

LA County MS4 Permit-Comments on EWMP Enhanced Watershed Management Program Workplans due 9.16.2014

The intent of the Clean Water Act in the MS4 permitting is not consistent with the intent in the US Code.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER 1—NAVIGABLE WATERS

GENERALLY

SUBCHAPTER I—GENERAL PROVISIONS:

§ 1. Regulations by Secretary of the Army for navigation of waters generally

It shall be the duty of the Secretary of the Army to prescribe such regulations for the use, administration, and navigation of the navigable waters of the United States as in his judgment the public necessity may require for the protection of life and property, or of operations of the United States in channel improvement, covering all matters not specifically delegated by law to some other executive department.

BALLONA CREEK WATERSHED MANAGEMENT GROUP

STATES:

In general, the EWMP for Ballona Creek will touch on multiple elements of municipal stormwater programs and communities, and emphasize multi-benefit stormwater projects that also provide environmental, aesthetic, recreational, water supply and/or other community enhancements.

AND

DOMINGUEZ CHANNEL WATERSHED MANAGEMENT GROUP

STATES:

Approach to Identifying and Selecting Multi-Benefit Regional Projects (EWMP Projects)

The below approach will be utilized to identify, screen, and evaluate potential regional projects. This approach includes a watershed based assessment of publicly-owned and private properties containing sufficient open space (e.g. large parking lots) and other conditions that would be suitable to support a regional stormwater enhancement project. The approach also evaluates opportunities for incorporation of multi-use features at candidate locations. The approach can be utilized to identify potential projects that could either be classified as regional BMP or EWMP projects. Regional EWMP projects are regional BMP projects that satisfy the EWMP project criteria, whereas regional BMPs

are those stormwater enhancement projects that do not meet EWMP criteria based on a project specific analyses, but still contribute to water quality benefits.

AND

MALIBU CREEK WATERSHED MANAGEMENT GROUP

STATES:

Specifically, the Work Plan:

- *describes the existing water quality conditions;*
- *proposes water quality priorities for the watershed that are consistent with LARWQCB recommendations; and identifies existing and potential watershed control measures, including both institutional and structural controls. Structural projects developed through the EWMP will be designed to incorporate multiple benefits where feasible*

COMMENTS:

There is no legal definition of *multi-benefit*. There is no jurisdiction of the Waterboards over aesthetic, recreational or community enhancements per State law.

Open space criteria for regional stormwater enhancement projects may not be effective is the surrounding land uses do not contribute to improved chances of pollutant load reduction.

Natural Lands are omitted completely, as our references to ecosystems.

BALLONA CREEK WATERSHED MANAGEMENT GROUP

STATES:

The major components of the EWMP include the following:

Stakeholder Outreach: *a critical component of EWMP development is stakeholder outreach, and a series of workshops are being held by the Ballona Creek Watershed Management Group (WMG) to solicit input and ideas from other municipal agencies, environmental and community organizations, and state and federal agencies.*

Water Quality Priorities: *the first step in the EWMP process follows the steps of the Permit to determine the Water Quality Priorities for the Ballona Creek WMA. Over 55,000 data records were compiled and analyzed to determine three categories of Water Quality Priorities based on whether total maximum daily loads (TMDLs) have been developed for waterbody-pollutants and whether exceedances have occurred in the last ten years.*

EWMP Control Measures: *this Work Plan establishes a terminology for describing BMPs that can be used to improve water quality, presents “Fact Sheets” for different types of BMPs that could potentially be included in the EWMP, and a process for selecting regional BMPs that can capture the 85th percentile, 24-hour storm, which is an important compliance metric in the Permit.*

Reasonable Assurance Analysis (RAA): *the approach for demonstrating that selected BMPs will address the Water Quality Priorities is described in this work plan. The RAA will use the Watershed Management Modeling System (WMMS) to select among the many potential options for BMPs and quantitatively demonstrate whether control measures will be effective*

AND

BEACH CITIES WATERSHED MANAGEMENT GROUP

STATES:

The purpose of the Work Plan is to present the basis for, and define the elements of, the methodology that will be utilized by the Beach Cities WMG for the development of their EWMP. This Work Plan includes the following sections that specifically address the major EWMP elements outlined in the Permit:

Section 2: Water Body-Pollutant Prioritization. *This section identifies water quality priorities within the Beach Cities EWMP Area (Permit Section VI.C.5.a);*

Section 3: Stakeholder Process. *This section outlines the process for soliciting meaningful community and stakeholder input (Permit Section VI.C.1.f.v);*

Section 4: Watershed Control Measures. *This section identifies, selects, and quantifies watershed control measures to achieve Permit compliance (Permit Section VI.C.5.b);*

Section 5: Reasonable Assurance Analysis Approach. *This section develops an approach to perform a Reasonable Assurance Analysis (RAA) for the water quality priorities within the watershed (Permit Section VI.C.5.b.iv[5]); and*

Section 6: EWMP Development Schedule and Analysis of Cost. *This section details the timeframe for completion of the EWMP Plan as well as a funding strategy and interim compliance milestones.*

AND

DOMINGUEZ CHANNEL WATERSHED MANAGEMENT GROUP

STATES:

The EWMP Work Plan documents the progress thus far in the development of the EWMP by detailing the water quality priorities within the DC WMG, identifying the existing and potential control measures, as well as the approach to identifying additional projects, and outlining the approach to the RAA, as required by the MS4 Permit. The purpose of identifying significant watershed characteristics and presenting an approach is so that stakeholders can become involved, and feedback can be solicited and incorporated into the EWMP. The EWMP Work Plan will be used as the frame of the EWMP and includes the following sections:

Section Water Quality Priorities

The receiving waters are identified and characterized based on the available water quality data. Water body Pollutant Classifications are developed so that each water body-pollutant combination can be classified into an appropriate category in order to develop an approach to prioritizing the identified water quality priorities.

Section Watershed Control Measures

This section outlines the existing and potential control measures. Watershed control measures consist of both structural and non-structural Best Management Practices (BMPs). Existing structural BMPs are identified and planning documents are reviewed in order to identify potential regional projects. In addition, an approach to identifying and selecting additional regional and distributed BMPs is included. The current minimum control measures are described and an approach to modifying the programs, as well as potential modifications, is presented.

Section Reasonable Assurance Analysis Approach

The modeling system and approach to conducting the RAA is presented in this section. The modeling system being used by the DC WMG is highlighted along with the process and modeling approach. The spatial domain, time period, water quality, and BMP model integration are described. Lastly, the output anticipated from the RAA is detailed and examples are provided.

Section EWMP Development Process

This section outlines the process and approach for implementing the Work Plan and completing the EWMP, including the process for incorporating comments from the Regional Board and other interested parties. The schedule for EWMP completion and associated milestones, including alternative milestones, will be presented. Lastly, the adaptive nature of the EWMP development is discussed.

AND

MALIBU CREEK WATERSHED MANAGEMENT GROUP

STATES:

Watershed stakeholder coordination also includes public outreach, which is an important part of EWMP development. This outreach provides an opportunity to the public, as well as environmental and community groups (nongovernmental organizations), to provide input. Outreach includes posting draft documents on the stakeholder's websites to solicit public written comment regarding the plans, as well as public outreach workshops to receive feedback on the EWMP documents.

STATES:

2.2 Purpose of the EWMP Work Plan

The EWMP Work Plan (this document) is a roadmap for the development of the MCW EWMP that will meet the requirements of the MS4 Permit. The EWMP Work Plan includes the following:

- *MCW background information.*
- *A description of the stakeholder process for development of the MCW EWMP.*
- *A description of the existing water quality conditions, including Total Maximum Daily Loads (TMDLs), CWA Section 303(d) listings, and other water quality issues.*
- *The proposed water quality priorities for the MCW that are consistent with MS4 Permit.*
- *The existing and potential watershed control measures for implementation in the MCW.*
- *An approach to evaluate EWMP implementation strategies.*
- *An approach for performing the Reasonable Assurance Analysis (RAA)*
- *Interim Milestones and Deliverables for the MCW EWMP and the MCW CIMP.*

AND

NORTH SANTA MONICA BAY WATERSHED MANAGEMENT GROUP

STATES:

The purpose of the Work Plan is to present the basis for, and define the elements of, the methodology that will be utilized by the NSMBCW EWMP Group, specifically by:

- *Soliciting meaningful community and stakeholder input (Section VI.C.1.f.v);*
- *Identifying water quality priorities within the NSMBCW EWMP Area (Section VI.C.5.a);*
- *Identifying, selecting, and quantifying best management practices (BMPs) to achieve*
- *Permit compliance (Section VI.C.5.b); and*
- *Developing an approach to perform a Reasonable Assurance Analysis (RAA) for the water quality priorities within the watershed (Section VI.C.5.b.iv(5)).*

COMMENTS:

Stakeholder Outreach has excluded the Public in the process. Public relations techniques such as Public Service Announcements, social media and newspaper publication are not even addressed.

Definition and methods of determining exceedances has been omitted.

Control Measures have no baseline or ambient water quality standards to determine compliance issues.

Reasonable Assurance Analysis is based on modeling and not measurement and reporting.

Interim Milestones seem to be a term not applicable to the Receiving Water Limitations.

BALLONA CREEK WATERSHED MANAGEMENT GROUP

STATES:

The EWMP agencies have no jurisdiction over the land that is owned by the State of California (i.e., CDFW, the State Lands Commission, and the California Department of Transportation [Caltrans]) or the US Government.

AND

MARINA DEL REY WATERSHED MANAGEMENT GROUP

STATES:

For the purposes of the MdR EWMP, the MdR watershed management area (WMA) is approximately 1,409 acres and consists of portions of the cities of Culver City and Los Angeles, as well as unincorporated County areas. The MdR EWMP will cover the areas owned by the MS4 Permittees within the watershed (Figure 1). The WMA does not include the area adjacent to the Ballona Wetlands because the area is owned by the State of California (State) and does not include the California Department of Transportation (Caltrans) right-of-way areas because these agencies are not members of the MdR EWMP Agencies. The WMA also does not include the water areas within the MdR watershed because they are considered non-point sources and are not covered by the MS4 Permit.

STATES:

The MdRH is an active harbor for pleasure craft, consisting of the main channel and eight basins (A to H). Basins A, B, C, G, and H are known as the Front Basins. Basins D, E, and F are known as the Back Basins and are located in Subwatershed 1. The MdR watershed also includes the Venice Canals and the tributary area to the Ballona Lagoons, which discharge to the MdRH, near the exit to the Santa Monica Bay

(Subwatershed 2). The Caltrans right of way areas which are located mainly within the City of Los Angeles in Subwatersheds 1 and 4, and the portions of the Ballona Wetland (49.3 acres) located on State land in Subwatershed 1 are outside the boundaries of the MdR EWMP MS4 Permit area.

COMMENTS

MS4 permit is not about land acre coverage but about water quality in relationship to outfall measurement and ambient water quality standards. This approach is flawed as other NPDES permittees such as Caltrans, are excluded from the responsibility, as permitted, and the cost.

This weighs full responsibility of the entire watershed to only one permit and not the cumulative responsibility *for ALL permittees of ALL permits issued. Economically feasible measures and greatest degree of pollutant reduction achievable* language, as in Coastal Zone Act Reauthorization Amendments CZARA should be applied.

BALLONA CREEK WATERSHED MANAGEMENT GROUP

STATES:

The EWMP will comprehensively evaluate opportunities, within the participating Permittees' collective jurisdictional area in a WMA, for multi-benefit regional projects that, wherever feasible, retain (i) all non-stormwater runoff and (ii) all stormwater runoff from the 85th percentile, 24-hour storm event for the drainage areas tributary to the projects, while also achieving other benefits including flood control and water supply, among others. In drainage areas within the EWMP area where retention of the 85th percentile, 24-hour storm event is not feasible, the EWMP shall include a Reasonable Assurance Analysis (RAA) to demonstrate that applicable WQBELs and RWLs shall be achieved through implementation of other watershed control measures.

AND

BEACH CITIES WATERSHED MANAGEMENT GROUP

STATES:

There are two categories of structural BMPs, largely defined by the runoff area treated by the BMP: regional BMPs and distributed BMPs. Regional BMPs are designed to treat runoff from large drainage areas often including multiple parcels and various land uses. Distributed BMPs are designed to treat runoff from smaller drainage areas and are normally installed to collect runoff close to the source from a limited number of parcels. Additionally, "Regional EWMP projects" are defined from this point forward as regional BMPs that can capture and retain the 85th percentile, 24-hour storm event (based on the Permit definition).

COMMENTS

California Department of Public Health, LA County Department of Public Health and the Center for Disease Control should play a role in this forced stormwater retention. Water supply has regulations for water quality control, but the approach of this Plan is a Public Health crisis in the making. There is no concern for wildlife, birds and critical killer diseases such as West Nile Virus. Also missing are the liability issues surrounding exposure to disease.

Land uses are understated as are density issues and geology and soil conditions.

BEACH CITIES WATERSHED MANAGEMENT GROUP

STATES:

The following steps provide a general framework for MCM customization:

- *Identify MCMs for potential customization.*
- *Identify MCMs which are not applicable.*
- *Assess the effectiveness of the incremental baseline MCM requirements with respect to water quality priorities.*
- *Quantify the additional resources required to implement the incremental baseline MCMs.*
- *Assess the effectiveness and resources required to implement the customized MCM.*
- *Compare the assessed effectiveness and resources required to implement the incremental baseline MCMs and the customized MCMs.*
- *Document the customized MCM justification*

AND

DOMINGUEZ CHANNEL WATERSHED MANAGEMENT GROUP

STATES:

MCMs are considered a subset of institutional BMPs (City of Los Angeles, 2013). Institutional BMPs are non-constructed control measures that prevent the release of flow/pollutants or transport of pollutants within the MS4 area (City of Los Angeles, 2013). Institutional BMPs include:

- *Irrigation control*
- *Brake pad replacement*
- *Replacement of lead in wheel weights*
- *Street sweeping*
- *Catch basin cleaning*
- *Downspout disconnect program*

COMMENTS:

Minimum Control Measures refer to a baseline, which we cannot ascertain. Consistency across the Basin should be implemented in all groups.

Institutional BMPs may be meaningless if they are only suspected of being the pollution source. Ambient-water quality and ambient-air quality need to be measured.

Street sweeping is generally a function of Public Works in a Watershed area for Landfill process. Outfalls should be identified as being related to violation, not an assumption of violation.

BEACH CITIES WATERSHED MANAGEMENT GROUP

STATES:

Section VI.C.1.g of the Permit requires that a financial strategy is in place for EWMP implementation and that the effectiveness of EWMP funds is maximized through the analysis of various implementation scenarios. Section VI.C.1.g of the Permit requires that a financial strategy is in place for EWMP implementation and that the effectiveness of EWMP funds is maximized through the analysis of various implementation scenarios.

Based on the RAA, preliminary planning level cost opinions will be developed for implementation of the proposed watershed control measures. The cost analysis will include consideration of planning, design, permits, construction, operation and maintenance, land acquisition, and other factors as appropriate. Potential funding mechanisms will be discussed in the EWMP. BMP phasing will then be based on both interim target compliance (based on the RAA) and the projected availability of funds.

AND

DOMINGUEZ CHANNEL WATERSHED MANAGEMENT GROUP

STATES:

3.1.5 Approach to Identifying Additional Distributed BMPs

Opportunities for additional distributed BMPs may exist at sites that do not fall under SUSMP, LID, or green streets policies. These sites should be further evaluated in order to evaluate if water quality improvements could be incorporated at a relatively low cost. For example, road resurfacing often includes a grind and overlay back to existing grade, therefore SUSMP/LID and green streets may not be applicable. Since construction is occurring, the site could potentially be retrofitted to include distributed BMPs if feasible and if the location is in a high priority area. Distributed BMPs also may be incorporated through the stakeholder process, allowing the stakeholders to provide input on additional distributed BMP locations and types.

COMMENTS:

Financial strategy should be a consideration in this permit as taxpayers should receive a benefit from the investment. So far, scenarios is one approach, but may not be complete enough in applicable information to be close to the reality. It is identification of pollution that is needed.

LID Ordinances are detrimental to Hazard and Hazardous Materials including oilfield gases and oil deposits dewatering methods.

Green Streets Policies do not address the revolution of the “Googlecar” and the technology necessary in street improvements to maintain rollout of newer technology-oriented transportation options.

Lacking is the discussion of Coastal Nonpoint Pollution Control Programs (NOAA-EPA) and joint Management Measure Programs. Urban conditions need emphasis as the Basin is urbanized, yet wetlands, estuaries and marinas exist across the Basin. Tracking is important here and tools should be identified including databases.

DOMINGUEZ CHANNEL WATERSHED MANAGEMENT GROUP

STATES:

This EWMP Work Plan is voluntarily submitted to assist the LARWQCB in implementing the DC and LA Harbor Waters Toxics Pollutants TMDL. The DC WMG has entered into an Amended Consent Decree with the United States and the State of California, including the LARWQCB, pursuant to which the LARWQCB has released the DC WMG from responsibility for toxic pollutants in the DC and the harbors. Accordingly, no inference should be drawn from the submission of this EWMP Work Plan or from any action or implementation taken pursuant to it that the DC WMG is obligated to implement the TMDL, including this EWMP (Work Plan) or any of the TMDL’s other obligations or plans, or that the DC WMG has waived any rights under the Amended Consent Decree. Additional information regarding the LACFCD is provided in the Attachments.

COMMENTS:

Exemptions should be addressed as all liability responsibility is fuzzy. This brings up the question if the law intended financial penalties or if intended compliance by trial and error.

Not shown are the number of Disadvantage Communities and the stressors of financial liability.

DOMINGUEZ CHANNEL WATERSHED MANAGEMENT GROUP

STATES:

Assessment measures can be categorized many different ways. In this EWMP Work Plan, two categories are recognized, one related to the short term confirmation of BMP implementation and the other to the long term verification of environmental improvement, ssence (sic), the categorization of measures reflects two basic assessment questions:

- *Are program elements being implemented correctly?*
- *Are environmental improvements being recognized?*

COMMENTS:

Environmental Mitigation and Monitoring should appear in City and County General Plans and their Elements. Growth and Infrastructure are issues of municipalities that involved increased urban runoff. Since the General Plan and its Elements are required by State law, they need to be incorporated into Assessment Measures. This may reduce costs of implementation. This permit should not rebuild a process of Public Health and Safety, as required by State law, but of implementation toward the Federal statutes with incorporation to the Federal entities responsible such as the US Army Corps of Engineers.

MARINA DEL REY WATERSHED MANAGEMENT GROUP

STATES:

Stormwater monitoring was conducted as part of the Toxics TMDL coordinated monitoring plan at five stations (Figure 3).

A total of 23 storms were monitored in accordance with the Toxics TMDL Coordinated Monitoring Plan (CMP) during the 3-year period (2010 to 2013). Two special studies and one pilot study were also conducted: the Partitioning Coefficient Special Study, the Low Detection Limit (LDL) Special Study, and the storm borne sediment pilot study. Because the Toxics TMDL targets for stormwater are sediment based, it is not feasible to make an assessment of water quality exceedances based on water column data. For this report, the data were compared to the CTR water column criteria to provide a general sense of the water quality conditions in the stormwater to help guide the prioritization of water quality issues

AND

PALOS VERDES PENINSULA WATERSHED MANAGEMENT GROUP

STATES:

2.1.3.1 Santa Monica Bay

All of the agencies that comprise the Peninsula WMG, with the exception of the Unincorporated County, have areas that drain directly to the Santa Monica Bay. The portion of the Peninsula WMG which drains to Santa Monica Bay consists of approximately 14 square miles, which is about 3.4% of the Santa Monica Bay Watershed (414 sq. mi.). The Santa Monica Bay is impaired for DDT, PCBs, marine debris, and bacteria.

AND

SANTA MONICA BAY JURISDICTIONS 2 & 3 WATERSHED MANAGEMENT GROUP

STATES:

2.2. WATER BODIES AND SUBWATERSHEDS

Subwatersheds within the SMB EWMP Group Area include the mostly open space Castle Rock, Pulga Canyon, Temescal Canyon, and Santa Monica Canyon subwatersheds in addition to the more urbanized Dockweiler and Santa Monica subwatersheds. Approximately 67 percent of the SMB EWMP Group area is pervious according to GIS data from the Los Angeles County Department of Public Works, the large majority of which comes from the northern-most subwatersheds of Castle Rock, Pulga Canyon, Temescal Canyon and Santa Monica Canyon

COMMENTS:

There are no standards here because Ambient Water Quality measurements and baselines are excluded from the process. Dry Weather conditions should be the basis. Wet Weather brings other atmospheric, not land based, problems.

Drainage into the Receiving Water Body is measured at shoreline monitoring stations when the water body itself may have natural impairments.

Sediment into the drainage area includes oil, such as in Temescal Canyon. These natural occurring drainages have not been taken into consideration.

RIO HONDO.SAN GABRIEL RIVER WATERSHED MANAGEMENT GROUP

STATES:

1.2.1 Watershed Characteristics

The RH/SGRWQG is located in the eastern portion of the Los Angeles River (LAR) Watershed Management Area (WMA) and the upper portion of the urban San Gabriel River (SGR) WMA. The area included in the RH/SGRWQG EWMP encompass approximately 41 square miles of predominately residential and open space land use and excludes areas in the Angeles National Forest. Of the total LAR and SGR

Watershed areas, the RH/SGRWQG members have jurisdiction over four and three percent of the total watersheds, respectively.

AND

UPPER SAN GABRIEL RIVER WATERSHED MANAGEMENT GROUP

STATES:

1.2 UPPER SAN GABRIEL RIVER EWMP GROUP

*The San Gabriel River Watershed encompasses approximately 680 square miles of eastern Los Angeles County, northwest Orange County, and southwest San Bernardino County. The San Gabriel River has a main channel length of approximately 58 miles, and the main tributaries of the river are Walnut Creek, San Jose Creek, and Coyote Creek. The EWMP Group consists of five cities, unincorporated areas of the County, and the LACFCD. **Figure 1-1** depicts the geographical scope covered by the cities and the County in the EWMP Group. **Table 1-1** shows the land area distribution by each jurisdiction for the EWMP Group not including the Angeles National Forest. The LACFCD owns and operates the majority of flood control facilities within the San Gabriel River Watershed, while a small portion are owned and operated by the United States Army Corps of Engineers. The EWMP Group includes the LACFCD service areas, as depicted in **Attachment A, Figure A-2**.*

AND

UPPER SANTA CLARA RIVER WATERSHED MANAGEMENT GROUP

STATES:

This EWMP covers the portion of the Upper Santa Clara River watershed in Los Angeles County and the City of Santa Clarita that is regulated by the Permit. The Santa Clara River watershed is distinctive in that it is predominantly open space - nearly ninety percent of the watershed is open space with approximately eighty-eight percent being undeveloped raw land. The watershed contains one of the last remaining natural rivers in Southern California. In years of significant rainfall, ephemeral springs and year round flows exist in some tributaries and natural upstream areas. Flows in Santa Clara River reaches that pass through the EWMP area are predominantly stormwater runoff during wet weather months and water reclamation plant effluent discharges in the drier months. Agricultural runoff in the upper watershed and wildlife in the Angeles National Forest and Los Padres National Forest are both large contributors of non-point source pollution within the watershed. Consequently, the Upper Santa Clara River watershed presents unique challenges for maintaining the balance of population growth, agricultural beneficial uses, preservation of endangered species habitat (i.e. red-legged frog, three-spined stickleback), floodplain management, water supply and wildlife

corridors that depend on the Santa Clara River and its floodplain. This EWMP Work Plan is designed to assist the USCRWMG in developing an EWMP to meet the Permit requirements to protect these beneficial uses of the Upper Santa Clara River watershed receiving waters.

COMMENTS:

Forests present another natural occurring drainage that limit watershed control as do flood control and jurisdictional issues of river (receiving water) reaches.

Agricultural issues differ from urban issues, yet are in the same Basin. Oil deposits are issues in open space areas such as Upper Santa Clara River as is major urban development planned in pristine land.

Ambient water quality will be expected to change.

UPPER LOS ANGELES RIVER WATERSHED MANAGEMENT GROUP

STATES:

Figure 3-6. Summaries of Key Milestones in the Identification and Selection of Regional BMPs

To gather information on existing and planned regional BMPs (these are two distinct categories for EWMP development), a BMP data request was distributed to the Permittees participating in the ULAR WMG. The Cities of Alhambra, Burbank, Calabasas, Glendale, Los Angeles, Monterey Park, South Pasadena, and Temple City, County of Los Angeles, and LACFCD responded to the data request with summaries of existing and planned BMPs. In addition, a literature review was performed to identify further structural BMP projects that were not identified by the data request. The literature review included the following documents/sources:

LA River and Tributaries Metals TMDLs (2007 & 2009) and its implementation plans:

- City of Los Angeles Draft Implementation Plan, 2010*
- Calabasas Metals TMDL Implementation Plan, 2010*
- Hidden Hills Metals TMDL Implementation Plan, 2010*
- La Canada Flintridge Metals TMDL Implementation Plan, 2010*

LA River Watershed Bacteria TMDLs (2007, 2010)

LA River Trash TMDL (2007)

LA River Nitrogen Compounds and Related Effects TMDL (2012)

Multi-Pollutant TMDL Implementation Plan for the Unincorporated County Area of the Los Angeles River Watershed (2010)

Los Angeles River Revitalization Plan, 2011

USACE Ecosystem Restoration Feasibility Study (Draft), 2013

Los Angeles River Master Plan, 1996

Arroyo Seco Watershed Management Plan, 2006
Tujunga-Pacoima Watershed Management Plan, 2008
Sun Valley Watershed Management Plan, 2004
Greater Los Angeles Integrated Regional Water Management Plan (LA IRWMP), 2006
LA IRWMP, 2013
City of Los Angeles Proposition O Monthly Report, October 2013
Water Quality Compliance Master Plan for Urban Runoff (May 2009)
Notice of Intent, Enhanced Watershed Management Program and Coordinated
Integrated Monitoring Program, Upper Los Angeles River Watershed Group, 2013

COMMENTS:

Extensive planning and funding is needed for watersheds and waterbodies. ULAR adjudicated groundwater basins contribute to assigned responsibility, but many of the WMGs are in non-adjudicated areas.

Neglected is the incorporation of ecosystem feasibility and management of wildlife and birds. Daylighting of the river will change ambient water quality.

Water suppliers are omitted from their roles in Watershed Management.

Also contributory to jurisdictional issues, is the State Water Resources Board Water Rights permit issued to Lauren Bon against the Pueblo Rights of the City of Los Angeles to the LA River, an adjudicated water right.

Ms Bon's needs for use of continuous 7 feet depth of water for an art project *Bending the River Back into the City* has not been addressed in this permitting process. Ms. Bon plans to return water to the river from her source point.

RIO HONDO.SAN GABRIEL RIVER WATERSHED MANAGEMENT GROUP

1.6 2012 MS4 Permit Process and EWMP Implementation

Following Regional Board adoption of the 2012 MS4 Permit as Order R4-2012-0175 on November 8, 2012, thirty-seven cities and three non-governmental organizations filed petitions for review with the State Water Resources Control Board (SWRCB), which were acknowledged in a January 30, 2013 letter, and deemed complete on July 8, 2013. Five of the filing Cities also simultaneously filed Request for Stays, which were denied on June 14, 2013. On April 1, 2014, the SWRCB adopted an Own Motion Review and thirty-five of the petitioners agreed to have their petitions for review placed in abeyance. The following reservation is included as a contingency in the EWMP Work Plan, while the review processes proceed.

On December 10, 2012 the Cities of Arcadia, Bradbury, Duarte, Monrovia, and Sierra Madre (hereinafter "the Cities") submitted Administrative Petitions (Petitions) to the California State Water Resources Control Board (SWRCB) pursuant to section 13320(a) of the California Water Code requesting that the

SWRCB review various terms and requirements set forth in the 2012 MS4 Permit, Order No. R4-2012-0175 (2012 Permit) adopted by the California Regional Water Quality Control Board, Los Angeles Region (Regional Board). The Petitions were subsequently referred to as SWRCB/OCC File Nos. A 2236. For example Monrovia's petition for review is designated as A2236(v). The Cities petitions requested that the State Board review certain terms/requirements contained in the 2012 Permit, including a review of all numeric limits, both interim and final, and whether derived from a TMDL or provided from the application of an adopted water quality standard, or through a discharge prohibition set forth in the Permit. The challenges to the various numeric limits set forth in the Permit, includes a challenge to all such numeric limits that may be complied with through the implementation of an approved Enhanced Watershed Management Plan (EWMP) and Coordinated Integrated Monitoring Plan (CIMP). On July 8, 2013 the SWRCB advised the Cities that the respective Petitions were complete and all such Petitions remain pending at this time.

In spite of the pending Petitions, the Cities are acting in good faith and moving forward to attempt to comply with all of the applicable terms of the Permit, and look forward to working with the Regional Board to assess and implement the strategies and requirements necessary for compliance, including the development of an acceptable EWMP and CIMP. Nevertheless, because, through their Petitions, the Cities believe that many of the terms of the 2012 Permit are invalid, including the terms involving compliance with numeric limits. The Cities hereby expressly reserve and are not waiving, with this submission or otherwise, any of their rights to challenge the need for any EWMP and CIMP, including their rights to seek to void or otherwise compel modifications to the Permit terms involving the EWMP and CIMP, or to void or compel revisions to any other part or portion of the Permit. In addition, the Cities are not waving, and hereby expressly reserve, any and all rights they have or may have to seek to recover the costs from the State to develop and implement any EWMP and CIMP, on the grounds that such requirements are unfunded State mandates, and if funds are not provided by the State, to reimburse the Cities for such programs, to invalidate all such requirements.

COMMENTS:

Please note that issues challenged previously and litigated in the US Supreme Court reflected the judges' reluctance to design the permit from the bench. You must face the realities that this is a burdensome and incorrect permit issued to create high costs and reasonable compliance for US commerce activity.

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