

Los Angeles Regional Water Quality Control Board

February 25, 2022

Los Angeles River Upper Reach 2 Watershed Management Group¹

Via Email

STATUS OF COMPLIANCE DEMONSTRATION SUBMITTED BY JUNE 30, 2021 PER THE STATE WATER RESOURCES CONTROL BOARD ORDER WQ 2020-0038; NOTICE OF INCOMPLETE SUBMITTAL

Dear Los Angeles River Upper Reach 2 Watershed Management Group:

State Water Resources Control Board (State Water Board) Order WQ 2020-0038 (2020 SB Order) directed Permittees to submit documentation by June 30, 2021, demonstrating that all work associated with current and prior milestones had been completed to retain deemed compliance with the receiving water limitations, water quality-based effluent limitations, and other TMDL-specific limitations addressed by the Watershed Management Program (WMP) or Enhanced Watershed Management Program (EWMP).² The following water body-pollutant combinations are those that are eligible for deemed compliance in the Los Angeles River Upper Reach 2 WMP:

- E. coli, copper, zinc, coliform bacteria, and enterococcus (Rio Hondo)
- E. coli, copper, zinc, coliform bacteria, enterococcus, and cadmium (Los Angeles River)

On May 26, 2021, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) issued a letter via email to all Permittees participating in WMPs and EWMPs with direction on how to submit the aforementioned information.³

¹ (Permittees of the Los Angeles River Upper Reach 2 Watershed Management Group include the cities of Bell, Bell Gardens, Commerce, Cudahy, Huntington Park, Maywood, and Vernon, and the Los Angeles County Flood Control District.)

² (2020 SB Order, at p. 167 available at https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2020/wqo2020_0038.pdf [as of August 31, 2021].)

³ (Letter from Executive Officer Renee Purdy, Los Angeles Water Board, to Los Angeles County MS4 Permittees Participating in WMPs and EWMPs (May 26, 2021), at p. 2.)

The Los Angeles Water Board reviewed the Los Angeles River Upper Reach 2 Group's (LAR UR2 Group) document(s) submitted on June 30, 2021,⁴ to assess the LAR UR2 Group's demonstration of completion of all work associated with current and prior milestones according to the requirements set forth by the 2020 SB Order and to determine the LAR UR2 Group's deemed compliance status.

The Los Angeles Water Board's conditional approval of the LAR UR2 WMP, dated April 28, 2015, outlined the actions and milestones that the LAR UR2 Group needed to complete to maintain deemed compliance status. The tasks listed in Table 1 have been identified as past due obligations and milestones occurring after WMP approval that should have been completed prior to June 30, 2021.

Table 1: LAR UR2 Group Required Actions

Required Actions	Implementation Update
<p>LAR UR2 WMP, Table 1-6, p. 18: Schedule of TMDL Compliance Milestones Applicable to the LAR UR2 Watershed Management Area.</p> <ul style="list-style-type: none"> • The beginning of outlier studies by September 23, 2015 for the Los Angeles River Segment B. • A dry weather load reduction strategy for the Rio Hondo Segment B by March 23, 2016. • Completion of Los Angeles River Segment B load reduction strategy tasks by March 23, 2019. • Completion of Rio Hondo Segment B load reduction strategy tasks by March 23, 2020. • Attainment of the 75% dry-weather milestone for the Los Angeles River Metals TMDL by January 11, 2020. 	<ul style="list-style-type: none"> • Insufficient information provided to determine if outlier studies for the Los Angeles River Segment B occurred. • The LAR UR2 Group completed the Rio Hondo Segment B load reduction strategy on March 23, 2016, per Section 4.4 of the June 2021 Revised Draft LAR UR2 WMP. • Insufficient information provided regarding the completion of the Los Angeles River Segment B load reduction strategy tasks. • Insufficient information provided regarding the completion of tasks required for the Rio Hondo Segment B load reduction strategy. • Insufficient information provided regarding the attainment of the 75% dry weather milestone for the Los Angeles River Metals TMDL by January 11, 2020.

⁴ (Revised Draft Los Angeles River Upper Reach 2 Watershed Management Area, Watershed Management Program Plan, June 30, 2021. [June 2021 Revised Draft LAR UR2 WMP])

<p>LAR UR2 WMP, Table 3-1, p. 42: LAR Metals TMDL Jurisdictional Group 2 Non-Structural BMPs Phased Implementation Plan.</p> <ul style="list-style-type: none"> Phase 2 requirements, due by 2019 (except for those that continue into Phase 3), should be complete. 	<p>The LAR UR2 Group completed this task per Section 4.4 of the June 2021 Revised Draft LAR UR2 WMP.</p>
<p>LAR UR2 WMP, Section 3.3.1, pp. 67-70: Order-required MCMs (as modified, where applicable).</p> <ul style="list-style-type: none"> The LAR UR2 Group’s Table 3-8: Non-Structural BMP Enhanced Implementation Efforts, contain dozens of tasks that should have been completed by the 2017 milestone as well as ongoing tasks. 	<p>The LAR UR2 Group implemented and continues to implement these actions per Section 4.4 of the June 2021 Revised Draft LAR UR2 WMP.</p>
<p>LAR UR2 WMP, Table 5-1. p. 117: Control Measure Implementation Schedule.</p> <ul style="list-style-type: none"> The LAR UR2 Group must have completed the City of Commerce Pavement Management System by April 30, 2016 and Enhanced Non-MS4 NPDES Parcel Inspections by December 31, 2017. 	<p>The LAR UR2 Group completed these tasks per Section 4.4 of the June 2021 Revised Draft LAR UR2 WMP.</p>

Based on the Los Angeles Water Board’s review of the LAR UR2 Group’s document(s) submitted, the LAR UR2 Group has failed to provide the Los Angeles Water Board with sufficient information to evaluate compliance as demonstrated in Table 2.

Table 2: Supplemental Information Needed

<p>Required Action</p>	<p>Missing Information</p>
<p>LAR UR2 WMP, Table 1-6, p. 18:</p> <ul style="list-style-type: none"> The beginning of outlier studies by September 23, 2015 for the Los Angeles River Segment B 	<p>Per Table 1-6, footnote 2, of the LAR UR2 WMP, four outlier outfalls (R2-06, R2-T, R2-NEW-18, and R2-NEW-20) in LAR Segment B warranted additional investigation. Investigations were to be phased in six-month intervals beginning</p>

	<p>on September 23, 2015 and ending on September 23, 2017. No information was provided on the implementation or completion of these outlier studies</p>
<p>LAR UR2 WMP, Table 1-6, p. 18:</p> <ul style="list-style-type: none"> • Completion of Los Angeles River Segment B load reduction strategy tasks by March 23, 2019. 	<p>Per section 3.1.5.3 of the LAR UR2 WMP and Table 1-6, tasks based on the results of the outlier investigations for R2-06, R2-T, R2-NEW-18, and R2-NEW-20 would be completed by March 23, 2019. Insufficient information was provided on the implementation or completion of these tasks.</p>
<p>LAR UR2 WMP, Table 1-6, p. 18:</p> <ul style="list-style-type: none"> • Completion of Rio Hondo Segment B load reduction strategy tasks by March 23, 2020. 	<p>The Rio Hondo Segment B load reduction strategy identified one priority outfall and two outlier outfalls and outlines actions to be implemented by the LAR UR2 Group in Section 7.</p> <p>For the priority outfall, RH-RCH1-21, dry weather flow capture at John Anson Ford Park is proposed as the LRS Action. Section 4.4 of the June 2021 Revised Draft LAR UR2 WMP states that dry-weather flows to this location should cease following the Spring 2022 completion of the John Anson Ford Park Cistern Project. The Group must clarify if the project was intended to be completed by March 23, 2020.</p> <p>For the outlier outfalls (RH-RCH1-15 and RH-062), an update was provided for outfall RH-062, which is enhanced industrial and commercial facility inspections per the Revised Draft June 2021 LAR UR2 WMP. However, no information was provided for outlier outfall RH-RCH1-15.</p>
<p>LAR UR2 WMP, Table 1-6, p. 18:</p> <ul style="list-style-type: none"> • Attainment of the 75% dry-weather milestone for the Los Angeles River Metals TMDL by January 11, 2020. 	<p>No information was provided regarding the attainment of this milestone.</p>

The LAR UR2 Group must provide supplemental information demonstrating compliance with all milestones for which the Los Angeles Water Board lacked sufficient information to determine compliance **within 30 days**. Failure to submit this information within 30 days will result in automatic loss of deemed compliance status. Deemed compliance status may be regained upon approval of a revised WMP.

Submit supplemental documents via the LA Water Board's FTP Site:

- FTP site link: <https://ftp.waterboards.ca.gov>
Username: RB4MS4-Upload
Password: RB4-bmBb3Z

Alternatively, please contact Ms. Susana Vargas via email at Susana.Vargas@waterboards.ca.gov for alternative accommodations for submittals.

If you have any questions, please contact Ms. Susana Vargas of the Municipal Stormwater Permitting Unit by email. Alternatively, you may also contact Mr. Ivar Ridgeway, Municipal Stormwater Permitting Unit Supervisor by email at Ivar.Ridgeway@waterboards.ca.gov.

Sincerely,

Renee Purdy
Executive Officer