

Response to Petition for Review of WMP Approval

A Presentation to the
Los Angeles Regional Water Control Board

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Overview of Los Cerritos Channel Watershed

- The LCC Watershed is a self-contained watershed of approximately 17,700 acres including portions of seven cities: Bellflower, Cerritos, Downey, Lakewood, Long Beach, Paramount, and Signal Hill.
- The cities have been working together since late 2008 when EPA proposed Metals TMDLs for copper, lead, and zinc.
- The Los Angeles County Flood Control District is also a member of the Watershed Group.

Overview of Los Cerritos Channel Watershed (Continued)

- The Watershed Group believes that the WMP process in the 2012 permit is sound and workable.
- The WMP and associated CIMP, although very expensive to implement, will help us achieve water quality standards more quickly than we thought possible.
- Richard Watson will brief you on elements of the LCC WMP and the status of our implementation.

A Paradigm Shift is Underway

- The 2012 MS4 Permit represents a quantum leap in stormwater quality permitting and planning.
- Permittees are now working together to address water quality on a watershed or subwatershed basis.
- The commitment to schedules for implementing expensive structural and nonstructural control measures is unprecedented.
- We are working through the California Contract Cities Association and Los Angeles County Division of the League of California Cities to pursue a stable and sustainable funding mechanism while looking at grants and other funding opportunities.

Safe Harbor Issue

- Petitioners assert that, unlike the 2001 Permit, the 2012 MS4 Permit “incorporates several ‘safe harbors’ that create an alternative means to comply with RWL provisions in certain circumstances.”
- We agree that the Permit encourages an alternative means of compliance – namely two watershed planning and programming approaches with greatly increased monitoring.
- We disagree with the assertion that there are “safe harbors.”
- Rather, we are allowed time to plan, design, finance, and construct control measures if we do what we say we are going to do and meet interim milestones.
- We also have to meet final water quality-based effluent limitations for TMDLs.

Sufficiency of WMP Alternative Compliance Approach

- The Petitioners assert that the approved WMPs are deficient. This is not true. The WMP requirements are generally well defined, implementable, and clearly enforceable.
- Part IV.A.13 of the 2012 Permit includes 8 subsections on enforcement. Part VI.C. contains numerous conditions and timelines that have to be met for compliance.
- The Comments on the Draft LCC WMP were substantial, but conditions for final approval were minor - mainly seeking information and clarification
- Watershed Group members are concerned about funding the expensive measures required by the WMP, but are moving forward with implementation.
- No plan or program is perfect, but WMPs are strong, enforceable programs that are pushing Permittees forward toward meeting water quality standards.

Selection of Control Measures

- Petitioners assert that Permittees “can select their own control measures, best management practices, and compliance schedules to implement permit requirements, subject to minimum standards set forth in the permit.”
- This is not true. The reality is that Permittees may *propose* control measures, BMPs, and compliance schedules -- subject to approval by the Regional Water Board.
- Further, Petitioners appear to have overlooked Section 13360 of the Porter-Cologne Water Quality Control Act, which precludes the Regional Water Board from specifying exactly which control measures are used by Permittees.

Implementation of the LCC WMP

- Petitioners state, “once a WMP is approved, Permittees must immediately begin implementing measures and actions proposed in the WMP.”
- LCC Permittees began implementing **before** the draft WMP was submitted when the City of Signal Hill began developing a model Vacant Parcel Erosion and Sediment Control Ordinance to implement the Group’s TSS Reduction Strategy.
 - The Draft Ordinance has been proposed and a draft Vacant Parcel Manual is being refined.
 - These will be made available to LCC, Lower LA River Watershed, and Lower San Gabriel River Watershed Permittees.
- Prior to WMP approval, the Watershed Group, with the Lower LA River Watershed Committee and the Lower San Gabriel Watershed Committee, held two workshops to prepare Permittees for WMP implementation, and in July 2015 the groups held another joint workshop.

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Implementation of the LCC WMP (Continued)

- Cities in the Watershed Group also initiated other early actions in response to the 2008 publishing of Draft LCC TDMLs by EPA:
 - Providing support for SB 346 to reduce copper in brake pads.
 - Committing \$50,000 for the local match for a \$388,000 Prop 84 project entitled “Los Cerritos Channel Watershed Segmentation and Low Impact Development (LID) Planning Project.”
 - Funding a 2012 letter report entitled, “Estimate of Urban Runoff Copper Reduction in Los Angeles from Brake Pad Copper Reductions Mandated by SB 346.”
- Prior to approval of the WMP:
 - City of Lakewood completed a concept plan for a Lakewood Boulevard Green Complete Street, and it is now in the process of being expanded to a corridor between I-405 and CA 60.
 - City of Lakewood also developed a concept for conversion of a portion of Paramount Boulevard to a Green Street.
 - Development commenced on a plan to incorporate Green Street elements into Artesia Boulevard, including segments in Bellflower, Cerritos, and Long Beach.

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Implementation of the LCC WMP (Continued)

- The Cities of Signal Hill, Long Beach, and Lakewood, on behalf of the Permittees discharging to the project sites, are proceeding with design and construction of two large water capture facilities with targeted capacities of eight acre-feet or more.
 - One project is under a major golf course in Long Beach and the other is under a park in Lakewood.
 - Both projects are projected to be completed before the scheduled completion dates in the LCC WMP.
- The Cities of Bellflower and Paramount have budgeted money to move forward on concept designs for other sub-regional water capture facilities in order to seek grant funding for construction.

Reasonable Assurance Analysis

- The Petitioners assert that the most glaring deficiency in **the** WMPs is the “flawed Reasonable Assurance Analysis (RAA) in each.”
- The model used for the combined RAA for the Lower LA River, Los Cerritos Channel and the Lower San Gabriel River was calibrated using the best available monitoring data and will be further defined through the adaptive management process.
- The RAA is a complicated and imperfect, but important, tool to assist in focusing investment in both structural and non-structural measures to meet the schedules in the WMP to improve water quality.

Conclusions

- The WMP process in the 2012 permit is a sound and workable process.
- The Petition to reverse the WMP Approvals should be denied.
- The Regional Board should confirm its commitment to the WMP process and the approved WMPs.

