
Los Angeles Regional Water Quality Control Board

April 28, 2015

Ms. Gail Farber, Director
County of Los Angeles
Department of Public Works
Watershed Management Division, 11th Floor
900 South Fremont Avenue
Alhambra, CA 91803

Ms. Gail Farber, Chief Engineer
Los Angeles County Flood Control District
Department of Public Works
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APPROVAL, WITH CONDITIONS, OF THE ALAMITOS BAY/LOS CERRITOS CHANNEL WATERSHED MANAGEMENT AREA WATERSHED MANAGEMENT PROGRAM (WMP) PURSUANT TO THE LOS ANGELES COUNTY MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT (NPDES PERMIT NO. CAS004001; ORDER NO. R4-2012-0175)

Dear Ms. Farber:

On November 8, 2012, the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board or Board) adopted Order No. R4-2012-0175, *Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County, except those Discharges Originating from the City of Long Beach* (hereafter, LA County MS4 Permit). Part VI.C of the LA County MS4 Permit allows Permittees the option to develop either a Watershed Management Program (WMP) or an Enhanced Watershed Management Program (EWMP) to implement permit requirements on a watershed scale through customized strategies, control measures, and best management practices (BMPs). Development of a WMP or EWMP is voluntary and allows a Permittee to address the highest watershed priorities, including complying with the requirements of Part V.A (Receiving Water Limitations), Part VI.E and Attachments L through R (Total Maximum Daily Load Provisions), and by customizing the control measures in Parts III.A (Prohibitions – Non-Storm Water Discharges) and VI.D (Minimum Control Measures), except the Planning and Land Development Program. Pursuant to Part VI.C.4.c of the LA County MS4 Permit, the County of Los Angeles (County) and the Los Angeles County Flood Control District (LACFCD) jointly submitted a draft WMP for the Alamitos Bay/Los Cerritos Channel (AB/LLC) Watershed Management Area (WMA) dated June 28, 2014, to the Los Angeles Water Board for review.

Public Review and Comment

On July 3, 2014, the Board provided public notice and a 46-day period to allow for public review and comment on the County's and LACFCD's draft WMP. A separate notice of availability regarding the draft WMPs, including the AB/LCC WMP, was directed to State Senators and Assembly Members within the Coastal Watersheds of Los Angeles County. The Board received one comment letter that had specific comments on the County's and LACFCD's draft WMP and two letters that had comments on WMPs generally, which were in part applicable to the County's and LACFCD's draft WMP. One joint letter was from the Natural Resources Defense Council (NRDC), Heal the Bay, and Los Angeles Waterkeeper and the other letters were from the Construction Industry Coalition on Water Quality (CICWQ) and a private citizen, Joyce Dillard. On October 9, 2014, the Board held a workshop at its regularly scheduled Board meeting on the draft WMPs. The Board also held a public meeting on April 13, 2015 for permittees and interested persons to discuss the revised draft WMPs with the Executive Officer and staff. During its initial review and its review of the revised draft WMP, the Los Angeles Water Board considered those comments applicable to the County's and LACFCD's proposed WMP.

Los Angeles Water Board Review

Concurrently with the public review, the Los Angeles Water Board, along with U.S. EPA Region IX staff, reviewed the draft WMPs. On October 27, 2014, the Los Angeles Water Board sent a letter to the County and LACFCD detailing the Board's comments on the draft WMP and identifying the revisions that needed to be addressed prior to the Board's approval of the County's and LACFCD's WMP. The letter directed the County and LACFCD to submit a revised draft WMP addressing the Los Angeles Water Board's comments. Prior to the County's and LACFCD's submittal of the revised draft WMP, Board staff had a meeting on January 15, 2015, teleconferences, and e-mail exchanges with County representatives to discuss the Board's comments and the revisions to the draft WMP, including the supporting reasonable assurance analysis (RAA), which would address the Board's comments. The County and LACFCD submitted a revised draft WMP on January 27, 2015, for Los Angeles Water Board review and approval.

Approval of WMP, with Conditions

The Los Angeles Water Board hereby approves, subject to the following conditions, the County's and LACFCD's January 27, 2015, revised draft WMP for the AB/LLC WMA. The Board may rescind this approval if all of the following conditions are not met to the satisfaction of the Board within the timeframe provided below.

1. In Section 6.3.5.5 Full Capture Devices (Planned Structural BMP) of the revised draft WMP, pages 29 and 30, since the three catch basins can be retrofitted with full capture devices as confirmed during discussions with the County and LACFCD, delete the

following language: "Construction of the devices is contingent upon appropriate field conditions. CPS devices cannot be installed in areas where they may adversely affect flood protection or in catch basins that are too shallow to house CPS devices."

2. Correct the following typographical errors and omissions in the revised draft WMP:
 - a. Figure 3, page 7, correct the "Notable Permit Date" for "5 years after MS4 Permit Effective Date" to Dec. 28, 2017; and
 - b. Appendix B, Table B.1, include the wet weather data for diazinon.

The County and LACFCD shall submit a final WMP to the Los Angeles Water Board that satisfies all of the above conditions no later than May 28, 2015.

Determination of Compliance with WMP

Pursuant to Part VI.C.6 of the LA County MS4 Permit, the County and LACFCD shall begin implementation of the approved WMP immediately. To continue to be afforded the opportunity to implement permit provisions within the framework of the WMP, Permittees must fully and timely implement all actions per associated schedules set forth in the approved WMP regardless of any contingencies indicated in the approved WMP (e.g., funding) unless a modification to the approved WMP, including any extension of deadlines where allowed, is approved by the Los Angeles Water Board pursuant to Part VI.C.6.a or Part VI.C.8.a.ii-iii. The Los Angeles Water Board will determine the County's and LACFCD's compliance with the WMP on the basis of the compliance actions and milestones included in the WMP, including, but not limited to, the following:

- Section 5 "Watershed Control Measures;"
- Section 6.3.5 "Identification of Potential Non-Structural and Structural BMPs," which lists the existing and planned BMPs as well as identification of potential BMPs; and
- Section 6.3.6 "Schedule to Meet Needed Percent Reductions" Including Table 9 and Figures 18 and 19.

Pursuant to Parts VI.C.3 and VI.E.2.d.i.(4)(a) of the LA County MS4 Permit, the County's and LACFCD's full and timely compliance with all actions and dates for their achievement in their approved WMP shall constitute compliance with permit provisions pertaining to applicable WQBELs/WLAs in Part VI.E and Attachment Q of the LA County MS4 Permit. Further, per Part VI.C.2.b of the LA County MS4 Permit, the County's and LACFCD's full compliance with all requirements and dates for their achievement in their approved WMP constitutes compliance with the receiving water limitations provisions of Part V.A of the LA County MS4 Permit for the specific waterbody-pollutant combinations addressed by their approved WMP.

If the County and LACFCD Permittees fail to meet any requirement or date for its achievement in the approved WMP, which will be demonstrated through the County's and LACFCD's Annual Reports and program audits (when conducted), the County and LACFCD shall be subject to the baseline requirements of the LA County MS4 Permit, including but not limited to demonstrating

compliance with applicable receiving water limitations and TMDL-based WQBELs/WLAs through outfall and receiving water monitoring. See Parts VI.C.2.c and VI.E.2.d.i.(4)(c).

Annual Reporting

The County and LACFCD shall report on achievement of actions and milestones within the reporting year, as well as progress towards future milestones related to multi-year projects, through its Annual Report per Attachment E, Part XVIII of the LA County MS4 Permit. For multi-year efforts, the County and LACFCD shall include the status of the project, which includes the status with regard to standard project implementation steps. These steps include, but are not limited to, adopted or potential future changes to municipal ordinances to implement the project, site selection, environmental review and permitting, project design, acquisition of grant or loan funding and/or County/LACFCD approval of project funding, contractor selection, construction schedule, start-up, and effectiveness evaluation (once operational), where applicable. For all stormwater retention/infiltration projects, including LID due to new/redevelopment, green streets, and regional BMPs, the County and LACFCD shall report annually on the volume of stormwater retained within the area covered by the WMP.

The County and LACFCD shall also include in its Annual Report the source(s) of funds used during the reporting year, and those funds proposed for the coming year, to meet necessary expenditures related to implementation of the actions identified in its WMP per Part VI.A.3 of the LA County MS4 Permit. Further, as part of the annual certification concerning a permittee's legal authority required by Part VI.A.2.b of the LA County MS4 Permit, the County and LACFCD shall also certify in the Annual Report that it has the necessary legal authority to implement each of the actions and milestones in the approved WMP as required by Part VI.C.5.b.iv.(6). If a Permittee does not have legal authority to implement an action or milestone at the time the County and LACFCD submits its Annual Report, the Permittee shall propose a schedule to establish and maintain such legal authority.

Adaptive Management

The County and LACFCD shall conduct a comprehensive evaluation of the WMP no later than April 28, 2017, and subsequently, every two years thereafter pursuant to the adaptive management process set forth in Part VI.C.8 of the Los Angeles County MS4 Permit. As part of this process, the County and LACFCD must evaluate progress toward achieving:

- Applicable WQBELs/WLAs in Attachment Q of the LA County MS4 Permit according to the milestones set forth in its WMP;
- Improved water quality in MS4 discharges and receiving waters;
- Stormwater retention milestones; and
- Multi-year efforts that were not completed in the current year and will continue into the subsequent year(s), among other requirements.

The County's and LACFCD's evaluation of the above shall be based on both progress implementing actions in the WMP and an evaluation of outfall-based monitoring data and receiving water data. Per Attachment E, Part XVIII.6 of the LA County MS4 Permit, the County and LACFCD shall implement adaptive management strategies, including but not limited to:

- Refinement and recalibration of the Reasonable Assurance Analysis (RAA) based on data specific to the County's Island and LACFCD's infrastructure that are collected through the County's and LACFCD's Coordinated Integrated Monitoring Program and other data as appropriate;
- Identifying the most effective control measures, why they are the most effective, and how other control measures can be optimized based on this understanding;
- Identify the least effective control measures, why they are ineffective, and how the control measures can be modified or replaced to be more effective;
- Identify significant changes to control measures during the prior year(s) and the rationale for the changes; and
- Describe all significant changes to control measures anticipated to be made in the next year(s) and the rationale for each change.

As part of the adaptive management process, any modifications to the WMP, including any requests for extension of deadlines not associated with TMDL provisions, must be submitted to the Los Angeles Water Board for review and approval. The County and LACFCD must implement any modifications to the WMP upon approval by the Los Angeles Water Board or its Executive Officer, or within 60 days of submittal of modifications if the Los Angeles Water Board or its Executive Officer expresses no objections. Note that the Permittees' Report(s) of Waste Discharge (ROWD) is due no later than July 1, 2017. To align any modifications to the WMP proposed through the adaptive management process with permit reissuance, results of the first adaptive management cycle should be submitted in conjunction with the Permittees' ROWD.

The Regional Water Board appreciates the participation and cooperation of the County and LACFCD in the implementation of the LA County MS4 Permit. If you have any questions, please contact Rebecca Christmann, at Rebecca.Christmann@waterboards.ca.gov or by phone at (213) 576-5734. Alternatively, you may also contact Mr. Ivar Ridgeway, Chief Storm Water Permitting Unit, at Ivar.Ridgeway@waterboards.ca.gov or by phone at (213) 620-2150.

Sincerely,



Samuel Unger, P.E.
Executive Officer

cc: Angela George, Los Angeles County Flood Control District
Jolene Guerrero, County of Los Angeles, Department of Public Works
William Johnson, County of Los Angeles, Department of Public Works