

Artesia
Bellflower
Cerritos
Diamond Bar
Downey
Hawaiian Gardens
La Mirada
Lakewood
Long Beach
Norwalk
Pico Rivera
Santa Fe Springs
Whittier
Los Angeles County Flood Control District

Lower San Gabriel River Watershed Committee

January 13, 2015

Mr. Ryan Mallory-Jones
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

RE: LOS ANGELES COUNTY MUNICIPAL SEPARATE STORM SEWER PERMIT – RESPONSE TO PETITION FOR REVIEW OF WATERSHED MANGEMENT PROGRAM APPROVALS SWRCB/OCC FILE A-2386

Dear Mr. Mallory-Jones:

The Lower San Gabriel River (LSGR) Watershed is comprised of permittees that began working cooperatively in 2011 to address the San Gabriel River Metals TMDL. Upon approval of the 2012 Los Angeles MS4 NPDES Permit, that effort quickly developed into a much more comprehensive effort to develop the Watershed Management Program (WMP). As acknowledged in the Petition (the original and the amended version), this WMP was submitted to the Los Angeles Regional Water Quality Control Board (Regional Board) by the MS4 Permit deadlines and was ultimately approved by the Regional Board's Executive Officer, and the approval was upheld by the Regional Board at their September 10, 2015 hearing. To date, the LSGR Group has spent \$945,250 specifically on the development of the WMP. The WMP is now moving from the development phase to the implementation phase and the LSGR Group would like to offer the following comments in response to the points of concern as expressed in the Petition(s).

The issues raised by the Petition are for the most part identical to those raised by the Petition in the Regional Board's September 10, 2015, hearing and at which the Regional Board effectively approved the WMPs. In that September hearing, the LSGR Group presented a detailed description of the projects that have already been installed, those projects that are underway or nearing the construction phase. The September 10, 2015, presentation and supporting documents submitted by the LSGR Group are incorporated herein.

The schedule established by the WMP is aggressive. The WMPs calls for structural controls that can infiltrate or equivalently treat 118.6 acre feet of stormwater within an 11-year period. Milestones are established for 2017, 2020 and 2026. While the LSGR Group is pursuing regional projects, the Reasonable Assurance Analysis (RAA) component of the WMP assigned specific volumetric reduction targets to individual cities.

The State Water Resources Control Board (State Board) should reject the Petition Addendum filed on October 30, 2015, as untimely. The Cities of Norwalk, Artesia, La Mirada and Pico Rivera signed on to a

letter filed by seven municipal permittees asking the State Board to reject the Petition Addendum as untimely. The arguments in that motion are incorporated herein. The Petition Addendum was not filed with the original Petition and it was not filed within 30 days following the Regional Board’s September 10, 2015 hearing. Therefore, the Petition Addendum is untimely and the arguments therein should be deemed waived.

In the event the State Board does not reject the Petition Addendum, the LLAR offers the following comments in response. The Petition raises several specific items regarding the WMP. The LSGR Group offers the following responses to these items:

- 1) Petitioner’s comment: No clear schedule to demonstrate that compliance will be achieved “as soon as possible.”

Response: The WMP includes a clear schedule to demonstrate that compliance will be achieved as soon as possible. The WMP includes 1) volumetric reduction targets that were predicted to meet receiving water limitations by meeting the interim and final TMDL limits for the “limiting pollutant” zinc through a comprehensive RAA (located in WMP Appendix 4 and summarized in WMP Section 5.4), 2) a clear explanation of existing and planned control measures to address these targets (explained in WMP Section 3 and scheduled in Sections 5.1, 5.2 and 5.3), 3) a listing of potential regional structural projects for each Group Member and the projects’ potential to result in achievement of these targets (Section 3.4.2.6 and Table 3-7), 4) a clear demonstration of how these potential projects will be selected to meet these targets (Section 5.3), and 5) potential compliance paths for the first two interim milestones for each City (Section 5.4). Clear commitments to these items are included throughout Section 5 of the WMP.

Supported by Section 5.5 and Section 6, the introduction to Section 5 of the WMP explains that the technological, operational, and economic factors that affect the design, development and implementation of the necessary control measures listed in Section 3 to meet interim and final targets predicted by the RAA results in an aggressive schedule in Section 5 that is as soon as possible. Notably, this schedule is subject to the biennial adaptive management process, the first iteration of which will occur next year. If through this process there are changes to the factors that affect the ability to achieve compliance as soon as possible, the compliance schedule will be modified accordingly.

- 2) Petitioner’s comment: No commitment or demonstration that compliance with receiving water limitations for pollutants not addressed by TMDLs will be achieved as soon as possible.

Response: The WMP includes commitments and demonstrations that compliance with receiving water limitations for pollutants not addressed by TMDLs will be achieved as soon as possible. As explained in the WMP, the “limiting pollutant” approach of the RAA predicts that the aggressive

schedule in place to meet volumetric reduction targets for zinc will result in accelerated achievement (i.e. shorter timeframe) for other pollutant water quality objectives.

- 3) Petitioner's comment: Insufficient specificity with regard to structural and non-structural BMPs.

Response: The WMP includes sufficient specificity with regard to structural and non-structural BMPs. As stated in the response to the first comment, the WMP includes existing and planned control measures to address compliance targets (explained in WMP Section 3 and scheduled in Sections 5.1, 5.2 and 5.3), potential regional structural projects for each Group Member and the projects' potential to result in achievement of these targets (Section 3.4.2.6 and Table 3-7), a demonstration of how these potential projects will be selected to meet these targets (Section 5.3), and potential compliance paths for the first two interim milestones for each City (Section 5.4). The demonstration of how specific projects will be selected from the pool of potential projects includes feasibility studies for each Group Member to be completed this year.

- 4) Petitioner's comment: Insufficient specificity with regard to the achievement of interim milestones for TMDLs.

Response: The WMP includes sufficient specificity with regard to the achievement of interim milestones for TMDLs. The WMP includes specific non-structural controls and structural controls within the current Permit term to meet the 10% reduction in metals loads by 2017 (Section 5.1, 5.2, and 5.3.1), volumetric reduction targets that were predicted to meet both interim and final TMDL milestones in 2017, 2020, and 2026 respectively (located in WMP Appendix 4 and summarized in WMP Section 5.4), existing and planned control measures to address interim and final TMDL milestones (explained in WMP Section 3 and scheduled in Sections 5.1, 5.2 and 5.3), a listing of potential regional structural projects for each Group Member and the projects' potential to result in achievement of interim TMDL milestones (Section 3.4.2.6 and Table 3-7), a demonstration of how these potential projects will be selected to meet interim milestones (Section 5.3), and potential compliance paths for the interim milestones for each City (Section 5.4).

- 5) Petitioner's comment: Lack of measurable milestones to evaluate compliance.

Response: The WMP includes measurable milestones to evaluate compliance. The control measures, actions, and compliance schedules referenced in the responses to items 1 to 4 above are tied to the volumetric reduction milestones of the WMP's RAA.

- 6) Petitioner's comment: Unenforceable and contingent volumetric reduction targets.

Response: The WMP includes volumetric reduction targets of the RAA as well as the commitments to control measures listed in Section 3 following the schedules provided in Section 5.

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At the September 10, 2015 hearing, the Regional Board heard and considered these items in detail (see the response to comments submitted to the Regional Board). You will note—as the Regional Board did—that the items were sufficiently addressed by the WMP and as such the Regional Board ultimately approved the LSGR WMP. The LSGR Watershed Committee permittees are actively implementing the approved WMP; therefore, the LSGR respectfully requests the State Board deny the Petition(s).

Thank you for your consideration.

Sincerely,



Adriana Figueroa
Chair, Lower San Gabriel River Watershed Committee

cc: LSGR Board Members