

Los Angeles Regional Water Quality Control Board

April 28, 2015

Permittees of the East San Gabriel Valley Watershed Management Group¹

APPROVAL, WITH CONDITIONS, OF THE EAST SAN GABRIEL VALLEY GROUP'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 Permittees of the East San Gabriel Valley Watershed Management Group:

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 Permittees of the East San Gabriel Valley Watershed Management Group (ESGV WMG) jointly submitted a draft WMP dated June 27, 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 ESGV WMG's draft WMP. A separate notice of availability regarding the draft WMPs, including the ESGV WMP, was directed to State Senators and Assembly Members

¹ Permittees of the East San Gabriel Valley Watershed Management Group include the cities of Claremont, La Verne, Pomona, and San Dimas. See attached distribution list.

within the Coastal Watersheds of Los Angeles County. The Board received two comment letters that had comments on WMPs generally, which were in part applicable to the ESGV WMG draft WMP. One joint letter was from 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 ESGV WMG'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 27, 2014, the Los Angeles Water Board sent a letter to the ESGV WMG 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 ESGV WMG's WMP. The letter directed the ESGV WMG to submit a revised draft WMP addressing the Los Angeles Water Board's comments. Prior to the ESGV WMG's submittal of the revised draft WMP, Board staff had a meeting on January 13, 2015 with ESGV WMG representatives and consultants, and several follow-up teleconferences and e-mail exchanges, to discuss the Board's comments and the revisions to the draft WMP, including the supporting reasonable assurance analysis (RAA), which would address the Board's comments. The ESGV WMG submitted its revised draft WMP on January 28, 2015 for Los Angeles Water Board review and approval.

Approval of WMP, with Conditions

The Los Angeles Water Board hereby approves, subject to the following conditions, the ESGV WMG's January 28, 2015, revised draft WMP. 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. Correct Tables 3-3 and 5-5 of the revised draft WMP by removing reference to the dry-weather copper waste load allocations (WLAs). The East San Gabriel Valley Permittees' MS4 discharges are not subject to the dry-weather copper 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 Gabriel River Reach 1 and San Gabriel River Estuary.²

² According to the TMDL, dry-weather WLAs for copper are assigned to San Gabriel River Reach 1 and Coyote Creek and its tributaries to meet the copper TMDL in the Estuary. No dry-weather copper WLAs are required for San Gabriel River Reaches 2, 3, 4, 5, San Jose Creek, or Walnut Creek because they do not drain to the Estuary during dry weather. Dry-weather WLAs are assigned to San Jose Creek Reach 2 to meet the selenium TMDL in San Jose Creek Reach 1. (USEPA 2007)

2. Revise Table 4-3 of the revised draft WMP to include "Interagency coordination," "Hydromodification Control Plan," and "Sewage system maintenance, overflow, and spill prevention," which are requirements of the LA County MS4 Permit. (See Parts VI.A.2.a.viii, VI.A.4.a.iii, and VI.D.2, among others, regarding "interagency coordination"; Part VI.D.7.c.iv regarding "Hydromodification Control Plan"; and Parts VI.D.9.h.ix and VI.D.10.c-e regarding "sewer system maintenance, overflow, and spill prevention.")
3. Revise and separate Table 4-2 of the revised draft WMP, "Recently Constructed and Planned BMPs in the WMP Area," into two tables to clearly distinguish between: (a) those best management practices (BMPs) that are already constructed (providing the completion date for each), and (b) those BMPs that are planned (providing the scheduled completion date for each).
4. Clarify the responsibilities of each Permittee of the ESGV WMG for implementation of watershed control measures in Table 5-17 of the revised draft WMP, "Control Measures to be Implemented for Attainment of 10% Milestone" and Table 5-18, "Schedule for Implementation of the Rooftop Runoff Reduction Program" to attain the 10% interim milestone in the San Gabriel River and Impaired Tributaries Metals and Selenium TMDL.
5. Correct inconsistencies between Table 5-4 and Table 5-6 of the revised draft WMP, including: (a) information on selenium, which indicates exceedances downstream in Table 5-4 of the revised draft WMP, but indicates that no reductions are necessary in Table 5-6, and (b) missing information on E. coli exceedances in Table 5-4.
6. Revise Appendix D of the revised draft WMP to include: (a) both the geometric mean water quality objective (126/100 mL) and the single sample maximum water quality objective (235/100 mL) for E. coli density and (b) a table of the water quality-based effluent limitations (WQBELs) applicable to the ESGV WMG for lead, selenium, total nitrogen, total phosphorus, total mercury, total PCBs, total chlordane, dieldrin, total DDT, and 4,4-DDT as set forth in Attachment P of the LA County MS4 Permit.
7. Confirm in the revised draft WMP that Permittees of the ESGV WMG shall implement permit provisions in Part III Discharge Prohibitions and Part VI.D Stormwater Management Program Minimum Control Measures as set forth in the LA County MS4 Permit, unless noted otherwise in the revised draft WMP.
8. Provide in an Appendix the comparison of the volume reductions required by the load-based and volume-based numeric goals conducted as the initial step in the WMP Reasonable Assurance Analysis (RAA).

The ESGV WMG shall submit a final WMP to the Los Angeles Water Board that satisfies all of the above conditions no later than June 12, 2015.

Determination of Compliance with WMP

Pursuant to Part VI.C.6 of the LA County MS4 Permit, the ESGV WMG 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, Permittees 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 ESGV Permittees' compliance with the WMP on the basis of the compliance actions and milestones included in the WMP, including, but not limited to, the following:

- Table 5-16 "Schedule of Control Measures and BMP Capacities to Interim Milestones for the ESGV WMP," which establishes the jurisdictional and subwatershed interim and final milestones for BMP capacities (in acre-feet);
- Table 5-17 "Control Measures to be Implemented for Attainment of 10% Milestone;" and
- Table 5-18 "Schedule for Implementation of the Rooftop Runoff Reduction Program."

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

If the Permittees in the ESGV WMG fail to meet any requirement or date for its achievement in the approved WMP, which will be demonstrated through the ESGV WMG's Annual Reports and program audits (when conducted), the Permittees in the ESGV WMG 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 ESGV WMG 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 ESGV WMG 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/infiltration projects, including the rooftop runoff reduction program, LID due to new/redevelopment, green streets, and regional BMPs, the ESGV WMG shall report annually on the volume of stormwater retained in each jurisdictional subwatershed area.

The ESGV WMG 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, each Permittee in the ESGV WMG 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 a Permittee does not have legal authority to implement an action or milestone at the time the ESGV WMG submits its Annual Report, the Permittee shall propose a schedule to establish and maintain such legal authority.

Adaptive Management

The ESGV WMG 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 ESGV WMG must evaluate progress toward achieving:

- Applicable WQBELs/WLAs in Attachment 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 ESGV WMG'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 ESGV WMG 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 ESGV WMP area that are collected through the ESGV WMG's Coordinated 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 Permittees of the ESGV WMG 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 Permittees' Report(s) 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 Permittees' ROWD.

The Los Angeles Water Board appreciates the participation and cooperation of the ESGV WMG 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

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