

Exhibit D: Los Cerritos Channel Watershed

Draft Watershed Management Program

In reviewing the Los Cerritos Channel Draft Watershed Management Program, 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.

I.

A. Water Quality Priorities, Water Body Pollutant Characterization

Some of the water body-pollutant classifications and prioritizations included in the Los Cerritos Channel Watershed ("LCC") WMP are inadequate. For example, the LCC WMP does not include aluminum as a Category (1) target despite that it is in the same "class" as other metals and has a similar fate and transport mechanism. Data demonstrate that aluminum has long exceeded RWLs in the LCC, and the Channel is on the 303(d) list of impaired waters.¹ Permittees should therefore re-prioritize and ensure that selected control measures designed to control metals under the Metals TMDL will also address aluminum.

Furthermore, LCC permittees fail to prioritize ammonia as a pollutant because it has been proposed for de-listing, and fail to prioritize pH because permittees would "like to work with Regional Board staff... to delist pH..." despite a lack of resolution or public process on the issue.² Regardless of permittees' hopes for future delisting, both ammonia and pH are 303(d) listed pollutants that warrant prioritization in LCC's WMP.

B. Minimum Control Measures

Pollutant Reduction Loading: The RAA states that non-structural controls were assumed to result in 10% load reductions.³ However, it is unclear from the draft WMP where these assumptions originate, or whether data exist to support them.

Industrial/Commercial Facilities: This section must be more specific on how "high" and "low" priority facilities will be categorized.⁴ Although the WMP does go into some detail, the adequacy and accuracy of this analysis is uncertain. Notably, citations to particular tables are incorrect for the purposes of determining high and low priority facilities. For example, the WMP states that Table 3-3 should be used to make the prioritization,⁵ when in fact Table 3-3 references a street sweeping survey, not facilities and inspections prioritization.⁶ The correct reference could possibly be to Table 4-4 although, critical information in Table 4-4 is completely absent;

¹ Richard Watson & Associates, Inc. (June 28, 2014) Los Cerritos Channel Watershed Management Program ("Los Cerritos Channel WMP"), at 2-5.

² *Id.* at 5-3.

³ Tetra Tech and Paradigm Environmental (June 6, 2014) Reasonable Assurance Analysis for Lower Los Angeles River, Los Cerritos Creek, and Lower San Gabriel River, at 46 ("Lower Rivers/Channel RAA").

⁴ Los Cerritos Channel WMP, at 4-3.

⁵ *Id.* at 4-12.

⁶ *See*, Los Cerritos Channel WMP, at 3-15 for Table 3-3.

figure ICF-1, the “Industrial/Commercial Facility Prioritization Scheme[,]” is blank.⁷ This figure is central to prioritization as it establishes “a method for each City to prioritize all industrial/commercial facilities into three tiers – High, Medium and Low.”⁸ Lastly, the prioritization method included in the WMP allows for too much flexibility in prioritization, as it allows cities to “follow an alternative prioritization method provided it results in a similar three-tiered scheme.” (WMP at 4-13) We are concerned this flexibility may result in inadequate inspections and water quality protection.

C. Deadlines for Compliance

Although permittees are responsible parties under the Harbor Toxics TMDL, the WMPs do not include a schedule or interim deadlines for achieving compliance.

Under the WMP, the ultimate deadline for compliance with receiving water limitations is 2040. This time period is unconscionably long and the WMP provides no justification for this length of time.

D. Reliance on Other Processes for Pollution Reduction

LCC permittees indicate that, rather than addressing bacteria directly, they will wait and evaluate how controls targeting *other* pollutants impact *E. coli* levels in receiving waters.⁹ Such an evaluation method is unacceptable; permittees should evaluate existing BMPs for effectiveness and determine what additional controls are necessary now to achieve receiving water limitations. This is especially true for high priority 303(d) pollutants such as bacteria.

LCC permittees disproportionately rely on future legislative or policy changes to reduce current pollutant loads and to justify proposed management actions. For example, they rely on SB 346, relating to copper brakes, to reduce copper loading and comply with copper limits in the Metals TMDLs.¹⁰ While Environmental Groups also anticipate copper reduction over the next decade as SB 346 is implemented, permittees must demonstrate, through modeling or some other mechanism, the extent of the legislation’s predicted impact in the relevant sub-watersheds in order to determine whether further action may be necessary. Even more speculatively, permittees mention the regulation of zinc in tires through potential legislation, which has yet to be drafted or passed.¹² Referring to such potential measures as part of a pollution control program is inappropriate, as there is no guarantee that such legislation will ever be adopted.

⁷ Los Cerritos Channel WMP, at 4-13.

⁸ Los Cerritos Channel WMP, at 4-13.

⁹ *See, e.g.* Los Cerritos Channel WMP, at 5-3.

¹⁰ *Id.* at 3-4, 5-1.

¹¹ The Los Cerritos Channel Watershed Group commissioned a study, “Estimate of Urban Runoff Copper Reduction in Los Angeles County,” but failed to attach it to the WMP, making the group’s claims difficult to evaluate further. (Los Cerritos Channel WMP, at 3-4).

¹² *See*, Los Cerritos Channel WMP, at 3-5, 5-2.

Although the LCC watershed is not subject to a Trash TMDL, permittees fail to propose trash controls despite current impairments and the 303(d) listing of trash. Instead, permittees delay action until the statewide trash policy is approved by the State Board. This delay and reliance on future policy is unacceptable. Permittees must address 303(d) pollutants in their WMPs as a high priority.¹³

Non-Stormwater Discharge Measures

This section relies almost entirely on water conservation measures without providing adequate justification for the reliance. Permittees do not include specific measures that will be employed to eliminate non-stormwater discharges and do not include milestones or deadlines.

Specific Plan Components

LCC's WMP states that member cities "will endeavor to incorporate" green infrastructure into redevelopment, green streets, retrofit LID, and stormwater capture and reuse; however little detail is given on plans for implementation.¹⁴ How will these control measures be prioritized? What is the proposed implementation schedule?

II. Draft Coordinated Integrated Monitoring Plan

A. Receiving Water Monitoring

Permittees propose to sample at LCC1 during two dry weather and three wet weather events each year. This is insufficient because the LCC Metals TMDL requires wet weather monitoring during four storm events.¹⁵

Sampling must include the constituents listed in Table E-2 in the first year and first storm event. If the E-2 constituents are not detected, permittees will no longer be required to monitor for that constituent. However, the CIMP incorrectly states that sampling will cease for constituents that are not detected "or if the results are below the lowest applicable water quality objective."¹⁶ This statement must be amended as only "non-detect" results release the permittees from future monitoring for a particular constituent. In addition, permittees should add that all minimum parameters must continue to be sampled, including: flow, TMDL pollutants with WLAs, 303(d) List pollutants for receiving waters or downstream receiving waters, Total Suspended Solids (TSS) and Suspended-Sediment Concentration (SSC) if the receiving water is listed on the CWA section 303(d) list for sedimentation/siltation/turbidity, hardness, pH, dissolved oxygen, temperature, and specific conductivity (inland water bodies), Aquatic Toxicity (twice per year, one during the first storm of year).

B. Outfall Monitoring - stormwater

¹³ 2012 MS4 Permit at VI.C.a.ii.

¹⁴ See, Los Cerritos Channel, at 3-7.

¹⁵ Kinetic Laboratories, Incorporated (June 27, 2014) Los Cerritos Channel Coordinated Integrated Monitoring Program, at 12 ("Los Cerritos CIMP").

¹⁶ Los Cerritos Channel CIMP, at 12,

Permittees identify four primary outfall monitoring locations. This number of monitoring locations is insufficient because each permittee is required to include outfall monitoring in at least one major outfall per subwatershed (HUC 12) drainage area.