
Los Angeles Regional Water Quality Control Board

December 19, 2013

Anthony R. Ybarra, City Manager
City of South El Monte
1415 N. Santa Anita Ave.
South El Monte, CA 91733

STATUS OF THE CITY OF SOUTH EL MONTE'S NOTIFICATION OF INTENT TO DEVELOP AN INDIVIDUAL WATERSHED MANAGEMENT PROGRAM (WMP) PURSUANT TO THE LOS ANGELES COUNTY MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT AND REQUEST FOR AN 18-MONTH WMP DEVELOPMENT SCHEDULE (NPDES PERMIT NO. CAS004001; ORDER NO. R4-2012-0175)

Dear Mr. Ybarra:

The Los Angeles Regional Water Quality Control Board (Regional Board) received the City of South El Monte's (City's) letter dated October 24, 2013, which was in response to the Board's letter dated October 17, 2013 reviewing the City's notification of intent (NOI) to develop a WMP. The Regional Board's letter stated that the City had not fulfilled the requirements in Part VI.C.4(c)(ii) of the Los Angeles County MS4 Permit related to "early actions" to develop a low impact development (LID) ordinance and green streets policy that would then afford the City the extended 18-month schedule to submit a draft WMP. The Regional Board's letter explained that the City had not demonstrated in its NOI that it had commenced development of, and had a draft of, a LID ordinance and green streets policy. The Regional Board stated that the City must provide copies of the draft LID ordinance and draft green streets policy that the City had developed as of June 28, 2013 to properly demonstrate that the City met the requirements in Part VI.C.4(c)(ii) of the Permit.¹

In its October 24, 2013 letter, the City asserts that it had, as of June 27, 2013, developed a draft LID ordinance and a draft green streets policy and that this satisfied the requirements of the Permit. As part of its response, the City attached a draft LID ordinance and a draft resolution "Affirming [the City's] Commitment to the Implementation of Low Impact Development Affecting New Developments and a Green Streets Policy"; however, the City did not provide evidence that it had these drafts prior to June 28, 2013.

In its October 24, 2013 letter, the City requested a meeting with the Regional Board if the October 24, 2013 letter did not address the Regional Board's concerns. On December 11,

¹ Prior to issuing its October 17, 2013 letter, Regional Board staff notified the City staff identified as the contact in the City's NOI as well as the City's consultant, via an email dated October 3, 2013, that the City had not included the draft LID ordinance and the draft green streets policy necessary to meet the requirements of Part VI.C.4(c)(ii).

2013, Regional Board staff met with City of South El Monte staff to discuss the deficiencies of the City's NOI. During the meeting, Regional Board staff stated that, in order for the Regional Board to reconsider the extended 18-month submittal date for the City's draft WMP, the City must immediately submit evidence to the Regional Board demonstrating that the City had:

1. Commenced development of both a LID ordinance and a green streets policy by February 26, 2013; and
2. Had both a draft LID ordinance and a draft green streets policy by June 28, 2013.

Regional Board staff stated that such evidence must include the actual drafts of the LID ordinance and the green streets policy that the City had developed as of June 28, 2013, as well as evidence demonstrating that the City had commenced development of the LID ordinance and the green streets policy (e.g., documentation of City meetings, discussions, and/or emails concerning initiating development of these drafts) prior to February 26, 2013.² During the meeting, the City provided the Regional Board with copies of the draft LID ordinance (dated April 25, 2013) and draft green streets policies (dated April 17, 2013) prepared by Larry Walker & Associates under contract with the San Gabriel Valley Council of Governments (SGVCOG), of which the City is a member. At the end of the meeting, the City stated that it would provide the Regional Board with additional documentation to affirm that the City had commenced development of, and had these drafts, by February 26, 2013 and June 28, 2013, respectively.

Later on December 11, 2013, the City's counsel, Mr. Andrew Brady, provided the Regional Board, via an email, this additional documentation. Specifically, Mr. Brady's email documented that:

1. The City of South El Monte is a financially contributing member of the SGVCOG, a legal entity.
2. As a member of the SGVCOG, the City of South El Monte approved a contract with Larry Walker & Associates to develop a draft LID ordinance and a draft green streets policy for the benefit of the SGVCOG member cities. Mr. Brady provided the meeting minutes from the January 17, 2013 SGVCOG meeting at which the contract with Larry Walker & Associates was approved. The meeting minutes demonstrate that the City of South El Monte was present through its representative, Joseph Gonzales. Executive Director Item no. 17.0 on page 7.1-4 of the minutes concerns the contract with Larry Walker & Associates and demonstrates that the SGVCOG unanimously approved the contract.
3. Mr. Brady also provided the final contract, which was executed on February 6, 2013, between SGVCOG and Larry Walker & Associates for the creation of the draft LID Ordinance and Green Streets Policy.

² The February 25, 2013 letter from the City's consultant, TECS Environmental, stating, "...should my clients decide to opt for WMP or the MCM option they shall, in any case, as of February 26, 2013 do the following: 1. Begin evaluating its current stormwater ordinances to determine if they have sufficient authority to compel compliance with an LID ordinance and consider adopting a specific LID ordinance or incorporating by reference the County of Los Angeles LID ordinance by June 28, 2013; 2. Begin work on revising the stormwater quality management plans (SQMPs) to include a section on LID; and 3. Begin work on reviewing and adopting a Green Street policy resources including those developed by but not limited to USEPA, County of Los Angeles, and City of Los Angeles for completion by June 28, 2013" does not adequately demonstrate that the City had commenced development of a LID ordinance and a green streets policy by February 26, 2013 as required by Part VI.C.4.c.ii of the Los Angeles County MS4 Permit.

Based on this additional documentation, the Regional Board finds that the City has demonstrated that it had commenced development of, and had a draft of, a LID ordinance and green streets policy in accordance with Part VI.C.4(c)(ii) of the Los Angeles County MS4 Permit. Accordingly, the Regional Board hereby grants the City an extended 18-month submittal date for the City's draft WMP.

The Regional Board looks forward to working with the City on the development, and ultimately implementation, of its WMP. If you have any questions, please contact Ivar Ridgeway via email at Ivar.Ridgeway@waterboards.ca.gov or by phone at (213) 620-2150.

Sincerely,

A handwritten signature in blue ink that reads "Samuel Unger".

Samuel Unger, P.E.
Executive Officer

cc: Andrew Brady, Richards, Watson and Gershon
Ray Tahir, TECS Environmental