



## Los Angeles Regional Water Quality Control Board

October 19, 2022

Via Email Only

Permittees of the Palos Verdes Peninsula Watershed Management Group<sup>1</sup>

**APPROVAL, WITH CONDITIONS, OF THE PALOS VERDES PENINSULA 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 Palos Verdes Peninsula Watershed Management Group:

This letter (1) conditionally approves the Watershed Management Program (WMP) submitted by the Palos Verdes Peninsula Watershed Management Group (Group) 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 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 the Los Angeles County MS4 Permit Order No. R4-2012-0175, the Group submitted to the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board or Board) a revised draft WMP dated 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

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<sup>1</sup> Permittees of Palos Verdes Peninsula Watershed Management Group include Los Angeles County, Los Angeles County Flood Control District and the Cities of Palos Verdes Estates, Ranch Palos Verdes, Rolling Hills Estates, and Rolling Hills.

currently effective permit, the Los Angeles Water Board reviewed the WMP per Part IX of the Regional MS4 Permit.

### **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 WMPs.

### **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 March 24, 2022, an email was sent to the Peninsula WMG with preliminary questions and concerns regarding the Peninsula WMP. On April 6, 2022, a second email was sent to the Group that provided additional comments and questions. Subsequently, Los Angeles Water Board staff met with the Peninsula WMG on April 11, 2022, to discuss the required revisions to the WMP. The Los Angeles Water Board received the Group's second revised WMP dated May 13, 2022. The Los Angeles Water Board hereby approves the Group's WMP, under the condition that the WMP is revised to address the following requirements:

1. The Board recognizes that the City of Rolling Hills intends to retain the runoff volume from the 85<sup>th</sup> percentile, 24-hour storm; however, the drainage areas within the City of Rolling Hills should still be identified. In Figure 1-1 on page 1-3 and in Figure 3-1 on page 3-10, shade the City of Rolling Hills jurisdictional area to show the watershed management area(s) to which it drains and include the streams to be consistent with the other jurisdictions' watershed areas on the map.
2. In Section 1.3.1 on page 1-4, in the fourth paragraph, update the reference to the current 303(d) list to the 2020-2022 303(d) list of impaired waterbodies approved on May 11, 2022.
3. Remove footnote 16 from Section 2.2, Dominguez Channel page 2-3. The Los Angeles Water Board notes that per the Amended Consent Decree entered in *United States v. Montrose Chemical Corp.*, Case No. 90-3122 AAH (JRx), the Los Angeles Water Board released some local agencies from liability for natural resource damages and for specific response costs related to releases of DDT and other hazardous substances from the Montrose DDT Plant. This Amended Consent Decree does not apply to all toxic pollutants covered by the Dominguez Channel Toxics TMDL. Further, nothing in the Amended Consent Decree bars the State from requiring compliance with the Clean Water Act, including compliance with NPDES permits issued thereunder. According to Attachment J of the Regional MS4 Permit, the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL, including the water quality-based effluent limits (WQBELs) in Attachment P, Part II of the Order, apply to the Group.

4. In Section 2.3.1 on page 2-30, update the second paragraph and Table 2-16 to include the land uses for the City of Rolling Hills.
5. In Section 2.3.2 on page 2-48, in the first sentence of the second paragraph delete the word “limited.”
6. Update the Torrance Airport Stormwater Basin Project Phase II BMP volume on Table 3-20: Summary of Modeled Regional BMPs, and update the WMP to be consistent with the most current volume and project details (including related figures).
7. In Table 4-22 on pages 4-4 and 4-5, replace the values in the two **Bacteria (*E. coli*)** rows for Analysis Regions WD-1 and WD-Solano with “n/a”. Update the second sentence of footnote 1 to say, “For WD-1 and WD-Solano, bacteria was originally modeled using an incorrect receiving water limitation. Therefore, it is not included in the table, since the 85<sup>th</sup> percentile, 24-hour storm volume is selected”. Make this footnote edit again in Appendix 4.1 RAA Table 11 and update the entire WMP to be consistent with the footnote (e.g., edit the first bullet point on page 4.2-2).
8. Add a new table to Section 4.2 that compares the target load reduction summaries in Table 4-21 and Table 4-22, and the management volumes in Table 4-23, with the summary of BMP volumes for modeled regional BMPs in Table 3-20, as well as any modeled volumes for distributed BMPs, to show how the RAA-recommended projects will meet the target load reductions for each subwatershed and city.
9. In Section 9, Adaptive Management Process, update the reference in number 1 of the list to refer to the Regional MS4 Permit and any other outdated references to the 2012 LA County MS4 Permit.
10. Correct internal referencing of tables and figures throughout the WMP. In many places the text references to table or figure numbers do not match the actual table or figure number. Additionally, for clarity, we would suggest either simple sequential numbering throughout the document, or numbering within each section. The document seems to employ a hybrid approach. For example, Table 3-1 is labeled Table 3-20 and follows Table 2-19, and Figure 2-1 is labeled Figure 2-2 and follows Figure 1-1. These are just a few examples.

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 Group 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 Peninsula WMG shall submit a final WMP to the Los Angeles Water Board that satisfies all of the above conditions no later than **December 19, 2022**. The final WMP must be submitted electronically by uploading the files in a Folder with the name of the Group 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 Peninsula WMG shall implement their approved WMP immediately.** The Group is subject to all applicable compliance schedules in Part IV.B and Attachments K through S of the Order.

Approval of the Group's WMP, subject to the conditions above, reinstates the Group's deemed compliance status, per the Board's February 25, 2022 letter on the Group's June 30, 2021 status of compliance demonstration, for the WBPCs identified in section 2.1.

To the extent allowed by law, it is not the intent of Board staff to take enforcement action resulting from the temporary loss of deemed compliance status for the WBPCs identified in section 2.1.2 below for the period of July 1, 2022 to the date of this conditional approval.

## *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 Group's WMP based on the following compliance metric(s) with the approved compliance schedule:

- The cities of Palos Verdes Estates, Rancho Palos Verdes, Rolling Hills Estates the County of Los Angeles (for the unincorporated areas within the Palos Verdes Peninsula WMP) and the Los Angeles County Flood Control District will comply with Table 4-23: Peninsula EWMP RAA Summary and Table 5-24: Structural TCM Implementation Schedule

These permittees must demonstrate compliance with final WQBELs and receiving water limitations 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.

Per Attachment P, Part IV.C.2, of the Order, the cities of Palos Verdes Estates, Rancho Palos Verdes, and Rolling Hills Estates did not receive approval to comply with alternative mass-based water quality-based effluent limitations for total nitrogen and total phosphorus allowed by the Machado Lake Nutrient TMDL. Therefore, these Permittees shall comply with the final monthly average concentration-based water quality effluent limitations for total nitrogen and total phosphorus per Attachment P, Part IV.C.1.

The City of Rolling Hills will comply with the measures described in Section 3.5.2, 85<sup>th</sup> Percentile, 24-hour Runoff Retention Areas. The City shall continue to monitor flow in Sepulveda Canyon at the Middleridge Road crossing culvert to demonstrate that the 85<sup>th</sup> %, 24-hr storm event is retained.

### **2.1.2. WBPCs Eligible for Deemed Compliance Through Alternative**

**Demonstration of Compliance:** Based on the below criteria, the following WBPCs will receive deemed compliance up to the applicable final compliance deadline 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 revision of the WMP to address the conditions of this approval letter:

- Wilmington Drain for *E. coli* indicator bacteria;
- Inner Los Angeles Harbor for copper, lead, zinc, total DDTs, total PAHs, and total PCBs; and
- Cabrillo Marina for copper, lead, zinc, total DDTs, total PAHs, and total PCBs.
- In the City of Rolling Hills, only:
  - Santa Monica Bay for total DDTs, total PCBs, arsenic, and mercury;
  - Santa Monica Bay Beaches for the indicator bacteria total coliform, fecal coliform and enterococcus, total DDTs, and total PCBs; and
  - Machado Lake for total nitrogen, total phosphorus, total DDTs, DDT (all congeners), DDE (all congeners), DDD (all congeners), total PCBs, total chlordane and dieldrin.

Any WBPCs that are not listed above are not eligible for deemed compliance for the following reasons: (a) for Category 1 WBPCs with interim deadlines, the WMP proposes watershed control measures for which there are no quantitative analysis that satisfy the RAA requirements, (b) the final TMDL deadline(s) have past and there is no approved Time Schedule Order (TSO) or retention of all non-stormwater runoff and the volume of stormwater runoff from the 85<sup>th</sup> 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.

### **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 Susana Vargas with the Municipal Stormwater Permitting Unit by email [Susana.Vargas@waterboards.ca.gov](mailto:Susana.Vargas@waterboards.ca.gov) or phone (213) 576-6688. Alternatively, you may also contact Ivar Ridgeway, Municipal Stormwater Permitting Unit Supervisor by email at [Ivar.Ridgeway@waterboards.ca.gov](mailto:Ivar.Ridgeway@waterboards.ca.gov) or by phone at (213) 620-2150.

Sincerely,

Renee Purdy  
Executive Officer

cc: Tim Jonasson, City Engineer, Palos Verdes Estates  
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John Signo, Planning and Community Services, Rolling Hills  
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