



Los Angeles Regional Water Quality Control Board

February 25, 2022

City of La Habra Heights

Via Email

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

Dear City of La Habra Heights:

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).¹

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.²

The Los Angeles Water Board reviewed the City of La Habra Heights (City) document(s) submitted on June 30, 2021, to assess the City'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 City's deemed compliance status.³

The Los Angeles Water Board Approval Letter dated December 12, 2014, outlined the actions and milestones that the City needed to complete to maintain deemed

¹ (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].)

² (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.)

³ (Watershed Management Program City of La Habra Heights, September 20, 2017 [Sept. 2017 LHH WMP] and corresponding document(s) [June 2021 Watershed Action Plan – Milestone Summary].)

compliance status. The tasks listed in Table 1 below, have been identified as past due obligations and milestones occurring after WMP approval that should have been completed prior to June 30, 2021.

Table 1: City of La Habra Heights Required Actions

Required Actions	Implementation Update
<p>Implementation of the following compliance requirements to achieve compliance with the TMDL for Metals and Selenium – San Gabriel River and Impaired Tributaries per the schedule in Table 3-4 of the Sept. 2017 La Habra Heights (LHH) WMP⁴:</p> <ul style="list-style-type: none"> • Submit coordinated TMDL monitoring plan within 6 months of WMP approval by May 12, 2015. • Submit report with TMDL specific BMPs to meet TMDL compliance schedule by Sept. 30, 2016. • Demonstrate 30% of drainage area meeting dry weather WLAs by Sept. 30, 2017. • Demonstrate 10% of drainage area meeting wet weather WLAs by Sept. 30, 2017. • Demonstrate 30% reduction at outfalls during dry weather by Sept. 30, 2017 • 10% reduction at outfalls during wet weather by Sept. 30, 2017. • Demonstrate 70% of drainage area meeting dry weather WLAs by Sept. 30, 2020. • Demonstrate 35% of drainage area meeting wet weather WLAs by Sept. 30, 2020. • Demonstrate 70% reduction at outfalls during dry weather by Sept. 30, 2020. 	<p>It is unclear if all tasks were met.</p> <ul style="list-style-type: none"> • The Group’s Integrated Monitoring Plan was approved October 2, 2015, and the final plan with conditional revisions was completed November 2015. • Insufficient information provided regarding whether a TMDL specific report of BMPs to meet TMDL compliance was submitted. • Per the City’s June 2021 demonstration of compliance letter “Watershed Action Plan – Milestone Summary”, the City states that “the monitoring data has presented that, other than bacteria, the jurisdictional discharges are in compliance with the Basin Plan and TMDL requirements”.

⁴ (The original approved LHH WMP, dated December 10, 2014, was revised on September 20, 2017, as part of the Adaptive Management Process. The actions and milestones outlined in the December 12, 2014, approval still apply.)

<ul style="list-style-type: none"> • Demonstrate 35% reduction at outfalls during wet weather by Sept. 30, 2020. 	
<p>Track progress in meeting WMP goals for Septic Systems in Section 5.7.1 of the Sept. 2017 LHH WMP against the following milestones in Section 6 of the Sept. 2017 LHH WMP:</p> <ul style="list-style-type: none"> • Tracking of inventory and number of recently repaired/replaced septic systems. • Numbers of people targeted and reached through educational and marketing efforts. 	<p>This task was completed. The following updates were obtained from the City’s June 2021 demonstration of compliance letter “Watershed Action Plan – Milestone Summary”.</p> <ul style="list-style-type: none"> • Tracking of Septic System Inventory: This task was met. In 2017, a focused effort was made to gather on-site private residential septic system data, and 1832 septic systems were located out of 1997 residents and 2240 parcels. • Educational and marketing efforts: The task was met. The City has included educational information on septic systems on the City’s website and the number of views on the webpage is approximately 300 views per year.
<p>Track progress in meeting WMP goals for residential runoff in Section 5.7.3 of the Sept. 2017 LHH WMP against the following milestones in Section 6 of the Sept. 2017 LHH EWMP.</p> <ul style="list-style-type: none"> • Ongoing visual observation concerning bacteria based pollutants (pet waste and trash). • Ongoing large animal inventory and housing tracking. • On-going tracking and research concerning use of zinc coated chain link fencing. • Numbers of people targeted and reached through educational and marketing efforts. 	<p>It is unclear if all tasks were met. The following updates were obtained from the City’s June 2021 demonstration of compliance letter “Watershed Action Plan – Milestone Summary”.</p> <ul style="list-style-type: none"> • Ongoing visual observation: This task was met. The City reports that it has significantly increased the focus on large animal waste and trash disposal and has created public information materials. In a typical year, the City has 10-15 on-going citation cases concerning these issues, but the number is slowly trending downwards. • Large animal inventory and housing tracking: It is unclear if this task was completed. No update was provided regarding the large animal inventory and housing tracking. • Zinc tracking and research: The City evaluated zinc fencing and considered requiring vinyl fencing. However, the

	<p>Fire Department did not recommend this approach as the City is within a high fire zone. The City states that they are in compliance for zinc based loading in the monitoring data and will continue to keep this item under review.</p> <ul style="list-style-type: none"> • Educational and marketing Efforts: This task was met. Public education outreach contact numbers depend on the year and are reported in annual reporting. Contact numbers via the City’s webpage and “Guac Talk”, are provided in the City’s June 2021 demonstration of compliance letter.
<p>Track progress in meeting WMP goals for natural erosion in Section 5.7.5 of the Sept. 2017 LHH WMP against the following milestones in Section 6 - Measuring Progress of the Sept. 2017 LHH WMP:</p> <ul style="list-style-type: none"> • Establishment of a successful number of people reached through educational component. • Establishment of filter strips/buffers adjacent to banks and slopes. • Completion of the inventory and targeting of critical areas for repair. • Tracking of installation of stabilization measures. 	<p>It is unclear if all tasks were completed. The following updates were obtained from the City’s June 2021 demonstration of compliance letter “Watershed Action Plan – Milestone Summary”.</p> <ul style="list-style-type: none"> • Education and outreach: In 2019, the City prepared and made available an erosion control flyer that is available at City Hall and on-line. It is estimated that approximately 1000 residents and contractors have seen this flyer. • Filter strips and buffers: It is unclear if this task was completed. • Inventory and targeting critical areas for repair: It is unclear if this task was met. The City targeted Hacienda roadway, which failed completely and forced the County of Los Angeles to completely rebuild the problem slopes and a significant section of the roadway. However, it is unclear if completion of the inventory occurred. • Stabilization BMPs Tracking: This task was met. These measures are tracked as part of the Community Development/Code Enforcement internal reporting.
<p>Track progress in meeting WMP goals for Municipal Discharges in Section 5.7.6 of the Sept. 2017 LHH WMP against the</p>	<p>This task was completed. The following updates were obtained from the City’s June 2021 demonstration of compliance</p>

<p>following milestones in Section 6 of the Sept. 2017 LHH WMP:</p> <ul style="list-style-type: none"> • Municipal Development of a Local Implementation Plan (LIP). • Number of participants participating in the voluntary audit program. 	<p>letter “Watershed Action Plan – Milestone Summary”.</p> <ul style="list-style-type: none"> • LIP Plan: This task was met. The City developed an MS4 binder that addresses the needs of the LIP and is maintained by the Assistant City Manager and Public Works Manager. • Voluntary Audit Program: This task was met. The City developed a web-based system for the voluntary audit program that would allow for residents to document septic system locations using their phone. However, the residents were not receptive to this system and after a year of trial, the system development was stopped due to lack of participation.
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Based on the Los Angeles Water Board’s review of the City’s document(s) submitted, the City has failed to provide the Los Angeles Water Board with sufficient information to evaluate compliance as demonstrated in Table 2, below.

Table 2: Supplemental Information Needed

<p>Required Action</p>	<p>Missing Information</p>
<p>Implementation of the following compliance requirements to achieve compliance with the TMDL for Metals and Selenium – San Gabriel River and Impaired Tributaries per the schedule in Table 3-4 of the Sept. 2017 La Habra Heights (LHH) EWMP.</p>	<p>No information was provided regarding the submittal of the following report:</p> <ul style="list-style-type: none"> • Submit report with TMDL specific BMPs to meet TMDL compliance schedule by September 30, 2016.
<p>Track progress in meeting WMP goals for residential runoff in Section 5.7.3 of the Sept. 2017 LHH WMP against the following milestones in Section 6 of the Sept. 2017 LHH EWMP.</p>	<p>No information was provided regarding the following task:</p> <ul style="list-style-type: none"> • Ongoing large animal inventory and housing tracking.
<p>Track progress in meeting WMP goals for natural erosion in Section 5.7.5 of the Sept. 2017 LHH WMP against the following milestones in Section 6 -</p>	<p>It is unclear if the City accomplished the following task:</p> <ul style="list-style-type: none"> • Establishment of filter strips/buffers adjacent to banks and slopes.

Measuring Progress of the Sept. 2017 LHH WMP.	<ul style="list-style-type: none">• Completion of the inventory.
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The City must provide supplemental information demonstrating compliance with all milestones for which the Los Angeles Water Board lacked sufficient information to determine compliance **within 30 days**. Failure to submit this information within 30 days will result in automatic loss of deemed compliance status. Deemed compliance status may be regained upon approval of a revised WMP.

Submit supplemental 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