
Los Angeles Regional Water Quality Control Board

April 28, 2015

Dr. Shahram Kharaghani
City of Los Angeles
Department of Public Works, Bureau of
Sanitation
Watershed Protection Division
1149 South Broadway, 10th Floor
Los Angeles, CA 90015

Ms. Gail Farber, Chief Engineer
Los Angeles County Flood Control District
Department of Public Works
Watershed Management Division, 11th Floor
900 South Fremont Avenue
Alhambra, CA 91803

APPROVAL, WITH CONDITIONS, OF THE CITY OF LOS ANGELES AREA IN SANTA MONICA BAY JURISDICTIONAL GROUP 7 SUBWATERSHED 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 Dr. Kharaghani and Ms. Farber:

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 Los Angeles (City) and the Los Angeles County Flood Control District (LACFCD) jointly submitted a draft WMP for the City's land area and the LACFCD's infrastructure within Jurisdictional Group 7 (JG7) of the Santa Monica Bay (SMB) Watershed Management Area (WMA) 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 City's and LACFCD'S draft WMP. A separate notice of availability regarding the draft WMPs, including the City's and LACFCD's draft 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 specific comments on the City's and LACFCD's draft WMP and one letter that had comments on WMPs generally, which were in part applicable to the City's and LACFCD's draft WMP. One joint letter was from the Natural Resources Defense Council (NRDC), Heal the Bay, and Los Angeles Waterkeeper and the other letters were from the Construction Industry Coalition on Water Quality (CICWQ) and a private citizen, Joyce Dillard. 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 and LACFCD'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 City and LACFCD 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 and LACFCD's WMP. The letter directed the City and LACFCD to submit a revised draft WMP addressing the Los Angeles Water Board's comments. Prior to the City's and LACFCD's submittal of the revised draft WMP, Board staff had teleconferences and e-mail exchanges with City representatives to discuss the Board's comments and the revisions to the draft WMP, which would address the Board's comments. The City and LACFCD submitted a revised draft WMP on January 27, 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 City's and LACFCD's January 27, 2015, revised draft WMP for the City's land area and the LACFCD's infrastructure within JG7 of the SMB WMA. 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. Clarify the responsibilities of the City and LACFCD for implementation of the watershed control measures in Table 3-2, "Catch Basin Retrofit Implementation Schedule" of the revised draft WMP to comply with the Santa Monica Bay Nearshore and Offshore Debris TMDL requirements.

2. Revise Table 3-1 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. In Section 5.2 of the revised draft WMP, Re-Characterization of Water Quality Priorities on page 32, delete the second criterion (second bullet point) regarding the demonstration that MS4 discharges have caused or contributed to an exceedance of receiving water limitations. The second bullet point references the criteria for listing a waterbody on the Clean Water Act section 303(d) list as impaired due to a specific pollutant, which requires a higher threshold than the threshold to determine that a MS4 discharge has caused or contributed to an exceedance of receiving water limitations. A demonstration that a MS4 discharge has caused or contributed to an exceedance of receiving water limitations can be made solely based on the criterion in the first bullet, “Simultaneously collected water samples ... exceed the receiving water limitations as sampled in the receiving water and exceed the WQBELs, action levels as defined in Appendix G, or receiving water limits ... at the MS4 outfall.”
4. Correct the following typographical errors in the revised draft WMP:
 - a. In Section 1.2, clarify the area that is addressed by the City’s and LACFCD’s WMP, since 47 acres excluded from 1056 acres does not equal 976 acres;
 - b. Table 2-1, page 7, revise the last footnote to read “Nearshore is defined as the zone bounded by the shoreline and a line 1000 feet from the shoreline or the 30-foot depth contours, whichever is further from the shoreline. The underlined language needs to be add to the footnote;
 - c. Section 2.2, page 14, correct the reference to Section VI.C.5(a)ii of the Permit instead of Section IV.C.5(a)ii of the Permit;
 - d. Footnote 5, page 27, the percentage referenced in the footnote does not match the percentages referenced in the text;
 - e. Correct the table number for the table “Effectiveness Assessment Measures for Various Activities under the Storm Water Management Program” on page 28 to Table 3-3 (currently numbered as Table 3-2); Table 3-2 is located on page 27; and
 - f. Section 4.3, page 30, correct the number of catch basins that are City owned and County owned. The current numbers in the revised draft WMP do not add up to 218 catch basins.

The City and LACFCD shall submit a final WMP to the Los Angeles Water Board that satisfies all of the above conditions no later than May 28, 2015.

Determination of Compliance with WMP

Pursuant to Part VI.C.6 of the LA County MS4 Permit, the City and LACFCD 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 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 and LACFCD'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 3.1.2 "MCMs and Outcome Levels," which summarizes the Program MCMs and outcome levels that will be achieved; and
- Table 3-2 "Catch Basin Retrofit Implementation Schedule."

Pursuant to Parts VI.C.3 and VI.E.2.d.i.(4)(a) of the LA County MS4 Permit, the City's and LACFCD's 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 M of the LA County MS4 Permit. Further, per Part VI.C.2.b of the LA County MS4 Permit, the City's and LACFCD's 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 City and LACFCD fail to meet any requirement or date for its achievement in the approved WMP, which will be demonstrated through the City's and LACFCD's Annual Reports and program audits (when conducted), the City and LACFCD 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 and LACFCD 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 their Annual Report per Attachment E, Part XVIII of the LA County MS4 Permit. For multi-year efforts, the City and LACFCD 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/LACFCD approval of project funding, contractor selection, construction schedule, start-up, and effectiveness evaluation (once operational), where applicable. For all stormwater retention/infiltration projects, including LID due to new/redevelopment, green streets, and regional BMPs, the City and LACFCD shall report annually on the volume of stormwater retained in the area covered by the SMB JG7 WMP.

The City and LACFCD shall also include in their 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 and LACFCD shall also certify in the Annual Report that each 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 City and LACFCD submits their Annual Report, the Permittee shall propose a schedule to establish and maintain such legal authority.

Adaptive Management

The City and LACFCD 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 and LACFCD must evaluate progress toward achieving:

- Applicable WQBELs/WLAs in Attachment M 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 and LACFCD'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 and LACFCD shall implement adaptive management strategies, including but not limited to:

- Refinement of the Reasonable Assurance Analysis (RAA) based on data specific to the City's area and the LACFCD's infrastructure within JG7 of the SMB WMA that are collected through the City's and LACFCD'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 City and LACFCD 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 City and LACFCD in the implementation of the LA County MS4 Permit. If you have any questions, please contact Rebecca Christmann at Rebecca.Christmann@waterboards.ca.gov or by phone at (213) 576-5734. Alternatively, you may also contact Ivar Ridgeway, Chief Storm Water Permitting Unit, at Ivar.Ridgeway@waterboards.ca.gov or by phone at (213) 620-2150.

Sincerely,



Samuel Unger, P.E.
Executive Officer

cc: Donna Chen, City of Los Angeles
Hubertus Cox, City of Los Angeles
Hamid Tadayon, City of Los Angeles
Angela George, Los Angeles County Flood Control District
Paul Alva, Los Angeles County Flood Control District