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## Los Angeles Regional Water Quality Control Board

February 25, 2022

North Santa Monica Bay Watershed Management Group<sup>1</sup>

Via Email

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

Dear North Santa Monica Bay 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).<sup>2</sup> The following water body-pollutant combinations are those that are eligible for deemed compliance in the North Santa Monica Bay Coastal Watersheds EWMP:

- Bacteria (Santa Monica Bay); all applicable receiving water limitations, WQBELs and other TMDL-specific limitations (Legacy Park tributary area)

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.<sup>3</sup>

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<sup>1</sup> (Permittees of the North Santa Monica Bay Watershed Management Group include the City of Malibu, County of Los Angeles, and the Los Angeles County Flood Control District.)

<sup>2</sup> (2020 SB Order, at p. 167 available at [https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2020/wqo2020\\_0038.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2020/wqo2020_0038.pdf) [as of August 31, 2021].)

<sup>3</sup> (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 North Santa Monica Bay Coastal Watersheds Group’s (NSMBCW Group) document(s) submitted on June 30, 2021,<sup>4</sup> to assess the NSMBCW 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 NSMBCW Group’s deemed compliance status.

The Los Angeles Water Board’s approval of the NSMBCW EWMP, dated April 19, 2016, outlined the actions and milestones that the NSMBCW 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 EWMP approval that should have been completed prior to June 30, 2021.

Table 1: NSMBCW Group Required Actions

Required Actions	Implementation Update
<p>Implementation of the following ongoing control measures per the NSMBCW EWMP:</p> <ul style="list-style-type: none"> <li>• Minimum Control Measures (MCMs) per Section 5.2.2, pp. 106-113</li> <li>• Programmatic BMPs per Section 5.2.3.1 on p. 116 and Section 5.2.3.3 on p. 118-119.</li> <li>• Redevelopment per Section 5.2.3.2 on pp. 116-117</li> </ul>	<p>These milestones were partially met. Insufficient information was provided regarding the implementation of MCMs and Programmatic best management practices (BMPs). However, a redevelopment update was provided, which has addressed a total drainage area of approximately 28 acres, with a total project storage capacity of approximately 0.5 acre-feet per the June 2021 NSMBCW demonstration of compliance letter.</p>
<p>Implementation of the following BMPs listed in Table 37 on p. 164 of the NSMBCW EWMP:</p> <p>Regional BMP:</p> <ul style="list-style-type: none"> <li>• Topanga Canyon (S1-18) Regional Project (complete design phase by 2019)</li> </ul> <p>Green Street BMPs:</p>	<p>These milestones were not met. Per the June 2021 NSMBCW demonstration of compliance letter, the status is as follows:</p> <p>Regional BMP:</p> <ul style="list-style-type: none"> <li>• Topanga Canyon (S1-18): This milestone was not met. Only 90 percent of design work was completed for this project per the June 2021 NSMBCW demonstration of compliance letter.</li> </ul>

<sup>4</sup> (Revised Draft Enhanced Watershed Management Program (EWMP) for North Santa Monica Bay Coastal Watersheds and corresponding document(s), June 30, 2021. [June 2021 NSMBCW demonstration of compliance letter])

<ul style="list-style-type: none"><li>• Ramirez Canyon (E1-07) Distributed (complete design phase by 2019)</li><li>• Latigo Canyon (S1-09) Distributed (complete design phase by 2019)</li><li>• Corral Canyon (E1-11) Distributed (complete design phase by 2019)</li><li>• Marie Canyon (S1-12) Distributed (complete design phase by 2019)</li><li>• Winter Canyon (E1-12) Distributed (complete design phase by 2019)</li><li>• Sweetwater Canyon (S1-13) Distributed</li><li>• Las Flores Canyon (W1-14) Distributed (complete design phase by 2019)</li><li>• Las Flores Canyon (S1-14) Distributed (complete design phase by 2019)</li></ul>	<p>Green Street BMPs:</p> <ul style="list-style-type: none"><li>• It's unclear if the Group accomplished the task. The Group failed to provide an update on the status of design completion for any distributed BMPs.</li></ul>
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Based on the Los Angeles Water Board's review of the NSMBCW Group's document(s) submitted, all work associated with prior and current milestones dated on or before June 30, 2021, was not completed as listed in Table 1, above.

Accordingly, this letter serves to inform the NSMBCW Group that it has lost deemed compliance status for the water body-pollutant combinations intended to be addressed via the Group's EWMP. The NSMBCW Group submitted a Revised Draft EWMP on June 30, 2021. Deemed compliance status may be regained upon approval of a revised WMP.<sup>5</sup>

If the NSMBCW Group disagrees with the Los Angeles Water Board's findings, the NSMBCW Group must provide supplemental information demonstrating compliance with all missed milestones as well any milestones for which the Los Angeles Water Board lacked sufficient information to determine compliance **within 30 days**.

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

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

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<sup>5</sup> (The 2012 LA MS4 Permit (Order No. R4-2012-0175 as amended) allowed Permittees to develop a WMP or EWMP. However, in practice, there was little distinction between the WMPs and EWMPs. For this reason, the Regional MS4 Permit (Order No. R4-2021-0105) adopted on July 23, 2021 eliminated the distinction between a WMP and EWMP and all these programs are now all called "WMPs".)

Alternatively, please contact Ms. Susana Vargas via email at [Susana.Vargas@waterboards.ca.gov](mailto: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 at [Susana.Vargas@waterboards.ca.gov](mailto:Susana.Vargas@waterboards.ca.gov). Alternatively, you may also contact Mr. Ivar Ridgeway, Municipal Stormwater Permitting Unit Supervisor by email at [Ivar.Ridgeway@waterboards.ca.gov](mailto:Ivar.Ridgeway@waterboards.ca.gov).

Sincerely,

Renee Purdy  
Executive Officer