



Los Angeles Regional Water Quality Control Board

May 1, 2023

Via Email Only

Mr. Salvador Mendez
Public Works and Utilities Director
11333 Valley Boulevard
El Monte, CA 91731

APPROVAL, WITH CONDITIONS, OF THE CITY OF EL MONTE'S WATERSHED MANAGEMENT PROGRAM (WMP) PURSUANT TO THE REGIONAL MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) WASTE DISCHARGE REQUIREMENTS AND NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT FOR THE LOS ANGELES REGION (NPDES PERMIT NO. CAS004004; ORDER NO. R4-2021-0105)

Dear Mr. Mendez:

This letter (1) conditionally approves the Watershed Management Program (WMP) submitted by the City of El Monte (City) subject to additional revisions of the WMP, (2) reviews compliance metrics for waterbody pollutant combinations (WBPCs), and (3) specifies additional requirements including requirements for an updated adaptive management process.

1) Review of the Watershed Management Program

The Regional MS4 Permit (Order No. R4-2021-0105) authorizes discharges from the MS4 operated by 99 municipal Permittees within the coastal watersheds of Los Angeles and Ventura Counties (hereafter, Regional MS4 Permit or Order). The Regional MS4 Permit became effective on September 11, 2021. The Regional MS4 Permit allows the Permittee(s) the option to use a Watershed Management Program (WMP) to implement many of the permit's requirements through customized strategies, control measures, and best management practices (BMPs). Pursuant to the State Water Resources Control Board (State Water Board) WQ Order No. 2020-0038 and/or the Los Angeles County MS4 Permit Order No. R4-2012-0175, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board or Board), received the City's revised draft WMP on June 30, 2021. Because the Regional MS4 Permit carries over many of the provisions from Order No. R4-2012-0175 and incorporates the required elements of Order No. 2020-0038, and because it is the currently effective permit, this WMP has been reviewed per Part IX of the Regional MS4 Permit.

NORMA CAMACHO, CHAIR | RENEE PURDY, EXECUTIVE OFFICER

Public Review and Comment

On December 21, 2021, the Los Angeles Water Board provided public notice and a 76-day period to allow for public review and comment on the WMPs submitted by June 30, 2021. The Board received one joint comment letter from Heal the Bay, the Los Angeles Waterkeeper, and the Natural Resources Defense Council, which generally applied to all WMPs. These comments were considered during staff's review of the WMP.

Conditions of Approval

Pursuant to Part IX.G.3.a of the Order, the Watershed Management Program and Reasonable Assurance Analysis (RAA) are required to be consistent with the requirements of the Regional MS4 Permit. On April 12, 2022, an email was sent to the City providing comments/questions on the revised draft WMP. The City submitted the 2nd revised draft WMP on May 17, 2022. Subsequently, there was a meeting with the City consultant (CASC Engineering and Consulting) on June 9, 2022 to discuss the necessary revisions to the WMP. At the meeting, the City consultant stated that the WMP will be revised significantly to also include additional WBPCs as well as additional compliance metrics. Subsequently, the City consultant sent an email on June 13, 2022 confirming the City's intent to revise the WMP significantly to address dry weather WBPCs within Los Angeles River watershed. An updated legal authority was also submitted to the Los Angeles Water Board on June 9, 2022. The Los Angeles Water Board hereby approves the City's WMP, dated May 2022, under the condition that the WMP is revised to address the following requirements:

1. The WMP includes a summary of the receiving water quality characterization in Section 1.2 of the WMP, stating that the City conducted three rounds of Adaptive Management Processes as well as reviewing CIMP monitoring data from neighboring CIMPs. However, the WMP is missing a comprehensive discussion of the results of the routine water quality data collected over the last five years (i.e., 2015-2020) from the City's monitoring and reporting program and the approved TMDL monitoring programs, as required per Part IX.B.1 of the Order. Please update Section 1.2 (including subsections 1.2.1 through 1.2.3) of the WMP to include a discussion of the results of the past five years of monitoring from the City's monitoring plan and the approved TMDL monitoring programs.
2. Update Figure 1-5a of the WMP to include all applicable waterbodies and tributaries to the Los Angeles River and San Gabriel River watersheds within the City's area (including San Gabriel Reach(es), Legg Lake, etc.).
3. Update Section 1.5 of the WMP to conform to all requirements specified in Part IX.B.2 of the Order regarding source assessment. More specifically, include a discussion of WBPCs and identification of any known and suspected pollutant sources.
4. Update Table 1-8 in Section 1.6.1 of the WMP to delete PCBs and DDT for Legg Lake since there are no TMDLs for Legg Lake for these pollutants. Also add wet weather for lead to the San Gabriel River row.

5. Update Table 1-9 in Section 1.6.2 of the WMP to delete *E. coli* for San Gabriel River Reach 3, since it is a category 1 pollutant. Also update the entire WMP to reference the 2018 303(d) list.
6. Update Table 1-28 in Section 1.9.1 of the WMP to remove the interim and final deadlines for the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL row. The City has not been assigned a final Waste Load Allocation deadline and is only responsible for monitoring. See Table J-11, footnote 6 in Attachment J and Part II.E in Attachment P of the Order.
7. Update Section 1.9.3 of the WMP to include the San Gabriel River, Estuary and Tributaries Indicator Bacteria TMDL deadlines in a table. Also, as explained in the above condition, update Table 1-30 of the WMP to remove the interim and final deadlines for the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL row. In addition, update Table 1-31 to remove dry weather milestones for the San Gabriel Metals and Selenium TMDL since the City is not subject to dry weather TMDL requirements.
8. Section 1.8.2.6 of the WMP includes Table 1-26 and Figure 1-9 for the San Gabriel River, Estuary and Tributaries Indicator Bacteria (SGR Bacteria) wet weather TMDL milestones, which are also repeated in Section 1.11.3 of the WMP. Section 1.8.2.6 states that to achieve compliance with the SGR Bacteria TMDL, the City has three projects scheduled to be constructed soon. Similarly, Section 1.11.3 of the WMP states that the scheduling of control measures in the Los Angeles River Watershed will be driven by the Los Angeles River Bacteria TMDL. The three proposed projects within San Gabriel River watershed are listed in Table 1-32 of the WMP. However, the WMP does not provide the required total load reduction or total BMP capacity to address the SGR Bacteria TMDL during wet weather. Additionally, Table 1-32 of the WMP is missing the interim milestones and the corresponding interim capacities for the projects. Parts IX.B.7.h and IX.B.9 of the Order require Permittees to identify interim requirements and dates for their achievement that are within the permit term to ensure adequate progress toward achieving final compliance deadlines. The proposed first milestone must be within the permit term, with the next interim milestones no more than 5 years apart, until the final compliance date. The proposed schedule in Figure 1-9 and Table 1-26 of the WMP does not include an interim milestone within the permit term, and does not include an interim milestone between 2028 and the final compliance date of 2036. Please revise the Table to include interim dates and corresponding interim capacities.
9. Add a new table to Section 1.8.2.6 that compares the baseline bacteria load, the model-predicted required bacteria load reduction for the SGR watershed with the specific milestones for the SGR Bacteria TMDL and the proposed BMP capacities specified in Table 1-32 to demonstrate how the RAA-recommended projects will meet the required load reductions for each RAA Assessment Area.
10. Update the entire WMP to conform to the requirements in the Regional MS4 Permit and update all references to previous permits.

The Board may rescind this approval if any of the conditions in this letter are not met to the satisfaction of the Board within the timeframe provided below. Pursuant to Part

IX.G.4 of the Order, if the necessary revisions are not appropriately made, the City shall be subject to all requirements in the Order except those requirements pertaining to Watershed Management Programs upon disapproval by the Los Angeles Water Board.

The City shall submit a final WMP to the Los Angeles Water Board that satisfies all of the above conditions no later than **August 1, 2023**. The final WMP must be submitted electronically by uploading the files in a Folder with the name of the City to the FTP site using the following credentials:

FTP site: <https://ftp.waterboards.ca.gov>

Username: RB4MS4-Upload

Password: RB4-bmBb3Z

Pursuant to Parts IX.C.1 and IX.G.3.c of the Order, **the City shall implement their approved WMP immediately**. The City is subject to all applicable compliance schedules in Part IV.B and Attachments K through S of the Order.

2) Compliance Determinations

2.1 Compliance Determination for WBPCs other than Trash

2.1.1 Compliance Metric: Pursuant to Part IX.B.7.h of the Order, the WMP is required to specify the expected volume capture, load reductions, or other compliance metric(s) at regular milestones, and the methods by which these reductions will be measured and demonstrated for each WBPC and supported via the RAA. Based on the information provided in the WMP, and pending revision of the WMP to address the conditions of this approval letter, the Board will determine deemed compliance with the City's WMP based on the following compliance metric(s) with the approved compliance schedule:

- Table 1-32: Future Projects for WMP BMP Implementation

If the City fails to attain the milestones for the projects listed in this table, then the City shall lose deemed compliance status for its interim WQBELs. The City must demonstrate compliance with final WQBELs through the direct demonstration of compliance options outlined in Part X.B.2.a of the Order or revise the WMP to include structural BMPs that retain all non-stormwater runoff and the volume of stormwater runoff from the 85th percentile 24-hour storm event.

2.1.2 WBPCs Eligible for Deemed Compliance Through Alternative Demonstration of Compliance: The following WBPCs will receive deemed compliance through the WMP if the actions and schedules specified in the WMP are attained as outlined in Parts X.B.1.b and X.B.2.b of the Order and pending revisions of the WMP to address the conditions of this approval letter:

- San Gabriel River Reach 3 for *E. coli* during wet weather

Any WBPCs that are not listed above are not eligible for deemed compliance for one or more of the following reasons: (a) for Category 1 WBPCs with interim deadlines, the WMP proposes watershed control measures for which there are no quantitative analyses that satisfy the RAA requirements, (b) the final TMDL deadline(s) have passed and there is no approved Time Schedule Order (TSO) or retention of all non-stormwater runoff and the volume of stormwater runoff from the 85th percentile 24-hour storm event, (c) the WMP proposes implementing baseline Permit requirements only, and/or (d) the WMP does not propose implementing additional BMPs and proposes to demonstrate compliance through monitoring.

If the City wishes to receive deemed compliance for additional WBPCs, the WMP shall be further revised with the following required changes at the minimum:

1. Section 1.8.2.3 of the WMP includes narrative for complying with the dry weather Los Angeles River Watershed Bacteria (LAR Bacteria) TMDL through Load Reduction Strategy (LRS) that was submitted to the Board on March 23, 2016. Accordingly, per Part IV.B of Attachment Q of the Order, the City shall comply with the single sample limitations during dry weather for Segment B Tributaries (Rio Hondo and Arroyo Seco) according to the schedule in Table Q – 1 by September 23, 2023 for the first phase. Therefore, please revise Table 1-19 of the WMP to revise the schedule for the dry weather bacteria to reflect the September 23, 2023 final deadline for the first phase. In addition, the WMP does not propose structural control measures with their corresponding milestones to achieve the LAR dry weather Bacteria final compliance deadline of September 23, 2023, as required per Part IX.B.7 of the Order. Additionally, the WMP does not provide the required total load reduction or total BMP capacity to address the LAR Bacteria TMDL during dry weather. Therefore, if the City plans to receive deemed compliance for the LAR dry weather Bacteria and any other WBPCs for dry weather using the limiting pollutant approach, the WMP shall address all the aforementioned deficiencies.
2. Section 1.8.2.3 of the WMP includes Figure 1-8 and Table 1-19 for the wet weather LAR Bacteria TMDL milestones which are also repeated in Section 1.11.3 of the WMP. Section 1.8.2.3 states that to achieve compliance with the wet weather LAR Bacteria TMDL, the City has three projects scheduled to be constructed soon. However, the three projects listed in Table 1-32 of the WMP are all located in the San Gabriel River watershed. Similarly, Section 1.11.3 of the WMP states that the scheduling of control measures in the Los Angeles River Watershed will be driven by the wet weather LAR Bacteria TMDL. However, the WMP does not include the project(s)' name, location, type and/or the volume capture or target load reduction for the drainage area that will be met by the structural controls in the Los Angeles River Watershed, as required in Part IX.B.7.c of the Order. In addition, Part IX.B.9 of the Order requires Permittees to identify interim requirements and dates for their achievement that are within the permit term to ensure adequate progress toward achieving final compliance deadlines. The proposed first milestone must be within the permit term, with the next interim milestones no more than 5 years apart, until the final compliance date. The proposed schedule in Figure 1-8 and Table 1-19 of the WMP does not include an interim milestone within the permit term, and does not

include an interim milestone between 2028 and the final compliance date of 2037. Please revise the WMP to propose structural control measures in the Los Angeles River Watershed and include the following for each of the structural control measure: name, type, location, volume capture or target load reduction, interim and final milestones (including interim and final volume capture or target load reduction with their respective compliance dates), consistent with Part IX.B.9 of the Order. Moreover, per Part IX.B.7.b of the Order, the WMP shall clearly identify which watershed control measures are addressing which WQBELs and receiving water limitations, to receive deemed in compliance status for those WBPCs. Please note that if the City plans to include additional WBPCs to receive deemed in compliance for those pollutants by implementing control measures for the wet weather LAR Bacteria TMDL, the WMP must include an explanation and justification of how addressing wet weather bacteria in Los Angeles River Watershed will also address all other pollutants within the same watershed, as required per Part IX.B.8.f of the Order.

Additionally, add a new table to Section 1.8.2.3 that compares the baseline bacteria load with the model-predicted required bacteria load reduction for the LAR watershed and the proposed BMP capacities to demonstrate how the RAA-recommended projects will meet the required load reductions for each RAA Assessment Area.

3. Regarding additional WBPCs in the San Gabriel River watershed during wet weather, per Part IX.B.7.b of the Order, the WMP shall clearly identify which watershed control measures are addressing which WQBELs and receiving water limitations, to receive deemed in compliance status for those WBPCs. Please note that if the City plans to include other WBPCs to received deemed in compliance status for those pollutants by implementing structural control measures for the SGR Bacteria TMDL per the limiting pollutant approach, then the WMP shall include an explanation and justification of how addressing bacteria in San Gabriel River Watershed will also address all other pollutants within the same watershed, as required per Part IX.B.8.f of the Order.
4. Section 1.7.3.2 of the WMP generally discusses control measures for the dry weather SGR Bacteria TMDL. Also, Table 1-26 of the WMP includes milestones for the dry weather SGR Bacteria TMDL. However, the WMP is unclear whether the SGR dry weather bacteria is addressed in the RAA per Part IX.B.8 of the Order. Additionally, the WMP does not provide the required total load reduction or total BMP capacity to address the SGR Bacteria TMDL during dry weather. Furthermore, the WMP does not propose structural control measures with their corresponding milestones to achieve the dry weather SGR Bacteria TMDL final compliance deadline of June 14, 2026, as required per Part IX.B.7 of the Order. Therefore, if the City plans to get deemed compliance for the dry weather SGR Bacteria TMDL, the WMP shall address all the aforementioned deficiencies.
5. Update Table 1-9 in Section 1.6.2 of the WMP to make the following changes per the 2018 303(d) list: Add lead, PCBs, and DDT for Legg Lake; Remove cyanide for Los Angeles River and San Gabriel River; Add dissolved oxygen for Rio Hondo Reach 3; Remove toxicity for Rio Hondo and assign it to San Gabriel River Reach 3.

2.2 Compliance Determination for Trash WBPCs

Trash WBPCs are not eligible for deemed compliance under the WMP. For Trash WBPCs, compliance shall be determined as outlined in Part X.C of the Order.

3) Other Requirements

Adaptive Management

Pursuant to Part IX.E.1 of the Order, the Permittee(s) shall implement an adaptive management process for each approved WMP. An adaptive management process is a periodic, comprehensive program evaluation, including re-analysis of data and/or modeling, and modification process to determine progress toward achieving WQBELs and receiving water limitations and to adapt the Watershed Management Program to become more effective at achieving WQBELs and receiving water limitations. Pursuant to Part IX.E.4 of the Order, Permittee(s) shall submit the results of the adaptive management process with the Permittees' Report of Waste Discharge (ROWD) to the Los Angeles Water Board no later than **March 15, 2026**.

Per Part IX.E.3 of the Order, the adaptive management process fulfills the requirements in Part V.D of the Order to address continuing exceedances of receiving water limitations.

WMP Modifications

As indicated in Part IX.E.2 of the Order, based on the results of the adaptive management process, the Permittee(s) may propose WMP modifications necessary to improve the effectiveness of the WMP. The Permittee(s) shall clearly identify any WMP modification proposals in their submittal of the adaptive management results.

Additionally, per Part IX.C.2 of the Order, notwithstanding Part IX.E (Adaptive Management) of the Order, the Permittee(s) may propose WMP modifications at any time during the term of the Order, as necessary as a standalone request. As explained in Attachment H of the Order, the Permittee(s) cannot submit WMP modification requests as part of the Annual Report. The Permittee(s) shall provide separate written requests explaining the nature of the proposed modification and justification for consideration by the Los Angeles Water Board.

Receiving Water Limitations Compliance Report

Per Part IX.B.9.c.iv of the Order and Part XIV.C.4 in Attachment E of the Order, implementation of actions to address water quality priorities in a Watershed Management Program related to addressing exceedances of receiving water limitations in Part V (Receiving Water Limitations) of the Order which is not otherwise addressed by TMDLs in Part IV of the Order and Attachments K through S, fulfills the requirements in Part V.C of the Order to prepare a Receiving Water Limitations Compliance Report.

If you have any questions, please contact Angineh Shahnazarian with the Municipal Stormwater Permitting Unit by email at Angineh.Shahnazarian@waterboards.ca.gov or by phone at (213) 576-6635. Alternatively, you may also contact Ivar Ridgeway, Municipal Stormwater Permitting Unit Supervisor by email at Ivar.Ridgeway@waterboards.ca.gov or by phone at (213) 620-2150.

Sincerely,

for Renee Purdy
Executive Officer

cc: Alma K. Martinez, City of El Monte
Salvador Mendez, City of El Monte
Annelisa Ehret Moe, Heal the Bay
Benjamin Harris, LA Waterkeeper
Corinne Bell, Natural Resources Defense Council