

Exhibit I: Draft Coordinated Integrated Monitoring Program for the Upper Los Angeles River Watershed

The Natural Resources Defense Council (“NRDC”), Heal the Bay, and Los Angeles Waterkeeper (“LAWK”) (collectively, “Environmental Groups”) have identified several concerns with the Draft Coordinated Integrated Monitoring Program (“CIMP”) for the Upper Los Angeles River Watershed, submitted by the Upper Los Angeles River Watershed Management Group,¹ which we discuss below.

This discussion, however, is not intended to provide an exhaustive list of deficiencies of the CIMP. Nor does it, in general, address concerns with the Enhanced Watershed Management Program Work Plan for the Upper Los Angeles River.² For Environmental Groups’ comments in response to the Upper Los Angeles River EWMP Work Plan, please see Environmental Groups’ September 16th letter to the Los Angeles Regional Water Quality Control Board (“Regional Board”),³ submitted under separate cover.

A. Specific Comments to CIMP for Upper Los Angeles River Watershed

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

The Upper Los Angeles River EWMP Work Plan and CIMP fail to include sufficient maps for public review of the Work Plan and CIMP, including a map of the permittees’ storm drain systems and outfalls, or land use maps necessary for the public to evaluate if proposed outfall monitoring or other monitoring program locations are representative of permittee jurisdiction land uses. The lack of sufficient maps has complicated review of both the EWMP Work Plan and CIMP, and the Watershed Management Group must include requisite maps to allow for proper review to occur.

B. The Proposed Implementation Schedule for the Monitoring Program Violates Permit Requirements

Implementation of CIMPs is required to commence within 90 days after approval of the CIMP by the Executive Officer of the Regional Water Board. (2012 Permit, Attachment E, at IV.C.6.). The Upper Los Angeles River Monitoring Plan proposes a four-phased approach, which it claims

¹ Upper Los Angeles River Watershed Management Group *Coordinated Integrated Monitoring Program for the Upper Los Angeles River Watershed* (“Upper Los Angeles River CIMP”)

² Upper Los Angeles River Watershed Management Group *Enhanced Watershed Management Work Plan* (“Upper Los Angeles River EWMP Work Plan”)

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.

will take more than 42 months after CIMP adoption to implement.⁴ This monitoring implementation schedule is excessively long and violates Permit requirements.

C. The Proposed Outfall Monitoring Program Does not Appear to Include Sufficiently Representative Monitoring Sites

The 2012 Permit requires Permittees to conduct storm water outfall-based monitoring at selected outfalls which are representative of the land uses within a Permittee's jurisdiction. (2012 Permit, Attachment E, at VIII.A.1.b.). The Upper Los Angeles River CIMP proposes to monitor 11 outfall sites in their monitoring program.⁵ But it provides no analysis or justification to demonstrate that 11 outfall monitoring sites are sufficiently representative of the variety of land types and uses present within the jurisdictions of the 18 participating permittees and 481 square mile Watershed Management Area.⁶ Furthermore, as described above, the Upper Los Angeles Watershed Management Group fails to include land use maps necessary for the public to evaluate if outfall monitoring locations are sufficiently representative of land use. Both these issues must be addressed prior to approval by the Regional Board.

D. Toxicity Monitoring

Permittees are required to conduct aquatic toxicity in receiving water, storm water outfalls, and non-stormwater outfalls monitoring. When conducting aquatic toxicity monitoring, Permittees are required to select the most sensitive species, from a list of Regional Board designated vertebrate, invertebrate, and plant species, for toxicity testing in fresh and saline environments. (2012 Permit, Attachment E, at XII.G.3.). The Upper Los Angeles River CIMP forgoes the sensitivity screening process for freshwater species, and defers to *Ceriodaphnia dubia* (water flea) as the most sensitive species.⁷ Although the water flea is deemed more sensitive for some pollutants, this is not the case for all applicable TMDL pollutants in the watershed management area; this does not warrant the dismissal of sensitivity screening for toxicity testing.

The Upper Los Angeles River CIMP does not include wet weather freshwater chronic toxicity testing because “[u]tilization of chronic tests to assess wet weather samples generates results that are not representative of receiving water conditions...”⁸ This statement is unsubstantiated; receiving water pollutant loading can last up to seven days during and following rain events. In addition, both acute and chronic toxicity testing must be conducted to identify stormwater impacts on aquatic species.

When aquatic toxicity testing indicates survival or sublethal Percent Effects values equal to or greater than 50 percent for the instream waste concentration, TIE and subsequent TRE, if triggered, analyses are required to identify management options for toxic pollutants. No later than 30 days after the source of toxicity and appropriate BMPs are identified, Permittees are

⁴ *Id.*, at 56.

⁵ *Id.*, at 29.

⁶ *Id.*, at 1.

⁷ Upper Los Angeles River CIMP, Attachment A, at 120.

⁸ *Id.*, at 121.

required to submit a TRE Corrective Action Plan to the Regional Water Board Executive Officer for approval. (2012 Permit, Attachment E, at XII.). The Upper Los Angeles River CIMP propose to conduct follow up, confirmation, and aquatic toxicity analyses, within two weeks of receiving initial sample results, before conducting a TIE when sublethal Percent Effect values are equal to or greater than 50 percent.⁹ This is concerning as water chemistry can fluctuate greatly between initial sampling and following up sampling. Furthermore, the Upper Los Angeles River CIMP proposes to meet TRE requirements through the bi-annual adaptive management process, rather than through the submittal of a TRE Corrective Action with CIMPs. Thus, management actions addressing aquatic toxicity may take upwards of 2 years for implementation. These aquatic toxicity methodology modifications do not comply with the 2012 Permit.

E. Adaptive Management Approach

The Upper Los Angeles River CIMP proposes to use the adaptive management process annually to evaluate the CIMP and update the monitoring requirements as necessary.¹⁰ Adaptive management should only occur every two years, as denoted in Section VI.C.8. of the 2012 Permit. Furthermore, the Upper Los Angeles River CIMP identifies several components of the monitoring program that are likely to change in the future (i.e. monitoring frequency, constituent monitoring, relocating outfalls, etc.), however Draft Plan indicates that it will not be necessary to obtain Regional Board approval for these modifications, as they have been identified in the CIMP.¹¹ This does not comply with the adaptive management process outline in the 2012 Permit; all modifications to monitoring programs need to be approved by the Regional Board before being implemented into a monitoring program.

⁹ *Id.*, at 126.

¹⁰ Upper Los Angeles River CIMP, at 52.

¹¹ *Id.* at 52