Officer.
 10. The Regional Board's delegation of authority pursuant to this Resolution does not diminish or alter the Regional Board's own power to act in the first instance, regardless of the reason.
 11. All actions previously taken by the Executive Officer or a delegatee of the Executive Officer pursuant to the authority of Water Code sections 7 and 13223 are hereby ratified.
 12. All prior resolutions of the Regional Board delegating authority to the Executive Officer are hereby revoked.

CERTIFICATION

I, Samuel Unger, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Los Angeles Region, on March 6, 2014.

Samuel Unger
Samuel Unger
Executive Officer

4-11-2014
Date

EXHIBIT C

Water Quality Standards Handbook

Chapter 6: Procedures for Review and Revision of Water Quality Standards

Water Quality Standards Handbook

Chapter 6: Procedures for Review and Revision of Water Quality Standards

[\(40 CFR Part 131-Subpart C\)](#)

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Introduction

The [Clean Water Act \(CWA\)](#) requires states and authorized tribes to periodically review and, as appropriate, adopt new or revised water quality standards (WQS) to meet the requirements of the CWA.¹ States and tribes must submit any new or revised WQS resulting from such a review to the EPA for review and approval or disapproval action under CWA Section 303(c). This chapter provides an overview of these state, tribal, and federal processes. In particular, Section 6.1 of this chapter discusses state and tribal processes for review and revision of WQS and provides information on the regulatory requirements to which states and tribes must adhere during their WQS review, adoption, and submittal processes. Section 6.2 discusses the EPA review and approval or disapproval procedures of new or revised WQS. Section 6.3 discusses procedures for EPA promulgation of federal WQS and circumstances under which the EPA would withdraw federally promulgated WQS.

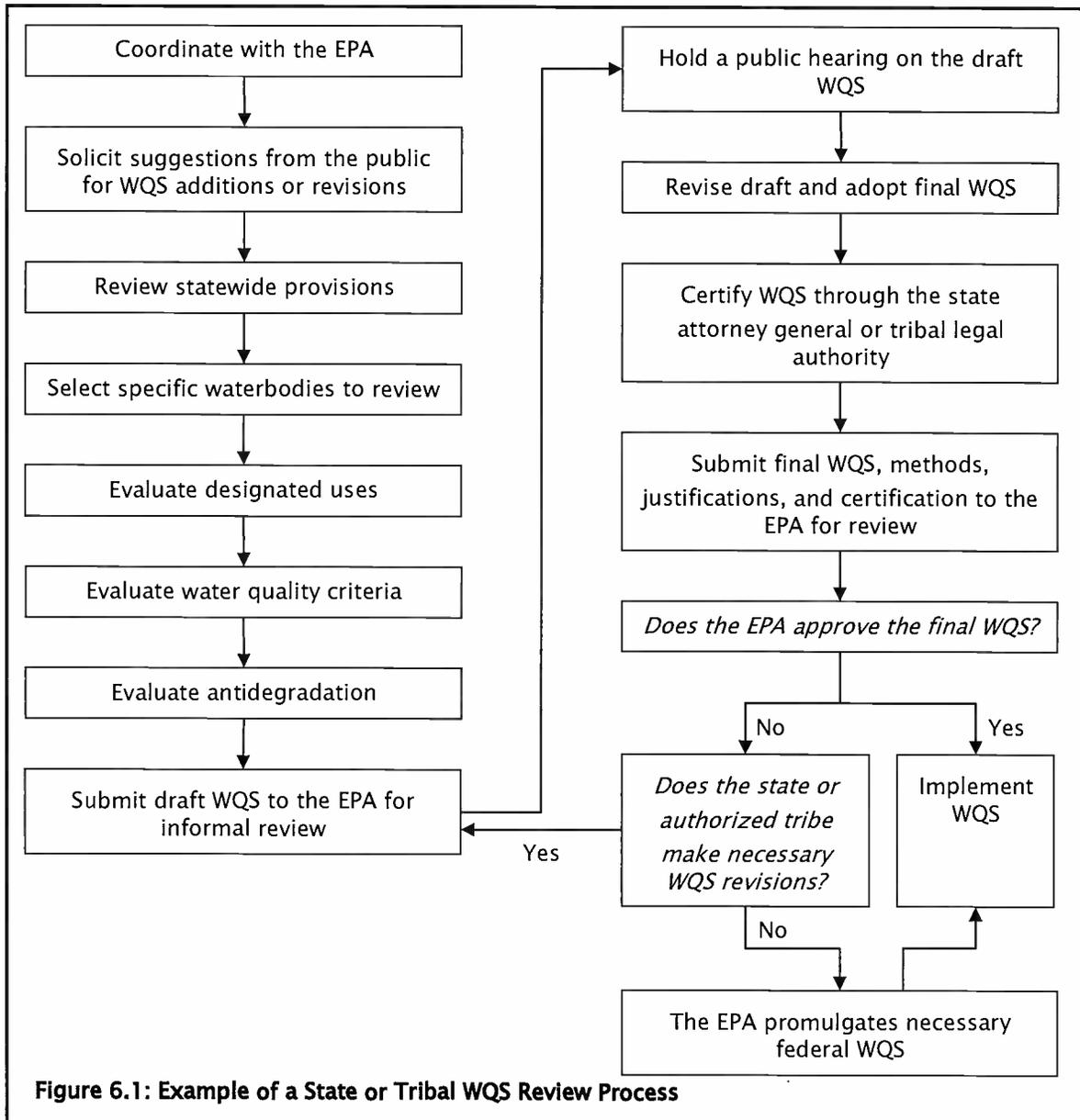
6.1 State and Tribal Processes for Review and Revision of Water Quality Standards

Section 303(c)(1) of the [CWA](#) and the EPA's implementing regulations at [40 CFR 131.20](#) require that states and authorized tribes, from time to time, but at least once every three years, hold public hearings to review applicable WQS and, as appropriate, modify and adopt WQS. In each WQS review cycle, states and tribes, with input from the public, review their existing WQS to identify additions and/or revisions that are necessary or appropriate to ensure that their WQS meet the requirements of the CWA and the needs of the state or tribe. States and tribes may revise their WQS in a variety of ways including additions of and revisions to designated uses, water quality criteria, antidegradation policies and adopted implementation procedures, or other general policies. The following are examples of items that states and tribes should consider when reviewing their WQS:

- New federal, state, or tribal statutes, regulations, or guidance.
- Legal decisions involving WQS.
- New or updated scientific information (e.g., new or updated Section 304(a) national criteria recommendations).
- Input from members of the public.
- Section 305(b) reports and newly available water quality monitoring data.
- Results of previous WQS triennial reviews.
- Changes in circumstances that affect the attainability of applicable WQS.
- Other necessary or appropriate clarifications or revisions.

¹ Throughout this document, the term "states" means the fifty states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. The term "authorized tribe" or "tribe" means an Indian tribe authorized for treatment in a manner similar to a state under [CWA](#) Section 518 for purposes of Section 303(c) WQS.

Figure 6.1 displays an example of a state or tribal WQS review process.



6.1.1 Coordinate with the EPA

The EPA recommends that states and authorized tribes coordinate with the EPA when they begin the triennial review process as well as before beginning activities to adopt new or revised WQS, long before the state or tribe formally submits the WQS for EPA review. Reasons for early coordination with the EPA include the following:

- Early identification of potential areas of scientific or programmatic concern that require resolution between the EPA and the state or tribe.
- Discussion and resolution of any such concerns before the EPA receives a formal review request from the state or tribe.
- Increased likelihood that state or tribal WQS meet the requirements of the [CWA](#) and [40 CFR Part 131](#) at the time of submission to the EPA.

While not a regulatory requirement, states and tribes may send draft WQS to the EPA for early feedback. The EPA will then provide comments on the proposed revisions to assist the state or tribe in developing WQS that are approvable by the EPA. Coordination between the state or tribe and the EPA throughout the review process is key to the EPA's timely review of state and tribal WQS.

6.1.2 Involve the Public

An important component of both the WQS triennial review process and any WQS revisions that result from such a process is meaningful involvement of the public and intergovernmental coordination with local, state, federal, and tribal entities with an interest in water quality issues. The EPA urges states and authorized tribes to involve the public actively in the WQS review process by soliciting suggestions for additions and revisions to WQS. At a minimum, Section 303(c) of the [CWA](#) and [40 CFR 131.20](#) require states and tribes to hold a public hearing in reviewing and revising WQS and to submit the results to the EPA. The regulation at [40 CFR Part 25](#) also describes additional requirements for public involvement. State and tribal regulations may require more than one hearing. The EPA also encourages states and tribes to solicit input from the public through other means such as webinars and web postings using social media.

Engaging citizens, municipalities, industries, environmentalists, universities, other tribes, other states, and other entities in collecting and evaluating information for the decision-making process may assist the state or tribe in improving the scientific basis of and building support for WQS decisions. These partnerships ensure that ideas, data, and information are shared, which will increase the effectiveness of the water quality management process. Open discussion of the scientific evidence and analysis supporting proposed revisions to the WQS can assist the state or tribe in making its WQS decisions.

6.1.3 Review Provisions that are Applicable across the State or Reservation

Part of the state or tribal WQS review process includes reviewing the general policies and other provisions that are applicable across the state or reservation to determine if additions or revisions are necessary. Such policies and provisions may include, but are not limited to, the following:

- WQS coverage for all waters of the United States.
- Appropriate use designations including downstream protection provisions.
- Water quality criteria review and development.
- Antidegradation policies and implementation procedures.
- Mixing zone policies.

- Compliance schedule authorizing provisions.
- Low-flow provisions.
- Variance provisions.
- Definitions.

Under the [CWA](#), states and authorized tribes must adopt WQS for all of their intrastate and interstate navigable waters, i.e., for all "waters of the United States," within their jurisdiction. The term "waters of the United States" is defined at [40 CFR 230.3\(s\)](#) and [33 CFR Part 328](#), and other terms relevant to WQS are defined at [40 CFR 131.3](#). State and tribal WQS should contain these or equivalent definitions that are at least as inclusive of waters as the federal definitions.

6.1.4 Select Specific Waterbodies to Review

Consistent with [40 CFR 131.20\(a\)](#), states and authorized tribes should use any procedures they have incorporated into their Continuing Planning Process for identifying and reviewing WQS on specific waterbodies (see also [40 CFR 130.5](#)). Every three years, states and tribes must reexamine any waterbodies for which the WQS do not include the goal uses specified in Section 101(a)(2) of the [CWA](#) and, if new information indicates that such uses are attainable, revise their WQS to reflect such uses. In addition to such waterbodies, the EPA recommends that states and tribes consider conducting a detailed WQS review for waterbodies where one or more of the following occur:

- The state or tribe has identified toxic or other pollutants, such as nutrients, that may be precluding attainment of a designated use or posing an unreasonable risk to human health.
- Pollutants could have potential adverse impacts on threatened or endangered species.
- National Pollutant Discharge Elimination System permits containing water quality-based effluent limits are scheduled to be issued or reissued.
- Funding decisions for combined sewer overflows are pending.
- The public has expressed interest in having the state review the WQS that are applicable to a particular waterbody.

States and tribes may find it useful to identify such waters by examining reports and listings developed under Sections 303(d), 304(l), 305(b), and 319 as well as unclassified waters, construction grants priority lists, and expired major permits. States and tribes may have other reasons for deciding to examine a waterbody in detail such as human health problems, court orders, public input, or the economic and social impacts of implementing the existing WQS.

6.1.5 Evaluate Designated Uses

Once the state or authorized tribe has selected priority waterbodies for review, the state or tribe must evaluate the designated uses. An integral part of the WQS review and revision process is considering whether a selected waterbody is able to attain its designated use and, if such waters had not included the uses specified in [CWA](#) Section 101(a)(2), whether such uses are now attainable, as required by [40 CFR 131.20\(a\)](#). This consideration may involve some level of data collection up to and including a full waterbody survey and assessment; however, an intensive survey of the waterbody is

not necessary if adequate data are already available. The data and information collected from the waterbody survey should provide a firm basis for evaluating whether the waterbody can attain its designated use or a designated use closer to the uses specified in Section 101(a)(2) in light of the factors precluding attainment described at 40 CFR 131.10(g). The purpose of the evaluation is to characterize present uses, attainable/unattainable designated uses, and the reasons why uses are unattainable. Information generated in the survey also can be used to establish the basis for seasonal uses and subcategories of uses.

Where designated uses that include the uses specified in Section 101(a)(2) are not feasible to attain, states and tribes should determine the designated use that is feasible to attain in light of the factors precluding attainment and any other data that were used to evaluate attainability. To that end, the state or tribe may conduct a use attainability analysis (UAA) to demonstrate that attaining the use is not feasible based on one of the factors at 40 CFR 131.10(g) and then designate the use(s) that can be attained given the physical, chemical, and biological limitations of the waterbody.

In designating uses and the water quality criteria necessary to protect the uses, it is important to emphasize that each state and tribe must “ensure that its water quality standards provide for the attainment and maintenance of the water quality standards of downstream waters,” as required by 40 CFR 131.10(b). The EPA recommends that states and tribes consider the interaction between both point- and nonpoint- source discharges and downstream impacts as well as the fact that the downstream uses may not be affected by the same physical or other limitations as the upstream uses. For additional information on protecting downstream waters, see [Protection of Downstream Waters in Water Quality Standards: Frequently Asked Questions \(2014\)](#).

Please refer to [Chapter 2](#) of this Handbook for a detailed discussion of designated uses.

6.1.6 Evaluate Water Quality Criteria

The regulation at [40 CFR 131.11](#) provides that states and authorized tribes “must adopt those water quality criteria that protect the designated use.” If a state or tribe revises a designated use or adopts a new designated use, the state or tribe must ensure that it has adopted criteria to protect the new or revised designated use. If the state or tribe removes a designated use, the state or tribe may delete the criteria to protect the designated use as long as there are still criteria to protect the remaining uses.

The regulation at 40 CFR 131.11 and Section 303(c)(2)(B) of the [CWA](#) further require states and tribes to adopt numeric criteria (or narrative criteria with numeric translators) for Section 307(a) toxic pollutants, as necessary, to support state and tribal designated uses where the discharge or presence of such pollutants in the affected waters could reasonably be expected to interfere with those designated uses adopted by the state or tribe. (See [Guidance for State Implementation of Water Quality Standards for CWA Section 303\(c\)\(2\)\(B\) \(1988\)](#).) For regulatory purposes, the EPA has translated the 65 compounds and families of compounds listed under Section 307(a) into 126 specific toxic substances, which the EPA refers to as “priority pollutants,” and has published national criteria recommendations for most of these pollutants consistent with the authority provided in

Section 304(a). Section 304(a)(1) requires the EPA to develop recommended criteria that accurately reflect the latest scientific knowledge, and these recommended criteria are based solely on data and scientific judgments on pollutant concentrations and environmental or human health effects.

In addition to the required criteria discussed above, the EPA recommends that all state and tribal WQS contain narrative "free from" criteria as well as numeric criteria for other water quality parameters such as temperature, dissolved oxygen, pH, and bacteria, which are typically included in state and tribal WQS. The EPA has also recognized the importance of having numeric criteria for both phosphorus and nitrogen and has urged states and tribes to prioritize waters for development of numeric nutrient criteria (see the 2011 memorandum [*Working in Partnership with States to Address Phosphorus and Nitrogen Pollution through Use of a Framework for State Nutrient Reductions*](#)).

As previously discussed, Section 303(c)(1) and the EPA's implementing regulation at 40 CFR 131.20(a) require states and tribes to hold a public hearing for the purpose of reviewing their applicable WQS at least once each three-year period. When reviewing these applicable WQS, in addition to reviewing all applicable criteria, states and tribes must ensure that they have adopted criteria for toxic pollutants as required by Section 303(c)(2)(B). It is important to note that, although a state or tribe may have fully complied with the requirements of Section 303(c)(2)(B) previously, states and tribes may be required to adopt new toxic criteria in the following situations:

- The EPA publishes new Section 304(a) national criteria recommendations for a priority pollutant.
- New information on existing water quality and pollution sources indicates that a toxic pollutant for which a state or tribe had not previously adopted criteria could now be reasonably expected to interfere with the designated uses adopted by the state or tribe.

Please refer to [Chapter 3](#) of this Handbook to find a detailed discussion of criteria.

6.1.7 Evaluate Antidegradation

The EPA's regulations at [40 CFR 131.12](#) require states and authorized tribes to include antidegradation requirements and methods for implementing those requirements as part of their WQS program. Because they are parts of WQS, antidegradation policies and adopted implementation procedures are subject to review and revision as part of the WQS triennial review. Each state and tribe must develop, adopt, and retain an antidegradation policy that applies across the state or reservation and establish procedures for its implementation through the water quality management process. The state or tribal antidegradation policy and implementation procedures must be consistent with the components detailed in 40 CFR 131.12. State or tribal WQS regulations must specifically reference the policy if it is not included in its entirety so that the functional relationship between the policy and the other WQS is clear. Regardless of the location of the policy, it must be legally binding and meet all applicable requirements described in 40 CFR 131.12. Antidegradation implementation procedures should specify how the state or tribe would determine on a case-by-case basis whether, and to what extent, the permitting authority might authorize a lowering of high

water quality. As a result, antidegradation implementation is an integral component of a comprehensive approach to enhancing and protecting high water quality.

Please refer to [Chapter 4](#) of this Handbook to find a more detailed discussion of antidegradation.

6.1.8 Submit the Water Quality Standards to the EPA

Consistent with [40 CFR 131.20\(c\)](#), states and authorized tribes must submit their new or revised WQS to the EPA for review and approval or disapproval within 30 days of their final administrative action. Final administrative action is the last action a state or tribe must take (e.g., signature, a review by a legislative committee or state board, a delay mandated by a state administrative procedures act) before its revision becomes a rule under state or tribal law. After such action, the state or tribe can officially transmit the newly adopted WQS to the EPA for review. If no revisions are made, states and tribes must submit the results of their review within 30 days of completion of the review. The state or tribal WQS submission of new or revised WQS must include, at a minimum, the six key elements described in 40 CFR 131.6:

- Waterbody use designations that are consistent with [CWA](#) Sections 101(a)(2) and 303(c)(2).
- Methods and analyses used to support the WQS.
- Water quality criteria sufficient to protect designated uses.
- An antidegradation policy and accompanying implementation procedures consistent with 40 CFR 131.12.
- Certification by the state attorney general or appropriate tribal legal authority that the WQS were duly adopted according to state or tribal law.
- General information that will help the EPA determine whether the scientific basis is adequate for WQS that do not include the uses specified in Section 101(a)(2), including UAAs as appropriate, as well as information on state or tribal policies that generally affect the application and implementation of the WQS (e.g., mixing zone and variance policies).

6.2 EPA Review and Approval or Disapproval of New or Revised Water Quality Standards

When states and authorized tribes adopt new or revised WQS, they are required under [CWA](#) Section 303(c) to submit such WQS to the EPA for review and approval or disapproval action. The EPA [regional offices](#) review state and tribal WQS submissions and serve as the primary point of contact with the states and tribes. EPA regional administrators are responsible for approving or disapproving WQS. Therefore, states and tribes should submit their new or revised WQS to the appropriate EPA regional office.

Please refer to [Chapter 1](#) of this Handbook for a discussion of the types of provisions that constitute new or revised WQS that require EPA review under Section 303(c).

Under Section 303(c)(3) and [40 CFR 131.21](#), the EPA must approve within 60 days or disapprove within 90 days any new or revised WQS adopted by a state or tribe. The EPA reviews the state or tribal WQS following the requirements of Section 303(c) and 40 CFR Part 131 to ensure that the use designations, water quality criteria, antidegradation policy and adopted implementation procedures, and general policies (e.g., WQS variances and mixing zone policies) meet the minimum requirements.² In doing so, the EPA ensures that WQS are scientifically defensible and that they adhere to all regulatory and statutory requirements. In reviewing new or revised WQS, the EPA will consider the adequacy of the analyses and the public comments received during the public hearing process. As discussed in Section 6.1.1 of this chapter, states and tribes are encouraged to provide early drafts to the EPA so that any issues can be resolved prior to the state or tribe formally proposing or adopting new or revised WQS.

The EPA only reviews state and tribal WQS provisions that are new or revised. The EPA's review of such WQS generally includes, but is not limited to, those elements listed below that are applicable to the specific new or revised WQS. It is important to note that, because each state or tribal WQS submission is unique, the EPA documents the basis for its actions including how the new or revised WQS are consistent with the CWA and 40 CFR Part 131:

Uses and Criteria:

- The EPA determines whether states and tribes have adopted designated uses that include the uses specified in CWA Section 101(a)(2) for all waters of the United States. For waters where Section 101(a)(2) uses have not been adopted, the EPA determines whether the designated uses were adopted consistent with the requirements at 40 CFR 131.10 and whether the bases for the use designations (e.g., UAAs) have been reviewed every three years, as required by 40 CFR 131.20(a).
- The EPA determines whether the state and tribal criteria are sufficient to protect the designated uses by ensuring that all numeric criteria are based on Section 304(a) guidance, Section 304(a) guidance modified to reflect site-specific conditions, or other scientifically defensible methods. The EPA's decision to approve or disapprove criteria based on site-specific calculations or alternative scientific methods is based on whether the resulting criteria are sufficient to protect the designated use and whether the supporting scientific methods and assumptions are valid and adequate. The EPA's decision to approve or disapprove such criteria is not based on whether the resulting criteria are more or less stringent than the EPA's Section 304(a) national recommended criteria.
- The EPA determines whether narrative "free from" criteria are included in state and tribal WQS and protect all waters at all flows. The EPA also evaluates whether the WQS include a method for implementing any narrative "free from" criteria for toxic pollutants for situations in which the EPA has not issued Section 304(a) guidance for a particular toxicant or where the toxicant causing the problem is unknown.

² Under Section 510 of the [CWA](#), state and tribal WQS may be more stringent than the EPA's minimum requirements.

- The EPA determines whether the state or tribe has included criteria for Section 307(a) "priority pollutants" sufficient to satisfy the requirements of Section 303(c)(2)(B).
- The EPA determines whether designated uses and criteria apply throughout the entire waterbody.
- The EPA determines whether the information and analyses provided in support of the new or revised WQS indicate that instream designated uses and criteria will provide for the attainment and maintenance of downstream WQS.

Antidegradation and General Policies:

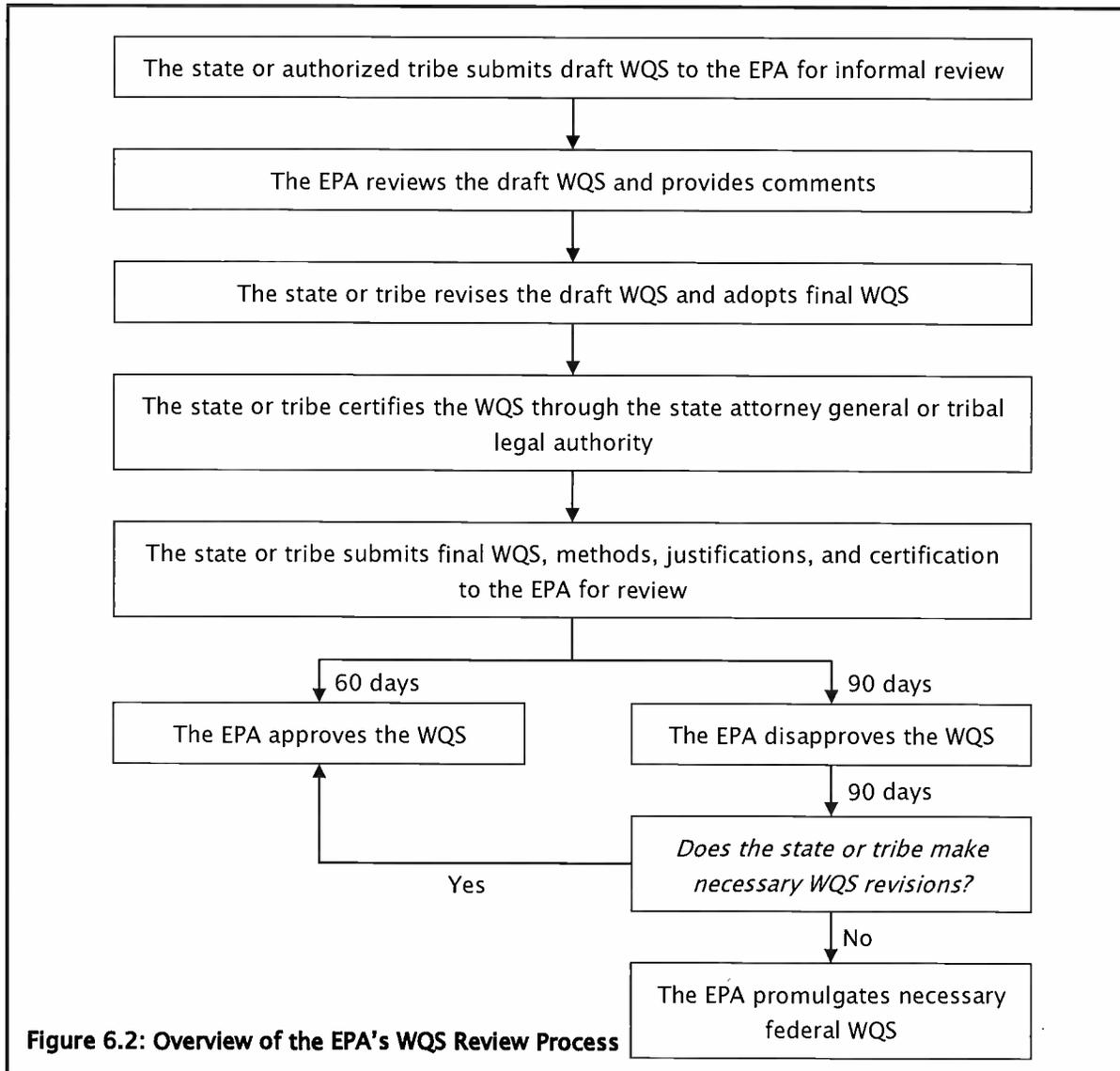
- The EPA determines whether state and tribal antidegradation policies meet the requirements of 40 CFR 131.12.
- The EPA determines whether the state or tribe has provided or referenced procedures for implementing the antidegradation policy.
- Where general policies (e.g., mixing zone, variance, and low-flow policies) are included in the state or tribal WQS, the EPA determines whether the policies are consistent with the CWA and 40 CFR Part 131.

Procedural:

- The EPA determines whether the state or tribe has met the minimum applicable requirements for a WQS submission contained in 40 CFR 131.6.
- The EPA determines whether the state or tribe has complied with the procedural requirements contained in 40 CFR 131.20 (e.g., public participation) for conducting WQS reviews.
- The EPA determines whether the new or revised WQS are consistent with the CWA and 40 CFR Part 131.
- The EPA reviews comments and suggestions that the public submitted on proposed state and tribal WQS to determine if any comments indicate that the WQS are not consistent with the CWA and 40 CFR Part 131.

After reviewing the new or revised state or tribal WQS, the EPA approves or disapproves such new or revised WQS.

Figure 6.2 provides an overview of the EPA's WQS review process.



6.2.1 Policies and Procedures Related to EPA Approvals

On March 30, 2000, the EPA revised its regulation at [40 CFR 131.21](#) that specifies when new or revised state and tribal WQS become effective for [CWA](#) purposes. Commonly called "the [Alaska rule](#)" (40 CFR 131.21(c)(2), 65 FR 24641, April 27, 2000), this regulation mandates that new or revised WQS adopted by states or authorized tribes and submitted to the EPA after May 30, 2000, must be approved by the EPA before they become applicable WQS for actions under the CWA (e.g., establishment of water quality-based effluent limitations under Section 301(b)(1)(C) or development of total maximum daily loads under Section 303(d)(1)(C)). The Alaska rule also provides that WQS already submitted to the EPA prior to May 30, 2000, are in effect for CWA purposes regardless of

whether they were approved by the EPA unless and until the EPA has either promulgated a more stringent WQS for the state or tribe or approved a change, deletion, or addition to the specific WQS.

Consistent with 40 CFR 131.21(a)(1) and Section 303(c)(3), if the EPA determines that new or revised WQS adopted by a state or tribe meet the requirements of the CWA and 40 CFR Part 131, the EPA must notify the state or tribe within 60 days that the WQS are approved. If particular events (e.g., state implementation decisions, pending federal legislation pertaining to WQS requirements) could result in a failure of the approved WQS to continue to meet the requirements of the CWA, the EPA should identify these events in the approval letter and the administrative record for the action in order to guide future state and tribal review and revision activities.

When only a portion of the adopted state or tribal WQS submission meets the requirements of the CWA and 40 CFR Part 131, the EPA may approve only that portion.

The EPA could also issue a conditional approval. Conditional approvals should only be used as the exception, not the rule, and in limited circumstances. For additional information on conditional approvals, see [*Guidance for the Use of Conditional Approvals for State Water Quality Standards \(1989\)*](#).

The EPA notes that requests for clarification or additional information from the state or tribe regarding their new or revised WQS are not EPA approval or disapproval actions under Section 303(c).

The EPA has compiled state and tribal WQS that are currently in effect for CWA purposes (i.e., those approved by the EPA for CWA purposes or are otherwise in effect). Commonly referred to as the "[WQS Repository](#)," this webpage includes a clickable map that is useful for finding currently effective state and tribal WQS.

6.2.2 Policies and Procedures Related to EPA Disapprovals

Consistent with [40 CFR 131.21\(a\)\(2\)](#) and Section 303(c)(3) of the [CWA](#), if the EPA determines that the new or revised state or tribal WQS do not meet the requirements of the CWA and 40 CFR Part 131, the EPA must disapprove such WQS and notify the state or authorized tribe within 90 days. In the event of a disapproval action, the EPA must also specify the revisions that the state or tribe must adopt to meet CWA requirements. If the EPA disapproves a new or revised WQS, that WQS is not in effect for CWA purposes. In such a case, the state or tribe would continue to implement the previous EPA-approved WQS until the state or tribe remedies the disapproval action and the EPA approves such remedy or until the EPA promulgates a new or revised WQS.

6.3 EPA Promulgation of Federal Water Quality Standards

6.3.1 When the EPA Might Promulgate Federal Water Quality Standards

As a matter of policy, the EPA prefers that states and authorized tribes adopt their own WQS. However, under Section 303(c)(4) of the [CWA](#) and [40 CFR 131.22](#), the EPA must promptly propose and promulgate federal WQS if either of the following conditions occur:

- The EPA determines that a new or revised WQS submitted by a state or tribe is not consistent with CWA requirements and 40 CFR Part 131, and the state or tribe does not adopt acceptable replacement WQS within 90 days.
- In any case where the EPA Administrator makes an "Administrator determination" that a new or revised WQS is necessary to meet CWA requirements and 40 CFR Part 131.

As described in Section 6.2.2, if the EPA determines, under Section 303(c)(4)(A) and 40 CFR 131.22(a), that new or revised WQS adopted by a state or tribe are not consistent with (i.e., do not meet the requirements of) the CWA and 40 CFR Part 131, the EPA must disapprove such WQS within 90 days, specifying the changes necessary to meet CWA requirements. However, under the CWA, the EPA must promptly propose federal WQS if the state or tribe fails to adopt and submit the necessary revisions within 90 days after notification of the disapproval.

If the EPA Administrator makes an "Administrator's determination," under Section 303(c)(4)(B) and 40 CFR 131.22(b), that a new or revised WQS is necessary to meet the requirements of the CWA, the EPA must promptly propose such WQS and then promulgate such WQS no later than 90 days after publication of the EPA's proposed WQS. However, the EPA is not required to promulgate a new or revised WQS if, prior to the EPA's promulgation, the state or tribe adopts and submits a new or revised WQS that the EPA determines to be consistent with the CWA.

The EPA has compiled a list of [federally promulgated WQS](#).

6.3.2 When the EPA Would Withdraw Federally Promulgated Water Quality Standards

Where the EPA has promulgated WQS for a state or tribe, the EPA withdraws its federally promulgated WQS after the EPA determines that revised state or tribal WQS meet the requirements of the [CWA](#) and [40 CFR Part 131](#) and approves such WQS.

EXHIBIT D



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

JUL 07 2015

Mr. Ron Milligan
U.S. Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825

Dear Mr. Milligan:

APPROVAL OF THE JUNE 25, 2015 SACRAMENTO RIVER TEMPERATURE MANAGEMENT PLAN

This letter is in regard to your submittal of the June 25, 2015 Sacramento River Temperature Management Plan (Temperature Plan) pursuant to State Water Resources Control Board (State Water Board) Order 90-5 and condition 6 of the Order I issued on April 6, 2015, acting on a Temporary Urgency Change Petition (TUCP) submitted by the U.S. Bureau of Reclamation (Reclamation) and the Department of Water Resources (DWR). Condition 6 of the April 6 Order required Reclamation to submit a Temperature Plan to the Sacramento River Temperature Task Group (SRTTG) and to me. The Temperature Plan is posted at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/docs/tucp/2015/junetempplan.pdf). This letter approves the June 25, 2015 Temperature Plan, provided that Reclamation complies with the conditions listed on pages 3, 4 and 5 of this letter.

The revised Temperature Plan does not achieve a temperature of 56 degrees F as required by Order 90-5, but it should provide for stable, but higher, temperatures throughout the temperature control season, ranging from 56 to 58 degrees F. The June 25 Temperature Plan is expected to be more protective than targeting 56 degrees F now and running out of cold water before the temperature control season is complete. However, there are still concerns with maintaining temperature control throughout the egg incubation period with the revised plan that will need to be managed very closely due to the very low cold water storage levels, expected heat waves, and inaccuracies of the temperature model that was used to develop the revised plan. The June 25 Temperature Plan targets lower Shasta/Keswick Reservoir releases than the previous plan (submitted on May 4, 2015) to help conserve cold water storage.

Background

Pursuant to State Water Board Order 90-5 and condition 6 of the April 6 TUCP Order, Reclamation was required to develop and implement a Temperature Management Plan for the Sacramento River to ensure that CVP operations will provide reasonable protection for winter-run Chinook salmon and other salmonids. In the planning process, the TUCP Order required that Reclamation address temperature control issues that occurred last year that led to the mortality of nearly all of the 2014 brood year of juvenile winter-run Chinook salmon. Specifically, despite modeling that indicated that Reclamation could achieve temperatures last year to protect winter-run, they were unable to do so. Reclamation attributed this circumstance to the inability to access cold water out of the side gates of the Shasta Dam Temperature Control Device as expected under the temperature modeling.

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

Reclamation submitted a draft temperature management plan for the Sacramento River in mid-April, and an updated plan on May 4, 2015 to the Executive Director of the State Water Board and the National Marine Fisheries Service, Department of Fish and Wildlife and the U.S. Fish and Wildlife Service (collectively fisheries agencies). The temperature modeling that Reclamation provided indicated that temperatures suitable for winter-run Chinook salmon of 56 degrees Fahrenheit (F) could be maintained throughout the temperature control season at the proposed Clear Creek compliance location with the proposed operations.

Based on information indicating that Reclamation's draft plan would meet the 56 degree F temperature target at Clear Creek throughout the temperature control season, on May 14, 2015, the Executive Director provisionally approved the temperature management plan. In that approval the Executive Director indicated that the plan was required to be updated as necessary to ensure temperature compliance throughout the temperature control season and that Reclamation was required to prepare a final plan by June 1 for approval. In addition, the Executive Director also directed Reclamation to notify him immediately if there were any indications that the plan would not achieve temperature compliance throughout the temperature control season.

On May 29, 2015, the Executive Director met with staff from Reclamation, DWR and the fisheries agencies to discuss: (1) updated temperature profile measurements taken at Shasta Lake indicating that the reservoir was warmer than expected; and (2) associated temperature modeling information showing that it was very unlikely that Reclamation would be able to meet the 56 degree F temperature target with the operations provisionally approved two weeks earlier. Following the May 29 meeting, the Executive Director sent Reclamation a letter temporarily suspending the provisional approval of the draft temperature management plan and directing Reclamation to maintain releases from Keswick Reservoir below Shasta Lake at no more than 7,500 cubic-feet per second (cfs) through June 10, and lower if possible, to conserve additional cold water supplies. In addition, the Executive Director directed Reclamation to work with the fisheries agencies and State Water Board staff to develop a revised plan. On June 24, 2015 the State Water Board held a public workshop to discuss summer and fall drought-related State Water Project and Central Valley Project operations in the Bay-Delta Watershed. As stated above, Reclamation submitted the revised Temperature Plan on June 25, 2015.

NMFS July 1, 2015 Concurrence Letter

On July 1, 2015 the National Marine Fisheries Service (NMFS) submitted a concurrence letter to Reclamation and DWR on the Contingency Plan for Water Year 2015 Pursuant to Reasonable and Prudent Alternative Action 1.2.3.C of the 2009 Coordinated Long-term Operation of the CVP and SWP biological Opinion, Including a revised Temperature Plan. In its concurrence letter, NMFS stated that it concurs with the Temperature Plan, as proposed for the CVP in Reclamation's June 25, 2015, letter, and its associated Updated Biological Information. NMFS acknowledges that "storage in Shasta Reservoir at the beginning of the temperature management season in June, and the quantity and quality of the cold water pool, will not provide for suitable winter-run habitat needs throughout their egg and alevin incubation and fry rearing periods." NMFS goes on to say that "the base operations plan, including the Keswick release schedule, delayed use of full side gates, and real-time monitoring and decision-making based on winter-run run timing, location of redds, air and surface water temperature modeling, and projected versus actual cold water storage conditions and downstream water temperatures, represents the best that can be done with a really bad set of conditions." NMFS also notes "that these conditions could have been largely prevented through upgrades in monitoring and modeling, and reduced Keswick releases in April and May" and concludes: "Based on extensive

analyses of alternative scenarios (6,000 to 8,000 cfs Keswick releases), the plan provides a reasonable possibility that there will be some juvenile winter-run survival this year.”

July 3, 2015 TUCP Order Temperature-Related Conditions

To ensure that the changes approved in the July 3, 2015 Temporary Urgency Change Petition Order will not have unreasonable impacts on fish and wildlife, the Condition 6 of the Order includes the following provisions related to temperature:

- Reclamation shall implement the Sacramento River Temperature Management Plan with any changes required by the Executive Director. Key elements of the Plan from the Shasta Temperature Management Plan-Key Concepts include:
 - i. Base Keswick releases of 7,250 cfs in June and July.
 - ii. Base Keswick releases of 7,250 cfs in August, 6,500 cfs in September, and 5,000 cfs in October, subject to change in accordance with the realtime monitoring and decision making process described below based on the performance of the plan in June and July.
 - iii. Actual operations will be decided using a real-time monitoring and decision making process that includes representatives from the relevant federal and State agencies. This decision making process may yield adjustments to base operations depending on real-time conditions on the ground.
 - iv. Reclamation will convene the real-time monitoring and decision making group at least weekly, and more frequently if necessary to inform decisions about temperature operations.
 - v. Decisions regarding real-time adjustment to base operations will be made using the principles identified in the Shasta Temperature Management Plan-Key Components.
- Reclamation shall immediately update the Sacramento River Temperature Management Plan as conditions change or upon the request of the fisheries agencies or Executive Director or his designee. The plan shall provide reasonable protection for winter-run Chinook salmon during the 2015 spawning and rearing period and consider other fisheries needs, including spring-and fallrun Chinook salmon. Reclamation shall conduct all necessary modeling, monitoring and reporting to inform temperature operations. Specifically, Reclamation shall submit to the fisheries agencies and State Water Board staff:
 - i. Updated reservoir temperature profile measurements no less than weekly for Shasta and every two weeks for Trinity and Whiskeytown reservoirs in digital format, unless otherwise approved;
 - ii. Immediately upon any change in conditions or upon the request of the fisheries agencies or State Water Board staff, updated annotated temperature modeling including the following information:
 1. Identification of the model run date;
 2. Input and output files;
 3. Keswick flow release level (if static), or time series, as appropriate;
 4. The meteorological assumptions used for the run;
 5. Titles or notes that explain the temperature target of the run, and at what location; and

6. Other notes that describe if the run was done to target a specific temperature based on the other run assumptions or if the meteorological conditions were simply imposed on another run.
 - iii. With the exception of weekends and holidays, daily updates of average daily river temperature conditions, including the Shasta temperature control device weighted average, Spring Creek Power House weighted average, and Sacramento River miles 302, 298 and 293 temperatures; 10-day forecasted Redding high and low air temperatures; and
 - iv. Actual and forecasted CVP and SWP monthly operations immediately upon any significant change in conditions, including input assumptions for major system inflows and outflows, including accretion and depletion assumptions.
- For the remainder of the drought, Reclamation shall meet no less than weekly with the Sacramento River Temperature Task Group (SRTTG) to discuss operations and options for reducing or avoiding redd dewatering, stranding and temperature impacts to winter-run Chinook salmon. Reclamation shall immediately notify the SRTTG of any significant changes to environmental or operational conditions that may affect temperatures and shall convene a meeting with the SRTTG to discuss unless the SRTTG members indicate a meeting is not needed. Reclamation shall provide notes from the meetings to the SRTTG within 5 days following the meeting for review and approval and shall post the approved notes and handouts from the meetings on its website immediately upon approval. Reclamation shall confer on recommendations from the SRTTG during the consultation process and other applicable CVP and SWP operational decision-making meetings. Reclamation shall immediately make available technical information requested by the Executive Director or his designee through the consultation process. Reclamation shall report monthly to the State Water Board during its Board meeting on actions that have been or will be taken to reduce impacts to winter-run Chinook salmon, through the remainder of the drought.
- Reclamation shall meet with State Water Board and fisheries agency staff before August 7, 2015, to develop a plan for providing information and tools needed to independently run the Sacramento River Temperature model.
- In consultation with the fisheries agencies and State Water Board staff, perform a review and evaluation of the water year 2015 temperature control season to evaluate the effectiveness of temperature control operations this year, as well as necessary actions to improve temperature control operations in the future, beginning in the next water year. Reclamation shall perform any necessary analyses to identify the source of any significant discrepancies between projected and observed temperatures. All analyses associated with this evaluation shall be submitted with the evaluation. The evaluation shall be submitted to the State Water Board and SRTTG by January 15, 2016.

I recognize that changes in Shasta Reservoir operations from what Reclamation proposed in its May 4 Temperature management plan will affect system-wide Central Valley Project and State Water Project operations and water supplies, and that the current plan relies more heavily on the already limited storage available in Folsom and Oroville. I also recognize that the 120,000 acre-feet end of September Folsom storage forecasted in the June 25 Plan represents the minimum acceptable storage to meet community water supply needs, and that other changes in system-wide operation would be necessary if this minimum storage cannot be achieved. This approval is therefore conditioned upon USBR operating the CVP in a manner that results in end

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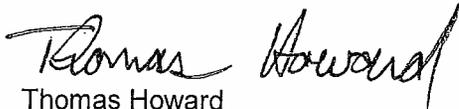
of September storage no less than 120,000 acre-feet. The July 3, 2015 TUCP Order also includes the following condition:

- Upon request of the Executive Director, Reclamation and DWR will propose adjusted operations to ensure that critical water supplies are available for municipal and industrial use, including to cities served by Folsom Lake, and to provide cooling water needed to maintain grid reliability.

I continue to encourage Reclamation and DWR to work with State Water Board staff and the potentially affected parties to both minimize and equitably distribute the water supply effects of the adjusted operations, and to ensure that critical water supply, and health and safety needs are met.

If you have any questions, please contact Diane Riddle at diane.riddle@waterboards.ca.gov or (916) 341-5927.

Sincerely,



Thomas Howard
Executive Director

cc: See next page.

Mr. Ron Milligan

- 6 -

JUL 07 2015

cc: John Leahigh
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Los Angeles Regional Water Quality Control Board

January 15, 2016

VIA EMAIL ONLY

Ryan Mallory-Jones
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**PETITION OF NATURAL RESOURCES DEFENSE COUNCIL, LOS ANGELES WATERKEEPER, AND HEAL THE BAY FOR REVIEW OF APPROVAL OF WATERSHED MANAGEMENT PROGRAMS PURSUANT TO THE LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD ORDER R4-2012-0175: LOS ANGELES WATER BOARD RESPONSE TO PETITION AND ADDENDUM
SWRCB/OCC FILE A-2386**

Dear Mr. Mallory-Jones:

Please find enclosed the Los Angeles Regional Water Quality Control Board's (Los Angeles Water Board) response to Natural Resources Defense Council, Los Angeles Waterkeeper, and Heal the Bay's: 1) Petition for Review of Los Angeles Water Board's Executive Officer's Action to Conditionally Approve Nine Watershed Management Programs (WMPs) Pursuant to the Los Angeles County MS4 Permit (Petition), and 2) Addendum for Petition for Review of Los Angeles Water Board's Executive Officer's Action to Conditionally Approve Nine WMPs Pursuant to the Los Angeles County MS4 Permit (Addendum).

The Los Angeles Water Board is also concurrently filing a separate request for the State Water Resources Control Board (State Water Board) to take official notice of or to accept as supplemental evidence certain documents.

We look forward to the State Water Board's review of the administrative record and the Los Angeles Water Board's response to the Petition and Addendum. If you have any questions, please contact me at Samuel.Unger@waterboards.ca.gov, Renee Purdy at Renee.Purdy@waterboards.ca.gov, or Jennifer Fordyce at Jennifer.Fordyce@waterboards.ca.gov.

Sincerely,


Samuel Unger, P.E.
Executive Officer

Ryan Mallory-Jones

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January 15, 2016

Enclosure: Response to Petition and Addendum

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LOS ANGELES WATER BOARD'S RESPONSE TO NATURAL RESOURCES DEFENSE
COUNCIL, LOS ANGELES WATERKEEPER, AND HEAL THE BAY'S: 1) PETITION FOR
REVIEW OF LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD EXECUTIVE
OFFICER'S ACTION TO CONDITIONALLY APPROVE NINE WATERSHED MANAGEMENT
PROGRAMS PURSUANT TO THE LOS ANGELES COUNTY MS4 PERMIT, AND 2)
ADDENDUM FOR PETITION FOR REVIEW OF LOS ANGELES REGIONAL WATER QUALITY
CONTROL BOARD EXECUTIVE OFFICER'S ACTION TO CONDITIONALLY APPROVE NINE
WATERSHED MANAGEMENT PROGRAMS PURSUANT TO THE LOS ANGELES COUNTY
MS4 PERMIT

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January 15, 2016

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I. INTRODUCTION

As the State Water Resources Control Board (State Water Board) is aware from prior proceedings, Part VI.C of Los Angeles Regional Water Quality Control Board (Los Angeles Water Board or Board) Order No. R4-2012-0175, *Waste Discharge Requirements for MS4 Discharges within the Coastal Watersheds of Los Angeles County, Except Those Discharges Originating from the City of Long Beach MS4* (Los Angeles County MS4 Permit or Permit) provides Permittees with an alternative compliance option by developing and implementing Watershed Management Programs (WMPs).¹ The Permit contains detailed requirements regarding the elements of WMPs and deadlines for the development, review, and approval of these programs. Pursuant to the Permit, the Los Angeles Water Board, or the Board's Executive Officer on behalf of the Board, was required to approve or deny final WMPs within 3 months of submittal of the final WMPs. Part VI.C.4.e of the Permit specifies that Permittees that do not have an approved WMP within 28 months of the Permit's effective date (thus, by April 28, 2015) shall be subject to the baseline requirements of the Permit and shall demonstrate compliance with receiving water limitations pursuant to Part V.A and applicable interim water quality-based effluent limitations pursuant to Parts VI.E.2.d.i.(1)-(3).

In Order WQ 2015-0075, the State Water Board upheld the WMP provisions in the Los Angeles County MS4 Permit as a reasonable alternative compliance option for meeting receiving water limitations. The State Water Board, however, recognized that the "success of the Los Angeles MS4 Order in addressing water quality issues depends primarily on the careful and effective development and implementation of programs consistent with the requirements of the Order."² This includes "the effort invested by Permittees in developing WMPs/EWMPs that truly address the stringent provisions of the Order, the precision with which the Los Angeles Water Board reviews the draft programs and requires revisions, and, most importantly, the actual implementation and appropriate enforcement of the programs once approved."³ In regards to rigor and accountability in the WMP development process, the State Water Board found that three components of the WMPs are essential to ensuring that proposed WMPs are in fact designed to achieve receiving water limitations within the appropriate time frame: 1) the WMPs are subject to a public review and comment period; 2) the requirement for a reasonable assurance analysis ensures that Permittees are choosing appropriate controls and milestones for the WMP; and 3) the adaptive management provisions of the Permit ensure that the Permittees will evaluate monitoring data and other new information every two years and consider progress up to that point on achieving water quality-based effluent limitations and other TMDL-specific limitations.⁴

The Los Angeles Water Board's review of the WMPs, including the Reasonable Assurance Analyses (RAA), was thorough and consistent, involving a multidisciplinary team of engineers, scientists, modelers, and planners. The Board's reviews and approvals of the WMPs were informed by significant input from the United States Environmental Protection Agency (USEPA) Region IX staff and stakeholder input, including the Petitioners. Stakeholder input on the WMPs

¹ As the State Water Board knows, the Permit also provides Permittees with the option of developing and implementing an Enhanced Watershed Management Program (EWMP). However, this matter concerns only the Los Angeles Water Board's approval of WMPs. Accordingly, this response only focuses on the development, review, and approval of the WMPs.

² State Water Board Order WQ 2015-0075 (Los Angeles County MS4 Permit), p. 7 (Section 1, RB-AR570).

³ *Id.* at 52 (Section 1, RB-AR615).

⁴ *See id.* at 37-38 (Section 1, RB-AR600 - 601).

was solicited through nine meetings of the Technical Advisory Committee (TAC), as well as RAA subcommittee meetings; written comments on the draft WMPs and revised WMPs; public workshops on the draft WMPs and revised WMPs in October 2014 and April 2015, respectively; and individual meetings between stakeholders and Board staff. Los Angeles Water Board staff prepared comments on each of the draft WMPs and held meetings with Permittees to discuss these comments. In response to Board staff's comments, Permittees submitted revised WMPs per the schedule set forth in Part VI.C of the Permit. Los Angeles Water Board staff evaluated the revised WMPs to ensure that the Board's comments were appropriately addressed.

During the review process, the Los Angeles Water Board's Executive Officer met regularly with staff to discuss the reviews. The Executive Officer determined that the revised WMPs met the requirements of the Permit, were based on well accepted technical approaches, and were sound and reasonable programs. On April 28, 2015, the Executive Officer approved, with conditions, nine WMPs pursuant to Part VI.C of the Los Angeles County MS4 Permit.⁵ The Executive Officer did so on behalf of the Los Angeles Water Board pursuant to delegated authority. In his approval letter, the Executive Officer provided the Permittees a short deadline to submit their final WMPs to the Board that satisfied all of the conditions outlined in the approval letter. The letter also indicated that the approval may be rescinded if all of the conditions were not satisfied with the timeframe provided in the letter.

On May 28, 2015, the Natural Resources Defense Council, Heal the Bay, and Los Angeles Waterkeeper (collectively, Petitioners) filed a petition for review (hereafter, Petition) challenging the Los Angeles Water Board Executive Officer's April 28, 2015 action to approve, with conditions, the nine WMPs. The Petition sought review by both the Los Angeles Water Board⁶ and the State Water Board. In its Petition, the Petitioners contend that the Executive Officer acted outside the scope of delegated authority in "conditionally" approving the WMPs and that such approvals were inconsistent with the requirements of the Los Angeles County MS4 Permit and federal Clean Water Act. While the Petitioners took issue with the conditional approvals of all nine WMPs, the focus of Petitioners' contentions concern only three of the nine – the Lower San Gabriel River WMP, the Lower Los Angeles River WMP, and the Los Angeles River Upper Reach 2 WMP. The Petitioners, however, seek invalidation of the Executive Officer's conditional approvals and denial of all nine WMPs.

Final WMPs addressing the Executive Officer's conditions were submitted in May and June 2015. In July and August 2015, after reviewing each of the final WMPs relative to the conditions in the approval letters, the Executive Officer determined that the conditions had been satisfied. The Petitioners did not file a petition challenging the Executive Officer's determinations as to the final WMPs.

The Los Angeles Water Board considered the Petition at its meeting on September 10, 2015 and ratified the Executive Officer's approvals, with conditions, of all nine WMPs. In ratifying the WMP approvals, the Los Angeles Water Board determined that the approved WMPs met the

⁵ Three of the nine WMPs were also approved, with conditions, pursuant to the City of Long Beach MS4 Permit, Order No. R4-2014-0024. The City of Long Beach MS4 Permit, issued on February 6, 2014, provides the same alternative compliance path through WMPs to the City of Long Beach for its MS4 discharges. The Petitioners have not challenged the conditional approvals of those WMPs pursuant to the City of Long Beach MS4 Permit, only his conditional approvals of those WMPs pursuant to the Los Angeles County MS4 Permit.

⁶ The Petitioners sought Los Angeles Water Board review pursuant to Part VI.A.6 of the Permit, which provides that any permittee or interested person may request review by the Los Angeles Water Board of any formal determination or approval made by the Executive Officer pursuant to the Permit. As explained in Section III.D, the Los Angeles Water Board considered the Petition on September 10, 2015.

requirements of the Permit. It also acknowledged that there is room for refinement in the WMPs, particularly in the RAAs given the limited availability of stormwater outfall data, and that the WMPs would be updated and improved over time through the adaptive management process required by the Permit as more monitoring data are obtained and actions implemented.

On October 30, 2015, subsequent to the Los Angeles Water Board's consideration of the Petition, the Petitioners filed an addendum for their petition for review (hereafter, Addendum) with the State Water Board challenging the Los Angeles Water Board's action on September 10, 2015. The Petitioners seek invalidation of the Los Angeles Water Board's action on September 10, 2015 and an order remanding the matter to the Los Angeles Water Board for further proceedings.

The Los Angeles Water Board's response to the Petition and Addendum is organized as follows. Section II provides a summary response to the contentions raised by the Petitioners in their May 28, 2015 Petition and October 30, 2015 Addendum. Section III provides background on the WMP provisions in the Los Angeles County MS4 Permit and on the WMP development, review, and approval process. Section IV is the Los Angeles Water Board's procedural objections to the October 30, 2015 Addendum. Section V provides specific responses to the contentions raised in the May 28, 2015 Petition. Section VI provides specific responses to the contentions raised in the October 30, 2015 Addendum. Section VII concludes the Los Angeles Water Board's response to the Petition and Addendum.

II. SUMMARY RESPONSE

As explained in the specific responses below, the Los Angeles Water Board disagrees with all of the contentions raised in the Petition and Addendum. The Los Angeles Water Board determined that the WMPs met the requirements of the Permit, were based on well accepted technical approaches, and were sound and reasonable programs. The Los Angeles Water Board requests that the State Water Board deny the Petitioners' requests to: 1) invalidate the Los Angeles Water Board Executive Officer's April 28, 2015 conditional approvals and deny all nine WMPs; 2) invalidate the Los Angeles Water Board's action on September 10, 2015 to ratify its Executive Officer's final approvals of the Los Angeles River Upper Reach 2 WMP, Lower San Gabriel River WMP, and Lower Los Angeles River WMP; and 3) remand the matter to the Los Angeles Water Board for further proceedings. In response to the Petitioners' contentions, the Los Angeles Water Board urges the State Water Board to uphold the Los Angeles Water Board's actions in their entirety, retaining the final approvals of all nine WMPs.

The Los Angeles Water Board's Executive Officer appropriately used his discretion in issuing conditional approvals of the nine WMPs on April 28, 2015. This was because the conditions did not generally require fundamental changes to the WMPs. Rather, the conditions largely requested revisions such as providing additional supporting or clarifying information, providing consistency within the WMP, and correcting typographical errors. Some of the conditions were related to lack of detail, particularly for actions and/or projects to be conducted later in WMP implementation in future permit cycles, or due to lack of data (e.g., source assessment and model calibration/validation), which can only be remedied with data collection. The Executive Officer determined that denial of the WMPs on the basis of needing these types of revisions was not warranted and could be appropriately addressed through individually tailored approvals with conditions to address these items. This was particularly in light of the newness of the WMP provisions in the Permit and the significant effort made by the Permittees in developing their

WMPs consistent with these provisions. The development of these watershed programs is an accomplishment never before conducted by the Permittees and has required a learning process. In addition, denial of the WMPs on the basis of needing these types of revisions could have delayed timely implementation of the Permit. The Executive Officer determined that it was more beneficial to approve the WMPs with conditions and a short period to address the conditions, such that WMP implementation could begin as soon as possible.

The Los Angeles Water Board disagrees with the Petitioners' assertion that the WMPs failed to address virtually all of the identified non-compliance issues. To the contrary, the Permittees largely addressed all of the Board's comments prior to the Executive Officer's action. However, as described in more detail below in Section III.B.4, not all of Board staff's comments necessarily required a change to be made to the draft WMP or revised WMP. In some cases, the Board's comments were addressed without further changes to the WMPs, such as explanations provided by the Permittees during phone calls and/or meetings and/or in the submittals of the revised WMPs themselves.

The Los Angeles Water Board further disagrees with Petitioners that the WMPs' RAA provide no assurance that WMP implementation will achieve compliance with water quality standards and the Clean Water Act. The approved WMPs include technical analyses that demonstrate, with reasonable assurance, that Permittees in these watershed areas will achieve the applicable receiving water limitations and water quality-based effluent limitations to which they are subject in the Permit. Like many Permittees, however, the Board recognizes that the RAAs are not perfect. RAAs are modeling exercises that reflect current knowledge, best engineering judgment, and available data. The very purpose of a model is to aid in evaluating conditions and outcomes over space and time when limited data are available. The models used for the RAAs were calibrated using the best available local monitoring data. After reviewing the RAAs, including the input and output data as well as the calibration results, the Los Angeles Water Board has concluded that the RAAs are a robust starting point at this stage of implementation of these long-term strategic programs.

The WMPs and the RAAs will be further refined through the adaptive management process as more data become available from the expanded integrated monitoring programs and coordinated integrated monitoring programs. Lack of data can only be remedied with data collection, which will occur through the new and expanded monitoring in the Permit, including new outfall monitoring. In adopting the Permit, it was not the Los Angeles Water Board's intent to create an impossible situation whereby, due to lack of localized data, a WMP could not be approvable within the specified timeframe. As more data are obtained on water quality and the efficacy of implementation actions, the Permittees will revise and improve the WMPs, including the RAAs, through the adaptive management process.

The Los Angeles Water Board's action on September 10, 2015, ratifying the Executive Officer's approval of the nine WMPs was appropriate, proper, and within the Board's discretion. During its review of the Petition, the Los Angeles Water Board considered substantial evidence regarding the review process undertaken by its Executive Officer with the support of his staff and USEPA Region IX staff; the extensive public review and participation process, including solicitation and consideration of stakeholder input, including that of the Petitioners; Permittees' responses to Board staff's comments on the draft WMPs; and the Executive Officer's conditions of approval as reflected in the revised and final WMPs. Based on these considerations, the Los Angeles Water Board determined that the final WMPs met the requirements for an approvable WMP, and that the Executive Officer's review and approval of the WMPs was appropriate and consistent with the approval process set forth in Part VI.C of the Permit. The Los Angeles Water

Board's decision ratifying the Executive Officer's approvals of the nine WMPs supports the Permittees' implementation of their WMPs according to the compliance schedules in the Permit.

The State Water Board is urged to uphold the Los Angeles Water Board's approvals of all nine WMPs to allow the significant collaborative planning efforts that have occurred to date continue so that actions to address water quality priorities are timely implemented.

III. BACKGROUND ON WMP DEVELOPMENT, REVIEW, AND APPROVAL

A. The WMP Provisions in the Los Angeles County MS4 Permit

On November 8, 2012, the Los Angeles Water Board adopted the Los Angeles County MS4 Permit (Order No. R4-2012-0175).⁷ In developing this permit, one of the fundamental framework issues was a reconsideration of the basic permit structure. The previous permit, Order No. 01-182, was structured as a single permit whereby all 86 Permittees were assigned uniform requirements, with additional requirements for the Principal Permittee, which was the Los Angeles County Flood Control District. In Order No. 01-182, the Los Angeles Water Board began to encourage a Watershed Management Approach to address water quality protection in the region by associating Permittees with watersheds and stipulating that all Permittees participate in a watershed management committee.

The 2012 Los Angeles County MS4 Permit includes detailed watershed management provisions that establish a watershed approach as a central tenet of permit implementation. Part VI.C of the Permit allows Permittees the option to develop either a WMP or an Enhanced Watershed Management Program (EWMP) to implement permit requirements on a watershed scale through customized strategies, control measures, and best management practices (BMPs). Development of a WMP or EWMP is voluntary and may be developed individually or as part of a group. The WMP provisions provide a framework for Permittees to implement the requirements of the Los Angeles County MS4 Permit in an integrated and collaborative fashion to address the highest water quality priorities on a watershed scale, including complying with the requirements of Part V.A (Receiving Water Limitations) and Part VI.E and Attachments L through R (Total Maximum Daily Load Provisions), by customizing the control measures in Parts III.A (Prohibitions – Non-Storm Water Discharges) and VI.D (Minimum Control Measures), except the Planning and Land Development Program.

The WMP provisions of Part VI.C.5 describe the required elements of a WMP. These elements include:

- Identification of Water Quality Priorities, supported by Water Quality Characterization, Water Body-Pollutant Classification, Source Assessment, and Prioritization (Part VI.C.5.a);
- Selection of Watershed Control Measures, including Minimum Control Measures [as defined in Part VI.D.4 to Part VI.D.10], Non-Storm Water Discharge Measures, and TMDL Control Measures (Part VI.C.5.b);
- A Reasonable Assurance Analysis for each water body-pollutant combination addressed by the Watershed Management Program (Part VI.C.5.b.iv(5)); and

⁷ Los Angeles County MS4 Permit (Section 1, RB-AR1 – 563).

- Compliance Schedules that are adequate for measuring progress on a watershed scale once every two years, consistent with compliance deadlines for all applicable interim and/or final water quality-based effluent limitations and/or receiving water limitations in Part VI.E and Attachments L through R of the Permit, and as short as possible (Part VI.C.5.c)

1. Reasonable Assurance Analysis and the Watershed Management Modeling System and Structural BMP Prioritization and Analysis Tool

One of the most sophisticated requirements of a WMP is the Reasonable Assurance Analysis (RAA). The RAA is a modeling exercise, for the most part, which is required in order to demonstrate that the watershed control measures that will be implemented through the WMP have a reasonable assurance of resulting in the required pollutant reductions necessary to achieve applicable water quality-based effluent limitations and receiving water limitations in the Permit. The RAAs represent the most extensive use of stormwater modeling to implement a MS4 permit to date.

The three WMPs with which the Petitioners take issue use state-of-the-art, peer-reviewed models that have been specifically developed for Los Angeles County watersheds -- namely the Watershed Management Modeling System (WMMS) developed by the County of Los Angeles, and the Structural BMP Prioritization and Analysis Tool (SBPAT) developed under contract for the City of Los Angeles, Heal the Bay, and County of Los Angeles.⁸ These two models are specifically identified in Part VI.C.5.b.iv.(5) of the Permit as models that may be used to conduct a RAA.

Unlike a situation where a municipality may be using a nationally developed watershed model lacking region specific data, the Permittees in Los Angeles County were able to use these models, which represent Los Angeles County watersheds and waterbodies at a high resolution. To give an example of the level of detail in these models, the Los Angeles River Watershed is broken into 1,016 subwatersheds and 270 reach segments in WMMS, while the San Gabriel River Watershed, which includes the Los Cerritos Channel Watershed Management Area, is broken into 534 subwatersheds and 171 reach segments.⁹ Twenty-one hydrologic response units are used to characterize land use/cover in each subwatershed, by incorporating land use data from 2008, slope, and soil type.¹⁰ Rainfall is characterized using 148 rainfall gages.¹¹

During their development, these models were calibrated at the regional/countywide level using local data on precipitation, soils, hydrology, and water quality among other data. During the development of WMPs during the period 2013 - 2014, model input data including precipitation and hydrology were updated.

Model calibration essentially refers to the process of adjusting an existing model—such as those used in the WMPs' RAAs—so that the model's outputs more accurately represent the system being modeled. In the case of the hydrology and water quality models used in the RAA,

⁸ WMP RAA Models & Data (Section 8, RB-AR1932 - 1933).

⁹ *Ibid.* See, specifically, http://dpw.lacounty.gov/wmd/wmms/docs/Final_Phase_I_Modeling_Report_Part_I.pdf (last accessed December 9, 2015), pg. 11.

¹⁰ *Ibid.* See, specifically, http://dpw.lacounty.gov/wmd/wmms/docs/Final_Phase_I_Modeling_Report_Part_I.pdf (last accessed December 9, 2015), pgs. 11-26.

¹¹ *Ibid.* See, specifically, http://dpw.lacounty.gov/wmd/wmms/docs/Final_Phase_I_Modeling_Report_Part_I.pdf (last accessed December 9, 2015), pg. 27.

calibration entails fine-tuning adjustable model parameters so that the model's output more closely matches actual monitoring data.

Documentation for WMMS can be found on the Los Angeles County Department of Public Works website at: <http://dpw.lacounty.gov/wmd/wmms/res.aspx>.¹²

*Los Angeles County Watershed Model Configuration and Calibration—Part I: Hydrology*¹³ (pgs. 60-94) explains WMMS' hydrological calibration. This calibration procedure systematically calibrates Hydrologic Response Units (HRUs) throughout Los Angeles County. Following calibration, "model validation" is performed at a downstream gage near the mouth of the Los Angeles River (see pg. 86).

*Los Angeles County Watershed Model Configuration and Calibration—Part II: Water Quality*¹⁴ (pgs. 17-98) explains WMMS' water quality calibration. The calibration procedure varies model parameters so that HRU and EMC (Event Mean Concentration) responses fit observed data from the watershed; accounts for in-stream point sources and hydromodification; and validates the model by comparing outputs with downstream mass emission station data. As a part of this procedure, a sediment calibration was also performed (see pg. 18).

As stated above, the WMMS was updated by the County of Los Angeles with pertinent precipitation and streamflow data from the years since the initial WMMS calibration.

As described by Geosyntec, SBPAT is a "public domain, 'open source' GIS-based water quality analysis tool intended to 1) facilitate the prioritization and selection of BMP project opportunities and technologies in urbanized watersheds, and 2) quantify benefits, costs, uncertainties and potential risks associated with stormwater quality projects."¹⁵

The quantification/analysis module of SBPAT uses:

- Land use based Event Mean Concentrations;
- Environmental Protection Agency Stormwater Management Model (EPA-SWMM);
- United States Environmental Protection Agency/American Society of Civil Engineers (USEPA/ASCE) International BMP Database;
- Site data; and
- A Monte Carlo Approach to quantify water quality benefits and uncertainties.

While a certain amount of data are required to calibrate any model by comparing the modeling results to real world conditions, the very purpose of a model is to aid in evaluating conditions and outcomes over space and time when limited data are available. As data continue to be collected, model results are validated and model inputs and assumptions are adjusted if necessary. In the case of the WMPs, the RAAs will be further refined through the required adaptive management process set forth in Part VI.C.8 of the Permit as more local data become available from the expanded integrated monitoring programs and coordinated integrated monitoring programs implemented in conjunction with the WMPs.

¹² WMP RAA Models & Data (Section 8, RB-AR1932).

¹³ *Ibid.* See, specifically, http://dpw.lacounty.gov/wmd/wmms/docs/Final_Phase_I_Modeling_Report_Part_I.pdf (last accessed December 9, 2015).

¹⁴ *Ibid.* See, specifically, http://dpw.lacounty.gov/wmd/wmms/docs/Final_Phase_I_Modeling_Report_Part_II.pdf (last accessed December 9, 2015).

¹⁵ WMP RAA Models & Data (Section 8, RB-AR1933). See, specifically, SBPAT Homepage: <http://sbpat.net/> (last accessed December 9, 2015).

2. Other WMP Provision Requirements

Pursuant to Part VI.C.7, Permittees in each Watershed Management Area (WMA) must develop a monitoring program in conjunction with a WMP to support an assessment of progress toward achieving the water quality-based effluent limitations and receiving water limitations addressed by the WMP, and to support the required adaptive management process for WMPs set forth in Part VI.C.8.

Pursuant to Part VI.C.4.d, during the development of a WMP, i.e., from the effective date of the Permit (December 28, 2012) to the date of WMP approval (April 2015), Permittees were required to continue to implement: (i) watershed control measures in their existing storm water management programs; (ii) measures to eliminate non-storm water discharges through the MS4 that are a source of pollutants to receiving waters; and (iii) measures from existing TMDL implementation plans, to ensure that MS4 discharges achieve compliance with interim and final trash WQBELs and all other final WQBELs and receiving water limitations pursuant to Part VI.E and set forth in Attachments L through R by the applicable compliance deadlines occurring prior to approval of a WMP. Additionally, to be granted an 18-month period for WMP development, Permittees were required to have Low Impact Development (LID) ordinances and green streets policies in place or in development in greater than 50% of the land area covered by the WMP. The Permittees in the nine WMPs at issue in this petition made this additional commitment to LID and green street policy development during the development of their WMPs.

The WMP provisions in Part VI.C of the Permit also outline a process for development, review, and, if appropriate, approval of a WMP.¹⁶ The steps of this process and applicable deadlines include the following:

Step	Deadline
Permittees notify the Los Angeles Water Board of intent to develop a WMP	6 months after permit effective date (June 28, 2013)
Permittees submit draft WMPs	18 months after Permit effective date (June 28, 2014)
Los Angeles Water Board provides comments on draft WMPs to Permittees	4 months after submittal of draft WMP (varies)
Permittees submit final WMP	3 months after receipt of Los Angeles Water Board comments on draft WMP (varies)
Approval or denial of final WMP by Los Angeles Water Board or by Executive Officer on behalf of the Los Angeles Water Board	3 months after submittal of final WMP (April 28, 2015)
Permittees begin implementation of WMP	Upon approval of final WMP (April 28, 2015)

¹⁶ Order No. R4-2012-0175 as amended by State Water Board Order WQ 2015-0075 (Section 1, RB-AR698 - 703).

Part VI.C.4.e of the Permit specifies that Permittees that do not have an approved WMP within 28 months of the Permit's effective date (thus, by April 28, 2015) shall be subject to the baseline requirements of Part VI.D of the Permit and shall demonstrate compliance with receiving water limitations pursuant to Part V.A and with applicable interim and final water quality-based effluent limitations in Part VI.E pursuant to subparts VI.E.2.d.i.(1)-(3) and VI.E.2.e.i.(1)-(3).

B. The WMP Development, Review, and Approval Process

The WMP development, review, and approval process was an extensive process that occurred over a nearly two-and-a-half year period. The process included review of the draft WMPs and revised WMPs by a multidisciplinary team of Los Angeles Water Board staff, including engineers, scientists, modelers and planners, and USEPA Region IX staff, and multiple opportunities for stakeholder input on the WMPs through information sessions and public workshops hosted by Permittees and by the Los Angeles Water Board, technical advisory committee (TAC) and subcommittee meetings, written comments, and individual meetings among Board staff, Permittees, and stakeholders.

As noted above, there were several steps in the process. Details about each of these steps are provided below, and depicted in Figure 1 to this Response (included at the end of this response).

1. Submittal and Review of Notifications of Intent to Develop WMPs

By June 28, 2013, the Los Angeles Water Board received eighteen notifications of intent to develop a WMP, either individually or as a member of a group. Los Angeles Water Board staff reviewed each of the notifications of intent and provided direction to Permittees on additional actions, documentation, or revisions that were needed to proceed with the development of a draft WMP.¹⁷ For example, for a small non-contiguous area of the City of Los Angeles identified in the Santa Monica Bay subwatershed notification of intent, Los Angeles Water Board staff presented options to the City of Los Angeles to address this area through an individual WMP, combine it with a geographically contiguous area, or opt to follow the baseline requirements in Part VI.D and demonstrate compliance with receiving water limitations pursuant to Part V.A and with applicable interim and final WQBELs in Part VI.E pursuant to subparts VI.E.2.d.i.(1)-(3) and VI.E.2.e.i.(1)-(3), respectively.¹⁸

2. Submittal and Review of, and Comments on, Draft WMPs

The Los Angeles Water Board received sixteen draft WMPs from Permittees by the eighteen month due date of June 28, 2014.¹⁹ Following receipt of these draft WMPs, and beginning on July 3, 2014, the Los Angeles Water Board provided a 46-day public review and written comment period on the draft WMPs.²⁰ The Petitioners along with others such as the

¹⁷ For Board staff's reviews of the notifications of intent to develop a WMP/EWMP, see Section 19, AR-RB2723 - 2724; Section 20, AR-RB3353 - 3354; Section 22, RB-AR5441 - 5443; Section 23, RB-AR6991 - 6994; Section 24, RB-AR10126 - 10129; Section 25, RB-AR13230 - 13234; Section 26, RB-AR16611 - 16614 & RB-AR16638; and Section 27, RB-AR17146 - 17147.

¹⁸ Regional Board Review of Notice of Intent from Santa Monica Bay J2 & J3, and City of LA are in J7 (Section 26, AR-RB16611 - 16614).

¹⁹ Two Permittees that initially submitted an individual notification of intent chose to join an EWMP prior to the deadline for submitting a draft WMP.

²⁰ Notice of Opportunity for Public Comment on Watershed Management Program Deliverables (Section 9, RB-AR1934).

Construction Industry Coalition on Water Quality (CICWQ) submitted written comments on the draft WMPs during this comment period.²¹

Concurrently with the public review and comment period, the Los Angeles Water Board staff reviewed the draft WMPs. Board staff also teamed up with USEPA Region IX staff to jointly review the draft WMPs. Each WMP was assigned a lead reviewer who coordinated their review with a counterpart at USEPA Region IX. The Los Angeles Water Board's Storm Water Permitting Unit Chief and Regional Programs Section Chief oversaw all reviews and regularly provided direction to staff conducting the reviews. Additionally, Board staff consulted with TMDL program staff, including the in-house expert on watershed modeling, regarding review of the reasonable assurance analyses (RAA). During the review period, Board staff and USEPA staff held conference calls on a weekly basis to discuss the draft WMPs. Throughout the review process, the Executive Officer was regularly kept apprised of Board staff and USEPA staff's review of the draft WMPs.

In conducting its review, Los Angeles Water Board staff developed a list of review and evaluation questions that were derived from the WMP provisions in the Permit.²² The purpose of these questions was to comprehensively guide the reviewer in their review of the draft WMPs and to ensure consistency among the reviewers. All Los Angeles Water Board staff reviewers, as well as USEPA Region IX staff, used this common set of review and evaluation questions in their review. The reviews were also informed by the detailed technical discussions at the Technical Advisory Committee (TAC) meetings and RAA subcommittee meetings over the previous year, as well as the RAA guidelines that Board staff produced to provide additional direction to Permittees on conducting RAAs.²³ Board staff also applied best professional judgment in their review, utilizing their educational background and expertise in water quality, engineering, and modeling, among other subject areas, in evaluating and providing comments on the draft WMPs.

At its October 9, 2014 meeting, the Los Angeles Water Board held a workshop on the draft WMPs. Board staff made a presentation on the status of its review of the draft WMPs; Permittees gave presentations on their draft WMPs; and interested persons were provided with an opportunity to make oral comments.²⁴ The Los Angeles Water Board also provided feedback, acknowledging and supporting the efforts of Permittees in developing the draft WMPs, while also asking questions about the assumptions and modeling used in the draft WMPs and raising concerns about the funding and timing of WMP implementation.²⁵

Of the sixteen draft WMPs that were submitted by Permittees by the June 28, 2014 deadline, the Los Angeles Water Board determined that seven were deficient submittals that did not meet the basic requirements for a draft WMP in the Los Angeles County MS4 Permit. The Permittees that submitted these draft WMPs were each issued a Notice of Deficient Submittal.²⁶

On the basis of Los Angeles Water Board staff's review, USEPA Region IX staff's review, and in consideration of written and oral comments made by interested persons, the Board provided

²¹ Comments on Draft Watershed Management Programs (Section 10, RB-AR1938 - 1992).

²² Draft Watershed Management Programs Review and Evaluation Questions (Section 11, RB-AR1993 - 1997).

²³ TAC Meetings (Section 3, RB-AR1225 - 1458); RAA Subcommittee Meetings (Section 4, RB-AR1459 - 1590); Reasonable Assurance Analysis Guidelines (Section 6, RB-AR1604 - 1805).

²⁴ Documentation related to October 2014 Board Workshop on draft WMPs (Sections 12 - 15, RB-AR1998 - 2264)

²⁵ Certified Transcript for October 9, 2014 Board Meeting (Section 15, RB-AR2248 - 2564).

²⁶ The Permittees that received a Notice of Deficient Submittal were the cities of Compton, Carson, Lawndale, Gardena, Irwindale, South El Monte and West Covina. Many of these Permittees have since joined an EWMP.

comments in October 2014 on the remaining nine draft WMPs identifying the revisions that needed to be addressed prior to the Board's approval of the WMPs, and directed the Permittees to submit revised draft WMPs addressing the Board's comments by approximately January 28, 2015 for Board review.²⁷

3. Submittal and Review of Revised WMPs

As dictated by the WMP development timeline, Permittees submitted revisions to their draft WMPs to the Los Angeles Water Board in January 2015 (within three months after receiving comments from the Los Angeles Water Board).²⁸

While the Los Angeles Water Board did not provide the public an opportunity to submit written comments on the revised WMPs, the Petitioners nevertheless submitted written comments on the revised WMPs on March 25, 2015.²⁹ Although unsolicited, the Petitioners' written comments on the revised WMPs were nevertheless considered by the Board and included in the administrative record.

In response to the Petitioners' written comments, on April 13, 2015, Los Angeles Water Board staff held a public meeting for Permittees and interested persons to discuss the Executive Officer's pending consideration for approval or denial of the revised WMPs. The meeting provided a forum for Permittees and interested persons to discuss the revised WMPs with the Executive Officer and staff. Los Angeles Water Board members were invited to attend this meeting to listen to comments, ask questions, and provide feedback to the Executive Officer. Several Board members did attend this workshop. The meeting included comments from the Petitioners on the revised WMPs; presentations from the WMP Permittees/groups regarding the revisions made in response to the Board's comments on the draft WMPs; and a question and answer session.³⁰

²⁷ For Board staff's written comments on the draft WMPs, see Section 19, RB-AR2848 - 2859; Section 20, RB-AR3750 - 3758; Section 21, RB-AR4811 - 4822; Section 22, RB-AR5907 - 5917; Section 23, RB-AR7889 - 7903; Section 24, RB-AR11227 - 11241; Section 25, RB-AR14464 - 14478; Section 26, RB-AR16815 - 16820; and Section 27, RB-AR17306 - 17321.

²⁸ For revised WMPs, see Alamitos Bay/Los Cerritos Channel Watershed Management Group (Section 19, RB-AR2866 - 2972), East San Gabriel Valley Watershed Management Group (Section 20, RB-AR3766 - 3971), City of El Monte (Section 21, RB-AR4828 - 4998), Los Angeles River Upper Reach 2 Watershed Management Group (Section 22, RB-AR5926 - 6181), Los Cerritos Channel Watershed Management Group (Section 23, RB-AR7912 - 8808), Lower Los Angeles River Watershed Management Group (Section 24, RB-AR11251 - 12024), Lower San Gabriel River Watershed Management Group (Section 25, RB-AR14487 - 15326), Santa Monica Bay Watershed Jurisdiction 7 (Section 26, RB-AR16831 - 16901), City of Walnut (Section 27, RB-AR17329 - 17595).

²⁹ On March 25, 2015, the Executive Officer was copied on an email communication from Liz Crosson of Los Angeles Waterkeeper containing written comments on the revised WMPs from the Petitioners (see Section 16, RB-AR2565 - 2581). The Executive Officer did not respond to the email communication. This email communication constituted an ex parte communication to the Executive Officer from an interested person in a pending proceeding, regarding an issue in the proceeding, without notice and opportunity for all parties to participate in the communication. The Los Angeles Water Board understands that the email communication was a result of the mistaken belief that communications concerning the pending approval or denial of the revised WMPs were not prohibited. The Los Angeles Water Board disclosed the communication in accordance with Government Code section 11430.50. (See Section 17, RB-AR2582 - 2583.) Permittees and interested persons were advised they could orally address the communication during the April 13, 2015 public meeting.

³⁰ For documentation regarding the Public Meeting on April 13, 2015 on Revised Watershed Management Programs (WMPs) Pursuant to the Los Angeles County MS4 Permit, see Sections 17 - 18, RB-AR2582 - 2674.

4. Approval of WMPs

On April 28, 2015, the Executive Officer, on behalf of the Los Angeles Water Board, approved, with conditions, the following nine WMPs:³¹

- Los Angeles River Upper Reach 2 Subwatershed
- Lower Los Angeles River Watershed
- East San Gabriel Valley Watershed Management Area
- Lower San Gabriel River
- Los Cerritos Channel Watershed
- Santa Monica Bay Watershed Jurisdiction 7
- Alamitos Bay/Los Cerritos Channel Group
- El Monte
- Walnut

The Lower Los Angeles River Watershed WMP, the Lower San Gabriel River WMP, and the Los Cerritos Channel Watershed WMP were also approved, with conditions, pursuant to the City of Long Beach MS4 Permit, Order No. R4-2014-0024.

The Executive Officer provided the Permittees with a short deadline to submit their final WMPs to the Board that satisfied all of the conditions outlined in the approval letter. The Executive Officer's conditions did not generally require fundamental changes to the WMPs. Rather, the conditions largely requested revisions such as providing additional supporting or clarifying information, providing consistency within the WMP, and correcting typographical errors. Some of the conditions provided direction on adaptive management -- a requirement of the Permit -- where there was a lack of detail, particularly for actions and/or projects to be conducted later in WMP implementation, in future permit cycles, or due to lack of data (e.g., source assessment and model calibration/validation), which will be remedied with data collection and through the adaptive management process. In the conditional approval letters, the Executive Officer required that Permittees refine and recalibrate the RAA as new data become available.³²

Moreover, most of the revised WMPs could have been approved by the Executive Officer without any conditions as the revised WMPs met the requirements of the Permit. However, the Executive Officer chose to approve the WMPs with conditions to ensure that Permittees were fully responsive to the Board's comments on the WMPs, and it would result in a better final WMP.

Further, Petitioners assume that all of the Los Angeles Water Board's comments in its review letters necessarily required a change to be made to the draft WMP or revised draft WMP. In some cases, the Board's comments were addressed without further changes to the WMPs, such as explanations provided by the Permittees during phone calls and/or meetings and/or in the submittals of the revised WMPs themselves. Many Permittees included matrices with their

³¹ For the Executive Officer's approvals of the revised WMPs, see Alamitos Bay/Los Cerritos Channel Watershed Management Group (Section 19, RB-AR3046 - 3051), East San Gabriel Valley Watershed Management Group (Section 20, RB-AR4179 - 4185), City of El Monte (Section 21, RB-AR5065 - 5072), Los Angeles River Upper Reach 2 Watershed Management Group (Section 22, RB-AR6329 - 6336), Los Cerritos Channel Watershed Management Group (Section 23, RB-AR8974 - 8981), Lower Los Angeles River Watershed Management Group (Section 24, RB-AR12217 - 12224), Lower San Gabriel River Watershed Management Group (Section 25, RB-AR15519 - 15526), Santa Monica Bay Watershed Jurisdiction 7 (Section 26, RB-AR17047 - 17052), City of Walnut (Section 27, RB-AR17596 - 17601).

³² *Ibid.*

revised WMPs that summarized how each of the Board's comments on the draft WMP was addressed.³³

The letter also indicated that the approval may be rescinded if all of the conditions were not satisfied within the timeframe provided in the letter. The letter also directed the Permittees to begin implementation of their approved WMPs immediately pursuant to Part VI.C.6 of the Permit.³⁴

Each of the seven WMP groups and the two individual Permittees submitted final WMPs in June 2015 that satisfied the conditions in the Executive Officer's approval. After reviewing each of the final WMPs relative to the conditions in the approval letters, the Executive Officer confirmed, in a letter to each in July and August 2015, that the conditions had been satisfied.³⁵

5. Other Activities during WMP Development, Review, and Approval Process

Throughout the above-mentioned timeline of events, Permittees and stakeholders were also involved in additional activities related to WMP development. These included:

i. Technical Advisory Committee (TAC) Meetings

The WMP/EWMP provisions in the Los Angeles County MS4 Permit call for the formation and meeting of a TAC "that will advise and participate in the development of the Watershed Management Programs and enhanced Watershed Management Programs from month 6 through the date of program approval"³⁶ The TAC included Los Angeles Water Board staff, Permittees representing each of the WMPs and EWMPs, and representatives from non-governmental organizations, including the Petitioners.³⁷

In accordance with the Permit, nine TAC meetings were convened from July 2013 to September 2014.³⁸ These meetings discussed the RAA, control measure implementation, monitoring, and other issues related to WMP development. In addition to these meetings, an RAA subcommittee met four times from September 2013 to January 2014.³⁹

³³ See Alamitos Bay/Los Cerritos Channel Watershed Management Group (Section 19, RB-AR2973 - 2985), East San Gabriel Valley Watershed Management Group (Section 20, RB-AR3972 - 3974), City of El Monte (Section 21, RB-AR4999 - 5003), Los Cerritos Channel Watershed Management Group (Section 23, RB-AR8809 - 8824), Lower Los Angeles River Watershed Management Group (Section 24, RB-AR12025 - 12033), Lower San Gabriel River Watershed Management Group (Section 25, RB-AR15327 - 15335), Santa Monica Bay Watershed Jurisdiction 7 (Section 26, RB-AR16902 - 16903).

³⁴ See, for example, the Watershed Management Program Approval with Conditions for the Los Angeles River Upper Reach 2 Watershed Management Group (Section 22, RB-AR6329 - 6336).

³⁵ For the Executive Officer's determinations regarding the final WMPs, see Alamitos Bay/Los Cerritos Channel Watershed Management Group (Section 19, RB-AR3216 - 3217), East San Gabriel Valley Watershed Management Group (Section 20, RB-AR4409 - 4410), City of El Monte (Section 21, RB-AR5243 - 5244), Los Angeles River Upper Reach 2 Watershed Management Group (Section 22, RB-AR6609 - 6611), Los Cerritos Channel Watershed Management Group (Section 23, RB-AR10068 - 10069), Lower Los Angeles River Watershed Management Group (Section 24, RB-AR13117 - 13118), Lower San Gabriel River Watershed Management Group (Section 25, RB-AR16378 - 16379), Santa Monica Bay Watershed Jurisdiction 7 (Section 26, RB-AR17124 - 17125), City of Walnut (Section 27, RB-AR17798 - 17799).

³⁶ Order No. R4-2012-0075 as amended by State Water Board Order WQ 2015-0075, pg. 49 (Section 1, RB-AR693).

³⁷ *Ibid.*

³⁸ See, generally, TAC Meetings (Section 3, RB-AR1225 - 1458).

³⁹ See, generally, RAA Subcommittee Meetings (Section 4, RB-AR1459 - 1590).

ii. Reasonable Assurance Analysis (RAA) Guidelines

Los Angeles Water Board staff collaborated with stakeholders to release *Guidelines for Conducting Reasonable Assurance Analysis in a Watershed Management Program, including an Enhanced Watershed Management Program* to assist Permittees in RAA development.⁴⁰ Prior to the release of the final guidelines, in the fall 2013 and winter 2013-14, Los Angeles Water Board staff circulated draft and revised draft versions to stakeholders for review and comment.⁴¹

iii. Stakeholder Participation

In addition to the opportunities to provide written and oral comments described above, Los Angeles Water Board staff participated in a multitude of meetings, phone calls, and email exchanges with Permittees and other stakeholders, including the Petitioners, throughout the WMP development process. Documents related to meetings are included in the administrative record.⁴²

iv. Other WMP-related Meetings

During the period of WMP development, Los Angeles Water Board staff convened several additional information sessions and workshops on WMP-related topics including stormwater program funding and low impact development (LID).⁴³

C. Geography of the Nine Approved WMPs

Most of the nine WMPs approved by the Los Angeles Water Board are located in the southern part of Los Angeles County, where geology and soils limit regional stormwater retention opportunities (which are the hallmark of the EWMPs), while a few WMPs are located in the eastern part of the county. The nine WMPs range in size from a single Permittee to as many as 14 Permittees. Figure 2 below shows the area covered by the Los Angeles County MS4 Permit, and highlights the watershed areas covered by the nine approved WMPs.

⁴⁰ Final Guidelines for Conducting Reasonable Assurance Analysis in a Watershed Management Program (Section 6, RB-AR1771 – 1805).

⁴¹ Reasonable Assurance Analysis Guidelines (Section 6, RB-AR1604 – 1770).

⁴² Meetings with WMP Groups and Stakeholders (Section 7, RB-AR1806 - 1930).

⁴³ Information Sessions/Workshops Convened by Water Board Staff (Section 2, RB-AR965 - 1224).

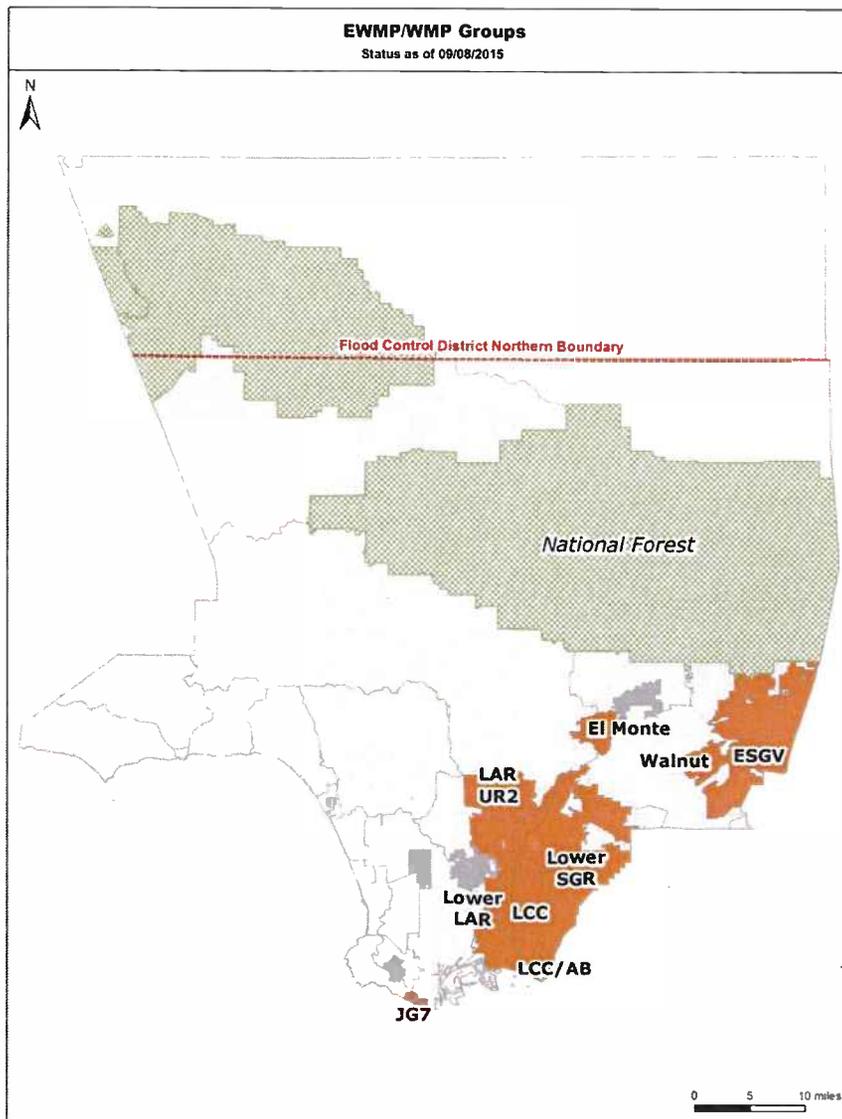


Figure 2. Location of Nine WMPs within Los Angeles County

D. Petition for Review by the Los Angeles Water Board

On May 28, 2015, the Petitioners filed the Petition with both the Los Angeles Water Board and the State Water Board, seeking review of the Los Angeles Water Board Executive Officer's action to conditionally approve the nine WMPs. The Petitioners sought review by the Los Angeles Water Board pursuant to Part VI.A.6 of the Los Angeles County MS4 Permit. Part VI.A.6 provides that any permittee or interested person may request review by the Los Angeles Water Board of any formal determination or approval made by the Executive Officer pursuant to the Permit. A permittee or interested person may request such review by the Los Angeles Water Board upon petition within 30 days of the notification of such decision to the permittee(s) and interested persons on file at the Board.⁴⁴ This provision was included in the Permit to address input received during development of the Permit in light of the new watershed based paradigm for Permit implementation.

The Petitioners alleged that the Executive Officer: (1) improperly acted outside the scope of delegated authority in "conditionally" approving the WMPs because the only authority explicitly delegated to the Executive Officer by the Los Angeles Water Board in the Permit was to approve or deny WMPs; (2) improperly modified the Permit by failing to comply with the substantive and procedural requirements pursuant to state and federal law, and exceeded the statutory limits for delegations; and (3) improperly imposed conditions in the approvals that are inconsistent with Permit requirements and the federal Clean Water Act. The Petitioners requested that the Los Angeles Water Board invalidate the Executive Officer's approvals, with conditions, and deny all nine WMPs.

It is important to note that the Petition, including the detailed technical comments in Exhibit D to the Petition, only specifically alleged substantive inadequacies of three of the nine WMPs, namely the Lower San Gabriel River WMP, the Lower Los Angeles River WMP, and the Los Angeles River Upper Reach 2 WMP. The Petitioners did not allege any specific challenges to the substantive adequacy of the remaining six WMPs, but still requested that the Los Angeles Water Board invalidate the Executive Officer's approvals with conditions for those six WMPs. Without specific factual allegations concerning an inadequacy of a WMP, the Petitioners did not provide the Board with specific allegations to review. The Board was thus left to speculate as to Petitioners' concerns with the remaining six WMPs.

In addition, while three of the nine WMPs were also approved pursuant to the City of Long Beach MS4 Permit, the Petition did not seek review of the Executive Officer's conditional approvals pursuant to the City of Long Beach MS4 Permit, only the Los Angeles County MS4 Permit.

On July 3, 2015, the Los Angeles Water Board publicly noticed the Petition, provided an opportunity for Permittees and interested persons to respond to the Petition, and indicated that it would consider the Petition at its meeting on September 10, 2015.⁴⁵ The deadline for submittal of responses to the Petition was August 3, 2015. Nine responses to the Petition were received.⁴⁶

⁴⁴ See Order No. R4-2012-0175 as amended by Order WQ 2015-0075, p. 42 (Section 1, RB-AR686).

⁴⁵ See Notice of Opportunity to Respond to Petition and Notice of Public Meeting (Section 30, RB-AR18028 – 18040). On July 22, 2015, a revised notice was sent indicating that additional documents were available on the Los Angeles Water Board's website. See Revised Notice of Opportunity to Respond to Petition and Notice of Meeting (Section 30, RB-AR18041 – 18046).

⁴⁶ See generally Responses to Petition for Review (Section 31, RB-AR18047 – 18206).

To aid in the Los Angeles Water Board's review of the Petition, Board staff provided the Board with materials pertaining to the development, review, and approval process of the nine WMPs. This included the Petition, responses to the Petition, documents pertaining to each of the nine WMPs, and internal WMP review and evaluations questions.⁴⁷ Due to the voluminous nature of these documents (several thousand pages), they were provided to the Board on a CD several weeks before the hearing.⁴⁸ For the Los Angeles Water Board's reference, Board staff also prepared three response matrices providing detailed written responses to the technical and legal contentions raised in the Petition, as well as an assessment of the Petitioners' March 25, 2015 letter commenting on the revised WMPs.⁴⁹ Responses to the technical contentions specifically pertained to the alleged substantive inadequacies of the Lower San Gabriel River WMP, the Lower Los Angeles River WMP, and the Los Angeles River Upper Reach 2 WMP as those are the WMPs specifically challenged by the Petition.

The Los Angeles Water Board considered the Petition at its meeting on September 10, 2015. The Board heard a brief introduction on the background and context for the Board's consideration of the Petition, a presentation by the Petitioners, responses to the legal and technical contentions by Board legal counsel and staff, responses to the Petition by Permittees and interested persons, and a rebuttal by the Petitioners.⁵⁰ The Board members then asked questions, made statements, and deliberated on the information presented concerning both the legal contentions and the technical contentions raised in the Petition. The Los Angeles Water Board considered three general options regarding its action on the petition for each of the nine WMPs. These were to ratify the Executive Officer's approvals; overturn the Executive Officer's approvals; or conduct further proceedings on the Petition as determined by the Board.⁵¹

In discussing the contentions, the Board determined that the approved WMPs met the requirements of the Permit. However, the Board also acknowledged room for improvement and refinement in the WMPs, and their supporting RAAs, as more monitoring data are collected and actions implemented. In discussing the approved WMPs, Board member Maria Mehranian stated:⁵²

...And I'm believing that there was scientific methodologies, and there was processes, and there was science, and there was modeling, and there was these things included and evolved, and it's important to recognize it.

And I want to respectfully disagree with the professor, it says "commitment to strategies but it doesn't commit," or it says, "Reasonable Assurance Analysis maybe works, maybe doesn't," these are huge -- some of these projects are huge infrastructure projects. They should be engineered. They're going to take time. They're going to be tested. When it says it could

⁴⁷ See generally Materials Provided to the Los Angeles Water Board for its Consideration of the Petition for Review (Section 32, RB-AR18207 – 18292).

⁴⁸ The CD was sent to the Los Angeles Water Board on August 13, 2015. See Section 32, RB-AR18287 – 18292.

⁴⁹ See Regional Board Staff's Response to the Petition (Section 32, RB-AR18213 – 18286).

⁵⁰ See generally Certified Transcript for September 10, 2015 Meeting (Section 33, 18621 - 18803). See also the PowerPoint Presentations provided at the hearing (Section 32, RB-AR18313 – 18433).

⁵¹ As it was the Executive Officer's action, based on input from Board staff, that the Los Angeles Water Board was reviewing by considering the Petition, the Executive Officer and staff opted not to make a recommendation to the Board on the available options. Rather, the purpose of staff's presentation was to explain the WMP review and approval process and why the Executive Officer determined that an approval, with conditions, was appropriate for all nine WMPs.

⁵² Certified Transcript for September 10, 2015 Meeting, p. 345:24 – 347:7 (Section 33, RB-AR18778 – 18780).

have or it would have or it might have, it's the only way to say some of these things because they're quite complicated projects.

But the importance is that they're required. And right now the cities have responded. We are monitoring them. And the whole idea of the fact that they're - - I'm excited that the guidelines for the stormwater capture on the -- on the Water Bond is out. The cities can now go apply and do more. And I agree with some of my colleagues, I don't want to stop this process. I don't. I want them -- as one of the consultants said, we're going to have the rainy season and we have more projects today that are going to do stormwater capture. I was thrilled listening about all these little projects here and there that are popping up in the city because of this work. And I think in order to understand this work and appreciate it, it's important to understand the spirit of MS4, because the MS4 allows time for improving what we have.

And could this plan be better? Of course it can. Could we develop a better plan? Yes. But is the process in place? I think it is. Is there modeling? Is there science involved? Yes, it is, and I'm proud and I want to stand by it.

At the conclusion of the hearing, the Los Angeles Water Board ratified the Executive Officer's conditional approvals for all nine WMPs, upholding the Executive Officer's authority under the Los Angeles County MS4 Permit to conditionally approve the WMPs and finding that the WMPs met the requirements of the Permit.⁵³

IV. PROCEDURAL OBJECTIONS

The Los Angeles Water Board objects to the Petitioners' Addendum, which was received by the State Water Board on October 30, 2015. In their so-called Addendum, the Petitioners specifically seek review of the Los Angeles Water Board's "action on September 10, 2015 to ratify the Regional Board Executive Officer's final approvals of three specific Watershed Management Programs ('WMPs')" pursuant to the Los Angeles County MS4 Permit.⁵⁴ The Petitioners allege that the Los Angeles Water Board's action on September 10, 2015 "was inappropriate, improper, and an abuse of discretion"⁵⁵ and specifically "seek an order by the State Board to invalidate the Regional Board's action on September 10, 2015 to ratify the Executive Officer's final approvals of the Los Angeles River Upper Reach 2, Lower San Gabriel River, and Lower Los Angeles River WMPs."⁵⁶ In addition, throughout their Addendum, the Petitioners take issue with, and respond to, Los Angeles Water Board staff's statements made at the September 10, 2015 hearing. Thus, it is clear that the Addendum is not actually an addendum at all, but rather a new petition challenging the Los Angeles Water Board's September 10, 2015 ratification. For the reasons explained below, the Petitioners' Addendum should not be accepted by the State Water Board.

As an initial matter, the Los Angeles Water Board's action on September 10, 2015, ratifying its Executive Officer's prior approvals with conditions on nine WMPs, is not a regional board action that is subject to review by the State Water Board under Water Code section 13320. The

⁵³ See Certified Transcript for September 10, 2015 Meeting (Section 33, RB-AR18761 – 18803). See also Request for State Water Board to Take Official Notice of or to Accept Supplemental Evidence, January 15, 2016, Exhibit A, Los Angeles Water Board's Meeting Minutes for September 10, 2015.

⁵⁴ Addendum, p. 1.

⁵⁵ *Id.* at 2.

⁵⁶ *Id.* at 27.

Petitioners acknowledge the applicability of Water Code section 13320 in this matter, stating “Petitioners’ authority to seek State Board review of the Regional Board’s action on September 10, 2015 is provided under Water Code § 13320.”⁵⁷ Water Code section 13320, subdivision (a), authorizes petitions for review by the State Water Board of certain types of actions or failures to act by a regional board. A regional water board’s reconsideration of an action taken by its executive officer, and any resulting ratification of the executive officer’s action, is not an “action or failure to act” within the meaning of Water Code section 13320. The Executive Officer acted on behalf of the Los Angeles Water Board in issuing the conditional approvals and later determining that the conditions had been satisfied. A regional water board’s ratification of its executive officer’s prior action is not itself an “action,” except to the extent the board makes any changes to the Executive Officer’s action (which did not occur in this instance). This is no different than a board’s refusal to reopen a final permit or other order issued by the board itself. A “failure to act” does not include a refusal to reconsider a final order; reading the statute in that manner would allow interested persons to trump section 13320’s 30-day statute of limitations simply by making a belated request for reconsideration. Although Petitioners timely filed their original Petition, the Los Angeles Water Board’s refusal to rescind or modify the Executive Officer’s prior approvals did not create a new opportunity to file a petition. Thus, the Los Angeles Water Board took no action on September 10, 2015 that is properly subject to review by the State Water Board under Water Code section 13320. Accordingly, the Petitioners’ Addendum does not allege any actions, or failures to act, by the Los Angeles Water Board that would give rise to a petition for review under Water Code section 13320 and the State Water Board should take no further action with respect to the Addendum.

Even assuming the Addendum, which explicitly states that it is a petition of the Los Angeles Water Board’s action on September 10, 2015, relates to an “action or failure to act” subject to State Water Board review under Water Code section 13320, the Addendum was not timely filed with the State Water Board. The Los Angeles Water Board concluded its consideration of this matter on September 10, 2015. A petition must be filed within 30 days of the action or failure to act.⁵⁸ This deadline to file a petition is clear and is strictly enforced by the State Water Board.⁵⁹ In this case, the deadline for receipt of any petition challenging the Los Angeles Water Board’s September 10, 2015 “action” was October 12, 2015. The Addendum submitted by Petitioners was received by the State Water Board by email on October 30, 2015, which is 50 days after September 10, 2015. The Petitioners fail to provide any justification whatsoever as to why their untimely Addendum should be accepted by the State Water Board, despite the fact that the Petitioners were well aware of the legal requirement for filing a timely petition with the State Water Board given their timely filing of their May 28, 2015 petition. The Addendum was therefore not timely received and should be rejected by the State Water Board.

If the Petitioners’ Addendum is, in fact, an addendum to the Petitioners’ May 28, 2015 petition (which the Los Angeles Water Board disputes), the Addendum is not authorized by the State Water Board’s own petition regulations. The Petitioners’ original Petition challenges the Los Angeles Water Board Executive Officer’s action on April 28, 2015 to conditionally approve nine WMPs. Compared to the Petition, the Addendum only challenges the substance of the final

⁵⁷ *Id.* at 3.

⁵⁸ Wat. Code, § 13320, subd. (a); Cal. Code Regs., tit. 23, § 2050, subd. (b).

⁵⁹ See, e.g., State Water Board Order WQ 2015-0075 (Los Angeles County MS4 Permit), p. 7 (Section 1, RBAR570), whereby, in response to an “amended petition” filed by the City of El Monte, the State Water Board stated “Water Code section 13320, subdivision (a) provides that a petition for review of a regional water quality control board (regional water board) action must be filed within 30 days of the regional water board’s action. *The State Water Board interprets that requirement strictly and petitions filed more than 30 days from regional water board action are rejected as untimely.*” (emphasis added).

approved WMPs by challenging the Los Angeles Water Board's action on September 10, 2015. Many of the contentions raised in the Addendum are either more detailed (such that they provide greater clarity of the issues raised in the original Petition) or is a new contention that were not first raised to the Los Angeles Water Board. As noted in Sections VI.A.5 and VI.B.3 below, the Petitioners raise a new contention in the Addendum alleging that volume reduction targets are unenforceable and contingent. This contention was not previously raised to the Los Angeles Water Board. Pursuant to the State Water Board's own petition regulations, the Petitioners were required to file a *complete* petition in the first instance, and no provisions authorize petitioners to later file an addendum to their petition.⁶⁰ A complete petition must also include a statement of points and authorities.⁶¹ The Addendum was therefore not submitted in conformance with the State Water Board's regulations.

Further, any petition to the State Water Board "shall be limited to those substantive issues or objections that were raised before the regional board."⁶² If the Petitioners were authorized to submit an addendum to their original petition, any addendum should have been submitted to the Los Angeles Water Board *before* it considered the Petitioners' original request to review the conditional approvals on September 10, 2015. The Petitioners do not explain in their Addendum why they were not required or were unable to raise the more-detailed and/or new contentions to the Los Angeles Water Board before September 10, 2015.⁶³ This is because they cannot provide such an explanation.⁶⁴ Instead, the Petitioners filed an unauthorized addendum 50 days *after* the Los Angeles Water Board considered the Petitioners' original petition. Failure on the part of the Petitioners to raise the more-detailed and/or new contentions to the Los Angeles Water Board is cause for the State Water Board to reject the Addendum.

In addition, the Los Angeles Water Board Executive Officer's determinations, in the summer of 2015, that the conditions identified in his April 28, 2015 approvals had been satisfied are also subject to review under Water Code section 13320. However, the Petitioners did not challenge the Executive Officer's determinations by filing another petition with either the Los Angeles Water Board or the State Water Board. After review of the final WMPs submitted to the Los Angeles Water Board on June 12, 2015, the Executive Officer determined on July 21, 2015, July 21, 2015, and August 13, 2015 that the final WMPs satisfied all of the conditions identified in his conditional approval letters for the Lower San Gabriel River WMP, the Lower Los Angeles River WMP, and the Los Angeles River Upper Reach 2, respectively. Petitioners cannot avoid the legal requirements for filing a petition by merely calling it an addendum to a previously filed petition. Therefore, any attempts by the Petitioners to challenge these later actions are time barred.

⁶⁰ Cal. Code Regs., tit. 23, § 2050, subd. (a)(4) [a petition shall contain a "full and complete statement of the reasons the action or failure to act was inappropriate or improper"].

⁶¹ *Id.*, subd. (a)(7).

⁶² *Id.*, subd. (c); *see also*, subd. (a)(9).

⁶³ The Petitioners commented on various iterations of the WMPs. While the Petitioners were not provided an opportunity to comment on the conditions imposed by the Executive Officer, the Petitioners have not raised any substantive issues with the conditions themselves, aside from procedural contentions concerning the Executive Officer's authority to impose such conditions.

⁶⁴ To the extent that the Petitioners' position is they could not have submitted an addendum until after the Los Angeles Water Board acted, such a position only supports the Los Angeles Water Board's objection that the Addendum is a new petition challenging the Los Angeles Water Board's action on September 10, 2015, which is not reviewable by the State Water Board under Water Code section 13320 and/or is untimely. In addition, it is notable that on August 24, 2015, the Petitioners requested that the State Water Board place their original petition in abeyance until November 9, 2015 "given the fact that the State Board is unlikely to act on the petition until the Regional Board first gets the opportunity to review the petition on September 10, 2015."

Lastly, the Los Angeles Water is not asserting any procedural objections to the Petitioners' May 28, 2015 petition. The Los Angeles Water Board acknowledges that its Executive Officer's actions to approve, with conditions, the nine WMPs on April 28, 2015 are actions that are properly subject to State Water Board review under Water Code section 13320, and that the Petition was timely filed. However, the Los Angeles Water Board agrees with others (e.g., CASQA and several Los Angeles County MS4 permittees) that the allegations in the Petition are moot in light of the Executive Officer's determinations in July and August 2105 that the conditions had been satisfied by the Permittees resulting in approved final WMPs, which the Petitioners did not challenge.

V. SPECIFIC RESPONSES TO CONTENTIONS RAISED BY MAY 28, 2015 PETITION

As noted above in Section III.D, as part of the Los Angeles Water Board's consideration of the Petition on September 10, 2015, Board staff prepared detailed written responses to the legal and technical contentions raised in the Petition. In responding to the Petition for the State Water Board, the Los Angeles Water Board hereby incorporates by reference those detailed written responses, which are attached as Exhibit A to this response.⁶⁵ Exhibit A consists of three response matrices. The main response matrix provides the Los Angeles Water Board's response to the contentions raised by the Petitioners in their Memorandum of Points and Authorities, including detailed responses to the legal contentions. This main response matrix has two attachments. Attachment 1 provides the Board's response to Petitioners' detailed technical comments in its Memorandum of Points and Authorities and in their Exhibit D to the Petition. The Board also assessed the Petitioners' March 25, 2015 letter commenting on the revised WMPs, which is included as Attachment 2. Note that Attachments 1 and 2 specifically pertain to the alleged substantive inadequacies of the Lower San Gabriel River WMP, Lower Los Angeles River WMP, and Los Angeles River Upper Reach 2 WMP as those are the WMPs specifically challenged by the Petition.

For ease of reference, the Los Angeles Water Board has provided a summary of its response to three contentions raised in the Petition below.

A. Summary of Response to Contention 1

Contention: The Petitioners first assert that the Executive Officer improperly acted outside the scope of delegated authority in "conditionally" approving the WMPs because the only authority explicitly delegated to the Executive Officer by the Los Angeles Water Board in the Permit was to approve or deny the WMPs. In addition, because the Permit does not specifically authorize a "conditional approval" of the WMPs, the Petitioners also appear to assert that neither the Executive Officer nor the Board itself (if it would have taken the same action) has any legal authority to approve a WMP with conditions, and could have only provided an unconditional approval or denied the WMP in its entirety.

Response: The Los Angeles Water Board disagrees. The Executive Officer acted within the scope of his delegated authority in approving the WMPs with conditions. Pursuant to Water Code section 13223, a regional water board has the authority to delegate any of its powers and duties, with limited exceptions, to its Executive Officer. The Los Angeles Water Board has done

⁶⁵ The responses are also included in the Administrative Record at Section 32, RB-AR18213 – 18286.

so in Resolution No. R14-005, "Delegation of Authority to Executive Officer." In its delegation, the Board has delegated "to its Executive Officer all powers and duties to conduct and to supervise the activities of the Regional Board," including, but not limited to, "exercising any powers and duties of the Regional Board."⁶⁶ The Board also specifically delegated to the Executive Officer, in Part VI.C.4 (Table 9) of the Los Angeles County MS4 Permit, the authority to "approve or deny" a final WMP on behalf of the Board.⁶⁷

Petitioners are interpreting the delegation of authority to the Executive Officer in the Los Angeles County MS4 Permit literally and narrowly, which is not supported by the terms of the Permit or the practice of the Los Angeles Water Board. While the Permit says that the Board, or the Executive Officer on behalf of the Board, must approve or deny the final WMP by a time certain, the Permit does not dictate that any approvals must be unconditional or include any other language limiting the discretion of the Board in the specific manner of approving a WMP. Thus, the Board did not limit itself, or the Executive Officer, to only strictly approving or denying a WMP.

Unless specifically limited, delegated authority is broadly construed.⁶⁸ The Executive Officer's action to approve, with conditions, the nine WMPs was an action within the broad scope of authority delegated to the Executive Officer by the Board in Resolution No. R14-005, as well as within specific delegated authority in the Permit. In Part VI.C of the Permit, the Board provides the Executive Officer with broad authority pertaining to administering the WMP/EWMP provisions on behalf of the Board, including authority to approve or deny WMPs,⁶⁹ approve or deny requests for modifications to certain deadlines in a WMP/EWMP,⁷⁰ approve or deny integrated monitoring programs and coordinated integrated monitoring programs,⁷¹ require modifications and updates to a WMP/EWMP,⁷² and review and approve modifications to WMPs/EWMPs.⁷³

In addition, a well-established principle of administrative law provides that an agency's authority to approve or disapprove inherently includes the authority to approve with conditions. The petitioners in *Connecticut Fund for the Environment, Inc. v. EPA* made a very similar argument to what Petitioners assert in this matter.⁷⁴ In that case, an environmental group asserted that USEPA could not conditionally approve a state implementation plan under the Clean Air Act because the statute required USEPA to "approve or disapprove" the plan within four months of submission. Under USEPA's conditional approval procedures, a plan that is in substantial compliance with the Act may be conditionally approved as satisfying the Act if the state provides strong assurances that the remaining minor deficiencies will be remedied within a specified short period.⁷⁵ The environmental group argued that the literal "approve or disapprove" language and the absence of any mention of conditional approvals in the Clean Air Act

⁶⁶ See Request for State Water Board to Take Official Notice of or to Accept Supplemental Evidence, January 15, 2016, Exhibit B, Los Angeles Water Board Resolution No. R14-005, at 2. This delegation of authority is periodically updated by the Board, most recently in 2014.

⁶⁷ Order No. R4-2012-0175 as amended by Order WQ 2015-0075, p. 55 (Section 1, RB-AR699).

⁶⁸ See *County of San Diego v. Bowen* (2008) 166 Cal.App.4th 501, 509-510 [California Legislature's broad delegation of authority to the Secretary of State to regulate voting systems includes the authority to condition approval of the use of particular voting machines on certain procedural safeguards, including postelection tallies].

⁶⁹ Order No. R4-2012-0175 as amended by Order WQ 2015-0075, Part VI.C.4, at p. 55 (Section 1, RB-AR699).

⁷⁰ *Id.* at Parts VI.C.4.g, at p. 59, and VI.C.6.a, at p. 67 (Section 1, RB-AR703, 711).

⁷¹ *Id.* at Part VI.C.7, at p. 67 (Section 1, RB-AR711).

⁷² *Id.* at Part VI.C.8.b.i, at 69-70 (Section 1, RB-AR713 - 714).

⁷³ *Ibid.*

⁷⁴ (2d Cir. 1982) 672 F.2d 998.

⁷⁵ *Id.* at 1005.

precluded USEPA's conditional approval.⁷⁶ The Court of Appeal for the Second Circuit declined to construe the Act as allowing only outright approval or disapproval of state plans. The Court held: "But this Court has held that an agency's power to approve conditionally is inherent in the power to approve or disapprove."⁷⁷ The Court further held:⁷⁸

[T]he power to condition ... approval on the incorporation of certain amendments is necessary for flexible administrative action and is inherent in the power to approve or disapprove. We would be sacrificing substance to form if we held invalid any conditional approval but affirmed an unqualified rejection accompanied by an opinion which explicitly stated that approval would be forthcoming if modifications were made.

The Court further noted that a conditional approval offers administrative agencies a measured course that may be more precisely tailored to particular circumstances than the all-or-nothing choice of outright approval or disapproval.⁷⁹ Lastly, the Court stated that the conditional approval mechanism, in the context of the Clean Air Act, gave USEPA the necessary flexibility to work more closely with the states and that it generally deferred to USEPA's choice of methods to carry out its difficult and complex job as long as that choice is reasonable and consistent with the Act.⁸⁰

Here, the authority to conditionally approve is a necessary and proper exercise of the Executive Officer's power to accomplish the purpose for which the Los Angeles Water Board delegated its authority in the Permit. In addition, a permitting agency is given substantial deference by appellate bodies in interpreting its own permits. As such, it is proper and reasonable for the Board to interpret the Executive Officer's delegated authority to provide the flexibility of an approval with conditions to fulfill the goals of the Permit. Using his discretion, the Executive Officer determined that denial of the WMPs on the basis of requesting the types of revisions previously described, in Section III.B.4. above, was not warranted and could be appropriately addressed within a specified short period through individually tailored approvals with conditions to address these items.

USEPA also utilizes procedures that provide for conditional approvals under the Clean Water Act. For example, USEPA specifically allows the use of conditional approvals in carrying out its review of a state's water quality standards under Clean Water Act section 303(c).⁸¹ This is despite any express "conditional approval" language in section 303(c).

Moreover, the Executive Officer's action conditionally approving the WMPs is wholly consistent with a long-standing practice of the Los Angeles Water Board to approve submitted documents with conditions when deemed appropriate. When appropriate, the Executive Officer regularly conditionally approves submitted documents on behalf of the Board, including monitoring plans, TMDL work plans, permit workplans, and site cleanup workplans and remedial action plans.⁸²

⁷⁶ *Id.* at 1006.

⁷⁷ *Ibid.*

⁷⁸ *Ibid.*

⁷⁹ *Ibid.* [citing *U.S. v. Chesapeake & Ohio Ry.*, 426 U.S. 500, 514 [involving the Interstate Commerce Commission's powers under the Interstate Commerce Act]].

⁸⁰ *Ibid.*

⁸¹ See Request for State Water Board to Take Official Notice of or to Accept Supplemental Evidence, January 15, 2016, Exhibit C, Chapter 6 (Procedures for Review and Revision of Water Quality Standards) of USEPA's Water Quality Standards Handbook, at Section 6.2.1. (p. 12).

⁸² See, e.g., Letter dated December 6, 2005 from Jonathan S. Bishop, Executive Officer of the Los Angeles Water Board (Section 31, RB-AR18092 – 18096).

Other regional water boards, as well as the State Water Board, also routinely issue conditional approvals pertaining to both water quality and water rights matters.⁸³ This common practice by the Water Boards recognizes that regional water boards and the State Water Board require flexibility to manage their programs efficiently and effectively.

Lastly, as previously noted, the Executive Officer also approved, with conditions, three of the nine WMPs pursuant to the City of Long Beach MS4 Permit. This was done pursuant to the same delegation language contained in both the Los Angeles County and City of Long Beach MS4 permits. Yet, the Petitioners do not seek review of the Executive Officer's approval, with conditions, pursuant to the City of Long Beach MS4 Permit. The deadline for Petitioners to seek review has passed and those approvals, with conditions, are final. If the Executive Officer had authority to conditionally approve WMPs pursuant to the City of Long Beach MS4 Permit, it is unclear why Petitioners would assert that no such authority existed as to the Los Angeles County MS4 Permit.

B. Summary of Response to Contention 2

Contention: Petitioners assert that, by conditionally approving WMPs, the Executive Officer improperly modified the Permit in violation of the substantive and procedural requirements of state and federal law. Because they allege a conditional approval is a procedure not provided for in the Permit, Petitioners assert that the Executive Officer de facto amended the Permit terms, creating a new process, timeline, and set of standards by conditionally approving WMPs without circulation of a required draft permit, public notice, fact sheet, or public hearing date.

Response: The Los Angeles Water Board disagrees. Because the Executive Officer's approvals of the WMPs with conditions was within the scope of delegated authority, as explained above, the Permit did not need to be modified or amended to allow the Executive Officer the authority to approve the WMPs with conditions. As such, the Executive Officer's inclusion of conditions to the approval of the WMPs did not modify the Permit or amend any of its terms by creating a new process, timeline, or set of standards. The terms of the Permit, including procedures and deadlines pertaining to WMP review and approval, did not change. As such, the procedures noted by the Petitioners, including circulation of a draft permit, public notice, fact sheet, or public hearing, were not required prior to the Executive Officer's action.

In addition, the method by which the Executive Officer approved the WMPs did not defer a Permittees' compliance with receiving water limitations and TMDL limitations. To the contrary, the Permittees were instructed to begin implementation of their respective WMPs immediately upon approval.⁸⁴ In addition, additional time to address the imposed conditions did not defer compliance with TMDL or receiving water limitations compliance schedules, as TMDL schedules are not changed by WMPs or the dates by which a WMP is approved.

⁸³ See, e.g., Letter dated December 16, 2011 from Kurt V. Berchtold, Executive Officer of the Santa Ana Regional Water Quality Control Board (Section 31, RB-AR18097 – 18098); Letter dated July 26, 2010 from Pamela C. Creedon, Executive Officer of the Central Valley Regional Water Quality Control Board (Section 31, RB-AR18099 – 18102). See also Request for State Water Board to Take Official Notice of or to Accept Supplemental Evidence, January 15, 2016, Exhibit D, Letter dated July 7, 2015 from Thomas Howard, Executive Director of the State Water Board.

⁸⁴ See, e.g. Watershed Management Program Approval with Conditions for Los Angeles River Upper Reach 2 WMP (Section 22, RB-AR6329 - 6336) ["Pursuant to Part VI.C.6 of the LA County MS4 Permit, the Permittees of the LAR UR2 WMG shall begin implementation of the approved WMP immediately]. The same instruction was provided to each WMP in the conditional approval letter.

Prior to the approvals with conditions of the WMPs, the Board complied with the public review requirements of the Permit, which requires that “all documents submitted to the Regional Water Board Executive Officer for approval shall be made available to the public for a 30-day period to allow for public comment.”⁸⁵ As described in detail in Section III.B above, the Board exceeded these minimum permit requirements pertaining to stakeholder participation by providing a 46-day public review and comment period on the draft WMPs, as well as providing forums for stakeholders to provide their comments on the draft WMPs to the Executive Officer and the Los Angeles Water Board members, first at a Board workshop held on October 9, 2014, prior to Board staff issuing comments on the draft WMPs and, second, at a public meeting on April 13, 2015 attended by Board members and the Executive Officer to discuss the revised WMPs prior to the Executive Officer’s decision to approve or deny the nine WMPs.

Petitioners cite *Environmental Defense Center v. EPA*⁸⁶ as support for their contention that the Executive Officer’s conditional approval of the WMPs amended the terms of the Permit because an approved WMP becomes substantive terms of the Permit. As described above, the Executive Officer’s action did not amend the terms of the Permit. Approved WMPs implement the terms of Permit by detailing the specific actions and milestones a Permittee will abide by to achieve compliance with the terms of the Permit. An approved WMP, however, does not amend the terms of the Permit. The terms of the Permit remain unchanged, including the receiving water limitations and water-quality based effluent limitations. Moreover, *Environmental Defense Center* is not on point. In that case, environmental groups sought judicial review of a USEPA rule mandating that discharges from small MS4s and construction sites be subject to NPDES permitting requirements. Under the rule, small MS4s could seek permission to discharge by submitting an individualized set of BMPs in six specific categories, either in the form of an individual permit application or in the form of a notice of intent (NOI) to comply with a Phase II general permit. USEPA did not require that permitting authorities review an NOI before a party who submitted the notice of intent was allowed to discharge. The environmental groups asserted that, by allowing permitting authorities to grant dischargers permits based on unreviewed notices of intent, the rule constituted a program of impermissible regulation and failed to provide required avenues of public participation.⁸⁷ The Court of Appeal for the Ninth Circuit agreed with the environmental groups in this respect, holding that USEPA failed to require review of notices of intent assuring compliance with Clean Water Act standards and also failed to make notices of intent available to the public.⁸⁸ The Court held: “[S]tormwater management programs that are designed by regulated parties must, in every instance be subject to meaningful review by an appropriate regulatory entity to ensure that each such program reduces the discharge of pollutants to the maximum extent practicable.”⁸⁹

Here, as described in detail in Section III.B. above, the WMPs were subject to public review and comment, including at Board and staff level meetings, as well as an opportunity to submit written comments. Petitioners also submitted written comments on the draft and revised WMPs. And, prior to the Executive Officer’s approvals, the WMPs underwent extensive review by Board staff and USEPA Region IX staff to assure compliance with the standards set forth in the Permit. Thus, unlike the notices of intent in the *Environmental Defense Center* case, the WMPs here were subject to “meaningful review.”

⁸⁵ Order No. R4-2012-0175 as amended by Order WQ 2015-0075, p. 42 (Section 1, RB-AR686).

⁸⁶ (9th Cir. 2003) 344 F.3d 832.

⁸⁷ *Id.* at p. 854.

⁸⁸ *Id.* at p. 858.

⁸⁹ *Id.* at p. 856.

C. Summary of Response to Contention 3

Contention: The terms of the conditional approvals are inconsistent with Permit requirements and the federal Clean Water Act and therefore establish that the only available course of action for the Executive Officer was to deny the WMPs. Petitioners state that, following submission of the initial draft WMPs, Board staff identified numerous and significant failures to comply with Permit requirements that were not addressed by the Permittees in their revised WMPs nor in the Executive Officer's conditions. The Petitioners' technical contentions are summarized on pages 13-15 of the Petition's Memorandum of Points and Authorities, and described in more detail in Exhibit D to the Petition.

Response: The Los Angeles Water Board disagrees. The Executive Officer determined that the nine WMPs, with the conditions imposed, met the WMP provisions in the Permit and thus the Clean Water Act, as the Permit implements and meets the requirements of the Clean Water Act. The Los Angeles Water Board's responses to the Petitioners' detailed technical contentions in its Memorandum of Points of Authorities and Exhibit D to the Petition, is attached hereto in Exhibit A (Attachment 1). Attachment 1 is organized in a matrix format that mirrors Exhibit D to the Petition.

The Board disagrees with the Petitioners' statement that the revised WMPs "failed to address virtually all of the identified non-compliance issues."⁹⁰ In fact, Board staff found and stated in correspondence to the Permittees that each of the draft WMPs, "for the most part ... includes the elements and analysis required in Part VI.C of the LA County MS4 Permit."⁹¹

As described in Section III.B above, not all of Board staff's comments ultimately required a change to be made to the draft WMP or revised WMP. After Board staff provided comments on the draft WMPs, many meetings ensued for Permittees to provide clarification on their approaches, and for Permittees and Board staff to discuss how Permittees could best address the issues raised in Board staff's comments. Where Board staff did not feel the issue was fully addressed, staff discussed this with the Executive Officer and the Executive Officer included conditions in his approval to ensure the issue was addressed satisfactorily. Ultimately, the Board did not find that any of its comments on the draft WMPs or conditions of the Executive Officer's approvals were ignored. The WMP groups/Permittees were diligent in addressing the comments and conditions, including re-running the Reasonable Assurance Analysis (RAA) and identifying and committing to additional specific projects, among others.

The Petitioners in particular make a variety of allegations related to the RAA conducted for the three WMPs with which they specifically take issue. The Petition states that, "Perhaps the most glaring deficiency in the WMPs is the flawed Reasonable Assurance Analysis ("RAA") in each."⁹² The RAA is a detailed modeling exercise, intended to ensure that the WMPs ultimately achieve the required water quality outcomes of the Permit. The RAA is a key element of a

⁹⁰ Petition, Memorandum of Points and Authorities, at p. 11.

⁹¹ For Board staff's written comments on the draft WMPs, see Alamitos Bay/Los Cerritos Channel Watershed Management Group (Section 19, RB-AR2848 – 2859); East San Gabriel Valley Watershed Management Group (Section 20, RB-AR3750 – 3758); City of El Monte (Section 21, RB-AR4811 – 4822); Los Angeles River Upper Reach 2 Watershed Management Group (Section 22, RB-AR5907 – 5917); Los Cerritos Channel Watershed Management Group (Section 23, RB-AR7889 – 7903); Lower Los Angeles River Watershed Management Group (Section 24, RB-AR11227 – 11241); Lower San Gabriel River Watershed Management Group (Section 25, RB-AR14464 – 14478); Santa Monica Bay Watershed Jurisdiction 7 (Section 26, RB-AR16815 – 16820); and City of Walnut (Section 27, RB-AR17306 – 17321).

⁹² Petition, Memorandum of Points and Authorities, at p. 11.

WMP. Initially, the RAA is required to focus particularly on deadlines in the current term of the Permit and the next permit term. Board staff provided comments to the Permittees on the RAAs specifically along with comments on the other elements of the draft WMPs.⁹³

Specifically, Petitioners allege that the WMPs for the Lower San Gabriel River, Los Angeles River Upper Reach 2, and Lower Los Angeles River either failed to meaningfully address or completely ignored all of Board staff's identified comments. The Board disagrees that the Permittees for these WMPs failed to address the Board's comments on their RAAs. The RAAs represent the most extensive use of stormwater modeling to implement a MS4 permit to date, and all three WMPs use state-of-the-art, peer-reviewed models that are regionally calibrated for Los Angeles County watersheds, as required by the Permit.⁹⁴ Board staff concluded that they are a reasonable and robust starting point at this stage of WMP implementation. Unlike a situation where a municipality may be using a nationally developed watershed model lacking region specific data, the Permittees in Los Angeles County were able to use models that were pre-calibrated at the regional/countywide level – namely the Watershed Management Modeling System (WMMS) developed by the County of Los Angeles, and the Structural BMP Prioritization and Analysis Tool (SBPAT) developed under contract for the City of Los Angeles, Heal the Bay, and County of Los Angeles.⁹⁵ To give an example of the level of detail in these models, the Los Angeles River Watershed is broken into 1,016 subwatersheds and 270 reach segments in WMMS, while the San Gabriel River Watershed, which includes the Los Cerritos Channel Watershed Management Area, is broken into 534 subwatersheds and 171 reach segments.⁹⁶ Twenty-one hydrologic response units are used to characterize land use/cover in each subwatershed, by incorporating land use data from 2008, slope, and soil type.⁹⁷ Rainfall is characterized using 148 rainfall gages.⁹⁸

Further, as described in Section III.B above, Board staff, with input from Permittees and the Petitioners through the TAC, developed a guidance document on conducting RAAs.⁹⁹ The RAAs will be further refined through the adaptive management process as more local data become available from the expanded integrated monitoring programs and coordinated integrated monitoring programs.

VI. SPECIFIC RESPONSES TO CONTENTIONS RAISED BY OCTOBER 30, 2015 ADDENDUM

The Addendum seeks review of the Los Angeles Water Board's action on September 10, 2015 to ratify the Executive Officer's approvals of three specific WMPs. The Petitioners contend that

⁹³ Los Angeles Water Board staff's review letters on the draft WMPs are in Sections 19 – 27 of the Administrative Record. See, for example, Review of Draft Watershed Management Program for Los Angeles River Upper Reach 2 Watershed Management Program (RB-AR5915 to RB-AR5917).

⁹⁴ See Sec. 8 RAA Modeling Files (RB-AR1931 through RB-AR1933) for information on WMP RAA Models & Data.

⁹⁵ *Ibid.*

⁹⁶ *Ibid.* See, specifically, http://dpw.lacounty.gov/wmd/wmms/docs/Final_Phase_I_Modeling_Report_Part_1.pdf (last accessed December 9, 2015), pg. 11.

⁹⁷ *Ibid.* See, specifically, http://dpw.lacounty.gov/wmd/wmms/docs/Final_Phase_I_Modeling_Report_Part_1.pdf (last accessed December 9, 2015), pgs. 11-26.

⁹⁸ *Ibid.* See, specifically, http://dpw.lacounty.gov/wmd/wmms/docs/Final_Phase_I_Modeling_Report_Part_1.pdf (last accessed December 9, 2015), pg. 27.

⁹⁹ See Final Guidelines for Conducting Reasonable Assurance Analysis in a Watershed Management Program, including an Enhanced Watershed Management Program with Appendices A, B, and C (Section 6, RB-AR1771 – 1805).

the Los Angeles Water Board “ignored facial deficiencies” in upholding the final WMPs for the Lower San Gabriel River WMP, Lower Los Angeles River WMP, and the Los Angeles River Upper Reach 2 WMP. The Petitioners allege specific deficiencies in each of those final WMPs.

The Los Angeles Water Board disagrees and has prepared detailed written responses to the contentions raised by the Petitioners in the Addendum, which are hereby incorporated by reference and attached as Exhibits B and C to this response. The Petitioners presented many of their contentions in a matrix format, grouped by WMP. In order to be fully responsive to the Petitioners’ contentions, the Los Angeles Water Board has used this same matrix format in Exhibits B and C.

The matrices included in Exhibit C were originally developed by the Petitioners and were included as Exhibit B of the Addendum.

The matrices cover the Petitioners’ contended deficiencies in the Lower San Gabriel River, the Lower Los Angeles River, and the Los Angeles River Upper Reach 2 WMPs. The contentions have indexes and include columns for:

1. “Board Comments from October ... 2014” and “Permit Citation”: the Petitioners’ summary and quotation of Los Angeles Water Board staff comments and associated permit citations provided to the WMP Groups after staff’s review of the draft WMPs;
2. “Analysis of Revised WMP (January ... 2015) in response to Board Comments”: the Petitioners’ analysis of the issue as addressed in the revised WMPs;
3. “Conditional Approval Requirements (April 28, 2015)”: the Petitioners’ citation of condition requirements included in the Los Angeles Water Board Executive Officer’s Approvals of the WMPs;
4. “Analysis of Final WMP (June 12, 2015)”: the Petitioners’ analysis of the Final WMPs submitted in response to the Los Angeles Water Board Executive Officer’s Approvals;
5. Response Letter from WMP Group (e.g. “In LSGR Response Letter #2”): the Petitioners’ summary and citation of responses from the WMP Groups regarding the contention;
6. “Analysis of Response Letter statements”: the Petitioners’ analysis of responses from the WMP Groups;
7. “Staff Response (August 2015)”: the Petitioners’ summary and quotation of Los Angeles Water Board staff’s response to the cited contention as provided in materials for the Los Angeles Water Board’s consideration of the Petition on September 10, 2015; and
8. “Analysis of Staff Response”: the Petitioners’ analysis of Los Angeles Water Board staff’s response provided in the materials for the Los Angeles Water Board’s consideration of the Petition on September 10, 2015.

Additionally, the Petitioners color coded the matrices various shades of red to indicate their assessment of the magnitude of the deficiencies. According to the Petitioners, the darker the shade of red, the more serious they consider the WMP deficiency that they have identified.

The Los Angeles Water Board has included an additional column in each of the three matrices to respond to the issues that the Petitioners consider still outstanding (i.e., the rows of the matrix that are still colored red). These new responses convey that the issues the Petitioners raise have been addressed or include misinterpretations.

For ease of reference, the Los Angeles Water Board has provided a summary of its response to the contentions below, organized according to WMP. Where a contention raised in the

Addendum was previously raised by the Petitioners and addressed by the Los Angeles Water Board, this is noted and the previous response is provided in Exhibit B.

A. Contentions Related to the Lower San Gabriel River WMP

In their Addendum, the Petitioners allege that the Lower San Gabriel River WMP fails to comply with Permit requirements in six areas: 1) no clear schedule to demonstrate that compliance will be achieved “as soon as possible,” 2) no commitment or demonstration that receiving water limitations for pollutants not addressed by TMDLs will be achieved, 3) insufficient specificity with regard to structure and non-structural BMPs, 4) insufficient specificity with regard to the achievement of interim milestones, 5) lack of measurable milestones to evaluate compliance, and 6) unenforceable and contingent volumetric reduction targets. The first five of these contentions were previously raised by Petitioners and addressed by the Los Angeles Water Board. Further response is provided below for a subset of these contentions, as well as for the sixth contention, which was not previously raised by the Petitioners in the Petition.

1. Response to Contentions 1 and 2 Pertaining to Compliance Schedules and Attainment of Receiving Water Limitations

This contention was previously raised by Petitioners in their March 25, 2015 letter commenting on the revised WMPs. As part of its proceedings on the Petition, the Los Angeles Water Board previously responded to the contention in Board staff’s *Assessment of NRDC/LAWK/HTB March 25, 2015 Letter Commenting on Revised Watershed Management Programs (WMP) – Lower San Gabriel River Responses 1 and 3*.¹⁰⁰ In further response to this contention, the Lower San Gabriel River WMP Group commits to a compliance schedule with a final compliance date of 2026 that is based on its RAA. This RAA uses a “limiting pollutant” approach that is meant to address applicable TMDL compliance schedules as well as all pollutants, including pollutants with receiving water limitations that are not addressed by TMDLs.¹⁰¹ This RAA, and the resulting compliance schedule, are not based on financial terms.

Given that the Group continues to seek funding for the projects needed for its current compliance schedule, which deals with the highest priority TMDL pollutants, it is reasonable to conclude that the Group cannot commit to (and substantiate) additional expedited compliance schedules for certain non-TMDL pollutants.¹⁰² The Group itself notes in the revised WMP the “aggressiveness” of the compliance schedule that it has already proposed.¹⁰³ Evaluating the Group’s response in conjunction with what the Group has already committed to and what other Groups have committed to, the Board did not find that there was reason to require further expedited compliance schedules from the Group.

2. Response to Contention 3 Regarding Lack of Specificity with Regard to Structural and Non-Structural BMPs

This contention was previously raised by Petitioners in their March 25, 2015 letter commenting on the revised WMPs. As part of its proceedings on the Petition, the Los Angeles Water Board previously responded to the contention in Board staff’s *Assessment of NRDC/LAWK/HTB*

¹⁰⁰ See Exhibit A, Attachment 2, pgs. 20-24.

¹⁰¹ See Revised Watershed Management Program (Section 25, RB-AR14648 – 14660).

¹⁰² Furthermore, for many of these non-TMDL pollutants the Group has noted (in Table 2-20 of the WMP) that it is “unable to determine at this time” whether the pollutant is associated with MS4 discharges.

¹⁰³ See Revised Watershed Management Program (Section 25, RB-AR14641).

March 25, 2015 Letter Commenting on Revised Watershed Management Programs (WMP) – Lower San Gabriel River Responses 3 and 4.¹⁰⁴ In further response to this contention, the Lower San Gabriel River WMP Group states in their revised WMP, “[e]ven though not all projects can be specified and scheduled at this time, the Participating Agencies are committed to constructing the necessary regional and right-of-way BMPs to meet the determined load reductions per applicable compliance schedules.”¹⁰⁵ The Board interprets this as an explicit commitment that responds directly to Board staff’s original comment of “[a]lthough it may not be possible to provide detailed information on specific projects at this time, the WMP should at least commit to the construction of the necessary number of projects to ensure compliance with permit requirements per applicable compliance schedules.”¹⁰⁶

3. Response to Contention 4 Regarding Insufficient Specificity with Regard to the Achievement of Interim Milestones for TMDLs

This contention was previously raised by Petitioners in their March 25, 2015 letter commenting on the revised WMPs. As part of its proceedings on the Petition, the Los Angeles Water Board previously responded to the contention in Board staff’s *Assessment of NRDC/LAWK/HTB March 25, 2015 Letter Commenting on Revised Watershed Management Programs (WMP) – Lower San Gabriel River Response 4*.¹⁰⁷

4. Response to Contention 5 Regarding Lack of Measureable Milestones to Evaluate Compliance

This contention was previously raised by Petitioners in their March 25, 2015 letter commenting on the revised WMPs, particularly with respect to nonstructural BMPs. As part of its proceedings on the Petition, the Los Angeles Water Board previously responded to the contention in Board staff’s *Assessment of NRDC/LAWK/HTB March 25, 2015 Letter Commenting on Revised Watershed Management Programs (WMP) – Lower San Gabriel River Response 8*.¹⁰⁸

In further response to this contention, Section 5.4 of the Lower San Gabriel River WMP lists the BMP volume capacities that each Permittee needs to install to comply with milestones in 2017, 2020, and 2026.¹⁰⁹ These BMP capacities are taken directly from the WMP’s RAA.¹¹⁰

If a Permittee does not achieve these BMP volume capacities by a milestone date, it is not in compliance with its WMP. Furthermore, these volumes allow for an assessment of progress toward interim and final water quality-based effluent limitations and receiving water limitations every two years.

5. Response to Contention 6 Regarding Unenforceable and Contingent Volumetric Reduction Targets

The Petitioners raise a new contention in the Addendum that, “[t]he volumetric reductions in the Lower San Gabriel River WMP, however, are conditioned on obtaining funding; and, for

¹⁰⁴ See Exhibit A, Attachment 2, pgs. 23-25 (Section 32, RB-AR18279 – 18281).

¹⁰⁵ See Revised Watershed Management Program, pg. 5-6 (Section 25, RB-AR14646).

¹⁰⁶ See Review of Draft Watershed Management Program (Section 25, RB-AR14469).

¹⁰⁷ See Exhibit A, Attachment 2, pgs. 24-25 (Section 32, RB-AR18280 – 18281).

¹⁰⁸ See Exhibit A, Attachment 2, pgs. 28-29 (Section 32, RB-AR18284 – 18285).

¹⁰⁹ See Revised Watershed Management Program, pgs. 5-8 to 5-20 (Section 25, RB-AR14648 - 14660).

¹¹⁰ See RAA Modeling Files (included on separate DVD) (Section 8, RB-AR1931); Revised Watershed Management Program (Section 25, RB-AR14930 – 15276).

pollutants not addressed by a TMDL, any deadlines are tentative at best.”¹¹¹ The Petitioners further contend that as soon as Permittees of the Lower San Gabriel River WMP Group demonstrate a failure to obtain funding for WMP implementation, the volumetric reduction requirements will be effectively rendered unenforceable.¹¹² The Petitioners did not previously raise this contention to the Los Angeles Water Board.

The Los Angeles Water Board disagrees. As noted in Section VI.C.a of the Los Angeles County MS4 Permit:

A Permittee’s full compliance with all requirements and dates for their achievement in an approved Watershed Management Program or EWMP shall constitute a Permittee’s compliance with provisions pertaining to applicable interim water quality based effluent limitations and interim receiving water limitations in Part VI.E. and Attachments L-R for the pollutant(s) addressed by the approved Watershed Management Program or EWMP.

Therefore, if a Permittee failed to meet a volumetric reduction milestone, that Permittee would have to demonstrate compliance with provisions pertaining to applicable interim water quality-based effluent limitations and interim receiving water limitations outside of the WMP’s alternative compliance pathway—otherwise be subject to enforcement. In other words, if a Permittee failed to meet a volumetric reduction milestone, the WMP Group would not be able to use the alternative compliance pathway for achieving receiving water limitations that is provided through WMP implementation.

The Los Angeles Water Board disagrees with the assertion that the Lower San Gabriel River WMP is unenforceable and its deadlines are conditioned on funding. It is true that the WMP Group discusses funding difficulties in their final WMP. However, there is no language in the WMP that conditions milestones as “contingent on funding” in the pages referenced in the Addendum.

Section 5, “Compliance Schedule” of the Lower San Gabriel River WMP states:

Meeting the load reductions determined by the RAA results in an aggressive compliance schedule in terms of the technological, operational, and economic factors that affect the design, development, and implementation of the necessary control measures. Notably, as described in Chapter 6, there is currently no funding source to pay for these controls. Assuming finances are available, conversion of available land into a regional BMP is a protracted process that can take several years (not accounting acquisition, when required). As such the Group considers the compliance schedule to be as short as possible.¹¹³

Section 6, “Financial Strategy” of the Lower San Gabriel River WMP states:

Financing the implementation of the Lower SGR Watershed Management Program is the greatest challenge confronting the Watershed Group. In the absence of stormwater utility fees, the Participating Agencies have no dedicated revenue stream to pay for implementation of the Watershed Management

¹¹¹ See Addendum, p. 20.

¹¹² *Ibid.*

¹¹³ See Revised Watershed Management Program, pg. 5-1 (Section 25, RB-AR14641).

Program. In addition to current uncertainties associated with costs and funding, there are multiple uncertainties associated with future risks. The first TMDL compliance dates for the Lower SGR Watershed Group will be the interim metals milestones of 2017, 2020, and the final compliance date of September 30, 2026. Thus, there will be many deadlines that must be met despite limited resources. Member Agencies will need to set priorities and seek funding in order to meet the various compliance deadlines.¹¹⁴

The above statements are a statement of the reality that the Permittees of the WMP face with respect to funding stormwater-related projects. This reality has been echoed by many other (if not all) Permittees. This reality, however, is not a contingency. If a Permittee is not compliant with its WMP, then it will be subject to enforcement for any violations of applicable effluent limitations or receiving water limitations. The WMP Group's statements of concern do not constitute built-in mechanisms for WMP milestone date and compliance deadline extensions. If the WMP Group would like an extension for a schedule contained in its WMP, there are explicit provisions outlined in the Los Angeles County MS4 Permit through which Permittees may request extensions of WMP milestone dates and compliance deadlines.

Section VI.C.6.a of the Permit outlines that, with the exception of final compliance deadlines established in a TMDL, a WMP Group may request extensions of deadlines for achievement of interim milestones and final compliance deadlines:

Permittees may request an extension of deadlines for achievement of interim milestones and final compliance deadlines established pursuant to Part VI.C.5.c.iii., with the exception of those final compliance deadlines established in a TMDL. Permittees shall provide requests in writing at least 90 days prior to the deadline and shall include in the request the justification for the extension. Extensions must be affirmatively approved by the Regional Water Board Executive Officer, notwithstanding Part VI.C.8.a.iii.

Additionally, the Los Angeles County MS4 Permit's Adaptive Management Process allows for the establishment of new compliance deadlines and interim milestones, as noted in Section VI.C.8.a.ii:

Based on the results of the adaptive management process, Permittees shall report any modifications, including where appropriate new compliance deadlines and interim milestones, with the exception of those compliance deadlines established in a TMDL, necessary to improve the effectiveness of the Watershed Management Program or EWMP in the Annual Report, as required pursuant to Part XVIII.A.6 of the MRP (Attachment E), and as part of the Report of Waste Discharge (ROWD) required pursuant to Part II.B of Attachment D – Standard Provisions.

These modifications in the Adaptive Management must go through the process outlined in Section VI.C.8.a.iii of the Los Angeles County MS4 Permit: "Permittees shall implement any modifications to the Watershed Management Program or EWMP upon approval by the Regional Water Board Executive Officer or within 60 days of submittal if the Regional Water Board Executive Officer expresses no objections."

¹¹⁴ See Revised Watershed Management Program, pg. 6-1 (Section 25, RB-AR14667).

The above provisions are the mechanisms outlined in the Permit for which the Lower San Gabriel River WMP Group may extend the milestones listed in its WMP. As can be seen in the provisions, these mechanisms require the action of the Los Angeles Water Board's Executive Officer. However, none of these described actions have taken place.

In its April 28, 2015 conditional approval letter, the Los Angeles Water Board explicitly expressed to the Lower San Gabriel WMP Group how it will determine WMP compliance:

Pursuant to Part VI.C.6 of the LA County MS4 Permit and Part VII.C.6 of the Long Beach MS4 Permit, the Permittees of the LSGR WMG shall begin implementation of the approved Watershed Management Program immediately. To continue to be afforded the opportunity to implement permit provisions within the framework of the Watershed Management Program, Permittees must fully and timely implement all actions per associated schedules set forth in the approved Watershed Management Program regardless of any contingencies indicated in the approved Watershed Management Program (e.g., funding) unless a modification to the approved Watershed Management Program, including any extension of deadlines where allowed, is approved by the Los Angeles Water Board pursuant to Part VI.C.6.a or Part VI.C.8.a.ii-iii of the LA County MS4 Permit, and/or Part VII.C.6 or Part VII.C.8.b-c of the Long Beach MS4 Permit. The Los Angeles Water Board will determine the LSGR Permittees' compliance with the Watershed Management Program on the basis of the compliance actions and milestones included in the Watershed Management Program, including, but not limited to, the following:

- Pollutant Reduction Plan to Attain Interim & Final Limits (Section 5.4)
- Nonstructural Best Management Practices Schedule (Section 5.1)
- Table 3-2 New Fourth Term MS4 Permit Nonstructural MCMs (Cities only) and NSWDM Measures (Section 3.2.4)
- Table 3-5 Nonstructural TCMs (Section 3.4.1)
- Proposition 84 Grant Award LID BMPs (Section 5.2)
- Structural Best Management Practice Schedule (Section 5.3)
- RAA Attachment B: Detailed Jurisdictional Compliance Tables

Pursuant to Parts VI.C.3 and VI.E.2.d.i.(4)(a) of the LA County MS4 Permit, the LSGR Permittees' full and timely compliance with all actions and dates for their achievement in their approved Watershed Management Program shall constitute compliance with permit provisions pertaining to applicable WQBELs/WLAs in Part VI.E and Attachments N and P of the LA County MS4 Permit. Further, per Part VI.C.2.b of the LA County MS4 Permit and Part VII.C.2.e of the Long Beach MS4 Permit, the LSGR Permittees' full compliance with all requirements and dates for their achievement in their approved Watershed Management Program constitutes compliance with the receiving water limitations provisions of Part V.A of the LA County MS4 Permit and Part VI.A of the Long Beach MS4 Permit for the specific waterbody-pollutant combinations addressed by their approved Watershed Management Program.

If the Permittees in the LSGR WMG fail to meet any requirement or date for its achievement in the approved Watershed Management Program, which will be demonstrated through the LSGR WMG's Annual Reports and program audits (when conducted), the Permittees in the LSGR WMG shall be subject to the

baseline requirements of the LA County MS4 Permit and the Long Beach MS4 Permit, including demonstrating compliance with applicable receiving water limitations and TMDL-based WQBELs/WLAs through outfall and receiving water monitoring. See Parts VI.C.2.c and VI.E.2.d.i.(4)(c) of the LA County MS4 Permit, and Parts VII.C.2.f and VIII.E.1.d.iii of the Long Beach MS4 Permit.¹¹⁵

The Los Angeles Water Board understands the Petitioners' concerns about the potential for multiple extensions of interim milestones and compliance deadlines. However, given that extensions require affirmative approval by the Los Angeles Water Board's Executive Officer and are subject to a 30-day public comment period, this concern does not apply to the Los Angeles Water Board's approvals of the nine WMPs. As approved, these nine WMPs contain finite and enforceable interim milestones and compliance deadlines to measure progress. The State Water Board addressed this concern when it reviewed the Los Angeles County MS4 Permit. The State Water Board noted in its order upholding the Permit: "...Permittees cannot rely on the certainty of a deadline extension, and Permittees have a strong incentive to implement control measures that will in fact get them to compliance by the established deadline."¹¹⁶ The Los Angeles Water Board agrees with this point. Further, any potential for extensions of the deadlines in the WMPs would be addressed, upon request, at a later date and based on fact-specific evidence at the time of the request. But the mere potential for extensions in the future is not cause to deny a WMP.

B. Contentions Related to the Lower Los Angeles River WMP

In the Addendum, the Petitioners contend that the Lower Los Angeles River WMP has four significant shortcomings, which mirror some of those identified by the Petitioners for the Lower San Gabriel River WMP: 1) no clear schedule to demonstrate that compliance will be achieved "as soon as possible," 2) no commitment or demonstration that receiving water limitations for pollutants not addressed by TMDLs will be achieved, 3) insufficient specificity with regard to structure [sic] and non-structural BMPs, and 4) unenforceable and contingent volumetric reduction targets. Petitioners previously raised the first three of these contentions, while the fourth contention was newly raised in the Addendum.

1. Response to Contentions 1 and 2 Regarding Compliance Schedules and Attainment of RWLs

These contentions were previously raised by Petitioners in their March 25, 2015 letter commenting on the revised WMPs. As part of its proceedings on the Petition, the Los Angeles Water Board previously responded to the contention in Board staff's *Assessment of NRDC/LAWK/HTB March 25, 2015 Letter Commenting on Revised Watershed Management Programs (WMP) – Lower Los Angeles River Responses 3 and 4*.¹¹⁷

¹¹⁵ See Watershed Management Program Approval with Conditions, pgs. 4-5 (Section 25, RB-AR15522 – 15523).

¹¹⁶ State Water Board Order WQ 2015-0075 (Los Angeles County MS4 Permit), p. 36 (Section 1, RB-AR599).

¹¹⁷ Exhibit A, Attachment 2, pgs. 14-15.

2. Response to Contention 3 Regarding Insufficient Specificity with Regard to Structural and Non-Structural BMPs

This contention was previously raised by Petitioners in their Petition. As part of its proceedings on the Petition, the Los Angeles Water Board responded to the contention in the *Staff Response to Petitioners' Detailed Technical Comments*.¹¹⁸

3. Response to Contention 4 Regarding Unenforceable and Contingent Volumetric Reduction Targets

This contention was newly raised by the Petitioners in the Addendum and is identical to the sixth contention raised in regard to the Lower San Gabriel River WMP above. The response to this contention is the same as that given in Section VI.A.5 above.

C. Contentions Related to the Los Angeles River Upper Reach 2 WMP

In their Addendum, the Petitioners allege that the Los Angeles River Upper Reach 2 WMP has: 1) an inadequate RAA, receiving water quality data, model calibration, and verification, 2) no strategy to comply with interim water quality-based effluent limitations, 3) an inadequate and undefined adaptive management process, and 4) no enforceable commitment to meeting interim milestones and final deadlines.

1. Response to Contention 1 Regarding Inadequate RAA

This contention was previously raised by Petitioners in their March 25, 2015 letter commenting on the revised WMPs. As part of its proceedings on the Petition, the Los Angeles Water Board previously responded to the contention in Board staff's *Assessment of NRDC/LAWK/HTB March 25, 2015 Letter Commenting on Revised Watershed Management Programs (WMP) – Los Angeles River Upper Reach 2 Response 10*.¹¹⁹

In further response to this contention raised again by the Petitioners in their Addendum, the Los Angeles River Upper Reach 2 WMP Group uses the Loading Simulation Program in C++ (LSPC), which is a module contained in WMMS, to calculate the baseline loads and allowable loads from the WMP area. These two loads are then used to establish target load reductions. The Group uses SBPAT to determine an area within the WMP jurisdiction that needs to be addressed through implementation of distributed or parcel scale structural BMPs, such that the WMP Group will meet its target load reductions.¹²⁰

As stated in Section III.A.1 above, model “calibration” refers to the process of adjusting an existing model—such as LSPC and SBPAT—so that the model’s outputs more accurately represent the system being modeled. The LSPC module contained in WMMS is already calibrated for the geographic area of Los Angeles County, which includes the area covered by the Los Angeles River Upper Reach 2 WMP. This calibration includes both a:

- Hydrology Calibration – so that the flows rates predicted by the model matches actual measured flow rates; and

¹¹⁸ Exhibit A, Attachment 1, pages 2-3.

¹¹⁹ Exhibit A, Attachment 2, pgs. 11-12.

¹²⁰ See WMP RAA Models & Data (Section 8, RB-AR1931 – 1933).

- Pollutant Concentration Calibration – so that the concentrations of pollutants in stormwater predicted by the model matches actual measured pollutant concentrations.

The hydrological calibration for the Los Angeles River Watershed conducted in WMMS includes data from 30 stream gauge locations, including seven within the Los Angeles River watershed. Of these seven, one is located downstream of the Los Angeles River Upper Reach 2 WMP area and six are located at various points upstream. Calibration of WMMS was described in Section III.A.1. The Los Angeles River Upper Reach 2 WMP relies on WMMS' calibration of the LSPC model.

i. Compatibility between LSPC and SBPAT

Since LSPC/WMMS is used to establish the target load reductions for the Los Angeles River Upper Reach 2 WMP, while SBPAT is used to determine the structural BMPs that will be implemented to comply with target load reductions, it is necessary to demonstrate how compatible the two modeling systems are to each other. To demonstrate this, the WMP Group adjusted the SBPAT model so that the calculated runoff volumes were within 10% of the LSPC-predicted runoff volumes.¹²¹

ii. Comparison of EMCs

For most pollutants, LSPC employs land use and pollution specific Event Mean Concentrations (EMCs), which are transformed by “build up/wash off” functions. For fecal coliforms, LSPC employs land use specific EMCs. These were then calibrated against observed monitoring data from mass emissions monitoring stations.

For SBPAT, monitoring data was transformed to log-normal mean and standard deviation EMC statistics.¹²²

In Section 4.1.3.3, the WMP Group includes a comparison of land use EMCs between LSPC and SBPAT. The Group notes, “[t]o translate between LSPC determined baseline pollutant loads and SBPAT BMP derived load reductions, total load reductions were expressed as a percentage of critical condition baseline loads.” The WMP Group rationalizes that:

even if specific baseline loads differ between the two models, the relative reduction in loads, resulting from BMP implementation, are comparable. Furthermore, the retention basins used in LSPC and most SBPAT implementation BMPs, rely on reducing runoff volume to achieve pollutant load reductions. Therefore, the effect on loads, relative to baseline loads, is similar, even if analyzed using differing EMC statistics.¹²³

In summary, the WMMS and SBPAT contain sufficient data on local precipitation, hydrology, and water quality, including land use specific data, and were appropriately calibrated given available data, to provide the required reasonable assurance that the control measures proposed in the Los Angeles River Upper Reach 2 WMP will lead to the achievement of water quality standards. The Los Angeles Water Board concluded that the RAA is a reasonable and robust starting point at this stage of WMP implementation.

¹²¹ See Table 4-2 on pg. 89 of the Final Watershed Management Program (Section 22, RB-AR6434).

¹²² See Table 4-3 on pg. 90 of the Final Watershed Management Program (Section 22, RB-AR6435).

¹²³ Final Watershed Management Program (Section 22, RB-AR6424).

2. Response to Contention 2 Regarding Lack of a Strategy to Comply with Interim WQBELs

This contention was previously raised by Petitioners in their Petition. As part of its proceedings on the Petition, the Los Angeles Water Board responded to the contention in the *Staff Response to Petitioners' Detailed Technical Comments*, which discusses how the WMP Group demonstrates that its phased BMP implementation will meet interim water quality-based effluent limitations for metals and bacteria and includes a discussion explaining that no nitrogen reduction is required.¹²⁴

3. Response to Contention 3 Regarding Inadequate Adaptive Management Process

This contention was previously raised by Petitioners in their March 25, 2015 letter commenting on the revised WMPs. As part of its proceedings on the Petition, the Los Angeles Water Board previously responded to the contention in Board staff's *Assessment of NRDC/LAWK/HTB March 25, 2015 Letter Commenting on Revised Watershed Management Programs (WMP) – Los Angeles River Upper Reach 2 Response 6*.¹²⁵ Adaptive management is a well understood approach that is used in many fields, including watershed and stormwater management. The Permit provides a general structure, timeline and process for adaptive management of WMPs.¹²⁶ In reviewing the draft WMPs, Board staff found that Permittees' descriptions of the adaptive management process largely mirrored the description in the Permit; therefore, the Executive Officer provided additional direction in his approvals of the WMPs with regard to expectations as to the scope and focus of adaptive management.¹²⁷

4. Response to Contention 4 Regarding a Lack of Commitment to Meeting Interim Milestones and Final Deadlines

The Petitioners' allege that the Los Angeles River Upper Reach 2 WMP "fails to commit the dischargers to anything, and instead conditions every element of the program on unidentified funding, permitting, government approvals, and other contingencies."¹²⁸ This specific contention was not previously raised in this manner to the Los Angeles Water Board, either in comment letters or in the Petition.

In response, the Los Angeles River Upper Reach 2 WMP Group's compliance schedule is largely based on TMDL implementation milestones, which the WMP Group explicitly lists in Table 1-6 (pg. 18), Section 4.3 (pg. 96), and Appendix C of the final WMP.¹²⁹ The WMP Group incorporates these applicable TMDL compliance dates into its RAA analysis as it states in Section 4.6 (pg. 113) of its final WMP: "[The RAA] indicates that for each pollutant of concern, the load reductions anticipated by the average cumulative BMP implementation strategy will exceed the final total load reductions, and the phased BMP load reductions also meet the interim compliance targets (i.e., 50% of final metal TLRs by 2024)" [emphasis added].¹³⁰

¹²⁴ Exhibit A, Attachment 1, pgs. 20, 23-24 (Section 32, RB-AR18249, 18252 – 18253).

¹²⁵ Exhibit A, Attachment 2, pg. 7 (Section 32, RB-AR18263).

¹²⁶ See Section 1 (RB-AR66 – 67).

¹²⁷ See Section 25 (RB-AR6334 – 6335).

¹²⁸ See Addendum, pgs. 10-12.

¹²⁹ See Section 22 (RB-AR6363, 6441, 6499 – 6504).

¹³⁰ See Section 22 (RB-AR6458).

Furthermore, the WMP Group uses a limiting pollutant approach, as alluded to in Section 4.5 (pg. 113): “Bacteria was found to be the driving (or limiting) pollutant for the Los Angeles River drainage area, and zinc was the driving pollutant for the Rio Hondo drainage area”.¹³¹

The language in the WMP that appears to “condition” implementation schedules is more or less restatements of provisions already contained in the Permit. For example, the WMP Group notes that dates are “subject to the procurement of grants or other financing support” in Section 5 (pg. 116)¹³².

Interim and final compliance dates in the LAR Metals and Bacteria TMDLs are the primary drivers for the LAR UR2 WMA RAA and WMP Plan implementation schedule. The dates identified in this WMP Plan are subject to the procurement of grants or other financing support commensurate with the existing and future fiduciary responsibilities of the Permittees. They may furthermore be adjusted based on evolving information developed through the iterative adaptive management process identified in the 2012 MS4 Permit or similar Parts within future MS4 Permits.

However, the above ultimately depends on the Adaptive Management Process provisions of the Los Angeles County MS4 Permit as outlined in Section VI.C.8.a.ii:

Based on the results of the adaptive management process, Permittees shall report any modifications, including where appropriate new compliance deadlines and interim milestones, with the exception of those compliance deadlines established in a TMDL, necessary to improve the effectiveness of the Watershed Management Program or EWMP in the Annual Report, as required pursuant to Part XVIII.A.6 of the MRP (Attachment E), and as part of the Report of Waste Discharge (ROWD) required pursuant to Part II.B of Attachment D – Standard Provisions.

Furthermore, the Adaptive Management Process does not automatically allow Permittees to change deadlines. Changes have to go through the Los Angeles Water Board Executive Officer as noted in Section VI.C.8.a.iii of the Los Angeles County MS4 Permit: “Permittees shall implement any modifications to the Watershed Management Program or EWMP upon approval by the Regional Water Board Executive Officer or within 60 days of submittal if the Regional Water Board Executive Officer expresses no objections.”

Another section of the Los Angeles River Upper Reach 2 WMP that has similar language is Section 5.1 (pg. 116)¹³³, which states:

The WMP, including the schedule aspect, will be updated through the adaptive management process; to that extent, the implementation schedules identified are tentative *unless determined as a date certain associated with specific TMDL provisions. Any LAR UR2 WMA WMP schedule date extensions must be approved by the Los Angeles Water Board's Executive Officer pursuant to Part VI.C.6.a or Part VI.C.8.a.ii-iii of the 2012 MS4 Permit.*

¹³¹ *Ibid.*

¹³² See Section 22 (RB-AR6461).

¹³³ See Final Watershed Management Program (Section 22, RB-AR6461) [emphasis added].

The WMP Group's statement that the implementation schedules identified are "tentative" in this context are based on the WMP Group's understanding of the Adaptive Management Process and is ultimately immaterial with respect to how the Los Angeles Water Board views the WMP deadlines—i.e. the Los Angeles Water Board treats the WMP Implementation Schedule contained in the final approved WMP as the schedule the Group must follow unless an extension of the schedule is approved in accordance with the Los Angeles County MS4 Permit.

If the WMP Group is not approved for any extension and the WMP Group fails to follow its implementation schedule then it will not be able to use the alternative compliance pathway for achieving receiving water limitations that is provided through WMP implementation.

In its April 28, 2015 conditional approval letter,¹³⁴ the Los Angeles Water Board explicitly expressed how it will determine WMP compliance to the Los Angeles River Upper Reach 2 WMP Group:

Pursuant to Part VI.C.6 of the LA County MS4 Permit, the Permittees of the LAR UR2 WMG shall begin implementation of the approved WMP immediately. To continue to be afforded the opportunity to implement permit provisions within the framework of the WMP, Permittees must fully and timely implement all actions per associated schedules set forth in the approved WMP regardless of any contingencies indicated in the approved WMP (e.g., funding and purported reservation of rights) unless a modification to the approved WMP, including any extension of deadlines where allowed, is approved by the Los Angeles Water Board pursuant to Part VI.C.6.a or Part VI.C.8.a.ii-iii. The Los Angeles Water Board will determine the LAR UR2 WMG Permittees' compliance with the WMP on the basis of the compliance actions and milestones included in the WMP, including, but not limited to, the following:

- Section 3 "Watershed Control Measures," including Section 3.3 "Proposed Control Measures;"
- Table 3-1 "LAR Metals TMDL Jurisdictional Group 2 Non-Structural BMPs Phased Implementation Plan;"
- Table 3-8 "Potential Non-Structural BMP Enhanced Implementation Efforts;"
- Table 4-10 "LID Street Required Tributary area by LAR UR2 WMA Permittee;"
- Tables 4-17 to 4-20, which present load reductions associated with non-structural BMPs, regional BMPs, and distributed BMPs;
- Table 5-1 "Tentative Control Measure Implementation Schedule" which establishes the implementation dates for non-structural BMPs, regional BMPs, and distributed BMPs; and
- Additional compliance actions and milestones established in response to Conditions 1, 2, 8 and 9, above.

Pursuant to Parts VI.C.3 and VI.E.2.d.i.(4)(a) of the LA County MS4 Permit, the LAR UR2 WMG Permittees' full and timely compliance with all actions and dates for their achievement in their approved WMP shall constitute compliance with permit provisions pertaining to applicable WQBELs/WLAs in Part VI.E and Attachment O of the LA County MS4 Permit. Further, per Part VI.C.2.b of the LA County MS4 Permit, the LAR UR2 WMG Permittees' full compliance with all

¹³⁴ See Watershed Management Program Approval with Conditions, pg. 5 (Section 22, RB-AR6333).

requirements and dates for their achievement in their approved WMP constitutes compliance with the receiving water limitations provisions of Part V.A of the LA County MS4 Permit for the specific waterbody-pollutant combinations addressed by their approved WMP.

If the Permittees in the LAR UR2 WMG fail to meet any requirement or date for its achievement in the approved WMP, which will be demonstrated through the LAR UR2 WMG's Annual Reports and program audits (when conducted), the Permittees in the LAR UR2 WMG shall be subject to the baseline requirements of the LA County MS4 Permit, including demonstrating compliance with applicable receiving water limitations and TMDL-based WQBELs/WLAs through outfall and receiving water monitoring. See Parts VI.C.2.c and VI.E.2.d.i.(4)(c).

Furthermore, it should be emphasized that under the Los Angeles County MS4 Permit, the WMP Group cannot request an extension of final compliance deadlines established in a TMDL as stated in Section VI.C.6.a of the Permit:

Permittees may request an extension of deadlines for achievement of interim milestones and final compliance deadlines established pursuant to Part VI.C.5.c.iii., with the exception of those final compliance deadlines established in a TMDL. Permittees shall provide requests in writing at least 90 days prior to the deadline and shall include in the request the justification for the extension. Extensions must be affirmatively approved by the Regional Water Board Executive Officer, notwithstanding Part VI.C.8.a.iii.

For these reasons, the stated contention is not a specific issue of the WMP as approved. The WMP Group is ultimately relying on provisions of the Los Angeles County MS4 Permit to provide scheduling flexibility; however, these permit provisions themselves are not automatic, but rather have defined processes that must be followed.

VII. CONCLUSION

The Los Angeles Water Board's approvals of the nine WMPs were based on thorough and consistent reviews conducted by a multidisciplinary team of engineers, scientists, modelers, and planners. The Board's reviews and approvals were informed by significant input from Los Angeles Water Board staff, USEPA Region IX staff, and stakeholder input, including the Petitioners. The Los Angeles Water Board determined that the WMPs were based on well accepted technical approaches and met the requirements of the Permit for an approvable WMP.

As the State Water Board is aware from its prior proceedings, the 2012 Los Angeles County MS4 Permit is a paradigm shift from prior MS4 permits in the Los Angeles Region and throughout the State, and is requiring new types of technical analysis and a heightened level of long-term strategic planning on the part of Permittees and the Los Angeles Water Board. For some of the WMPs, the Permittees noted that there were gaps in available monitoring data, effectiveness of best management practices, and other pollutant sources that would need to be addressed through the adaptive management process to bolster the WMPs. Under the adaptive management provisions, many of the assumptions used in developing these WMPs will be reviewed and updated every two years, and the programs will be adapted to the new data that are collected. Given that the monitoring data that were available to develop the WMPs are data

that were collected under the prior MS4 permit and are very limited geographically, the monitoring programs and adaptive management process will fill in those data gaps. Ultimately, these WMPs are putting permittees on a clear, finite, and transparent path toward compliance with the receiving water limitations and water quality-based effluent limitations to which they are subject in the Los Angeles County MS4 Permit.

During the Board's consideration of the Petition, Charles Stringer, Chair of the Los Angeles Water Board, stated: "[I]t's a cliché, but I'm a big believer in not letting perfection get in the way of good. And I think these plans are good."¹³⁵ In adopting the Los Angeles County MS4 Permit, it was not the Board's intent to create an impossible situation whereby, due to lack of data, a WMP could not be approvable within the specified timeframe in the Permit. In addition, the Permit specifies a focus on deadlines during the current term of the Permit (through 2017) and the next permit term, recognizing that project details would be fewer for later implementation phases. Through the adaptive management program and updates to the WMP, the Permittees are expected to add details to later implementation phases as those phases near, and update their RAA when directed by the Executive Officer, and at least by June 30, 2021.

When the State Water Board upheld the Los Angeles County MS4 Permit, the State Water Board members recognized the significant water quality benefits, among other benefits, that could result from the implementation of WMPs and EWMPs, as well as the effort the new watershed based programs would require of Permittees. In upholding the alternative compliance option to develop and implement WMPs, the State Water Board sent a clear message that it wanted to provide an opportunity to give this alternative compliance option a chance. In light of this, and the responses provided herein, the Los Angeles Water Board requests that the State Water Board deny the Petitioners' requests to: 1) invalidate the Los Angeles Water Board Executive Officer's April 28, 2015 conditional approvals and deny all nine WMPs; 2) invalidate the Los Angeles Water Board's action on September 10, 2015 to ratify its Executive Officer's final approvals of the Los Angeles River Upper Reach 2 WMP, Lower San Gabriel River WMP, and Lower Los Angeles River WMP, and 3) remand the matter to the Los Angeles Water Board for further proceedings. In response to the contentions in the Petition and Addendum, the Los Angeles Water Board urges the State Water Board to uphold the Los Angeles Water Board's actions in their entirety, retaining the final approvals of all nine WMPs.

¹³⁵ Certified Transcript for September 10, 2015, p. 362, lines 16-18 (Section 33, RB-AR18795).

EXHIBIT A

REGIONAL BOARD STAFF'S RESPONSE TO PETITION FOR REVIEW OF THE EXECUTIVE OFFICER'S APPROVAL, WITH CONDITIONS, OF NINE WMPs PURSUANT TO THE LOS ANGELES COUNTY MS4 PERMIT (ORDER NO. R4-2012-01750)

*** Includes: Main Response Matrix, Attachment 1 (Staff Response to Petitioners' Detailed Technical Contentions in its Memorandum of Points and Authorities and Exhibit D), and Attachment 2 (Assessment of NRDC/LAWK/HTB March 25, 2015 Letter Commenting on Revised WMPs)**

Regional Board Staff's Response to Petition for Review of the Executive Officer's approval, with conditions, of nine Watershed Management Programs (WMPs) pursuant to the Los Angeles County MS4 Permit (Order No. R4-2012-0175)

Contention No.	Summary of Contention	Staff Response
1	<p>In reviewing the Executive Officer's decision, both the Regional and State Boards must exercise their independent judgment as to whether the Executive Officer's action is reasonable. (<i>See Stinnes-Western Chemical Corp.</i>, State Board WQ Order No. 86-16 (1986).) The Executive Officer's action constitutes an "[a]buse of discretion...if [he] has not proceeded in the manner required by law, the order or decision is not supported by the findings, or the findings are not supported by the evidence." (Cal. Civ. Proc. Code § 1094.5(b); <i>see also Zuniga v. Los Angeles County Civil Serv. Comm'n</i> (2006) 137 Cal.App.4th 1255, 1258 (applying same statutory standard).) "Where it is claimed that the findings are not supported by the evidence, . . . abuse of discretion is established if the court determines that the findings are not supported by the weight of the evidence." (Cal. Civ. Proc. Code § 1094.5(c).)</p>	<p>No specific standard of review applies to the Regional Board's review of the Executive Officer's action to approve, with conditions, nine WMPs. The Regional Board is not acting as an appellate body in this matter. Since the Executive Officer acted pursuant to delegated authority on behalf of the Regional Board, the Regional Board is, in essence, being asked to reconsider its own action. The Regional Board is not required to determine whether the Executive Officer's action constituted an abuse of discretion. Rather, in this instance, the Regional Board may consider whether the Executive Officer's action to approve the WMPs, with conditions, was appropriate and proper. At the conclusion of its review, the Regional Board may, for each of the nine WMPs, either: 1) ratify the Executive Officer's approval, 2) overturn the Executive Officer's approval, or 3) conduct further proceedings on the petition as determined by the Board. If, in its review, the Regional Board makes new findings of fact, they must be supported by a preponderance of the evidence as the Board would be acting as the initial trier of fact.</p> <p>Further, the standard of review cited by the Petitioners in California Code of Civil Procedure section 1094.5 does not apply to the Regional Board's consideration of the petition. That section applies when a court is reviewing a regional water board's and/or State Water Board's action from an adjudicatory proceeding.</p>
2.1	<p>The Executive Officer improperly acted outside the scope of delegated authority in "conditionally" approving the WMPs because the only authority explicitly delegated to the Executive Officer by the</p>	<p>The Executive Officer acted within the scope of his delegated authority in approving the WMPs with conditions. Pursuant to Water Code section 13223, a regional water board has the authority to delegate any of its powers and duties, with limited</p>

Contention No.	Summary of Contention	Staff Response
	<p>Regional Board in the Permit was to approve or deny the WMPs. Such action, therefore, constitutes an abuse of discretion. (Cal. Water Code § 13223(a); <i>see also</i> California Regional Water Quality Control Board Los Angeles Region (April 11, 2014), Resolution No. R14-005 amending Resolution No. R10-009, Delegation of Authority to the Executive Officer.)</p>	<p>exceptions, to its Executive Officer. The Regional Board has done so in a resolution entitled "Delegation of Authority to Executive Officer," which is periodically updated by the Board, most recently in 2014. (Resolution No. R14-005.) In its delegation, the Regional Board has delegated "to its Executive Officer all powers and duties to conduct and to supervise the activities of the Regional Board," including, but not limited to, "exercising any powers and duties of the Regional Board." The Regional Board also specifically delegated to the Executive Officer, in Part VI.C.4 (Table 9) of the Permit, the authority to "approve or deny" a final WMP on behalf of the Regional Board.</p> <p>Petitioners assert that the Executive Officer acted beyond his delegated authority because the Regional Board did not specifically authorize the Executive Officer to "conditionally approve" the WMPs. The Petitioners also appear to assert that, even if the Regional Board were to have considered approval of the WMPs itself, it also would not have had any legal authority to approve a WMP with conditions, and could have only provided an unconditional approval or denied the WMP in its entirety. Petitioners are interpreting the delegation of authority to the Executive Officer literally and narrowly, which is not supported by the terms of the Permit or the practice of this Regional Board. While the Permit says that the Regional Board, or the Executive Officer on behalf of the Regional Board, must approve or deny the final WMP by a time certain, the Permit does not dictate that any approvals must be unconditional or include any other language limiting the discretion of the Board in the specific manner of approving a WMP. Thus, the Regional Board did not limit itself, or the Executive Officer, to only strictly approving or denying a WMP.</p> <p>The Executive Officer's action to approve, with conditions, the nine WMPs was an action within the broad scope of authority</p>

Contention No.	Summary of Contention	Staff Response
		<p>delegated to the Executive Officer by the Regional Board in Resolution No. R14-005, as well as within specific delegated authority in the Permit. In Part VI.C of the Permit, the Regional Board provides the Executive Officer with broad authority pertaining to administering the WMP/EWMP provisions on behalf of the Board, including authority to approve or deny WMPs (Part VI.C.4.c), approve or deny requests for modifications to certain deadlines in a WMP/EWMP (Part VI.C.4.g & Part VI.C.6.a), approve or deny integrated monitoring programs and coordinated integrated monitoring programs (Part VI.C.7), require modifications and updates to a WMP/ EWMP (Part VI.C.8.b.i), and review and approve modifications to WMPs/EWMPs (Part VI.C.8.b.i). Unless specifically limited, delegated authority is broadly construed. (see <i>County of San Diego v. Bowen</i> (2008) 166 Cal.App.4th 501, 509-510 [California Legislature's broad delegation of authority to the Secretary of State to regulate voting systems includes the authority to condition approval of the use of particular voting machines on certain procedural safeguards, including postelection tallies]).</p> <p>In addition, a well-established principle of administrative law provides that an agency's authority to approve or disapprove inherently includes the authority to approve with conditions. The petitioners in <i>Connecticut Fund for the Environment, Inc. v. EPA</i> (2d Cir. 1982) 672 F.2d 998, made a very similar argument to what Petitioners assert in this matter. In that case, an environmental group asserted that USEPA could not conditionally approve a state implementation plan under the Clean Air Act because the statute required USEPA to "approve or disapprove" the plan within four months of submission. Under USEPA's conditional approval procedures, a plan that is in substantial compliance with the Act may be conditionally approved as satisfying the Act if the state provides strong</p>

Contention No.	Summary of Contention	Staff Response
		<p>assurances that the remaining minor deficiencies will be remedied within a specified short period. (<i>id.</i> at p. 1005.) The environmental group argued that the literal "approve or disapprove" language and the absence of any mention of conditional approvals in the Clean Air Act precluded USEPA's conditional approval. (<i>id.</i> at p. 1006.) The Court of Appeal for the Second Circuit declined to construe the Act as allowing only outright approval or disapproval of state plans. The Court held: "But this Court has held that an agency's power to approve conditionally is inherent in the power to approve or disapprove." (<i>ibid.</i>) The Court further held: "[T]he power to condition ... approval on the incorporation of certain amendments is necessary for flexible administrative action and is inherent in the power to approve or disapprove. We would be sacrificing substance to form if we held invalid any conditional approval but affirmed an unqualified rejection accompanied by an opinion which explicitly stated that approval would be forthcoming if modifications were made." (<i>ibid.</i>) The Court further noted that a conditional approval offers administrative agencies a measured course that may be more precisely tailored to particular circumstances than the all-or-nothing choice of outright approval or disapproval. (<i>ibid.</i> [citing <i>U.S. v. Chesapeake & Ohio Ry.</i>, 426 U.S. 500, 514 [involving the Interstate Commerce Commission's powers under the Interstate Commerce Act]]). Lastly, the Court stated that the conditional approval mechanism, in the context of the Clean Air Act, gave USEPA the necessary flexibility to work more closely with the states and that it generally deferred to USEPA's choice of methods to carry out its difficult and complex job as long as that choice is reasonable and consistent with the Act. (<i>ibid.</i>)</p> <p>Here, the authority to conditionally approve is a necessary and proper exercise of the Executive Officer's power to accomplish the purpose for which the Regional Board delegated its authority</p>

Contention No.	Summary of Contention	Staff Response
		<p>in the Permit. In addition, a permitting agency is given substantial deference by appellate bodies in interpreting its own permits. As such, it is proper and reasonable for the Regional Board to interpret the Executive Officer's delegated authority to provide the flexibility of an approval with conditions to fulfill the goals of the Permit. Using his discretion, the Executive Officer determined that denial of the WMPs on the basis of needing the types of revisions described below was not warranted and could be appropriately addressed within a specified short period through individually tailored approvals with conditions to address these items.</p> <p>USEPA also utilizes procedures that provide for conditional approvals under the Clean Water Act. For example, in section 6.2.1 of its Water Quality Standards Handbook- Chapter 6: Procedures for Review and Revision of Water Quality Standards (40 CFR 131 - Subpart C), USEPA specifically allows the use of conditional approvals in carrying out its review of a state's water quality standards under Clean Water Act section 303(c). This is despite any express "conditional approval" language in section 303(c).</p> <p>Moreover, the Executive Officer's action conditionally approving the WMPs is wholly consistent with a long-standing practice of this Regional Board to approve submitted documents with conditions when deemed appropriate. When appropriate, the Executive Officer regularly conditionally approves submitted documents on behalf of the Regional Board, including monitoring plans, TMDL work plans, permit workplans, and site cleanup workplans and remedial action plans. The Executive Officer's authority to approve such documents is either pursuant to the Executive Officer's general delegation or in Regional Board adopted permits or regulations. For example, TMDLs adopted by the Regional Board as Basin Plan amendments</p>

Contention No.	Summary of Contention	Staff Response
		<p>often authorize the Executive Officer to "approve" TMDL work plans and monitoring plans on behalf of the Board. The Executive Officer has issued numerous conditional approvals of TMDL work plans and monitoring plans over at least the last decade. Like the Permit, these TMDLs do not specify that such approvals must be without conditions.</p> <p>Board staff is not aware of any prior situation where the Petitioners, or any other person/entity for that matter, has challenged the Regional Board Executive Officer's conditional approval of a document. Also, if the delegation to the Executive Officer in the Permit to "approve or deny" a WMP literally only means the Executive Officer was required to approve the WMP without any conditions or deny it in its entirety, such an interpretation could, going forward, impact other Regional Board programs.</p> <p>Other regional water boards, as well as the State Water Board, also routinely issue conditional approvals pertaining to both water quality and water rights matters. This common practice by the Water Boards recognizes that regional water boards and the State Water Board require flexibility to manage their programs efficiently and effectively.</p> <p>Lastly, it should be noted that the Executive Officer also approved, with conditions, three of the nine WMPs pursuant to the City of Long Beach MS4 Permit. This was done pursuant to the same delegation language contained in both the Los Angeles County and City of Long Beach MS4 permits. Yet, the Petitioners do not seek review of the Executive Officer's approval, with conditions, pursuant to the City of Long Beach MS4 Permit. The deadline for Petitioners to seek review has passed and those approvals, with conditions, are final. If the Executive Officer had authority to conditionally approve WMPs</p>

Contention No.	Summary of Contention	Staff Response
		pursuant to the City of Long Beach MS4 Permit, it is unclear why Petitioners would assert that no such authority existed as to the Los Angeles County MS4 Permit.
2.2	Because the nine WMPs, as finally submitted, failed to meet the program development requirements by the designated schedule set forth in the Permit, neither the Regional Board nor the Executive Officer on its behalf could approve the final WMPs. The only course of action available to the Executive Officer pursuant to the Permit was to deny the final WMPs by the April 28, 2015 deadline.	<p>As noted above, neither the Regional Board nor its Executive Officer was limited to only approving the WMPs without conditions or denying them in their entirety. Like the Executive Officer, the Regional Board would have had similar authority to approve the WMPs, with conditions.</p> <p>As discussed below, the Executive Officer determined that the nine WMPs did meet the program development requirements by the designated schedule set forth in the Permit. As such, both the Regional Board, and the Executive Officer on behalf of the Regional Board, could have decided to approve the final WMPs.</p>
2.3	The Executive Officer's conditions were aimed at correcting the WMPs' failures to comply with the Permit requirements and clearly demonstrate that the WMPs should have been properly denied on April 28, 2015.	The Executive Officer's conditions did not generally require fundamental changes to the WMPs. Rather, the conditions largely requested revisions such as providing additional supporting or clarifying information, providing consistency within the WMP, and correcting typographical errors. Some of the conditions were related to lack of detail, particularly for actions/projects to be conducted later in WMP implementation, in future permit cycles, or due to lack of data (e.g., source assessment and model calibration), which can only be remedied with data collection. In the conditional approval letters, the Executive Officer required that Permittees refine and recalibrate the RAA as new data become available. In adopting the Permit, it was not the Board's intent to create an impossible situation whereby, due to lack of data, a WMP could not be approvable within the specified timeframe. In addition, the Permit specifies a focus on deadlines during the current term (through 2017) and next 5-year permit term, recognizing that project details would be fewer for later implementation phases. Through the adaptive

Contention No.	Summary of Contention	Staff Response
		<p>management program and updates to the WMP, the Permittees are expected to add details to later implementation phases as those phases near.</p> <p>Using his discretion, the Executive Officer determined that denial of the WMPs on the basis of needing the types of revisions described above was not warranted and could be appropriately addressed through individually tailored approvals with conditions to address these items. This was particularly in light of the newness of the WMP permit provisions and the significant effort made by the Permittees in developing their WMPs consistent with these provisions. The development of these watershed programs is an accomplishment never before conducted by the Permittees and has required a learning process. In addition, denial of the WMPs on the basis of needing these types of revisions could have delayed timely implementation of the Permit. The Executive Officer determined that it was more beneficial to approve the WMPs with conditions and a short period to address the conditions, such that WMP implementation could begin as soon as possible.</p> <p>Moreover, most of the revised WMPs could have been approved by the Executive Officer without any conditions as the revised WMPs met the requirements of the Permit. However, the Executive Officer chose to approve the WMPs with conditions to ensure that Permittees were fully responsive to the Board's comments on the WMPs.</p> <p>Further, Petitioners assume that all of the Regional Board's comments in its review letters necessarily required a change to be made to the draft WMP or revised draft WMP. In some cases, the Regional Board's comments were addressed without further changes to the WMPs, such as explanations provided by the Permittees during phone calls and/or meetings and/or in the</p>

Contention No.	Summary of Contention	Staff Response
		<p>submittals of the revised WMPs themselves. Many Permittees included matrixes with their revised WMPs that summarized how each of the staff's comments on the draft WMP were addressed.</p>
2.4	<p>By conditionally approving the WMPs, the Executive Officer provided Permittees an additional 45 days to comply with the Permit's WMP development requirements and thereby improperly extended the Permit's WMP deadlines. This created yet another process and a new, unauthorized schedule that will only defer compliance with the Permit's RWLs and TMDL-limitations.</p>	<p>The Executive Officer's approvals with conditions did not extend the WMP deadlines or create a new unauthorized schedule in the Permit. The schedule in the Permit remains unchanged. For this contention, the Petitioners appear to assert that the approvals with conditions were not actually approvals at all. This is incorrect. The Executive Officer's April 28, 2015 letters approved the WMPs, conditioned on the Permittees making relatively minor revisions within a short timeframe and by a date certain, and required the Permittees to begin implementation of the approved WMP immediately as required by the Permit.</p> <p>Lastly, the method by which the Executive Officer approved the WMPs does not defer a Permittees' compliance with receiving water limitations and TMDL limitations. To the contrary, the Permittees were instructed to begin implementation of their respective WMPs immediately upon approval. By timely approving the WMPs, and providing a short but reasonable time frame for Permittees to make the relatively minor revisions, the Executive Officer's action ensured that there was no delay in implementation. In addition, additional time to address the imposed conditions does not defer compliance with TMDL or receiving water limitations compliance schedules, as TMDL schedules are not changed by WMPs or the dates by which a WMP is approved. Moreover, the Executive Officer clearly stated in his letters that, in the event that "Permittees fail to meet any requirements or date for its achievement in the approved WMP...the [Permittee] shall be subject to the baseline requirements of the LA County MS4 Permit...."</p>

Contention No.	Summary of Contention	Staff Response
2.5	<p>The conditional approvals left the extension open-ended, specifying that "[t]he Board <i>may</i> rescind this approval if all of the following conditions are not met to the satisfaction of the Board" by June 12, 2015. Thus, the "conditional approvals" left open the possibility that the Executive Officer/Regional Board may <i>further</i> extend the 45-day deadline and issue another round of conditional approvals beyond June 12, 2015. However, the Executive Officer did not have any authority to indefinitely extend the Permit's deadlines. Therefore, the conditional approvals' open-ended extensions are a further abuse of discretion.</p>	<p>The conditional approvals did not leave open the possibility that the Executive Officer may further extend the 45-day deadline and issue another round of conditions. The conditional approval letters clearly stated that the Permittees must submit a final WMP addressing the conditions to the Board's satisfaction by a specific deadline. Nowhere did the Executive Officer indicate that he would consider granting an extension or issue another round of conditional approvals.</p> <p>In addition, this contention is largely moot as the Executive Officer did not, as the Petitioners feared, extend the deadlines or issue another round of conditional approvals. Final WMPs addressing the Executive Officer's conditions were submitted in May and June 2015. Between July 2015 and August 2015, the Executive Officer determined that the conditions had been satisfied in all nine final WMPs.</p>
3.1	<p>By conditionally approving WMPs – a procedure nowhere provided for in the 2012 MS4 Permit – the Executive Officer improperly modified the 2012 MS4 Permit in violation of the substantive and procedural requirements of state and federal law. The Executive Officer de facto amended the Permit terms, creating a new process, timeline, and set of standards by conditionally approving WMPs without circulation of a draft permit, public notice, fact sheet, or public hearing date, as required by law. (<i>See Environmental Defense Center, Inc. v. EPA</i>, 344 F.3d 832, 853 (9th Cir. 2003); 40 C.F.R. §§ 124.5-124.15; Cal. Water Code Section § 13223(a).)</p>	<p>Because the Executive Officer's approvals of the WMPs with conditions was within the scope of delegated authority, as explained above, the Permit did not need to be modified or amended to allow the Executive Officer the authority to approve the WMPs with conditions. As such, the Executive Officer's inclusion of conditions to the approval of the WMPs did not modify the Permit or amend any of its terms by creating a new process, timeline, or set of standards. The terms of the Permit, including procedures and deadlines pertaining to WMP review and approval, did not change. As such, the procedures noted by the Petitioners, including circulation of a draft permit, public notice, fact sheet, or public hearing, were not required prior to the Executive Officer's action.</p> <p>Prior to the approvals with conditions of the WMPs, Board staff complied with the public review requirements of the Permit, which requires that "all documents submitted to the Regional</p>

Contention No.	Summary of Contention	Staff Response
		<p>Water Board Executive Officer for approval shall be made available to the public for a 30-day period to allow for public comment." Beginning on July 3, 2014, the Board provided a 46-day public review and written comment period on the draft WMPs. On October 9, 2014, the Board also held a workshop at its regularly scheduled Board meeting to discuss the draft WMPs during which stakeholders and interested persons were provided an opportunity to make oral comments on the draft WMPs to the Board and Executive Officer. In addition, Board staff held a public meeting on April 13, 2015 for Permittees, stakeholders and interested persons to discuss the revised draft WMPs with the Board's Executive Officer and staff. Board members were invited to attend this meeting and several Board members did attend. Throughout the WMP review process, Board staff participated in several meetings, phone calls, and email exchanges with Permittees and interested persons, including Petitioners.</p> <p>Moreover, the WMPs underwent extensive review by Regional Board staff, USEPA Region IX staff, and the public prior to the Executive Officer's action. In conducting its review, Board staff developed a list of review and evaluation questions, which was used to ensure a comprehensive and consistent review of the draft WMPs relative to permit requirements. Each WMP was assigned a lead reviewer, who was supported by TMDL Program staff, including the Board's modeling expert, Dr. C.P. Lai. Lead staff were overseen by the MS4 Unit Chief, Mr. Ivar Ridgeway, and by the Regional Programs Section Chief, Renee Purdy. Additionally, Board staff teamed with USEPA Region IX staff to jointly review the draft WMPs. During the review period, Board staff and USEPA staff held conference calls on a weekly basis to discuss the draft WMPs.</p> <p>On the basis of Board staff's review, USEPA Region IX staff's review, and in consideration of written and oral comments made</p>

Contention No.	Summary of Contention	Staff Response
		<p>by interested persons, the Board sent letters to the Permittees providing comments on the draft WMPs that identified the revisions that needed to be addressed prior to the Board's approval of the WMPs, and directed the Permittees to submit revised draft WMPs addressing the Board's comments by approximately January 28, 2015 for Board review.</p> <p>Petitioners cite <i>Environmental Defense Center, Inc. v. EPA</i> (9th Cir. 2003) 344 F.3d 832, as support for their contention that the Executive Officer's conditional approval of the WMPs amended the terms of the Permit because an approved WMP becomes substantive terms of the Permit. As described above, the Executive Officer's action did not amend the terms of the Permit. Approved WMPs implement the terms of Permit by detailing the specific actions and milestones a Permittee will abide by to achieve compliance with the terms of the Permit. An approved WMP, however, does not amend the terms of the Permit. The terms of the Permit remain unchanged, including the receiving water limitations and water-quality based effluent limitations. Moreover, <i>Environmental Defense Center</i> is not on point. In that case, environmental groups sought judicial review of a USEPA rule mandating that discharges from small MS4s and construction sites be subject to NPDES permitting requirements. Under the rule, small MS4s could seek permission to discharge by submitting an individualized set of BMPs in six specific categories, either in the form of an individual permit application or in the form of a notice of intent to comply with a Phase II general permit. USEPA did not require that permitting authorities review an NOI before a party who submitted the notice of intent was allowed to discharge. The environmental groups asserted that, by allowing permitting authorities to grant dischargers permits based on unreviewed notices of intent, the rule constituted a program of impermissible regulation and failed to provide required avenues of public</p>

Contention No.	Summary of Contention	Staff Response
		<p>participation. (<i>id.</i> at p. 854.) The Court of Appeal for the Ninth Circuit agreed with the environmental groups in this respect, holding that USEPA failed to require review of notices of intent assuring compliance with Clean Water Act standards and also failed to make notices of intent available to the public. (<i>id.</i> at p. 858.) The Court held: "[S]tormwater management programs that are designed by regulated parties must, in every instance be subject to meaningful review by an appropriate regulatory entity to ensure that each such program reduces the discharge of pollutants to the maximum extent practicable." (<i>id.</i> at p. 856.)</p> <p>Here, as described above, the WMPs were subject to public review and comment, including at Board and staff level meetings, as well as an opportunity to submit written comments. Petitioners submitted written comments on the draft and revised WMPs. The WMPs also underwent extensive review by Regional Board staff and USEPA Region IX staff to assure compliance with the standards set forth in the Permit. Thus, the WMPs were subject to "meaningful review."</p>
4.1	<p>The terms of the conditional approvals are inconsistent with Permit requirements and the federal Clean Water Act and therefore establish that the only available course of action for the Executive Officer was to deny the WMPs. Following submission of the initial draft WMPs, Regional Board staff identified numerous and significant failures to comply with Permit requirements and therefore directed Permittees, in writing, to submit revised plans to address the deficiencies. Unfortunately, the revised draft WMPs failed to address virtually all of the identified non-compliance issues. Rather than denying the insufficient WMPs as required by the Permit,</p>	<p>The Executive Officer determined that the nine WMPs, with the conditions imposed, met the WMP permit provisions and the federal Clean Water Act. In addition, as described above, neither the Executive Officer nor the Board itself was limited to only denying the WMPs.</p> <p>Staff disagree that the revised draft WMPs "failed to address virtually all of the identified non-compliance issues." To the contrary, the Permittees largely addressed all of Board staff's comments prior to the Executive Officer's action. However, as previously mentioned, not all of the Regional Board's comments necessarily required a change to be made to the draft WMP or revised draft WMP. In some cases, the Regional Board's comments were addressed without further changes to the</p>

Contention No.	Summary of Contention	Staff Response
	<p>however, the Executive Officer approved the WMPs with conditions – conditions that fail to address all of the WMP inadequacies previously cited by Regional Board staff itself. This constitutes an abuse of discretion.</p>	<p>WMPs, such as explanations provided by the Permittees during phone calls and/or meetings and/or in the submittals of the revised WMPs themselves. Many Permittees included matrixes with their revised WMPs that summarized how each of the staff's comments on the draft WMP were addressed.</p> <p>The petition, including Exhibit D to the petition, as well as the Petitioner's March 25, 2015 comments on the revised WMPs only specifically allege substantive inadequacies of three of the nine WMPs, namely the Lower San Gabriel River WMP, the Lower Los Angeles River WMP, and the Los Angeles River Upper Reach 2 WMP. The Petitioners do not allege any specific challenges to the substantive adequacy of the remaining six WMPs, but still request that the Regional Board invalidate the Executive Officer's approvals with conditions for those six WMPs. Without specific factual allegations concerning an inadequacy of a WMP, the Petitioners have not provided the Regional Board with specific allegations to review. Board staff are thus left to speculate as to Petitioners' concerns with the remaining six WMP and cannot adequately respond to unknown allegations. The Regional Board may determine that the sufficiency of these six WMPs is not properly before the Regional Board in its consideration of the petition.</p> <p>For the Regional Board's reference pertaining to the alleged substantive inadequacies of the Lower San Gabriel River WMP, the Lower Los Angeles River WMP, and the Los Angeles River Upper Reach 2 WMP, Board staff has prepared responses to Petitioners' detailed technical comments in its Memorandum of Points and Authorities and in Exhibit D to the petition. These responses are included in a separate matrix as Attachment 1 to this document.</p> <p>For the Board's further reference, Board staff has also prepared</p>

Contention No.	Summary of Contention	Staff Response
		<p>an assessment of the Petitioners' March 25, 2015 comments on the revised WMPs. This assessment is included as an additional matrix as Attachment 2 to this document.</p>
4.2	<p>Reasonable Assurance Analysis Perhaps the most glaring deficiency in the WMPs is the flawed Reasonable Assurance Analysis ("RAA") in each. The RAA is a detailed modeling exercise, intended to ensure that the WMPs implement stormwater pollution control measures of the correct type, location, and size to achieve compliance with WQSs in receiving water bodies. The RAA forms the bedrock for WMP development, and therefore for pollution control and compliance with the CWA for those Permittees that choose to develop WMPs.</p> <p>Moreover, Regional Board staff has also recognized the importance of the RAA in WMP development and implementation and thereby need for a robust analysis. As a result, Regional Board staff generated extensive comments on the RAAs that were described in the initial drafts of the WMPs.</p> <p>Despite the detailed comments from Regional Board staff, and the admonition that failure to conduct the required corrections to the RAA modeling would result in denials, the final draft WMPs for the Lower San Gabriel, Los Angeles River Upper Reach 2, and Lower Los Angeles River WMPs either failed to meaningfully address or completely ignored all of the Regional Board staff's identified comments.</p>	<p>Staff disagrees with the Petitioners' contentions that the conditionally approved WMPs "fail to address any of the RAA inadequacies identified by [staff]." As previously noted, the Permittees addressed staff's comments prior to the Executive Officer's action. For specific responses to alleged inadequacies, see Attachment 1, as well as staff's assessment of Petitioners' March 25, 2015 comments on the revised WMPs in Attachment 2.</p> <p>Staff further disagrees that the terms of the conditional approvals will not ensure that the RAA will provide any assurance that WMP implementation will achieve compliance with water quality standards and the Clean Water Act. Like many Permittees, Regional Board staff recognizes that the RAAs are not perfect. At this point, they cannot be. RAAs are modeling exercises that reflect current knowledge, best engineering judgment, and available data. The models used for the RAAs were calibrated using the best available monitoring data, and they will be further refined through the adaptive management process as more data become available from the expanded integrated monitoring programs and coordinated integrated monitoring programs. As previously noted, some of the conditions imposed by the Executive Officer were due to lack of data, which can only be remedied with data collection. As the Board is aware, the Permit required new and expanded monitoring, including new outfall monitoring. As outfall monitoring is conducted, new data will be collected. In adopting the Permit, it was not the Board's intent to create an impossible situation whereby, due to lack of data, a WMP could not be approvable within the specified timeframe. In addition, the</p>

Contention No.	Summary of Contention	Staff Response
	<p>Rather than denying the facially inadequate final WMPs as required by the Permit, the Executive Officer, on behalf of the Regional Board, approved the WMPs with conditions that <i>fail to address any of the RAA inadequacies identified by RWQCB staff</i>. Therefore, even if fully complied with, the terms of the conditional approvals will <i>not</i> ensure that the RAA – the basis for development, implementation, and evolution of the pollution control measures to be implemented via the WMPs – will provide <i>any</i> level of assurance that the WMP implementation will achieve compliance with water quality standards and the Clean Water Act, let alone the “reasonable” assurance that the Permit and the State Board require. For this reason alone, the WMPs must be denied.</p>	<p>Permit specifies a focus on deadlines during the current term (through 2017) and next 5-year permit term, recognizing that project details would be fewer for later implementation phases. Through the adaptive management program and updates to the WMP, the Permittees are expected to add details to later implementation phases as those phases near, and update their RAA when directed by the Executive Officer, and at least by June 30, 2021.</p> <p>See Attachment 1 for staff's responses to the detailed list of RAA contentions identified by Petitioners in their Memorandum of Points and Authorities and Exhibit D to the petition.</p>
4.3	<p>For the Los Angeles River Upper Reach 2 WMP, the revised plan confirms that the model had not been calibrated and is thus an almost entirely speculative exercise.</p>	<p>Because of its small area within the larger Los Angeles River watershed and the lack of monitoring data within the Group's watershed management area, the Los Angeles River Upper Reach 2 WMP relied upon calibration that has been conducted for the Countywide Watershed Management Modeling System (WMMS). Specifically, the Group used the Countywide calibration to summarize and compare Loading Simulation Program in C++ (LSPC) predicted and observed flows for key locations within the Los Angeles River watershed upstream and downstream of the Los Angeles River Upper Reach 2 watershed management area. The hydrology calibration at both locations was considered “very good” according to the criteria in the Regional Board staff's RAA guidelines.</p> <p>The Group also used the calibrated Countywide LSPC model to adjust the input parameters of the Structural BMP Prioritization</p>

Contention No.	Summary of Contention	Staff Response
		and Analysis Tool (SBPAT), which the Group elected to use in its RAA, to improve comparability with the County-calibrated LSPC baseline condition outputs. Board staff found this to be a reasonable approach given the limited data currently available within the Los Angeles River Upper Reach 2 watershed management area, but directed the Group to use data collected through its CIMP to refine and recalibrate its RAA through the adaptive management process.
4.4	<p>Substantive Program Requirements Similar to the RAA-related deficiencies, many of the other inadequacies that Regional Board staff originally identified in their October 2015 comments were not addressed by the conditional approvals. A comprehensive list of the substantive requirements of the Permit that the conditional approvals fail to address is provided in Exhibit D to the petition. The failure of the revised WMPs to address these deficiencies should have resulted in denial of the WMPs.</p>	See Attachment 1 for staff's responses to Petitioners' detailed technical comments in its Exhibit D to the petition.

ATTACHMENT 1

Staff Response to Petitioners' Detailed Technical Comments in its Memorandum of Points and Authorities and Exhibit D

Permit Citation	Regional Board Comment on Draft WMP	Environmental Groups' Analysis of Revised WMP Responsiveness to Regional Board Comment ¹	Regional Board Staff's Assessment of Revised WMP Responsiveness to Comments and/or Final WMP Responsiveness to Conditions of Approval
Lower Los Angeles River			
Part VI.C.5.b.iv.(4)(b)-(c)	"The MS4 Permit requires that the WMP provide specificity with regard to structural and non-structural BMPs, including the number, type, and location(s), etc. adequate to assess compliance. In a number of cases, additional specificity....is needed....[T]here should at least be more specificity on actions within the current and next permit terms."	The response, and other statements throughout the document, demonstrate that no commitments to "specificity or actions" or associated timelines are made.	<p>The Revised WMP provided more specificity in Section 5 regarding structural and non-structural best management practices (BMPs). Regarding structural BMPs, the Revised WMP included a pollutant reduction plan in Section 5.4 (pg. 5-7) that indicates the BMP volume that each Permittee needs to install within its jurisdiction at 31%, 50%, and final milestone dates (these milestones occur in 2017, 2024, and 2028, respectively) and also identified regional projects that could support achieving the 31% and 50% milestones.</p> <p>Section 5.3 was revised to include a schedule of feasibility studies and site assessments for regional projects. Section 5.2 (pg. 5-4) listed structural low impact development (LID) BMPs that are to be constructed within this permit term.</p> <p>However, the Revised WMP did not contain definitive milestone dates, nor did it specify the Permittees responsible for the projects. The Executive Officer's approval letter included a condition that the Group add definitive dates for these LID BMPs. The Final WMP includes two new tables, Tables 5-2 and 5-3, which</p>

¹ For each comment, the Petitioners indicated that there was no requirement to address the comment on the draft WMP in the conditions set forth in the Executive Officer's approval letter. Where a condition was not included in the approval letter, it is because the Executive Officer determined that the comment had been adequately addressed, either in the revised WMP or through other means.

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			<p>provide detail on the Permittees responsible for each LID BMP, and the deadlines and status for the project tasks (pgs. 5-4 to 5-5).</p> <p>The compliance schedule for nonstructural BMPs contained in Table 5-1 (pg. 5-3) of the Revised WMP contained some indeterminate milestone dates and in the case of TCM-RET-1 "Encourage Downspout Disconnects," no interim milestones or milestone dates. The Executive Officer's approval letter included a condition that the Group modify the milestones for these BMPs. The Final WMP addresses this condition by including additional milestones and dates for their achievement.</p> <p>These details on structural and non-structural BMPs adequately addressed the Board staff's comment.</p>
Part VI.C.5.b.iv.(4)(b)-(c)	"...the WMP should at least commit to the construction of the necessary number of projects to ensure compliance with permit requirements per applicable compliance schedules."	No change was made in the document in response to the comment.	<p>As originally contained in the draft WMP, Section 5.4 (pg. 5-7) lists the BMP volume capacities that each Permittee needs to install to comply with milestones in 2017, 2024, and 2028. These BMP capacities are taken directly from the WMP's reasonable assurance analysis (RAA) analysis.</p> <p>If a Permittee does not achieve these BMP volume capacities by a milestone date, they are not in compliance with their WMP.</p> <p>Further, as stated above, Section 5.2 (pg. 5-4) lists structural LID BMPs that are to be constructed within this permit term. Section 5.3 (pg. 5-4) was revised to</p>

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			<p>include a schedule of feasibility studies and site assessments for regional projects. However, the Revised WMP did not contain definitive milestone dates, nor did it specify the Permittees responsible for the LID BMPs. The Executive Officer's approval letter included a condition that the Group add definitive dates for these LID BMPs. The Final WMP includes two new tables, Tables 5-2 and 5-3, which provide detail on the Permittees responsible for each LID BMP, and the deadlines and status for the project tasks (pgs. 5-4 to 5-5).</p> <p>The Group has conveyed to Board staff that the information contained in Section 5 is the maximum practicable given uncertainties and that greater certainty will be provided through the adaptive management process.</p> <p>This adequately addressed Board staff's comment.</p>
Part VI.C.5.b.iv.(5)	"The RAA should clarify that sufficient sites were identified so that the remaining necessary BMP volume can be achieved by those sites that were not 'excluded for privacy.'"	No change was made in the document in response to the comment.	<p>The Group has indicated to Board staff that the complete list of potential sites — including the sites that were "excluded for privacy" — provide the necessary BMP volume, and that the "excluded for privacy" sites should be considered since they are still potential regional BMPs sites within the watershed.</p> <p>Section 5.4 (pgs. 5-7 through 5-15) lists potential regional BMPs that each Permittee may implement to achieve their 2017 and 2024 milestones. The regional BMPs listed in this section consist of public parks and do not include sites with addresses that were "excluded</p>

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			<p>for privacy."</p> <p>Since the Group's Pollution Reduction Plan is an "initial scenario" that may adapt over time by substituting BMPs that produce an equivalent volume reduction, the above information given by the Group is sufficient. For example, through adaptive management, the RAA (Appendix A-4-1, pg. 64) notes that a jurisdiction may "increase implementation of green streets and reduce implementation of regional BMPs."</p> <p>This adequately addressed Board staff's comment.</p>
<p>Part VI.C.5.b.iv.(5)</p>	<p>"The RAA identifies zinc as the limiting pollutant and notes that this pollutant will drive reductions of other pollutants.</p> <p>If the Group believes that that [sic] this approach demonstrates that activities and control measures will achieve applicable receiving water limitations, it should explicitly state and justify this for each category 1, 2, and 3 pollutant."</p>	<p>No change was made in the document in response to the comment.</p>	<p>The Group has added additional clarification on its limiting pollutant approach in Section 5 (pg. 5-1) of the WMP and in Section 5.3.1 of the RAA (Appendix A-4-1, pg. 38).</p> <p>The revised WMP does not state and justify this approach for each category 1, 2, and 3 pollutant; however, this is not necessary given the Group's limiting pollutant approach.</p> <p>This adequately addressed Board staff's comment.</p>

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Part VI.C.5.b.iv.(5)	"We note that modeling was not conducted for organics (DDT, PCBs, and PAHs). It is not clear why these pollutants were not modeled or why previous modeling of these pollutants could not be used....An explanation for the lack of modeling is needed."	No change was made in the document in response to the comment.	The Group has clarified that the Harbor Toxics TMDL did not directly model these pollutants, but instead used sediment as a surrogate. To establish baseline pollutant loading, the Group uses the 90 th percentile of observed concentrations for DDT, PCBs, and PAHs. This adequately addressed Board staff's comment.
Part VI.C.5.b.iv.(5)	"...the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL was [sic] appears to be completely omitted from the draft WMP."	No change was made in this section of the document and there is no inclusion of analysis of pollutant controls, as requested.	On pgs. 38-39 of Appendix 4, A-4-1, Reasonable Assurance Analysis, the Group demonstrates that their limiting pollutant approach takes into account the Harbor Toxics TMDL by evaluating DDT, PCB, and PAHs in its RAA. The Group states that implementing control measures that control zinc will achieve the load reductions required to achieve the water quality based effluent limitations (WQBELs) of the Harbor Toxics TMDL. This is a reasonable assumption and consistent with the Harbors Toxics TMDL, in which the Board acknowledges that implementation of other TMDLs in the watershed may contribute to the implementation of the Harbors Toxics TMDL. For this reason, no condition was included in the Executive Officer's approval letter to address this comment.

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Part VI.C.5.b.iv.(5)	<p>"Pursuant to Section VI.C.5.a., the WMP should be revised to include an evaluation of existing water quality conditions, classify them into categories, identify potential sources, and identify strategies, control measures, and BMPs as required in the permit for San Pedro Bay <i>unless MS4 discharges from the LLAR WMA directly to San Pedro Bay are being addressed in a separate WMP.</i>"</p>	<p>There is only one reference in the document to San Pedro Bay, and it remains unchanged from the 2014 version of the WMP.</p>	<p>The Group explained to Board staff that discharges to San Pedro Bay will be addressed by the City of Long Beach's WMP, which is currently under review by Board staff. As a note, the City of Long Beach is the only Group member adjacent to San Pedro Bay; however, the portion of Long Beach included in the Lower LA WMP Group is primarily adjacent to the LA River Estuary, not San Pedro Bay.</p> <p>As the original comment notes, this approach is appropriate. Therefore, no condition was included in the Executive Officer's approval letter to address this comment.</p>
Part VI.C.5.b.iv.(4)(c)	<p>"The draft WMP appears to rely mostly on the phase-out of copper in automotive brake pads...to achieve the necessary copper load reductions....[O]ther structural and non-structural BMPs may still be needed to reduce Cu loads sufficiently to achieve compliance deadlines for interim and/or final WQBELs."</p>	<p>No change was made in the document in response to the comment.</p>	<p>The RAA's approach of using zinc as a limiting pollutant, while anticipating copper reductions through Senate Bill 346 is an adequate approach to compliance with copper WQBELs. Therefore, no condition was included in the Executive Officer's approval letter to address this comment</p> <p>The WMP Group has explained its approach and estimates of copper reductions under Senate Bill 346 have been provided since issuance of comments on the draft WMP.</p> <p>This adequately addressed Board staff's comment.</p>

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Part VI.C.5.b.iv.(5)(c)	<p>"For waterbody-pollutant combinations not addressed by TMDLs, the MS4 Permit requires that the plan demonstrate using the reasonable assurance analysis (RAA) that the activities and control measures to be implemented will achieve applicable receiving water limitations as soon as possible....[The RAA] does not address the question of whether compliance with limitations for pollutants not addressed by TMDLs could be achieved in a shorter time frame."</p>	<p>No response identified.</p>	<p>The revised WMP (pg. 5-1) includes new language that clarifies the Group's strategy: Meeting the load reductions determined by the RAA results in an aggressive compliance schedule in terms of the technological, operational, and economic factors that affect the design, development, and implementation of the necessary control measures.</p> <p>The revised WMP provides an estimate of the cost of structural BMPs and based on this estimated cost, reiterates the financial difficulties and uncertainties of implementing the WMP (particularly the lack of funding sources for controls), and concludes that the compliance schedule is as short as possible to allow time to both address technological and operational challenges and to secure the necessary funding to implement the watershed control measures in the WMP.</p> <p>This additional clarification is a sufficient response to the comment. The Group's existing strategy to control pollutants "as soon as possible" is sound.</p>

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Part VI.C.5.b.iv.(5)	"The WMP assumes a 10% pollutant reduction from new non-structural controls....additional support for this assumption should be provided, or as part of the adaptive management process, the Permittees should commit to evaluate this assumption during program implementation and develop alternate controls if it becomes apparent that the assumption is not supported."	No change was made in the document in response to the comment.	<p>The revised WMP now includes Section 4.3 (pg. 4-4), which discusses non-modeled controls, including the 10% pollutant reduction from new non-structural controls.</p> <p>Section 4.3 also clarifies the support for the 10% pollutant reduction and commits to a reevaluation of the assumption: "Agencies will evaluate this assumption during Program implementation and develop alternate controls if it becomes apparent that the assumption is not supported."</p> <p>This adequately addressed Board staff's comment.</p>
Part VI.C.5.b.iv.(5)	"...the predicted baseline concentrations and loads for all modeled pollutants of concern, including TSS, should be presented in summary tables for wet weather conditions."	No change was made in the document in response to the comment.	<p>Table 5-6 of the RAA (Appendix A-4-1, pg. 40) reflects baseline loads for organics, metals, and bacteria.</p> <p>Although TSS is not included, the sediment associated pollutants are included (DDT, PCB, and PAH).</p> <p>This adequately addressed Board staff's comment.</p>
Part VI.C.5.b.iv.(5)	"The report presents the existing runoff volumes, required volume reductions and proposed	No change was made in the document in response to the comment.	Attachment B to the revised WMP includes detailed jurisdictional compliance tables that include runoff volumes, required volume reductions, and proposed volume reductions for each subwatershed.

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	<p>volume reductions from BMP scenarios to achieve the 85th percentile, 24-hour volume retention standard for each major watershed area....The same information...also needs to be presented for each modeled subbasin...Additionally, more explanation is needed as to what constitutes the 'incremental' and 'cumulative' critical year storm volumes in table 9-4 through 9-7 and how these values were derived from previous tables.</p> <p>"The report needs to present the same information, if available, for nonstormwater runoff."</p>		<p>Language was added in section 9.2.1 of the RAA (Appendix, pg. 55) that clarifies the incremental and cumulative columns in Tables 9-4 through 9-7.</p> <p>Section 4.2 of the revised WMP commits to re-calibrate the RAA based on data collected through the monitoring program (which includes the non-stormwater outfall screening and monitoring program).</p> <p>This adequately addressed Board staff's comment.</p>

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Lower San Gabriel River			
Part VI.C.5.b.iv.(4)(b)-(d)	"...the WMP should at least commit to the construction of the necessary number of projects to ensure compliance with permit requirements per applicable compliance schedules."	The response implies no commitment beyond good intentions and a willingness to track progress (or its lack thereof) through the permit cycle.	<p>The Petitioners' comment and Board staff's assessment is similar to that made on the LLAR WMP.</p> <p>As originally contained in the draft WMP, Section 5.4 (pgs. 5-7 through 5-20) lists the BMP volume capacities that each Permittee needs to install to comply with milestones in 2017, 2020, and 2026. These BMP capacities are taken directly from the WMP's RAA analysis.</p> <p>If a Permittee does not achieve these BMP volume capacities by a milestone date, they are not in compliance with their WMP.</p> <p>Section 5.2 (pg. 5-4) lists structural LID BMPs that are to be constructed within this permit term. Section 5.3 (pg. 5-4) was revised to include a schedule of feasibility studies and site assessments for regional projects. However, the Revised WMP did not contain definitive milestone dates, nor did it specify the Permittees responsible for the LID BMPs. The Executive Officer's approval letter included a condition that the Group add definitive dates for these structural BMPs. The Final WMP includes two new tables, Tables 5-2 and 5-3, which provide detail on the Permittees responsible for each LID BMP, and the deadlines and status for the project tasks (pgs. 5-4 to 5-5).</p> <p>The Group has conveyed to Board staff that the information contained in Section 5 is the maximum practicable given uncertainties and that greater</p>

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			<p>certainty will be provided through the adaptive management process.</p> <p>This adequately addressed Board staff's comment.</p>
<p>Part VI.C.5.b.iv.(4)(d)</p>	<p>"The MS4 Permit requires that the WMP provide specificity with regard to structural and non-structural BMPs, including the number, type, and location(s), etc. adequate to assess compliance. In a number of cases, additional specificity...is needed....there should at least be more specificity on actions within the current and next permit terms to ensure that the following interim requirements are met..."</p>	<p>The response, and other statements throughout the document, make it clear that no commitments to "specificity or actions" or associated timelines are made. There is also no cross-walk between scheduled completion dates and interim compliance deadlines. Given the vague nature of nearly all of the "milestones," it's not surprising that there is no direct linkage between actions, meeting interim requirements, and the schedule.</p>	<p>The Petitioners' comment and Board staff's assessment is similar to that made on the LLAR WMP.</p> <p>The Revised WMP provided more specificity in Section 5 regarding structural and non-structural BMPs. Regarding structural BMPs, the Revised WMP includes a pollutant reduction plan in Section 5.4 (pg. 5-7) that indicates the BMP volume that each Permittee needs to install within its jurisdiction at 10%, 35%, and Final milestone dates (these milestones occur in 2017, 2020, and 2026, respectively) and also identifies regional projects that could support achieving the 10% and 35% milestones.</p> <p>As stated above, Section 5.2 (pg. 5-4) lists structural LID BMPs that are to be constructed within this permit term. Section 5.3 was revised to include a schedule of feasibility studies and site assessments for regional projects. However, the Revised WMP did not contain definitive milestone dates, nor did it specify the Permittees responsible for the projects. The Executive Officer's approval letter included a condition that the Group add definitive dates for these LID BMPs. The Final WMP includes two new tables, Tables 5-2 and 5-3, which provide detail on the Permittees responsible for each LID BMP, and the deadlines and status for the project tasks (pgs. 5-4 to 5-5).</p>

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			<p>The compliance schedule for nonstructural BMPs contained in Table 5-1 (pg. 5-3) of the Revised WMP contained some indeterminate milestone dates and in the case of TCM-RET-1 "Encourage Downspout Disconnects," no interim milestones or milestone dates. The Executive Officer's approval letter included a condition that the Group modify the milestones for these BMPs. The Final WMP addressed this condition by including additional milestones and dates for their achievement.</p> <p>These details on structural and non-structural BMPs adequately addressed Board staff's comment.</p>
<p>Part VI.C.5.b.iv.(5)</p>	<p>"The RAA identifies zinc as the limiting pollutant and notes that this pollutant will drive reductions of other pollutants.</p> <p>If the Group believes that that [sic] this approach demonstrates that activities and control measures will achieve applicable receiving water limitations, it should explicitly state and justify this for each category 1, 2, and 3</p>	<p>The draft WMP does not appear to have been modified in response to this comment.</p>	<p>The Petitioners' comment and Board staff's assessment is similar to that made on the LLAR WMP. (Note: The RAA for LLAR, LSGR, and the Los Cerritos Channel WMP Groups were contained in a 347-page attachment that covered all three watersheds.)</p> <p>The Group has added additional clarification on its limiting pollutant approach in Section 5 (pg. 5-1) of the WMP and in Section 5.3.1 of the RAA (Appendix A-4-1, pg. 38).</p> <p>The revised WMP does not state and justify this approach for each category 1, 2, and 3 pollutant; however, this is not necessary given the Group's limiting pollutant approach.</p> <p>This adequately addressed Board staff's comment.</p>

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	pollutant."		
Part VI.C.5.b.iv.(5)	"We note that modeling was not conducted for organics (DDT, PCBs, and PAHs). It is not clear why these pollutants were not modeled or why previous modeling of these pollutants could not be used....An explanation for the lack of modeling is needed."	No change was made in the document in response to the comment.	<p>The Petitioners' comment and Board staff's assessment is similar to that made on the LLAR WMP.</p> <p>The Group has clarified that the Harbor Toxics TMDL did not directly model these pollutants, but instead used sediment as a surrogate. To establish baseline pollutant loading, the Group uses the 90th percentile of observed concentrations for DDT, PCBs, and PAHs. This adequately addressed Board staff's comment.</p>
Part VI.C.5.b.iv.(4)(c)	"The draft WMP appears to rely mostly on the phase-out of copper in automotive brake pads...to achieve the necessary copper load reductions....[O]ther structural and non-structural BMPs may still be needed to reduce Cu loads sufficiently to achieve compliance deadlines for interim and/or final WQBELs."	No change was made in the document in response to the comment.	<p>The Petitioners' comment and Board staff's assessment is similar to that made on the LLAR WMP.</p> <p>The RAA's approach of using zinc as a limiting pollutant, while anticipating copper reductions through Senate Bill 346 is an adequate approach to compliance with copper WQBELs. Therefore, no condition was included in the Executive Officer's approval letter to address this comment.</p> <p>The WMP Group has clarified its approach and estimates of copper reductions under Senate Bill 346 have been provided since issuance of comments on draft WMP.</p> <p>This adequately addressed Board staff's comment.</p>

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Part VI.C.5.b.iv.(5)(c)	"For waterbody-pollutant combinations not addressed by TMDLs, the MS4 Permit requires that the plan demonstrate using the reasonable assurance analysis (RAA) that the activities and control measures to be implemented will achieve applicable receiving water limitations as soon as possible....[The RAA] does not address the question of whether compliance with limitations for pollutants not addressed by TMDLs could be achieved in a shorter time frame."	There is no response to this comment.	<p>The Petitioners' comment and Board staff's assessment is similar to that made on the LLAR WMP.</p> <p>The revised WMP (pg. 5-1) includes new language that clarifies the Group's strategy: Meeting the load reductions determined by the RAA results in an aggressive compliance schedule in terms of the technological, operational, and economic factors that affect the design, development, and implementation of the necessary control measures.</p> <p>The revised WMP provides an estimate of the cost of structural BMPs and based on this estimated cost, reiterates the financial difficulties and uncertainties of implementing the WMP (particularly the lack of funding sources for controls), and concludes that the compliance schedule is as short as possible to allow time to both address technological and operational challenges and to secure the necessary funding to implement the watershed control measures in the WMP.</p> <p>This additional clarification is a sufficient response to the comment. The Group's existing strategy to control pollutants "as soon as possible" is sound.</p>
Part VI.C.5.b.iv.(5)	"The draft assumes a 10% pollutant reduction from new non- structural controls....additional support for this	There was no substantial advance over what was previously included, though the issue is acknowledged explicitly.	<p>The Petitioners' comment and Board staff's assessment is similar to that made on the LLAR WMP.</p> <p>The revised WMP now includes Section 4.3 (pg. 4-4), which discusses non-modeled controls, including the</p>

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	<p>assumption should be provided, particularly since the group appears to be relying almost entirely on these controls for near-term pollutant reductions to achieve early interim milestones/deadlines."</p>		<p>10% pollutant reduction from new non-structural controls.</p> <p>Section 4.3 also clarifies the support for the 10% pollutant reduction and commits to a reevaluation of the assumption: "Agencies will evaluate this assumption during Program implementation and develop alternate controls if it becomes apparent that the assumption is not supported."</p> <p>This adequately addressed Board staff's comment.</p>
<p>Part VI.C.5.b.iv.(5)</p>	<p>"Based on the results of the hydrology calibration shown in Table 4-3, the error difference between modeled flow volumes and observed data is 19%....The higher error percentage could be due to the exclusion of contributions of flow volume from upstream. For calibration purposes, upstream volume should be included....Once model calibration has been completed, the upstream flow volume can then be excluded...."</p>	<p>Between the 2014 and 2015 RAA's, the % error improves from -19.0% to -3.31%. There is no text change to explain this difference, nor any difference in the graphed monthly hydrographs for observed and modeled flows.</p>	<p>The Group has clarified that upstream flows were taken into account in the RAA.</p> <p>Additionally, the Group has also clarified that the tables in Sections 4.1.1 and 4.1.2 have been updated to show the modeled versus observed volume error for the daily calibration results as opposed to the monthly calibration results used in the draft WMP.</p> <p>This addressed Board staff's comment.</p>

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Part VI.C.5.b.iv.(5)	"...the predicted baseline concentrations and loads for all modeled pollutants of concern, including TSS, should be presented in summary tables for wet weather conditions."	No change in the RAA to address this comment.	<p>The Petitioners' comment and Board staff's assessment is similar to that made on the LLAR WMP.</p> <p>Table 5-6 of the RAA (Appendix A-4-1, pg. 40) reflects baseline loads for organics, metals, and bacteria.</p> <p>Although TSS is not included, the sediment associated pollutants are included (DDT, PCB, and PAH).</p>
Part VI.C.5.b.iv.(5)	"The report presents the existing runoff volumes, required volume reductions and proposed volume reductions from BMP scenarios to achieve the 85th percentile, 24-hour volume retention standard for each major watershed area....The same information...also needs to be presented for each modeled subbasin...Additionally, more explanation is needed as to what constitutes the 'incremental' and 'cumulative' critical year storm volumes in table 9-6 and 9-7 and how these values were derived from	The request for a series of tables by subbasin has not been met; an added sentence defines the terms used but not how the values were derived from previous tables. No new information addressing comment about non-stormwater runoff.	<p>The Petitioners' comment and Board staff's assessment is similar to that made on the LLAR WMP.</p> <p>Attachment B to the revised WMP includes detailed jurisdictional compliance tables that include runoff volumes, required volume reductions, and proposed volume reductions for each subwatershed.</p> <p>Language was added in section 9.2.1 of the RAA (Appendix A-4-1, pg. 55) that clarifies the incremental and cumulative columns in Tables 9-4 through 9-7. Explanation for how the values were derived from previous tables is unnecessary since Section 7.11 of the RAA (Appendix A-4-1, pg. 46) describes how incremental volume reductions for milestones were calculated.</p> <p>Regarding non-stormwater runoff, the revised WMP does not include the same information for non-stormwater runoff, however it includes additional information to support the assumptions used in its dry weather analysis:</p> <ul style="list-style-type: none"> - 10% nonstructural BMP assumption in Section

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	<p>previous tables.</p> <p>"The report needs to present the same information, if available, for non-stormwater runoff."</p>		<p>4.3</p> <ul style="list-style-type: none"> - 25% irrigation reduction assumption in Section 4.2.1 <p>Section 4 of the WMP, the Group commits to recalibrate its modeling as data is collected through its monitoring program (which includes the non-stormwater outfall screening and monitoring program).</p> <p>As explained in Section 7.1.2. of the RAA (Appendix A-4-1, pg. 51), for non-stormwater flows, the Group assumes a 10% load reduction from nonstructural BMPs and a 25% reduction in irrigation, which leads to another modeled load reduction. The remaining load reduction required for dry weather is assumed to be addressed by structural BMPs.</p> <p>Since the Group is committed to recalibrate modeling with new monitoring data and evaluate the above assumptions, the revised WMP adequately addressed Board staff's comment.</p>
Los Angeles River Upper Reach 2			
Part VI.C.5.b.iv.(5)	<p>"The WMP did not model any pollutants in Categories 2 and 3. These pollutants or surrogates need to be included in the RAA, or supported justification for the use of the proposed limiting pollutants as</p>	<p>There is no evidence that this comment was considered or addressed.</p>	<p>Section 2.4 of the Revised WMP was revised to clarify that Category 2 and Category 3 pollutants were well represented by Category 1 pollutants (see Table 2-7). For example, "coliform bacteria," a Category 2 pollutant, is represented by E. coli, a Category 1 pollutant, while various metals identified as Category 3 pollutants are represented by other metals that are Category 1 pollutants. This adequately addressed Board staff's comment.</p>

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	surrogates for each Category 2 and Category 3 waterbody-pollutant combination."		
Part VI.C.5.a.iii	"...the WMP should utilize General Industrial Storm Water Permittee monitoring results...to assess and potentially refine estimates of pollutant loading from the identified "non-MS4" areas.	The recommended action was not done.	<p>Section 2 of the revised and final WMP was amended to include details on the Group's analysis of non-MS4 industrial stormwater data. The following discussion was included on page 30 both the revised WMP and final WMP:</p> <p>Monitoring data, from non-MS4 Permittees in the LAR UR2 WMA [watershed management area], were also reviewed, however of 161 General Industrial Permittees within the WMA, only 35 were found to have submitted data to the State Storm Water Multiple Application and Report Tracking System (SMARTS) website. Initially, this data was briefly reviewed and appeared to have little diagnostic value in predicting pollutant sources or loads. Following receipt of the Board WMP comment letter, the analysis was repeated and again the data was found to be of limited value in guiding either current pollutant sources assessments or developing credible industrial land use pollutant EMCs. In the majority of cases, the monitoring data appeared variable and inconsistent, reported with mistaken concentration units, and the analytical parameters tracked were unrelated to likely facility pollutants or observed watershed</p>

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			<p>impairments. A determination was made that this data did not meet the RAA Guideline criteria for being sustentative and defensible. In addition, the current versions of Permit approved RAA models are limited to less than 20 land use categories, preventing the application of SMARTS Monitoring Data to individual Industrial Permittees.</p> <p>The approach in the final WMP is reasonable in light of this analysis.</p>
Part VI.C.5.a.iii	"The draft WMP should consider existing TMDL modeling data, where available, when refining the source assessment.	There is no evidence that this comment was considered or addressed.	The Group and Board staff discussed the existing TMDL modeling and found it too general to refine the Group's source assessment for its watershed area. The Group did, however, add detail to the discussion of TMDL source assessments in Section 2.3 of its Revised WMP, including consideration of recent TMDL monitoring data. This is appropriate as the comment was for the Group to consider existing TMDL modeling data.
Part VI.C.5.a.iii	"A process and schedule for developing the required spatial information on catchment areas to major outfalls should be proposed, if this information does not already exist."	There is no evidence that this comment was considered or addressed.	The Group clarified that some of the required spatial information was presented in the Coordinate Integrated Monitoring Program (CIMP). For the remainder, the Group committed to developing it as it implements its illicit connection/illicit discharge activities, non-stormwater screening and prioritization, and source identification.

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<p>Part VI.C.5.b Part VI.C.5.b.iv.(5)</p>	<p>"The draft WMP does not clearly specify a strategy to comply with the interim WQBELs for the LA River metals TMDL....Further discussion of current compliance with the LA River nitrogen compounds TMDL, for which there is a final compliance deadline of 2004, is also needed..."</p>	<p>There is no evidence that this comment was considered or addressed.</p>	<p>Sections 4 and 5 of the Revised WMPs were revised to add clarity and specificity to the Group's phased implementation schedule relative to interim TMDL compliance deadlines.</p> <p>The Revised WMP also summarizes monitoring data from the LA River Metals TMDL coordinated monitoring program, which indicate that metals rarely exceed receiving water limitations during dry-weather at monitoring stations adjacent to the LAR UR2 watershed management area. (The interim compliance deadline of 2020 for metals in dry weather is one of the nearer term deadlines for the Group.) Regarding compliance with the LA River nitrogen compounds TMDL, the Group included an expand discussion in the RAA explaining that no nitrogen pollutant reduction was required.</p> <p>The Group will further evaluate whether past interim and final deadlines have been met as data are collected through the Group's CIMP.</p>
<p>Part VI.C.5.b</p>	<p>"...the specific LID street projects and their locations are not identified. The draft WMP should provide as much specificity as feasible in describing the potential locations for LID streets. Additionally, the permittees that would be responsible for</p>	<p>Section 4.3.3.2 identifies on proposed LID street BMP in Vernon and one completed and one potential LID street BMP in Commerce. It went on to give some budgetary rationalizations. Mere mention of three LID street BMPs, only one finished or with a solid commitment, is unresponsive.</p>	<p>Table 4-10 of the revised and final WMP lists the extent of LID streets that will be required within the jurisdiction of each LAR UR2 Permittee. Additionally, Section 4.3.3.2 (Revised WMP) and Section 4.5.2 (Final WMP) state:</p> <p>...they [LID streets] will be located near runoff collection or discharge points where their benefit is most easily accessed and quantifiable. LID Streets were applied to treat 25 percent of commercial and residential land uses in areas that were not tributary to</p>

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	implementing LID street projects should be specified."		<p>proposed regional BMPs on the Los Angeles River side of LAR UR2 WMA.</p> <p>The revised WMP identifies three near-term LID street BMPs in Section 4.3.3.2. The approval letter included a condition, directing the Group to provide interim milestones for LID Street implementation associated with the areas identified in Table 4-10. The Final WMP provides additional interim milestones for both specific projects and overall green street implementation in Table 5-1. The Final WMP also includes additional detail in Section 3.3.3 on green street projects in progress or recently completed with the LAR UR2 WMA, and greater detail in Section 4.5.2 on the type, location and treatment scale of planned green street projects. The additional detail and commitments adequately addressed Board staff's comment.</p>
Part VI.C.5.b	"The WMP assumes a significant reduction in copper based on the phase-out of copper in automotive brake pads...to achieve the necessary copper load reductions....[A]dditional structural BMPs may still be needed to reduce copper loads prior to entering receiving waters and eliminate copper exceedances of RWLs."	Section 3.3.2 reasons that the phase-out is ahead of schedule and that other copper reductions will be afforded by source controls for zinc. Section 4.3.2.2 also discusses the issue but with nothing beyond the content of the draft WMP. The WMP shows no analysis of other sources and their magnitudes, how the accelerated phase-out might affect copper concentrations	<p>The RAA's approach of using zinc as a limiting pollutant, while anticipating copper reductions through Senate Bill 346 is an adequate approach to compliance with copper WQBELs. Therefore, no condition was included in the Executive Officer's approval letter to address this comment.</p> <p>The WMP Group has clarified its approach and estimates of copper reductions under Senate Bill 346 have been provided since issuance of comments on the draft WMP. Specifically, the Revised WMP provided detail on expected reductions in copper runoff under various implementation scenarios at TMDL compliance milestones (Section 4.3.2.2, Table 4-8, pg. 87).</p>

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		and loadings, or how source controls for zinc will affect copper. Sources of zinc and copper are not necessarily coincident, and frequently are not.	This adequately addressed Board staff's comment.
Part VI.C.5.b.iv.(5)	"Table 1-5 should be updated....The concentration-based WQBELs for metals on page 78 are incorrect...."	There is no evidence that this comment was considered or addressed.	The revised WMP did not correct the error. However, during a subsequent meeting, Board staff directed the Group to correct Table 1-5 to reflect the correct effective date for the Los Angeles River Nitrogen Compounds and Related Effects TMDL. The final WMP has the correct date in Table 1-5. During the same meeting, Board staff directed the Group to revise the concentration-based WQBELs for metals, which were presented as water effects ratio (WER)-adjusted WQBELs, as the recently adopted WERs are not yet in effect. The final WMP was revised to present the currently applicable WQBELs.
Part VI.C.5.b.iv.(5)	"The differences between baseline concentrations/loads and allowable concentrations/loads should be presented in a time series...and then as a summary of 90th percentile of the differences between pollutant concentrations/loads and allowable	There is no evidence that this comment was considered or addressed.	Section 4.4 (Modeling Output) of the Revised WMP and Section 4.5 (Modeling Output) of the Final WMP states: [t]he following tables present individual and summed BMP load reductions for fecal coliform, copper, and zinc for the Los Angeles River and Rio Hondo drainage areas. The following tables will follow the units presented in Attachment O of the MS4 Permit. Bacteria loads will be presented in MPN/day, and metal loads will be presented in kg/day. Bacteria load reduction results (Table 4-20 and Table 4-21) are shown for the final wet-weather bacteria TMDL compliance date of 2037, modeled

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	concentrations/loads for wet weather periods, in units consistent with the applicable WQBELs and Receiving Water Limitations..."		<p>using rainfall data from the 90th percentile year based on wet days (2011). Metals load reduction results (Table 4-22 and Table 4-23) are shown for the final wet-weather metals TMDL compliance date of 2028, modeled using rainfall data from the 90th percentile year based on rainfall (1995). Average (mean) load reduction results are shown, as well as the interquartile ranges (25th to 75th percentiles), to reflect model output variability, which is primarily driven by land use EMC variability.</p> <p>Time series data were provided in model output files. Total BMP load reductions that exceed the target load reductions indicate that reasonable assurance (of meeting the permit limits) has been demonstrated for that pollutant for that drainage area. The tables in combination with the model output files adequately addressed Board staff's comment.</p>
Part VI.C.5.b.iv.(5)	"...a detailed explanation should be provided of the calculations used to derive the target load reductions."	There is no evidence that this comment was considered or addressed.	Section 4.3.1, Target Load Reductions, details how the Target Load Reductions were calculated. The Group provided model input and output files that allowed Board staff to verify the calculated Target Load Reductions. The Groups' explanation adequately addressed Board staff's comment.
Part VI.C.5.b.iv.(5)	"Model output should also be provided for phased BMP implementation to demonstrate that interim	There is no evidence that this comment was considered or addressed.	The Group submitted the model input and output file in response to Board staff's request. The revised WMP relies on a storm water volume capture approach to demonstrate compliance with WQBELs and receiving water limitations. The modeling calculated the

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	<p>WQBELs for metals and bacteria will be met."</p>		<p>necessary volume capture to achieve compliance with WQBELs and receiving water limitations. Section 4.3.1, Target Load Reductions, includes the calculated volume capture of the BMPs that need to be implemented to achieve compliance. Table 5-1 of the revised WMP identifies the proposed control measure implementation schedule based on the phasing needed to achieve compliance with interim and final compliance targets for both bacteria and metals. The final WMP was revised in response to a condition in the Executive Officer's approval letter to modify the title of Table 5-1 to Control Measure Implementation Schedule, removing the word "tentative" from the title.</p>
<p>Part VI.C.5.b.iv.(5)</p>	<p>"The ID number for each of the 50 subwatersheds from the model input file should be provided and be shown in the simulation domain to present the geographic relationship of subwatersheds within the watershed area that are simulated in the LSPC model."</p>	<p>There is no evidence that this comment was considered or addressed.</p>	<p>The Group provided the subwatershed ID numbers as well as submitted the model input and output files in response to Board staff's request.</p>

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Part VI.C.5.b.iv.(5)	"The flow, runoff volume and water quality....time series output at the watershed outlet as well as for each modeled subbasin should be provided using the 90th percentile critical conditions....to estimate the baseline condition. In addition, per RAA Guidelines, the model output should include stormwater runoff volume and pollutant concentration/load at the outlet and for each modeled subbasin for each BMP scenario as well..."	There is no evidence that this comment was considered or addressed.	The Group submitted the model input and output files in response to Board staff's request. The time series output is contained within the submitted model files.
Part VI.C.5.b.iv.(5)	"The identification of the 90th percentile years in Table 4-2 needs to be supported by presenting historical hydrological data to demonstrate the selected critical period will capture the variability of rainfall and storm sizes/conditions."	The presentation does not demonstrate that the choice of critical years given in Table 4-2 is correct. The analysis and graphing are not for precipitation frequency, as requested by the comment, but flow rate frequency. The addition to the WMP is thus unresponsive.	Section 4.3.1, Target Load Reductions, of the revised WMP clearly states LACFCD's South Gate Transfer Station (D1256) rain gauge is associated with the largest unit area within the WMA, as demonstrated in Figure 4-4 and was therefore assumed to be representative of atmospheric conditions for the sub-region. The period of record for the gage is 1986-2011. The final WMP was revised to include Table 4-1, which lists the annual rainfall depth, for each year, for the period of 1989 to 2011. The comment was appropriately addressed.

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Part VI.C.5.b.iv.(5)	"Model simulation for copper, lead, zinc, nitrogen, and bacteria under the dry weather condition was not included in the Report and needs to be addressed."	Two paragraphs were added to the WMP in section 4.3 reasoning that the approved models are not applicable to dry weather. Yet the consultant who prepared the Lower San Gabriel River RAA developed methodology to simulate dry weather conditions and to develop dry-weather pollutant reduction targets.	<p>The models identified in the Los Angeles County MS4 Permit for use in conducting Reasonable Assurance Analysis were selected because they can represent rainfall and runoff processes of urban and natural watershed systems. The models were designed to model rain events and the resulting pollutant loads based on predictable rainfall-runoff relationships.</p> <p>While several Groups used the models to strategically plan dry weather compliance, they did so in a novel manner by modeling irrigation flow as a simulated rain event. This approach was taken by watershed groups where the Permittees determined that irrigation flow may be a significant source of dry weather pollutant loading in their watershed.</p> <p>Generally, modeling of non-stormwater discharges is not conducted due to uncertainties in predicting dry-weather runoff volume, which is driven by variable and unpredictable human activities rather than climatic factors. As such, dry weather compliance strategies are generally more conceptual, targeting reduction in non-stormwater discharges through implementation of illicit discharge elimination programs and BMPs for stormwater runoff that can have the added benefit of addressing dry-weather runoff as well. Section 4.3, Modeling Process, of the revised WMP states in part, "[a]lthough model simulations for dry weather are not included, dry weather compliance is demonstrated by the Los Angeles River Bacteria TMDL Load Reduction study, Los Angeles River Metals TMDL CMP Annual Reports, and will continue to be assessed through</p>

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			<p>CIMP implementation, particularly dry-weather receiving water monitoring and non-stormwater outfall screening, source assessments, and monitoring" (pg. 75).</p> <p>The approval letter also included a condition, requiring the Group to include reference to the LA River Bacteria TMDL dry-weather load reduction strategy (LRS), submitted by the Group in December 2014, and the specific steps and dates for investigating outlier outfalls as set forth in the LRS. The Final WMP includes a new section 3.1.5.3 and revisions to Table 1-6, which identify steps and dates for investigating outlier outfalls as required by the condition in the approval letter (pg. 41). The dry weather RAA approach is appropriate.</p>

ATTACHMENT 2

Assessment of NRDC/LAWK/HTB March 25, 2015 Letter Commenting on Revised Watershed Management Programs (WMP)

Watershed Management Group	Environmental Groups' Summary of Regional Board Comment on Draft WMP	Environmental Groups' Assessment of Revised WMP Responsiveness to Regional Board Comment (page number of March 2015 letter noted for reference)	Regional Board Staff's Assessment of Revised and Final WMP Responsiveness to Regional Board Comment (page number or section of revised/final WMP noted for reference)
<p align="center">(1) Los Angeles River Upper Reach 2</p>	<p>Identify and address Category 3 Water Body-Pollutant Combinations (WBPCs) in RAA and WMP similar to Category 1 WBPCs; analyze load reductions from proposed watershed control measures.</p> <p>The WMP needs to provide support for the assumption that Category 2 and 3 pollutants will be addressed by focusing on the limiting bacteria and metals pollutants.</p>	<p>The Category 3 pollutants [total phosphorus, pH, total suspended solids, chromium, and nickel] are not represented on the Category 1 or 2 lists. (Page 3)</p> <p>It is false that total nitrogen (TN) and Category 1 inorganic nitrogen compounds are "the same pollutant" because TN consists of, in addition to inorganic compounds, various organic nitrogen compounds. The Environmental Groups further state, "[t]here is no evidence that this comment</p>	<p>Tables 2-6 and 2-7 in the revised WMP (pp. 29, 34) and final WMP (pp. 29, 34) list potential Category 3 pollutants. Both note that the data used to identify these Category 3 pollutants are from outside of the Group's boundaries. Therefore, the WMP commits to obtaining data applicable to the LAR UR2 subwatershed area to update the Category 3 pollutants through the Group's Coordinated Integrated Monitoring Program (CIMP) and the adaptive management process. This is a reasonable approach as receiving water monitoring under the previous LA County MS4 Permit was limited to several mass emissions stations (typically one per watershed), which limits the ability of some groups to identify Category 3 pollutants.</p> <p>While it is true that TN and inorganic nitrogen compounds are not the same pollutant, in the RAA, the use of subset of pollutants that are proxies for other Category 1, 2 and 3 pollutants is a reasonable and necessary approach as the models identified for use in the permit were developed to model a subset of pollutants. (For example, the Countywide Watershed Management Modeling System (WMMS) models TN,</p>

Watershed Management Group	Environmental Groups' Summary of Regional Board Comment on Draft WMP	Environmental Groups' Assessment of Revised WMP Responsiveness to Regional Board Comment (page number of March 2015 letter noted for reference)	Regional Board Staff's Assessment of Revised and Final WMP Responsiveness to Regional Board Comment (page number or section of revised/final WMP noted for reference)
		[by Board staff] was considered." (Pages 3-4)	which includes both inorganic and organic nitrogen compounds.) This is based on the knowledge that the baseline loading, target reductions and anticipated reductions with best management practices (BMP) implementation of other pollutants with similar sources and fate and transport mechanisms will be represented by the subset of modeled pollutants. It is also based on the fact that some pollutants will drive BMP implementation (i.e., these "limiting" pollutants will require the most aggressive suite of BMPs to meet water quality requirements). The revised and final WMP adequately describe this approach and the rationale in Section 4.0 on page 70 and 73, respectively.
(2) Los Angeles River Upper Reach 2	Use General Industrial Stormwater Permit monitoring results and other data to refine estimates of pollutant loading from non-MS4 areas in the RAA and WMP.	Although some of the data may be inadequate, additional data should be used wherever possible, including regional data, data from the literature of the field, and data from permitted industries elsewhere. Using the best available data for this purpose would not be inconsistent with other modeling and analysis strategies pursued in the WMP; e.g., almost all receiving water data relied upon are from outside the reach in	Section 2 of the revised and final WMP was amended to include details on the Group's analysis of industrial stormwater data. The following discussion was included on page 30 of both the revised WMP and final WMP: Monitoring data, from non-MS4 Permittees in the LAR UR2 WMA [watershed management area], were also reviewed, however of 161 General Industrial Permittees within the WMA, only 35 were found to have submitted data to the State Storm Water Multiple Application and Report Tracking System

Watershed Management Group	Environmental Groups' Summary of Regional Board Comment on Draft WMP	Environmental Groups' Assessment of Revised WMP Responsiveness to Regional Board Comment (page number of March 2015 letter noted for reference)	Regional Board Staff's Assessment of Revised and Final WMP Responsiveness to Regional Board Comment (page number or section of revised/final WMP noted for reference)
		question. (Page 4)	<p>(SMARTS) website. Initially, this data was briefly reviewed and appeared to have little diagnostic value in predicting pollutant sources or loads. Following receipt of the Board WMP comment letter, the analysis was repeated and again the data was found to be of limited value in guiding either current pollutant sources assessments or developing credible industrial land use pollutant EMCs. In the majority of cases, the monitoring data appeared variable and inconsistent, reported with mistaken concentration units, and the analytical parameters tracked were unrelated to likely facility pollutants or observed watershed impairments. A determination was made that this data did not meet the RAA Guideline criteria for being sustentative and defensible.</p> <p>When presented with this analysis, Board staff agreed that the data were not appropriate to use to refine estimates of pollutant loading from industrial facilities within the LAR UR2 WMA. Consequently, the LAR UR2 Watershed Management Group relied upon the regional event mean concentrations (EMCs) to determine</p>

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			<p>baseline loading from industrial areas within its subwatershed area. The analysis of monitoring data submitted by general industrial stormwater permittees within the subwatershed and discussion of TMDL source assessments in Section 2.3, and the use of regional land use specific EMCs in the RAA, adequately addressed Board staff's comment.</p>
<p>(3) Los Angeles River Upper Reach 2</p>	<p>Specify why the LA River metals TMDL is not included as Category 1a since some compliance deadlines have passed.</p> <p>The WMP does not specify a strategy to comply with interim LA River metals TMDL WQBELs and specifically needs to be revised to document either that past deadlines have been achieved or provide a strategy to do so.</p>	<p>No assessment was provided by the Environmental Groups, but the following statement was in the letter, "[t]here is no evidence that this comment was considered." (Page 4)</p>	<p>A number of Permittees opted to further subcategorize pollutants within Categories 1, 2 and 3, though such subcategorization is not required by the permit. In this case, the revised WMP does not specify why metals are not included in Category '1a,' but the revised and final WMP does accurately identify the past interim compliance milestones for metals in Table 1-6 (p. 18) and appropriately identifies metals as Category 1 pollutants in Tables 2-6 and 2-7 (pp. 29, 34).</p> <p>Both also note the following in Section 2.3 Source Assessment, which informs the Group's prioritization of pollutants, "[a]s summarized in the Los Angeles River Metals TMDL CMP Annual Reports, dry-weather monitoring data from stations adjacent to the LAR UR2 WMA were rarely in exceedance for metals." The revised and final WMP clearly state that the Group will continue to</p>

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			<p>monitor for dry weather metal concentrations, as proposed in the CIMP, and implement the structural and non-structural watershed control measures identified in Section 5 to further identify and control the sources of metals in runoff and LAR UR2 WMA receiving waters. Through the CIMP, data will be obtained to evaluate whether past deadlines have been achieved. This adequately addressed Board staff's comment.</p>
<p>(4) Los Angeles River Upper Reach 2</p>	<p>The WMP needs to include a firm schedule for implementation of trash TMDL BMPs.</p>	<p>The Environmental Groups' state that there is no evidence that this comment was considered. (Page 4)</p>	<p>Both the revised and final WMP include the final implementation date of October 1, 2015 in Table 5-1 on pages 104 and 117, respectively, which is consistent with the trash TMDL schedule. The revised WMP identified challenges with retrofitting remaining catchbasins with full capture devices (p. 40). However, the approval letter included a condition, directing the Group to include a strategy to address the remaining catchbasins as necessary to comply with the trash TMDL. The final WMP includes discussion of the Group's final trash TMDL implementation steps to overcome these retrofitting challenges in Section 3.1.5.3 on page 41.</p>

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<p>(5) Los Angeles River Upper Reach 2</p>	<p>The WMP should provide as much specificity as feasible in describing the locations of LID streets and permittees responsible for them.</p>	<p>The Environmental Groups state that the information in the draft and revised WMP is insufficient. (Page 5)</p>	<p>Table 4-10 of the revised and final WMP lists the extent of LID streets that will be required within the jurisdiction of each LAR UR2 Permittee. Additionally, Section 4.3.3.2 (Revised WMP) and Section 4.5.2 (Final WMP) state, "...they [LID streets] will be located near runoff collection or discharge points where their benefit is most easily accessed and quantifiable. LID Streets were applied to treat 25 percent of commercial and residential land uses in areas that were not tributary to proposed regional BMPs on the Los Angeles River side of LAR UR2 WMA." The revised WMP identifies three near-term LID street BMPs in Section 4.3.3.2. The approval letter included a condition, directing the Group to provide interim milestones for LID Street implementation associated with the areas identified in Table 4-10. The Final WMP provides additional interim milestones for both specific projects and overall green street implementation in Table 5-1. The Final WMP also includes additional detail in Section 3.3.3 on green street projects in progress or recently completed with the LAR UR2 WMA, and greater detail in Section 4.5.2 on the type, location and treatment scale of planned green street projects. The additional detail and commitments adequately addressed Board staff's comment.</p>

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<p>(6) Los Angeles River Upper Reach 2</p>	<p>The WMP should provide more detail on how the adaptive management process will be implemented.</p>	<p>There is no evidence that this comment was considered, and the subject is crucial to success in reaching compliance. (Page 5)</p>	<p>Section 1 of the revised and final WMP state, "[t]his WMP plan is a critical component of the iterative Adaptive Management Process (AMP) strategy and will be updated every two years as described in the MS4 Permit, or amended with minor corrections as warranted by changing regional precedents and the development of new scientific and technical data." The final WMP also states in Section 4.0, "...CIMP implementation, outfall monitoring, and the adaptive management process, should allow directly applicable local LAR UR2 WMA models to be developed, tested, and calibrated based on observed data, allowing revision of this initial RAA and consideration of different pollutants, standards, and implemented watershed control measures" (p. 79). The Executive Officer also provided additional direction on the adaptive management process to all Permittees implementing a WMP in the letters approving the WMPs.</p>
<p>(7) Los Angeles River Upper Reach 2</p>	<p>The WMP needs to include specific commitments to implement the non-structural BMP enhancements, or not rely upon the 5% load</p>	<p>A comparison of page numbers is by no means documentation that load reduction will result. Non-</p>	<p>On the basis of discussions at technical advisory committee (TAC) meetings and, specifically, RAA subcommittee meetings, the RAA guidance document developed by</p>

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	<p>reduction anticipated from their use.</p>	<p>structural BMPs beyond street vacuuming are ignored. (Page 5)</p>	<p>Regional Board staff allows Permittees to assume a 5% reduction in pollutant load from the baseline load in light of the additional minimum control measures (MCMs) in the 2012 permit as compared to the 2001 permit.</p> <p>Section 3.1 of the Revised WMP discusses new minimum control measures (MCM) provisions of the 2012 permit that will support a reduction in pollutant loads, while Table 3-8 on page 68 identifies specific non-structural BMPs that will be implemented by the Permittees of the LAR UR2 WMA consistent with, or in addition to, the baseline provisions of the 2012 permit. Table 3-8 includes a suite of non-structural BMPs; street vacuuming is only one among this suite.</p> <p>The Executive Officer's approval letter included conditions, directing the Group to revise certain sections of the WMP to clarify the Permittees' commitments regarding non-structural BMP implementation. Sections 3.1 and 4.4.4 of the final WMP note some of the differences in MCM requirements from the 2001 permit and the 2012 permit, and Table 3-8 of the final WMP (pp. 69-70) provides greater specificity with regard to the non-structural BMPs that each Permittee within the LAR UR2 WMA will implement, including</p>

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			the timing of implementation. This adequately addressed Board staff's comment.
<p>(8) Los Angeles River Upper Reach 2</p>	<p>The WMP is predicated on the assumption that industries will eliminate their contributions to receiving water exceedances as required by their permits. However, it is important that the jurisdictions ensure that industries implement required BMPs through various actions, such as tracking critical sources, education, and inspection.</p>	<p>The draft WMP is vague and does not even name, let alone commit to, specific measures such as those mentioned in the Board's comment. (Page 6)</p>	<p>In the revised and final WMP, the LAR UR2 Watershed Management Group commits to complying with all Industrial/Commercial Facilities Pollutant Control Program provisions of the 2012 permit. In the Final WMP, Table 3-8 is revised to include specific commitments to non-structural BMPs in addition to implementation of the baseline provisions of the Industrial/Commercial Facilities Pollutant Control Program provisions and indicates each Permittee's specific commitments, including timing of implementation. Additionally, Section 3.1.1.2 of the Final WMP considers additional enhancements to the program in certain jurisdictions with more extensive industrial area (e.g., City of Commerce).</p>
<p>(9) Los Angeles River Upper Reach 2</p>	<p>The differences between baseline concentrations/loads and allowable concentrations/loads should be presented in a time series for each pollutant...</p> <p>In addition, a detailed explanation should be provided of the calculations used to derive the</p>	<p>There is no evidence that this comment was considered. (Page 6)</p>	<p>Section 4.4 (Modeling Output) of the Revised WMP and Section 4.5 (Modeling Output) of the Final WMP states:</p> <p>[t]he following tables present individual and summed BMP load reductions for fecal coliform, copper, and zinc for the Los Angeles River and Rio Hondo</p>

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	<p>target load reductions.</p> <p>Note: The March 25, 2015 Letter referenced RAA Comment B3, but misstated comment to read, "Give model output for interim WQBELs."</p>		<p>drainage areas. The following tables will follow the units presented in Attachment O of the MS4 Permit. Bacteria loads will be presented in MPN/day, and metal loads will be presented in kg/day. Bacteria load reduction results (Table 4-20 and Table 4-21) are shown for the final wet-weather bacteria TMDL compliance date of 2037, modeled using rainfall data from the 90th percentile year based on wet days (2011). Metals load reduction results (Table 4-22 and Table 4-23) are shown for the final wet-weather metals TMDL compliance date of 2028, modeled using rainfall data from the 90th percentile year based on rainfall (1995). Average (mean) load reduction results are shown, as well as the interquartile ranges (25th to 75th percentiles), to reflect model output variability, which is primarily driven by land use EMC variability.</p> <p>Time series data were provided to the Board in model output files. Total BMP load reductions that exceed the target load reductions (TLRs) indicate that reasonable assurance (of meeting the permit limits) has</p>

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			been demonstrated for that pollutant for that drainage area. This explanation along with the model output files adequately addressed Board staff's comment.
(10) Los Angeles River Upper Reach 2	Describe how the model was calibrated.	This [description in section 4.5] does not demonstrate calibration. A calibration adjusts model parameters as needed to bring observed and simulated values into as much agreement as can be accomplished. What the final sentence of the response describes is not calibration but instead a verification step, which is a demonstration of the degree of difference that still exists between an independent observed data set and simulated values after calibration. There is no evidence presented that either operation has been completed. (Page 6)	Section 4.1.3.1 (Hydrology Calibration) of the Final WMP details the approach used for model calibration. It states, in part, "[a]s part of the Los Angeles County WMMS system, the LSPC module, including the Los Angeles River Watershed, was calibrated for hydrology and water quality performance. Input parameters and model settings were not modified during the LAR UR2 WMA RAA, so the original County calibration results should continue to apply; however they are partially repeated and summarized herein, with an emphasis on local or WMA applicability" (p. 75). Section 4.1.3.1 also clarifies the calibration process by stating, "[t]he County calibration documentation allows us to compare and summarize LSPC predicted and observed flows for key locations within watershed. As shown in Figure 4-1, for the Los Angeles River at Sepulveda Dam from October, 2002 to October, 2006, an average difference of 1.25% in annual stream volumes was observed placing these results within RAA Guidelines 'very good' range. For the period between October 1988 and October 1992 as shown in Figure 4-2, the watershed LSPC

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			<p>model similarly compared favorably with downstream USGS gauge 11103000, with an average difference of only 4.37%, which is also within the 'very good' range." (p. 75) Additionally, in the Executive Officer's approval letter, a condition was included to provide the comparison of runoff volumes from Loading Simulation Program in C++ (LSPC) and Structural BMP Prioritization and Analysis Tool (SBPAT) as an appendix or subsection to the model calibration section. The Final WMP provided this comparison in Table 4-2 on page 89. This is a reasonable approach given available data for the LAR UR2 WMA. The approval letter also directed the LAR UR2 Watershed Management Group to refine and recalibrate its RAA based on data obtained through the Group's CIMP, which will be specific to the LAR UR2 WMA, as part of the adaptive management process.</p>
<p>(1) Lower Los Angeles River</p>	<p>Consider other TMDL source investigations (e.g., for metals).</p>	<p>No difference in draft and revised WMPs in how metals TMDL results were reported or used in section 2.2.4, in particular for source investigation. (Page 7)</p>	<p>Section 2.2.4 is part of the Water Quality Characterization section of the WMP rather than the Source Assessment section. Data collected since 2008 per the LA River Metals TMDL are presented in this section.</p> <p>The WMP's source assessment in Section 2.3 (starting on page 2-34) considers TMDL source investigations by citing TMDL findings that were not included in the draft</p>

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			<p>WMP. For example:</p> <ul style="list-style-type: none"> - Pg. 2-36: LA River Nitrogen Compounds and Related Effects TMDL – Wastewater reclamation plants are largest source of nutrient loadings; - Pg. 2-37: LA River Metals TMDL – Stormwater accounts for the majority of annual loading for various metals (40-95%); POTWs are primary source of metal loadings in dry weather; - Pg. 2-34: LA River Bacteria TMDL – Dry weather urban runoff and stormwater are the primary sources of bacterial loading in the watershed; and - Pg. 2-39: LA River Trash TMDL – Urban runoff is the dominant source of trash.
(2) Lower Los Angeles River	Need: (1) map of major outfalls and structural controls, (2) outfall database, (3) maps of 53 subcatchments or process and schedule to develop.	Maps of major outfalls and structural controls is a permit requirement, which is not met here. (Page 7)	The LLAR Group has provided maps of major outfalls and structural controls (see Revised WMP, Section 3.4.3.3, Figure 3-16 and Chapter 4). Information pertaining to the outfall database was submitted with the CIMP. What the Group cannot provide readily are the drainage areas associated with each major outfall. However, Board staff's original comment states that if maps are not readily available, a process and timeline can be proposed.

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			<p>The LLAR Group has indicated the difficulty of providing the requested catchment area information as part of its WMP submittal and has made a 1-year timeline to provide the catchments for major outfalls with significant discharges and outfalls where stormwater monitoring will occur. The CIMP also notes that refinement of catchment areas for major outfalls is ongoing. This adequately addressed Board staff's comment.</p>
<p>(3) Lower Los Angeles River</p>	<p>Demonstrate schedule ensures compliance as soon as possible.</p>	<p>The program needs to more clearly demonstrate that the compliance schedule (section 5) ensures that compliance can be achieved "as soon as possible." (Page 7)</p>	<p>The revised WMP (pg. 5-1) includes new language that clarifies the Group's strategy: "Meeting the load reductions determined by the RAA results in an aggressive compliance schedule in terms of the technological, operational, and economic factors that affect the design, development, and implementation of the necessary control measures."</p> <p>The revised WMP provides an estimate of the cost of structural BMPs, and based on this estimated cost, reiterates the financial difficulties and uncertainties of implementing the WMP (particularly the lack of funding sources for controls), and concludes that the compliance schedule is as short as possible to allow time to both address technological and operational challenges and to secure the necessary funding to implement the watershed control measures in the WMP.</p>

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			This additional clarification is a sufficient response to the comment. The Group's existing strategy to control pollutants "as soon as possible" is sound.
(4) Lower Los Angeles River	Address if limits for pollutants not addressed by TMDLs could be complied with in a shorter time.	There is no evidence that this comment was considered. (Pages 7-8)	This comment is similar to the above comment that compliance schedules for non-TMDL pollutants are "as soon as possible." The clarification provided by the Group in Section 5 (pg. 5-1) of the revised WMP on how the Group's strategy for meeting load reductions determined in the RAA is an aggressive compliance schedule is sufficient with respect to this comment.
(5) Lower Los Angeles River	<p>More specificity on type, number, location, and timing of watershed controls. "The MS4 Permit requires that the WMP provide specificity with regard to structural and non-structural BMPs, including the number, type, and location(s), etc. adequate to assess compliance."</p> <p>Regional Water Board staff recognizes uncertainties may complicate establishment of specific implementation dates, however there should at least be more specificity on actions within the current and next permit terms.</p>	<p>As is the case with the Lower San Gabriel River ("LSGR") WMP, this passage has interpreted the Board's requirement for [as soon as possible] ASAP compliance in strictly financial terms, with additional indeterminate delays added for acquisition and "conversion."</p> <p>This response, and other statements throughout the document, make it clear that no commitments to "specificity or actions" or associated timelines have been provided.</p>	<p>The compliance schedule for nonstructural BMPs contained in Table 5-1 (pg. 5-3) of the Revised WMP contained some indeterminate milestone dates and in the case of TCM-RET-1 "Encourage Downspout Disconnects," no interim milestones or milestone dates. The Executive Officer's approval letter included a condition, directing the Group to modify the milestones for these BMPs. The Final WMP addressed this condition by including additional milestones and dates for their achievement.</p> <p>Section 5.2 (pg. 5-4) lists structural LID BMPs that are to be constructed within this permit term; however, the revised WMP did not contain definitive milestone dates nor did</p>

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		<p>For those actions with starting dates, both the draft WMP and revised WMP (with just 7 months between them) fail to demonstrate that actionable steps have been taken. For example, Table 5-1 in both documents lists the "Nonstructural TCM Compliance Schedule." However, of the items in the 2014 table with associated 2014 start dates, several are now listed in the 2015 table as having 2015 start dates (e.g., "Enhance tracking through use of online GIS MS4 Permit database" and "Exposed soil ordinance")—clearly, no assurances can be assumed from these documents. There is also no pathway between scheduled completion dates and interim compliance deadlines, as requested by the Board's comment and required by the 2012 Permit. (Pages 8-9)</p>	<p>it specify the Permittees responsible for the projects. The Executive Officer's approval letter included a condition, directing the Group to add definitive dates for these structural BMPs. The Final WMP includes two new tables, Tables 5-2 and 5-3, which provide detail on the Permittees responsible for each LID BMP, and the deadlines and status for the project tasks (pgs. 5-4 to 5-5).</p> <p>Regarding other structural BMPs, the Revised WMP includes a pollutant reduction plan in Section 5.4 (pg. 5-7) that indicates the BMP volume that each Permittee needs to install within its jurisdiction at 31%, 50%, and Final milestone dates (these milestones occur in 2017, 2024, and 2028, respectively) and also identifies regional projects that could support achieving the 31% and 50% milestones.</p> <p>These details on structural and non-structural BMPs adequately address Board staff's comment.</p>

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(6) Lower Los Angeles River	The draft WMP proposes a final compliance date of September 2030 for bacteria in the LA River Estuary. However, the Group does not provide sufficient justification for this date. ... Additional milestones and a schedule of dates for achieving milestones should be defined for addressing bacteria discharges to the LA River Estuary.	The response only addresses a schedule for submittals, not for achieving milestones. (Page 9)	The Group did not address this comment in the Revised WMP. The Load Reduction Strategy schedule for LAR Estuary was inadequate. The Executive Officer's approval letter included a condition, directing the Group to change the dates of submittals and implementation, as well as a date for when final water quality based effluent limitations (WQBELs) should be achieved. Section 5.4.10 of the Final WMP includes a revised Table 5-4, which provides milestones and a revised schedule of dates for achieving milestones sooner than initially proposed. The Executive Officer determined these revisions adequately addressed the condition in the approval letter.
(7) Lower Los Angeles River	The WQBELs that are established in the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL shall be achieved through implementation of the watershed control measure proposed in the WMP. However, the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL appears to be completely omitted from the draft	There is a section in the 2014 WMP (3.4.1.6) on these TMDLs, but no change was made in this section of the document and there is no inclusion or analysis of pollutant controls, as requested.	On pgs. 38-39 of Appendix 4, A-4-1 Reasonable Assurance Analysis, the Group demonstrates that their limiting pollutant approach takes into account the Harbor Toxics TMDL by evaluating DDT, PCB, and PAHs in its RAA. The Group states that implementing control measures that control zinc will achieve the load reductions required to achieve the WQBELs of the Harbor Toxics TMDL. This is a reasonable assumption and consistent with the Harbors Toxics TMDL, in which the Board acknowledges that implementation of other TMDLs in the

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	<p>WMP. The draft WMP did not include and analyze a strategy to implement pollutant controls necessary to achieve all applicable interim and final water quality-based effluent limitations...</p>		<p>watershed may contribute to the implementation of the Harbors Toxics TMDL.</p> <p>For this reason, no condition was included in the approval letter to address this comment.</p>
	<p>Pursuant to Section VI.C.5.a., the WMP should be revised to include an evaluation of existing water quality conditions, classify them into categories, identify potential sources, and identify strategies, control measures, and BMPs as required in the permit for San Pedro Bay unless MS4 discharges from the LLAR WMA directly to San Pedro Bay are being addressed in a separate WMP.</p> <p>--</p>	<p>There is only one reference in the document to San Pedro Bay, as follows and unchanged from the 2014 version: "In addition, the Cities of Signal Hill and Long Beach, and the LACSD developed a Contaminated Sediment Management Plan to support the long-term recovery of sediment and water quality in the Long Beach Harbor, Eastern San Pedro Bay, and the LAR Estuary." (p. 3-30). This is an insufficient response.</p>	<p>The Group explained to Board staff that discharges to San Pedro Bay will be addressed by the City of Long Beach's WMP, which is currently under review by Board staff. As a note, the City of Long Beach is the only Group member adjacent to San Pedro Bay; however, the portion of Long Beach included in the Lower LA River WMP Group is primarily adjacent to the LA River Estuary, not San Pedro Bay.</p> <p>As the original comment notes, this approach is appropriate. Therefore, no condition was included in the Executive Officer's approval letter to address this comment</p>

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	<p>The draft WMP provided corresponding implementation schedules for nonstructural BMPs, which are assumed to result a 10% reduction in pollutant load. For structural BMPs, general implementation timeframes are given...to meet 31% and 50% of the compliance target by 2017 and 2024, respectively. However, greater specificity should be provided with regard to these dates, and additional milestones and dates for their achievement between 2017 and 2024 should be included.</p>	<p>--</p> <p>Identical wording as in the LSGR WMP was added here as well; it is no more responsive to the comment on this plan as it is for the LSGR WMP. (Pages 9-10)</p>	<p>--</p> <p>The Group discusses structural controls on pg. 5-4 noting that: "Uncertainties associated with the structural controls complicate establishment of specific implementation dates. Despite this uncertainty the Group has made a diligent effort to provide a clear schedule of specific actions within the current and next permit terms in order to achieve target load reductions."</p> <p>To substantiate this statement, the Group has provided additional detail in its Table 5-1 for nonstructural BMPs and has added information in Section 5.3.2 on its approach to implement structural controls:</p> <p>Right-of-Way (ROW) BMPs:</p> <ul style="list-style-type: none"> - Will be considered when new capital improvement projects are being constructed. - The Strategic Transportation Plan will redevelop major transportation corridors and will require that structural stormwater BMPs are incorporated into these projects where feasible. <p>Adaptive Management will provide an assessment of the effectiveness of these 2 pathways for ROW BMPs in contributing to metals reductions.</p>

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			<p>Regional BMPs:</p> <ul style="list-style-type: none"> - Preliminary site assessments and feasibility studies by March 2016 - Field analysis of selected sites by December 2016 <p>The Group included additional detail on its Prop 84 Grant projects in Section 5.2; however, this section still lacked specific milestone dates. The Executive Officer's approval letter included a condition, directing the Group to provide definitive dates with respect to these projects. The Final WMP includes two new tables, Tables 5-2 and 5-3, which provide detail on the Permittees responsible for each LID BMP, and the deadlines and status for the project tasks (pgs. 5-4 to 5-5).</p> <p>Regardless of the "uncertainty" that the Group cites in the WMP, the Board will treat the volume reduction milestones in 2017 and 2024 as compliance metrics for the Group.</p>
<p>(1) Lower San Gabriel River</p>	<p>Although section 3 includes a compliance strategy, the program needs to more clearly demonstrate that the compliance schedules (section 5) ensure compliance is "as soon as possible."</p>	<p>This passage [in Compliance Schedule, page 5-1] has interpreted the Board's requirement for [as soon as possible] ASAP compliance in strictly financial terms, with additional indeterminate</p>	<p>The Group reasonably justifies that their strategy will achieve compliance with receiving water limitations (RWLs) as soon as possible.</p> <p>The WMP conveys the uncertainty and financial hurdles faced by the Group as well</p>

Watershed Management Group	Environmental Groups' Summary of Regional Board Comment on Draft WMP	Environmental Groups' Assessment of Revised WMP Responsiveness to Regional Board Comment (page number of March 2015 letter noted for reference)	Regional Board Staff's Assessment of Revised and Final WMP Responsiveness to Regional Board Comment (page number or section of revised/final WMP noted for reference)
	<p>The WMP needs to provide a clear schedule that demonstrates implementation of the BMPs will achieve the required interim metal reductions by the compliance deadlines. The WMP schedule should at the least provide specificity on actions within the current and next permit terms.</p>	<p>delays added for acquisition and "conversion." It also expresses the judgment (drawn from section 5.3.1 of the RAA [Appendix 4-1]) that compliance schedules need only be evaluated for zinc, since other pollutants will be reduced at least as rapidly.</p>	<p>as the fact that the Group must control several different pollutants, including pollutants specified in TMDLs.</p> <p>The Group's strategy of controlling other pollutants as it implements its schedule to control the limiting pollutant zinc through nonstructural control measures and structural control measures is sound and consistent with the Board's integrated water resources approach to TMDL implementation, which is characterized by implementation measures that address multiple pollutants and achieve other benefits. The Group provides a pollutant reduction plan with interim milestones that specifies BMP volume capacity compliance targets that the Group must meet. These targets are specified at the jurisdictional and subwatershed levels (see Attachment B to the RAA – Detailed Jurisdictional Compliance Tables).</p> <p>The Group's comment about conversion of land and acquisition is with regards to regional BMPs. However, it should be noted that the potential initial scenario of control measures presented in the Group's pollutant reduction plan specifies BMP capacity to be installed through right-of-way BMPs and LID BMPs on public parcels, leaving a remaining BMP volume to be handled through</p>

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		<p>This response, and other statements throughout the document, make it clear that no commitments are made to "specificity or actions" or associated timelines. For those actions with starting dates, even the draft and revised WMPs with just 7 months between them, demonstrate a failure to perform. For example, Table 5-1 in both documents lists the "Nonstructural TCM Compliance Schedule." However, of the items in the 2014 table with associated 2014 start dates, several are now listed in the 2015 as having 2015 start dates (e.g., "Enhance tracking through use</p>	<p>"Potentially Regional BMPs," provided in the WMP's RAA (shown in Tables 9-6 and 9-7), constituting only ~2% of the BMP capacity to be installed.</p> <p>Right-of-Way BMP volume = 94.8 acre-feet (af) Estimated LID on Public Parcels = 21.8 af Remaining BMP Volume/Potentially Regional BMP = 2.2 af</p> <p>The Group provides specificity in its control measures by specifying the number of BMPs to be implemented in terms of BMP capacity volume. It then provides milestones for the installation of this BMP capacity volume.</p> <p>The Group commits to achieving milestones on page 5-5 stating: "...over time the Watershed Group will report and demonstrate that the summative effects of projects implemented add up to the required reductions for interim milestones and final targets."</p> <p>Taken altogether, the above information addressed Board staff's comment.</p> <p>Regarding the starting dates for nonstructural BMPs in Table 5-1, the cited start dates were specified as ranges in the draft WMP. For example the start date for</p>

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		of online GIS MS4 Permit database"; "Exposed soil ordinance"—clearly, no assurances can be assumed from these documents. There is also no cross-walk between scheduled completion dates and interim compliance deadlines, as requested by the Board's comment and required by the 2012 Permit. (Pages 10-12)	"Enhanced tracking through use of online GIS MS4 Permit database" was 2014-2017. These dates were modified to be more specific in the revised WMP and to include associated milestones to track progress. To address instances where a milestone date was not specific, the Executive Officer's approval letter included a condition that the Group modify the milestone. The Executive Officer determined that the Final WMP addressed this condition.
(2) Lower San Gabriel River	For waterbody-pollutant combinations not addressed by TMDLs, the MS4 Permit requires that the plan demonstrate...that the activities and control measures to be implemented will achieve applicable receiving water limitations as soon as possible. The RAA ...does not address the question of whether compliance with limitations for pollutants not addressed by TMDLs could be achieved in a shorter time frame.	There is no response to this comment; the RAA continues to not address whether compliance with limitations for pollutants not addressed by TMDLs could be achieved in a shorter time frame. (Page 12)	The Group responds to this comment in Section 5 of the WMP through its justification that their strategy is "as soon as possible." This comment is a corollary to the above comment and is sufficiently addressed.
(3) Lower San Gabriel River	"...the WMP should at least commit to the construction of the necessary number of projects to ensure compliance with permit requirements per applicable compliance schedules."	This response clearly implies no commitment beyond good intentions and a (mandated) willingness to track progress (or its lack thereof) through the permit cycle.	The Group commits to the compliance milestones that are to be achieved through a mixture of structural BMPs, including green street conversion. Compliance with the 2017 first-term

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		(Pages 12-13)	milestone is planned to be achieved through the implementation of non-structural control measures, which the Group provides more specificity (as compared to the draft WMP) in Table 5-1 by providing specific start dates and additional milestones prior to 2017.
(4) Lower San Gabriel River	<p>The MS4 Permit requires that the WMP provide specificity with regard to structural and non-structural BMPs, including the number, type, and location(s), etc. adequate to assess compliance.</p> <p>...there should at least be more specificity on actions within the current and next permit terms to ensure that the following interim requirements are met: (1) a 10% reduction in metals loads during wet weather and a 30% reduction in dry weather by 2017 and (2) a 35% reduction in metals loads during wet weather and a 70% reduction during dry weather by 2020.</p>	<p>Given the vague nature of nearly all of the "milestones" (see above), there is no direct linkage between actions, meeting interim requirements, and schedule to ensure even the 2017 targets.</p> <p>(Pages 13-14)</p>	<p>The Group's 2017 10% reduction milestone is proposed to be met entirely based on nonstructural controls. They cite:</p> <ul style="list-style-type: none"> - Expanded nonstructural MCMs in the MS4 permit (particularly Development Construction Program) - Expanded non-stormwater discharge control measures in the MS4 permit - Nonstructural targeted control measures (e.g., ordinances, increased street sweeping, promotion of downspout retrofits, etc.) <p>To track this, the nonstructural targeted control measures that the Group has developed have a compliance schedule with associated milestones.</p> <p>However, due to the nature of these measures being contingent upon political will (e.g., ordinances), public involvement (e.g., downspout retrofits), and external forces (e.g., source control regulations on metals and grant-funded based projects),</p>

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			<p>implementation of these measures carries with it a degree of uncertainty. Because of this, the Executive Officer's approval letter included a condition that the Group include, where appropriate, more definitive milestones for the nonstructural control measures listed in Table 5-1 and the structural control measures listed in Section 5.2. In the Final WMP, the Group revised milestones for the BMPs listed in Table 5-1 and included jurisdiction-specific milestones (with milestone dates from 2015 to 2017) for the construction and completion of the structural BMPs listed in Section 5.2. The Executive Officer determined that this adequately addressed the condition in the approval letter.</p>
(5) Lower San Gabriel River	<p>The RAA identifies zinc as the limiting pollutant and notes that this pollutant will drive reductions of other pollutants. If the Group believes that this approach demonstrates that activities and control measures will achieve applicable receiving water limitations, it should explicitly state and justify this for each category 1, 2, and 3 pollutant.</p>	<p>As with other issues, there is no linkage between identified control measures and compliance schedule or milestones. Although there is a plausible set of measures to control zinc (and, by association, all other pollutants), there is no indication that they will ever be implemented. (Page 14)</p>	<p>There is a direct linkage between control measures and milestones since the Group commits to pollutant reduction milestones in 2017 (10%) and 2020 (35%); and a final milestone in 2026 (100% of required reduction based on the RAA). Although the specifics of the locations of the control measures are not set-in-stone, the required BMP volume capacity that the Group needs to implement are clearly set by jurisdiction and by subwatershed.</p> <p>This means that the Group is responsible for implementing a suite of control measures</p>

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			that will achieve the volume capture milestones calculated from the RAA. These BMP volume capture milestones and dates for their achievement are compliance metrics for the Group. This adequately addressed Board staff's comment.
(6) Lower San Gabriel River	For dry weather, the WMP assumes a 25% reduction in irrigation (RAA, section 7.1.2). Additional support should be provided for this assumption, particularly since the group appears to be relying almost entirely on this non-structural BMP for near-term pollutant reductions to meet early interim milestones/deadlines.	The justification for 25% reductions may be plausible but is hardly "conservative" (as stated in the text); it also presupposed implementation of actions that would lead to such an outcome. The text also invokes emergency drought regulations as an example of how public education can reduce water use, although its applicability to long-term reductions is nowhere clarified. (Page 14-15)	The Group supports the 25% by citing studies that report water reductions from institution of conservation programs. They also commit to reevaluate this assumption. This adequately addressed Board staff's comment. As a reference, the RAA models existing condition dry-weather loads using 2003 and 2008 dry weather flows for Aug 17-Sep 30.
(7) Lower San Gabriel River	Page 6-1 notes that "[t]he final non-TMDL water quality standard compliance date is projected to be sometime in 2040." However, the pollutant reduction plan milestones in Section 5 only appear to go up to the year 2026. For watershed priorities related to addressing exceedances for receiving water	There are no milestones, based on measureable criteria or indicators, an explicit schedule, or a final compliance date. (Page 15)	The 2026 date provided by the Group is the final compliance date for the San Gabriel River Metals TMDL and, through the Group's limiting pollutant approach, the compliance date used for the Category 1, 2, and 3 pollutants identified in the WMP. The cited 2040 date for bacteria serves as a backup date if, through adaptive

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	<p>limitations, the permit requires milestones based on measureable criteria or indicators, a schedule with dates for achieving the milestones, and a final date for achieving the receiving water limitations as soon as possible. These need to be included in the revised WMP.</p>		<p>management and future model simulations, the 2026 deadline for zinc is inadequate to control bacteria. The 2040 date is based on schedules for other bacteria TMDLs.</p> <p>As an additional note, a SGR bacteria TMDL was recently adopted by the Board and the implementation schedule provides MS4 Permittees up to 20 years from the effective date of the TMDL to achieve the wet weather TMDL wasteload allocations. When the permit is reopened or reissued, and provisions consistent with the assumptions and requirements of the SGR bacteria TMDL are incorporated, the Group will be required to revise its WMP consistent with the implementation schedule of the TMDL.</p> <p>The Executive Officer's approval letter included a condition, directing the Group to clarify the bacteria compliance schedule with the language: "If it is determined through the adaptive management process that required bacteria load reductions may not be met by controlling for zinc, then the WMP will be modified to incorporate bacteria milestones with measureable criteria or indicators consistent with any future bacteria TMDL for the San Gabriel River and with, at the latest, a final deadline of 2040." The Final WMP included this language in Section 5.4.14 on page 5-23.</p>

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<p>(8) Lower San Gabriel River</p>	<p>As proposed in the WMP, the 10% load reduction was assumed to result from the cumulative effect of nonstructural BMPs. There is uncertainty in the ability of these BMPs to meet the required reductions by September 2017.</p> <p>Additional support for the anticipated pollutant load reductions from these non-structural BMPs and source control measures over the next two to three years should be provided to increase the confidence that these measures can achieve the near-term interim WQBELs by September 2017.</p> <p>--</p> <p>Section 5 Compliance Schedule of the draft Watershed Management Plan only provided implementation schedule for non-structural targeted control measures up to 2017. The LSGR Watershed Management Group must provide measurable</p>	<p>No "additional support" was provided.</p> <p>While this issue has been acknowledged through the changes in the WMP, it has not been addressed. (Pages 15-16)</p>	<p>The Group added two additional subsections in section 4 of their WMP to provide additional support for the sufficiency of nonstructural controls to cumulatively meet the 10% load reduction milestone.</p> <p>This comment is related to previous comments regarding nonstructural BMPs.</p> <p>--</p> <p>The Group adds additional specificity to its compliance schedule in Section 5.1.</p> <p>In the sense that "measurable milestones" refer to things that are quantitative and/or definitively scheduled on a particular date, the compliance schedule may appear to be lacking. However, given the types of nonstructural controls that the Group is pursuing, anything of this nature is not likely reasonable.</p> <p>However, the schedule still provides a way to track progress towards interim and final WQBELs. The change is that, instead of preemptively setting a milestone to be met by a particular date, the Group instead will</p>

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	<p>milestones for implementing each one of the proposed control measures that will allow an assessment of progress toward the interim and final WQBELs and receiving water limitations every two years.</p>		<p>provide information on the successes and failures of its planned nonstructural controls. This gives information on whether the Group's proposed nonstructural control measures are actually having any on-the-ground impact.</p> <p>This comment is related to previous comments regarding specificity.</p> <p>The above revisions adequately addressed Board staff's comment.</p>
<p>(9) Lower San Gabriel River</p>	<p>The report needs to present the same information, if available, for non-stormwater runoff. Alternatively, the report should include a commitment to collect the necessary data in each watershed area, through the non-stormwater outfall screening and monitoring program....</p>	<p>There is no evidence in either the 2015 RAA or the revised WMP that this comment was addressed. (Page 17)</p>	<p>The revised WMP does not include the same information for non-stormwater runoff; however, it includes additional information to support the assumptions used in its dry weather analysis:</p> <ul style="list-style-type: none"> - 10% nonstructural BMP assumption in Section 4.3 - 25% irrigation reduction assumption in Section 4.2.1 <p>In Section 4 of the WMP, the Group commits to re-calibrate its modeling as data is collected through its monitoring program (which includes the non-stormwater outfall screening and monitoring program).</p> <p>As explained in Section 7.1.2. of the RAA (Appendix A-4-1, pg. 51), for non-stormwater flows, the Group assumes a 10% load</p>

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			<p>reduction from nonstructural BMPs and a 25% reduction in irrigation, which leads to another modeled load reduction. The remaining load reduction required for dry weather is assumed to be addressed by structural BMPs.</p> <p>Since the Group is committed to recalibrate modeling with new monitoring data and evaluate the above assumptions, the revised WMP adequately addressed Board staff's comment.</p>

EXHIBIT B

**LOS ANGELES WATER BOARD'S DETAILED
RESPONSE TO PETITIONERS' CONTENTIONS IN
ADDENDUM FOR PETITION FOR REVIEW**

EXHIBIT B

Los Angeles Water Board's Detailed Response to Petitioners' Contentions in Addendum for Petition for Review

Contention	Petitioners' Summary of Los Angeles Water Board Comment on Draft WMP or New Contention	Response
Los Angeles River Upper Reach 2 WMP		
(1) Inadequate Reasonable Assurance Analysis, Receiving Water Quality Data, Model Calibration, and Verification	The Petitioners state, "On October 27, 2014, the staff provided written comments on the Los Angeles River Upper Reach 2 group's draft WMP, which, among other things, identified and provided extensive commentary on the poor model calibration. Specifically, the staff commented that the plan did not describe how the model was calibrated in accordance with the calibration criteria set forth Table 3.0 of the Reasonable Assurance Analysis Guidelines. Moreover, no historical hydrology and water quality monitoring data were used for comparison with the model results for the baseline prediction."	This contention was previously addressed in the Los Angeles Water Board Staff's Assessment of NRDC/LAWK/HTB March 25, 2015 Letter Commenting on Revised Watershed Management Programs (WMP) ¹ – Los Angeles River Upper Reach 2 Response 10 (pgs. 11-12) ² : "Section 4.1.3.1 (Hydrology Calibration) of the Final WMP details the approach used for model calibration. It states, in part, "[a]s part of the Los Angeles County WMMS system, the LSPC module, including the Los Angeles River Watershed, was calibrated for hydrology and water quality performance. Input parameters and model settings were not modified during the LAR UR2 WMA RAA, so the original County calibration results should continue to apply; however they are partially repeated and summarized herein, with an emphasis on local or WMA applicability" (p. 75). Section 4.1.3.1 also clarifies the calibration process by stating, "[t]he County calibration documentation allows us to compare and summarize LSPC predicted and observed flows for key locations within watershed. As shown in Figure 4-1, for the Los Angeles River at Sepulveda Dam from October, 2002 to October, 2006, an average difference of 1.25% in annual stream volumes was observed placing these results within RAA Guidelines 'very good' range. For the period between

¹ The Los Angeles Water Board Staff's Assessment of NRDC/LAWK/HTB March 25, 2015 Letter Commenting on Revised Watershed Management Programs (WMP) is included as Exhibit A, Attachment 2.

² See RB-AR18267 - 18268.

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		<p><i>October 1988 and October 1992 as shown in Figure 4-2, the watershed LSPC model similarly compared favorably with downstream USGS gauge 11103000, with an average difference of only 4.37%, which is also within the 'very good' range." (p. 75)</i></p> <p><i>Additionally, in the Executive Officer's approval letter, a condition was included to provide the comparison of runoff volumes from Loading Simulation Program in C++ (LSPC) and Structural BMP Prioritization and Analysis Tool (SBPAT) as an appendix or subsection to the model calibration section. The Final WMP provided this comparison in Table 4-2 on page 89. This is a reasonable approach given available data for the LAR UR2 WMA. The approval letter also directed the LAR UR2 Watershed Management Group to refine and recalibrate its RAA based on data obtained through the Group's CIMP, which will be specific to the LAR UR2 WMA, as part of the adaptive management process."</i></p>
<p>(2) No Strategy to Comply with Interim WQBELs</p>	<p><i>The draft WMP does not clearly specify a strategy to comply with the interim WQBELs for the LA River metals TMDL (January 11, 2012; January 11, 2020 and January 11, 2024 deadlines). Table 3-1 presents a phased implementation plan, which suggests that Phase 2 activities will be conducted to meet the 2020 deadline and Phase 3 activities, to meet the 2024 deadline; however, the draft WMP needs to be revised to include documentation that the 2012 past</i></p>	<p>This contention was previously raised and addressed in the Staff Response to Petitioners' Detailed Technical Comments³ on page 20⁴:</p> <p><i>"Sections 4 and 5 of the Revised WMPs were revised to add clarity and specificity to the Group's phased implementation schedule relative to interim TMDL compliance deadlines.</i></p> <p><i>The Revised WMP also summarizes monitoring data from the LA River Metals TMDL coordinated monitoring program, which indicate that metals rarely exceed receiving water</i></p>

³ The Los Angeles Water Board Staff's Response to Petitioners' Detailed Technical Comments is included as Exhibit A, Attachment 1.

⁴ See RB-AR18249.

Contention	Petitioners' Summary of Los Angeles Water Board Comment on Draft WMP or New Contention	Response
	<p><i>deadlines have been achieved or specify an appropriate strategy for achieving compliance with the past due interim WQBELs.</i></p>	<p><i>limitations during dry-weather at monitoring stations adjacent to the LAR UR2 watershed management area. (The interim compliance deadline of 2020 for metals in dry weather is one of the nearer term deadlines for the Group.) Regarding compliance with the LA River nitrogen compounds TMDL, the Group included an expand discussion in the RAA explaining that no nitrogen pollutant reduction was required.</i></p> <p><i>The Group will further evaluate whether past interim and final deadlines have been met as data are collected through the Group's CIMP."</i></p> <p>This contention was also partly addressed in the <i>Staff Response to Petitioners' Detailed Technical Comments</i> on pages 23-24⁵, which discusses how the Group demonstrates that its phased BMP implementation will meet interim WQBELs for metals and bacteria:</p> <p><i>"The Group submitted the model input and output file in in response to Board staff's request. The revised WMP relies on a storm water volume capture approach to demonstrate compliance with WQBELs and receiving water limitations. The modeling calculated the necessary volume capture to achieve compliance with WQBELs and receiving water limitations. Section 4.3.1, Target Load Reductions, includes the calculated volume capture of the BMPs that need to be implemented to achieve compliance. Table 5-1 of the revised WMP identifies the proposed control measure implementation schedule based on the phasing needed to achieve compliance with interim and final compliance targets for both bacteria and metals. The final WMP was revised in response to a condition in the Executive Officer's approval</i></p>

⁵ See RB-AR18252 – 18253.

Contention	Petitioners' Summary of Los Angeles Water Board Comment on Draft WMP or New Contention	Response
		<p><i>letter to modify the title of Table 5-1 to Control Measure Implementation Schedule, removing the word "tentative" from the title.</i></p>
<p>(3) Inadequate Adaptive Management Process</p>	<p><i>While the draft WMP notes revisions will occur as part of the "Adaptive Management Process" in referral to multiple proposed actions it does not include a comprehensive strategy for the Adaptive Management process. The draft WMP should provide more detail on how the "Adaptive Management Process" will be implemented.</i></p>	<p>This contention was previously addressed in Staff's Assessment of NRDC/LAWK/HTB March 25, 2015 Letter Commenting on Revised Watershed Management Programs (WMP) – Los Angeles River Upper Reach 2 Response 6 (pg. 7)⁶:</p> <p><i>"Section 1 of the revised and final WMP state, "[t]his WMP plan is a critical component of the iterative Adaptive Management Process (AMP) strategy and will be updated every two years as described in the MS4 Permit, or amended with minor corrections as warranted by changing regional precedents and the development of new scientific and technical data." The final WMP also states in Section 4.0, "...CIMP implementation, outfall monitoring, and the adaptive management process, should allow directly applicable local LAR UR2 WMA models to be developed, tested, and calibrated based on observed data, allowing revision of this initial RAA and consideration of different pollutants, standards, and implemented watershed control measures" (p. 79). The Executive Officer also provided additional direction on the adaptive management process to all Permittees implementing a WMP in the letters approving the WMPs."</i></p>

⁶ See RB-AR18263.

Contention	Petitioners' Summary of Los Angeles Water Board Comment on Draft WMP or New Contention	Response
		<p>The April 28, 2015 Approval (with Conditions) issued to the Los Angeles River Upper Reach 2 Group states on pages 6 and 7⁷:</p> <p><i>"The LAR UR2 WMG shall conduct a comprehensive evaluation of its WMP no later than April 28, 2017, and subsequently, every two years thereafter pursuant to the adaptive management process set forth in Part VI.C.8 of the Los Angeles County MS4 Permit. As part of this process, the LAR UR2 WMG must evaluate progress toward achieving:</i></p> <ul style="list-style-type: none"> • <i>Applicable WQBELs/WLAs in Attachment O of the LA County MS4 Permit according to the milestones set forth in its WMP;</i> • <i>Improved water quality in MS4 discharges and receiving waters;</i> • <i>Stormwater retention milestones; and</i> • <i>Multi-year efforts that were not completed in the current year and will continue into the subsequent year(s), among other requirements.</i> <p><i>The LAR UR2 WMG's evaluation of the above shall be based on both progress implementing actions in the WMP and an evaluation of outfall-based monitoring data and receiving water data. Per Attachment E, Part XVIII.6 of the LA County MS4 Permit, the LAR UR2 WMG shall implement adaptive management strategies, including but not limited to:</i></p> <ul style="list-style-type: none"> • <i>Refinement and recalibration of the Reasonable Assurance Analysis (RAA) based on data specific to the LAR UR2 WMG WMP area that are collected through</i>

⁷ See RB-AR6334 – 6335.

Contention	Petitioners' Summary of Los Angeles Water Board Comment on Draft WMP or New Contention	Response
		<p><i>the LAR UR2 WMG's Coordinated Integrated Monitoring Program and other data as appropriate;</i></p> <ul style="list-style-type: none"> • <i>Identifying the most effective control measures, why they are the most effective, and how other control measures can be optimized based on this understanding;</i> • <i>Identify the least effective control measures, why they are ineffective, and how the control measures can be modified or replaced to be more effective;</i> • <i>Identify significant changes to control measures during the prior year(s) and the rationale for the changes; and</i> • <i>Describe all significant changes to control measures anticipated to be made in the next year(s) and the rationale for each change.</i> <p><i>As part of the adaptive management process, any modifications to the WMP, including any requests for extension of deadlines not associated with TMDL provisions, must be submitted to the Los Angeles Water Board for review and approval. The Permittees of the LAR UR2 WMG must implement any modifications to the WMP upon approval by the Los Angeles Water Board or its Executive Officer, or within 60 days of submittal of modifications if the Los Angeles Water Board or its Executive Officer expresses no objections. Note that the Permittees' Report(s) of Waste Discharge (ROWD) is due no later than July 1, 2017. To align any modifications to the WMP proposed through the adaptive management process with permit reissuance, results of the first adaptive management cycle should be submitted in conjunction with the Permittees' ROWD."</i></p>

Contention	Petitioners' Summary of Los Angeles Water Board Comment on Draft WMP or New Contention	Response
<p>(4) No Commitment to Meeting Interim Milestones and Final Deadlines</p>	<p>The Petitioners contend: The initial draft WMP submitted by the Los Angeles River Upper Reach 2 watershed group on June 26, 2014 failed to commit to any schedule for achieving interim milestones and final deadlines as required by the Permit (2012 Permit, at Part VI.C.5.c.), yet the Regional Board staff did not raise the issue in their October 27, 2014 comments.</p>	<p>This contention was not previously raised in this manner in the Petition. In response, the Los Angeles River Upper Reach 2 WMP Group's compliance schedule is largely based on TMDL implementation milestones, which the Group explicitly lists in Table 1-6 (pg. 18), Section 4.3 (pg. 96), and Appendix C of the Final WMP⁸.</p> <p>The Group incorporates these applicable TMDL compliance dates into its RAA analysis as it states in Section 4.6 (pg. 113) of its Final WMP⁹:</p> <p><i>"[The RAA] indicates that for each pollutant of concern, the load reductions anticipated by the average cumulative BMP implementation strategy will exceed the final total load reductions, and the phased BMP load reductions also meet the interim compliance targets (i.e., 50% of final metal TLRs by 2024)." [underlined for emphasis]</i></p> <p>Furthermore, the Group uses a limiting pollutant approach, as indicated in Section 4.5 (pg. 113)¹⁰:</p> <p><i>"Bacteria was found to be the driving (or limiting) pollutant for the Los Angeles River drainage area, and zinc was the driving pollutant for the Rio Hondo drainage area."</i></p> <p>The language in the WMP that appears to "condition" implementation schedules is more or less a restatement of provisions already contained in the Permit allowing Permittees to request of the Executive Officer approval for changes to some compliance schedules. For example, the Group notes</p>

⁸ See RB-AR6363; RB-AR6441; RB-AR6499.

⁹ See RB-AR6458.

¹⁰ *Ibid.*

Contention	Petitioners' Summary of Los Angeles Water Board Comment on Draft WMP or New Contention	Response
		<p>that dates are "subject to the procurement of grants or other financing support" in Section 5 (pg. 116)¹¹:</p> <p><i>"Interim and final compliance dates in the LAR Metals and Bacteria TMDLs are the primary drivers for the LAR UR2 WMA RAA and WMP Plan implementation schedule. The dates identified in this WMP Plan are subject to the procurement of grants or other financing support commensurate with the existing and future fiduciary responsibilities of the Permittees. They may furthermore be adjusted based on evolving information developed through the iterative adaptive management process identified in the 2012 MS4 Permit or similar Parts within future MS4 Permits."</i></p> <p>However, the above ultimately relies on the Adaptive Management Process provisions of the LA County MS4 Permit as outlined in Section VI.C.8.a.ii (pg. 69)¹²:</p> <p><i>"Based on the results of the adaptive management process, Permittees shall report any modifications, including where appropriate new compliance deadlines and interim milestones, with the exception of those compliance deadlines established in a TMDL, necessary to improve the effectiveness of the Watershed Management Program or EWMP in the Annual Report, as required pursuant to Part XVIII.A.6 of the MRP (Attachment E), and as part of the Report of Waste Discharge (ROWD) required pursuant to Part II.B of Attachment D – Standard Provisions."</i></p> <p>Furthermore, the Adaptive Management <u>does not</u> automatically let Permittees change deadlines. Changes have to go through</p>

¹¹ See RB-AR6461.

¹² See RB-AR713.

Contention	Petitioners' Summary of Los Angeles Water Board Comment on Draft WMP or New Contention	Response
		<p>the Los Angeles Water Board Executive Officer as noted in Section VI.C.8.a.iii of the LA County MS4 Permit¹³:</p> <p><i>"Permittees shall implement any modifications to the Watershed Management Program or EWMP upon approval by the Regional Water Board Executive Officer or within 60 days of submittal if the Regional Water Board Executive Officer expresses no objections."</i></p> <p>Another section of the Los Angeles River Upper Reach 2 WMP that has similar language is Section 5.1 (pg. 116)¹⁴, which states:</p> <p><i>"The WMP, including the schedule aspect, will be updated through the adaptive management process; to that extent, the implementation schedules identified are tentative <u>unless determined as a date certain associated with specific TMDL provisions. Any LAR UR2 WMA WMP schedule date extensions must be approved by the Los Angeles Water Board's Executive Officer pursuant to Part VI.C.6.a or Part VI.C.8.a.i-iii of the 2012 MS4 Permit.</u>" [underlined for emphasis]</i></p> <p>The Group's statement that the implementation schedules identified are "tentative" in this context are based on the Group's understanding of the Adaptive Management Process and is ultimately immaterial with respect to how Los Angeles Water Board Staff views the Group's WMP deadlines—i.e. Los Angeles Water Board Staff sees the WMP Implementation Schedule contained in the Final WMP as the schedule the Group must follow unless an extension of the schedule is</p>

¹³ See RB-AR713.

¹⁴ See RB-AR6461.

Contention	Petitioners' Summary of Los Angeles Water Board Comment on Draft WMP or New Contention.	Response
		<p>approved in accordance with the LA County MS4 Permit.</p> <p>If the Group is not approved for an extension and the Group fails to follow its implementation schedule then <u>it will not be able</u> to use the alternative compliance path for achieving receiving water limitations that is provided through WMP implementation.</p> <p>The Los Angeles Water Board explicitly expressed how it will determine WMP compliance to the Los Angeles River Upper Reach 2 Group in its April 28, 2015 Approval (with Conditions) Letter (pg. 5)¹⁵:</p> <p><i>"Pursuant to Part VI.C.6 of the LA County MS4 Permit, the Permittees of the LAR UR2 WMG shall begin implementation of the approved WMP immediately. To continue to be afforded the opportunity to implement permit provisions within the framework of the WMP, Permittees must fully and timely implement all actions per associated schedules set forth in the approved WMP regardless of any contingencies indicated in the approved WMP (e.g., funding and purported reservation of rights) unless a modification to the approved WMP, including any extension of deadlines where allowed, is approved by the Los Angeles Water Board pursuant to Part VI.C.6.a or Part VI.C.8.a.ii-iii. The Los Angeles Water Board will determine the LAR UR2 WMG Permittees' compliance with the WMP on the basis of the compliance actions and milestones included in the WMP, including, but not limited to, the following:</i></p> <ul style="list-style-type: none"> • <i>Section 3 "Watershed Control Measures," including</i>

¹⁵ See RB-AR6333.

Contention	Petitioners' Summary of Los Angeles Water Board Comment on Draft WMP or New Contention	Response
		<p><i>Section 3.3 "Proposed Control Measures;"</i></p> <ul style="list-style-type: none"> • <i>Table 3-1 "LAR Metals TMDL Jurisdictional Group 2 Non-Structural BMPs Phased Implementation Plan;"</i> • <i>Table 3-8 "Potential Non-Structural BMP Enhanced Implementation Efforts;"</i> • <i>Table 4-10 "LID Street Required Tributary area by LAR UR2 WMA Permittee;"</i> • <i>Tables 4-17 to 4-20, which present load reductions associated with non-structural BMPs, regional BMPs, and distributed BMPs;</i> • <i>Table 5-1 "Tentative Control Measure Implementation Schedule" which establishes the implementation dates for non-structural BMPs, regional BMPs, and distributed BMPs; and</i> • <i>Additional compliance actions and milestones established in response to Conditions 1, 2, 8 and 9, above.</i> <p><i>Pursuant to Parts VI.C.3 and VI.E.2.d.i.(4)(a) of the LA County MS4 Permit, the LAR UR2 WMG Permittees' full and timely compliance with all actions and dates for their achievement in their approved WMP shall constitute compliance with permit provisions pertaining to applicable WQBELs/WLAs in Part VI.E and Attachment O of the LA County MS4 Permit. Further, per Part VI.C.2.b of the LA County MS4 Permit, the LAR UR2 WMG Permittees' full compliance with all requirements and dates for their achievement in their approved WMP constitutes compliance with the receiving water limitations provisions of Part V.A of the LA County MS4 Permit for the specific waterbody-pollutant combinations addressed by their approved WMP.</i></p> <p><i>If the Permittees in the LAR UR2 WMG fail to meet any</i></p>

Contention	Petitioners' Summary of Los Angeles Water Board Comment on Draft WMP or New Contention	Response
		<p><i>requirement or date for its achievement in the approved WMP, which will be demonstrated through the LAR UR2 WMG's Annual Reports and program audits (when conducted), the Permittees in the LAR UR2 WMG shall be subject to the baseline requirements of the LA County MS4 Permit, including demonstrating compliance with applicable receiving water limitations and TMDL-based WQBELs/WLAs through outfall and receiving water monitoring. See Parts VI.C.2.c and VI.E.2.d.i.(4)(c)."</i></p> <p>Furthermore, it should be emphasized that under the MS4 Permit, the Group <u>cannot</u> request an extension of final compliance deadlines established in a TMDL as stated in Section VI.C.6.a of the Permit¹⁶:</p> <p><i>"Permittees may request an extension of deadlines for achievement of interim milestones and final compliance deadlines established pursuant to Part VI.C.5.c.iii., with the exception of those final compliance deadlines established in a TMDL. Permittees shall provide requests in writing at least 90 days prior to the deadline and shall include in the request the justification for the extension. Extensions must be affirmatively approved by the Regional Water Board Executive Officer, notwithstanding Part VI.C.8.a.iii."</i></p> <p>For these reasons, the cited issue is not a specific issue of the WMP as approved. The Group is ultimately relying on provisions of the LA County MS4 Permit to provide scheduling flexibility, however these permit provisions themselves are not automatic, but rather have <u>defined processes</u> that must be followed.</p>

¹⁶ See RB-AR711.

Contention	Petitioners' Summary of Los Angeles Water Board Comment on Draft WMP or New Contention	Response
Lower San Gabriel River WMP		
<p>(1) No Clear Schedule to Demonstrate that Compliance will be Achieved "as Soon as Possible"</p>	<p><i>Where data indicate impairment or exceedances of RWLs and the findings from the source assessment implicate discharges from the MS4, the Permit requires a strategy for controlling pollutants that is sufficient to achieve compliance as soon as possible. Although Section 3 includes a compliance strategy, the program needs to more clearly demonstrate that the compliance schedule (Section 5) ensures compliance is "as soon as possible."</i></p> <p><i>The WMP needs to provide a clear schedule that demonstrates implementation of the BMPs will achieve the required interim metal reductions by the compliance deadlines. The WMP schedule should at the least provide specificity on actions within the current and next permit terms.</i></p> <p><i>...it would be reasonable to update the WMP to contain project milestones and implementation timeframes for projects that will be implemented under this grant.</i></p>	<p>The Group commits to a compliance schedule with a final compliance date of 2026 that is based on its RAA. This RAA uses a "limiting pollutant" approach that is meant to address applicable TMDL compliance schedules as well as other pollutants, including pollutants with RWLs that are not addressed by TMDLs.</p> <p>This RAA, and the resulting compliance schedule, are not based on financial terms.</p> <p>Given that the Group continues to seek funding for the projects needed for its current compliance schedule, which deals with the highest priority TMDL pollutants, it is reasonable to conclude that the Group cannot commit to (and substantiate) additional expedited compliance schedules for certain non-TMDL pollutants.¹⁷ The Group themselves note in the revised WMP the "aggressiveness" of the compliance schedule that they have already proposed. Evaluating the Group's response in conjunction with what the Group has already committed to and what other Groups have committed to, Staff did not find that there was reason to require further expedited compliance schedules for non-TMDL pollutants from the Group.</p> <p>--</p> <p>Previously, this contention was previously addressed in Staff's <i>Assessment of NRDC/LAWK/HTB March 25, 2015 Letter</i></p>

¹⁷ Furthermore, for many of these non-TMDL pollutants the Group has noted (in Table 2-20 of the WMP) that it is "unable to determine at this time" whether the pollutant is associated with MS4 discharges.

Contention	Petitioners' Summary of Los Angeles Water Board Comment on Draft WMP or New Contention	Response
		<p><i>Commenting on Revised Watershed Management Programs (WMP) – Lower San Gabriel River Response 1 (pgs. 20-23)¹⁸:</i></p> <p><i>"The Group reasonably justifies that their strategy will achieve compliance with receiving water limitations (RWLs) as soon as possible.</i></p> <p><i>The WMP conveys the uncertainty and financial hurdles faced by the Group as well as the fact that the Group must control several different pollutants, including pollutants specified in TMDLs.</i></p> <p><i>The Group's strategy of controlling other pollutants as it implements its schedule to control the limiting pollutant zinc through nonstructural control measures and structural control measures is sound and consistent with the Board's integrated water resources approach to TMDL implementation, which is characterized by implementation measures that address multiple pollutants and achieve other benefits. The Group provides a pollutant reduction plan with interim milestones that specifies BMP volume capacity compliance targets that the Group must meet. These targets are specified at the jurisdictional and subwatershed levels (see Attachment B to the RAA – Detailed Jurisdictional Compliance Tables).</i></p> <p><i>The Group's comment about conversion of land and acquisition is with regards to regional BMPs. However, it should be noted that the potential initial scenario of control measures presented in the Group's pollutant reduction plan specifies BMP capacity to be installed through right-of-way BMPs and LID BMPs on public parcels, leaving a remaining</i></p>

¹⁸ See RB-AR18276 – 18279.

Contention	Petitioners' Summary of Los Angeles Water Board Comment on Draft WMP or New Contention	Response
		<p><i>BMP volume to be handled through "Potentially Regional BMPs," provided in the WMP's RAA (shown in Tables 9-6 and 9-7), constituting only ~2% of the BMP capacity to be installed.</i></p> <p><i>Right-of-Way BMP volume = 94.8 acre-feet (af) Estimated LID on Public Parcels = 21.8 af Remaining BMP Volume/Potentially Regional BMP = 2.2 af</i></p> <p><i>The Group provides specificity in its control measures by specifying the number of BMPs to be implemented in terms of BMP capacity volume. It then provides milestones for the installation of this BMP capacity volume.</i></p> <p><i>The Group commits to achieving milestones on page 5-5 stating: "...over time the Watershed Group will report and demonstrate that the summative effects of projects implemented add up to the required reductions for interim milestones and final targets."</i></p> <p><i>Taken altogether, the above information addressed Board staff's comment.</i></p> <p><i>Regarding the starting dates for nonstructural BMPs in Table 5-1, the cited start dates were specified as ranges in the draft WMP. For example the start date for "Enhanced tracking through use of online GIS MS4 Permit database" was 2014-2017. These dates were modified to be more specific in the revised WMP and to include associated milestones to track progress. To address instances where a milestone date was not specific, the Executive Officer's approval letter included a condition that the Group modify the milestone. The Executive Officer determined that the</i></p>

Contention	Petitioners' Summary of Los Angeles Water Board Comment on Draft WMP or New Contention	Response
		<p><i>Final WMP addressed this condition.</i></p> <p>Regarding the cited excerpt:</p> <p><i>"...it would be reasonable to update the WMP to contain project milestones and implementation timeframes for projects that will be implemented under this grant,"</i></p> <p>The Final WMP clearly includes project milestones and implementation timeframes requested in Section 5.2 (pgs. 5-4 through 5-5)¹⁹.</p>
<p>(2) No Commitment or Demonstration that Compliance with Receiving Water Limitations for Pollutants Not Addressed by TMDLs will be Achieved As Soon as Possible</p>	<p><i>For waterbody-pollutant combinations not addressed by TMDLs, the MS4 Permit requires that the plan demonstrate using the reasonable assurance analysis (RAA) that the activities and control measures to be implemented will achieve applicable receiving water limitations as soon as possible. The RAA demonstrates the control measures would be adequate to comply with the limitations/deadlines for the "limiting pollutants" for TMDLs and concludes that this will ensure compliance for all other pollutants of concern. However, it does not address the question of whether compliance with limitations for pollutants not addressed by TMDLs could be achieved in a shorter time frame.</i></p>	<p>This contention is addressed in the above response as was stated in Staff's Assessment of NRDC/LAWK/HTB March 25, 2015 Letter Commenting on Revised Watershed Management Programs (WMP) – Lower San Gabriel River Response 2 (pg. 23)²⁰:</p> <p><i>"The Group responds to this comment in Section 5 of the WMP through its justification that their strategy is "as soon as possible." This comment is a corollary to the above comment and is sufficiently addressed."</i></p>

¹⁹ See RB-AR15685 – 15686.

²⁰ See RB-AR18279.

Contention	Petitioners' Summary of Los Angeles Water Board Comment on Draft WMP or New Contention	Response
(3) Insufficient Specificity with Regard to Structural and Non-Structural BMPs	<p><i>The RAA identifies potential areas for green street conversion and assumes a 30% conversion of the road length in the suitable areas; however, the specific locations and projects are not identified. Although it may not be possible to provide detailed information on specific projects at this time, the WMP should at least commit to the construction of the necessary number of projects to ensure compliance with permit requirements per applicable compliance schedules.</i></p>	<p>This contention was previously addressed in Staff's <i>Assessment of NRDC/LAWK/HTB March 25, 2015 Letter Commenting on Revised Watershed Management Programs (WMP) – Lower San Gabriel River Response 3 (pg. 23-24)</i>²¹:</p> <p><i>"The Group commits to the compliance milestones that are to be achieved through a mixture of structural BMPs, including green street conversion.</i></p> <p><i>Compliance with the 2017 first-term milestone is planned to be achieved through the implementation of non-structural control measures, which the Group provides more specificity (as compared to the draft WMP) in Table 5-1 by providing specific start dates and additional milestones prior to 2017."</i></p> <p>Furthermore, the Lower San Gabriel River Group states in their revised WMP (page 5-6)²²:</p> <p><i>"Even though not all projects can be specified and scheduled at this time, the Participating Agencies are committed to constructing the necessary regional and right-of-way BMPs to meet the determined load reductions per applicable compliance schedules"</i></p> <p>Staff interprets this as an explicit commitment that responds directly to the original staff comment of <i>"[a]lthough it may not be possible to provide detailed information on specific projects at this time, the WMP should at least commit to the construction of the necessary number of projects to ensure compliance with permit requirements per applicable compliance schedules."</i></p>

²¹ See RB-AR18279 – 18280.

²² See RB-AR14646.

Contention	Petitioners' Summary of Los Angeles Water Board Comment on Draft WMP or New Contention	Response
(4) Insufficient Specificity with Regard to the Achievement of Interim Milestones for TMDLs	<p><i>In a number of cases, additional specificity on the number, type and general location(s) of watershed control measures well as the timing of implementation for each (emphasis added) is needed... there should at least be more specificity on actions within the current and next permit terms to ensure that the following interim requirements are met (1) a 10% reduction in metals loads during wet weather and a 30% reduction in dry weather by 2017 and (2) a 35% reduction in metals loads during wet weather and a 70% reduction during dry weather by 2020.</i></p>	<p>This contention was previously addressed in Staff's Assessment of NRDC/LAWK/HTB March 25, 2015 Letter Commenting on Revised Watershed Management Programs (WMP) – Lower San Gabriel River Response 4 (pgs 24-25)²³.</p> <p><i>"The Group's 2017 10% reduction milestone is proposed to be met entirely based on nonstructural controls. They cite:</i></p> <ul style="list-style-type: none"> - Expanded nonstructural MCMs in the MS4 permit (particularly Development Construction Program) - Expanded non-stormwater discharge control measures in the MS4 permit - Nonstructural targeted control measures (e.g., ordinances, increased street sweeping, promotion of downspout retrofits, etc.) <p><i>To track this, the nonstructural targeted control measures that the Group has developed have a compliance schedule with associated milestones.</i></p> <p><i>However, due to the nature of these measures being contingent upon political will (e.g., ordinances), public involvement (e.g., downspout retrofits), and external forces (e.g., source control regulations on metals and grant-funded based projects), implementation of these measures carries with it a degree of uncertainty. Because of this, the</i></p>

²³ See RB-AR18280 – 18281.

Contention	Petitioners' Summary of Los Angeles Water Board Comment on Draft WMP or New Contention	Response
		<p><i>Executive Officer's approval letter included a condition that the Group include, where appropriate, more definitive milestones for the nonstructural control measures listed in Table 5-1 and the structural control measures listed in Section 5.2. In the Final WMP, the Group revised milestones for the BMPs listed in Table 5-1 and included jurisdiction-specific milestones (with milestone dates from 2015 to 2017) for the construction and completion of the structural BMPs listed in Section 5.2. The Executive Officer determined that this adequately addressed the condition in the approval letter."</i></p>
<p>(5) Lack of Measureable Milestones to Evaluate Compliance</p>	<p><i>The LSGR Watershed Management Group must provide measureable milestones for implementing each one of the proposed control measures that will allow an assessment of progress toward the interim and final WQBELs and receiving water limitations every two years.</i></p>	<p>Section 5.4 (pgs. 5-9 to 5-23) of the Lower San Gabriel River WMP²⁴ lists the BMP volume capacities that each Permittee needs to install to comply with milestones in 2017, 2020, and 2026. These BMP capacities are taken directly from the WMP's RAA.</p> <p>If a Permittee does not achieve these BMP volume capacities by a milestone date, they are not in compliance with their WMP. Furthermore, these volumes allow for an assessment of progress toward interim and final WQBELs and receiving water limitations every two years.</p> <p>This contention was also previously addressed, particularly with respect to nonstructural BMPs, in Staff's <i>Assessment of NRDC/LAWK/HTB March 25, 2015 Letter Commenting on Revised Watershed Management Programs (WMP) – Lower San Gabriel River Response 8</i> (pgs. 28-29)²⁵:</p> <p><i>"The Group added two additional subsections in section 4 of</i></p>

²⁴ See RB-AR15690 - 15704.

²⁵ See RB-AR18284 - 18285.

Contention	Petitioners' Summary of Los Angeles Water Board Comment on Draft WMP or New Contention	Response
		<p><i>their WMP to provide additional support for the sufficiency of nonstructural controls to cumulatively meet the 10% load reduction milestone.</i></p> <p><i>This comment is related to previous comments regarding nonstructural BMPs.</i></p> <p>--</p> <p><i>The Group adds additional specificity to its compliance schedule in Section 5.1.</i></p> <p><i>In the sense that "measureable milestones" refer to things that are quantitative and/or definitively scheduled on a particular date, the compliance schedule may appear to be lacking. However, given the types of nonstructural controls that the Group is pursuing, anything of this nature is not likely reasonable.</i></p> <p><i>However, the schedule still provides a way to track progress towards interim and final WQBELs. The change is that, instead of preemptively setting a milestone to be met by a particular date, the Group instead will provide information on the successes and failures of its planned nonstructural controls. This gives information on whether the Group's proposed nonstructural control measures are actually having any on-the-ground impact.</i></p> <p><i>This comment is related to previous comments regarding specificity.</i></p> <p><i>The above revisions adequately addressed Board staff's comment."</i></p>

Contention	Petitioners' Summary of Los Angeles Water Board Comment on Draft WMP or New Contention	Response
(6) Unenforceable and Contingent Volumetric Reduction Targets	<p>The Petitioners contend: Confronted by Petitioners with the Lower San Gabriel River WMP's lack of commitment to meeting interim milestones and final compliance deadlines at the September 10, 2015 Regional Board public meeting, the Board staff responded that they interpreted the volumetric reductions set forth in the WMPs as enforceable requirements. The staff went on to assert that failure to meet these volumetric reductions on time would be a Permit violation, subject to enforcement by the Regional Board, U.S. EPA, and the affected public. The volumetric reductions in the Lower San Gabriel River WMP, however, are conditioned on obtaining funding; and, for pollutants not addressed by a TMDL, any deadlines are tentative at best. As soon as Permittees of the Lower San Gabriel River group demonstrate a failure to obtain funding for WMP implementation, the volumetric reduction requirements will be effectively rendered unenforceable. Given the financial constraints and conflicting priorities municipalities consistently complain of, a claim of failure to secure funding for WMP</p>	<p>This contention was not previously raised. In response, as noted in Section VI.C.3.b of the LA County Permit²⁶:</p> <p><i>"A Permittee's full compliance with all requirements and dates for their achievement in an approved Watershed Management Program or EWMP shall constitute a Permittee's compliance with the receiving water limitations provisions in Part V.A of this Order for the specific water body-pollutant combinations addressed by an approved Watershed Management Program or EWMP."</i></p> <p>This continues in Section VI.C.3.c of the LA County Permit²⁷:</p> <p><i>"If a Permittee fails to meet any requirement or date for its achievement in an approved Watershed Management Program or EWMP, the Permittee shall be subject to the provisions of Part V.A for the waterbody-pollutant combination(s) that were to be addressed by the requirement. For waterbody-pollutant combinations that are not addressed by a TMDL, final compliance with receiving water limitations is determined by verification through monitoring that the receiving water limitation provisions in Part V.A.1 and 2 have been achieved."</i></p> <p>Therefore, if a Permittee failed to meet a volumetric reduction</p>

²⁶ See RB-AR697.

²⁷ *Ibid.*

Contention	Petitioners' Summary of Los Angeles Water Board Comment on Draft WMP or New Contention	Response
	<p>implementation is a virtual certainty. Permittees of the Lower San Gabriel River watershed group should not be allowed to evade enforceable requirements of the Permit; therefore, a final WMP containing such wavering and uncertain commitment should have been denied.</p> <p>The final WMP for the Lower San Gabriel River fails to comply with explicit Permit requirements for what ought to be included in a WMP for Regional Board approval. The WMP, therefore, should have been denied as required by the Permit. As such, the Regional Board's action on September 10, 2015 to ratify the Lower San Gabriel River final WMP was inappropriate, improper, and an abuse of discretion.</p>	<p>milestone, that Permittee would have to demonstrate compliance with provisions pertaining to applicable interim water quality based effluent limitations and interim receiving water limitations <u>outside</u> of the WMP's alternative compliance path—otherwise be subject to enforcement.</p> <p>In other words, if a Permittee failed to meet a volumetric reduction milestone, the Group would not be able to use the alternative compliance path for achieving receiving water limitations that is provided through WMP implementation.</p> <p>Regarding the contention, staff does not agree with the assertion that the Lower San Gabriel River WMP is unenforceable and its deadlines are conditioned on funding.</p> <p>It is true that the Group discusses funding difficulties in their Final WMP. However, there is no language that conditions milestones as "contingent on funding" in the pages referenced in the Petition Addendum.</p> <p>Section 5, "Compliance Schedule" (pg. 5-1) of the Lower San Gabriel River WMP states²⁸:</p> <p><i>"Meeting the load reductions determined by the RAA results in an aggressive compliance schedule in terms of the technological, operational, and economic factors that affect the design, development, and implementation of the necessary control measures. Notably, as described in Chapter 6, there is currently no funding source to pay for these controls. Assuming finances are available, conversion of available land into a regional BMP is a protracted process that can take several years (not accounting acquisition,</i></p>

²⁸ See RB-AR15682.

Contention	Petitioners' Summary of Los Angeles Water Board Comment on Draft WMP or New Contention	Response
		<p><i>when required). As such the Group considers the compliance schedule to be as short as possible."</i></p> <p>Section 6, "Financial Strategy" (pg. 6-1) of the Lower San Gabriel River WMP states²⁹:</p> <p><i>"Financing the implementation of the Lower SGR WMP is the greatest challenge confronting the Watershed Group. In the absence of stormwater utility fees, the Participating Agencies have no dedicated revenue stream to pay for implementation of the WMP. In addition to current uncertainties associated with costs and funding, there are multiple uncertainties associated with future risks. The first TMDL compliance dates for the Lower SGR Watershed Group will be the interim metals milestones of 2017, 2020, and the final compliance date of September 30, 2026. Thus, there will be many deadlines that must be met despite limited resources. Member Agencies will need to set priorities and seek funding in order to meet the various compliance deadlines."</i></p> <p>The above statements are a statement of the "reality" that the Group members face with respect to funding stormwater-related projects. This "reality" has been echoed by several other (if not all) Permittees³⁰.</p> <p>This reality however, is not a contingency. If the Group is not compliant with its WMP, then <u>it will</u> be subject to enforcement for any violations of applicable effluent limitations or receiving water limitations. The Group's statements of concern do not</p>

²⁹ See RB-AR15711.

³⁰ The expense of implementing WMPs give a rough indication of how "dedicated" the programs actually are. The Lower San Gabriel River WMP calls for a total structural BMP capacity of 118.6 acre-feet and total estimated costs of \$34,630,000 to \$64,630,000.

Contention	Petitioners' Summary of Los Angeles Water Board Comment on Draft WMP or New Contention	Response
		<p>constitute built-in mechanisms for WMP milestone date and compliance deadline extensions.</p> <p>If the Group would like an extension for a schedule contained in its WMP, there are explicit provisions outlined in the LA County MS4 Permit through which Groups may request extensions of WMP milestone dates and compliance deadlines.</p> <p>Section VI.C.6.a of the Permit³¹ outlines that, with the exception of final compliance deadlines established in a TMDL, a WMP Group may request extensions of deadlines for achievement of interim milestones and final compliance deadlines:</p> <p><i>"Permittees may request an extension of deadlines for achievement of interim milestones and final compliance deadlines established pursuant to Part VI.C.5.c.iii., with the exception of those final compliance deadlines established in a TMDL. Permittees shall provide requests in writing at least 90 days prior to the deadline and shall include in the request the justification for the extension. Extensions must be affirmatively approved by the Regional Water Board Executive Officer, notwithstanding Part VI.C.8.a.iii."</i></p> <p>Additionally, the LA County MS4 Permit's Adaptive Management Process allows for the establishment of new compliance deadlines and interim milestones, as noted in Section VI.C.8.a.ii (pgs. 68-69)³²:</p> <p><i>"Based on the results of the adaptive management process, Permittees shall report any modifications, including where</i></p>

³¹ See RB-AR711.
³² See RB-AR712 – 713.

Contention	Petitioners' Summary of Los Angeles Water Board Comment on Draft WMP or New Contention	Response
		<p><i>appropriate new compliance deadlines and interim milestones, with the exception of those compliance deadlines established in a TMDL, necessary to improve the effectiveness of the Watershed Management Program or EWMP in the Annual Report, as required pursuant to Part XVIII.A.6 of the MRP (Attachment E), and as part of the Report of Waste Discharge (ROWD) required pursuant to Part II.B of Attachment D – Standard Provisions.”</i></p> <p>These modifications in the Adaptive Management must go through the process outlined in Section VI.C.8.a.iii of the LA County MS4 Permit³³:</p> <p><i>“Permittees shall implement any modifications to the Watershed Management Program or EWMP upon approval by the Regional Water Board Executive Officer or within 60 days of submittal if the Regional Water Board Executive Officer expresses no objections.”</i></p> <p>The above provisions are the mechanisms outlined in the Permit for which the Lower San Gabriel River WMP Group may extend the milestones listed in its WMP. As can be seen in the provisions, these mechanisms require the action of the Regional Water Board Executive Officer. However, none of these described actions have taken place.</p> <p>The Los Angeles Water Board explicitly expressed to the Lower San Gabriel WMP Group how it will determine WMP compliance in its April 28, 2015 Approval, with Conditions Letter (pgs. 4-5)³⁴:</p>

³³ See RB-AR713.

³⁴ See RB-AR15522 – 15523.

Contention	Petitioners' Summary of Los Angeles Water Board Comment on Draft WMP or New Contention	Response
		<p><i>"Pursuant to Part VI.C.6 of the LA County MS4 Permit and Part VII.C.6 of the Long Beach MS4 Permit, the Permittees of the LSGR WMG shall begin implementation of the approved WMP immediately. To continue to be afforded the opportunity to implement permit provisions within the framework of the WMP, Permittees must fully and timely implement all actions per associated schedules set forth in the approved WMP regardless of any contingencies indicated in the approved WMP (e.g., funding) unless a modification to the approved WMP, including any extension of deadlines where allowed, is approved by the Los Angeles Water Board pursuant to Part VI.C.6.a or Part VI.C.8.a.ii-iii of the LA County MS4 Permit, and/or Part VII.C.6 or Part VII.C.8.b-c of the Long Beach MS4 Permit. The Los Angeles Water Board will determine the LSGR Permittees' compliance with the WMP on the basis of the compliance actions and milestones included in the WMP, including, but not limited to, the following:</i></p> <ul style="list-style-type: none"> • <i>Pollutant Reduction Plan to Attain Interim & Final Limits (Section 5.4)</i> • <i>Nonstructural Best Management Practices Schedule (Section 5.1)</i> • <i>Table 3-2 New Fourth Term MS4 Permit Nonstructural MCMs (Cities only) and NSWDC Measures (Section 3.2.4)</i> • <i>Table 3-5 Nonstructural TCMs (Section 3.4.1)</i> • <i>Proposition 84 Grant Award LID BMPs (Section 5.2)</i> • <i>Structural Best Management Practice Schedule</i>

Contention	Petitioners' Summary of Los Angeles Water Board Comment on Draft WMP or New Contention	Response
		<p>(Section 5.3)</p> <ul style="list-style-type: none"> • <i>RAA Attachment B: Detailed Jurisdictional Compliance Tables</i> <p><i>Pursuant to Parts VI.C.3 and VI.E.2.d.i.(4)(a) of the LA County MS4 Permit³⁵, the LSGR Permittees' full and timely compliance with all actions and dates for their achievement in their approved WMP shall constitute compliance with permit provisions pertaining to applicable WQBELs/WLAs in Part VI.E and Attachments N and P of the LA County MS4 Permit.³⁶ Further, per Part VI.C.2.b of the LA County MS4 Permit and Part VII.C.2.e of the Long Beach MS4 Permit, the LSGR Permittees' full compliance with all requirements and dates for their achievement in their approved WMP constitutes compliance with the receiving water limitations provisions of Part V.A of the LA County MS4 Permit and Part VI.A of the Long Beach MS4 Permit for the specific waterbody-pollutant combinations addressed by their approved WMP.</i></p> <p><i>If the Permittees in the LSGR WMG fail to meet any requirement or date for its achievement in the approved WMP, which will be demonstrated through the LSGR WMG's Annual Reports and program audits (when conducted), the Permittees in the LSGR WMG shall be subject to the baseline requirements of the LA County MS4 Permit and the Long Beach MS4 Permit, including demonstrating</i></p>

³⁵ Corresponding provisions in the Long Beach MS4 Permit are Parts VII.C.3 and VIII.E.1.d.

³⁶ Corresponding provisions in the Long Beach MS4 Permit are Part VIII (general TMDL provisions) and Parts VIII.P and VIII.Q (provisions specific to the Greater Harbors and San Gabriel River Watershed TMDLs).

Contention	Petitioners' Summary of Los Angeles Water Board Comment on Draft WMP or New Contention	Response
		<p><i>compliance with applicable receiving water limitations and TMDL-based WQBELs/WLAs through outfall and receiving water monitoring. See Parts VI.C.2.c and VI.E.2.d.i.(4)(c) of the LA County MS4 Permit, and Parts VII.C.2.f and VIII.E.1.d.iii of the Long Beach MS4 Permit."</i></p>
<p>Lower Los Angeles River WMP</p>		
<p>(1) No Clear Schedule to Demonstrate that Compliance will be Achieved "as Soon as Possible"</p>	<p><i>Where data indicate impairment or exceedances of RWLs and the findings from the source assessment implicate discharges from the MS4, the Permit requires a strategy for controlling pollutants that is sufficient to achieve compliance as soon as possible. Although Section 3 includes a compliance strategy, the program needs to more clearly demonstrate that the compliance schedule (Section 5) ensures compliance is "as soon as possible."</i></p>	<p>This contention was previously addressed in Staff's Assessment of NRDC/LAWK/HTB March 25, 2015 Letter Commenting on Revised Watershed Management Programs (WMP) – Lower Los Angeles River Response 3 (pgs. 14-15)³⁷:</p> <p><i>The revised WMP (pg. 5-1) includes new language that clarifies the Group's strategy: "Meeting the load reductions determined by the RAA results in an aggressive compliance schedule in terms of the technological, operational, and economic factors that affect the design, development, and implementation of the necessary control measures."</i></p> <p><i>The revised WMP provides an estimate of the cost of structural BMPs, and based on this estimated cost, reiterates the financial difficulties and uncertainties of implementing the WMP (particularly the lack of funding sources for controls), and concludes that the compliance schedule is as short as possible to allow time to both address technological and operational challenges and to secure the necessary funding to implement the watershed control measures in the WMP.</i></p>

³⁷ See RB-AR18270 – 18271.

Contention	Petitioners' Summary of Los Angeles Water Board Comment on Draft WMP or New Contention	Response
		<p><i>This additional clarification is a sufficient response to the comment. The Group's existing strategy to control pollutants "as soon as possible" is sound.</i></p>
<p>(2) No Commitment or Demonstration that Compliance with Receiving Water Limitations for Pollutants Not Addressed by TMDLs will be Achieved As Soon as Possible</p>	<p><i>For waterbody-pollutant combinations not addressed by TMDLs, the MS4 Permit requires that the plan demonstrate using the reasonable assurance analysis (RAA) that the activities and control measures to be implemented will achieve applicable receiving water limitations as soon as possible. The RAA demonstrates the control measures would be adequate to comply with the limitations/deadlines for the "limiting pollutants" for TMDLs and concludes that this will ensure compliance for all other pollutants of concern. However, it does not address the question of whether compliance with limitations for pollutants not addressed by TMDLs could be achieved in a shorter time frame.</i></p>	<p>This contention was previously addressed in Staff's Assessment of NRDC/LAWK/HTB March 25, 2015 Letter Commenting on Revised Watershed Management Programs (WMP) – Lower Los Angeles River Response 4 (pg. 15)³⁸.</p> <p><i>This comment is similar to the above comment that compliance schedules for non-TMDL pollutants are "as soon as possible." The clarification provided by the Group in Section 5 (pg. 5-1) of the revised WMP on how the Group's strategy for meeting load reductions determined in the RAA is an aggressive compliance schedule is sufficient with respect to this comment.</i></p>
<p>(3) Insufficient Specificity with Regard to Structural and Non-Structural BMPs</p>	<p><i>The RAA identifies potential areas for green street conversion and assumes a 30% conversion of the road length in the suitable areas; however, the specific locations and projects are not identified. Although it may not be possible to provide detailed information on specific projects at this time, the WMP should at least commit to the construction of the</i></p>	<p>This contention was previously raised and addressed in the Staff Response to Petitioners' Detailed Technical Comments on pages 2-3³⁹:</p> <p><i>As originally contained in the draft WMP, Section 5.4 (pg. 5-7) lists the BMP volume capacities that each Permittee needs to install to comply with milestones in 2017, 2024, and 2028. These BMP capacities are taken directly from the</i></p>

³⁸ See RB-AR18271.

³⁹ See RB-AR18231 – 18232.

Contention	Petitioners' Summary of Los Angeles Water Board Comment on Draft WMP or New Contention	Response
	<p><i>necessary number of projects to ensure compliance with permit requirements per applicable compliance schedules.</i></p>	<p><i>WMP's reasonable assurance analysis (RAA) analysis.</i></p> <p><i>If a Permittee does not achieve these BMP volume capacities by a milestone date, they are not in compliance with their WMP.</i></p> <p><i>Further, as stated above, Section 5.2 (pg. 5-4) lists structural LID BMPs that are to be constructed within this permit term. Section 5.3 (pg. 5-4) was revised to include a schedule of feasibility studies and site assessments for regional projects. However, the Revised WMP did not contain definitive milestone dates, nor did it specify the Permittees responsible for the LID BMPs. The Executive Officer's approval letter included a condition that the Group add definitive dates for these LID BMPs. The Final WMP includes two new tables, Tables 5-2 and 5-3, which provide detail on the Permittees responsible for each LID BMP, and the deadlines and status for the project tasks (pgs. 5-4 to 5-5).</i></p> <p><i>The Group has conveyed to Board staff that the information contained in Section 5 is the maximum practicable given uncertainties and that greater certainty will be provided through the adaptive management process.</i></p> <p><i>This adequately addressed Board staff's comment.</i></p>

Contention	Petitioners' Summary of Los Angeles Water Board Comment on Draft WMP or New Contention	Response
(4) Unenforceable and Contingent Volumetric Reduction Targets	<p>The Petitioners contend: In responding to Petitioners' argument on September 10, 2015 about the Lower Los Angeles River WMP's lack of commitment to meeting interim milestones and final compliance deadlines, Regional Board staff stated that the volumetric reductions set out in the final WMP represent an enforceable commitment from the Permittees. In other words, failure to meet these volumetric reductions in accordance with the provided schedule would be non-compliance, at which point Permittees could be subject to enforcement by the Regional Board, U.S. EPA, and the affected public. However, like the Lower San Gabriel River WMP, the volumetric reductions in the Lower Los Angeles River WMP are also expressly conditioned on obtaining funding; and, for pollutants not addressed by a TMDL, any deadlines are tentative at best. If Permittees of the Lower Los Angeles River group demonstrate a failure to obtain funding for WMP implementation, the volumetric reduction requirements will be effectively rendered unenforceable. Given the financial constraints and conflicting priorities municipalities consistently complain of, a claim of failure to secure funding for WMP implementation is a virtual certainty. Permittees of the Lower Los Angeles River watershed group should not be allowed to evade enforceable requirements of the Permit, thus their final WMP, by having such</p>	See Lower San Gabriel River WMP Response (4)

Contention	Petitioners' Summary of Los Angeles Water Board Comment on Draft WMP or New Contention	Response
	<p>uncertain language, should have been denied.</p> <p>The Lower Los Angeles River WMP fails to comply with core program development requirements pursuant to the 2012 Permit. As a result, the WMP cannot ensure the appropriate rigor, accountability, and transparency to put Permittees on an alternative path toward the achievement of water quality goals. The Lower Los Angeles River WMP should have been denied, as required by the Permit, and therefore Permittees would have had to immediately demonstrate compliance with receiving water limitations. Instead, however, Permittees of the Lower Los Angeles River watershed group are given "safe harbor" benefits as a result of their WMP approval, thereby allowing them to continue discharging highly polluted stormwater for years to come.</p>	

EXHIBIT C

**LOS ANGELES WATER BOARD'S DETAILED
RESPONSE TO EXHIBIT B OF THE PETITIONER'S
ADDENDUM**

Lower Van Coastal Flow

Item	Section	Section Title	Section Description	Section Reference	Section Status	Section Comments	Section Notes	Section Details	Section Remarks
1	Part 1 (1-1)	Part 1 (1-1) - Section 1	Section 1 description text...	Section 1 reference...	Section 1 status...	Section 1 comments...	Section 1 notes...	Section 1 details...	Section 1 remarks...
2	Part 1 (1-2)	Part 1 (1-2) - Section 2	Section 2 description text...	Section 2 reference...	Section 2 status...	Section 2 comments...	Section 2 notes...	Section 2 details...	Section 2 remarks...
3	Part 1 (1-3)	Part 1 (1-3) - Section 3	Section 3 description text...	Section 3 reference...	Section 3 status...	Section 3 comments...	Section 3 notes...	Section 3 details...	Section 3 remarks...
4	Part 1 (1-4)	Part 1 (1-4) - Section 4	Section 4 description text...	Section 4 reference...	Section 4 status...	Section 4 comments...	Section 4 notes...	Section 4 details...	Section 4 remarks...
5	Part 1 (1-5)	Part 1 (1-5) - Section 5	Section 5 description text...	Section 5 reference...	Section 5 status...	Section 5 comments...	Section 5 notes...	Section 5 details...	Section 5 remarks...
6	Part 1 (1-6)	Part 1 (1-6) - Section 6	Section 6 description text...	Section 6 reference...	Section 6 status...	Section 6 comments...	Section 6 notes...	Section 6 details...	Section 6 remarks...
7	Part 1 (1-7)	Part 1 (1-7) - Section 7	Section 7 description text...	Section 7 reference...	Section 7 status...	Section 7 comments...	Section 7 notes...	Section 7 details...	Section 7 remarks...
8	Part 1 (1-8)	Part 1 (1-8) - Section 8	Section 8 description text...	Section 8 reference...	Section 8 status...	Section 8 comments...	Section 8 notes...	Section 8 details...	Section 8 remarks...
9	Part 1 (1-9)	Part 1 (1-9) - Section 9	Section 9 description text...	Section 9 reference...	Section 9 status...	Section 9 comments...	Section 9 notes...	Section 9 details...	Section 9 remarks...
10	Part 1 (1-10)	Part 1 (1-10) - Section 10	Section 10 description text...	Section 10 reference...	Section 10 status...	Section 10 comments...	Section 10 notes...	Section 10 details...	Section 10 remarks...

Los Angeles River Upper Reach 2

Task ID	Task Name	Task Description	Task Status	Task Start Date	Task End Date	Task Owner	Task Assignee	Task Progress	Task Notes
1	Task 1	Task 1 Description	Completed	2023-01-01	2023-01-31	John Doe	Jane Smith	100%	Task 1 completed successfully.
2	Task 2	Task 2 Description	In Progress	2023-02-01	2023-02-28	John Doe	Jane Smith	75%	Task 2 is 75% complete.
3	Task 3	Task 3 Description	Not Started	2023-03-01	2023-03-31	John Doe	Jane Smith	0%	Task 3 has not started yet.
4	Task 4	Task 4 Description	Completed	2023-04-01	2023-04-30	John Doe	Jane Smith	100%	Task 4 completed successfully.
5	Task 5	Task 5 Description	In Progress	2023-05-01	2023-05-31	John Doe	Jane Smith	50%	Task 5 is 50% complete.
6	Task 6	Task 6 Description	Not Started	2023-06-01	2023-06-30	John Doe	Jane Smith	0%	Task 6 has not started yet.
7	Task 7	Task 7 Description	Completed	2023-07-01	2023-07-31	John Doe	Jane Smith	100%	Task 7 completed successfully.
8	Task 8	Task 8 Description	In Progress	2023-08-01	2023-08-31	John Doe	Jane Smith	60%	Task 8 is 60% complete.
9	Task 9	Task 9 Description	Not Started	2023-09-01	2023-09-30	John Doe	Jane Smith	0%	Task 9 has not started yet.
10	Task 10	Task 10 Description	Completed	2023-10-01	2023-10-31	John Doe	Jane Smith	100%	Task 10 completed successfully.

From: Wadhvani, Emel@Waterboards
Sent: Thursday, January 28, 2016 12:31 PM
To: 'Hayat, Becky'
Subject: RE: sending hard copy of opposition to State Board

Yes, Ryan is taking the lead on this petition and working closely with Phil and I.

Emel G. Wadhvani
Senior Staff Counsel
Office of Chief Counsel
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
916-322-3622
Fax: 916-341-5199

From: Hayat, Becky [<mailto:bhayat@nrdc.org>]
Sent: Thursday, January 28, 2016 12:30 PM
To: Wadhvani, Emel@Waterboards
Subject: sending hard copy of opposition to State Board

Hi Emel,

If we wanted to send a courtesy hard copy of our opposition to the State Board, would I address it to Ryan Mallory-Jones? Thank you.

Best,
Becky

BECKY HAYAT
*Attorney**
Water Program

**NATURAL RESOURCES
DEFENSE COUNCIL**
1314 SECOND STREET
SANTA MONICA, CA 90401
T 310.434.2308
BHAYAT@NRDC.ORG
NRDC.ORG
*ADMITTED IN CALIFORNIA

Please save paper.
Think before printing.

From: Crawl, Adrianna@Waterboards
Sent: Thursday, January 28, 2016 2:14 PM
To: Hayat, Becky (bhayat@nrdc.org); daniel@lawyersforcleanwater.com; arthur@lawaterkeeper.org; Unger, Samuel@Waterboards
Cc: Smith, Deborah@Waterboards; Rasmussen, Paula@Waterboards; McChesney, Frances@Waterboards; Fordyce, Jennifer@Waterboards; Ridgeway, Ivar@Waterboards; Coupe, David@Waterboards; Wadhvani, Emel@Waterboards; Purdy, Renee@Waterboards; Okun, Lori@Waterboards; Lauffer, Michael@Waterboards; Wyels, Philip@Waterboards; Bishop, Jonathan@Waterboards; Smith, Davidw@epamail.epa.gov; rkampalath@healthebay.org; daleshire@awattorneys.com; mhogan@awattorneys.com; Lara Leitner (leitner@awattorneys.com); greenberg.ken@epa.gov; radeva@ci.agoura-hills.ca.us; gramirez@ci.agoura-hills.ca.us; kberkman@agoura-hills.ca.us; julie_carver@ci.pomona.ca.us; linda_lowry@ci.pomona.ca.us; citymanager@rpv.com; dwillmore@rpvca.gov; michael@rpvca.gov; mshay@redondo.org; ggrammer@rollinghillsestatesca.gov; mike.witzansky@redondo.org; ggrammer@rollinghillsestatesca.gov; mhawkesworth@cityofrosemead.org; lcyrus@ci.san-dimas.ca.us; cmarcarello@sfcity.org; dgrilley@sgca.org; crichie@cityofsanmarino.org; jschaefer@cityofsanmarino.org; ttlange@santaclarita.com; smorales-choate@santafesprings.org; nshapiro@smgov.net; jcarlson@cityofsierramadre.com; eaguliar@cityofsierramadre.com; jhunter@jlha.net; kfarfsing@cityofsignalhill.org; tybarra@soelmonte.org; jhunter@jlha.net; jhunter@jlha.net; jhunter@jlha.net; ljackson@torranceca.gov; rbeste@torranceca.gov; carellano@ci.vernon.ca.us; ajensen@ci.walnut.ca.us; sam.gutierrez@westcovina.org; sperlstein@weho.org; jbellomo@willdan.com; dpelser@cityofwhittier.org; pubwks@cityofwhittier.org; trodrigue@cityofbell.org; ddolphin@cityofalhambra.org; cvll@bellgardens.org; vhevener@ci.arcadia.ca.us; dlazzaretto@ci.arcadia.ca.us; ttait@ci.arcadia.ca.us; biniguez@bellflower.org; sgomes@cityofartesia.us; jdescalzo@beverlyhills.org; jkolin@beverlyhills.org; chassel@ci.azusa.ca.us; dbobadilla@ci.azusa.ca.us; mkeith@cityofbradbury.org; dlopez@baldwinpark.com; bteaford@ci.burbank.ca.us; afarassati@cityofcalabasas.com; pelkins@carson.ca.us; dbiggs@carson.ca.us; fabolfathi@carson.ca.us; mogrady@cerritos.us; bdesatnik@ci.claremont.ca.us; lmustafa@ci.claremont.ca.us; gnila@ci.commerce.ca.us; hnguyen@comptoncity.org; vcastro@ci.covina.ca.us; hrodriguez@cityofcudahy.ca.us; asantos@cityofcudahyca.gov; damian.skinner@culvercity.org; john.nachbar@culvercity.org; dliu@diamondbarca.gov; JWen@downeyca.org; ygarcia@downeyca.org; georged@accessduarte.com; rcasillas@accessduarte.com; pwmaintenance@elmonte.ca.gov; skatsouleas@elsegundo.org; jfelix@ci.gardena.ca.us; mlansdell@ci.gardena.ca.us; moillataguerre@ci.glendale.ca.us; ddavies@ci.glendora.ca.us; jcolombo@ghcity.org; ashadbehr@cityofhawthorne.org; hbehboodi@hermosabch.org; staff@hiddenhillscity.org; jenriquez@huntingtonpark.org; thelling@cityofindustry.org; planning@cityofindustry.org; lamimoto@cityofinglewood.org; brai@cityofinglewood.org; latwell@cityofinglewood.org; afields@cityofinglewood.org; wtam@ci.irwindale.ca.us; ehitti@lcf.ca.gov; shaunac@lhcity.org; mstowell@cityoflamirada.org; jdimario@lapuente.org; dkeesey@ci.la-verne.ca.us; kvivanti@lakewoodcity.org; smandoki@lawndalecity.org; nabbaszadeh@lawndalecity.org; m.rock@lomitacity.com; m.mcavoy@lomitacity.com; shahram.kharaghani@lacity.org; jkekula@lynwood.ca.us; esaikaly@lynwood.ca.us; jbrown@malibucity.org; cm@citymb.info; andre.dupret@cityofmaywood.org; mdanaj@citymb.info; cityhall@ci.monrovia.ca.us; sgallant@ci.monrovia.ca.us; ochi@ci.monrovia.ca.us; croberts@aaeinc.com;

Cc: dbatson@cityofmontebello.com; Ho, Amy; jhunter@jhla.net; dgarcia@norwalkca.gov; administration@norwalkca.gov; bzimmerman@norwalkca.gov; jackrydell@caaprofessionals.com; Repp-Loadsmen, Sheri@City of Palos Verdes Estates; ccash@paramountcity.com; swalker@cityofpasadena.net; rbobadilla@pico-rivera.org

Subject: A-2386 Responses to the Petition and Petition Addendum

Attachments: E-mail exchange Hayat_9_24_15.pdf

Parties and Interested Persons:

Responses to the petition and petition addendum in the above matter submitted in accordance with the State Water Resources Control Board's (State Water Board) letters of November 10, 2015, and November 24, 2015, are now available at the following web page:

http://www.swrcb.ca.gov/public_notices/petitions/water_quality/a2386_losangeles_wmp.shtml

The web page also contains a link to the administrative record prepared by the Los Angeles Water Board.

The State Water Board has received a request from petitioners to submit citations to the transcript for the Los Angeles Regional Water Quality Control Board's (Los Angeles Water Board) September 10, 2015, hearing, which has now been submitted to the State Water Board as part of the administrative record. This request follows up on a statement in the petition addendum that petitioners would provide citations to the transcript at a future date because the transcript was not available until the date of filing of the addendum. The State Water Board grants the request, but petitioners are directed to provide citations only. Petitioners may not augment or supplement arguments made in their submissions.

Petitioners have also requested the opportunity to reply to the responses to the petition and petition addendum. Petitioners and all other parties and interested persons will have an opportunity to comment on a future draft order issued to address the petition and petition addendum. The State Water Board will not allow replies to the responses at this point from petitioners or any other parties.

Finally, the State Water Board has received the motion filed on January 8, 2016, by the Cities of Artesia, La Mirada, Norwalk, Pico Rivera, Signal Hill, Bell Gardens, and Huntington Park, to reject the petition as moot and the petition addendum as new and untimely. The State Water Board is also aware that similar objections have been made by the Los Angeles Water Board and by CASQA in comment letters.

The State Water Board will address these objections at the time of issuance of the draft order and will give careful consideration to the objections. However, it should be noted that petitioners submitted the petition addendum following a telephone conversation with State Water Board counsel authorizing submission of supplemental information to the State Water Board. A letter and e-mail exchange concerning the authorization is attached to this message for the information of all parties. In addition, as acknowledged by the parties urging that the State Water Board reject the petition and petition addendum, the State Water Board has wide discretion under Water Code section 13320 to review any regional water board action. Petitioners may file a reply to the motion and objections at their discretion, but no additional submissions will be considered from any of the parties.



Adrianna M. Crowl
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State Water Resources Control Board
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E-Mail: Adrianna.Crowl@waterboards.ca.gov

Save some water for our children's children.....

Wadhvani, Emel@Waterboards

From: Wadhvani, Emel@Waterboards
Sent: Monday, September 28, 2015 11:15 AM
To: 'Hayat, Becky'
Cc: 'daniel@lawyersforcleanwater.com'; Wyels, Philip@Waterboards
Subject: FW: NRDC Letter re Petition Addendum
Attachments: NRDC letter re Petition Addendum 9 24 15.pdf

Becky,

Thank you for your letter summarizing our phone conversation of September 22, 2015.

In general, your summary accurately reflects our discussion. One point of clarification: You state that "should Environmental Petitioners decide to supplement their current petition before the State Board, the Board would be required to issue a 30-day response letter to the dischargers and all interested persons within two days after November 9, 2015, or the petition would be deemed dismissed by operation of law." It is accurate that the petition will be deemed dismissed by operation of law two days after November 9, 2015, if the State Water Board does not issue a 30-day letter, but this is true regardless of whether Environmental Petitioners decide to supplement their current petition. The supplement does not alter the time frame for action on the petition, but rather serves to provide the State Water Board with a more complete submission on the issues raised by the Environmental Petitioners and of the procedural history at the Regional Water Board level in addressing those issues, and thereby assists the State Water Board in making a determination as to whether to issue the 30-day letter.

Feel free to call me if you have any questions.

Emel

Emel G. Wadhvani
Senior Staff Counsel
Office of Chief Counsel
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
916-322-3622
Fax: 916-341-5199

From: Hayat, Becky [<mailto:bhayat@nrdc.org>]
Sent: Thursday, September 24, 2015 12:00 PM
To: Wadhvani, Emel@Waterboards
Cc: Daniel Cooper (daniel@lawyersforcleanwater.com)
Subject: NRDC Letter re Petition Addendum

Hi Emel,

Please see attached letter regarding our conversation on Wednesday, Sept. 22, 2015, about our petition before the State Board that is currently in abeyance. If you have any questions or concerns, please do not hesitate to contact me.

My very best,
Becky

BECKY HAYAT
*Attorney**
Water Program

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T 310.434.2308

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*ADMITTED IN CALIFORNIA

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September 24, 2015

Dear. Ms. Wadhvani,

Thank you for our telephonic discussion on September 22, 2015. On that call, we discussed NRDC, Heal the Bay, and Los Angeles Waterkeeper's (Environmental Petitioners) pending petition before the State Water Resources Control Board (State Board or Board), which is currently in abeyance until November 9, 2015. You indicated to me that you spoke with Phil Wyels and you both agreed that there is nothing under the California Code of Regulations (C.C.R.) Title 23, Division 3, Chapter 6, section 2050.5 that prevents Environmental Petitioners from supplementing their current petition before the State Board in light of the Los Angeles Regional Water Quality Control Board's action on September 10, 2015.

You further stated that should Environmental Petitioners decide to supplement their current petition before the State Board, the Board would be required to issue a 30-day response letter to the dischargers and all interested persons within two days after November 9, 2015, or the petition would be deemed dismissed by operation of law. You also stated that while there is no format for how Environmental Petitioners may supplement their current petition, but something akin to an addendum would be appropriate. Finally, we agreed that the deadline to file such an addendum would be November 9, 2015.

Consistent with this guidance from your office, Environmental Petitioners intend to submit an addendum to its pending petition to address the Regional Board's action on September 10, 2015 on or before November 9, 2015. However, Environmental Petitioners will make best efforts to give the State Board at least two weeks to review the addendum before the Board has to issue the 30-day response letter.

Thank you for your cooperation on these issues. If anything in this letter is inconsistent with your understanding, please contact my office immediately.

My very best,

Becky Hayat

NATURAL RESOURCES DEFENSE COUNCIL

1314 2ND STREET | SANTA MONICA, CA | 90401 | T 310.434.2300 | F 310.434.2399 | NRDC.ORG

From: lyris@swrcb18.waterboards.ca.gov
Sent: Thursday, January 28, 2016 2:14 PM
To: Wyels, Philip@Waterboards
Subject: A-2386 Responses to the Petition and Petition Addendum
Attachments: E-mail exchange Hayat_9_24_15.pdf



This is a message from the State Water Resources Control Board, Office of Chief Counsel

Parties and Interested Persons:

Responses to the petition and petition addendum in the above matter submitted in accordance with the State Water Resources Control Board's (State Water Board) letters of November 10, 2015, and November 24, 2015, are now available at the following web page:

http://www.swrcb.ca.gov/public_notices/petitions/water_quality/a2386_losangeles_wmp.shtml

The web page also contains a link to the administrative record prepared by the Los Angeles Water Board.

The State Water Board has received a request from petitioners to submit citations to the transcript for the Los Angeles Regional Water Quality Control Board's (Los Angeles Water Board) September 10, 2015, hearing, which has now been submitted to the State Water Board as part of the administrative record. This request follows up on a statement in the petition addendum that petitioners would provide citations to the transcript at a future date because the transcript was not available until the date of filing of the addendum. The State Water Board grants the request, but petitioners are directed to provide citations only. Petitioners may not augment or supplement arguments made in their submissions.

Petitioners have also requested the opportunity to reply to the responses to the petition and petition addendum. Petitioners and all other parties and interested persons will have an opportunity to comment on a future draft order issued to address the petition and petition addendum. The State Water Board will not allow replies to the responses at this point from petitioners or any other parties.

Finally, the State Water Board has received the motion filed on January 8, 2016, by the Cities of Artesia, La Mirada, Norwalk, Pico Rivera, Signal Hill, Bell Gardens, and Huntington Park, to reject the petition as moot and the petition addendum as new and untimely. The State Water Board is also aware that similar objections have been made by the Los Angeles Water Board and by CASQA in comment letters.

The State Water Board will address these objections at the time of issuance of the draft order and will give careful consideration to the objections. However, it should be noted that petitioners submitted the petition addendum following a telephone conversation with State Water Board counsel authorizing submission of supplemental information to the State Water Board. A letter and e-mail exchange concerning the authorization is attached to this message for the information of all parties. In addition, as acknowledged by the parties urging that the State Water Board reject the petition and petition addendum, the State Water Board has wide discretion under Water Code section 13320 to review any regional water board action. Petitioners may file a reply to the motion and objections at their discretion, but no additional submissions will be considered from any of the parties.



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Save some water for our children's children.....

You are currently subscribed to a2386 as: philip.wyels@waterboards.ca.gov.

To unsubscribe click here: leave-5711361-4901575.4d6a1aff602bf9a4ab29d835b96c0546@swrcb18.waterboards.ca.gov

Wadhvani, Emel@Waterboards

From: Wadhvani, Emel@Waterboards
Sent: Monday, September 28, 2015 11:15 AM
To: 'Hayat, Becky'
Cc: 'daniel@lawyersforcleanwater.com'; Wyels, Philip@Waterboards
Subject: FW: NRDC Letter re Petition Addendum
Attachments: NRDC letter re Petition Addendum 9 24 15.pdf

Becky,

Thank you for your letter summarizing our phone conversation of September 22, 2015.

In general, your summary accurately reflects our discussion. One point of clarification: You state that “should Environmental Petitioners decide to supplement their current petition before the State Board, the Board would be required to issue a 30-day response letter to the dischargers and all interested persons within two days after November 9, 2015, or the petition would be deemed dismissed by operation of law.” It is accurate that the petition will be deemed dismissed by operation of law two days after November 9, 2015, if the State Water Board does not issue a 30-day letter, but this is true regardless of whether Environmental Petitioners decide to supplement their current petition. The supplement does not alter the time frame for action on the petition, but rather serves to provide the State Water Board with a more complete submission on the issues raised by the Environmental Petitioners and of the procedural history at the Regional Water Board level in addressing those issues, and thereby assists the State Water Board in making a determination as to whether to issue the 30-day letter.

Feel free to call me if you have any questions.

Emel

Emel G. Wadhvani
Senior Staff Counsel
Office of Chief Counsel
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
916-322-3622
Fax: 916-341-5199

From: Hayat, Becky [<mailto:bhayat@nrdc.org>]
Sent: Thursday, September 24, 2015 12:00 PM
To: Wadhvani, Emel@Waterboards
Cc: Daniel Cooper (daniel@lawyersforcleanwater.com)
Subject: NRDC Letter re Petition Addendum

Hi Emel,

Please see attached letter regarding our conversation on Wednesday, Sept. 22, 2015, about our petition before the State Board that is currently in abeyance. If you have any questions or concerns, please do not hesitate to contact me.

My very best,
Becky

BECKY HAYAT
*Attorney**
Water Program

**NATURAL RESOURCES
DEFENSE COUNCIL**

1314 SECOND STREET
SANTA MONICA, CA 90401
T 310.434.2308

BHAYAT@NRDC.ORG
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*ADMITTED IN CALIFORNIA

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September 24, 2015

Dear. Ms. Wadhvani,

Thank you for our telephonic discussion on September 22, 2015. On that call, we discussed NRDC, Heal the Bay, and Los Angeles Waterkeeper's (Environmental Petitioners) pending petition before the State Water Resources Control Board (State Board or Board), which is currently in abeyance until November 9, 2015. You indicated to me that you spoke with Phil Wyels and you both agreed that there is nothing under the California Code of Regulations (C.C.R.) Title 23, Division 3, Chapter 6, section 2050.5 that prevents Environmental Petitioners from supplementing their current petition before the State Board in light of the Los Angeles Regional Water Quality Control Board's action on September 10, 2015.

You further stated that should Environmental Petitioners decide to supplement their current petition before the State Board, the Board would be required to issue a 30-day response letter to the dischargers and all interested persons within two days after November 9, 2015, or the petition would be deemed dismissed by operation of law. You also stated that while there is no format for how Environmental Petitioners may supplement their current petition, but something akin to an addendum would be appropriate. Finally, we agreed that the deadline to file such an addendum would be November 9, 2015.

Consistent with this guidance from your office, Environmental Petitioners intend to submit an addendum to its pending petition to address the Regional Board's action on September 10, 2015 on or before November 9, 2015. However, Environmental Petitioners will make best efforts to give the State Board at least two weeks to review the addendum before the Board has to issue the 30-day response letter.

Thank you for your cooperation on these issues. If anything in this letter is inconsistent with your understanding, please contact my office immediately.

My very best,

Becky Hayat

NATURAL RESOURCES DEFENSE COUNCIL

1314 2ND STREET | SANTA MONICA, CA | 90401 | T 310.434.2300 | F 310.434.2399 | NRDC.ORG

From: Hayat, Becky <bhayat@nrdc.org>
Sent: Friday, January 29, 2016 6:01 PM
To: Mallory-Jones, Ryan@Waterboards
Cc: Fleischli, Steve; Daniel Cooper (daniel@lawyersforcleanwater.com);
bruce@lawaterkeeper.org; arthur@lawaterkeeper.org; Rita Kampalath
(rkampalath@healthebay.org); Smith, Deborah@Waterboards; McChesney,
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Okun, Lori@Waterboards; Lauffer, Michael@Waterboards; Wyels, Philip@Waterboards;
Bishop, Jonathan@Waterboards; Smith, Davidw@epamail.epa.gov;
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jenriquez@huntingtonpark.org; mackerman@hpca.gov; cdixon@hpca.gov;
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jesusgomez@elmonteca.gov; gosmena@dpw.lacounty.gov; jguerrer@dpw.lacounty.gov;
Jones, Keith K@DOT
Subject: SWRCB/OCC File A-2386: Petitioners' Opposition Motion
Attachments: NRDC LAWK HTB Opp to Mot to Reject Addendum 1-29-16 FINAL.pdf; B Hayat Decl ISO
opp to reject 1-29-16 FINAL.pdf; Exhibits to Hayat Decl 1-29-16 FINAL.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. Mallory-Jones,

Please find attached an opposition motion submitted by the Natural Resources Defense Council, Los Angeles Waterkeeper, and Heal the Bay, captioned: **Petitioners' Opposition to Motion to Reject Addendum as Untimely and to Dismiss Petition of Natural Resources Defense Council, Inc., Los Angeles Waterkeeper, and Heal the Bay for Review of Watershed Management Program Approvals as Moot**. Also attached are a Declaration in support of the opposition and accompanying Exhibits.

Please confirm receipt of this email. If you have any questions, please do not hesitate to contact me.

My very best,
Becky

BECKY HAYAT
*Attorney**
Water Program

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24 STATE OF CALIFORNIA
25 STATE WATER RESOURCES CONTROL BOARD

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1 **I. INTRODUCTION**

2 This opposition addresses an attempt to avoid review by the State Board of a central,
3 substantive step in the regulation of municipal stormwater via the May 28, 2015 petition filed by
4 the Natural Resources Defense Council, Los Angeles Waterkeeper, and Heal the Bay (collectively,
5 “Petitioners”). Dischargers Artesia, La Mirada, Norwalk, Pico Rivera, City of Signal Hill, Bell
6 Gardens, and Huntington Park (collectively, “Dischargers”) ask the State Board to reject
7 Petitioners’ October 30 Addendum to the Petition as untimely and to dismiss the Petition as moot.¹
8 There is no basis to do so. The Addendum is timely because it was filed before the deadline set by
9 the State Board, and is consistent with state law and the process requested by the Board. Further,
10 the Petition is not moot because the State Board has not resolved the issues presented in the
11 Petition, namely: (1) the legality of conditional approvals, and (2) the substantive inadequacies of
12 the Watershed Management Programs (“WMPs”).

13 Even if the State Board were to accept Dischargers’ arguments, which it should not, the
14 Board should still review, on its own motion, the Los Angeles Regional Water Quality Control
15 Board’s (“Regional Board”) actions. Review of the adequacy of the WMPs, and the process by
16 which they were approved is necessary and appropriate. The State Board has endorsed a “new
17 paradigm” for MS4 permitting, subject to minimum standards of accountability and
18 enforceability.² The WMPs at issue here are the first generated pursuant to the new scheme and
19 will set the bar for urban stormwater pollution control statewide. Because Petitioners’ challenge
20 was properly filed, and because the challenge represents the threshold opportunity for the State
21 Board to apply the standards articulated in State Board Order WQ 2015-0075 and to provide
22

23 _____
24 ¹ In addition to the motion filed by Dischargers on January 8, 2016, other parties have also tried to
25 argue in their responses to the Petition that the Addendum is untimely and/or the Petition is moot.
26 These parties include California Stormwater Quality Association, City of Signal Hill, City of
27 Covina, City of Claremont, Cities of Artesia, Norwalk, and La Mirada, Los Angeles River Upper
28 Reach 2 Watershed Management Area, Lower Los Angeles River Watershed, Lower San Gabriel
River Watershed, and the Regional Board. For all the reasons set forth in this opposition, the State
Board should reject those arguments as well.

² State Board Order WQ 2015-0075 at pp. 21-22; 37-38.

1 statewide guidance on the WMP and Enhanced Watershed Management Program (“EWMP”)
2 model of municipal stormwater regulation, the Dischargers’ motion should be denied.

3 **II. PROCEDURAL HISTORY**

4 On May 28, 2015, Petitioners petitioned both the Regional and State Boards to review: (1)
5 the legality of the Regional Board Executive Officer’s action in *conditionally* approving nine
6 WMPs, and (2) the substantive deficiencies in the WMPs. On July 3, the Regional Board gave
7 notice that it would review the Petition on September 10. Thus, on August 24, Petitioners
8 requested that the State Board place the Petition in abeyance until November 9 to allow the
9 Regional Board’s review of the Petition to proceed. The State Board granted Petitioners’ abeyance
10 request. On September 10, the Regional Board ratified the Executive Officer’s final approval of
11 the revised WMPs despite the significant deficiencies in the finally approved programs.

12 Anticipating that Petitioners would also challenge the September 10th decision, on
13 September 22, the State Board contacted Petitioners and requested that rather than filing a new
14 Cal. Water Code section 13320 petition regarding the Regional Board’s decision on September 10,
15 Petitioners supplement their existing petition by filing an addendum. The State Board requested
16 this approach because: (1) it would provide the Board with a more complete record on the issues
17 raised by Petitioners in the Petition and of the procedural history at the Regional Board level, and
18 (2) the additional information would aid the Board’s determination as whether or not to issue the
19 30-day response letter by November 11, 2015, when the Petition otherwise would be dismissed by
20 operation of law pursuant to the State Board regulations. (23 C.C.R. § 2050.5(e).)

21 After confirming that supplementing the Petition with an addendum is consistent with both
22 the California Porter-Cologne Water Quality Control Act and the California Code of Regulations,
23 Petitioners agreed to proceed in the manner requested by the State Board. The State Board and
24 Petitioners agreed that the deadline to file the Addendum was November 9, and confirmed as much
25 in writing.^{3,4} Petitioners filed the Addendum on October 30, 2015, well before the November 9th
26 deadline set by the State Board.

27 _____
28 ³ Decl. of Becky Hayat, Exh. A.

1 On January 8, Dischargers filed the present motion to reject the Addendum as untimely and
2 to dismiss the Petition as moot. (Motion and Supporting Memorandum to Reject as Untimely and
3 Moot Challenge Filed by Natural Resources Defense Council, Inc., Los Angeles Waterkeeper, and
4 Heal the Bay to LA Regional Board Decision on WMPs (hereafter “Dischargers’ Motion”).)

5 **III. ARGUMENT**

6 **A. The Addendum was timely filed, consistent with both state law and the process set**
7 **forth by the State Board.**

8 **i. The Addendum was filed consistent with state law.**

9 Petitioners filed the Addendum consistent with the Porter-Cologne Act and State Board
10 regulations. The Dischargers claim that Petitioners failed to comply with statutory and regulatory
11 language by filing the Addendum more than 30 days after the Regional Board decision on
12 September 10. However, the 30-day timeline to file a petition to the State Board under Cal. Water
13 Code section 13320(a) and C.C.R. section 2050(a) applies only to *new* petitions that are filed
14 regarding a regional board action.

15 Here, Petitioners’ Addendum is not a new section 13320 petition, but rather – as confirmed
16 by the State Board itself – a necessary supplement providing the State Board additional
17 information for deciding whether the Petition is complete and if a 30-day response letter should be
18 issued. The underlying issue in the May 28th Petition was the approval of the WMPs by the
19 Regional Board Executive Officer. The Regional Board decision on September 10 ratified the
20 Executive Officer’s approvals. That action,⁵ the final step in the multi-step process for approval by
21 the Regional Board, is inherently tied to the action challenged in the Petition. The Petition raised
22 concerns about the substantive inadequacies of the draft WMPs – inadequacies carried over to the
23 final WMPs despite subsequent revisions made by Dischargers. Petitioners again identified the

24
25 ⁴ *Id.*, Exh. B.

26 ⁵ It is immaterial that the Petition challenged the Executive Officer’s WMP approvals while the
27 Addendum challenged the Regional Board’s illegal WMP approvals. Pursuant to Cal. Water Code
28 § 13223(a), “[w]henver any reference is made in this [Porter-Cologne Water Quality Control Act]
to any action that may be taken by a regional board, such reference includes such action by its
executive officer pursuant to powers and duties delegated to him by the regional board.”

1 continuing WMP deficiencies for the Regional Board at the September 10th hearing. Such
2 deficiencies included lack of commitment to meeting interim milestones and final compliance
3 deadlines, no schedule to meet compliance “as soon as possible” as required by the 2012 Los
4 Angeles MS4 Permit (“2012 Permit” or “Permit”), and unenforceable and contingent volumetric
5 reduction targets, among others.⁶ Despite these significant shortcomings, the Regional Board
6 upheld the Executive Officer’s approvals.

7 Contrary to the Dischargers’ claim, the Regional Board action on September 10 was not “a
8 wholly separate action” requiring a new petition. (Dischargers’ Motion at p. 6.) Instead, it was the
9 final step in the approval process challenged in the Petition. The Addendum, therefore, updates the
10 Petition to include Petitioners’ challenge to the Regional Board’s final approval and endorsement
11 of the Executive Officer’s action. Further, the State Board must consider the full sequence of
12 events at the Regional Board level not only to decide whether to mail the 30-day response letter,
13 but also to ultimately review and act on the Petition. The 30-day rule pursuant to Cal. Water Code
14 section 13320(a) and C.C.R. section 2050(a), therefore, is inapplicable.

15 Dischargers’ reliance on the State Board’s decision regarding the City of El Monte’s
16 amended petition is misplaced. El Monte submitted an amended petition, which raised new issues
17 based on information it asserted was not available at the time its original petition was filed. (State
18 Board Order WQ 2015-0075 at p. 7.) The State Board rejected the city’s amended petition because
19 it found that the additional arguments raised were *not* based on new information. (*Id.*) Here, the
20 Addendum is a supplement that included the final step in the WMP approval process – the
21 Regional Board’s ratification on September 10th – and that information was not available prior to
22 the May 28, 2015 deadline for submitting the Petition. Indeed, there is nothing under the Porter-
23 Cologne Act and State Board regulations that prohibits Petitioners from supplementing the Petition
24 with new, additional information when that petition was timely filed pursuant to C.C.R section
25 2050(a) and pending before the State Board.

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27
28 ⁶ Certified Transcript for September 10, 2015 Meeting at pp. 217:4 – 231:22.

1 **ii. Filing the Addendum is consistent with the process set forth by the**
2 **State Board.**

3 Following the September 10th Regional Board action, it was clear that the issues
4 considered then and those raised in the Petition were inherently intertwined. Thus, the State Board
5 contacted Petitioners and informed them that they may supplement their existing petition with an
6 addendum. Petitioners followed the State Board’s request and timely filed the Addendum on
7 October 30, 2015. Dischargers now ask that Petitioners be punished for working with the State
8 Board and proceeding in a manner that not only is supported by the law, but also that ultimately
9 allowed the parties to proceed in the most efficient manner.

10 The State Board should reject the Dischargers’ argument, which would have forced
11 Petitioners to file two petitions on the same issues. That position lacks legal support and
12 undermines administrative economy. Moreover, such a finding would discourage future petitioners
13 from working together with the State Board to reach resolutions on procedural matters. The
14 process set out by the State Board was lawful and appropriate. Petitioners followed that procedure
15 and should not now be prejudiced by being denied the relief sought by the Petition and Addendum.

16 For the foregoing reasons, the Addendum was permitted by law, followed the proper
17 procedure requested by the State Board, and was therefore timely.

18 **B. The Petition should not be dismissed as moot because the issues presented have**
19 **not been decided and effective relief can still be granted.**

20 The Petition is not moot as the issues presented have not been decided and Petitioners can
21 still be granted effective relief. To determine whether a case is moot, a judicial body asks
22 ““whether there is a present controversy as to which effective relief can be granted.”” *Feldman v.*
23 *Bomar*, 518 F.3d 637, 642 (9th Cir. 2008) (quoting *Nw. Env’tl. Def. Ctr. v. Gordon*, 849 F.2d 1241,
24 1244 (9th Cir. 1988)). Here, there is a present controversy, and the State Board can provide
25 Petitioners relief. The subject of the Petition was the legality of conditional WMP approvals, both
26 procedurally and substantively.

27 The Executive Officer acted unlawfully by conditionally approving WMPs – a process
28 nowhere provided for in the 2012 Permit. And this unlawful action is capable of repetition as the

1 Regional Board Executive Officer may well “conditionally approve” other non-compliant actions
2 by dischargers, rendering the deadlines and conditions of the Permit effectively meaningless. A
3 case is not moot if it is “capable of repetition, yet evading review.” *Turner v. Rogers*, 131 S.Ct.
4 2507, 2515 (2011) (quoting *Southern Pacific Terminal Co. v. ICC*, 31 S.Ct. 279 (1911)). Further,
5 the threat of repetition looms now; the deadline for submission of final draft EWMPs is in April
6 2016 and the Executive Officer may again “conditionally approve” the EWMPs. Because the State
7 Board has not resolved the legal question regarding conditional approvals and this unlawful action
8 is capable of repetition, the Petition is not moot.

9 In any event, Petitioners’ *entire* petition cannot be moot because the State Board must
10 resolve the third claim in the Petition – that the WMPs are inadequate. In addition to the legality of
11 the conditional approval process, Petitioners challenged the *substance* of the decision to approve
12 deficient WMPs. Petitioners claimed that the conditions failed to address all of the WMP
13 inadequacies that continued to exist in the final drafts, such that the WMPs should have been
14 denied. The State Board has yet to determine whether the terms of the conditional approvals – and
15 the Regional Board’s subsequent approval – met or did not meet Permit requirements for full
16 program development compliance. The Petition, therefore, should not be dismissed as moot.

17 **C. Given the statewide precedential impact of the Regional Board actions, the State**
18 **Board should review the Regional Board actions on its own motion.**

19 Even if the State Board rejects Petitioners’ Addendum and dismisses the Petition, which it
20 should not, the Board should, on its own motion, review the Regional Board actions that
21 Petitioners have challenged. Stormwater runoff is the primary source of surface water pollution in
22 Southern California. It is also the main contributor to California’s polluted beach problem. Instead
23 of having to strictly comply with all numeric limits on stormwater discharges, the current 2012
24 Permit allows WMPs and EWMPs as an alternative method of achieving Permit compliance for
25 many pollutants. Although this is now viewed as the “new” MS4 permit structure, the ultimate
26 goal of the WMP/EWMP alternative compliance approach as expressed by the Board is the same
27
28

1 as the goal of any MS4 permit – to achieve water quality standards.⁷ Thus, if dischargers are going
2 to be allowed to develop and implement WMPs in lieu of demonstrating strict compliance with
3 numeric limits, the Regional Board must enforce the unambiguous WMP development
4 requirements of the Permit. So far, the Regional Board has failed to do so. Furthermore, if the
5 State Board is going to direct all regional boards to consider the WMP/EWMP approach when
6 issuing Phase I MS4 permits going forward,⁸ it must ensure that dischargers develop the WMPs
7 consistent with the provisions of State Board Order WQ 2015-0075. The State Board, therefore,
8 should exercise its authority to review these unlawful Regional Board actions – actions that will
9 lead to serious human health and environmental harm – and issue an appropriate remedy.

10 Dischargers’ argument about how Petitioners have already “had a full and fair hearing”
11 before the Regional Board misses the point. (Dischargers’ Motion at p. 9.) Although the Regional
12 Board considered the Petition on September 10, 2015, the State Board has not acted on the Petition
13 yet, and Petitioners filed their petition to both the Regional Board *and* the State Board. There is
14 absolutely no authority for Dischargers’ claim that “[t]here is no need for the State Board to
15 conduct a second review of the previously reviewed decision of the LA Board’s Executive
16 Officer.” (Id.) Cal. Water Code section 13320 and C.C.R. section 2050 give Petitioners the right
17 to petition the State Board for unlawful Executive Officer action, and this authority is independent
18 from that of the Regional Board. The Dischargers’ claims are misguided, and do not outweigh the
19 State Board’s interest in reviewing these improper Regional Board actions on its own initiative.

20 Furthermore, as discussed herein, Petitioners should not be punished for cooperating with
21 and relying on the guidance of the State Board. Therefore, in the event the Addendum is rejected,
22 the State Board should prevent such prejudice to Petitioners by considering the Regional Board
23 actions on its own initiative with full participation of the Petitioners as interested parties.

24 ///

25 ///

26

27 ⁷ State Board Order WQ 2015-0075 at p. 14.

28 ⁸ *Id.* at p. 51.

1 **IV. CONCLUSION**

2 For the foregoing reasons, the State Board should deny the Dischargers' motion to reject
3 the Petitioners' Addendum and dismiss the Petition.

4
5 Respectfully submitted,

6 Dated: January 29, 2016

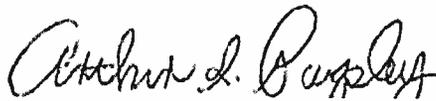
NATURAL RESOURCES DEFENSE COUNCIL, INC.

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9
10
11 _____
12 Becky Hayat
13 Attorney for NATURAL RESOURCES
DEFENSE COUNCIL, INC. & HEAL THE BAY

14 Dated: January 29, 2016

LOS ANGELES WATERKEEPER

15
16 

17
18 _____
19 Arthur S. Pugsley
20 Attorney for LOS ANGELES WATERKEEPER
& HEAL THE BAY

21 Dated: January 29, 2016

LOS ANGELES WATERKEEPER

22
23 

24
25 _____
26 Daniel Cooper
27 Attorney for LOS ANGELES WATERKEEPER
28

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2 NATURAL RESOURCES DEFENSE COUNCIL, INC.
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8 AND HEAL THE BAY

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16 AND HEAL THE BAY

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19 1004A O'Reilly Avenue
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21 (415) 440-6520

22 Attorney for
23 LOS ANGELES WATERKEEPER

24 STATE OF CALIFORNIA
25 STATE WATER RESOURCES CONTROL BOARD

26
27
28
Petition of NRDC, Los Angeles Waterkeeper, and)
Heal the Bay, for Review by the State Water)
Resources Control Board of the Regional Board)
Executive Officer's Action to Conditionally)
Approve Nine Watershed Management Programs)
Pursuant to the Los Angeles County Municipal)
Separate Stormwater National Pollutant)
Discharge Elimination System (NPDES) Permit,)
Order No. R4-2012-0175, NPDES Permit No.)
CAS004001)
SWRCB/OCC FILE A-2386
**DECLARATION OF BECKY
HAYAT IN SUPPORT OF
PETITIONERS' OPPOSITION TO
MOTION TO REJECT
ADDENDUM AS UNTIMELY AND
TO DISMISS PETITION OF
NATURAL RESOURCES DEFENSE
COUNCIL, INC., LOS ANGELES
WATERKEEPER, AND HEAL THE
BAY FOR REVIEW OF
WATERSHED MANAGEMENT
PROGRAM APPROVALS AS
MOOT**

1 **DECLARATION OF BECKY HAYAT**

2 1. I am an attorney licensed to practice in the State of California and a Staff Attorney
3 at the Natural Resources Defense Council (“NRDC”). I am counsel for Petitioners NRDC, Los
4 Angeles Waterkeeper, and Heal the Bay (collectively, “Petitioners”) in the above-captioned
5 Petition. I have personal knowledge of all relevant facts stated herein and if called upon, I could
6 and would competently testify thereto.

7 2. On April 28, 2015, the Los Angeles Regional Water Quality Control Board
8 (“Regional Board”) conditionally approved nine Watershed Management Programs (“WMPs”)
9 pursuant to the 2012 Los Angeles MS4 Permit (“2012 Permit” or “Permit”).

10 3. On May 28, 2015, Petitioners petitioned the Regional Board and State Water
11 Resources Control Board (“State Board”) to review the Executive Officer’s action in conditionally
12 approving the nine WMPs. In July and August of 2015, the Executive Officer issued final approval
13 letters for the nine WMPs he conditionally approved in April 2015.

14 4. On September 10, 2015, the Regional Board considered the Petition and upheld the
15 Executive Officer’s final WMP approvals.

16 5. On September 22, 2015, I received a phone call from Emel Wadhvani, Senior Staff
17 Counsel at the State Board, who wanted to discuss Petitioners’ plan moving forward given the
18 Regional Board decision on September 10. Anticipating that Petitioners would challenge the
19 Regional Board action on September 10, Emel told me she had spoken with Phil Wyels, Assistant
20 Chief Counsel at the State Board, and they both concluded that instead of filing a new petition
21 challenging the Regional Board action on September 10, Petitioners could submit an addendum to
22 their petition that was held in abeyance until November 9, 2015, and that proceeding in such a
23 manner was consistent with the California Porter-Cologne Water Quality Control Act and State
24 Board regulations.

25 6. Two days later, on September 24, 2015, I sent a letter to Emel Wadhvani
26 confirming our telephone conversation. Attached hereto as Exhibit A is a true and correct copy of
27 the September 24, 2015 letter.
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7. Four days after that, on September 28, 2015, I received an email from Emel Wadhvani, confirming receipt of the letter dated September 24, 2015 and its accuracy as to the procedure and timing for filing the Addendum with the State Board. Attached hereto as Exhibit B is a true and correct copy of the September 28, 2015 email.

8. After confirming that supplementing the Petition with an addendum is consistent with state law, Petitioners filed the Addendum on October 30, 2015.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on January 29, 2016, in Santa Monica, California.



Becky Hayat

EXHIBIT A



September 24, 2015

Dear Ms. Wadhvani,

Thank you for our telephonic discussion on September 22, 2015. On that call, we discussed NRDC, Heal the Bay, and Los Angeles Waterkeeper's (Environmental Petitioners) pending petition before the State Water Resources Control Board (State Board or Board), which is currently in abeyance until November 9, 2015. You indicated to me that you spoke with Phil Wyels and you both agreed that there is nothing under the California Code of Regulations (C.C.R.) Title 23, Division 3, Chapter 6, section 2050.5 that prevents Environmental Petitioners from supplementing their current petition before the State Board in light of the Los Angeles Regional Water Quality Control Board's action on September 10, 2015.

You further stated that should Environmental Petitioners decide to supplement their current petition before the State Board, the Board would be required to issue a 30-day response letter to the dischargers and all interested persons within two days after November 9, 2015, or the petition would be deemed dismissed by operation of law. You also stated that while there is no format for how Environmental Petitioners may supplement their current petition, but something akin to an addendum would be appropriate. Finally, we agreed that the deadline to file such an addendum would be November 9, 2015.

Consistent with this guidance from your office, Environmental Petitioners intend to submit an addendum to its pending petition to address the Regional Board's action on September 10, 2015 on or before November 9, 2015. However, Environmental Petitioners will make best efforts to give the State Board at least two weeks to review the addendum before the Board has to issue the 30-day response letter.

Thank you for your cooperation on these issues. If anything in this letter is inconsistent with your understanding, please contact my office immediately.

My very best,

Becky Hayat

NATURAL RESOURCES DEFENSE COUNCIL

1314 2ND STREET | SANTA MONICA, CA | 90401 | T 310.434.2300 | F 310.434.2399 | NRDC.ORG

EXHIBIT B

Hayat, Becky

From: Wadhvani, Emel@Waterboards <Emel.Wadhvani@waterboards.ca.gov>
Sent: Monday, September 28, 2015 11:15 AM
To: Hayat, Becky
Cc: 'daniel@lawyersforcleanwater.com'; Wyels, Philip@Waterboards
Subject: FW: NRDC Letter re Petition Addendum
Attachments: NRDC letter re Petition Addendum 9 24 15.pdf

Becky,

Thank you for your letter summarizing our phone conversation of September 22, 2015.

In general, your summary accurately reflects our discussion. One point of clarification: You state that “should Environmental Petitioners decide to supplement their current petition before the State Board, the Board would be required to issue a 30-day response letter to the dischargers and all interested persons within two days after November 9, 2015, or the petition would be deemed dismissed by operation of law.” It is accurate that the petition will be deemed dismissed by operation of law two days after November 9, 2015, if the State Water Board does not issue a 30-day letter, but this is true regardless of whether Environmental Petitioners decide to supplement their current petition. The supplement does not alter the time frame for action on the petition, but rather serves to provide the State Water Board with a more complete submission on the issues raised by the Environmental Petitioners and of the procedural history at the Regional Water Board level in addressing those issues, and thereby assists the State Water Board in making a determination as to whether to issue the 30-day letter.

Feel free to call me if you have any questions.

Emel

Emel G. Wadhvani
Senior Staff Counsel
Office of Chief Counsel
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
916-322-3622
Fax: 916-341-5199

From: Hayat, Becky [<mailto:bhayat@nrdc.org>]
Sent: Thursday, September 24, 2015 12:00 PM
To: Wadhvani, Emel@Waterboards
Cc: Daniel Cooper (daniel@lawyersforcleanwater.com)
Subject: NRDC Letter re Petition Addendum

Hi Emel,

Please see attached letter regarding our conversation on Wednesday, Sept. 22, 2015, about our petition before the State Board that is currently in abeyance. If you have any questions or concerns, please do not hesitate to contact me.

My very best,
Becky

BECKY HAYAT
*Attorney**
Water Program

**NATURAL RESOURCES
DEFENSE COUNCIL**

1314 SECOND STREET
SANTA MONICA, CA 90401
T 310.434.2308

BHAYAT@NRDC.ORG
NRDC.ORG
*ADMITTED IN CALIFORNIA

Please save paper.
Think before printing.

From: Mallory-Jones, Ryan@Waterboards
Sent: Monday, February 01, 2016 8:54 AM
To: 'Hayat, Becky'
Subject: RE: SWRCB/OCC File A-2386: Petitioners' Opposition Motion

Hello Ms. Hayat,

I'm writing to let you know that this Opposition has been received. Thank you, and have a great day.



From: Hayat, Becky [<mailto:bhayat@nrdc.org>]
Sent: Friday, January 29, 2016 6:01 PM
To: Mallory-Jones, Ryan@Waterboards
Cc: Fleischli, Steve; Daniel Cooper (daniel@lawyersforcleanwater.com); bruce@lawwaterkeeper.org; arthur@lawwaterkeeper.org; Rita Kampalath (rkampalath@healthebay.org); Smith, Deborah@Waterboards; McChesney, Frances@Waterboards; Rasmussen, Paula@Waterboards; Fordyce, Jennifer@Waterboards; Ivar.Ridgeway@waterboards.ca.gov; Coupe, David@Waterboards; Purdy, Renee@Waterboards; Wadhvani, Emel@Waterboards; Okun, Lori@Waterboards; Lauffer, Michael@Waterboards; Wyels, Philip@Waterboards; Bishop, Jonathan@Waterboards; Smith, Davidw@epamail.epa.gov; sgomes@cityofartesia.us; acecivil@aol.com; trodrigue@cityofbell.org; acablay@cityofbell.org; biniguez@bellflower.org; lgorecki@bellflower.org; cvll@bellgardens.org; pwagner@bellgardens.org; ypark@infeng.co; cvu@bellgardens.org; mogradys@cerritos.us; bdesatnik@ci.claremont.ca.us; lmustafa@ci.claremont.ca.us; ktrepa@ci.claremont.ca.us; csneed@ci.claremont.ca.us; gnila@ci.commerce.ca.us; ginan@ci.commerce.ca.us; hrodriguez@cityofcudahy.ca.us; asantos@cityofcudahyca.gov; ahernandez@cityofcudahyca.gov; jpulido@cityofcudahyca.gov; dliu@diamondbarca.gov; JWen@downeyca.org; ygarcia@downeyca.org; pwmaintenance@elmonte.ca.gov; jesusgomez@elmonteca.gov; ejeng@elmonteca.gov; jcolombo@hgcity.org; inoorbaksh@hgcity.org; jenriquez@huntingtonpark.org; mackerman@hpcagov; cdixon@hpcagov; mstowell@cityoflamirada.org; mmunoz@cityoflamirada.org; dkeesey@ci.la-verne.ca.us; lobrien@ci.la-verne.ca.us; rwooldridge@ci.la-verne.ca.us; kvivanti@lakewoodcity.org; Anthony.Arevalo@longbeach.gov; shahram.kharaghani@lacity.org; vivian.marquez@lacity.org; hubertus.cox@lacity.org; hamid.tadayon@lacity.org; jkekula@lynwood.ca.us; esaikaly@lynwood.ca.us; abeltran@lynwood.ca.us; andre.dupret@cityofmaywood.org; mdana@cityymb.info; lmyers@cityofmaywood.org; ekiepk@willdan.com; dgarcia@norwalkca.gov; administration@norwalkca.gov; bzimmerman@norwalkca.gov; afigueroa@norwalkca.gov; ccash@paramountcity.com; sho@paramountcity.com; rbobadilla@pico-rivera.org; gderas@pico-rivera.org; julie_carver@ci.pomona.ca.us; linda_lowry@ci.pomona.ca.us; Meg_McWade@ci.pomona.ca.us; lcyrus@ci.san-dimas.ca.us; smorales-choate@santafesprings.org; Morales-Choate, Sarina@SANTAFESPRINGS; jhunter@jlha.net; kfarfsing@cityofsignalhill.org; smyrter@cityofsignalhill.org; jhunter@jlha.net; acervantes@sogate.org; carellano@ci.vernon.ca.us; Kwilson@ci.vernon.ca.us; ajensen@ci.walnut.ca.us; mrooney@ci.walnut.ca.us; rwishner@ci.walnut.ca.us; MBarcelo@ci.walnut.ca.us; dpelser@cityofwhittier.org; pubwks@cityofwhittier.org; palva@dpw.lacounty.gov; tgrant@dpw.lacounty.gov; qfarber@dpw.lacounty.gov; ageorge@dpw.lacounty.gov; jguerrero@dpw.lacounty.gov;

jesusgomez@elmonteca.gov; gosmena@dpw.lacounty.gov; jguerrer@dpw.lacounty.gov; Jones, Keith K@DOT
Subject: SWRCB/OCC File A-2386: Petitioners' Opposition Motion

Dear Mr. Mallory-Jones,

Please find attached an opposition motion submitted by the Natural Resources Defense Council, Los Angeles Waterkeeper, and Heal the Bay, captioned: **Petitioners' Opposition to Motion to Reject Addendum as Untimely and to Dismiss Petition of Natural Resources Defense Council, Inc., Los Angeles Waterkeeper, and Heal the Bay for Review of Watershed Management Program Approvals as Moot**. Also attached are a Declaration in support of the opposition and accompanying Exhibits.

Please confirm receipt of this email. If you have any questions, please do not hesitate to contact me.

My very best,
Becky

BECKY HAYAT
*Attorney**
Water Program

**NATURAL RESOURCES
DEFENSE COUNCIL**
1314 SECOND STREET
SANTA MONICA, CA 90401
T 310.434.2308
BHAYAT@NRDC.ORG
NRDC.ORG
*ADMITTED IN CALIFORNIA

Please save paper.
Think before printing.

From: Hayat, Becky <bhayat@nrdc.org>
Sent: Monday, February 08, 2016 3:02 PM
To: Mallory-Jones, Ryan@Waterboards
Cc: arthur@lawaterkeeper.org; bruce@lawaterkeeper.org; Daniel Cooper (daniel@lawyersforcleanwater.com); Rita Kampalath (rkampalath@healthebay.org); Fleischli, Steve; Smith, Deborah@Waterboards; McChesney, Frances@Waterboards; Rasmussen, Paula@Waterboards; Fordyce, Jennifer@Waterboards; Ivar.Ridgeway@waterboards.ca.gov; Coupe, David@Waterboards; Purdy, Renee@Waterboards; Wadhvani, Emel@Waterboards; Okun, Lori@Waterboards; Lauffer, Michael@Waterboards; Wyels, Philip@Waterboards; Bishop, Jonathan@Waterboards; Smith, Davidw@epamail.epa.gov; sgomes@cityofartesia.us; acecivil@aol.com; trodrigue@cityofbell.org; acablay@cityofbell.org; biniguez@bellflower.org; lgorecki@bellflower.org; cvll@bellgardens.org; pwagner@bellgardens.org; ypark@infeng.co; cvu@bellgardens.org; mogrady@cerritos.us; bdesatnik@ci.claremont.ca.us; lmustafa@ci.claremont.ca.us; ktrep@ci.claremont.ca.us; csneed@ci.claremont.ca.us; gnla@ci.commerce.ca.us; ginan@ci.commerce.ca.us; hrodriguez@cityofcudahy.ca.us; asantos@cityofcudahyca.gov; ahernandez@cityofcudahyca.gov; jpulido@cityofcudahyca.gov; dliu@diamondbarca.gov; JWen@downeyca.org; ygarcia@downeyca.org; pwmaintenance@elmonte.ca.gov; jesusgomez@elmonteca.gov; ejeng@elmonteca.gov; jcolombo@ghcity.org; inoorbaksh@hgcity.org; jenriquez@huntingtonpark.org; mackerman@hpca.gov; cdixon@hpca.gov; mstowell@cityoflamirada.org; mmunoz@cityoflamirada.org; dkeesey@ci.la-verne.ca.us; lobrien@ci.la-verne.ca.us; rwooldridge@ci.la-verne.ca.us; kvivanti@lakewoodcity.org; Anthony.Arevalo@longbeach.gov; shahram.kharaghani@lacity.org; vivian.marquez@lacity.org; hubertus.cox@lacity.org; hamid.tadayon@lacity.org; jkekula@lynwood.ca.us; esaikaly@lynwood.ca.us; abeltran@lynwood.ca.us; andre.dupret@cityofmaywood.org; mdanaj@citymb.info; lmyers@cityofmaywood.org; ekieppe@willdan.com; dgarcia@norwalkca.gov; administration@norwalkca.gov; bzimmerman@norwalkca.gov; afigueroa@norwalkca.gov; ccash@paramountcity.com; sho@paramountcity.com; rbobadilla@pico-rivera.org; gderas@pico-rivera.org; julie_carver@ci.pomona.ca.us; linda_lowry@ci.pomona.ca.us; Meg_McWade@ci.pomona.ca.us; lcyrus@ci.san-dimas.ca.us; smorales-choate@santafesprings.org; Morales-Choate, Sarina@SANTAFESPRINGS; jhunter@jlha.net; kfarfsing@cityofsignalhill.org; smyrter@cityofsignalhill.org; jhunter@jlha.net; acervantes@sogate.org; carellano@ci.vernon.ca.us; Kwilson@ci.vernon.ca.us; ajensen@ci.walnut.ca.us; mrooney@ci.walnut.ca.us; rwishner@ci.walnut.ca.us; MBarcelo@ci.walnut.ca.us; dpelser@cityofwhittier.org; pubwks@cityofwhittier.org; palva@dpw.lacounty.gov; tgrant@dpw.lacounty.gov; gfarber@dpw.lacounty.gov; ageorge@dpw.lacounty.gov; jguerrero@dpw.lacounty.gov; jesusgomez@elmonteca.gov; gosmena@dpw.lacounty.gov; jguerrer@dpw.lacounty.gov; Jones, Keith K@DOT

Subject: SWRCB/OCC File A-2386: Petitioners' Submission of Record Citations
Attachments: NRDC LAWK HTB not of sub of rec cit 2-8-16 FINAL.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. Mallory-Jones,

Please find attached a notice submitted by the Natural Resources Defense Council, Los Angeles Waterkeeper, and Heal the Bay, captioned: **Notice of Submission of Record Citations for Petition Addendum of Natural Resources Defense Council, Inc., Los Angeles Waterkeeper, and Heal the Bay for Review of Watershed Management Program Approvals.**

Please confirm receipt of this email. If you have any questions, please do not hesitate to contact me.

My very best,
Becky

BECKY HAYAT
*Attorney**
Water Program

**NATURAL RESOURCES
DEFENSE COUNCIL**

1314 SECOND STREET
SANTA MONICA, CA 90401
T 310.434.2308

BHAYAT@NRDC.ORG

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*ADMITTED IN CALIFORNIA

Please save paper.
Think before printing.

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24 STATE OF CALIFORNIA
25 STATE WATER RESOURCES CONTROL BOARD

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1 **Please Take Note:**

2 This Notice of Submission of Record Citations is filed in accordance with the instructions
3 served via e-mail by the State Water Resources Control Board, Office of Chief Counsel, to all
4 parties to this matter on January 28, 2016. The purpose of this Notice is solely to provide citations
5 from the September 10, 2015 Regional Board hearing transcript to Petitioners' Addendum.

6 The following table lists footnotes in the Addendum and their appropriate citations to the
7 September 10th Regional Board hearing transcript:

8

9 Footnote 21	Certified Transcript for September 10, 2015 Meeting at pp. 241:20 – 243:17; 252:15 – 272:9.
10 Footnote 43	Certified Transcript for September 10, 2015 Meeting at pp.260:17 – 262.9.
11 Footnote 54	Certified Transcript for September 10, 2015 Meeting at pp. 260:17 – 262.9; 266:24 – 267:15.

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13 Respectfully submitted,

14 Dated: February 8, 2016

NATURAL RESOURCES DEFENSE COUNCIL, INC.

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20 _____
21 Becky Hayat
22 Attorney for NATURAL RESOURCES
23 DEFENSE COUNCIL, INC. & HEAL THE BAY

24 Dated: February 8, 2016

LOS ANGELES WATERKEEPER

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26 _____
27 Arthur S. Pugsley
28 Attorney for LOS ANGELES WATERKEEPER
& HEAL THE BAY

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Dated: February 8, 2016

LOS ANGELES WATERKEEPER



Daniel Cooper
Attorney for LOS ANGELES WATERKEEPER

From: Mallory-Jones, Ryan@Waterboards
Sent: Monday, February 08, 2016 3:42 PM
To: 'Hayat, Becky'
Subject: RE: SWRCB/OCC File A-2386: Petitioners' Submission of Record Citations

Hello Ms. Hayat,

Your submission has been received. Thank you very much.

Sincerely,



From: Hayat, Becky [<mailto:bhayat@nrdc.org>]
Sent: Monday, February 08, 2016 3:02 PM
To: Mallory-Jones, Ryan@Waterboards
Cc: arthur@lawwaterkeeper.org; bruce@lawwaterkeeper.org; Daniel Cooper (daniel@lawyersforcleanwater.com); Rita Kampalath (rkampalath@healthebay.org); Fleischli, Steve; Smith, Deborah@Waterboards; McChesney, Frances@Waterboards; Rasmussen, Paula@Waterboards; Fordyce, Jennifer@Waterboards; Ivar.Ridgeway@waterboards.ca.gov; Coupe, David@Waterboards; Purdy, Renee@Waterboards; Wadhwani, Emel@Waterboards; Okun, Lori@Waterboards; Lauffer, Michael@Waterboards; Wyels, Philip@Waterboards; Bishop, Jonathan@Waterboards; Smith, Davidw@epamail.epa.gov; sgomes@cityofartesia.us; acecivil@aol.com; trodrique@cityofbell.org; acablay@cityofbell.org; biniguez@bellflower.org; lgorecki@bellflower.org; civil@bellgardens.org; pwagner@bellgardens.org; ypark@infeng.co; cvu@bellgardens.org; mogrody@cerritos.us; bdesatnik@ci.claremont.ca.us; lmustafa@ci.claremont.ca.us; ktrepa@ci.claremont.ca.us; csneed@ci.claremont.ca.us; gnila@ci.commerce.ca.us; ginan@ci.commerce.ca.us; hrodriguez@cityofcudahy.ca.us; asantos@cityofcudahyca.gov; ahernandez@cityofcudahyca.gov; jpulido@cityofcudahyca.gov; dliu@diamondbarca.gov; JWen@downeyca.org; ygarcia@downeyca.org; pwmaintenance@elmonte.ca.gov; jesusgomez@elmonteca.gov; ejeng@elmonteca.gov; jcolombo@ghcity.org; inoorbaksh@hgcity.org; jenriquez@huntingtonpark.org; mackerman@hpcagov; cdixon@hpcagov; mstowell@cityoflamirada.org; mmunoz@cityoflamirada.org; dkeesey@ci.la-verne.ca.us; lobrien@ci.la-verne.ca.us; rwooldridge@ci.la-verne.ca.us; kvivanti@lakewoodcity.org; Anthony.Arevalo@longbeach.gov; shahram.kharaghani@lacity.org; vivian.marquez@lacity.org; hubertus.cox@lacity.org; hamid.tadayon@lacity.org; jkekula@lynwood.ca.us; esaikaly@lynwood.ca.us; abeltran@lynwood.ca.us; andre.dupret@cityofmaywood.org; mdanaj@citymb.info; lmyers@cityofmaywood.org; ekiepke@willdan.com; dgarcia@norwalkca.gov; administration@norwalkca.gov; bzimmerman@norwalkca.gov; afigueroa@norwalkca.gov; ccash@paramountcity.com; sho@paramountcity.com; rbobadilla@pico-rivera.org; gderas@pico-rivera.org; julie_carver@ci.pomona.ca.us; linda_lowry@ci.pomona.ca.us; Meg_McWade@ci.pomona.ca.us; lcyrus@ci.san-dimas.ca.us; smorales-choate@santafesprings.org; Morales-Choate, Sarina@SANTAFESPRINGS; jhunter@jlha.net; kfarfsing@cityofsignalhill.org; smyrter@cityofsignalhill.org; jhunter@jlha.net; acervantes@sogate.org; carellano@ci.vernon.ca.us; Kwilson@ci.vernon.ca.us; ajensen@ci.walnut.ca.us; mrooney@ci.walnut.ca.us; rwishner@ci.walnut.ca.us;

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Subject: SWRCB/OCC File A-2386: Petitioners' Submission of Record Citations

Dear Mr. Mallory-Jones,

Please find attached a notice submitted by the Natural Resources Defense Council, Los Angeles Waterkeeper, and Heal the Bay, captioned: **Notice of Submission of Record Citations for Petition Addendum of Natural Resources Defense Council, Inc., Los Angeles Waterkeeper, and Heal the Bay for Review of Watershed Management Program Approvals.**

Please confirm receipt of this email. If you have any questions, please do not hesitate to contact me.

My very best,
Becky

BECKY HAYAT
*Attorney**
Water Program

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