Heal the Bay

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August 18, 2014

Mr. Sam Unger
Executive Officer and Members of the Board
California Regional Water Quality Control Board, Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013
Via email: Samuel.Unger@waterboards.ca.gov; Deborah.Smith@waterboards.ca.gov; Ridgeway, Ivar@Waterboards; Renee.Purdy@waterboards.ca.gov; losangeles@waterboards.ca.gov

Re: Comments on the Draft Individual Watershed Management Plan for the City of El Monte and its associated Integrated Monitoring Program

Dear Mr. Unger:

On behalf of Heal the Bay, we are writing with regard to the Draft Individual Watershed Management Plan ("WMP") and its associated Integrated Monitoring Program ("IMP") for the City of El Monte ("permittee") submitted in accordance with the National Pollutant Discharge Elimination System ("NPDES") Permit for Municipal Separate Storm Sewer System ("MS4") Discharges Within the Los Angeles County Flood Control District, Including the County of Los Angeles, and the Incorporated Cities Therein, Except the City of Long Beach, R4-2012-0175, NPDES Permit No. CAS004001 ("2012 Permit").

In reviewing the City of El Monte's WMP and IMP submittal, we identified several issues of concern or noncompliance with permit requirements. We discuss a number of those concerns below, although this discussion is not intended as an exhaustive analysis of the WMP's deficiencies.

General WMP Comments

There is little to no evaluative data provided on the implementation of past MS4 requirements. For example, SUSMP, IC/ID, public education, and other elements have all been MS4 requirements for at least the last 13 years; yet there is no data or descriptive analysis provided by the City in its WMP or IMP on implementation efforts or effectiveness. If cities are not evaluating past practices, nor implementing an iterative process on any of the existing tools, then it is extremely difficult for stakeholders to evaluate programs, policies, or projects proposed to address water quality or watershed issues. Past practices are often the best indicator of future success or failure.

There is no integrated water resource planning and little watershed based management planning in the draft WMP. Despite the fact that California is in a drought, there is little discussion on flow/volume reductions, reuse opportunities, or landscaping ordinances to name a few elements.

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Specific WMP Comments

Section 1.3 Discharge Water Quality Characterization (p. 1-9): Without a statistical or analytical assessment of the 38 drainage outlets and their respective land-uses, the reasoning behind the selection of the two drainage outlets for the entire city is unclear. The selected drainage outlets account for only 15% of the City's entire land area. Further, sub-watershed, land-use, major outfall, catch basin and drain line maps (Figures 1.2, 1.4, 1.5, and 1.6, respectively) included in the WMP should be combined into one map to allow for a proper spatial analysis. The current mapping approach in the WMP is confusing and hard to interpret. Combining maps will allow for baseline assessment needed for statistical and analytical analyses of land-use and associated flow generation and pollutant loadings.

Hardness was not included as one of the sample analytes. Any time metals are sampled, hardness data should be collected. Simply relying on a default number, does not accurately depict the availability of the metal to the aquatic life in the specific waterbody.

Several of the water quality sampling results are questionable and necessitated additional sampling. For instance, a "non-detect" value for total suspended solids during a wet weather event does not make sense. Also, finding a lower nutrient concentration in wet weather than in dry weather is unusual. Both of these findings should have led to re-sampling, yet it does not appear that this occurred. Thus, the use of these data points is questionable.

Section 1.4 Watershed Characterization (p.1-13): The City provides no information on the biological or habitat functions for the waterbodies in its watersheds (Rio Hondo, San Gabriel River, Legg Lake, Peck Road Park Lake). This is a necessary analysis, as the receiving waterbodies have biological beneficial use designations.

Also, there is no literature review of past water quality, watershed, or habitat data collected by the City or other stakeholders to help inform the Reasonable Assurance Analysis ("RAA"), particularly as they pertain to biological beneficial uses and the associated water quality objectives. This could lead to an incomplete analysis.

Section 1.7 Prioritization (p. 1-19): Without any analysis of land-uses associated with drainage areas and only using one dry-weather and one wet-weather sample to populate the RAA, RAA model outputs are questionable. There is no confidence interval or power analysis completed in the RAA, as it relates to limited sampling, to provide any statistical certainty regarding the values generated. Yet, the WMP states that "Based on finding of the source assessment, the water quality issues will be prioritized…"[1] Without any statistical or analytical criteria to measure power, validity, calibration, or confidence, the City's approach is subject to great error in their characterization of pollutant loading, BMP implementation, and any evaluative metrics for determining compliance.

[1] Draft Watershed Management Program City of El Monte, California, at 1-19.

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Section 1.9 RAA (p. 1-26): Using only one water quality sample per sub-watershed per weather condition to populate the Watershed Management Modeling System (WMMS) model for the RAA is unjustified, as it does not provide any level of statistical certainty or power needed for any model-run or confidence interval model output without a large standard deviation. In addition, there is no description of either dry or wet weather sampling events, such as antecedent rain events, size of the storm monitored, type of sample collected—grab or flow weighted. Without this information, the samples used for the RAA modeling may be biased or not representative of actually pollutant loading.

> **Section 1.9.1 Modeling Requirements (p. 1-27):** There is no sound reasoning to use total suspended solids as a surrogate for nutrients when developing a loading estimate. Without any citations to confirm that total suspended solids is an appropriate surrogate for nutrients, or a peer-reviewed methodology for determining a conversion factor, the data produced for the nutrient values should be rejected by the Regional Board.

Specific IMP Comments

1.3.1 Receiving Water Monitoring Program (p.1-2): The IMP states that "The proposed monitoring locations will provide representative measurement of the effects of the City's MS4 discharges on receiving waters because the land-use in the areas of discharging upstream of the monitoring sites are representative of the City's land use." However, without a statistical or analytical assessment of the 38 drainage outlets and their respective land-uses, it is scientifically unsound and without merit to select two drainage outlets to be representative of the pollutant loading for the entire city. In addition, without any data provided on the regional watersheds' land-uses, it is impossible to substantiate the City's claim that the two sites are in fact similar to region-wide land-use.

1.3.2 Storm Drains, Channels, and Outfall Maps and / or Database (p.1-4): The City did not provide adequate drainage maps in the IMP to fulfill permit requirements. This is particularly concerning, as this information is critical to evaluate if monitoring locations are representative of land use; how can appropriate review of the IMP occur when permit requirements have not been met? Additionally, only a third of the drainage outlets (13 of 38 outlets) were analyzed in the IMP. With two-thirds of the analysis incomplete, how can the City know with any certainty that the two sampled drainage outlets are representative of all 38 drainage outlets and their associated land-uses? Without such analysis, how can the City determine appropriate BMP implementation, education, projects or policy objectives?

1.3.4 Non-Storm Water Outfall Based Screening and Monitoring: The 2012 Permit defines significant outfalls on pg. E-24 of the Monitoring and Reporting Program. How is "significant" defined in the submitted IMP? There appears to be some discrepancy between approaches. Additionally, of the 12 outfalls initially screened that were visible, nine (75%) appeared to have some level of water draining from them with vegetated growth. While not a "significant" volume was observed, as defined by the permittee, there was still a discharge present.

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Given that illicit connections/ illicit discharges ("IC/ID") removal has been a requirement of past MS4 permits, screening for non-storm water outfall screening should have been already completed. Thus, the City should already have a significant understanding of non-stormwater discharges and IC/ID. Further, IC/ID should not be treated as if it were a new element, which could possibly justify training and a slow roll-out. The City should be implementing an integrated water resource planning program to capture and reuse permitted anthropogenic non-stormwater discharges so they do not reach receiving waterbodies.

1.3.4.1 Inventory of Outfalls: GIS maps of the sewage conveyance system and pumps should be part of this analysis.

1.3.4.3 No Further Assessment: What is the definition of "non-significant flow"? Small volumes of water can have significant concentrations of pollutants. Simply relying on flow as the only marker for problem drainage outlets may insufficiently characterize the problem.

1.3.4.9 Sampling Methods: What is the justification for only sampling subsequent storm events of greater than one-inch after the first storm has been sampled? Subsequent storm events that are less than one-inch after the "first flush" can have pollutant loadings or wet weather contributions on-par with the "first flush" if enough dry weather days have occurred between storm events. Furthermore, this approach is not consistent with 2012 Permit requirements. How will flow be estimated where flow measuring equipment is not in place?

Thank you for this opportunity to provide comments and if you have any questions please contact us at (310) 451-1500.

Sincerely,

Kirsten James, MESM
Science and Policy Director, Water Quality

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