
Los Angeles Regional Water Quality Control Board

May 1, 2023

Via Email Only

Permittees of the Santa Monica Bay Jurisdictional Group 7 Watershed Management Group¹

APPROVAL, WITH CONDITIONS, OF THE SANTA MONICA BAY JURISDICTIONAL GROUP 7 WATERSHED MANAGEMENT GROUP'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 Permittees of the Santa Monica Bay Jurisdictional Group 7 Watershed Management Group:

This letter (1) conditionally approves the Watershed Management Program (WMP) submitted by the Santa Monica Bay Jurisdictional Group 7 (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 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 Group's letter dated June 30, 2021 stating that the Group proposes no revisions to the approved May 28, 2015 WMP and therefore, a revised WMP/RAA

¹ Permittees of the Santa Monica Bay Jurisdictional Group 7 include the City of Los Angeles and Los Angeles County Flood Control District (LACFCD).

was not submitted. However, the WMP dated May 28, 2015 has been reviewed 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. The WMP does not propose watershed control measures since the Group states that it is in compliance with the final WQBELs and other TMDL-specific limitations for all WBPCs in its watershed management area and therefore no quantitative RAA was performed, and no compliance schedule was proposed. However, as also stated in the State Board Order WQ No.2020-0038, for the purpose of allowing the Group to address future water quality priorities based on new information and/or water quality issues, the Group is allowed to keep their WMP. Note that since the Group states in its WMP that it is achieving compliance with the applicable water quality standards through already implemented control measures, the Los Angeles Water Board will not provide deemed compliance for the WBPCs in the WMP area. Therefore, the Group shall comply with the receiving water limitations and WQBELs specified in Attachment O of the Order, and demonstrate compliance per Parts X.B.1.a (Interim WQBELs and Receiving Water Limitations – Direct Demonstration of Compliance with TMDL-Specific Requirements), X.B.2.a (Final WQBELs and Receiving Water Limitations – Direct Demonstration of Compliance), and X.C (WQBELs and Receiving Water Limitations for Trash) of the Order. 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. Section 2.1.1 of the WMP includes a narrative and Table 2-2 for category 2 WBPCs using the 2010 303(d) list. Please update this section and Table 2-2 to incorporate the 2020-2022 version of the 303(d) listed water bodies and constituents. Please also update the entire WMP to reflect this revision.
2. Table 2-3 in section 2.1.1 of the WMP lists Santa Monica Bay Beaches Bacteria TMDLs for dry and wet weather (Resolution 2002-004 and 2002-022) that have been revised by Resolution R12-2007. Please delete the last two rows to remove old references to the previous Santa Monica Bay Beaches Bacteria TMDLs (Resolution 2002-004 and 2002-022) and add a new row to include the new Resolution R21-001 with the effective date of May 24, 2022.

3. For identification of water quality priorities, the monitoring data analyzed are listed in Table 2-5 of the WMP that include the Coordinated Shoreline Monitoring Program and the Southern California Bight Regional Monitoring. Since at the time of this WMP, the Group did not have enough CIMP monitoring data available, the result of the monitoring data analysis was not considered in the development of the WMP. However, Part IX.B.1 of the Order requires Permittees to include an evaluation of existing water quality conditions that include, at a minimum, the routine water quality data collected over the last five years pursuant to the Permittees monitoring and reporting program. Please update this section to include a discussion from the result of the last five years of monitoring data, and update the WMP, including category 3 pollutants, as necessary.
4. Section 2.2 of the WMP includes Table 2-7 which classifies WBPCs into three categories:
 - a) Regarding the Santa Monica Bay Beaches Bacteria TMDL, per Part I of Attachment O of the Order, please update the Table to reflect the requirements and compliance dates of Resolutions R12-007 and R21-001. Specifically, update the Table to correct the winter dry weather bacteria compliance deadline to November 1, 2009. Also, for wet weather bacteria, please remove the wet weather condition from geometric mean by creating a new row for it without any reference to weather condition, since geometric mean is independent of the weather condition. Additionally, for wet weather bacteria and the newly created row for the geometric mean, please update the new interim and final compliance deadlines from Resolution R21-001 as specified in Part I.B.2 and I.C.4 of Attachment O of the Order which are now in effect.
 - b) Regarding the Santa Monica Bay TMDLs for DDTs and PCBs, table note 2 of Table 2-7 references Table 6-5 of the U.S. EPA TMDL. This is an incorrect reference because Table 6-5 applies to load allocations and not waste load allocations. As explained in Part VI.F.2.a of Attachment F of the Order, the U.S. EPA TMDL specifies that WLAs are set to the existing conditions at the time of TMDL adoption. Therefore, no compliance schedule or alternative to propose BMPs in WMPs are provided. Hence, per Part III of Attachment O of the Order, Permittees shall comply with this TMDL as of the effective date of the Order. Please revise Table 2-7 to correct the compliance schedule to reflect the effective date of the Order, and table note 2 to remove the reference to Table 6-5 of the U.S. EPA TMDL. Also, please similarly update the corresponding Table ES-1.
5. Update Section 3.1 of the WMP, including Table 3-1 that includes a comparison of the Order Nos. 01-182 and R4-2012-0175, to reflect the Minimum Control Measures requirements specified in Part VIII of the Order.
6. Update the Adaptive Management Proses Section (Section 5) of the WMP to conform to the requirements specified in Part IX.E of the Order.
7. Update the Legal Authority (Attachment B) to reference the Regional MS4 Permit.
8. 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 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 Group 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 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 Group 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.

2) Compliance Determinations

2.1.1 Compliance Determination for WBPCs other than Trash

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. The Board will determine deemed compliance with the Group's WMP based on the following compliance metric(s) with the approved compliance schedule:

- Not applicable

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:

- Not eligible for deemed compliance

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: Julie Allen, City of Los Angeles
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