

Joint Presentation of Lower San Gabriel River and Lower Los Angeles River Watershed Groups

Comments on Petition by NRDC, HTB, LAWK
on Approval with Conditions of WMPs

The Watershed Groups

- ▶ Lower SG River Group: Cities of Artesia, Bellflower, Cerritos, Diamond Bar, Downey, Hawaiian Gardens, La Mirada, Lakewood, Long Beach, Norwalk, Pico Rivera, Santa Fe Springs, Whittier; LA County Flood Control Dist. City of Long Beach and CalTrans also participate.
- ▶ Lower LA River Group: Cities of Downey, Lakewood, Lynwood, Paramount, Pico Rivera, Signal Hill, South Gate; LA County Flood Control Dist. City of Long Beach and CalTrans also participate.

Group WMPs and Common Reasonable Assurance Analysis

- ▶ Both watershed groups submitted draft WMPs in summer of 2014.
- ▶ Both watershed groups submitted revised WMPs in Jan. 2015 in response to prior staff comments. They also submitted a combined Reasonable Assurance Analysis of over 400 pages and appendices explaining data sources and modeling assumptions. It complied with Guidelines for Conducting Reasonable Assurance Analysis issued March 25, 2014.
- ▶ Both watershed groups submitted a joint response to staff comments at the April 13, 2015 workshop, specifically addressing the key staff comments.

http://www.swrcb.ca.gov/losangeles/water_issues/programs/storm_water/municipal/watershed_management/san_gabriel/lower_sangabriel/2015-04-13LSGRPresentation.pdf

EO Approved both WMPS with conditions in April 2015

- ▶ Lower SG River WMP approved with limited conditions. Group submitted revised final WMP dated June 12, the deadline contained in April conditional approval letter. EO issued confirming approval letter on July 21, 2015.
- ▶ Lower LA River WMP approved with various conditions. Group submitted revised final WMP on June 12th. EO issued confirming approval letter on July 21, 2015.

NGO Challenges to WMPs

- ▶ The NGOs now ask this Board to overturn the work of its staff and executive officer and REJECT the WMPs. In their letter to the State Board, they called the conditional approvals “illegal”, and the EO’s actions as in “direct contravention” to the Permit. (NGO 6/2/15 letter, p.3).

- ▶ This effort to overturn the WMP approvals should be *rejected* because:
 1. Legally, conditional approval is allowed under the Permit.
 2. Technically, WMPs and RAA are sufficient and comply with the Permit.

NGOs' Legal Challenge to Conditional Approval Should be Rejected

- ▶ Regional Board staff comments provide clear authority to reject this petition and uphold the WMPs.
- ▶ Conditional approvals are very common by this and other regional boards; six different examples were given in the comment memorandum by the 2 watershed groups at p.9. Indeed, this fact is capable of judicial notice as an “undisputable fact.”
- ▶ As staff points out, the conditional approvals did *not* delay implementation of specific WMP projects, which is proceeding as we speak today.

NGOs' Legal Challenge Turns on Artificially Narrow Reading of One line in the Permit

- ▶ This Board, in construing language of the final Permit, can and should choose a broader meaning of four words in Table 9, p. 55 of Permit. There is no evidence that “approve or deny” was meant to be read restrictively.
- ▶ Staff comments and comments from these 2 watershed groups provide ample legal support for a board construction.
 - See pp. 6–12 of Lower SG memo. citing *Connecticut Fund for the Environment, Inc. v. EPA*, 672 F.2d 998, 1002 (2d Cir. 1982), *cert. denied*, 459 U.S. 1035 (1982).

Technically, NGO Challenges to WMPs should be rejected.

- ▶ The NGO's expert (D. Booth) cannot dispute the substantial level of work that the Board staff undertook to meaningfully review the WMPs. The Board staff has considerable expertise in both hydrogeology and technical modeling work. It also consulted with EPA Region 9, which also has expertise in these fields.
- ▶ Now turn presentation over to John Hunter.



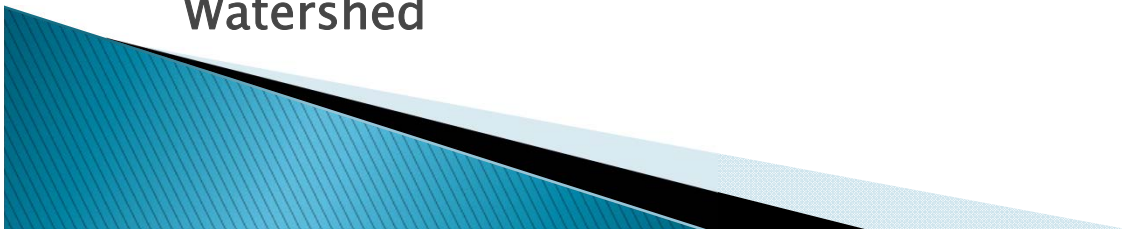
WMPlementation

A Technical Summary

September 10, 2015

Lower Los
Angeles River
Watershed

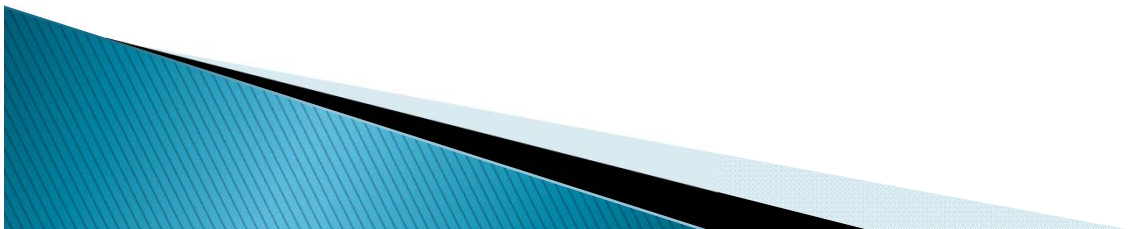
Lower San Gabriel
River Watershed



WMP RAA

RAA developed using WMMS

- PCBs, DDTs and Toxics were addressed
- Zinc was established as the priority pollutant
- Watershed Control Measures being implemented
- Large structural and regional projects will be longer-term
- WMP will be modified every two years through the Adaptive Management process



WMP Volume Requirements

Table 9-3. Jurisdictional Final Target BMP Volumes by WMP Group

Jurisdiction	LLAR	LCC	LSGR - SGR	LSGR - CC	TOTAL
	Total BMP Volume to Achieve Compliance (acre-ft)	Total BMP Volume to Achieve Compliance (acre-ft)	Total BMP Volume to Achieve Compliance (acre-ft)	Total BMP Volume to Achieve Compliance (acre-ft)	
Artesia	-	-	0.1	1.1	1.2
Bellflower	-	118.2	5.5	-	123.7
Cerritos	-	1.6	0.6	6.4	8.6
Diamond Bar	-	-	0.2	8.9	9.1
Downey	83.4	10.2	17.5	-	111.2
Hawaiian Gardens	-	-	-	2.2	2.2
La Mirada	-	-	-	15.2	15.2
Lakewood	1.2	169.5	0.4	1.9	173.0
Long Beach	319.1	208.7	2.7	0.0	530.5
Lynwood	95.5	-	-	-	95.5
Norwalk	-	-	0.3	4.7	5.0
Paramount	76.6	55.1	-	-	131.7
Pico Rivera	41.2	-	10.8	-	52.0
Santa Fe Springs	-	-	4.9	2.1	7.0
Signal Hill	22.3	28.6	-	-	50.9
South Gate	173.0	-	-	-	173.0
Whittier	-	-	1.4	39.1	40.5
TOTAL	812.3	591.9	44.4	81.6	1,530.2

Examples of Recent or Current Projects City of Artesia

Example approach
to volume
requirements

Downtown Revitalization
Major Green Street effort
The city's major thoroughfare
25-30 bio/infiltration systems



City of Artesia



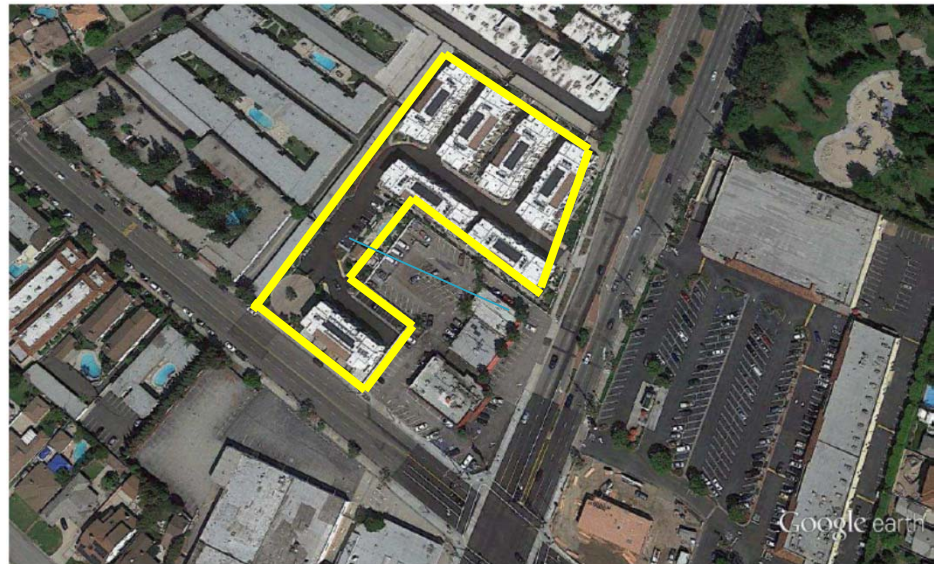
Artesia well on the way to meeting treatment targets

Other Recent Projects

City of Downey

8605 Gallatin Road
46-unit Townhome Project

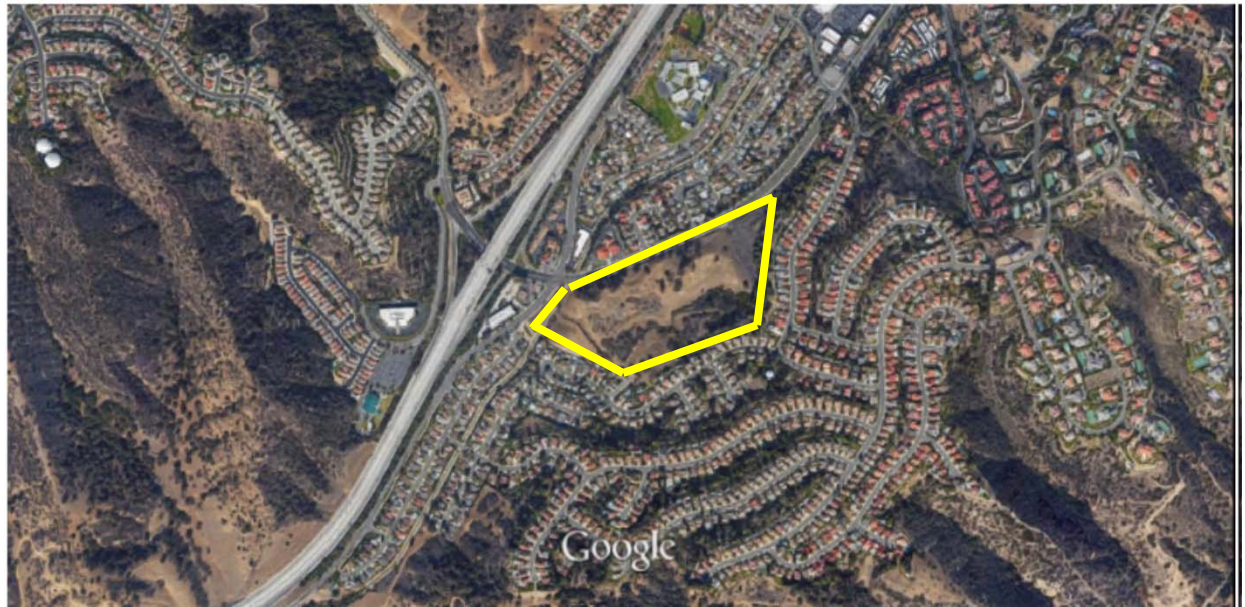
2.78 acres
2 Drywell Systems (Infiltration)



Another example of activities within the LSGR

Diamond Bar

182 unit residential
29.7 Acres
18 Modular Wetlands
Systems (Biotreatment)



Smith Park

Pico Rivera

16 acres
Infiltration

Green Streets—
Including curb
cuts



And activities for the LLAR

South Gate

Azalea



Firestone Garfield

South Gate

6 acre project

Infiltration and
Green Streets

Plans approved,
construction
already
underway



Deforest

Long Beach

Deforest
Engineered
wetlands/Park

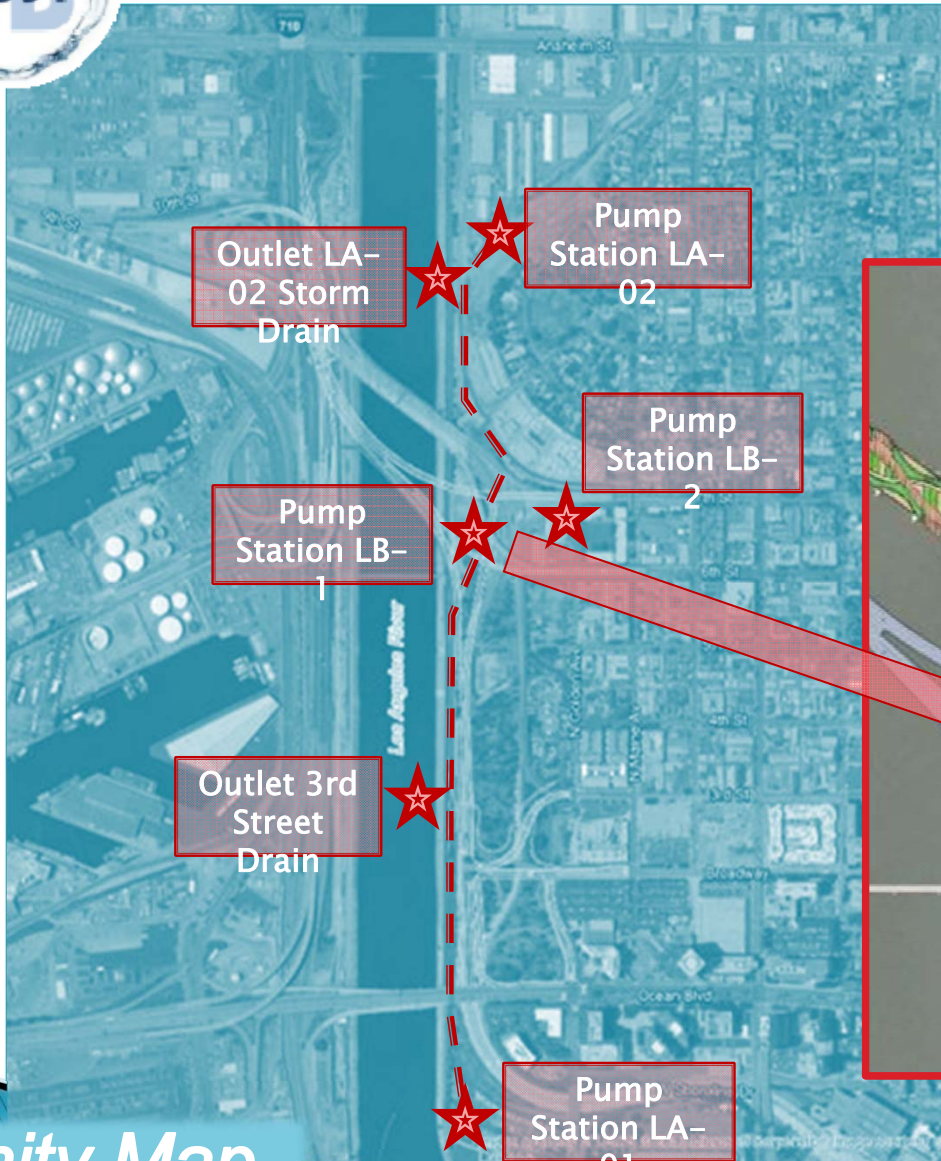
Groundbreaking
scheduled for
winter 2016.

Drainage area
approximately
1,500 acres





Long Beach MUST



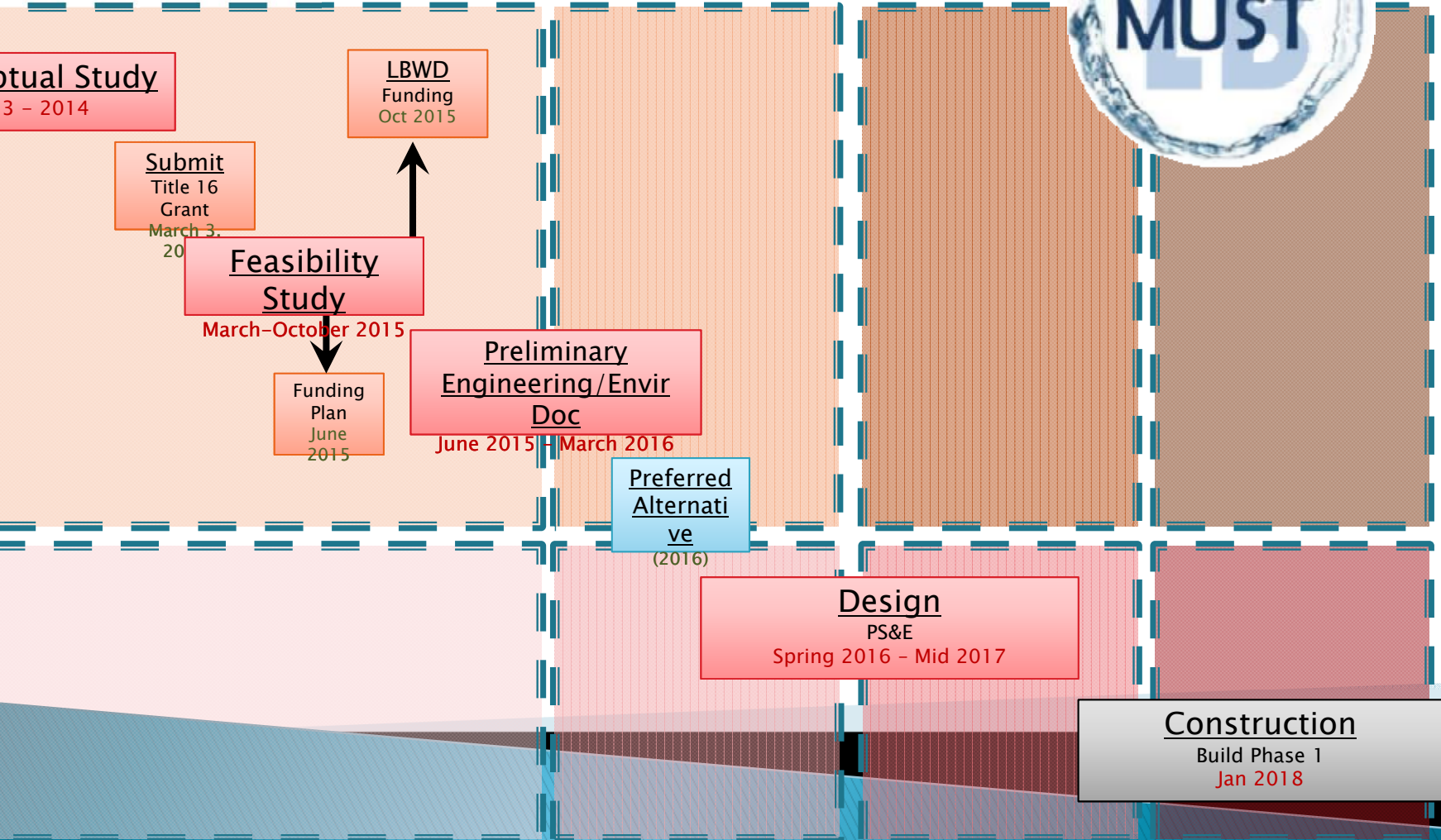
Vicinity Map



Site Map

City of Long Beach Municipal Urban Wastewater Treatment Facility

Schedule Summary



2013-2015

2016

2017

2018

WMPLEMENTATION – WCMs, an Ongoing Process



Multi-Watershed for Toxics

LLAR and LSGR MOUs developed an inclusive program for the Harbor Toxics TMDL's monitoring with all other watershed cities

Includes agencies of the:

- Upper Los Angeles Reach 2
 - Upper Los Angeles River
 - Rio Hondo San Gabriel
 - Upper San Gabriel
 - East San Gabriel Watershed groups and
 - several individual cities
-
- Monitoring equipment has been purchased,
 - Permits applied for,
 - Monitoring scheduled to start this Fall.

Monitoring

The LLAR, LSGR together with the LCC have just selected a contractor for a 5-year term to do a \$1 million in annual monitoring.

Conclusion

The elements of WMP development have been met

The Watersheds are already moving forward with implementation

As improvements and modifications are needed, Adaptive Management will occur every two years.

-Thank you-