



Los Angeles Regional Water Quality Control Board

February 25, 2022

Rio Hondo/San Gabriel River Water Quality Control 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 CONTINUED DEEMED COMPLIANCE STATUS

Dear Rio Hondo/San Gabriel River Water Quality 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 Rio Hondo/San Gabriel River Water Quality Group's (RHSGR Group) document(s) submitted on June 30, 2021, to assess the RHSGR Group's demonstration of completion of all work associated with current and

¹ (Permittees of the Rio Hondo/San Gabriel River Water Quality Control Group include the Cities of Arcadia, Bradbury, Duarte, Monrovia, and Sierra Madre, the County of Los Angeles, and the Los Angeles County Flood Control District.)

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.)

prior milestones according to the requirements set forth by the 2020 SB Order and to determine the RHSGR Group’s deemed compliance status.⁴

The Los Angeles Water Board Conditional Approval dated April 2, 2019, outlined the actions and milestones that the RHSGR 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 WMP approval that should have been completed prior to June 30, 2021.

Table 1: RHSGR Group Required Actions

Required Actions	Implementation Update
Implementation of enhanced MCMs identified in per Table 3-1 in Attachment C of the May 2019 RHSGR Revised WMP.	This task has been met. The RHSGR Group continues to implement these enhanced MCMs per the June 2021 demonstration of compliance letter and the 2019-2020 Individual and Watershed Annual Report.
Implementation of redevelopment LIDs per figures in Chapter 6, pp. 27-29 of the May 2019 RHSGR Revised WMP.	This task has been met. Per the RHSGR Group’s June 2021 demonstration of compliance letter, 124 new development and redevelopment projects have been implemented since the effective date of the 2012 LA County MS4 Permit and implementation of private and public LID projects remain ongoing.

Based on the Los Angeles Water Board’s review of the RHSGR Group’s document(s) submitted, the RHSGR Group completed the tasks necessary to demonstrate compliance with all milestones in its WMP that were required to be completed after EWMP approval and prior to June 30, 2021, as required by the 2020 SB Order.

Therefore, the RHSGR Group has maintained deemed compliance status for the water body-pollutant combinations addressed by the WMP until June 30, 2022, while its existing or revised WMP undergoes review by the Los Angeles Water Board for consistency with the 2020 SB Order and the 2021 Regional MS4 Permit.⁵ To maintain

⁴ (Rio Hondo and San Gabriel River Water Quality Group Demonstration of Completion of All Work Associated with Prior and Current Milestones as Directed by State Water Board Order WQ 2020-0038 [demonstration of compliance letter], June 30, 2021.)

⁵ (The 2020 SB Order required all WMP groups to submit updated RAAs and E/WMPs that had been revised, as necessary, to conform these programs with the requirements in 2020 SB Order (and by extension the 2021 Regional MS4 Permit) by June 30, 2021. The Los Angeles Water Board has until June 30, 2022 to review these updates. Groups will lose deemed compliance

deemed compliance status during this review period, the Group must continue to implement its existing WMP. After the WMP review period concludes (no later than June 30, 2022), the Group will only be allowed to maintain deemed compliance status if it is implementing an approved WMP that satisfies the requirements in 2020 SB Order and the 2021 Regional MS4 Permit.

On June 30, 2021, the RHSGR Group submitted a letter indicating that it believed its existing plan satisfied all requirements of the 2020 SB Order.⁶ The Los Angeles Water Board is still in the process of reviewing the existing WMP to determine if it is consistent with the 2020 SB Order and the 2021 Regional MS4 Permit. The Los Angeles Water Board will inform you no later than June 30, 2022 if deemed compliance status can be maintained beyond this date.

Please note that it appears that the RHSGR Group is continuing to rely upon non-structural controls to meet milestones in its WMP. Under the 2021 Regional MS4 Permit, Permittees relying on milestones that will be met entirely by implementation of non-structural controls can only be deemed in compliance with an interim WQBEL and/or receiving water limitation if the reasonable assurance analysis in its WMP is updated to include a quantitative analysis that satisfies the requirements in Part IX.B.8.b of the 2021 Regional MS4 Permit. Permittees can also demonstrate compliance via continued attainment of the associated water quality milestone. (2021 Regional MS4 Permit, Part X.B.1.b.i.)

If you have any questions, please contact Ms. Susana Vargas of the Municipal Stormwater Permitting Unit by email at Susana.Vargas@waterboards.ca.gov. 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

status if the Los Angeles Water Board disproves its WMP or lacks sufficient information to evaluate the adequacy of the WMP by the June 30, 2022 deadline.)

⁶ (Rio Hondo and San Gabriel River Water Quality Group Revised Watershed Management Program Satisfies the Updated Reasonable Assurance Analysis Requirements, June 3, 2021.)