

Los Angeles Regional Water Quality Control Board

February 25, 2022

Ballona Creek Watershed Management Group¹

Via Email

STATUS OF COMPLIANCE DEMONSTRATION SUBMITTED BY JUNE 30, 2021 PER THE STATE WATER RESOURCES CONTROL BOARD ORDER WQ 2020-0038; NOTICE OF LOSS OF DEEMED COMPLIANCE STATUS

Dear Ballona Creek Watershed Management Group:

State Water Resources Control Board (State Water Board) Order WQ 2020-0038 (2020 SB Order), directed Permittees to submit documentation by June 30, 2021, demonstrating that all work associated with current and prior milestones had been completed to retain deemed compliance with the receiving water limitations, water quality-based effluent limitations, and other TMDL-specific limitations addressed by the Watershed Management Program (WMP) or Enhanced Watershed Management Program (EWMP).²

On May 26, 2021, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) issued a letter via email to all Permittees participating in WMPs and EWMPs with direction on how to submit the aforementioned information.³

The Los Angeles Water Board reviewed the Ballona Creek Group's (BC Group) document(s) submitted on June 25, 2021, to assess the BC Group's demonstration of completion of all work associated with current and prior milestones according to the requirements set forth by the 2020 SB Order and to determine the BC Group's deemed compliance status.⁴

¹ (Permittees of the Ballona Creek Watershed Management Group include the Los Angeles County Flood Control District; the County of Los Angeles; and the cities of Los Angeles, Beverly Hills, Culver City, Inglewood, Santa Monica, and West Hollywood.)

² (2020 SB Order, at p. 167 available at https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2020/wqo2020_0038.pdf [as of August 31, 2021].)

³ (Letter from Executive Officer Renee Purdy, Los Angeles Water Board, to Los Angeles County MS4 Permittees Participating in WMPs and EWMPs (May 26, 2021), at p. 2.)

⁴ (Revised Draft Enhanced Watershed Management Program for the Ballona Creek Watershed [June 2021 Revised Draft BC EWMP] and corresponding document(s), June 2021.)

The Los Angeles Water Board Approval Letter dated April 20, 2016, outlined the actions and milestones that the BC Group needed to complete to maintain deemed compliance status. The tasks listed in Table 1 below, have been identified as past due obligations and milestones occurring after EWMP approval that should have been completed prior to June 30, 2021.

Table 1: BC Group Required Actions

| Required Actions | Implementation Update |
|---|--|
| Implementation of MCMs per Section 7.5 of the Feb. 2021 BC EWMP. ⁵ | It's unclear if the BC Group completed this task. The BC Group did not provide an update on the implementation of MCMs. |
| <p>Implementation of the following 2019 (75% Milestone) cumulative structural BMP capacity (acre-feet) milestones in Appendix 7.C per the Feb. 2021 BC EWMP:⁶</p> <p>Beverly Hills:</p> <ul style="list-style-type: none"> • Ballona Creek – 39.1 <p>Culver City:</p> <ul style="list-style-type: none"> • Ballona Creek – 39.2 • Centinela Creek – 18.5 • Sepulveda Channel – 2.8 <p>Inglewood:</p> <ul style="list-style-type: none"> • Ballona Creek – 7.4 • Centinela Creek – 26.4 <p>Los Angeles:</p> <ul style="list-style-type: none"> • Ballona Creek - 735 • Centinela Creek – 34.8 • Sepulveda Channel – 151.3 <p>Santa Monica:</p> | <p>This task was not met. The following implemented cumulative structural BMP capacities (acre-feet) were reported in Table 3-1 to Table 3-7 on pp. 7.F.30 to 7.F.36 of the June 2021 Revised Draft BC EWMP Appendices.</p> <p>Beverly Hills:</p> <ul style="list-style-type: none"> • Ballona Creek – 10.64 <p>Culver City:</p> <ul style="list-style-type: none"> • Ballona Creek – 34.05 • Centinela Creek – 2.63 • Sepulveda Creek - 0.32 <p>Inglewood:</p> <ul style="list-style-type: none"> • Ballona Creek - 0.72 • Centinela Creek – 7.29 <p>Los Angeles:</p> <ul style="list-style-type: none"> • Ballona Creek – 171.30 • Centinela Creek – 6.23 • Sepulveda Channel – 46.37 |

⁵ (The original approved BC EWMP, dated February 2, 2016, was revised February 2021, as part of the Adaptive Management Process. The actions and milestones outlined in the April 20, 2016, approval still apply.)

⁶ (Section 7.1 states that for MS4 compliance determination purposes, the primary metric for EWMP implementation is the volume of stormwater managed by implemented control measures. However, cumulative BMP capacity values (acre-feet) were used for compliance determination as present values implemented were provided in that manner.)

| | |
|---|---|
| <ul style="list-style-type: none"> • Sepulveda Channel – 16.0 <p>Unincorporated Los Angeles County:</p> <ul style="list-style-type: none"> • Ballona Creek – 19.8 • Centinela Creek – 22.5 <p>West Hollywood:</p> <p>Ballona Creek – 24.5</p> | <p>Santa Monica:</p> <ul style="list-style-type: none"> • Sepulveda Channel – 1.00 <p>Unincorporated LA County:</p> <ul style="list-style-type: none"> • Ballona Creek – 2.26 • Centinela Creek – 11.68 <p>West Hollywood:</p> <ul style="list-style-type: none"> • Ballona Creek – 3.27 |
| <p>Implementation of the following Final Metals 2021 cumulative structural BMP capacity (acre-feet) milestones per Appendix 7.C of the Feb. 2021 BC EWMP:⁷</p> <p>Beverly Hills:</p> <ul style="list-style-type: none"> • Ballona Creek – 77.1 <p>Culver City:</p> <ul style="list-style-type: none"> • Ballona Creek – 59.5 • Centinela Creek – 25.6 • Sepulveda Creek – 3.9 <p>Inglewood:</p> <ul style="list-style-type: none"> • Ballona Creek – 9.9 • Centinela Creek – 46 <p>Los Angeles:</p> <ul style="list-style-type: none"> • Ballona Creek – 1,214.2 • Centinela Creek – 54.4 • Sepulveda Channel – 277.1 <p>Santa Monica:</p> <ul style="list-style-type: none"> • Sepulveda Channel – 18.6 <p>Unincorporated LA County:</p> <ul style="list-style-type: none"> • Ballona Creek – 26 • Centinela Creek – 34.6 <p>West Hollywood:</p> <ul style="list-style-type: none"> • Ballona Creek – 41.7 | <p>This task was not met. The following implemented cumulative structural BMP capacities (acre-feet) were reported in Table 3-1 to Table 3-7 on pp. 7.F.30 to 7.F.36 of the June 2021 Revised Draft BC EWMP Appendices.</p> <p>Beverly Hills:</p> <ul style="list-style-type: none"> • Ballona Creek – 10.64 <p>Culver City:</p> <ul style="list-style-type: none"> • Ballona Creek – 34.05 • Centinela Creek – 2.63 • Sepulveda Creek - .32 <p>Inglewood:</p> <ul style="list-style-type: none"> • Ballona Creek - .72 • Centinela Creek – 7.29 <p>Los Angeles:</p> <ul style="list-style-type: none"> • Ballona Creek – 171.3 • Centinela Creek – 6.23 • Sepulveda Channel – 46.37 <p>Santa Monica:</p> <ul style="list-style-type: none"> • Sepulveda Channel – 1 <p>Unincorporated LA County:</p> <ul style="list-style-type: none"> • Ballona Creek – 2.26 • Centinela Creek – 11.68 <p>West Hollywood:</p> <ul style="list-style-type: none"> • Ballona Creek – 3.27 |

⁷ (Section 7.1 states that for MS4 compliance determination purposes, the primary metric for EWMP implementation is the volume of stormwater managed by implemented control measures. However, cumulative BMP capacity values (acre-feet) were used for compliance determination as present values implemented were provided in that manner.)

Based on the Los Angeles Water Board's review of the BC Group's document(s) submitted, all work associated with prior and current milestones dated on or before June 30, 2021, as listed in Table 1, above, was not completed.

Accordingly, this letter serves to inform the BC Group that it has lost deemed compliance status for the water body-pollutant combinations intended to be addressed via the Group's EWMP. The BC Group submitted a revised draft EWMP on June 25, 2021. The BC Group Permittees can regain deemed compliance status upon approval of a revised WMP⁸ provided that the revised WMP includes updated interim milestones and is consistent with the requirements of the 2020 SB Order and the 2021 Regional MS4 Permit.⁹ Note, the revised WMP may only be used to address interim WQBELs and/or receiving water limitations¹⁰ unless 1) the WMP is being used to address final WQBELs for certain U.S. EPA TMDLs or 2) the Permittee has retained all non-storm runoff, as well as all stormwater runoff from the 85th percentile 24-hour storm event.¹¹ For all other final WQBELs and/or receiving water limitations, the Group must submit a request for TSO in accordance with the procedures in Part X.E.2 of the 2021 Regional MS4 Permit. To the extent that this WMP is being used to address final TMDL deadlines that were extended by the Los Angeles Water Board on March 11, 2021,¹² the extensions involved amendments to the Basin Plan that must be reviewed and approved by the State Water Board and the Office of Administrative Law (OAL) prior to going into effect. The State Water Board approved these extensions on September 21, 2021. OAL approval is still pending. Once OAL approves these extensions, this WMP, and all of the milestones and schedules therein, may be updated to reflect any new TMDL deadlines.

If the BC Group disagrees with the Los Angeles Water Board's findings, the BC Group must provide supplemental information demonstrating compliance with all missed

⁸ (The 2012 LA MS4 Permit (Order No. R4-2012-0175 as amended) allowed Permittees to develop a WMP or EWMP. The Regional MS4 Permit (Order No. R4-2021-0105) adopted on July 23, 2021 eliminated the distinction between a WMP and EWMP and all these programs are now all called "WMPs".)

⁹ (NPDES PERMIT NO. CAS004004; ORDER NO. R4-2021-0105.)

¹⁰ (For the purposes the 2021 Regional MS4 Permit all interim WQBELs are associated with TMDLs, interim receiving water limitations are generally associated with TMDLs (i.e. an interim WLA expressed as a standard to be met in the receiving water), but may also include interim requirements incorporated into an approved Watershed Management Program to achieve compliance with final receiving water limitations in Part V of this Order for waterbody-pollutant combinations that are not addressed by a TMDL.)

¹¹ (2021 Regional MS4 Permit, Part X.B.2.b.ii-iii.)

¹² (Amendments to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to Revise the Implementation Schedules for Municipal Separate Storm Sewer System (MS4) Dischargers, including Caltrans, Subject to Total Maximum Daily Loads (TMDLs) in the Los Angeles Region (the Santa Monica Bay Beaches Bacteria TMDL; the Marina del Rey Harbor Mothers' Beach and Back Basins Bacteria TMDL; the Malibu Creek and Lagoon Bacteria TMDL; the Ballona Creek Estuary Toxic Pollutants TMDL; the Marina del Rey Harbor Toxic Pollutants TMDL; the Ballona Creek, Ballona Estuary, and Sepulveda Channel Bacteria TMDL; and the Ballona Creek Metals TMDL; Los Angeles Water Board Resolution No. R21-001.)

milestones as well any milestones for which the Los Angeles Water Board lacked sufficient information to determine compliance **within 30 days**.

Submit the documents via the LA Water Board's FTP Site:

- FTP site link: <https://ftp.waterboards.ca.gov>
Username: RB4MS4-Upload
Password: RB4-bmBb3Z

Alternatively, please contact Ms. Susana Vargas via email at Susana.Vargas@waterboards.ca.gov for alternative accommodations for submittals.

If you have any questions, please contact Ms. Susana Vargas of the Municipal Stormwater Permitting Unit by email. Alternatively, you may also contact Mr. Ivar Ridgeway, Municipal Stormwater Permitting Unit Supervisor by email at Ivar.Ridgeway@waterboards.ca.gov.

Sincerely,

Renee Purdy
Executive Officer