Exhibit C: Dominguez Channel Watershed Enhanced Watershed Management Program Work Plan and Coordinated Integrated Management Program

The Natural Resources Defense Council ("NRDC"), Heal the Bay, and Los Angeles Waterkeeper ("LAWK") (collectively, "Environmental Groups") have identified several concerns with the Enhanced Watershed Management Program Work Plan for the Dominguez Channel Watershed ("EWMP Work Plan") [1] and the Draft Coordinated Integrated Monitoring Program ("Draft CIMP") for the Dominguez Channel Watershed submitted by the City of Los Angeles, County of Los Angeles, Los Angeles County Flood Control District, City of Hawthorne, City of Inglewood, City of El Segundo, and City of Lomita, collectively the Dominguez Channel Watershed Management Area Group,[2] which we discuss below.

This discussion, however, is not intended to provide an exhaustive list of deficiencies of the EWMP Work Plan and the Draft CIMP. For Environmental Groups' additional comments in response to the Dominguez Channel Watershed EWMP Work Plan and Draft CIMP, please see Environmental Groups' September 16 Letter to the Los Angeles Regional Water Quality Control Board ("Regional Board"),[3] submitted under separate cover.

I. Specific Comments to the EWMP Work Plan for the Dominguez Channel Watershed

A. Water Body Pollutant Characterization and Prioritization

The 2012 MS4 Permit requires permittees to identify water quality priorities within each watershed management area that will be addressed by watershed management programs. Water body-pollutants are required to be classified into one of three categories denoting their prioritization/sequencing of management action. (2012 Permit, at VI.C.5.a). The Work Plan characterizes the watershed based on available monitoring data, TMDLs, 303(d) lists and special studies conducted in the Port of Los Angeles and Machado Lake. Data ranges from 2002-2012, although for many of the data points only data for 1-2 years is presented. The Dominguez Channel MES monitoring applied is from 2002-2012. However, the EWMP Work Plan focuses on only the last five years, but does not justify this smaller data set beyond stating that "it is the

[1]City of Los Angeles, County of Los Angeles, Los Angeles County Flood Control District, City of Hawthorne, City of Inglewood, City of El Segundo, and City of Lomita (June 2014) Enhanced Watershed Management Program Work Plan for the Dominguez Channel Watershed Management Area Group ("EWMP Work Plan").

[2]City of Los Angeles, County of Los Angeles, Los Angeles County Flood Control District, City of Hawthorne, City of Inglewood, City of El Segundo, and City of Lomita (June 2014) Coordinated Integrated Monitoring Program for the Dominguez Channel Watershed Management Area Group ("Draft CIMP").

[3]Natural Resources Defense Council, Los Angeles Waterkeeper, and Heal the Bay. "Comments on Enhanced Watershed Management Program Work Plans and Monitoring Plans Pursuant to Requirements under the Los Angeles County Municipal Separate Storm Sewer System Permit, NPDES Permit No. CAS004001, Order No. R4-2012-0175." Letter to California Regional Water Quality Control Board, Los Angeles Region. 16 Sept. 2014.

most relevant."[4] Further explanation of the reasoning behind this more limited data set is necessary.

Although the Work Plan appears to prioritize pollutants according to the required prioritization scheme, permittees divide the categories into sub-categories without clear justification. For example, the Work Plan states that "[t]he MS4 Permit does not require the prioritization of TMDL interim and/or final deadlines outside of the Permit term or USEPA TMDLs…"[5] This statement suggests that permittees do not intend to prioritize these pollutants in their analysis and development of watershed control measures. However, EWMPs and included Reasonable Assurance Analyses ("RAA") must "identify interim milestones and dates for their achievement to ensure adequate progress toward achieving interim and final water quality-based effluent limitations and/or receiving water limitations with deadlines beyond the permit term." (2012 Permit, at VI.C.5.b.iv(5))

Permittees also appear to put pollutants in the same class as TMDL pollutants in Category (3) rather than Category (1), as required.[6] However, "Watershed Control Measures to achieve the applicable TMDL provisions…will also adequately address contributions of the pollutant(s) within the same class…" (2012 Permit, at VI.C.2.a.i.) These issues should be addressed in the EWMP submitted in July 2015.

B. Watershed Control Measures

The Work Plan describes in general the potential Watershed Control Measures that will be included in the final EWMP. Under Structural BMPs, permittees state that regional BMPs are installed on large public parcels.[7] While this is certainly the norm, permittees should also consider opportunities for installing regional BMPs on private land since this composes a significant portion of the watershed.

In the discussion of existing Structural BMPs, permittees state that existing regional projects that do not meet EWMP criteria (85th percentile, 24 hour storm) will be evaluated in order to quantify load reduction.[8] Permittees should also consider any potential modifications to these projects that could result in EWMP compliance.

While the Work Plan demonstrates significant effort in establishing processes and priorities for identifying Watershed Control Measures, it provides little specificity of actual projects. In the actual EWMP submitted in July 2015, permittees must provide more detail. The 2012 Permit requires that, "[e]ach plan shall include…[f]or each structural control and non-structural best management practice, the number, type, and location(s) and/or frequency of implementation." (2012 Permit, at VI.C.5.b.iv(4).) Permittees must also specify interim milestones and dates for achievement for each structural and non-structural BMP. (*Id.*) Further, in geographic areas in

[4] Dominguez Channel EWMP Work Plan, at 12.
[5] *Id.*, at 21.
[6] *Id.*, at 24-25.
[7] *Id.*, at 31.
[8] *Id.*, at 33.

which permittees elect not to install infiltration or capture and reuse of the 85th percentile, 24 hour storm event, a feasibility analysis must be conducted to demonstrate that the EWMP criteria was technically infeasible.

II. Specific Comments to Draft CIMP for the Dominguez Channel Watershed

A. The Draft CIMP (and Permittees' Draft EWMP Work Plan) do not Include Adequate Maps for Review or to Meet Permit Requirements

The Dominguez Channel EWMP Work Plan and Draft CIMP fail to include sufficient maps for public review of the Work Plan, including a map of the permittees' storm drain systems necessary for the public to evaluate whether proposed outfall monitoring or other monitoring program locations are representative of permittee jurisdiction land uses. Additionally, individual maps in Attachment B of the CIMP depicting each receiving water monitoring location are blurry and difficult to read. The lack of sufficient maps has complicated public review of both the EWMP Work Plan and Draft CIMP, and the Watershed Management Group must include adequate maps to allow for proper review to occur.

B. Receiving Water Monitoring Schedule

The Draft CIMP does not specify that receiving water monitoring will target the first significant rain event of the year. Target monitoring the first significant rain event of the year is a requirement of the Permit and must be included in the CIMP.[9]

C. Improper Use of Adaptive Management

The Draft CIMP proposes evaluating and updating the CIMP annually as deemed necessary by the permittees.[10] Adaptive management should only occur every two years as denoted in the 2012 Permit. (2012 Permit, at VI.C.8.) Additionally, any modifications to the monitoring program need to be approved by the Regional Board before being implemented.

[9] Dominguez Channel Coordinated Monitoring Program (CIMP), at 15-19.
[10] *Id.*, at 50.