



San Gabriel Valley Council of Governments

AGENDA AND NOTICE OF THE JOINT MEETING OF THE WATER POLICY COMMITTEE & WATER TECHNICAL ADVISORY COMMITTEE (TAC)

Tuesday, October 13, 2020, 10:00 AM

Teleconference Meeting: Livestream available via sgvcog.org

Water Policy Chair

Gloria Crudgington
City of Monrovia

Vice-Chair

Diana Mahmud
City of South Pasadena

MEMBERS

*Claremont
Glendora
Monrovia
Rosemead
Sierra Madre
South Pasadena
LA County District 1*

Water TAC Chair

Tom Love
Upper San Gabriel Valley
Municipal Water District

Vice Chair

Alex Tachiki
City of Monrovia

MEMBERS

*Alhambra
Arcadia
Bradbury
Covina
Duarte
Glendora
Monrovia
Pomona
Sierra Madre
LA County DPW
Upper San Gabriel Valley
MWD*

EX-OFFICIO

*LA County Sanitation
Districts
SG Basin Watermaster*

Thank you for participating in today's meeting. The Water Committee encourages public participation and invites you to share your views on agenda items.

MEETINGS: *Regular Meetings of the Water Committee are held on the second Tuesday of each month at 10:00 AM at the Upper San Gabriel Valley Municipal Water District Offices (602 E. Huntington Drive, Suite B Monrovia, CA 91016).* The agenda packet is available at the San Gabriel Valley Council of Government's (SGVCOG) Office, 1000 South Fremont Avenue, Suite 10210, Alhambra, CA, and on the website, www.sgvcog.org. Copies are available via email upon request (sgv@sgvcog.org). Documents distributed to a majority of the Committee after the posting will be available for review in the SGVCOG office and on the SGVCOG website. Your attendance at this public meeting may result in the recording of your voice.

PUBLIC PARTICIPATION: Your participation is welcomed and invited at all Water Committee and Water TAC meetings. Time is reserved at each regular meeting for those who wish to address the Committee. SGVCOG requests that persons addressing the Committee refrain from making personal, slanderous, profane or disruptive remarks.

TO ADDRESS THE COMMITTEE: At a regular meeting, the public may comment on any matter within the jurisdiction of the Committee during the public comment period and may also comment on any agenda item at the time it is discussed. At a special meeting, the public may only comment on items that are on the agenda. Members of the public wishing to speak are asked to complete a comment card or simply rise to be recognized when the Chair asks for public comments to speak. We ask that members of the public state their name for the record and keep their remarks brief. If several persons wish to address the Committee on a single item, the Chair may impose a time limit on individual remarks at the beginning of discussion. **The Water Committee and Water TAC may not discuss or vote on items not on the agenda.**

AGENDA ITEMS: The Agenda contains the regular order of business of the Water Committee and the Water TAC. Items on the Agenda have generally been reviewed and investigated by the staff in advance of the meeting so that the Committee/TAC can be fully informed about a matter before making its decision.

CONSENT CALENDAR: Items listed on the Consent Calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion on these items unless a Committee member or citizen so requests. In this event, the item will be removed from the Consent Calendar and considered after the Consent Calendar. If you would like an item on the Consent Calendar discussed, simply tell Staff or a member of the Committee.



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the SGVCOG office at (626) 457-1800. Notification 48 hours prior to the meeting will enable the SGVCOG to make reasonable arrangement to ensure accessibility to this meeting.



MEETING MODIFICATIONS DUE TO THE STATE AND LOCAL STATE OF EMERGENCY RESULTING FROM THE THREAT OF COVID-19:

On March 17, 2020, Governor Gavin Newsom issued Executive Order N-29-20 authorizing a local legislative body to hold public meetings via teleconferencing and allows for members of the public to observe and address the meeting telephonically or electronically to promote social distancing due to the state and local State of Emergency resulting from the threat of the Novel Coronavirus (COVID-19).

To follow the new Order issued by the Governor and ensure the safety of Board Members and staff for the purpose of limiting the risk of COVID-19, in-person public participation at the Water Committee/TAC meeting scheduled for Tuesday, October 13 at 10:00 a.m. will not be allowed. Members of the public may view the meeting live at <https://www.youtube.com/watch?v=d03FIpWV4tI>.

Submission of Public Comments: For those wishing to make public comments on agenda and non-agenda items you may submit comments via email or by phone.

- Email: Please submit via email your public comment to Samantha Matthews at smatthews@sgvcog.org at least 1 hour prior to the scheduled meeting time. Please indicate in the Subject Line of the email “FOR PUBLIC COMMENT.” Emailed public comments will be part of the recorded meeting minutes. Public comment may be summarized in the interest of time, however the full text will be provided to all members of the Committee prior to the meeting.
- Phone: Please email your name and phone number to Samantha Matthews at smatthews@sgvcog.org at least 1 hour prior to the scheduled meeting time for the specific agenda item you wish to provide public comment on. Please indicate in the Subject Line of the email “FOR PUBLIC COMMENT.” You will be called on the phone number provided at the appropriate time, either during general public comment or specific agenda item. Wait to be called upon by staff, and then you may provide verbal comments for up to 3 minutes.

Any member of the public requiring a reasonable accommodation to participate in this meeting should contact Samantha Matthews at least 48 hours prior to the meeting at (626) 457-1800 or email smatthews@sgvcog.org.

PRELIMINARY BUSINESS

1. Call to Order
2. Roll Call
3. Public Comment (*If necessary, the Chair may place reasonable time limits on all comments*).
4. Changes to Agenda Order: Identify emergency items arising after agenda posting and requiring action prior to next regular meeting.

CONSENT CALENDAR (*It is anticipated that the Water Committee/TAC may act on the following matters*)

5. Water Committee/TAC Meeting Minutes – Page 1
Recommended Action: Approve September 8, 2020 Water Committee/TAC meeting minutes.
6. Water TAC Meeting Minutes – Page 5
Recommended Action: Approve September 30, 2020 Water TAC meeting minutes.

ACTION ITEMS

7. Election of Water TAC Chair and Vice Chair
Recommended Action: Elect Chair and Vice Chair of Water Technical Advisory Committee.
8. Tentative 2020 Municipal Separate Storm Sewer System (MS4) Permit – Page 8
Recommended Action: 1) Discuss and provide direction to staff on proposed Permit approach; 2) discuss and provide direction to staff on Permit comments; 3) recommend Governing Board direct staff to submit a letter to the Los Angeles Regional Water Quality Control Board requesting that adoption of the MS4 Permit be delayed until July 2021 and work to address compliance deadlines that would be impacted by this extension.

UPDATE ITEMS (*It is anticipated that the Water Committee/TAC may act on the following matters*)

9. State Water Resources Control Board Second Proposed Order on Approval of Watershed Management Programs and an Enhanced Watershed Management Program – Page 32
10. U.S. EPA Proposed 2020 Financial Capability Assessment for Clean Water Act Obligations – Page 37
11. Safe Clean Water Program – Page 38
12. Legislative Updates
13. Litigation Update
14. E/WMP Updates
15. Water TAC Chair Report
16. Water Supply Update
17. Water Boards Update
18. 2020 California Financing Coordinating Committee Virtual Funding Fair – Page 44

CHAIR'S REPORT

ANNOUNCEMENTS

ADJOURN



**SGVCOG Joint Water Policy Committee/TAC Meeting
Unapproved Minutes**

Date: September 8, 2020
Time: 10:00 AM
Location: Zoom/YouTube teleconference meeting

PRELIMINARY BUSINESS

1. Call to Order: The meeting was called to order at 10:02 A.M.
2. Roll Call

Water Policy Committee Members Present

J. Stark; Claremont
G. Boyer; Glendora
G. Crudgington; Monrovia
M. Clark; Rosemead
D. Mahmud; South Pasadena

Water Policy Committee Members Absent

LA County District #1
Sierra Madre

Water TAC Members Present

L. Waters; Alhambra
S. Costandi, S. Gallant; Covina
Y. Paez; Duarte
R. Wang; LA County Public Works
A. Tachiki; Monrovia
J. Carver; Pomona
T. Love, P. Cortez; USGVMWD

Water TAC Members Absent

Arcadia
Bradbury
Glendora
Sierra Madre
SGVMWD

Ex Officio Members Present

S. Green; LA County Sanitation Districts
K. Gardner, L. Augino; SG Basin Watermaster

Ex Officio Members Absent

Guests

J. Nelson; Former Committee Member
L. O'Brien; City of La Verne
M. Rich; Wood PLC Presenter

SGVCOG Staff

S. Matthews
C. Sims

3. Public Comment
D. Mahmud announced that one public comment was emailed to the Committee members prior to the meeting. That public comment, from R. Tahir, is as follows:

Just as a heads-up I will be proposing the following comments to the Regional Board in re: the issuance of the next Regional Board MS4:

- *Eliminate compliance with TMDLs not on the 303(d) list. The current MS4 permit requires municipal permittees to comply with TMDLs even though they are not on*

the 303(d) list for Los Angeles County. This includes every city in the San Gabriel Valley. Eliminating these TMDLs would significantly reduce the compliance cost burden on them.

- *Eliminate compliance with the bacteria TMDL for those municipal permittees that drain to engineered channels during storm events. The Los Angeles and other Regional Boards are required to exempt such permittees from compliance (includes all San Gabriel Valley cities) pursuant to state law (California Code of Regulations 3939.5). However, the current MS4 Permit limits the high flow suspension to 10 exceedance days. But the high-flow suspension regulation mentions nothing about exceedance days. The elimination of bacteria TMDL compliance will also further reduce compliance costs for all San Gabriel Valley cities and others in Los Angeles County.*
- *Eliminate compliance schedules, including those for TMDLs, in MS4 Permits. State policy, state law, and federal law do not require compliance schedules in MS4 permits. In fact, state law prohibits them. Only general NPDES permits require compliance schedules. This is because compliance schedules are a requirement under Clean Water Act Section 301. It is an undisputed fact that MS4 permits are not subject to CWA Section 301. This has been affirmed, ironically, by the Regional Board.*
- *Eliminate compliance with watershed management programs (WMPs). Although the proposed permit eliminates enhanced watershed management programs, WMPs are still required as determinants of TMDL compliance. However, WMPs are not authorized as compliance determinants under federal stormwater regulations; only stormwater management programs are, governed by an iterative process, which reduce pollutants to the maximum extent practicable (per 402(p)(3)(B)(iii). Eliminating compliance with WMPs would further significantly reduce MS4 compliance costs to a significant extent.*
- *Eliminate compliance with wet weather water quality standards (includes TMDLs) because according to State Board Order 2001-15, there is no such thing in federal law or state law as a wet weather water quality standard. Water quality standards are dry weather (ambient) standards. This would also further reduce MS4 compliance costs.*
- *Eliminate, among other things, compliance with reasonable assurance analyses, pollutants in non-stormwater discharges, monitoring (sampling and analysis in the receiving water) are not required because they are not federally authorized. This would also further reduce MS4 compliance costs.*

4. Changes to Agenda Order.
No changes to agenda order.

CONSENT CALENDAR

5. Water Committee/TAC July Meeting Minutes
There was a motion to approve the consent calendar with modification and clarification on the H.R. 2 vote.
(M/S: M. Clark/G. Boyer)

[MOTION PASSED]

AYES:	Committee – Claremont; Glendora; Monrovia; Rosemead; South Pasadena
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	TAC – Covina; Duarte; Monrovia; Pomona; LA County Public Works; USGVMWD
NOES:	
ABSTAIN:	
ABSENT:	Committee – LA County District 1; Sierra Madre TAC – Alhambra; Arcadia; Bradbury; Glendora; Sierra Madre

ACTION ITEM

6. Election of Chair and Vice Chair of Water Policy Committee
Water Policy Committee Chair asked for nominations and noted that Water TAC elections will take place in October.

There was a motion to elect Gloria Crudginton as Chair and Diana Mahmud as Vice Chair of the Water Policy Committee.

(M/S: D. Mahmud /J. Stark)

[MOTION PASSED]

AYES:	Claremont; Glendora; Monrovia; Rosemead; South Pasadena
NOES:	
ABSTAIN:	
ABSENT:	Sierra Madre; LA County District 1

PRESENTATIONS

7. Upper Los Angeles River and Rio Hondo Watershed Area Fire Effects Study
M. Rich of Wood PLC provided a presentation on a scientific study that will be submitted by the SGVCOG on behalf of the Upper Los Angeles River (ULAR) Watershed Management Group for the upcoming Fiscal Year 2021-22 Safe, Clean Water Program call for projects. The proposed fire effects study will collect and analyze water quality data for three years and develop models for the fate and transport of fire-related contaminants in the ULAR watershed. This research will be used to promote scientifically sound regulations and develop strategies for addressing metals and nutrients in the ULAR. There were clarification questions on which metal pollutants are influenced by the increased occurrence of fires, to which the presenters responded that zinc and copper are the metals we see most influenced.

DISCUSSION ITEMS

8. 2020 Municipal Separate Storm Sewer System (MS4) Draft Permit
D. Mahmud first reviewed the second proposed State Board order on WMPs and EWMPs under the Los Angeles MS4 Order and reviewed key concerns with the adaptive management process and that more metrics are needed to qualify for safe harbor. She noted that the State Board released a redline version with the changes between the draft and second orders, and noted the Board will hold a public workshop on October 6 to hear public comments.

S. Matthews reviewed some of the changes between the Working Proposal and Draft MS4 Permit. Changes to the Draft Permit include those related to employee training and the annual report deadline. The Draft Permit no longer requires Permittees to train employees

in targeted positions (whose interactions, jobs, and activities affect storm water quality), but rather Permittees must ensure that employees are trained. The “Working Proposal” includes an annual report submittal deadline of October 15 which was opposed by many Permittees. These reports are now due annually on December 15. A. Tachiki noted that the Regional Board will not be releasing a redline version and that most of our concerns addressed in the comment letter on the Working Proposal still stand.

UPDATE ITEMS

9. Safe Clean Water Program

S. Matthews provided an update on the program SIPs, which were all advanced to the Board of Supervisors by the ROC. The Board of Supervisors is expected to approve all SIPs on September 29, 2020. The Scoring Committee has met to discuss changes to the feasibility study guidelines and scoring criteria. A. Tachiki provided an update on the feedback provided on the scoring criteria. G. Crudgington and A. Tachiki are working with the environmental NGOs and other stakeholders to improve the SCW Program scoring criteria and implementation.

10. Legislative Updates

D. Mahmud announced that SB 1044 which bans the use of PFAS in firefighting passed. S. Matthews provided an update on the appropriations bill with Whittier Narrows dam funding which has passed the House but has stalled in the Senate. The decision on the full FY21 funding that this Whittier Narrows money is a part of will be delayed, likely until after the presidential election. It is likely after that point that it will be signed into law.

11. Litigation Update

No updates.

12. E/WMP Updates

No updates.

13. Water TAC Chair Report

T. Love thanked the TAC members for their participation in WASC deliberations.

14. Water Supply Update

T. Love announced that we ended last year with record amount in storage, speaks to water storage efforts over the last decade. He described how the recent hot weather increases evapotranspiration and irrigation and water demands have increased over last month. Per capita water demand in the San Gabriel Valley has dropped 20% since 2012. K. Gardner announced that there has been 194,000 AF of production from basin, 5,000 more than last year. This can be attributed to heat or more frequent hand washing. The key well is down half a foot from prior week due to heat and firefighting.

15. Water Boards Update

CHAIR’S REPORT

ANNOUNCEMENTS

ADJOURN

Meeting adjourned at 11:37 A.M.



SGVCOG Water TAC Meeting Unapproved Minutes

Date: September 30, 2020
Time: 9:00 AM
Location: Zoom/YouTube teleconference meeting

PRELIMINARY BUSINESS

1. Call to Order: The meeting was called to order at 9:02 A.M.
2. Roll Call

Water TAC Members Present

D. Dolphin; Alhambra
K. Kearney; Bradbury
S. Gallant; Covina
A. Hamilton; Duarte
A. Sweet; Glendora
R. Wang, F. Villaluna; LA County Public Works
A. Tachiki; Monrovia
J. Carver; Pomona
J. Carlson; Sierra Madre
T. Love, P. Cortez; USGVMWD

Water TAC Members Absent

Arcadia
SGVMWD

Ex Officio Members Present

S. Green; LA County Sanitation Districts

Ex Officio Members Absent

SG Basin Watermaster

Guests

C. Boschen; Tetra Tech
B. Datti; Craftwater Engineering
C. Helme; Craftwater Engineering
C. McCullough; JLHA
S. Mendez; El Monte
V. Ramos; Claremont
T. van Ligten; Duarte
M. Barcelo; Walnut
B. Ruiz-Hoffmann; LA County Parks & Rec

SGVCOG Staff

S. Matthews
C. Sims

3. Public Comment
No public comment.
4. Changes to Agenda Order.
No changes to agenda order.

DISCUSSION ITEMS

5. 2020 MS4 Permit Negotiation Coordination

The SGVCOG consultant team, led by B. Datti of Craftwater Engineering, provided a presentation on the changes between the Working Proposal of the MS4 Permit and the Tentative Permit. B. Datti also reviewed the previous areas of concerns for the SGVCOG on the Working Proposal, whether those concerns still stand in the Tentative Permit, and suggest recommended changes to the Tentative Permit. A. Tachiki noted the importance of negotiation points around fiscal resources that the Regional Board claims is available for stormwater funding, specifically Measure W, H, A, and M. A. Tachiki explained only Measure W is dedicated to stormwater. Measure H does not provide local return, Measure M is limited to transportation, and Measure A is dedicated parks but required project applications to be approved and cities are not a guaranteed to receive an allocation.

B. Datti also presented on integration of the Safe, Clean Water (SCW) Program into the Permit with key recommended changes to the Tentative Permit to achieve this goal. Water TAC members provided feedback on the recommended changes and negotiation points, emphasizing the need to clarify available fiscal resources and the need to integrate the SCW Program into the Permit.

Committee members noted the need for a public comment period extension request. The SGVCOG and members will submit public comments to the Regional Board requesting this extension. SGVCOG staff noted the importance of City representatives and elected officials to speak at Regional Board meetings.

6. Second Proposed State Board Order on Approval of Watershed Management Programs under Los Angeles MS4 Order

A. Tachiki provided an overview of the second proposed State Board order and changes from the draft order. He noted that our comments regarding the bacteria TMDL still stands. He emphasized that the order indicates that the current use of the limiting pollutant strategy for the Reasonable Assurance Strategy (RAA) has been deemed inadequate. If that is the case, this is a major concern for cities and another major financial burden to develop new modeling. SGVCOG staff will provide these comments at the State Board workshop on the second proposed order on October 6.

UPDATE ITEMS

7. Safe Clean Water Program

A. Tachiki provided an overview of a Nature-Based Solutions Special Study. While the Scoring Committee has proposed changes to the scoring criteria, many have noted that projects with nature-based solutions seem to be scored the highest and prioritized. This study would analyze how beneficial nature-based solutions are and whether other project characteristics better provide water quality benefits. C. Helmle of Crafterwater Engineering provided a more in-depth overview of the study, which will bring together NGOs and the League of California Cities to collaborate on this issue.

8. E/WMP Updates

D. Dolphin, A. Tachiki, and J. Carver noted that the WMPs and EWMPs are working on annual reports. ULAR WMP is working on a website that will outline projects/

CHAIR'S REPORT

T. Love provided update on the impact of the Bobcat fire and other fires to the watershed. USGMWD is working with federal agencies and others to assess impact of the fires on water supply and water quality of the watershed, and to develop a restoration plan for the watershed.

ANNOUNCEMENTS

ADJOURN

Meeting adjourned at 10:24 A.M.

REPORT

DATE: October 13, 2020

TO: Water Policy Committee/Water TAC

FROM: Marisa Creter, Executive Director

RE: **TENTATIVE 2020 MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT**

RECOMMENDED ACTION

- 1) Discuss and provide direction to staff on Permit comments;
- 2) Discuss and provide direction to staff on proposed Permit Outreach Strategy;
- 3) Recommend Governing Board direct staff to submit a letter to the Los Angeles Regional Water Quality Control Board requesting that adoption of the MS4 Permit be delayed until July 2021 and work to address compliance deadlines that would be impacted by this extension.

BACKGROUND

In December 2019, the Los Angeles Regional Water Quality Control Board (Regional Board) released the “Staff Working Proposal” of the Regional Phase 1 Municipal Separate Storm Sewer System (MS4) Permit. The SGVCOG Water Policy Committee and Water Technical Advisory Committee (TAC) reviewed that Working Proposal and, in February 2020, submitted a comment letter to the Regional Board (Attachment A).

On August 24, 2020, the Regional Board released the draft Tentative MS4 Permit (Tentative Permit) for a 60-day public comment period. That public comment period was subsequently extended for another 45 days, to end on December 7, 2020. The Draft or Tentative MS4 Permit and all attachments can be found at this link: www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/index.html.

As discussed at the July 2020 Water Policy Committee/TAC meeting, the SGVCOG has engaged a consultant to provide technical and negotiation support for the MS4 Permit. The SGVCOG’s consultant team, which was selected through a competitive procurement, is led by Craftwater Engineering, with support from Tetra Tech, and John L Hunter and Associates (JLHA).

DISCUSSION

Craftwater Engineering and their team have reviewed the Tentative Permit and prepared an overview of changes in the Tentative Permit compared to the Working Proposal, a detailed review of the Tentative Permit with regards to the SGVCOG’s previously-submitted comments on the Working Proposal, some additional areas of concern on the Tentative Order, detailed comments and recommendations on the Tentative Permit, and recommendations on how to better integrate the Safe Clean Water Program (Attachment B). The Craftwater team presented these items to the Water TAC at a special meeting on September 30, 2020, for their feedback. They will provide an overview of the comments at the October 13, 2020 meeting.

REPORT

In addition to the comments on the Working Proposal, Craftwater Engineering and their team have developed a proposed strategy to build consensus amongst Permittees and to conduct outreach to other stakeholders, including existing Watershed Management Groups, individual Permittees, the LA Permit Group, and non-governmental organizations (NGOs). A key component of this approach is identifying individuals that would be willing to communicate the SGVCOG's comments to outside stakeholders and to, with the support of technical staff and developed talking points and materials, lead the consensus-building and outreach efforts.

The Regional Board has indicated that it intends to adopt a new MS4 Permit in the spring of 2021. There has been discussion as to whether that timeline allows sufficient time for the development of the MS4 Permit. To that end, staff recommends that the Water Policy Committee recommend that the Governing Board direct staff to submit a letter to the Los Angeles Regional Water Quality Control Board requesting that adoption of the MS4 Permit be delayed until July 2021 and work to address compliance deadlines that would be impacted by this extension. This item will be discussed at the October 13, 2020 meeting, and, pending discussion, a letter will be drafted during the meeting.

As additional resources for Committee members, the following documents are also provided as attachments:

- *2020 Regional Board-estimated Regional MS4 TMDL Compliance Costs:* Using costs estimated during the development of TMDLs, the total capital cost of implementing the TMDLs in the San Gabriel Valley is estimated to be \$632.7 million with total annual operation and maintenance (O&M) costs of \$1.2 billion yielding a total 20-year cost of \$1.8 billion. Attachment C provides a breakdown of these costs by City.
- *WHAM Funding Sources:* At the Regional Board meeting on September 10, Board staff identified "WHAM" Measures as potential funding sources for MS4 TMDL Compliance. WHAM represents four tax measures passed by Los Angeles County voters.

Measure	Purpose	Type	Local Return
Measure W	Stormwater	Property Tax	\$20.2 million
Measure H	Homeless Services & Housing	Sales Tax	\$0
Measure A	Parks	Property Tax	\$5.8 million
Measure M	Transit & Transportation	Sales Tax	\$6.4 million*

*Cap on percentage of funding that can be used for green streets/stormwater projects
Attachment D provides an overview of these funding sources, as well as a breakdown of estimated annual allocations by City.

Prepared by:

Samantha Matthews
Management Analyst

Approved by:

Marisa Creter
Executive Director

ATTACHMENTS

Attachment A – SGVCOG Comment Letter on MS4 Working Proposal

Attachment B – SGVCOG Consultant Memo on Comments and Recommendations on the Tentative Los Angeles Regional MS4 Permit

Attachment C – 2020 Regional Board-Estimated Regional MS4 TMDL Compliance Costs

Attachment D – WHAM Funding Sources



February 24, 2020

Renee Purdy, Executive Director
Los Angeles Regional Water Quality Control Board
320 West Fourth Street, Suite 200
Los Angeles, CA 90013

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Walnut
West Covina

First District, LA County
Unincorporated Communities

Fourth District, LA County
Unincorporated Communities

Fifth District, LA County
Unincorporated Communities

SGV Water Districts

RE: COMMENTS ON THE WORKING PROPOSAL OF THE REGIONAL PHASE 1 MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT (ORDER R4-2020-XXXX)

Dear Ms. Renee Purdy and Regional Board Staff:

This submittal is being made on behalf of the San Gabriel Valley Council of Governments (“SGVCOG”) and its member cities. The SGVCOG is submitting these comments in response to Regional Board staff’s request for written comments on the “Staff Working Proposal” version of the Regional Phase 1 Municipal Separate Storm Sewer System (MS4) Permit (“Working Proposal”), which was circulated to the community via FTP link on December 10, 2019.

As fellow public agencies, the SGVCOG’s member agencies appreciate the opportunity to comment on the Working Proposal and hope to continue to work collaboratively with the Regional Board and its staff to create a Final Permit that includes terms that are technically and financially feasible, while also achieving concrete environmental benefits to our communities. Furthermore, the Board’s public workshop on January 7, 2020 at the Junipero Serra Building in Downtown Los Angeles was a step in the right direction towards providing stakeholders with an opportunity to provide the Board and its staff with public input. Unfortunately, some of the member cities were not given an opportunity to provide input, as they felt their voices were drowned out by outside consultants, legal teams and specific interest groups. Therefore, the SGVCOG would encourage the Regional Board, and its staff, to provide additional opportunities to provide stakeholders with public input, and would offer to host an additional workshop in the San Gabriel Valley that would allow our member cities with opportunities to provide additional input as well as comments specific to the San Gabriel Valley region.

The SGVCOG’s member agencies conducted a thorough and comprehensive review of the Working Proposal. Those specific comments, concerns, and comparisons with the current 2012 Permit are included as Attachment A. However, we would also like to highlight the following areas of concern:

- **Trash TMDL:** The SGVCOG has significant concerns with the Trash Total Maximum Daily Load (TMDL) of zero included in the Working Proposal (p. 20; p. 56). Despite alternative compliance options, this TMDL is not at all a reasonable goal. There is no precedent for a Trash TMDL of zero, and since the Permit allows for the installation of full capture systems for compliance with the Trash TMDL, the numeric limit of zero is inappropriate. In general, TMDL compliance schedules of five years may not yield

enough time for permittees to comply. Allowing permittees the flexibility to utilize an approved EWMP or WMP to address compliance schedules and align infrastructure projects with funding opportunities (e.g. Safe, Clean Water Program) would be more effective in ensuring that scheduled compliance dates can be reasonably achieved.

- ***Reporting and Monitoring:*** The Working Proposal's reporting requirements are expanded and will take significant time and resources to complete. These are resources that would be better used for implementing other elements of the Permit. For example, the annual report forms require significant additional financial reporting but do not provide adequate guidance on what the Regional Board is looking for regarding financial reporting. Additional clarity is needed on the Regional Board's expectations. Moreover, including the reporting forms in the Permit does not allow for the flexibility to modify the forms as may be necessary or desired in the future. To allow for the opportunity to adjust reporting to better meet the needs of all stakeholders, the SGVCOG recommends that the forms be removed from the Permit. Instead, the Draft Permit should allow for the Regional Board to amend and adopt the annual report forms on a regular (e.g., bi-annual) basis.

The additional requirement for permittees participating in a Coordinated Integrated Monitoring Program (CIMP) to submit a Monitoring Report twice a year doubles the annual reporting effort. This additional reporting would result in additional reporting costs for permittees – costs that permittees would be more effectively spent on implementation. Furthermore, we note permittees within the SGVCOG will be required to provide financial reporting to Los Angeles County regarding their use of Safe, Clean Water funds. We encourage Regional Board staff to closely coordinate with Los Angeles County in the development of financial forms to avoid redundant reporting.

In addition, the Working Proposal's requirements that analysis be conducted in picograms is unrealistic. Many laboratories in the region are not equipped to perform the recommended analysis at this level, so retaining this metric will result in significant additional cost – and an inefficient use of permittees' limited funds.

Overall, the SGVCOG and its member cities have significant concerns with the substantial increase in reporting responsibilities and the financial burden associated with the more stringent requirements.

- ***Compliance Schedule:*** The Working Proposal includes compliance schedules that are not reasonable. For example, the Working Permit requires that an approved WMP submit a notice of intent (NOI) by the effective date of the Order. This requirement does not afford permittees time to develop the documentation necessary to comply with this provision. The SGVCOG requests that a minimum of 120 days be granted for the preparation and submittal of the NOI. In addition, the Working Permit specifies that permittees must comply with water-quality based effluent limitations immediately (p. 45). Previously in the 2012 Permit, permittees had 90 days to meet compliance deadlines. SGVCOG has concerns that the requirement for immediate compliance

ignores the Court's findings with regards to the Cities of Duarte's and Gardena's lawsuits. Regardless, as the Regional Board develops the Draft Permit, a program that is determined to be "inadequate" by the Regional Board should be allowed a grace period to correct inadequacies. This would still allow for the Regional Board to address gross non-compliance while providing a path for Programs with very minor and easily correctable flaws to continue addressing water quality goals.

In addition, the Permit requires compliance for Bacteria TMDLs within five years, which is not a reasonable timeframe. The process of planning, designing, constructing, testing and operating projects to implement best management practices (BMPs) takes longer than five years. In addition, the Los Angeles County Safe Clean Water (SCW) Program funding schedule could exceed this timeframe. Instead, if compliance within five years is not feasible for a permittee, then the permittee should instead be able to demonstrate a plan towards compliance that it will implement as funding becomes available.

- ***Industrial General Permit (IGP) Training and Inspections:*** The Working Proposal requires permittees' staff to complete IGP training and implies that cities will be required to take a greater role in IGP inspections, placing an additional financial burden on permittee staff or consultants related to the IGP program, which was previously not a responsibility of the permittees. If these responsibilities are to be delegated to the Permittees, then it is inappropriate for permittees to be further financially burdened by IGP training. The SGVCOG recommends that training be funded and administered on a regional basis, by the Regional Board, not individual member agencies. The State Board is collecting funds from cities to manage the IGP program, so the cities should not have additional expenses related to this work. If the Regional Board requires additional funding for these training program, additional funding should be requested from the State Legislature. In fact, the SGVCOG could include this in its legislative platform. Moreover, it is not clear whether permittees would be exempt from this training if the inspection work is outsourced to contractors, a point which requires clarification. The SGVCOG believes that the IGP training should only be required for those individuals who actually perform the inspections.
- ***Fiscal Resources:*** The Working Proposal requires that each permittee enumerate the sources of funds used in the past year and proposed in the future year in order to comply with the Permit (p. 56). The level of financial reporting required in the Working Proposal – which requires individual reporting of capital expenditures, land costs, personnel costs, consultant costs, construction costs, and operations and maintenance costs – is much greater than had previously been required and represents a significant resource burden to produce. The Permit should provide greater clarity on this requirement, as there will likely be circumstances where the cost estimates to fully implement the Permit are greater than the funding available. In addition, it should be noted that the primary dedicated source of funding that most cities currently have for MS4 Permit compliance is through their upcoming Local Return through the SCW Program, and our member cities and agencies do not anticipate any available funding beyond the SCW Program funds. And the regional allocations to each watershed will

be awarded competitively. The SGVCOG is concerned that the regional allocations coupled with the Local Return will still not provide enough funding to complete all projects within the Permit, especially within the current designated timeframes.

- ***Toxicity:*** The Working Proposal includes a new discharge requirement around aquatic toxicity, which is a new Permit requirement and will require time to fully review the technical elements of this new requirement. While the costs of monitoring these four freshwater species will be extremely high, without additional analysis, permittees will not be able to estimate the actual compliance costs. Since permittees cannot evaluate the costs of compliance, the Regional Board cannot evaluate the financial impacts of this new requirement.
- ***Permit Contradictions:*** The Board should clarify with a statement (in the appropriate section of the Permit) as to why permittees in Reach 2 and Reach 3 of the Rio Hondo river are included for the LAR Metals TMDL. Permittees are listed within the approved TMDL and current MS4 permit; however, Reaches 2 and 3 are not included in the 303d lists. The SGVCOG is requesting an explanation and justification for this apparent contradiction.
- ***Safe Clean Water Measure Integration:*** The SGVCOG commends the Regional Board on its acknowledgement of the funding impact of LA County's Safe Clean Water Measure. The SGVCOG recommends that the Safe Clean Water Program be further integrated into the Permit. This includes better aligning compliance schedules with the SCW Program's Stormwater Investment Plans and, to the extent possible, mimicking the SCW Program reports with the Permit's reporting requirements. By aligning the reporting requirements of the permit and the Safe Clean Water Program, permittees will be able to be more efficient in reporting on their compliance schedule and BMPs.

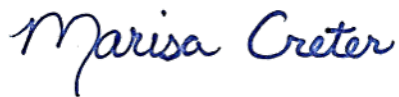
In addition to the more technical comments above, from a procedural perspective, the SGVCOG is concerned that Regional Board staff is attempting to "fast-track" this Permit to completion regardless of the concerns raised by the permittees in an attempt to mitigate the trial court's invalidation of the NEL-terms of the 2012 Permit. Instead, the SGVCOG recommends that adoption of a new "Regional Permit" should be pursued carefully and deliberately, and with the goal of getting support from all stakeholders, so that the permit includes terms that comply with State law, while also being technically and financially feasible.

The SGVCOG and its member cities are willing to work with all stakeholders to adopt a permit that does not suffer from the same infirmities as the 2012 MS4 Permit as documented and found by the trial court in its decision in *City of Duarte v. State Water Resources Control Board, et al.* (Case No. 30-2016-00833722) and the related Gardena Case. The SGVCOG looks forward to continuing to work with the Regional Board, Regional Board staff and all stakeholders to formulate and adopt a permit that is reasonably meaningful, measurable and achievable, with reasonable timelines for compliance. In order to accomplish this goal, however, the Regional Board must consider the dischargers' costs of complying with the proposed terms, and whether or not those terms are reasonably achievable. (CWC § 13241(c) & (d); CCP § 1094.5(b).) Ultimately, if the Regional Board determines that some permit terms are achievable while others are not, it should only impose those terms that are, in fact, reasonably achievable. Accordingly, prior to approving

a new permit, the SGVCOG asks that the Regional Board develop and reasonably consider the information mandated by CWC § 13241 and make the appropriate findings showing how the imposition of the new permit's proposed NEL-related terms can be reconciled with CWC §13241.

The SGVCOG sincerely appreciates the Regional Board's patience in allowing us to provide these comments and willingness to work together adaptatively. We look forward to continuing to work with your Staff to ensure that a Permit is adopted that meets the needs of all stakeholders. Please feel to contact Caitlin Sims on my staff at (626) 457-1800 if you have any additional questions.

Best,



Marisa Creter
Executive Director

MEMO

TO: Caitlin Sims, Samantha Mathews (San Gabriel Valley Council of Governments)

FROM: Chad Helmle, Brianna Datti (Craftwater Engineering), Clint Boschen (Tetra Tech),
Cameron McCullough (John L Hunter and Associates)

SUBJECT: Comments and Recommendations on the Tentative Los Angeles Regional MS4 Permit

On December 10, 2019, the Executive Officer of the Los Angeles Regional Water Quality Control Board (LARWQCB) released a staff working proposal for the draft Regional Phase 1 MS4 NPDES Permit (*Staff Working Proposal of the Regional Phase 1 MS4 NPDES Permit Order No. <R4-2020-XXXX>, NPDES Permit No. <CASXXXXXX>, Waste Discharge Requirements and National Pollution Discharge Elimination System (NPDES) Permit for Municipal Separate Storm Sewer System (MS4) Discharges Within the Coastal Watersheds of Los Angeles and Ventura Counties*). After receiving many comments across stakeholders on the Working Proposal, including from the San Gabriel Valley Council of Governments (SGVCOG), the LARWQCB updated and released the Tentative Order for the Regional Phase 1 MS4 NPDES Permit (*Tentative Regional Phase 1 MS4 Permit Order No. <R4-20XX-XXXX>, NPDES Permit No. <CAS004004>, Waste Discharge Requirements and National Pollution Discharge Elimination System (NPDES) Permit for Municipal Separate Storm Sewer System (MS4) Discharges Within the Coastal Watersheds of Los Angeles and Ventura Counties*). When finalized and adopted, this Permit will supersede the current 2012 MS4 Permit (subsequently amended) and will dictate the activities and requirements of the Permittees that make up the members of the SGVCOG over the next permit cycle. It is therefore critical for the SGVCOG to comprehensively review the Tentative Order, identify which previous comments have been addressed and which still remain from the Working Proposal, and recommend revisions/comments to the LARWQCB.

1.0 OVERVIEW OF CHANGES IN THE TENTATIVE LOS ANGELES REGIONAL MS4 PERMIT

In response to comments received from stakeholders on the Working Proposal, the LARWQCB made a number of updates in the Tentative Order. Some of the major updates include:

General

- Reorganization of the document, including moving a majority of the findings to the Fact Sheets (Attachment F) and separating the Standard Provisions, Monitoring and Reporting Program (MRP) Requirements, Storm Water Management Program Minimum Control Measures (MCMs), Watershed Management Programs, and Enforcements into different sections rather than subsections of Provisions
- Clarified employee/contractor training requirements intended to use available resources and Permittees only intended to ensure employees/contracts have been properly trained, not required to directly administer said training

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- Clarified compliance metrics, including interim compliance through an approved Watershed Management Program (WMP) (with minor deviations acceptable) and final compliance with an alternative compliance option for drainage areas addressing all non-storm water and retaining the 85th percentile 24-hour event, including ongoing monitoring and adaptive management requirements
- Removed five-year constraint on compliance with USEPA total maximum daily loads (TMDLs) and allowed Permittees to propose a timeline as short as possible.
- Updated the Industrial Business Assistance Program so Permittees can refer businesses to the LARWQCB or State Board for further technical assistance, as well as updated the inspection frequency to every five years if a facility is not exposed to stormwater
- Added details to the priority development project structural BMP performance requirements and the specific order of preference: (1) onsite infiltration, bioretention, rainfall harvest and use; (2) onsite biofiltration, offsite groundwater replenishment, offsite retrofit; and (3) onsite treatment
 - Groundwater replenishment must be in the same subwatershed
 - Flow-based BMPs require Executive Officer approval
 - BMPs to be identified as “Enhanced Treatment” in the Washington State Department of Ecology TAPE Program
- Added exemptions to hydromodification controls where downstream adverse hydromodification effects to beneficial uses of the Natural Drainage Systems are unlikely
- Clarified implementation of an approved WMP does not constitute compliance with non-stormwater discharge prohibitions but an approved WMP may be used to implement such program elements and control measures

Monitoring and Reporting

- Decreased wet weather aquatic toxicity to once per year and decreased screening parameters to once during first significant rain event and once during historically driest month
- Increased reporting levels for most of the constituents
- Updated reporting schedule to be consistent with the current schedule under the existing Permit
- TMDL-specific monitoring added reference to the Los Angeles River Metals TMDL to verify if conditions are similar to the 2008 and 2014 copper water-effect ratio (WER) study, determine what constitutes significant change in the biotic ligand model (BLM)-predicted WERs, and if significant submit a plan to conduct WER toxicity testing.

Watershed Management Programs (WMPs)

- Permittees to ensure adequate employee/contractor training in effective implementation, operation, and maintenance of BMPs, including the factors that impact BMP effectiveness
- As appropriate, may use other methods for the RAA, including non-modeled based analysis
- Clarified use of WMMS satisfies the QA/QC requirements
- Notice of Intent to continue an approved WMP only required to identify the group lead and any changes in participation (removed requirement to include changes to WBPCs and anticipated changes to WMP to align with the updated Order, which will be addressed by RAA updates due June 30, 2021)
- Permittees discontinuing a WMP will be subject to requirements of the Order upon submittal of notice
- Specify which control measures are addressing which WQBELs and RWLs
- Water-Body Pollutant Combinations (WBPCs) addressed by the limiting pollutant approach, but not modeled, must provide quantitative reasoning or demonstrate how control measures attain the WBPCs WQBELs and RWLs

- Control measure performance evaluations statistically analyzed to determine appropriate estimates
- Adaptive management to incorporate assessment of appropriateness of the assumptions in the RAA

The following subsections highlight the major areas of concern for consideration by the SGVCOG on the Tentative Order.

I.1 Previous Areas of Concern for the SGVCOG on the Working Proposal

The following categories highlight the previous areas of concern raised by the SGVCOG on the Working Proposal. The direct language provided in the letter previously submitted by the SGVCOG is provided for reference and following is the *Tentative Order Response* that provides an update per the Tentative Order and recommended incorporation of a similar comment in the next round of comments, as appropriate.

Trash TMDL: The SGVCOG has significant concerns with the Trash Total Maximum Daily Load (TMDL) of zero included in the Working Proposal (p. 20; p. 56). Despite alternative compliance options, this TMDL is not at all a reasonable goal. There is no precedent for a Trash TMDL of zero, and since the Permit allows for the installation of full capture systems for compliance with the Trash TMDL, the numeric limit of zero is inappropriate. In general, TMDL compliance schedules of five years may not yield enough time for permittees to comply. Allowing permittees the flexibility to utilize an approved EWMP or WMP to address compliance schedules and align infrastructure projects with funding opportunities (e.g. Safe, Clean Water Program) would be more effective in ensuring that scheduled compliance dates can be reasonably achieved.

Tentative Order Response: The final effluent limitation of zero trash has not changed. The Permit still allows for “attainment” of this trash objective through a Full Capture System, Mass Balance, Scientifically Based Alternative, or Minimum Frequency of Assessment and Collection Compliance Approach. However, the general comment that a numeric limit of zero is inappropriate still stands and recommend resubmitting this concern to the Board. Recommend at a minimum including direct reference to the compliance pathway options that satisfy the zero effluent limitation anywhere it is referenced in the Permit.

There is flexibility in the Permit for Permittees to request extensions, and the Tentative Order did update language in certain places to revise to “as soon as possible” rather than within a given time limit; however, not all of these were updated and are commented on accordingly in the detailed comments in Section 2.0. In addition, recommendations for better integration of the Safe, Clean Water Program regarding alignment of compliance schedules is further detailed in Section 3.0.

Reporting and Monitoring: The Working Proposal’s reporting requirements are expanded and will take significant time and resources to complete. These are resources that would be better used for implementing other elements of the Permit. For example, the annual report forms require significant additional financial reporting but do not provide adequate guidance on what the Regional Board is looking for regarding financial reporting. Additional clarity is needed on the Regional Board’s expectations. Moreover, including the reporting forms in the Permit does not allow for the flexibility to modify the forms as may be necessary or desired in the future. To allow for the opportunity to adjust reporting to better meet the needs of all stakeholders, the SGVCOG recommends that the forms be removed from the Permit. Instead, the Draft Permit should allow for the Regional Board to amend and adopt the annual report forms on a regular (e.g., bi-annual) basis.

The additional requirement for permittees participating in a Coordinated Integrated Monitoring Program (CIMP) to submit a Monitoring Report twice a year doubles the annual reporting effort. This additional reporting would

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result in additional reporting costs for permittees – costs that permittees would be more effectively spent on implementation. Furthermore, we note permittees within the SGVCOG will be required to provide financial reporting to Los Angeles County regarding their use of Safe, Clean Water funds. We encourage Regional Board staff to closely coordinate with Los Angeles County in the development of financial forms to avoid redundant reporting.

In addition, the Working Proposal's requirements that analysis be conducted in picograms is unrealistic. Many laboratories in the region are not equipped to perform the recommended analysis at this level, so retaining this metric will result in significant additional cost – and an inefficient use of permittees' limited funds.

Overall, the SGVCOG and its member cities have significant concerns with the substantial increase in reporting responsibilities and the financial burden associated with the more stringent requirements.

Tentative Order Response: Expanded reporting requirements remain, including expanded financial reporting and semi-annual Monitoring Reports, though the deadlines were updated to be consistent with the current requirements. Recommend reporting periods be updated to better align with the schedules in program plans, when it is most useful as more significant progress is made through implementation. The Permit should provide flexibility for the Los Angeles Water Board to coordinate with the Permittees on a more appropriate reporting schedule. In addition, the individual Permittee reporting requirements should be limited to avoid redundant efforts where have the watershed report provide the overall progress of the program. Costs to Permittees to complete this reporting in preliminary years where much of the program is still in the planning and design phases could be better spent on more effective implementation.

The annual reporting forms are still included as an Attachment and we continue to recommend that these are taken out to provide flexibility of potential updates in the future. This is to allow for future improvements to these forms and the annual reporting process.

The Working Proposal previously lowered reporting levels that are now updated in the Tentative Order to more reasonable values, thus less of a financial burden to the Permittees. This piece of the comment has been addressed with the updated Tentative Order.

In addition to the previous comments, also recommend that the Permit provides flexibility to streamline monitoring efforts where appropriate. For example, if a constituent is highly correlated to sediment (support by statistically significant data) the Permittee may reduce monitoring requirements for that constituent if they can still demonstrate associated trends and progress in reducing the pollutant under the ongoing and future management efforts.

Compliance Schedule: The Working Proposal includes compliance schedules that are not reasonable. For example, the Working Permit requires that an approved WMP submit a notice of intent (NOI) by the effective date of the Order. This requirement does not afford permittees time to develop the documentation necessary to comply with this provision. The SGVCOG requests that a minimum of 120 days be granted for the preparation and submittal of the NOI. In addition, the Working Permit specifies that permittees must comply with water-quality based effluent limitations immediately (p. 45). Previously in the 2012 Permit, permittees had 90 days to meet compliance deadlines. SGVCOG has concerns that the requirement for immediate compliance ignores the Court's findings with regards to the Cities of Duarte's and Gardena's lawsuits. Regardless, as the Regional Board develops the Draft Permit, a program that is determined to be "inadequate" by the Regional Board should be

allowed a grace period to correct inadequacies. This would still allow for the Regional Board to address gross non-compliance while providing a path for Programs with very minor and easily correctable flaws to continue addressing water quality goals.

In addition, the Permit requires compliance for Bacteria TMDLs within five years, which is not a reasonable timeframe. The process of planning, designing, constructing, testing and operating projects to implement best management practices (BMPs) takes longer than five years. In addition, the Los Angeles County Safe Clean Water (SCW) Program funding schedule could exceed this timeframe. Instead, if compliance within five years is not feasible for a permittee, then the permittee should instead be able to demonstrate a plan towards compliance that it will implement as funding becomes available.

Tentative Order Response: The NOI for an approved WMP was simplified to only requiring the identification of the group lead and if any changes in participation, which makes the compliance schedule more reasonable.

The recommendation for a grace period to correct inadequacies in a WMP is still valid and included in the comments in Section 2.0. Recommend that the Regional Board provide the opportunity for a group to update an "inadequate" WMP before requiring immediate compliance.

There is flexibility in the Permit for Permittees to request extensions, in addition to the knowledge that the Board staff are currently working on a TMDL extension amendment. Recommend that the current schedules at a minimum recognize this extension project and ultimately the revised schedules will be incorporated in this Permit. Even with these extensions, there are remaining recommendations for better integration of the Safe, Clean Water Program regarding alignment of compliance schedules, which is further detailed in Section 3.0.

Regarding the Bacteria TMDLs, the current timeframe for compliance is particularly unreasonable given recent scientific studies that indicate the need to reduce sources of human waste in order to meet recreational beneficial uses. Implementation is shifting to provide greater focus on source control efforts rather than structural BMP implementation and volume control which can be ineffective in reducing pathogens and recreational health risks. A longer schedule is needed to adapt current implementation programs, as is currently underway in the ULAR watershed with the Load Reduction Strategy Adaptation Plan.

Industrial General Permit (IGP) Training and Inspections: The Working Proposal requires permittees' staff to complete IGP training and implies that cities will be required to take a greater role in IGP inspections, placing an additional financial burden on permittee staff or consultants related to the IGP program, which was previously not a responsibility of the permittees. If these responsibilities are to be delegated to the Permittees, then it is inappropriate for permittees to be further financially burdened by IGP training. The SGVCOG recommends that training be funded and administered on a regional basis, by the Regional Board, not individual member agencies. The State Board is collecting funds from cities to manage the IGP program, so the cities should not have additional expenses related to this work. If the Regional Board requires additional funding for these training program, additional funding should be requested from the State Legislature. In fact, the SGVCOG could include this in its legislative platform. Moreover, it is not clear whether permittees would be exempt from this training if the inspection work is outsourced to contractors, a point which requires clarification. The SGVCOG believes that the IGP training should only be required for those individuals who actually perform the inspections.

Tentative Order Response: The Tentative Order clarified that training requirements could still utilize existing resources and that it is the responsibility of the Permittee to ensure employees/contractors are adequately trained, but no requirement to conduct the training in house.

Additional clarification is still requested on which employees are required to take the training, as the current language of “pertinent staff” is still vague and would benefit from more specificity.

Fiscal Resources: The Working Proposal requires that each permittee enumerate the sources of funds used in the past year and proposed in the future year in order to comply with the Permit (p. 56). The level of financial reporting required in the Working Proposal – which requires individual reporting of capital expenditures, land costs, personnel costs, consultant costs, construction costs, and operations and maintenance costs – is much greater than had previously been required and represents a significant resource burden to produce. The Permit should provide greater clarity on this requirement, as there will likely be circumstances where the cost estimates to fully implement the Permit are greater than the funding available. In addition, it should be noted that the primary dedicated source of funding that most cities currently have for MS4 Permit compliance is through their upcoming Local Return through the SCW Program, and our member cities and agencies do not anticipate any available funding beyond the SCW Program funds. And the regional allocations to each watershed will be awarded competitively. The SGVCOG is concerned that the regional allocations coupled with the Local Return will still not provide enough funding to complete all projects within the Permit, especially within the current designated timeframes.

Tentative Order Response: This comment still stands and the recommended integration with the Safe, Clean Water Program is discussed further in Section 3.0.

Toxicity: The Working Proposal includes a new discharge requirement around aquatic toxicity, which is a new Permit requirement and will require time to fully review the technical elements of this new requirement. While the costs of monitoring these four freshwater species will be extremely high, without additional analysis, permittees will not be able to estimate the actual compliance costs. Since permittees cannot evaluate the costs of compliance, the Regional Board cannot evaluate the financial impacts of this new requirement.

Tentative Order Response: While the Fact Sheet provides additional justification for the requirement of aquatic toxicity monitoring, the current gap in the ability to evaluate the costs of compliance is still present. Recommend that the Permit acknowledge this gap and provide a pathway for potential adaptations to the aquatic toxicity monitoring requirements once sufficient cost analyses are complete.

Permit Contradictions: The Board should clarify with a statement (in the appropriate section of the Permit) as to why permittees in Reach 2 and Reach 3 of the Rio Hondo river are included for the LAR Metals TMDL. Permittees are listed within the approved TMDL and current MS4 permit; however, Reaches 2 and 3 are not included in the 303d lists. The SGVCOG is requesting an explanation and justification for this apparent contradiction.

Tentative Order Response: This contradiction remains; however, is more addressed directly to the LAR Metals TMDL. The LAR Metals TMDL as written applies to all upstream reaches and tributaries that drain to an impaired reach, thus including Reaches 2 and 3 of the Rio Hondo though they are not currently on the 303(d) list.

Safe Clean Water Measure Integration: The SGVCOG commends the Regional Board on its acknowledgement of the funding impact of LA County’s Safe Clean Water Measure. The SGVCOG recommends that the Safe Clean Water Program be further integrated into the Permit. This includes better aligning compliance schedules with

the SCW Program's Stormwater Investment Plans and, to the extent possible, mimicking the SCW Program reports with the Permit's reporting requirements. By aligning the reporting requirements of the permit and the Safe Clean Water Program, permittees will be able to be more efficient in reporting on their compliance schedule and BMPs.

Tentative Order Response: This comment still stands and is expanded on further in Section 3.0.

1.2 Additional Areas of Concern on the Tentative Order

The following are additional areas of concern on the Tentative Order, including several that have previously been brought to the attention of the LARWQCB by other Permittees.

Clear Language: Permit language in places allows for multiple interpretations, in some cases out of line with the original intent. Specific comments are provided in Table 2-1. Overall, need to include additional clarity while maintaining flexibility to allow for scientific advancements and better information/data regarding protection of beneficial uses and MS4 responsibilities in the future.

Define Performance Metrics for Non-Structural Strategies and Concise, Useful Tracking: The appropriate metrics for non-structural and non-modeled strategies still require further development to assess the effectiveness of these strategies and how to link to monitoring data. The assessments should be done in a clear and concise manner that provide meaningful feedback on progress and effectiveness to best support management decisions.

The current tracking requirements across Permittees programs for minimum control measures are often time consuming and the data is not in a useful format to assess progress. Recommend one consolidated tracking system that houses the information relevant to this Order and helps succinctly assess effectiveness and streamlines Annual Reporting, providing more valuable information to the Regional Board, as well as the Permittee to better manage its programs.

Consistency Across Permits: Eliminate redundancy or contradictions across permits and ensure requirements for Phase I, Phase II, Agricultural Order, etc., encourage collaboration across responsible parties. However, the MS4 Permit should only contain requirements within the Permittees control and while collaboration is encouraged, compliance should not be reliant on it. In addition, RAAs should be given flexibility to quantify Phase I MS4 responsibilities (e.g., load reductions) in order to encourage compliance and promote shared responsibility with other Permittees.

Better Define Compliance Attainment: The compliance pathway through approved WMPs should clarify receiving credit for local pollutant load reductions with pre- and post-implementation monitoring versus an observed response in receiving water bodies. This is related to final compliance attainment. If an approved WMP is properly implemented and all milestones and load reduction targets are met, but final WQBELs or RWLs are still exceeded, recommend coverage for the Permittees to address through the adaptive management process, rather than given an immediate violation.

Regarding the alternative compliance pathway to address the 85th percentile, 24-hour event, recognize that volume capture may not provide a viable compliance strategy for certain pollutants (e.g., bacteria) and other types of water quality impairments (e.g., habitat-related impacts). The Permit should allow flexibility in determining an alternative compliance pathway that can be used to demonstrate final compliance. This flexibility will allow for greater compliance certainty and aligns with recent scientific studies and the development of innovative approaches and tools that can be used to enhance water quality improvement.

2.0 DETAILED COMMENTS AND RECOMMENDATIONS

In addition to the overarching themes discussed in Section 1.1 and 1.2, Table 2-1 provides detailed comments on the Tentative Order. Previous SGVCOG comments on the Working Proposal that are still applicable in the updated Tentative Order are integrated into Table 2-1.

Table 2-1. Comments on the Tentative Order

Tentative Order Section; Page	Comment
Table 4; Page 7	Consider setting the effective date as July 1, 2021 (rather than 50 days from adoption date) to align with the Reporting Period.
III. Discharge Prohibitions	
III.A; Page 12	Specify this prohibition should not apply to any invasive animal or plant life.
III.B.3.a; Page 13	Recommend adding discharges from recycled water systems, where is an authorized discharge, as a conditionally exempt discharge. Definition of recycled water discharge could be: "Discharges from recycled water systems includes sources of flows from recycled water storage, supply and distribution systems (including flows from system failures), pressure releases, system maintenance, distribution line testing, and flushing and dewatering of pipes, reservoirs, and vaults, and pump stations."
III.B.5.a.i; Page 14	The requirement for all conditionally exempt non-stormwater discharges to notify the Permittee in advance is excessive given the range of exempt discharges (includes landscape irrigation, car washing, etc.). Recommend distinguish this requirement for specific discharge categories relative to the potential impacts.
III.B.5.b; Page 15	For discharges greater than 100,000 gallons, recommend continue to coordinate with County/Water Purveyors releases of this size for safety reasons downstream.
III.B.8; Page 16	Clarify if notifying the Board within 30 days is from the time when the discharge occurred or when the Permittee determines the discharge contributed to an exceedance.
III.B.9; Page 16	Recommend modifying the end of this sentence to include: "...source of pollutants to receiving waters "
III.C.2.d.ii; Page 24	Consider not including limit of time schedules throughout. Any proposed timeframe can be denied by the Regional Board but there may be some exceptions that warrant an extended period.
III.D; Page 25	Please clarify why this prohibition for insecticides, fungicide and rodenticides are not applicable to products used for lawn and agricultural purposes.
IV. Effluent Limitations and Discharge Specifications	
IV.B.2.c.iv; Page 28	Recommend adding language that Permittees will have the opportunity to revise a Watershed Management Program if it is initially found to be inadequate. A grace period should be provided to correct any inadequacies.
IV.B.3; Page 28	Refer to area of concern regarding the zero trash effluent limitation for the Trash TMDLs.
VI. Standard Provisions	

Comments and Recommendations on the Tentative Los Angeles Regional MS4 Permit

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VI.C; Page 38	Please clarify how the Regional Board will ensure that information collected in the Annual Reports will be utilized to complete fiscal analysis as required by the State Auditors. Will specific instructions be provided in the Annual Report to prevent any discrepancies between Permittees when financial data is provided. Please consider re-wording or expanding on this requirement. It can be interpreted that permittees must enumerate and describe all funds necessary to meet all requirements for implementation for the future year. There will undoubtedly be occasions when all funding sources anticipated for the upcoming year simply do not meet what is estimated for full implementation.
VI.G.4.b; Page 40	Requiring more frequent monitoring or reporting may not be considered a minor modification if it has significant implications to a Permittees cost of compliance and therefore likely impact a Permittees ability to comply with other requirements of the Permit.
VIII. Storm Water Management Program Minimum Control Measures	
VIII.B.1.d-e; Page 42-43	<p>Recommend Permittees be able to contact the Board immediately, rather than having to wait after follow-up inspections or issuing written notices of violation. While the Permittees will still carry out these actions there may be cases that justify involving the Board sooner.</p> <p>In addition, recommend setting up a recommended frequency for notification of potential IGP non-filers. Context: After the issuance of the 2012 LA/2014 LB MS4 Permits, the 2015 IGP added a large swath of light industries to its coverage. Many of these businesses are small in both size and operations and as such 1) are much more common than heavy industries, and 2) start and cease operations much more frequently than heavy industries. This means that Permittees may come across new potential non-filers on a regular basis, primarily through business license and MS4 NPDES inspections. Taking this into consideration, a regular frequency of notification may streamline the process for both Permittees and Regional Board staff. (For example, under the North Orange County MS4 NPDES Permit, there is a quarterly notification process in place.)</p>
VIII.D.4.a; Page 45	Recommend providing additional guidance on the metrics for measuring effectiveness of public education efforts, which otherwise could take many forms and vary significantly across Permittees.
VIII.E.3; Page 47-48	This tentative Order updated the Working Proposal section on Requirements for Industrial Sources (VIII.E.4) to include in the Business Assistance Program that Permittees could refer businesses to the LA Regional Water Quality Control Board or State Board for further technical assistance and also updated the inspection frequency for sites that do not have exposure to stormwater to every 5 years. Recommend the same updates be made to the Requirements for Commercial Sources (VIII.E.3).
VIII.E.5; Page 49 VIII.G.5.a; Page 67 VIII.G.6.b.ii.(c); Page 69 VIII.H.3.a; Page 71	Recommend referencing a resource for Permittees to consider for applicable source control BMPs. (Such as the CASQA Handbooks.)
VIII.F.2.b; Page 54	In addition to the specific projects listed, exemptions to hydromodification controls should include an option for Permittees to prove no adverse hydromodification effects occur to beneficial uses in the Natural Drainage System.
VIII.F.4-5; Page 58-66	May consider integrating aspects of the Priority Development Project Structural BMP Performance Requirements for Ventura County Permittees (VIII.F.4) to integrate options for Los Angeles County Permittees (VIII.F.5) and vice-versa.
VIII.G.5.b; Page 68	Currently construction sites are inspected once a month during rainy season, unless a follow-up inspection is required due to a deficiency. Please clarify what "inspect as needed" means.

Comments and Recommendations on the Tentative Los Angeles Regional MS4 Permit

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VIII.H.5.b-c; Page 74-85	If any of the requirements of VIII.H.5.b and VIII.H.5.c are equivalent to requirements of CCR Chapter 4, Subchapters 3, 4, and 5, recommend identifying them as such. So that it is clear which requirements are specific to the MS4 Permit.
VIII.I.8; Page 80	Recommend exemption of tracking for discharges of negligible impact that do not enter a storm drain inlet. For example, the standard could be, "Tracking is not required for discharges of less than X gallons that do not reach a storm drain inlet." The reason for this requested exemption is that the administrative cost of this tracking outweighs the value of the data recorded. (The time could be better spent addressing other MS4 Permit requirements.)
VIII; Page 40-80	For all minimum control measures note development of recommendations/guidance for appropriate metrics for measuring effectiveness will be needed.
IX. Watershed Management Programs	
IX.A; Page 81	Please consider if Safe, Clean Water Program Stormwater Investment Plans (SIPs) are to be included into the Permit as mentioned by the County at the first workshop, how will those projects that remain unfunded be able to achieve compliance through alternative funding?
IX.A.4.d; Page 81	Recommend updating to reflect that modifications to the strategies, control measures, and BMPs may also be based on information gathered outside of the MRP.
IX.A.4.e; Page 81	Recommend providing more detailed description on the "appropriate opportunity for meaningful stakeholder and community input". This could potentially take many forms and would be helpful to understand what the Board deems as appropriate.
IX.A.4.k; Page 82	Strategies, control measures, and BMPs should be designed to achieve applicable WQBELs and RWLs, which can be demonstrated through an RAA. Reference to retaining the volume of the 85th percentile, 24-hour storm event should be reserved for later discussion that this option provides deemed-compliance for the associated drainage area without requiring an RAA. In many cases, building such control measures is infeasible in most areas and exceeds necessary controls to attain the water quality objectives, where costs could have been better spent in other areas to address the variable and spatial extent of WQBELs and RWLs. Increasing project size to capture the 85th percentile, 24-hour storm event may result in the misapplication of limited funding resources. Watershed Management is complex and requires optimum target investments and appropriate water quality standards.
IX.B.4.a; Page 83	Recommend also considering the severity of impaired beneficial uses and the relative level of exceedance of WQBELs and Receiving Water Limitations when sequencing the water quality priorities for TMDLs, rather than solely based on the compliance schedules.
IX.B.5.b; Page 84	Recommend adding back in the retrofitting of existing developed areas to the list of potential control measures.
IX.B.5.b.i.(a); Page 84	Recommended removing "Vegetated" before nature-based solutions. There are nature-based solutions that aim to restore/promote natural processes that do not necessarily rely on vegetation.
IX.B.5.b.ii.(b); Page 84	Please clarify if Permittees are required to adopt plastic bag, straw and styrofoam bans as proposed as non-structural controls regarding human source management.
IX.B.7.a; Page 85	Requiring legal authority to implement the identified control measures could potentially limit beneficial collaboration across parties that are not direct Permittees.

Comments and Recommendations on the Tentative Los Angeles Regional MS4 Permit

II

IX.B.7.g; Page 86	The RAA will be dependent upon the availability of data. Recommend some language that acknowledges this limitation.
IX.B.7.g.ii; Page 86	Recommend noting that the calibration of models should also be consistent with the applicable critical conditions for the pollutants of concern.
IX.B.7.g.iii; Page 86	Given the extent of available data, recommend noting that validation should be performed, if relevant independent data not required for calibration are available.
IX.B.7.g.iv; Page 86	Recommend providing additional guidance/recommendations on the quantitative reasoning required to demonstrate a WBPC being addressed by the limiting pollutant approach.
IX.B.7.g.v; Page 86	Please clarify if the use of a modified WMMS model calibrated for a particular watershed still satisfies the QA/QC requirements.
IX.B.7.g.vi; Page 86	Recommend noting that the assessment of control measure performance will be an iterative process as more of this type of data is gathered in the WMA as control measures are implemented.
IX.C.3; Page 87	Permittees should be able to request an extension of final compliance deadlines with TMDLs.
IX.E.1.c; Page 88	Consideration of the achievement of requirements for storm water volume addressed in adaptive management should include an “as applicable”, given not all WMPs have set targets based on the volume addressed.
IX.E.1.e; Page 88	Recommend reassessment of sources of pollutants not be limited to MS4 discharges, as modifications may also be warranted if significant sources outside of the MS4 are identified to be impacting receiving waters.
IX.E.1; Page 87-88	Recommend including re-evaluation of identified control measures in the program and costs of implementation.
IX.E.4.f; Page 88	Recommend adding a note that comparison of control measures completed to date with control measures projected to be completed to date pursuant to the WMP should include additional control measures implemented outside of the existing WMP
IX.E.5; Page 89	Please consider the impacts of additional costs incurred when implementing measures as part of adaptive management are considered and the time to secure such funding.
X. Compliance Determination for WQBELs and Receiving Water Limitations	
X.B.1.b; Page 94	Necessary deviations from an approved WMP may justify adjustments to the final deadlines for project completion or program implementation, under approval of the Executive Officer and appropriately incorporated in the WMP through the adaptive management process. Recommend removing this circumstance from allowing minor deviations in an approved WMP.
XI. Enforcement	
XI.B.1; Page 99	Recommend where reference the zero trash effluent limitation to include a qualifying statement with the acceptable compliance pathways that result in attainment of this object.
Attachment A - Definitions	
Att.A - Illicit Discharge; Page A-9	Recommend clarifying definition to answer the question: Does an illicit discharge include a discharge of pollutants in storm water that has not been reduced to the maximum extent practicable?
Att.A - Non-Storm Water Discharge; A-13	Recommend clarifying definition to answer the question: Do non-storm water discharges include discharges of pollutants in storm water that have not been reduced to the maximum extent practicable?

Comments and Recommendations on the Tentative Los Angeles Regional MS4 Permit

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Att.A – Restaurant; A-16	For consistency with the industrial element of the Industrial/commercial Facilities Program, recommend defining restaurants by the SIC Code manual: "Establishments primarily engaged in the retail sale of prepared food and drinks for on-premise or immediate consumption. Caterers and industrial and institutional food service establishments are also included in this industry."
Att.A - Retail Gasoline Outlet; A-16	For consistency with the industrial element of the Industrial/commercial Facilities Program, recommend referring to Retail Gasoline Outlets as Gasoline Service Stations and defining by the SIC Code manual: "Establishments primarily engaged in selling gasoline and lubricating oils. These establishments frequently sell other merchandise, such as tires, batteries, and other automobile parts, or perform minor repair work. Gasoline stations combined with other activities, such as grocery stores, convenience stores, or carwashes, are classified according to the primary activity."
Attachment E – Monitoring and Reporting Program	
Att.E.II.H.8; Page E-5	Requiring to incorporate new MDLs in the monitoring program should also consider the financial burden of implementing (in addition to analytical methods improving and becoming more environmentally relevant)
Att.E.V.A.2.a.ii; Page E-17	The new provision for subsequent wet weather events could be interpreted to modify the current provision to target wet weather events greater than 0.25 inches of rain to greater than 0.1 inches of rain. If this is the case, the new minimum wet weather target would increase the risk of a false start, decrease the amount of runoff represented in the sample, and cause other event pacing issues. Recommend that the minimum wet weather target remain the same.
Att.E.V.A.3; Page E-18	The new requirement to conduct receiving water wet weather monitoring within 6 hours of stormwater outfall-based monitoring may be infeasible for marine receiving water sites. Please provide guidance language for wet-weather monitoring at marine receiving water sites.
Att.E.VI.A.5.b.i.(a); Page E-25	The new requirement for flow-weighted composite samples to have a minimum of 3 samples per hour that are separate by at least 15 minutes is infeasible due to rainfall variability. Generally, as flow increases, the sampling frequency increases. The beginning and ending of an event can sample at a rate less than three times per hour, and middle of an event can sample at a rate less than once every 15 minutes. Recommend that the minimum samples and rate serve more as guidelines and targets rates rather than requirements.
Att.E.IX.H.1-3; Page E-30 – E-31	The requirement to test four freshwater species will add substantial labor, cost and volume requirements for the first year of monitoring. Increased volume requirements will make it more difficult to collect sufficient volume of water through flow compositing. This will also likely result in adjacent watersheds evaluating different sensitive species and result in a lack of consistency with aquatic toxicity monitoring. Unclear how results of the test would be assessed if not consistent across test species. Please also consider the proposed Urban Pesticide Amendments' Statewide Coordinated Monitoring Program. Recommend including some language in the Permit to advise Permittees on the Board's stance on joining the Urban Pesticide Amendment and what the process would be for opting into this program. Please provide reasoning for the requirement to test four freshwater species.
Att.E.XIV.B; Page E-37	The new requirement for semi-annual monitoring reports doubles the annual reporting effort, which could potentially be better spent on implementation efforts.
Attachment F – Fact Sheet	

Att.F.III.K; Page F-93	If Permittees were to consider climate change offsets in modeling or with BMPs, this would require changes to the WMPs through Adaptive Management. When would this be required by if included in the Permit? This would require Permittees to incur additional costs for analysis and modeling. Has the LARWQCB/SWB conducted a cost-benefit analysis to determine feasibility of considering climate change offsets?
Att.F.XIII; Page F-283	What is considered "appropriate"?
Attachment H - Annual Report Forms	
Att.H	Please clarify what is requested for cost for the Public Agency activities. This is where everyone reports differently with no clear format.
Att.H	Recommend that the Annual Report form not be included as an attachment. We anticipate continued improvements in the Annual Reporting process in the coming years, with a focus on reporting on key performance indicators and providing meaningful information. With an Annual Report form written into the Permit, this would prevent reporting improvements for a minimum of 5 years. (It seems unlikely that the Permit would be reopened for moderate improvements to the Annual Report forms.)
Att.H	Recommend considering any and all methods of avoiding redundancies. For example, consider maintaining WMP level reporting, enhanced by individual City-specific details.

3.0 INTEGRATION OF THE SAFE, CLEAN WATER PROGRAM

The Safe, Clean Water Program is the primary source of dedicated funding for the LA County Permittees. The municipal and regional programs are expected to significantly support implementation of Permittees WMPs. To improve the certainty that actions taken will ultimately result in attainment of beneficial uses the Permit should provide flexibility such as alternative compliance pathways or extended time to implement appropriate actions utilizing scientific advancements and best available information/data. Given the success securing this funding measure, which helps enable the commitment towards implementation of approved WMPs, beyond simply acknowledging this program we recommend that the Permit integrate fundamental aspects of the program that will help align the regulatory compliance with realistic and achievable implementation. We recommend doing so through the following:

- Allow WMPs to incorporate schedule adjustments to projects based on Stormwater Investment Plans (SIPs) through the adaptive management process.
- Provide credit to cities and agencies contributing funds through the regional program to projects outside their jurisdiction through extensions on their milestones. This recognizes the competitive aspect of the regional program, which should prioritize projects with the greatest watershed benefit but could result in certain jurisdictional projects being pushed to later fiscal years. This would not necessarily impact the number of projects to be implemented but provided flexibility to the schedule.
- Allow for extensions to compliance deadlines based on the available funding, with sufficient justification that the updated deadline can be met with the known funding.
- Align Safe, Clean Water Program reporting requirements in terms of format and schedule to satisfy the Permit required reporting.

If these recommendations are incorporated in the Permit, this will help facilitate the selection of projects under the Safe, Clean Water Program that are best aligned with Permit compliance.

2020 Regional MS4 TMDL Compliance Costs

City	Capital Cost (in millions)	Annual O&M Cost (in millions)	Total 20-Year Cost
Alhambra	\$35.07	\$4.39	\$122.80
Arcadia	\$49.42	\$6.15	\$172.38
Azusa	\$16.57	\$0.83	\$33.13
Baldwin Park	\$14.65	\$0.73	\$29.29
Bradbury	\$2.71	\$0.27	\$8.05
Claremont	\$14.09	\$0.70	\$28.19
Covina	\$15.31	\$0.77	\$30.62
Diamond Bar	\$20.87	\$1.04	\$41.75
Duarte	\$9.84	\$0.97	\$29.26
El Monte	\$38.27	\$4.38	\$125.86
Glendora	\$22.75	\$1.14	\$45.50
Industry	\$21.93	\$1.10	\$43.87
Irwindale	\$20.77	\$1.54	\$51.53
La Canada Flintridge	\$29.48	\$3.69	\$103.22
La Puente	\$7.55	\$0.38	\$15.11
La Verne	\$14.71	\$0.74	\$29.42
Monrovia	\$25.51	\$3.16	\$88.77
Montebello	\$37.11	\$4.64	\$129.92
Monterey Park	\$31.38	\$3.92	\$109.86
Pomona	\$23.41	\$1.17	\$46.83
Rosemead	\$23.10	\$2.89	\$80.90
San Dimas	\$22.09	\$1.10	\$44.18
San Gabriel	\$18.67	\$2.33	\$65.36
San Marino	\$17.37	\$2.17	\$60.83
Sierra Madre	\$9.33	\$1.17	\$32.68
South El Monte	\$11.93	\$1.44	\$40.66
South Pasadena	\$14.65	\$1.83	\$51.29
Temple City	\$18.58	\$2.32	\$65.04
Walnut	\$12.68	\$0.63	\$25.36
West Covina	\$32.91	\$1.65	\$65.83
Total	\$632.7M	\$59.2M	\$1.8B

LA County – WHAM

	Estimated Annual Local Return Funding				
City	Measure W	Measure H	Measure A	Measure M ¹	TOTAL
Alhambra	\$860,000	\$0	\$503,618	\$399,836	\$1,763,454
Arcadia	\$1,020,000	\$0	\$230,403	\$263,917	\$1,514,320
Azusa	\$620,000	\$0	\$159,359	\$228,902	\$1,008,261
Baldwin Park	\$720,000	\$0	\$411,599	\$347,466	\$1,479,064
Bradbury	\$50,000	\$0	\$6,191	\$5,092	\$61,283
Claremont	\$590,000	\$0	\$145,288	\$166,633	\$901,921
Covina	\$740,000	\$0	\$174,292	\$225,448	\$1,139,740
Diamond Bar	\$880,000	\$0	\$208,391	\$262,500	\$1,350,892
Duarte	\$250,000	\$0	\$75,363	\$101,350	\$426,713
El Monte	\$1,080,000	\$0	\$626,265	\$525,626	\$2,231,891
Glendora	\$900,000	\$0	\$189,208	\$241,994	\$1,331,202
Industry	\$1,630,000	\$0	\$137,487	\$2,024	\$1,769,511
La Canada Flintridge	\$380,000	\$0	\$87,442	\$94,285	\$561,727
La Puente	\$340,000	\$0	\$211,117	\$186,091	\$737,208
La Verne	\$570,000	\$0	\$127,034	\$152,598	\$849,632
Monrovia	\$530,000	\$0	\$136,444	\$177,162	\$843,606
Montebello	\$940,000	\$0	\$222,780	\$294,014	\$1,456,794
Monterey Park	\$740,000	\$0	\$214,686	\$283,384	\$1,238,070
Pomona	\$1,890,000	\$0	\$508,778	\$714,398	\$3,113,176
Rosemead	\$580,000	\$0	\$173,615	\$252,923	\$1,006,538
San Dimas	\$600,000	\$0	\$133,374	\$157,461	\$890,835
San Gabriel	\$450,000	\$0	\$136,361	\$188,690	\$775,050
San Marino	\$240,000	\$0	\$58,360	\$61,947	\$360,307
Sierra Madre	\$150,000	\$0	\$42,537	\$50,645	\$243,182
South El Monte	\$450,000	\$0	\$88,032	\$95,964	\$633,996
South Pasadena	\$250,000	\$0	\$94,590	\$119,562	\$464,152
Temple City	\$450,000	\$0	\$215,928	\$167,387	\$833,315
Walnut	\$500,000	\$0	\$113,199	\$138,615	\$751,813
West Covina	\$1,370,000	\$0	\$365,742	\$495,933	\$2,231,675
TOTAL	\$19,770,000	\$0	\$5,797,481	\$6,401,848	\$31,969,329

¹ Cap of 33% for Measure M local return on green streets/stormwater projects

DATE: October 13, 2020

TO: Water Policy Committee/Water TAC

FROM: Marisa Creter, Executive Director

RE: **STATE WATER RESOURCES CONTROL BOARD ORDER**

RECOMMENDED ACTION

For information only.

BACKGROUND

On December 6, 2019, the State Water Resources Control Board (State Board) released a Draft Order in the Matter of Review of “Approval of Watershed Management Programs and an Enhanced Watershed Management Program Submitted Pursuant to Los Angeles Regional Water Quality Control Board Order R4-2012-0175” for comment. A subsequent Draft Order was released on December 10, 2019. Comments were initially due on January 20, 2020. The comment period was subsequently extended to February 20, 2020 and then extended again to March 20, 2020.

The Draft Order addresses the petitions that the State Board received challenging the Executive Officer of the Los Angeles Regional Water Quality Control Board’s approval of nine watershed management plans (WMPs) and one enhanced watershed management plan (EWMP). The Draft Order provides the State Board’s response to these petitions, in which it finds that there are deficiencies in the WMPs and the EWMP and outlines the requirements for these WMPs and EWMP to undertake in order to comply the existing 2012 Municipal Separate Storm Sewer (MS4) Permit.

The Water Policy Committee and TAC had expressed concerns regarding the State Board’s Draft Order and its potential implications for Permittees. As such, the Water TAC met on January 28, 2020 to discuss and develop draft comments on the Draft Order for consideration by the Water Policy Committee at its February meeting. The Water Policy Committee discussed the letter at its February meeting and made minor modifications. The Committee directed staff to submit the comment letter to the State Board to meet the February 20, 2020 deadline. The draft letter is included as Attachment A.

Key concerns raised in that letter included the bacteria TMDL level of analysis, existing mechanisms for adaptive management in the permit, inconsistency with the trial court’s decision in *City of Duarte v. State Water Resources Control Board*, timelines, lack of due process, and the timing of the order.

SECOND PROPOSED ORDER

On September 4, 2020, the State Board released a second proposed order, which makes revisions to the first proposed order. The State Board also released a “comparison document” of the order,

which indicates revisions to the first order in underline/strikethrough format. A primary technical concern that remains in the second order is related to the adaptive management process and the Reasonable Assurance Analysis (RAA). The second proposed order indicates that the existing RAA strategy and fundamental basis of using the limiting pollutant for RAA is flawed. Neither the State Board nor the Regional Board have provided guidance as to the adequate methodology on which to base the RAA. This would place a financial burden on cities to develop new modeling. In addition, the second proposed order continues to include the initial concerns with the bacterial TMDL and the inconsistencies with the Duarte litigation.

The second proposed order, “comparison document,” and transmittal letter can be found here: www.waterboards.ca.gov/public_notices/petitions/water_quality/a2386_losangeles_wmp.html

PUBLIC WORKSHOP

On October 6, 2020, the State Board held a public workshop to solicit comments on the second proposed order. State Board staff provided an overview of the order and the changes from the draft order. Staff noted that the order is in response to petitions to the State Board on the approvals of the 9 WMPs and EWMP to determine if plans upheld original intent. State Board staff noted that the Board supports the limiting pollutant strategy, but staff argued that the limiting pollutant was insufficiently justified in the plans. Finally, the State Board disavowed any language that compliance is dependent on funding.

SGVCOG staff attended the workshop to provide a public comment that was echoed by other public commenters. Both SGVCOG and Regional Board staff noted that the second proposed order appears to suggest that the fundamental basis of using the limiting pollutant for the RAA is flawed, and requested that these references be removed and that the State Board confirm that this strategy is accepted. Other comments included to not incorporate the RAA guidelines in the order itself as they are highly technical and rapidly evolving and require significant administrative efforts to update. On the other hand, non-governmental organization (NGO) commenters supported the level of specificity in the second proposed order. The State Board did not take an action on the order at the workshop.

Prepared by:



Samantha Matthews
Management Analyst

Approved by:



Marisa Creter
Executive Director

ATTACHMENTS

Attachment A – SGVCOG Comment Letter on Draft Order



OFFICERS

President
Cynthia Sternquist

1st Vice President
Margaret Clark

2nd Vice President
Becky Shevlin

3rd Vice President
Tim Hepburn

MEMBERS

Alhambra

Arcadia

Azusa

Baldwin Park

Bradbury

Claremont

Covina

Diamond Bar

Duarte

El Monte

Glendora

Industry

Irwindale

La Cañada Flintridge

La Puente

La Verne

Monrovia

Montebello

Monterey Park

Pomona

Rosemead

San Dimas

San Gabriel

San Marino

Sierra Madre

South El Monte

South Pasadena

Temple City

Walnut

West Covina

First District, LA County
Unincorporated Communities

Fourth District, LA County
Unincorporated Communities

Fifth District, LA County
Unincorporated Communities

SGV Water Districts

March 19, 2020

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 "I" Street, 24th Floor
P.O. Box 100
Sacramento, CA 95812-0100

RE: COMMENTS ON A-2386, A-2477, A-2508 PROPOSED ORDER

Dear Ms. Townsend:

This submittal is being made on behalf of the San Gabriel Valley Council of Governments (SGVCOG) and its member agencies. SGVCOG is submitting these "Comments on A-2386, A-2477, A-2508 Proposed Order," which was released on December 6, 2019, and subsequently revised and released on December 10, 2019. The SGVCOG appreciates this opportunity to provide comments on the Proposed Order.

Specifically, the SGVCOG would like to highlight the following concerns:

- **Bacteria TMDL:** In the Draft Order, the State Board expresses concern with the level of analysis that is shown by Permittees with regards to compliance with the Bacteria TMDL. The SGVCOG recognizes the need for more data with regard to the Bacteria TMDL, so the SGVCOG is seeking Safe Clean Water funding for two technical studies with regard to the Bacteria TMDL: the Upper Los Angeles River (ULAR) Load Reduction Strategy (LRS) adaptation plan – which is being completed to address the significant challenges that the ULAR Group has faced in complying with its Bacteria TMDL – and the region-wide study to support protection of human health through targeted reduction of bacteriological pollution – which is looking to identify opportunities for more targeted and cost-effective mechanisms of compliance with the Bacteria TMDL. As such, the work that the State Board has proposed in the Draft Order is already underway under the existing terms of the existing MS4 Permit.
- **Existing Mechanisms for Adaptive Management in the Permit:** The 2012 MS4 Permit has existing mechanisms for Permittees to utilize an adaptive management process to revise their WMPs. Many WMP groups in the San Gabriel Valley have done that and, as referenced in the Draft Order, four of the contested WMPs utilized the adaptive management process in 2017. Given that WMP groups already can and do use an adaptive management process with the Regional Board to ensure compliance with the MS4 Permit, there is no need for the State Board's Draft Order to duplicate and/or override this process.
- **Timelines:** The SGVCOG has significant concerns with timelines included within the Draft Order. Permittees are already required to re-run their reasonable assurance analysis (RAA) in 2021. To run the RAA in 2020 and again in 2021 would be a costly proposition and a hugely ineffective use of Permittees' financial resources. Permittees want to direct as much of their funding as possible towards the

implementation of the projects and programs that are contained within their WMPs for which an RAA has already been completed.

- ***Inconsistency with the trial court's decision in City of Duarte v. State Water Resources Control Board (Case No. 30-26016-00833614) (the "Duarte Case"):*** The City of Duarte – a member agency of the San Gabriel Valley Council of Governments – had challenged the numeric effluent limitations (NELs) included in the 2012 MS4 Permit on the basis that the NELs were not required by federal law and, as such, the Regional Board was required to consider, among other factors, the cost of compliance and whether those terms were reasonably achievable, which the Regional Board failed to do. The trial court agreed with Duarte's argument and ordered the NEL-related provisions to be set aside by the Regional Board. However, the State Board's Draft Order does not acknowledge this holding. Additionally, the State Board's Draft Order's discussion of California Water Code section 13241 wholly ignores the trial court's ruling as well. (See Amended Proposed Order pp. 19-23.) For example, the State Board claims that it and the Regional Board considered the costs of complying with the requirements of the 2012 MS4 Permit, even though the trial court expressly found to the contrary by noting that the Regional Board only considered the costs of complying with the *prior* MS4 permit. (See Attachment A hereto.) Furthermore, the State Board's citation to authorities in footnotes 79-81 to support the argument that the Regional Board adequately considered costs is legally incorrect. Specifically, the cases cited therein (*City of Arcadia v. State Water Resources Control Board* (2006) 135 Cal.App.4th 1392; *California Association of Sanitation Agencies v. State Water Resources Control Board* (2008) Cal.App.4th 1438, *San Joaquin River Exchange Contractors Water Authority v. State Water Resources Control Board* (2010) 183 Cal.App.4th 1110), all address challenges to legislative acts by the State and Regional Boards, not a quasi-adjudicative act like the adoption of the 2012 MS4 Permit, which is subject to a much less deferential standard of review under Code of Civil Procedure § 1094.5. To simply ignore this holding strikes us as a strategic attempt to undermine the *Duarte Case*; to hold the Permittees to those NEL-related terms is both inappropriate and an abuse of discretion.
- ***The State Board's Draft Order runs afoul of the Court of Appeal's order granting the Water Boards' writ of supersedeas.*** The State Board's Draft Order does not adequately describe the actions of the Fourth District Court of Appeal in the appeal of the *Duarte Case*. (See Draft Order, n. 2, pp. 1-2.) While the Court of Appeal granted the Water Boards' petition for writ of supersedeas, it also specifically stated that the Water Boards should *not* enforce the NEL-terms during the pendency of that appeal, and if the Water Boards were to take such action, authorized the affected permittees to seek relief directly from the Court of Appeal. (See Attachment B, hereto.) The requirements of the State Board's Draft Order are clearly an attempt to force compliance with the NELs and NEL-related terms. As such, adopting the Draft Order would be inappropriate and would likely invite judicial intervention from the Court of Appeal.
- ***Lack of Due Process.*** The Draft Order purports to require the Regional Board to reconsider previously approved, unchallenged WMPs and EWMPs for groups that were not subject to a petition. By issuing a draft order that purports to impact

Permittees that were not give any prior notice of a challenge to their programs, the State Board has denied the Permittees due process as a matter of law.

- ***Draft Order Timing:*** Over the last seven years, Permittees in the San Gabriel Valley – as well as across the region – have worked diligently to attempt to comply with the 2012 MS4 Permit. Watershed area groups have submitted and received conditional approval for these WMPs, have used the Permit’s adaptative management process to revise their WMPs as necessary, and have begun implementing projects. In December 2019, the Los Angeles Regional Water Quality Control Board (Regional Board) released the “Staff Working Proposal of the Regional Phase 1 Municipal Separate Storm Sewer System (MS4) Permit for initial stakeholder review and comment. The Regional Board anticipates releasing a draft proposal, for public comment, in the spring of 2020, with the final approval of a Permit later this year. To release an Order related to the 2012 MS4 Permit – when the development of the new MS4 Permit and the Water Boards’ appeal of the *Duarte Case* (and the related Gardena Case) are underway – is short-sighted and invites procedural and legal roadblocks that can be easily avoided if the State Board delayed issuance of the order. Indeed, the timing of the order undermines the ability and good faith of Permittees to effectively complete the technical work and projects necessary to meet the shared goal of MS4 permit compliance. Similarly, should the decision in the *Duarte Case* stand on appeal, the entire order may become moot. Lastly, the timing of the order serves to confuse and complicate the process of approving a new MS4 Permit and, moreover, potentially subverts the public review and approval process delegated to the Regional Board that is already underway.

In light of the foregoing, the SGVCOG respectfully requests that the State Board not issue the Draft Order at all in light of the substantive and procedural deficiencies outlined above. If the State Board were to decide to issue the Draft Order, the SGVCOG respectfully requests that the State Board wait until after the appeal of the *Duarte Case* has been decided, and to amend the Draft Order to narrow the parties that are impacted by the order, and to accurately account for what occurred and likely will occur in the *Duarte Case* (and the related Gardena Case). We appreciate the opportunity to provide comments on this Draft Order. Should you have any questions, do not hesitate to contact my staff at (626) 457-1800.

Best,



Marisa Creter
Executive Director

REPORT

DATE: October 13, 2020

TO: Water Policy Committee/Water TAC

FROM: Marisa Creter, Executive Director

RE: **U.S. EPA PROPOSED 2020 FINANCIAL CAPABILITY ASSESSMENT FOR
CLEAN WATER ACT OBLIGATIONS**

RECOMMENDED ACTION

For information only.

BACKGROUND

The U. S. Environmental Protection Agency (EPA) announced its proposed 2020 Financial Capability Assessment (FCA) for Clean Water Act (CWA) schedule development. Through the 2020 FCA, EPA is seeking to support water utilities that serve economically disadvantaged communities and provide vital clean water services that support public health, the environment and local economies. The 2020 FCA proposal explores how customers' ability to pay for service impacts the affordability of capital expenditures and operation and maintenance needed to ensure CWA compliance.

This guidance is used to evaluate the financial capability of a community when developing a schedule for the water infrastructure improvements. EPA's proposed FCA 2020 guidance includes new metrics to inform a community's implementation schedule, including indicators that more accurately reflect how much low-income communities can afford to pay for water infrastructure upgrades. When finalized, the 2020 FCA will support negotiations of schedules for implementing CWA requirements for municipalities and local authorities.

EPA will accept comments via the Federal eRulemaking portal (<https://www.regulations.gov>), referencing Docket ID No. EPA-HQ-OW-2020-0426. Comments must be received by October 19, 2020.

The proposed assessment can be found at this link:

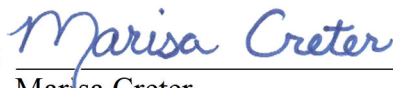
https://www.epa.gov/sites/production/files/2020-09/documents/epa_proposed_2020_financial_capability_guidance_september_2020.pdf.

Prepared by:



Samantha Matthews
Management Analyst

Approved by:



Marisa Creter
Executive Director

REPORT

DATE: October 13, 2020

TO: Water Policy Committee/Water TAC

FROM: Marisa Creter, Executive Director

RE: **SAFE CLEAN WATER PROGRAM UPDATES**

RECOMMENDED ACTION

For information only.

PROGRAM AND WASC UPDATES

The Los Angeles County Board of Supervisors is expected to consider the FY 2020-21 Recommended Regional Program Stormwater Investments Plans (SIPs) by mid-October. Upon approval of the SIPs, Transfer Agreements for the Infrastructure Program and Scientific Studies will be prepared and distributed to the recipients, and Technical Resources Program recipients will be contacted by the District.

Each Municipality must submit an Annual Plan and execute a fund Transfer Agreement with the District to receive their portion of the Municipal Program revenue. The District requests that each city include a PDF copy of the resolution or other authorizations to execute the agreement, from their respective City Councils or other authorized party, along with the signed agreement.

Watershed Area Steering Committees (WASCs) will reconvene at the end of October or early November to begin development of the FY 2021-22 SIPs. WASCs will interview Watershed Coordinators by the end of the 2020 and contracts are expected to be executed in early 2021.

The Safe, Clean Water Program Dashboard Portal, which consists of a map, dashboard, and reporting module, has been developed. Features include an overview of funded projects/studies and project applications under consideration, a summary of benefits, a map with a search tool, and project filters and layers (jurisdiction, program, funding year, status, cost, etc.). The map and dashboard are now available [here](#).

ROUND TWO PROJECTS

The SGVCOG will be submitting the following three studies to the FY 21-22 Safe, Clean Water Regional Program call for projects.

- **Rio Hondo Load Reduction Strategy Infrastructure Project:** The Cities of Alhambra, Monterey Park, Pasadena, Rosemead, San Gabriel, San Marino, South Pasadena, and Temple City, along with Unincorporated County have entered into an agreement with the SGVCOG to implement the Project to address the LAR Bacteria TMDL. The project consists of three low flow diversions along on Alhambra, Eaton, and Rubio Washes which will address dry-weather bacteria discharges from more than 35,000 acres of tributary area

within the Upper Los Angeles River (ULAR) Enhanced Watershed Management Program (EWMP) Group area. More information on the project is included as Attachment A.

- **Nature-Based Solutions Special Study:** On behalf of Craftwater Engineering, the SGVCOG will be submitting a special study that would measure the effects of nature-based solutions, along with other best management practices (BMPs), on water quality benefits. The study will help demonstrate the need for a suite of projects to comply with MS4 Permit obligations and to achieve the goals of the SCW Program. The study would bring together local agencies, the League of California Cities, and nongovernmental organizations (NGOs) to collaborate and evaluate the success of the program.
- **Upper Los Angeles River (ULAR) and Rio Hondo Watershed Area Fire Effects Study:** On behalf of the ULAR Watershed Management Group, the SGVCOG will be submitting a fire effects study that will collect and analyze water quality data for three years and develop models for the fate and transport of fire-related contaminants in the ULAR watershed. This research will be used to promote scientifically sound regulations and develop strategies for addressing metals and nutrients in the ULAR.

UPCOMING MEETINGS

- Regional Oversight Committee – Thursday, October 29, 2020, 2:00 – 4:00 pm
- Scoring Committee – TBD
- Upper Los Angeles River WASC – TBD
- Upper San Gabriel River WASC – TBD
- Rio Hondo WASC – TBD

Prepared by:



Samantha Matthews
Management Analyst

Approved by:



Marisa Creter
Executive Director

ATTACHMENTS

Attachment A – SGVCOG Rio Hondo Load Reduction Strategy Project Description

Project Overview: Rio Hondo LRS Projects (Alhambra, Eaton, and Rubio Washes)

1. Background

The San Gabriel Valley Council of Governments (SGVCOG), on behalf of the County of Los Angeles (County) and the Cities of Alhambra, Monterey Park, Pasadena, Rosemead, San Gabriel, San Marino, South Pasadena, and Temple City is implementing the Load Reduction Strategy Projects for the Rio Hondo River and Tributaries (Project). The Project was identified in the *Rio Hondo Load Reduction Strategy: Addendum to Revise Implementation Actions for Alhambra Wash, Eaton Wash, and Rubio Wash* (referred to herein as the Rio Hondo LRS) (ULAR EWMP Group, 2017), an addendum to the *Rio Hondo Load Reduction Strategy for the Los Angeles River Watershed Bacteria TMDL* [Total Maximum Daily Load] (ULAR EWMP Group, et al., 2016).

The Project is proposed in response to the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit Order No. R4-2012-0175, which was adopted by the Los Angeles Regional Water Quality Control Board (LARWQCB) and enacted on December 28, 2012. The MS4 Permit identifies the permittees that are responsible for compliance with the MS4 Permit requirements pertaining to the Los Angeles River (LAR) Watershed Bacterial Total Maximum Daily Load (Bacteria TMDL) Resolution No. R10-007. The LAR Bacteria TMDL requires the responsible permittees to meet targets and waste load allocations for the indicator bacterium *E. coli* during wet-weather and dry-weather seasons. The LAR Bacteria TMDL further presents the Load Reduction Strategy (LRS) as a method for achieving compliance and was used to satisfy TMDL requirements.

The Cities of Alhambra, Monterey Park, Pasadena, Rosemead, San Gabriel, San Marino, South Pasadena, and Temple City, along with Unincorporated County have thus entered into an agreement with the SGVCOG to implement the Project to address the LAR Bacteria TMDL.

The Project consists of three low flow diversions along on Alhambra, Eaton, and Rubio Washes which will address dry-weather bacteria discharges from more than 35,000 acres of tributary area within the Upper Los Angeles River (ULAR) Enhanced Watershed Management Program (EWMP) Group area. Eight members of the ULAR EWMP Group (Alhambra, Monterey Park, Pasadena, Rosemead, San Gabriel, San Marino, South Pasadena, and Temple City –referred to as Cities), along with portions of Unincorporated County, contribute to flows that will be captured by the Project. **Figure 1-1** below illustrates the three Project sites and their associated drainage areas.

Project Overview: Rio Hondo LRS Projects (Alhambra, Eaton, and Rubio Washes)

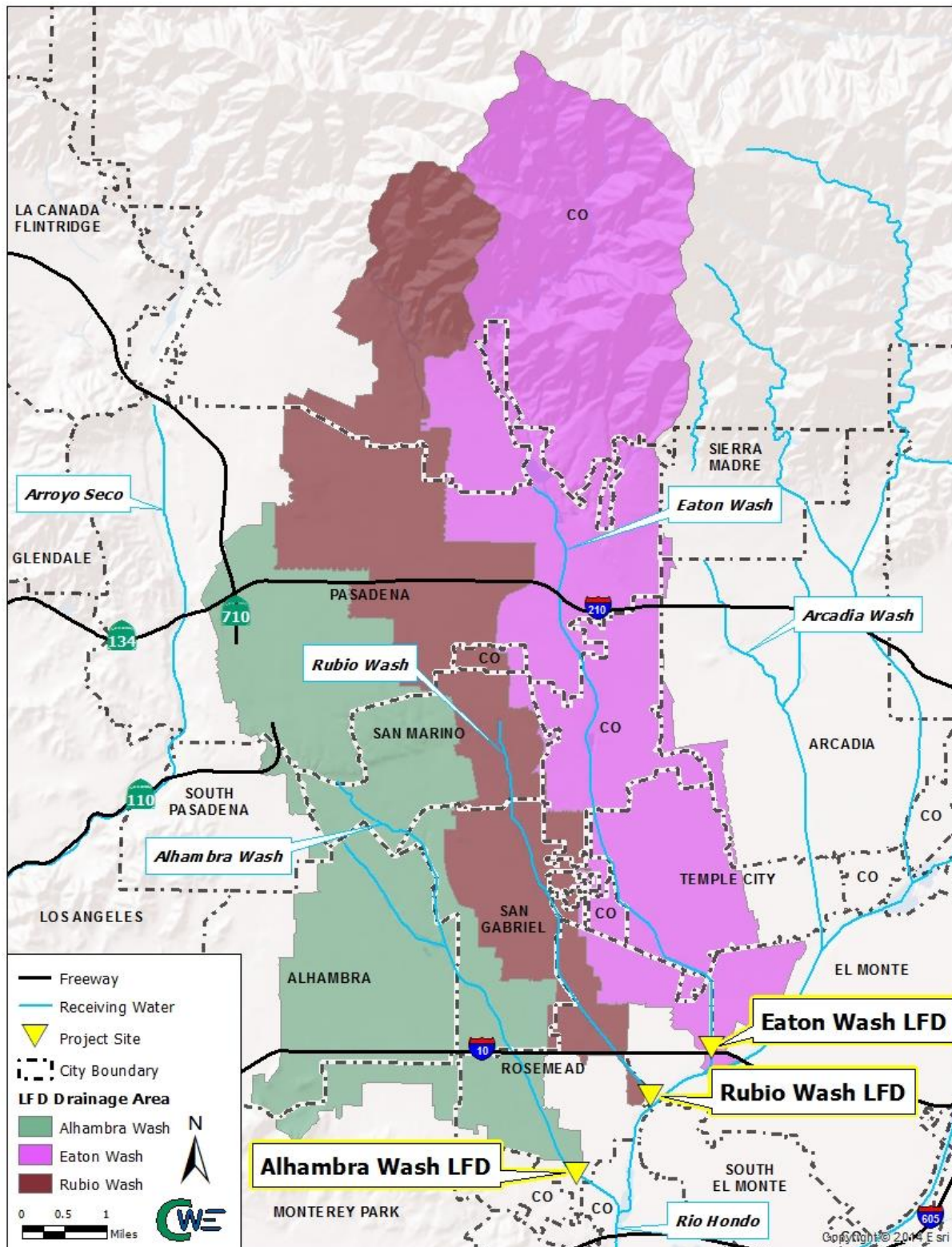


Figure 1-1 Project Sites

Project Overview: Rio Hondo LRS Projects (Alhambra, Eaton, and Rubio Washes)

2. Project Purpose and Goals

The Project is being implemented to meet water quality goals as identified in the Rio Hondo LRS and as required by the MS4 Permit. Opportunities to achieve multiple benefits will be evaluated, such as water conservation and community benefits. The Project will address dry-weather discharges into Alhambra, Eaton, and Rubio Wash from the portions of the Cities that are tributary to the Rio Hondo, as illustrated in **Figure 1-1**. The Project will reduce pollutant loading to downstream water bodies by diverting dry-weather runoff, including bacteria. The diversion system will be designed in such a way that will minimize the amount of trash and debris diverted from the channel into the Project.

Under the LRS concept, diverted flows would be directed into a pump well and pumped to an existing sewer line owned by the Los Angeles County Sanitation Districts (LACSD). Flows would have ultimately been treated at an existing treatment facility before being used to meet local recycled water demands when demands exist. Through the Feasibility Study development, the Cities agreed that as an alternative, a treat and release system would be implemented at each site, for which the general concept is illustrated in **Figure 2-1**.

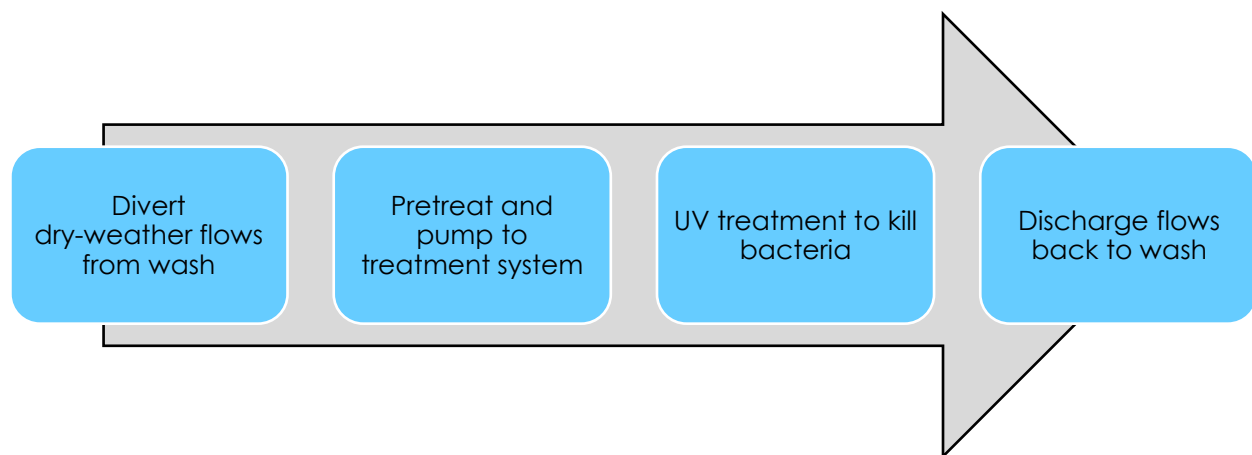


Figure 2-1 General Project Concept

The goals and objectives of the LRS are to reduce bacteria loading to the Rio Hondo, which the selected treatment approach will do. Additional benefits have been incorporated into the Project. Trees will be planted, and the system will allow for some infiltration to occur to mimic natural watershed processes. In summary, the Project goals are as follows:

- Enhance water quality locally and in downstream water bodies
- Reduce bacteria loading and contribute towards meeting LAR Bacteria TMDL targets (LRS objective)
- Provide benefits in addition to water quality (community benefits)

Project Overview: Rio Hondo LRS Projects (Alhambra, Eaton, and Rubio Washes)

3. Proposed Improvements

This section summarizes the improvements proposed as part of the Project. Each site will vary slightly based on the configuration of the channel and surrounding site, while the components will remain the same. A Feasibility Assessment Report was developed, which details several alternatives evaluated, while this summary focuses on the preferred alternative, which involves Ultra Violet (UV) treatment.

Flows will be diverted from the open channel using a rubber dam along the width of each wash. The rubber dam will impound dry-weather runoff within the channel, providing storage and allowing flows to pass through a steel grate inlet and into a diversion box. In-channel storage will improve the treatment processes by equalizing flows and maintaining a steadier flow rate for treatment. Diverted flows will be conveyed to a pump system that will lift flows to the proposed treatment train. The treatment train consists of a pretreatment system (fine screen) that removes trash, debris, and sediment to a certain size. Pretreated flows will be conveyed through a series of UV lights, which will kill bacteria before being discharged back to the wash.

The LRS defined peak discharge capacities at each site that must be addressed to reduce bacteria loading. Peak discharge rates are summarized in gallons per minute (gpm) and cubic feet per second (cfs) in **Table 3-1** below.

Table 3-1 LRS-Defined Peak Discharge Rate

Site	LRS-Defined Peak Discharge Rate	
	(gpm)	(cfs)
Alhambra Wash	1,000	2.23
Eaton Wash	630	1.40
Rubio Wash	800	1.78

The anticipated location of improvements at each site is illustrated in the 30% design plans and will be finalized through the design process. Nature-based solutions and tree planting is being incorporated at each site to provide multiple benefits. The pump wet well will be perforated to allow for some infiltration to occur, mimicking natural watershed processes. Educational signage will be incorporated at each site to educate the public on water quality and how the Project improves it during dry-weather conditions. Public outreach will also be conducted during the design process.

California Financing Coordinating Committee

CFCC FREE VIRTUAL FUNDING FAIR

October 22, 2020

9:00 a.m. to 4:00 p.m.

Presentations

9:00 a.m. to 12:30 p.m.

Virtual Booths

1:30 p.m. to 4:00 p.m.

Seeking Funding for Your Infrastructure Project?

Attend a free online event and connect with federal, state, and local agencies to discuss the financial and technical resources available.

CFCC Information

Please visit the CFCC website at www.cfcc.ca.gov for the CFCC member directory and general information.



Register at: <https://www.events.rcac.org/assnfe/ev.asp?ID=2306>

California Financing Coordinating Committee

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