

Los Angeles Regional Water Quality Control Board

April 28, 2015

Mr. Frank Senteno, City Engineer
City of El Monte
Department of Public Works
11333 Valley Blvd.
El Monte, CA 91731

APPROVAL, WITH CONDITIONS, OF THE CITY OF EL MONTE'S 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 Mr. Senteno:

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 City of El Monte (City) submitted a draft WMP dated June 30, 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 City's draft WMP. A separate notice of availability regarding the draft WMPs, including the City's WMP, was directed to State Senators and Assembly Members

within the Coastal Watersheds of Los Angeles County. The Board received two comment letters that had comments applicable to the City's draft WMP. One joint letter was from the Natural Resources Defense Council (NRDC), Heal the Bay, and Los Angeles Waterkeeper, and the other letter was from the Construction Industry Coalition on Water Quality (CICWQ). 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 City'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 22, 2014, the Los Angeles Water Board sent a letter to the City 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 City's WMP. The letter directed the City to submit a revised draft WMP addressing the Los Angeles Water Board's comments. The City submitted its revised draft WMP on January 22, 2015 for Los Angeles Water Board review and approval. After the City's submittal of the revised draft WMP, Board staff had several telephone and e-mail exchanges with City representatives and consultants to discuss the Board's remaining comments and necessary revisions to the January 22, 2015 revised draft WMP, including the supporting reasonable assurance analysis (RAA). On April 27, 2015, the City submitted additional revisions to the revised draft WMP for Los Angeles Water Board review and approval, which consisted of the following:

1. Figure 1-10 "Existing and Planned Control Measures," which clarifies the location of planned modular wetland systems and tree well filters. As per Figure 1-10, 6 planned modular wetland systems are located along Mountain View Road where the MS4 discharges to Legg Lake.
2. Table 1-9 "LA River Copper" and Figure 1-11 "Scatter Plot for LA River Copper," which show that a 26-98 percent load reduction is required for copper.
3. Table 1-10 "LA River Lead" and Figure 1-12 "Scatter Plot for LA River Lead," which show that a 48-87 percent load reduction is required for lead.
4. Table 1-11 "LA River Zinc" and Figure 1-13 "Scatter Plot and LA River Zinc," which show that a 26-98 percent load reduction is required for zinc.
5. Section 1.9.2.3 LA River Watershed Bacteria TMDL and Table 1-14 "LA River Bacteria," which show that a 99 percent load reduction is required for bacteria.
6. Section 1.9.2.5 San Gabriel River and Impaired Metals and Selenium TMDLs, Table 1-19 "San Gabriel River Lead", and Figure 1-17 "Scatter Plot for San Gabriel River Lead," which show that a 31-67 percent load reduction is required for lead.
7. Section 1.9.2.6 "San Gabriel River, Estuary and Tributaries Indicator Bacteria TMDL (Pending)" and Table 1-20 "San Gabriel River Bacteria," which shows that a 98-99 percent load reduction is required for bacteria.

8. Table 1-21 "TMDL Summary and Action Required," which revises the actions required for Los Angeles River Tributaries Metals TMDL, Los Angeles River Watershed Bacteria TMDL, San Gabriel River and Impaired Tributaries Metals and Selenium TMDL, and San Gabriel River Bacterial TMDL (Pending), stating that BMPs will be installed/implemented to achieve required percent reductions.
9. Text was added to Section 1.8.3 under sub-section Legg Lake stating, "In order to address the required pollutant reductions for Legg Lake, six catch basins along Mountain View Road will be retrofitted with Modular Wetland Systems to remove both trash and nutrients."
10. "Maintenance Guidelines for Modular Wetland System – Linear," which is a reference document for the Appendix outlining the procedures for maintaining the modular wetland systems.
11. "General Use Level Designation for Basic, Enhanced, and Phosphorus Treatment," which is a reference document for the Appendix giving expected percent pollutant load reductions as per laboratory and field testing by the Washington State Department of Ecology.
12. "MWS-Linear 2.0 Stormwater Filtration System," which is a reference document for the Appendix giving the expected percent pollutant load reductions as per the manufacturer.
13. "MASTEP Technology Review," which is a reference document for the Appendix giving the expected pollutant load reductions as per a study by the University of Massachusetts at Amherst.
14. Text was added to Section 1.9.1 under sub-section Calibration stating, "There is limited or insufficient storm flow and water quality data currently available near El Monte to facilitate additional calibration of modeling parameters. This lack of data was confirmed by Los Angeles County Department of Public Works employees that were involved in the development of the WMMS model. As the City collects monitoring data from both outfall and receiving water monitoring, the collected data will be used to further calibrate the model as part of the Adaptive Management Process."

Approval of WMP, with Conditions

The Los Angeles Water Board hereby approves, subject to the following conditions, the City's January 22, 2015 revised draft WMP, as supplemented by the April 27, 2015 additional revisions noted above. 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. Remove selenium from Table 1-4 ("WBPCs with TMDLs (Category 1))" of the revised draft WMP. The City's MS4 discharges are not subject to the dry-weather selenium waste load allocations (WLAs) in the San Gabriel River and Impaired Tributaries Metals and Selenium TMDL (Attachment P of the LA County MS4 Permit) assigned to discharges to the San Jose Reach 1 and 2.
2. Remove Trash for Legg Lake from Table 1-5 of the revised draft WMP ("WBPCs on 2010 303(d) list (Category 2)"). Trash for Legg Lake is a Category 1 pollutant already addressed in Table 1-4.

3. Ammonia, odor, and pH for Legg Lake and pH for Los Angeles River are Category 1 pollutants, since they are being addressed through the Legg Lake Nutrients TMDL and Los Angeles River Nitrogen Compounds and Related Effects TMDL. Move these Category 1 pollutants from Table 1-5 to Table 1-4 of the revised draft WMP.
4. Although Sections 1.2.1, 1.2.2, and 1.2.3 of the revised draft WMP provide a summary of recent data on pollutant exceedances, include further discussion in Section 1.7.3 on each of the Category 3 pollutants listed in Table 1-6 explaining how monitoring data sources show exceedances and possible sources of those exceedances. Additionally, clarify or remove the entry for indicator bacteria in the San Gabriel River in Table 1-6, since indicator bacteria is identified as a Category 2 pollutant for San Gabriel River (Reach 3) in Table 1-5.
5. Add applicable Receiving Water Limitations where left blank in Tables 1-5 and 1-6 of the revised draft WMP.
6. Specify that the effluent limitations applicable to the City in Table 1-12 of the revised draft WMP are those for the Los Angeles Tributaries.
7. Use the suggested BMP performance parameters given in the RAA Guidelines in Table 4-2 of the revised draft WMP (p. 18) to provide the estimated pollutant load reduction for the proposed BMPs. Include demonstration that the proposed BMPs will achieve pollutant load reductions needed for those pollutants addressed in the RAA (as shown in Tables 1-9, 1-10, 1-11, 1-14, 1-19, and 1-20 provided as a supplement to the revised draft WMP) consistent with interim milestones within this permit term and the next permit term (i.e., through December 2022).
8. Revise Table 1-25 of the revised draft WMP, TMDL Milestones for Los Angeles River, for Los Angeles River Watershed Bacteria TMDL by separating the deadlines for wet and dry as is done for other pollutants in the table. March 23, 2037 is the final deadline for compliance in wet weather. Dry weather deadlines are per the applicable schedule in Table O-1 of Attachment O in the LA County MS4 Permit, as follows.
 - a. First Phase actions and deadlines:
 - i. "Submit a Load Reduction Strategy (LRS) for Segment B tributaries (*or submit an alternative compliance plan*) by March 23, 2016;
 - ii. "Complete Implementation of LRS" by September 23, 2020;
 - iii. "Achieve interim (or final) water quality-based effluent limitations and submit report to Regional Water Board" by September 23, 2023;
 - b. Second Phase actions and deadlines:
 - i. "Submit a New LRS" by September 23, 2024;
 - ii. "Complete Implementation of LRS" by March 23, 2028;
 - iii. "Achieve final water quality-based effluent limitations or demonstrate that non-compliance is due to upstream contributions and submit report to Regional Water Board" by March 23, 2030.
9. Revise Table 1-26 of the revised draft WMP, TMDL Milestones for San Gabriel River, to include interim milestones consistent with the San Gabriel River and Impaired Tributaries Metals and Selenium TMDL Implementation Plan adopted by the Los Angeles Water Board through Resolution No. R13-004. These milestones include: a 10% reduction in the difference between the current loadings and the wet-weather WLAs

at MS4 outfalls (or a demonstration that 10% of the total drainage area to the San Gabriel River within the City is effectively meeting the wet-weather WLAs) by September 30, 2017; a 35% reduction by September 30, 2020; a 65% reduction by September 30, 2023; and a 100% reduction by September 30, 2026.

10. Review and revise the entire revised draft WMP for correct table and figure labeling and referencing.

The City shall submit a final WMP to the Los Angeles Water Board that satisfies all of the above conditions, and also includes all of the additional revisions submitted on April 27, 2015 as listed under "Los Angeles Water Board Review" above, no later than June 12, 2015.

Determination of Compliance with WMP

Pursuant to Part VI.C.6 of the LA County MS4 Permit, the City 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, the City 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 City'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 1.8 "Selection of Watershed Control Measures"
- Section 1.8.1 "Minimum Control Measures (MCMs)"
- Section 1.8.2 "Non-Storm Water Discharge Control Measures"
- Section 1.8.3 "TMDL Control Measures"
- Section 1.8.4 "Existing and Planned Structural Control Measures," including Figure 10 (as revised on April 27, 2015)
- Table 1-9 "LA River Copper" (as revised on April 27, 2015)
- Table 1-10 "LA River Lead" (as revised on April 27, 2015)
- Table 1-11 "LA River Zinc" (as revised on April 27, 2015)
- Table 1-14 "LA River Bacteria" (as revised on April 27, 2015)
- Table 1-15 "Legg Lake Modeled Nutrients Reduction Required"
- Table 1-19 "San Gabriel River Lead" (as revised on April 27, 2015)
- Table 1-20 "San Gabriel River Bacteria" (as revised on April 27, 2015)
- Table 1-21 "TMDL Summary and Action Required" (as revised on April 27, 2015)
- Table 1-23 "Los Angeles River Trash TMDL BMP Implementation Schedule"
- Table 1-24 "Legg Lake Trash and Nutrients TMDL BMP Implementation Schedule"
- Table 1-25 "TMDL Milestones for Los Angeles River"
- Table 1-26 "TMDL Milestones for San Gabriel River"

Pursuant to Parts VI.C.3 and VI.E.2.d.i.(4)(a) of the LA County MS4 Permit, the City's full and timely compliance with all actions and dates for their achievement in its approved WMP shall constitute compliance with permit provisions pertaining to applicable WQBELs/WLAs in Part VI.E and Attachment O and P of the LA County MS4 Permit. Further, per Part VI.C.2.b of the LA County MS4 Permit, the City's full compliance with all requirements and dates for their achievement in its 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 the approved WMP.

If the City fails to meet any requirement or date for its achievement in the approved WMP, which will be demonstrated through the City's Annual Reports and program audits (when conducted), the City 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 City 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 City 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 municipal approval of project funding, contractor selection, construction schedule, start-up, and effectiveness evaluation (once operational), where applicable. For all stormwater retention projects, LID due to new/redevelopment, and green streets, the City shall report annually on the volume of stormwater retained in each subwatershed area (i.e., Legg Lake subwatershed, Rio Hondo subwatershed, and San Gabriel River subwatershed).

The City 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 City 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 the City does not have legal authority to implement an action or milestone at the time it submits the Annual Report, the City shall propose a schedule to establish and maintain such legal authority.

Adaptive Management

The City shall conduct a comprehensive evaluation of its 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 City must evaluate progress toward achieving:

- Applicable WQBELs/WLAs in Attachment O and P 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 City'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 City 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 City's WMP area that are collected through the City's 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 City 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 City's Report 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 City's ROWD.

The Los Angeles Water Board appreciates the participation and cooperation of the City in the implementation of the LA County MS4 Permit. If you have any questions, please contact Ivar Ridgeway, Storm Water Permitting, at Ivar.Ridgeway@waterboards.ca.gov or by phone at (213) 620-2150.

Sincerely,



Samuel Unger, P.E.
Executive Officer

cc: Jesus Gomez, Assistant City Manager
Edmond Suher, Senior Project Engineer, CASC Engineering and Consulting