

Artesia
Bellflower
Cerritos
Diamond Bar
Downey
Hawaiian Gardens
La Mirada
Lakewood
Long Beach
Norwalk
Pico Rivera
Santa Fe Springs
Whittier

Lower San Gabriel River Watershed

August 3, 2015

Transmitted via electronic mail: losangeles@waterboards.ca.gov

Rene Purdy, Chief, Regional Programs Section
Los Angeles Regional Water Quality Control Board
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Subject:

LA County MS4 Permit – Responses to Petition for Review of WMP Approvals

Dear Ms. Purdy:

Thank you for the opportunity to provide comments regarding the Petition brought by NRDC *et al*¹ (Petitioners) to review the Executive Officer's Action to approve the Watershed Management Programs (WMPs). This letter specifically addresses the WMP for the Lower San Gabriel River. The Lower San Gabriel River Watershed Management Group (Group) decided to prepare this WMP in 2013 as a path to comply with the 2012 MS4 Permit (Order No R4-2012-0155). The WMP is an adaptively managed program that includes compliance schedules and milestones to address water quality priorities and comply with water quality objectives through the implementation of watershed control measures. The milestones and watershed control measures were defined by the preparation of a reasonable assurance analysis using the Watershed Management Modeling System (WMMS). The adaptive management of the program will be guided by the monitoring data collected through the Group's Coordinated Integrated Monitoring Program. The Lower San Gabriel River's Coordinated Integrated Monitoring Program has already been approved.²

During the development of the WMP, there were several opportunities for stakeholders to provide comments. This included the June 2013 Notice of Intent, the April 2014 Stakeholder meeting held by the Group, the June 2014 Draft WMP submittal, the February 2015 submittal of the Revised WMP, and the October 2014 and April 2015 Regional Board meetings. The Group is aware that the Petitioners specifically identified seven comments originally made by the Regional Board staff in response to the

¹ Petition dated May 28, 2015

² The Coordinated Integrated Monitoring Program was approved by the Regional Board on 06/18/2015.

Draft WMP. The submittal of the Revised WMP included a matrix that summarized how each of the Regional Board's nineteen comments to the Draft WMP were addressed. The intent of the document was to assist the Regional Board in the identification of all necessary revisions (which occur in multiple places throughout hundreds of pages) and provide clarification. Because the matrix was not posted on the Regional Board's website, and as such not available to the Petitioners, it appears that the Petitioners may have had difficulty in both identifying all revisions and understanding the reasoning behind them. As such, the Group's response to the seven specific comments are reiterated in the attached matrix chart.

The Executive Officer on behalf of the Regional Board approved with conditions the submitted WMP on April 28, 2015, effectively finding that it meets the requirements for preparation as described in the MS4 permit. The minor clarifications contained as part of the approval letter were non-substantive and technical or clerical in nature. The final version of the WMP with these clarifications incorporated was submitted to the Regional Board on June 12, 2015. By letter dated July 21, 2015, the Executive Officer on behalf of the Board approved the June 12, 2015 submittal without further conditions.

Although the Petition challenges the approval process for the WMP (and all other WMPs), that legal challenge should be rejected. Legal counsel for several municipal members of the WMP will submit a separate memorandum to your attention that explains in detail the position of those members and all joining members of the WMP.

In light of the Petition, the Petitioner's original comments to the Draft WMP, and the Petitioner's statements at the April 12, 2015, Regional Board Public Meeting, and the June 16, 2015, State Water Resources Control Board Meeting, the Group is compelled to reiterate their commitment to implement the approved WMP, which to date has cost over \$750,000 to prepare. This commitment is evidenced by the Group's recent activities, which include but are not limited to:

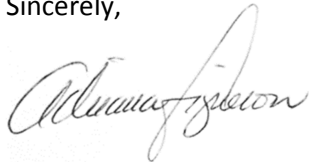
- Developing and adopting a five-year WMP implementation and monitoring agreement. This agreement will provide up to \$800,000 in funding for the continued watershed activities in 2015-16 alone.
- Developing and adopting an agreement with all Permittees within the San Gabriel River Watershed to implement sample collection and share data for the Dominguez Channel and Greater Harbor Toxics TMDL.
- The 2013 establishment of an Early Action Monitoring Station in Coyote Creek.
- The groundbreaking of the first post-WMP approval Green Street project—the installation of over 30 bio-filtration units as part of a downtown rehabilitation project in the City of Artesia.
- Implementing the Proposition 84 Grant to install 43 bio-filtration systems in major transportation corridors throughout the Lower San Gabriel River, Lower Los Angeles, and Los Cerritos Channel Watersheds. As part of the grant, monitoring of the bio-filtration systems will be performed to evaluate pollutant removal effectiveness. The grant will be completed by April 2017.
- The internal development and participation of Group members in three separate workshops devoted to the implementation of the WMPs, covering 15 hours of material in total. Topics have

included results of the Reasonable Assurance Analysis, new Minimum Control Measures as mandated by the MS4 Permit, and new watershed control measures incorporated into the WMP such as erosion and sediment control at vacant lots. Neighboring watershed groups for the Los Cerritos Channel and the Lower LA River also participated in the workshops, covering staff from 17 cities in total. They were well attended and engaging: the most recent workshop conducted on July 15, 2015, was attended by 53 staff members with key MS4 Permit responsibilities, such as directors, engineers, planners, program managers, and inspectors.

It is also important to note that the development of the WMP was a challenging endeavor. It required fourteen Permittees to collaborate and commit to the development of a complex program with far-reaching and extensive objectives in a six-month period. It then required regular joint participation in monthly technical committees to effectively develop the document in time to complete a draft (including a comprehensive watershed model simulation and a separate monitoring program) within one year. Following approval of the WMP, and recognizing that the era of the WMP has only just begun, the Group continues to meet monthly in order to effectively commence the implementation phase. These past and future efforts reiterate the Group's commitment to the watershed approach provided by the MS4 Permit.

Thank you again for the opportunity to comment. In summary, the Group has invested a substantial effort in the preparation of and now implementation of the WMP and request that the process not be derailed.

Sincerely,

A handwritten signature in cursive script, appearing to read "Adriana Figueroa".

Adriana Figueroa
Administrative Services Manager, City of Norwalk
Chair, Lower San Gabriel River Watershed