

Report of Waste Discharge

**National Pollutant Discharge Elimination System
Municipal Separate Storm Sewer System**

**Renewal Application for the Cities of
Azusa, Claremont, Glendora, Irwindale, and Whittier**

**As Current Permittees Under
National Pollutant Discharge Elimination System
Municipal Stormwater Permit
Order No. 01-182
NPDES Permit No. CAS004001**

June 12, 2006

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STATE OF CALIFORNIA
SOUTH COAST WATER QUALITY CONTROL BOARD
SANTA ANITA REGION

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Table of Contents

Section 1 - Introduction	1
1.1 Purpose	1-3
1.2 Regulatory Background	3-4
1.3 Objectives	4
1.4 Program Description	4-6
1.5 A Watershed Management Approach	6-8
1.6 Rationale for a Watershed-Based MS4 Permit	8-11
Section 2 – Applicant Information	12
2.1 Municipal Applicants	12
2.2 Contact Information	12-13
Section 3 – Program Accomplishments	14
3.1 Storm Water Quality Management Plan	14-15
Section 4 – Priorities for Program Improvement	16
4.1 Program Components	16-17
4.2 Priorities for Program Enhancement	17
4.3 Priority 1 - Definitions	17-20
4.4 Priority 2 - Receiving Water Limitations	20-24
4.5 Priority 3 - Watershed Management Committee	24-26
4.6 Priority 4 - Industrial/Commercial Facilities Control Program	26-29
4.7 Priority 5 - Peak Flow Control and SUSMP	29-30
4.8 Priority 6 - Removal of Unnecessary Language from Development Planning Requirements	30-32
4.9 Priority 7 - Specific BMP Requirements	32
4.10 Priority 8 - Development Construction Improvements	32-33
4.11 Priority 9 - IC/ID Detection and Elimination Improvements	33-34
4.12 Priority 10 - Potable Water Discharge Exemption	34
4.13 Priority 11 - Additional Non-Storm Water Discharge Exemptions	35
4.14 Priority 12 - Legal Authority	35-36
4.15 Priority 13 - Annual Report Enhancements	36-38
4.16 Priority 14 - PIPP Revision	38-40
4.17 Priority 15 - Public Agency Program Revision	41
4.18 Priority 16 - Permit Implementation Costs	41-42
Section 5 – Water Quality Monitoring	43
5.1 Purpose	43
5.2 Using the Principal Permittee's Monitoring Program	43
5.3 Watershed-Specific Monitoring and Data Acquisition	43-45
5.4 Studies	45
5.5 Funding	45
Appendix A – Los Angeles County Monitoring Program	A-1
5.1 Core Monitoring	A1-A6
5.2 Regional Monitoring	A6-A8
5.3 Special Studies	A6-A11
5.4 Integration of Impaired Water Body Specific Programs	A11
Appendix B – Certification Letters from Applicants	B-1

Section 1 Introduction

1.1 Purpose

In accordance with the requirements found in Part 6, Section S of the existing 2001 Los Angeles County National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit (NPDES No. CAS004001), **Order No. 01-182**, this Report of Waste Discharge (ROWD) constitutes renewal of Waste Discharge Requirements (WDRs) adopted in Order No. 01-182 by the Regional Water Quality Control Board, Los Angeles Region (Regional Board) on December 13, 2001.

This ROWD is thus being submitted as both a Report of Discharge under Order No. 01-182 (an NPDES Permit that included as Permittees under the County of Los Angeles, the Los Angeles County Flood Control District [the Principal Permittee] and all incorporated Cities within the County, except the City of Long Beach), as well as a separate application for the Cities listed herein under Table 1 -- which shall be collectively referred to as the **Upper San Gabriel River Watershed Coalition** -- for the renewal of this 2001 NPDES Permit.

This ROWD includes a report on the activities and results of the programs implemented under Order No. 01-182 for all Permittees thereunder, along with proposed programs and permit terms for the City's renewed NPDES Stormwater Permit.

It is important to note that following the issuance of Order No. 01-182, numerous Permittees under the 2001 Permit filed legal challenges to many of the terms and provisions of Order No. 01-182, as well as to the procedure and review and approval process followed by the Regional Board when adopting the 2001 Permit. These legal challenges remain pending before the Court of Appeal of the State of California, Second Appellate District, Appellate Court Case No. B184034.¹

¹The following Permittees are appellants and continue to challenge many of the provisions in Order No. 01-182: The Cities of Arcadia, Artesia, Bellflower, Beverly Hills, Carson, Cerritos, Claremont, Commerce, Covina, Diamond Bar, Downey, Gardena, Hawaiian Gardens, Industry, Irwindale, La Mirada, Lawndale, Monrovia, Norwalk, Paramount, Pico Rivera, Rancho Palos Verdes, Rosemead, Santa Clarita, Santa Fe Springs, Signal Hill, South Pasadena, Torrance,

Further, in light of the significance of implementing a new set of WDRs and a new MS4 NPDES Permit on the environment, the Applicants herein¹ request that before any new Permit is issued based on this ROWD, that the State and Regional Board's first take all action as required to comply with the California Environmental Quality Act ("CEQA"), recognizing that any exemption provided under California Water Code section 13389 is a limited exemption from Chapter 3 of CEQA only. Moreover, there is no exemption from CEQA where the State and Regional Boards impose permit requirements which go beyond the federal law requirements set forth under the Clean Water Act. Accordingly, compliance with the requirements of CEQA, before a new municipal permit for the Applicants is issued, is essential so that all potentially significant adverse impacts to the environment from this project, are fully evaluated and properly mitigated, and so that all feasible alternatives to particular permit terms that may result in potentially significant adverse impacts, have been evaluated.

In addition, the Permittees remain concerned with the imposition of unfunded mandates under Order No. 01-182, and thus request that any mandated programs under the new permit only be imposed on the Applicants where the requirements of the California Constitution prohibiting the imposition of unfunded mandates upon the Applicants have been complied with.

Also, because the Regional Board is not a State agency with State-wide jurisdiction, the Regional Board is not an agency that by itself has the authority to issue an NPDES permit under the Clean Water Act. Accordingly, the Permittees named herein (which shall also be referred to as "Applicants"²) request that any new NPDES permit to be issued to the Applicants, be issued only after it has been reviewed and ultimately approved by the State Water Resources Control Board ("State Board"). The Applicants shall be submitting this ROWD with the understanding that it is not waiving any rights, objections or challenges it has brought or may bring in connection with the issuance of Order No. 01-182, or any other related

Vernon, Walnut, West Covina, Westlake Village, Whittier, and the County of Los Angeles and the Los Angeles County Flood Control District.

²Azusa, Claremont, Glendora, Irwindale, and Whittier

objections and challenges that may have been brought by the Applicants to other water quality orders, directives or regulations, and with the understanding that the Applicants are not waiving or relinquishing any rights it has or may have in connection with any new permit to be issued to replace Order No. 01-182.

1.2 Regulatory Background

The 1972 Clean Water Act established the National Pollutant Discharge Elimination System (NPDES) Permit program to regulate the discharge of pollutants from point sources to waters of the United States. However, pollution from land and urban runoff was largely unabated for over a decade. In response to the 1987 Amendments to the Federal Clean Water Act (CWA), the United States Environmental Protection Agency (EPA) developed Phase I of the NPDES Stormwater Program in 1990, which established a framework for regulating urban stormwater runoff. The Phase I program addressed sources of stormwater runoff that had the greatest potential to negatively impact water quality. Under Phase I, EPA required NPDES Permit coverage for stormwater discharges from:

- medium and large municipal separate storm sewer systems (MS4) with populations of 100,000 or more
- facilities that fall within eleven categories of industrial activity, including construction activity that disturbs five or more acres of land

Operators of MS4s regulated under the Phase I NPDES Stormwater Program were required to obtain Permit coverage for stormwater discharges under their control. The most significant portion of application was the development of a proposed stormwater management program that would meet the standard of "reducing the discharge of pollutants from the MS4 to the maximum extent practicable (MEP)." Stormwater management programs for medium and large MS4s include measures to:

- Identify major outfalls and pollutant loadings

- Detect and eliminate non-stormwater discharges to the system
- Reduce pollutants in runoff from industrial, commercial, and residential areas
- Reduce pollutants from construction sites within their jurisdiction

1.3 Objectives

The objective for the Applicants in submitting this ROWD is to successfully renew a Los Angeles County NPDES Municipal Stormwater Permit (also referred to herein as the Los Angeles County MS4 Permit), which includes requirements to achieve the goal of "reducing pollutants to the MEP" while taking into account:

- Feasibility
- Financial resources available
- Cost of implementation
- Overall benefit to water quality
- Effectiveness of existing Stormwater Quality Management Program (SQMP)
- Suggested improvements to existing SQMP
- Suggested approaches to improve receiving water quality
- Use of best available technologies; and
- Integration of impaired water body specific programs

1.4 Program Description

On December 13, 2001, the Regional Board adopted Order No. 01-182 serving as the NPDES Permit for municipal stormwater and urban runoff discharges within the County of Los Angeles. The

requirements of Order No. 01-182 apply to 84 Cities and the unincorporated areas of Los Angeles County under County jurisdiction, with the exception of Avalon, Long Beach, and the portion of Los Angeles County in the Antelope Valley, which includes the Cities of Lancaster and Palmdale. Under the Permit, the Los Angeles County Flood Control District is designated the Principal Permittee, and the County of Los Angeles along with 84 incorporated Cities are designated Permittees. In Order No. 01-182, the Principal Permittee coordinates and facilitates activities necessary to comply with the requirements of the Permit, but is not responsible for ensuring compliance of any of the Permittees. It should also be noted that many parts of Order No. 01-182 have been challenged in a lawsuit filed in Los Angeles County Superior Court by a number of the Permittees thereunder. This legal challenge remains pending on appeal, in the Court of Appeal of the State of California, Second Appellate District, Case No. B184034.

Through the current Los Angeles County MS4 Permit, the Regional Board implemented a *Watershed Management Approach* to address water quality protection in the region. The *Watershed Management Approach* intended to provide a comprehensive and integrated strategy towards water resource protection, enhancement, and restoration while balancing economic and environmental impacts within a hydrologically defined drainage basin or watershed. The current Los Angeles County MS4 Permit divides Los Angeles County into the following six Watershed Management Areas (WMAs):

- Ballona Creek and Urban Santa Monica Bay WMA
- Dominguez Channel/Los Angeles Harbor WMA
- Los Angeles River WMA
- Malibu Creek and Rural Santa Monica Bay WMA
- San Gabriel River WMA
- Santa Clara River WMA

A list of Permittees is provided under the 2001 Permit and in the Los Angeles County Unified ROWD.

Under this ROWD, the Cities listed under Table 1, under Section 2 are Applicants and shall be referred to as such herein. Each of these cities share the common characteristic of discharging wholly or

partially into reaches 2 and 3 of the San Gabriel River Watershed (which shall also be referred to herein as the Upper San Gabriel River Watershed).³

1.5 A Watershed Management Approach

The Applicants have chosen to participate in a watershed group permit because the *Watershed Management Approach* under the current Los Angeles County MS4 Permit has not been successful in providing a “comprehensive and integrated strategy towards water resource protection, enhancement, and restoration.”

Watershed Management Committees (WMC) have not been able to address watershed-specific pollution management. While WMC meetings are convened regularly – month to month in the case of the San Gabriel WMC -- they are not organized to focus on watershed-specific pollutant issues. Instead, they tend to be preoccupied with “issues of the day,” ranging from generic compliance issues to agenda items discussed by the Executive Advisory Committee (EAC), which serves largely as a “communication forum” on NPDES matters and is attended by many Los Angeles County MS4 Permittees.

The inability of the San Gabriel River WMC to focus on watershed-specific pollutant issues may have to do with the following:

1. The County of Los Angeles, which is the Principal Permittee under the current Los Angeles County MS4 permit, is not organized or adequately staffed to address pollutants of concern on a watershed basis, despite the fact that it has created a watershed management division. This is probably the result of its understandable preoccupation with total maximum daily loads (TMDLs), including trash and bacteria; and that it is simply overburdened with having to manage 6 watersheds, consisting of 88 municipalities, including the City and County of Los Angeles, while also managing its own storm water management program.

³Reach 2 of the San Gabriel River lies between Ramona Boulevard and Firestone Boulevard, while Reach 3 lies between Ramona Boulevard and Morris Dam).

2. Watershed groups, since the MS4 NPDES permit for Los Angeles County was first issued in 1990, have been based on geographic location rather than on hydrological distinctions. There is, for example, significant differentiation between the upper and lower portions of the San Gabriel River and Los Angeles River. In fact, the Upper San Gabriel River and Upper Los Angeles River municipalities appear to have more in common hydrologically with one another -- because they are located above the Whittier Narrows and Rio Hondo spreading grounds -- than with municipalities in the lower portions of Los Angeles and San Gabriel Rivers. Therefore, it is difficult to focus on watershed pollutants of concern for the San Gabriel River because they are actually two watersheds or sub-watersheds, if you will.

3. As is the case with large organizations, it is difficult for the County of Los Angeles, which is designated as Principal Permittee under the current Los Angeles County MS4 Permit, to adjust quickly from its county-wide storm water management program to a truly watershed/sub-watershed based program.

As a result of these foregoing reasons, there has been no effort to develop a "comprehensive and integrated strategy towards water resource protection, enhancement, and restoration."

It would seem that the first step in this direction would be to identify pollutants of concern, using the Federal Clean Water Act section 303(d) list ("303d list") which ranks pollutants in terms of low, medium, and high priorities. The next step would be to identify the sources of each pollutant in terms of use and activities. Finally, each permittee's storm water quality management program (SQMP) would then be amended to focus best management practices (BMPs) to the following extent:

1. Develop a comprehensive public education outreach program that would focus on each pollutant of concern directed at general audiences, contractors/developers residences, certain industrial/commercial facilities, and at certain activities (e.g., equestrian facilities to address bacteria).

2. Require BMPs for construction projects to focus on pollutants of concern, including minimum BMPs for projects less than 1 acre and projects 1 acre or more and storm water pollution prevention plans (SWPPPs) associated with General Construction Activity Storm Water Permits (GCASWPs).
3. Require industrial facilities covered under a General Industrial Activity Storm Water Permit (GIASWP) that generate pollutants of concern implement to appropriate BMPs to mitigate them.
4. Require commercial facilities that generate pollutants of concern to implement BMPs (source and treatment controls).
5. Require post-construction BMPs to address activities that are expected to generate a pollutant of concern.
6. Apply for grants to procure source and treatment controls (e.g., USEPA water infrastructure, Integrated Regional Watershed Management Program, and consolidated grant program grants).
7. Partner with other agencies in the region charged with protecting water quality to address pollutants of concern.

1.6 Rationale for a Watershed-Based MS4 Permit

All of the Applicants are assigned under the Los Angeles County MS4 Permit to the San Gabriel River Watershed. Most of them, with the exception of the Cities of Whittier and Irwindale, drain exclusively into Whittier Narrows spreading grounds. Approximately 30% of the City of Whittier drains into spreading grounds, while the 70% of it drains into the lower San Gabriel River, below the spreading grounds. The City of Irwindale drains mostly into Upper San Gabriel River, but also drain in the Upper Los Angeles River as well – 28% and 20% respectively.

The rationale for applying for a separate, watershed-based permit is as follows:

1. To allow smaller Cities to develop and implement more efficient stormwater programs that focus on sub-regional and city-specific pollution reduction measures, based on specific pollution issues (as opposed to generalized county-wide programs).
2. To investigate the use of the spreading grounds and other percolation basins in the watershed for use as infiltration controls to address post-construction BMP requirements and total maximum daily loads (TMDL).
3. By being separate from large municipalities, smaller Cities can work more effectively towards pin-pointing specific sources of pollution within their jurisdictions. They can also address them through behavior-specific public education outreach and structural and non-structural BMPs.
4. By aggregating into a group of small Cities, public funding of runoff pollution projects would be easier and more cooperative. This is especially true of TMDLs and other pollutants of concern identified on the Basin Plan 303(d) list. Under the current MS4 permit, permittees must compete with the Principal Permittee and the City of Los Angeles for funding, which generally has more clout than an individual or even a group of smaller permittees. A group of Cities associated with a particular watershed/sub-watershed can lobby their respective local, state, and federal elected representatives for funding for such things as conducting TMDL-related monitoring and structural controls to meet TMDLs.
5. Smaller Cities, in general, generate less pollution than larger municipalities. This is largely due to the fact that political and administrative authorities tend to be more responsive to citizens because they are more accessible and politically sensitive than their counterparts in larger municipalities. As a result, streets are swept more often, catch basins are cleaned-out more frequently, complaints of illicit discharge (including dumping), illicit connections, and improper management of pet waste on public and private property are responded to more quickly. Beyond this, smaller Cities tend to be more concerned with

open space (having more of it) and parks (having more of them) and with aesthetics, including more vegetation on public and private property, and prohibited or limited overnight parking. This amounts to less urbanization and lower runoff coefficients than larger municipalities. The citizens of small Cities also tend to be more committed to cleaner environments. This is because they have a stronger sense of community. Citizens know they can have a strong influence on policy and political decision makers to provide attractive, clean, and safe environments. Further, smaller Cities have fewer industrial and commercial facilities⁴ and are more closely regulated for code compliance (which, among other things, requires cleaner and less polluting environments).

6. Although not all Cities located in the Upper San Gabriel River Watershed are a party to this application, the Applicants intend to encourage other Permittees that are located in this watershed to be a part of the unified Los Angeles County ROWD. The Applicants objective is to form a nucleus for the future development of a watershed-based MS4 Permit -- a concept which many affected parties, including members of the environmental community, would agree has been long overdue in being realized. Initially, the Applicants would do basic "advance" work in laying the foundation for a watershed based MS4 Permit. This would include identifying specific pollutants of concern (as determined by the 303(d) list. The Applicants would revise their SQMPs to include objectives aimed at targeting a TMDL or a high priority pollutant of concern that has the potential to become a TMDL, through a concentrated and coordinated effort. For example, public education outreach could be re-tuned to be truly pollutant-specific. Initially, brochures and articles could be developed for a variety of TMDL or priority pollutants including trash, bacteria (fecal matter in particular), and selected metals. These print media would specifically identify pollutant sources and BMPs (including behavioral changes) that mitigate them. Also, the

⁴This does not include industrial Cities. However, even industrial Cities, which tend to be small in area, are actually sensitive to being less pollution generating than industrialized areas of large municipalities. City Councils and Managers recognize that they must be cleaner because the public tends to view them as being inherently pollutant generating. For example, compare the City of Vernon, Commerce, or Industry with industrialized portions of the City of Los Angeles.

Standard Urban Stormwater Mitigation Plan (SUSMP) could be re-focused to target a TMDL or high priority pollutant of concern, in terms of post-construction structural controls. As it is now, the SUSMP is really a non-specific pollution mitigation requirement. In addition, spreading grounds and percolation basins could be used to infiltrate TMDL or high priority pollutants. These and other regional solutions would be sensible and cost-effective.

7. To encourage participation in watershed matters involving other stakeholder agencies and organizations in the watershed, including, but not limited to: San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy; San Gabriel Basin Water Quality Authority; Main San Gabriel Basin Watermaster, and the Upper San Gabriel Municipal Water District.

8. The Applicants hope that the Permittees located in the Upper San Gabriel River watershed, but are associated with the Los Angeles County MS4 permit, will be allowed "cross-over." This could be formally achieved through a re-opener clause, or informally by simply allowing Permittees to participate, without changing MS4 permit affiliation.

Section 2 Applicant Information

2.1 Municipal Applicants

The Permittees identified in Table 1 have elected to participate in this separate ROWD application. These Applicants have chosen to participate in group MS4 NPDES Permit that shall be known as the Upper San Gabriel River Watershed Coalition (hereinafter "USGR Watershed Coalition").

Table 1 — Table of Municipal Applicants
Upper San Gabriel River Watershed Coalition

City	Population	Area (square miles)	% in San Gabriel River Watershed	% in Los Angeles River Watershed
Azusa	44,712	9.0	100	0
Claremont	33,998	11.0	90	0
Glendora	49,415	19.5	100	0
Irwindale	1,446	9.0	80	20
Whittier	83,680	12.5	100	0

It should be noted that the Principal Permittee has indicated that neither the Watershed Management Division nor the Los Angeles County Flood Control District of the Los Angeles County Department of Public Works wishes to be an Applicant under this ROWD. Nevertheless, the Applicants will continue to encourage the County to participate in watershed activities because of its flood management role.

2.2 Applicant Contact Information

The table below contains the names of contact persons associated with this MS4 NPDES Permit application.

Applicant	Contact	Title	Address
Azusa	Michael Scott	City Engineer	213 E. Foothill Blvd. Azusa, CA 91702
Claremont	Craig Bradshaw	City Engineer	207 Harvard Avenue P.O. Box 880 Claremont, California
Glendora	Dave Davies	Deputy Director of Public Works	116 E. Foothill Blvd Glendora, CA 91741
Irwindale	Kwok Tam	Director of Public Works	5050 N. Irwindale Ave Irwindale, CA 91706

Upper San Gabriel River Watershed Coalition
Report of Waste Discharge

Whittier	David Mochizuki	Director of Public Works	13230 Penn Street Whittier, CA 90602-1772
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Section 3 Program Accomplishments

3.1 Storm Water Quality Management Program

In accordance with the Los Angeles County MS4 Permit, the ROWD Applicants have implemented Storm Quality Water Management Programs based largely on the models developed by the Principal Permittee in 2002. The purpose of the Storm Quality Water Management Plan (SQMP) is to protect receiving waters, including: rivers, lakes and oceans from contamination in runoff.

This is to be achieved by doing two basic things: control pollutants in storm water runoff and (2) prohibit illicit discharges and connections through which they are conducted. These two general objectives are intended to reduce pollutants in storm water and non-storm water discharges to the MS4 to the maximum extent practicable (MEP) and underlie each of the SQMP program components, including: (1) program management; (2) development construction; (3) development planning; (4) illicit connection/discharge detection and elimination (ICID), (5) public information participation; (6) public (municipal) agency; and (7) industrial/commercial facilities control. The monitoring program is also an MS4 NPDES permit required specifically under federal storm water regulations, which shall be discussed in detail under Section 5.

Each of the Applicants have implemented fully each of these program components. As to what extent has the implementation of these programs under the current MS4 permit been effective in reducing storm water and non-storm water runoff pollution ("runoff pollution") is uncertain. However, it must be assumed that the implementation of the SQMP has resulted in reducing runoff pollution to some extent. A more difficult question is has the implementation of the SQMP improved water quality in the affected received waters? Unfortunately, the Applicants cannot answer this question because there is no specific monitoring data available to provide an answer.

It should be noted, that although the SQMPs have been fully implemented, they are in need of enhancement and revision to accommodate the watershed approach on which this application is

based. To that end, a detailed discussion of how each program can be improved is provided under Section 4.0.

Section 4.0 Priorities for Program Improvement

4.1 Program Components

Municipal stormwater and urban runoff management programs in the Los Angeles region were initiated with the June 18, 1990 adoption of Order No. 90-079. A revised Los Angeles County MS4 Permit was issued in July 1996, and another in December 2001 (Order No. 01-182). Permittees currently find themselves near the end of this third Permit cycle and have conducted in-depth reviews of their current management programs with an eye toward continued improvement. Program improvement and effectiveness is a priority for Permittees for many reasons. Permittees have an obligation to responsibly manage public funds as well as to protect the quality of the environmental resources within their jurisdictions. In addition, Permittees in the Los Angeles region recognize that effectively managing the impacts of stormwater and urban runoff in a cost effective manner is in the best interest of all County residents.

This section discusses issues and concepts identified by the Applicants as key factors in improving their management programs during the upcoming Permit cycle. These issues and recommendations have general applicability across multiple program elements. The Applicants, as Permittees under the current Los Angeles County MS4 Permit, have implemented programs that meet and often exceed the basic provisions of the existing Permit. Nevertheless, they appreciate, based on their experience of implementing the programs required under MS4 Permit in the Los Angeles Region, that there is a need for continued progress guided by a BMP-based "iterative approach." This is an approach that is based on the time honored principle of "trial and error."

As will be further discussed in the balance of the ROWD, the Applicants intend to incorporate these storm water quality management principles into their programs, and are committed to their improvement during the next Permit cycle. Based on their experience in developing and implementing programs, the Applicants have determined that aspects of existing programs can be significantly enhanced. The proposed enhancements to the existing programs will allow for improved implementation and cost-effective

operations, thus allowing for the reallocation of funds and resources to other problem areas to achieve water quality protection, without, hopefully, having to sacrifice municipal programs and services.

Against this background, the balance of this section offers a more detailed discussion of enhancements for the continued improvement of Applicant programs; and the types of changes that they, as current Los Angeles County MS4 Permittees, have determined to be necessary under the next Permit. To a large extent, doing this will depend on how compliance is gauged and what process is chosen to oversee and evaluate Permit programs. In the view of the Applicants, specific improvements can be achieved through the framework of a modified Los Angeles County MS4 permit.

4.2 Priorities for Program Enhancement

In this section, enhancements to SQMP program components, along with suggested revisions to MS4 permit requirements, shall be discussed, including:

- MS4 NPDES Permit Definition Changes
- Receiving Water Limitation Language
- Program Management
- Development Construction
- Development Planning
- Illicit Connection and Discharge Detection and Elimination
- Discharge Prohibitions (non-storm water discharge exemptions)
- Public Agency ("Municipal Agency")
- Public Information Program Participation
- Industrial and Commercial Facilities Control
- Monitoring Program

4.3 Priority 1 - Definition Changes

▪ Eliminate the Definition of Illicit Disposal

The definition section of the current Los Angeles County MS4 Permit provides a definition of illicit disposal, which means "any disposal, either intentionally or unintentionally, of material(s) or waste(s) that

The applicants prefer this definition because: (1) many of them already have it written into their existing runoff control ordinances (most other jurisdictions in California use it as well); and (2) from an enforcement perspective, this definition makes it clear that any illicit discharge that passes through a connection is an illicit one, notwithstanding that it may be "permitted." The concern is that the owner or operator of an illicit connection could evade enforcement by claiming, for example, that the connection is covered under an encroachment permit. It should also be noted that the Applicants suspect that the reason few illicit connections are noted in their Annual Reports to the regional board is because of the current definition of an illicit connection.

- **Eliminate the Definition of Local SWPPP**

Local SWPPP is defined under the current Los Angeles County MS4 permit as the "Storm Water Pollution Prevention Plan by the local agency for a project that disturbs one or more acres (sic.) of land." This definition has been rendered inaccurate as the result of the revision contained in the current Los Angeles County MS4 permit that changed the requirement for General Construction Storm Water Activity Permit (CGASWP) in March of 2003 coverage from 5 acres (by grading, clearing, and/or excavating) to 1 acre. Further, the Permit also allows for a substitution of a State SWPPP, "if the local SWPPP is at least as inclusive in controls and BMPs as the State SWPPP."

Requiring a Local SWPPP to substitute for a State SWPPP is redundant and would make the Applicants responsible for assuring that the Local SWPPP is essentially equivalent to the State SWPPP – a responsibility that the Applicants are averse to accepting, given the complexity of the State SWPPP. The Applicants, therefore, recommend eliminating the requirement for a Local SWPPP and using the State SWPPP requirement under the General Construction Storm Water Activity Permit (GCASWP) instead; and therewith, eliminating the definition of L-SWPPP from the MS4 permit for which the Cities herein are applying.

▪ **Revising the Definition of Maximum Extent Practicable (MEP)**

Under the current Los Angeles County MS4 Permit, MEP is defined as follows:

"Maximum Extent Practicable (MEP)" means the standard for implementation of storm water management programs to reduce pollutants in storm water. CWA § 402(p)(3)(B)(iii) requires that municipal permits "shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants. See also State Board Order WQ 2000-11 at page 20.

The Applicants, however, find this definition unreasonably stringent and prefer the following as a replacement definition:

"Maximum Extent Practicable" or "MEP" is the standard established by Congress in Clean Water Act § 402(p)(3)(B)(iii) that municipal dischargers of stormwater MS4s must meet. For the purpose of this Order, MEP is generally, but not necessarily, less stringent than best available control technology, the standard which industrial dischargers of stormwater must meet. MEP generally emphasizes pollution prevention and source control and includes consideration of technical feasibility, practicability, cost effectiveness, benefit derived, regulatory compliance and public acceptance. Where cumulative cost exceeds cumulative benefit, a program or BMP is not considered practicable.

4.4 Priority 2 - Receiving Water Limitations

Receiving Water Limitations language in Order No. 01-182 is a section of the 2001 Permit that is the subject of the pending legal challenge. The Applicants recommend that the Permit contain Receiving Water Limitations language which is consistent with applicable law and with which the Applicants can comply. Aforementioned Order No. 96-054, (the 1996 Los Angeles County MS4 Permit) included language which stated "Timely and complete

implementation by a Permittee of the storm water management programs prescribed in this Order shall satisfy the requirements of this section and constitute compliance with receiving water limitations." It further provided that where an exceedance of a water quality objective had occurred, that the Permittees were to submit stormwater programs that "will increase the likelihood of preventing future exceedances of water quality objectives."

This language was subsequently omitted by the Regional Board in Order No. 01-182. It is imperative that the Applicants have the support of the Regional Board when making a good faith effort to comply with Permit requirements, and that the Applicants not be required to implement BMPs that go beyond MEP or reasonableness standards under federal and state law.

Applicants must first be given an opportunity to work with the Regional Board to fine-tune programs that are not successful at meeting Receiving Water Limitations. Applicants, as municipal Permittees should not be required to strictly comply with water quality standards/objectives. Rather, compliance with such standards should be limited to compliance through the use of reasonable and cost-effective MEP-compliant BMPs, effectuated through an iterative process. Forcing Applicants to be in a never-ending state of non-compliance, and requiring them to strictly comply with water quality standards/objectives that are not reasonably achievable or practicable, is arbitrary and capricious, and contrary to law. Further, exposing the Applicants to immediate third party lawsuits is unproductive, discourages collaborative working relationships with non-governmental organizations, and does not achieve the primary goal of improving water quality.

The following are proposed Findings of Fact and suggested Receiving Water Limitations for the Applicants new MS4 permit:

• **Findings of Fact**

1. Urban Runoff includes discharges from residential, industrial, commercial, and construction areas within the Permit Area. In addition to Urban Runoff, the MS4s regulated by this order receive flows from agricultural activities, open space, state and federal

properties and facilities, schools, colleges and universities, and other land uses not under the control of the Permittees.

2. The Permittees lack legal jurisdiction over discharges into their respective MS4s from agricultural activities, California and federal properties and facilities, school districts, colleges and universities, utilities and special districts, wastewater management agencies, and other point and non-point source discharges otherwise permitted by or under the jurisdiction of the Regional Board. The Regional Board recognizes that the Permittees cannot be held legally responsible for any discharges or pollutants, either in stormwater or non-stormwater, running off of any such property or facility. Similarly, certain activities that generate pollutants present in Urban Runoff are beyond the control or the authority of the Permittees to regulate. Examples of these include operation of internal combustion engines, atmospheric deposition, brake pad wear, tire wear, residues from application of pesticides, nutrient runoff from agricultural activities, leaching from privately-operated onsite wastewater treatment systems (OWTSs), and background conditions (e.g. wildlife, and leaching of naturally occurring minerals, metals, and other elements from local geology).
3. The Regional Board finds that the unique aspects of the regulation of Urban Runoff discharges through MS4s, including but not limited to the intermittent nature of discharges, and difficulties in monitoring and limited physical control over the discharges, will require adequate time and resources to determine what persons or entities are responsible for reducing the discharge of pollutants in Urban Runoff discharged from the MS4.

- **Receiving Water Limitations Revision**

The receiving water limitations language in the current Los Angeles County MS4 Permit effectively holds Permittees responsible for any discharge from their MS4 that causes or contributes to a nuisance -- even if they have no control over the source of the discharge or the discharge itself. Repeated exceedances would require a revision to the Storm Water Quality Management Plan (SQMP) to include additional or intensified BMPs at the direction of the Regional Board.

Therefore, the Applicants prefer the inclusion of the following substitute receiving water limitations language:

1. The Permittees shall implement BMPs to attempt to reduce the discharge of pollutants in Urban Runoff discharged from the Permittees' MS4s where such Urban Runoff causes or contributes to an exceedance of water quality standards and objectives.
2. The Permittees shall comply with Paragraph 1 through the use of reasonable and cost-effective MEP-compliant BMPs. Only those water quality standards/objectives which can reasonably be achieved, considering the economic impacts of compliance, the impacts on housing within the region, and the past, present and probable future beneficial uses of the receiving water, need be complied with under this Order. In determining whether any particular water quality standard/objective is appropriately applied to a Permittee, in addition to the above, the Regional Board shall also consider the environmental characteristics of the hydrographic unit in issue, including the quality of the water available to the hydrographic unit, and all demands being made and to be made on the waters, and the total values involved, beneficial and detrimental economic and social, tangible and intangible. Compliance with applicable water quality standards/objectives is to occur through an iterative BMP process and be consistent with the provisions of this paragraph.
3. If an exceedance of a water quality standard/objective is caused or is believed to be caused to discharges to the MS4 that are outside the Permittees jurisdiction or control, the Permittees shall advise the Executive Officer of such in writing.
4. If the Permittees have acted reasonably and in good faith in complying with the procedure set forth above, and are implementing the revised SQMP, the Permittees do not have to repeat the same procedure for continuing or recurring exceedances of the same water quality standards/objectives, unless the Executive Officer determines that additional BMPs, consistent with Section 2 above, should be implemented to comply with applicable water quality standards/objectives, and provides written notice to the Permittees of this determination and the basis

for the determination. Reasonable and good faith compliance with the procedures set forth in this section shall satisfy the requirements of this Order and shall constitute compliance with applicable water quality standards/objectives.

4.5 Priority 3 – Watershed Management Committee

Under the current Los Angeles County MS4 Permit the County of Los Angeles Flood Control District is designated as the Principal Permittee while 87 other municipalities within the Los Angeles County Flood Control District are designated as Permittees. As stated in the Los Angeles County MS4 NPDES permit, “the Principal Permittee shall:

1. Coordinate and facilitate activities necessary to comply with the requirements of this Order, but is not responsible for ensuring compliance of any individual Permittee.
2. Coordinate permit activities among Permittees and act as liaison between
3. Permittees and the Regional Board on permitting issues.
4. Provide personnel and fiscal resources for the necessary updates of the SQMP and its components.
5. Provide technical and administrative support for committees that shall be organized to implement the SQMP and its components.
6. Convene the Watershed Management Committees (WMCs) constituted pursuant to Part F [of the current MS4 Permit] upon designation of representatives.
7. Implement the Countywide Monitoring Program required under this Order and evaluate, assess and synthesize the results of the monitoring program.
8. Provide personnel and fiscal resources for the collection, processing and submittal to the Regional Board of annual

reports and summaries of other reports required under the SQMP.

9. Comply with the Responsibilities of the Permittees in Part 3. E [of the MS4 NPDES permit].”

Permittees under the Los Angeles County MS4 NPDES are required to:

1. Comply with the requirements of the SQMP and any modifications thereto.
2. Coordinate among its internal departments and agencies, as appropriate, to facilitate the implementation of the requirements of the SQMP applicable to such Permittee in an efficient and cost-effective manner.
3. Designate a technically knowledgeable representative to the appropriate WMC.
4. Participate in intra-agency coordination (e.g. Fire Department, Building and Safety, Code Enforcement, Public Health, etc.) necessary to successfully implement the provisions of this Order and the SQMP.
5. Prepare an annual Budget Summary of expenditures applied to the storm water management program.

The Applicants shall be known collectively as the Upper San Gabriel River Watershed Coalition (USGRWC). Instead of designating a Principal Permittee the Applicants shall collectively perform the following tasks in a manner to be determined no later than six months after the adoption of the MS4 permit:

1. Coordinate and facilitate activities internally, among impacted City departments and divisions therein, necessary to comply with the MS4 NPDES Permit, excluding the responsibility for ensuring compliance on behalf of any individual Applicant.

2. Coordinate permit compliance activities among the Applicants and liaise with the Regional Board on various issues, including but not limited to MS4 Permit requirements, establishing watershed goals and objectives, and discussing and implementing pollutants of concern, including pollutants that are subject to total maximum daily load (TMDL) status.
3. Discuss and recommend methods of updating the Storm Water Quality Management Plan ("SQMP") that was developed by the Principal Permittee under the current MS4 NPDES permit.
4. Discuss and recommend a watershed approach to address pollutants of concerns within reaches and tributaries therein through the implementation of appropriate Best Management Practices ("BMPs").
5. Convene regularly scheduled USGR Watershed Management Committee (WMC) meetings to discuss MS4 permit compliance and watershed issues.

4.6 Priority 4 – Industrial and Commercial Facilities Control Program

Pursuant to the current Los Angeles County MS4 Permit, the Permittees were required to track, inspect, and ensure compliance at industrial and commercial facilities that the Regional Board has asserted are critical sources of pollutants in stormwater. These provisions in Order No. 01-182 are presently being challenged by many of the 2001 Permittees in the pending legal challenge – including several of the Applicants.

The Applicants propose that the so-called "Critical Sources" referenced in the current Los Angeles County MS4 Permit, such as commercial facilities (restaurants, automotive service facilities, retail gasoline outlets and automotive dealerships), and Phase I Facilities (both Tier 1 and 2), not be inspected under the renewed permit, unless the Applicants first determine that the facility is an industrial facility that it is contributing a substantial pollutant load to the MS4.

There is no authority under State or federal law for requiring the Applicants to inspect commercial facilities, such as restaurants,

gasoline service stations, or automobile dealerships or any other commercial facilities. For industrial facilities, the federal regulations leave it to the Permittee to determine which facilities to inspect, and when, and provide for the inspection of those industrial facilities which the Permittee determines are contributing a substantial pollutant load to the MS4. Accordingly, the Applicants request that the existing Industrial and Commercial Facility Control Program requirements under Order No. 01-182 be deleted from the Permit, and replaced with language which provides the Applicants the discretion to inspect those industrial facilities it determines are contributing a substantial pollutant load to the MS4.

Further, many Permittees – including the Applicants -- found it unnecessary and a waste of resources to repeatedly inspect facilities that are found to be in compliance with the General Industrial Activities Stormwater Permit (GIASP). A much more effective inspection strategy would be to repeatedly target industrial facilities that are not in compliance and where the Permittee determines the industrial facility has contributed a substantial pollutant load to the MS4.

Moreover, for those industrial facilities that the Applicants determine require inspection, the Applicants recommend that the Annual GIASWP inspection fees collected by the State Water Resources Control Board be distributed to the Applicants for conducting such industrial facility inspections. This would encourage and assist the Applicants and other Permittees in conducting such inspections, and would avoid private industry from either paying two inspection fees for a single inspection, or being subject to redundant inspections. In addition to the legal objections to the inspection program in Order No. 01-182, financial constraints make it difficult for the Applicants to carry out the level of inspections required under Order No. 01-182. Providing local agencies with sufficient monetary resources will facilitate more inspections by the Applicants.

Further, the current Los Angeles County MS4 Permit, under attachment "B," suggests that laundries are subject to the industrial/commercial inspection program as a commercial facility. It appears, however, that including laundries as commercial facilities that are subject to inspection requirements specified in the current

Los Angeles County MS4 Permit is inappropriate and, appears to be a "continuity error" -- similar to the 1996 Los Angeles MS4 permit's inclusion of gas stations under the category of industrial facilities, which is incongruous because they are in fact commercial facilities. To put it another way, neither laundries nor dry cleaners are mentioned under the Industrial/Commercial Facilities Control Program as critical sources. Laundries are only referenced under appendix B.

Laundries are also not dry cleaners, as some Permittees, including the Principal Permittee have determined. Appendix B refers to laundries, under Tier 2 facilities, as SIC (standard industrial classification) 72. Actually, SIC 72 is defined as "personal services," not laundries. Actually SIC 72, "laundries," does not even exist. What does exist is SIC 721 "laundry, cleaning, and garment services." It has been suggested that SIC 72 refers to dry cleaning facilities as well. However, using the term "laundries" effectively excludes dry cleaners. They are not the same. The definition of laundry, according to Webster's New World Dictionary, "is a room with facilities for laundering." Also according to Webster, launder (derived from the Latin verb "lavar"), means "to wash or wash and iron" -- not to dry clean, which of course involves a totally different process.

Additionally, laundries are not referenced under the Industrial and Commercial Facilities Control Program (section 4.C) of the current Los Angeles County MS4 permit as "critical sources." The purpose of industrial/commercial facilities control program is to inspect critical sources for BMPs or the need for BMPs that reduce pollutants in storm water runoff. Section 4.C, the permit specifies requirements for inspecting commercial facilities, including restaurants, automotive service facilities, and retail gasoline outlets and automotive dealerships. These requirements include the implementation/non-implementation of use-specific BMPs (e.g., "posts signs close to fuel dispensers, which warn vehicle owners/operators against "topping off" of vehicle fuel tanks and investigation of automatic shutoff fuel dispensing nozzles" as in the case of RGOs. Since laundries are not included as a critical source under this section, Permittees are challenged with determining what they should be inspected for.

Beyond this, laundries are not referenced under the findings section of the MS4 permit as a critical source. In contrast, findings 8 through 11, address pollutants associated with certain industrial as well as certain commercial facilities (viz., automotive-related facilities, gas stations, and restaurants). Especially noteworthy is finding 8, which identifies "seven high priority industrial and commercial critical source types." Conspicuously absent among them are laundries and dry cleaning establishments. It is difficult to comprehend what activities associated with laundries would have an impact on storm water runoff. Typically, laundries are indoor operations. Therefore, there is no exposure of pollutant materials to storm water runoff. In terms of non-storm water discharges, wash water associated with laundries is not a tremendous pollution problem because it is discharged to the sanitary sewer system (a plumbing code requirement). It is difficult to imagine what pollutant materials would be stored outdoors at a laundry facility. The same could be said of dry cleaners as well.

Lastly, laundries are not referenced under the legal authority section of the MS4 permit. Section 3.G of the current Los Angeles County MS4 Permit, which addresses legal authority, does not suggest that Permittees should establish legal authority to control pollutants in storm water from laundries or dry cleaners. This poses a serious problem for enforcement in terms of accessing the premises for inspection. If a laundry refuses entry, it would be very difficult for a Permittee to convince a City Attorney -- let alone a magistrate -- that it has adequate legal authority to inspect such establishments for reasons other than illicit discharges or connections.

4.7 Priority 5 – Peak Flow Control and Standard Urban Storm Water Mitigation Plan (SUSMP)

The Applicants propose that the Development Planning Program provisions as contained in Order No. 01-182 be deleted and not carried forward into the next permit. Again, these provisions under Order No. 01-182 are being challenged by many of the Permittees, as the State and Regional Boards are without authority to impose these provisions, and as such program provisions are inconsistent with state and/or federal law.

Continuing to require compliance with the SUSMP provisions is to require compliance with a particular design criteria or other particular manner of compliance, which is contrary to the prohibition under California Water Code section 13360. In addition, continuing to require compliance with the SUSMP provisions, and to compel municipalities to impose certain mitigation measures to mitigate undefined impacts from runoff from numerous "development" and "redevelopment" projects, irrespective of what mitigation measures may or may not be properly required under CEQA, and the review process set forth therein, is an arbitrary action contrary to law, and the Regional and State Boards lack the authority to impose any such requirements.

In addition, the Peak Flow Control provisions included in the current Los Angeles County MS4 Permit exceed the Regional and State Boards' authority, and are contrary to law, as neither the Clean Water Act, nor the Porter-Cologne Act authorizes the State to regulate the "quantity" of storm water or urban runoff.

The State and Regional Boards should also consider the impacts that the Development Planning Program provisions will have on the development of low income/affordable housing as required under Water Code section 13241(e) and 13263.

4.8 Priority 6 – Remove Unnecessary Language from Development Planning Requirements

The first paragraph under 4.D of the current Los Angeles County MS4 Permit reads as follows:

- Minimize impacts from storm water and urban runoff on the biological integrity of Natural Drainage Systems and water bodies in accordance with requirements under CEQA (Cal. Pub. Resources Code § 21100), CWC § 13369, CWA § 319, CWA § 402(p), CWA § 404, CZARA § 6217(g), ESA § 7, and local government ordinances ;
- Maximize the percentage of pervious surfaces to allow percolation of storm water into the ground;

- Minimize the quantity of storm water directed to impervious surfaces and the MS4;
- Minimize pollution emanating from parking lots through the use of appropriate Treatment Control BMPs and good housekeeping practices;
- Properly design and maintain Treatment Control BMPs in a manner that does not promote the breeding of vectors; and
- Provide for appropriate permanent measures to reduce storm water pollutant loads in storm water from the development site

Each of these requirements is unnecessary. They were carried over from the 1996 Los Angeles County MS4 Permit without taking into account that most of them were obviated by revisions made to the Development Planning Program under the current Los Angeles County MS4 Permit. These include:

- Minimize impacts from storm water and urban runoff on the biological integrity of Natural Drainage Systems and water bodies in accordance with requirements under CEQA (Cal. Pub. Resources Code § 21100), CWC § 13369, CWA § 319, CWA § 402(p), CWA § 404, CZARA § 6217(g), ESA § 7, and local government ordinances
- Maximize the percentage of pervious surfaces to allow percolation of storm water into the ground
- Minimize the quantity of storm water directed to impervious surfaces and the MS4
- Provide for appropriate permanent measures to reduce storm water pollutant loads in storm water from the development site

Requiring treatment control BMPs to prevent vector breeding was rendered superfluous by the maintenance agreement requirement under the current Development Planning Program. Further, this requirement does not take into account that some treatment controls will often contain some storm water or non-storm water that can

attract vectors (that can breed in a cup of water) – notwithstanding maintenance.

4.9 Priority 7 – Specific BMP Requirements

Under Order No. 01-182, all Permittees were required to place and maintain trash receptacles at all transit stops within their jurisdiction.

Prescriptive requirements such as this limit the ability of Permittees to analyze and determine the cost effectiveness and appropriateness of BMPs to address pollutants of concern. The Applicants worst-case fear is that the Regional Board could impose upon them and other Permittees structural control requirements to address a pollutant of concern, expressed as a priority pollutants, such as trash and bacteria, without demonstrating that such pollutants impair the beneficial use(s) of a receiving water.

Instead, it is recommended that the Applicants be given the flexibility to select suitable BMPs to address pollutants of concern. The Applicants recommend that the explicit requirement to place and maintain trash receptacles at all transit stops be removed from the current Los Angeles County MS4 Permit and any successor MS4 Permit issued to the Applicants, as it is presently the subject of the legal challenge to Order No. 01-182. Moreover, any such mandates to be imposed upon the Applicants may only be imposed, under the California Constitution, if appropriate funds have been provided to the Permittees to fund the mandate.

4.10 Priority 8 – Development Construction Improvements

The General Construction Activities Stormwater Permit (GCASWP), Order No. 99-08-DWQ, requires all dischargers, where construction activities disturb one or more acres soil by grading, clearing, and/or excavating, to develop and implement a Storm Water Pollution Prevention Plan (SWPPP), eliminate or reduce non-stormwater discharges to storm drain systems and other waters of the United States, and perform inspections of all BMPs. The current Los Angeles County MS4 Permit allows, as mentioned under *Section 4.3 Priority 1 - Definition Changes*, a Local SWPPP to substitute for a State SWPPP. The Applicants, again, recommend eliminating this

requirement, which is also the subject of the legal challenge to Order No. 01-182. It is a confusing requirement that makes the Permittees responsible for assuring that the L-SWPPP is essentially equivalent to the State SWPPP.

Further, the Applicants also propose that the Development Construction Program requirements as set forth under Order No. 01-182, be modified in the renewed permit so that the Applicants not be required to impose "minimum" unreasonable requirements on construction sites, such as unreasonable restrictions on the discharge of sediment or construction related material (including sand, gravel and other natural material) that may be discharged from a construction site. This concern is also the subject of the pending legal challenge.

Since the current Los Angeles County MS4 Permit requires Permittees to conduct at least one inspection of construction sites that are covered under a GCASWP, the Applicants believe that they should be reimbursed for this task. As is the case with the GIASWP, the regional board imposes a GCASWP fee on such construction projects. It is only fair and reasonable to ask for a share of that fee which, ostensibly, is to cover the cost of inspection.

The Applicants also recommend the de-watering of storm water to the MS4 from de-silting basins or ponds -- provided that such discharge has been detained long enough to cause sediment to settle-out prior to being released to the MS4.

4.11 Priority 9 – Illicit Connection/Discharge Detection and Elimination Improvements

Permittees are currently required to eliminate all illicit connections and illicit discharges to the storm drain system, and to document, track, and report all occurrences. The Permit requires the field screening of open channels, underground pipes less than 36" and underground pipes with a diameter of 36 inches or greater by specific dates. Based on an annual evaluation of patterns and trends of illicit connections and illicit discharges, it can be concluded that the following land use types contributed an average of 62.2% of all illicit connections and 81.5% of all illicit discharges discovered:

- High Density Single Family Residential
- Retail and Commercial
- Light Industrial
- Multiple Family Residential
- Transportation

The Applicants recommend that field screening be concentrated in the five land use types above to maximize resources and target the areas where most illicit connections and illicit discharges are currently found. It is recommended that field screening in other land use types be optional since Applicants resources are limited.

As mentioned under *Section 4.3., Priority 1 - Definition Changes*, the Applicants also recommend that the term "illicit disposal" be removed from the definitions section of the Permit since it serves no purpose and is not used anywhere else in the Permit.

It should be noted that the Applicants do not share the view that the current definition of illicit discharge requires redefinition to mean "any discharge to a constructed storm drain ..." While the applicants understand the need for such revision, the definition of illicit discharge is fixed under federal regulations and, for this reason, cannot be altered. For example, what if there is an impermissible non-storm water discharge directly to a receiving water body by way of conveyance that is not a storm drain? Under the proposed redefinition of illicit discharge, this discharge would not be considered as one.

4.12 Priority 10 – Potable Water Discharge Exemption

The discharge exemption for potable drinking water supply and distribution system releases makes reference to American Water Works Association (AWWA) guidelines for dechlorination and suspended solids reduction practices. Permittees have determined that these AWWA guidelines do not exist. Therefore, it is recommended that the AWWA reference be removed from the Permit.

4.13 Priority 11 – Additional Non-Storm Water Discharge Exemptions

The Applicants seek further exemptions for discharges that may be considered illicit under the current Los Angeles County MS4 permit, including:

- Exemption of wash water discharges associated with non-commercial car wash activities, except wash water that consists of de-ionized water used to remove dust from vehicles
- Exemption of wash water discharges associated fire with and other emergency vehicles that cannot be taken off-line without risk public health and safety.

The justification for requesting these discharge exemptions rests on the fact that: (1) with the exception of the City Whittier, the Applicants all drain fully into spreading grounds and other infiltration facilities; and (2) the amount of pollutants (surfactants, sediment, metal particulates, tire dust, etc.) from these sources are probably not in significant concentrations to pose an impairment to any beneficial use, including ground-water recharge.

However, for drainage areas that do not provide infiltration, it is recommended that impacted Applicants and other Permittees be allowed within their jurisdictions to permit the discharge of wash water to enter any component of the MS4, except the catch basin sump, provided that BMPs are implemented to prevent the discharge from entering the catch basin sump (e.g., blocking the inlet with sand bags or covering it with an impermeable material such as viscine); and to remove the resulting ponded discharge using a wet vacuum or other similarly effective device or method.

4.14 Priority 12 – Legal Authority

The task of amending or adopting a Permittee-specific stormwater and urban runoff ordinance to enforce all requirements of the Permit

takes a significant amount of time to complete. It is recommended that the Applicants be allowed a minimum of 12 months from the date of Permit adoption to complete all necessary changes to possess adequate legal authority to comply with the new Permit.

4.15 Priority 13 – Annual Report Enhancements

Applicants recommend streamlining the Municipal Stormwater Permit Annual Report to only require the reporting of significant records that demonstrate BMP effectiveness and compliance with the implementation of SQMP components to reduce the discharges of pollutants in stormwater to the MEP. Redundant requirements such as the preparation of an assessment of the effectiveness of SQMP requirements to reduce stormwater pollution which evaluates watershed-wide assessments conducted by each WMC is unnecessary and a waste of resources. A Principal Permittee assessment of the Permittee assessments is excessive and redundant and does not provide any new information that could not be concluded from reviewing watershed-wide assessments. It is recommended that only one assessment per watershed be required.

Many Permittees have had difficulties in submitting Annual Reports by the October 15th deadline. Problems exist with the short timeframe that Permittees are given between the end of the fiscal year (typically June 30) and the deadline for submitting Annual Reports to the Principal Permittee so that data can be compiled and summarized by the Principal Permittee for submittal by October 15th. This limited time period is not sufficient for Permittees to coordinate with internal divisions or departments to gather all the final information needed to compile their Individual Annual Report. In addition, adequate time is not given for financial numbers to be finalized. This preliminary information and data may affect the accuracy of Permittee reporting. Permittees recommend changing the Annual Report deadline from October 15th to November 15th of each year.

Permittees consider some information required for the Annual Report to be irrelevant to achieving the goals of the Permit. It is recommended that the following Annual Report questions be eliminated:

- Section IV.C.7 – How many of each of the following projects did your agency review and condition to meet SUSMP requirements last year?
- Section IV.C.8 – What is the percentage of total development projects that were conditioned to meet SUSMP requirements?
- Section IV.D.5 – How many building/grading permits were issued to sites requiring Local SWPPPs last year?
- Section IV.D.6 – How many building/grading permits were issued to sites requiring coverage under the General Construction Activities Stormwater Permit last year?
- Section IV.D.7 – How many building/grading permits were issued to construction sites less than one acre in size last year?

The following Annual Report tables should be modified to eliminate confusion and improve the quality of data submitted:

Section IV.F.10 – Delete and replace with the following illicit connections table:

Illicit Connections Table

Number of Suspected Illicit Connections Reported	Number of Suspected Illicit Connections Investigated	Number of Illicit Connections Terminated	Number of Suspected Illicit Connections found not to be Illicit	Number of Suspected Illicit Connections that resulted in Enforcement Action
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Section IV.F.13 – Delete and replace with the following illicit discharges table:

Illicit Discharges Table

Number of Suspected Illicit Discharges Reported	Number of Suspected Illicit Discharges Investigated	Number of Illicit Discharges Terminated	Number of Suspected Illicit Discharges found not to be Illicit	Number of Suspected Illicit Discharges that resulted in Enforcement Action
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The Applicants also recommend that the reporting requirements for industrial and commercial inspections be revised to remove confusing

and extraneous information. More specific recommendations shall be provided during MS4 Permit discussions with the Regional Board.

4.16 Priority 14 – Public Information and Participation Program Revision

The Applicants have been reliant mostly on the public information program developed by the Principal Permittee under the Los Angeles County MS4 permit. The Applicants are compelled to conclude that the Public Information and Participation Program (hereinafter "PIPP") has met its targets in reaching out to general and specific audiences on the importance of runoff pollution prevention.

However, in terms of watershed-specific outreach, the Applicants believe that the PIPP can be strengthened to (1) increase awareness of those pollutants that have either reached total maximum daily load status or high priority 303(d) list status, and how such pollutants impair water quality; and (2) work with the Principal Permittee in developing outreach materials to alter behaviors that give rise to watershed-specific pollution. The Applicants believe that an effective PIPP may, along with the implementation of institutional and structural BMPs, preempt elevating a priority pollutant to TMDL. In deed, PIPP should be the first step in any TMDL program.⁵

The Applicants intend to continue to implement the PIPP required under the current Los Angeles County MS4 permit. Additionally, permittees shall identify watershed pollutants of concern, including priority pollutants for inclusion into the PIPP. Because of financial limitations, the Applicants shall not be able to afford to pay for pollutant specific outreach audio and video advertisements. Instead, the permittees will continue to rely on the PIPP developed by the Principal Permittee, which is funded through the Los Angeles County Flood Control Assessment. The Applicants shall also utilize PIPP general, non-pollutant specific materials developed by the Principal Permittee.

⁵The current trash TMDL for the Los Angeles River and Ballona Creek does not sufficiently emphasize PIPP.

Further, the Applicants shall develop brochures, leaflets, information cards, and other materials as necessary. As a means of reducing PIPP costs, the permittees shall utilize materials already developed by other MS4 programs, including but not limited to the County of Los Angeles, the City of Los Angeles, Orange County and other municipalities throughout the State. If necessary, the Applicants will also allocate resources to collectively develop materials aimed at identifying pollutants of concern on a watershed level and reducing their generation by targeting specific audiences/sources.

In more specific terms, the Applicants propose to implement the following PIPP program elements:

1. Residential Program

- The Applicants shall stencil or mark all of their catch basins with “no dumping” impressions and shall, on an annual basis, re-stencil or re-mark illegible impressions.
- The Applicants shall continue to post “no dumping” signage at public access points to creeks, channels or other conveyances that flow into receiving waters and ensure on an annual basis that such signage is still posted and is legible.

2. Countywide Hotline

- The Applicants shall continue to recognize the 888-CLEAN-LA hotline for reporting illicit connections, illicit discharges, and clogged catch basins.
- The Applicants may also, in the alternative, promote their own reporting hotline in lieu of or in addition to the County’s hotline for the purposes of reporting illicit connections, illicit discharges, and/or clogged catch basins.
- The Applicants that choose to operate their hotlines shall notify the Los Angeles County Principal Permittee and provide names of those individuals who shall be designated as reporting line contacts.

3. Outreach and Education

- The Applicants shall continue to implement the applicable PIPP tasks that were developed during the first 5 year PIPP developed by the Los Angeles County Principal Permittee, which are more particularly described under the current Los Angeles County MS4 Permit.

4. Pollutant Specific Outreach

- The Applicants shall develop outreach materials in keeping with pollutants of concern, including those specified on the 303(d), for the Upper San Gabriel River Watershed. The Applicants shall use available materials to address pollutants of concern. For materials that are not available for a pollutant, permittees shall endeavor to create them. Every effort shall be made to minimize costs, including "borrowing" materials already developed by other jurisdictions.
- The Applicants recommend -- in keeping with what the Permittees intend to propose in the Unified Los Angeles County ROWD -- that the next Permit remove the requirement to ensure a minimum of 35 million impressions per year on the general public about stormwater quality via print, local TV access, local radio, or other appropriate media. The Applicants believe that a better way to quantify the effectiveness of a public information and participation program is to use a presumptive measurement approach. This presumptive measurement approach will quantify a percent reduction or improvement in water quality as a result of implementing an integrated and cost-effective public information and participation program.

4.17 Priority 15 – Public Agency Program Revision

The Applicants recommend that the Public Agency Program under the current Los Angeles County MS4 Permit be revised to the following extent: (1) change the name of the program to Municipal Agency Program; and (2) eliminate the 2.F.1, *Sewage System Maintenance, Overflow, and Spill Prevention* requirement.

Referring to municipal operations as “public” is too general. Public can mean a state, federal or local agency. The term “municipal” is more specific and, as a matter of descriptive accuracy, is more preferable.

Section 2.F.1 should be eliminated from the next MS4 Permit because it has been effectively replaced by a more expansive sewer maintenance regulation that was adopted by the State Water Resources Control Board in May of 2006 (viz., *Statewide General Waste Discharge Requirements for Sewage Collection System Agencies*). This WDR, which is intended to reduce sewer system overflows, will require MS4 Permittees to implement tasks that exceed the Section 2.F.1 requirement. Notably, it will require a reporting program, an overflow emergency response program, a grease control program, an operations and maintenance program, a sewer system evaluation and capacity assurance plan, and a sewer system management plan that incorporates each of these elements.

4.18 Priority 16 – Permit Implementation Costs

The Applicants, as well as many other Permittees, have had to budget and divert earmarked money from other municipal requirements to meet the obligations under the current Los Angeles County MS4 Permit. The Applicants are concerned about the year-to-year increase in program implementation costs and do not foresee new revenue streams to help bridge the gap between MS4 Permit compliance and other municipal programs.

The Regional Board should not overlook the fact that the Applicants lack adequate resources to implement the requirements of the Permit, many of which are State unfunded mandates. Each Applicant operates under very a limited budget. While the cost of local government continues to rise, Cities continue to be constrained by taxing limitations make it difficult – if not almost impossible – to generate revenue necessary to keep with such costs. Proposition 218 effectively prohibits municipalities from adopting storm water fees without voter approval. Few municipalities have succeeded in adopting voter approved storm water fees since the current Los Angeles County MS4 Permit was adopted.

Therefore, the Regional Board should give consideration to developing and implementing program requirements that target the largest and most frequent sources of stormwater pollution, and that utilize Permittee resources prudently so as not to exhaust them beyond reasonable means.

Applicants, together with other Permittees, also recommend that Annual GIASWP and GCASWP inspection fees collected by the State Water Resources Control Board, be distributed to Permittees for conducting industrial facility and construction inspections.

As another means of helping pay for MS4 Permit costs, the Applicants, ask that the State Board rebate a portion of the annual MS4 NPDES Permit fees to them for this purpose. The Applicants are sensitive to the fact that the State charges each of them several thousands of dollars a year in NPDES permit fees (including a surcharge) without fully understanding the purpose or benefit of such fees. The Applicants are also sensitive to the fact that the current Los Angeles County MS4 permit requires Permittees to conduct inspections of industrial facilities and construction sites that are subject to General NPDES Storm Water Permits but without compensation. This issue will be raised again during MS4 Permit discussions with the regional board.

Section 5.0 Water Quality Monitoring

5.1 Purpose

As stated in the current Los Angeles County MS4 Permit, the primary objectives of the Monitoring Program are:

- Assessing compliance with Permit requirements
- Measuring and improving the effectiveness of SQMP's
- Assessing the chemical and physical, and biological impacts of receiving waters resulting from urban runoff
- Characterization of storm water discharges Identifying sources of pollutants
- Identifying sources of pollutants
- Assessing the overall health and evaluating long-term trends in receiving water quality

Ultimately, the Monitoring Program is expected to produce data that should be used to adjust each Permittee's Storm Water Quality Management Plan (SQMP) to address pollution issues and, thereby, enhance and protect the beneficial uses of a receiving water.

5.2 Using the Principal Permittee's Monitoring Program

In the interest of economy, the Applicants propose to use the data generated from the Principal Permittee's current and future water quality monitoring program to achieve the aforementioned Monitoring Program objectives (incorporated by reference herein as **Appendix A**).

5.3 Watershed-Specific Monitoring and Data Acquisition

The Applicants intend to acquire as much data that has already been developed by other sources that are specific to the Upper San Gabriel River Watershed (reaches 2 and 3, Walnut Creek and the

San Jose Creek) – especially the quality of runoff that enters the spreading grounds and other infiltration facilities. Such sources include but are not limited to the following:

- Los Angeles County Flood Control District
- San Gabriel Basin Water Quality Authority
- Main San Gabriel Basin Watermaster
- Upper San Gabriel Municipal Water District
- San Gabriel and Lower Los Angeles Rivers Mountains Conservancy
- Cities of Whittier, Glendora and Azusa, which are producers and suppliers of potable water in the San Gabriel Valley
- California Regional Water Quality Control Board, Los Angeles Region
- State Water Resources Control Board
- United States Environmental Protection Agency, Region IX

Any pertinent data garnered from these sources shall be added to the data obtained from the Principal Permittee to evaluate the extent of water quality impairment to reaches 2 and 3 of the San Gabriel River and tributaries.

The Applicants are aware that a metals total maximum daily load (TMDL) for the San Gabriel River is about to be adopted by the regional board. The Applicants have formed the hypothesis that the quality of urban runoff generated within their municipal jurisdictions does not impair the beneficial uses of any water body within the Upper San Gabriel River Watershed (viz., municipal water supply, ground water recharge, recreation 1, and recreation 2 uses). To demonstrate this, the Applicants may be required to conduct additional monitoring of metals (viz., copper, lead, and zinc).

Further, the Applicants shall, if funding permits, search for data or acquire it, if necessary, through separate sampling and analyses to determine to what extent oil, grease, surfactants (nutrients), and other pollutants impair beneficial uses within Upper San Gabriel River Watershed water bodies. The aim here is determine if post-construction structural controls called for under the development planning program should be required for certain developments sited in certain watershed drainage areas.

5.4 Studies

The Applicants continue to look forward to using information developed from various studies conducted by the Principal Permittee (e.g., BMP effectiveness and Peak Discharge Impact). In addition, the Applicants realize that studies will be needed to demonstrate that the spreading grounds and other regional infiltration structures within the watershed operate to mitigate pollutants in runoff. The Applicants have already begun to work on initiating this task.

5.5 Funding

The Applicants will need to rely on outside sources of funding to pay for additional monitoring and studies that are watershed-specific. Grants are one potential source. As a watershed group, the Applicants intend to actively seek funding from a variety of available sources, including but not limited to the Integrated Regional Watershed Management Program (IRWMP), Consolidated Grants, USEPA water infra-structure grants, etc. The Applicants hope that they will qualify more easily for grant funds under the banner of a watershed group as opposed to being Permittees subordinate to the Los Angeles County MS4 Permit.

Appendix A Water Quality Monitoring Program

The 2001 Permit states that the results of the monitoring program should be used to “refine the SQMP for the reduction of pollutant loadings and the protection and enhancement of the beneficial uses of the receiving waters in Los Angeles County.” Techniques to quantify the relationship between SQMP implementation and water quality are still in their infancy, and will mature through an iterative process over many Permit cycles. The recommendations described in this ROWD have been made with this in mind. Resources are proposed to be shifted toward those studies and monitoring programs that allow for a better measure of SQMP effectiveness and lead to reduction in pollutant loading from urban and storm runoff. Table 1 compares key monitoring requirements under the 2001 Permit with Permittees’ recommendations in this ROWD.

In preparing this ROWD, Permittees have also taken into account the five core management questions set forth in the Stormwater Monitoring Coalition’s report entitled “Model Monitoring Program for Municipal Separate Storm Sewer Systems in Southern California”:

- Question 1: Are conditions in receiving waters protective, or likely to be protective, or beneficial uses?
- Question 2: What is the extent and magnitude of the current or potential receiving water problems?
- Question 3: What is the relative urban runoff contribution to the receiving water problems?
- Question 4: What are the sources to urban runoff that contribute to receiving water problems?
- Question 5: Are conditions in receiving waters getting better or worse?

Table 2 shows if and to what extent each of these questions is addressed by both the 2001 Permit and the Permittees’ recommendations. Finally, Table 3 contains a list of impaired water body special studies and monitoring programs for which the Permittees are responsible. Striving to obtain a streamlined and cost-effective monitoring program under the new Permit, Permittees recommend that these studies and programs be integrated with other monitoring requirements as much as possible.

5.1 CORE MONITORING

A. Mass Emissions Monitoring

Mass Emissions Monitoring is conducted in order to approximate the pollutant loads discharged by the MS4 system, to assess temporal trends at the Mass Emissions sites and to determine if flows from the MS4 system contribute to exceedances of Water Quality Standards.

1. Existing Permit Requirements:

- Monitor 7 Mass Emissions sites during the first storm, 2 additional storms and during 2 dry weather flows (3 storm flows and 2 dry weather flows).
- Monitor 6 Mass Emissions sites (automated sites only) for total suspended solids (TSS) during all storms with at least 0.25" of rain. Collected data to be used in conjunction with TSS correlation attempts.
- Samples at Mass Emissions sites may be taken with automatic samplers as under Order 96-054. Grab samples must be taken for pathogen indicators and oil and grease. Automated samplers should be set to monitor storms of at least 0.25".
- Samples at the Santa Clara River Mass Emissions site are taken manually due to the infeasibility of installing automated samplers. Flow weighted composites are to be collected during the first 3 hours of a storm, or for the duration if less than 3 hours. A minimum of 3 aliquots separated by a minimum of 15 minutes is collected within each hour of discharge.
- Annually an analysis of the correlation of TSS and other pollutants of concern is performed and reported.

2. Issues and Recommendations

- Wet weather data has been collected at most Mass Emissions Sites for approximately 10 years. Several constituents that consistently exceed water quality objectives exhibit no statistically significant trend as discussed in the Los Angeles County 1994-2005 Integrated Receiving Water Impacts Final Report, and it is unlikely that these constituents will be reduced to below water quality objectives in a short time frame. Using existing data, several data modeling exercises were performed to simulate different sampling strategies for wet weather data. It was concluded that collecting samples 2 times a year, or 3 times on alternate years, would be sufficient to determine trends over an approximately 40 year time period with a confidence of 95%. These modeling efforts and a more detailed discussion can be found in the Los Angeles County 1994-2005 Integrated Receiving Water Impacts Final Report. The Permittees recommend monitoring 2 storms and 2 dry weather events per year.
- Data collected during the period between 1994 and 2005 was analyzed for TSS correlation with other pollutants of concern and the results were reported in the Los Angeles County 1994-2005 Integrated Receiving Water Impacts Final Report. Statistically significant TSS correlations were found only in the Santa Clara watershed, a natural bottom river, for total chromium, lead, iron and arsenic as well as for dissolved copper and boron. No TSS correlations were found to be significant in the other watersheds.

- Permittees recommend that the sampling of storms exclusively for TSS be discontinued since few significant correlations were found in the previous 10 years. TSS Correlation was intended as a monitoring shortcut whereby TSS measurements could be used to approximate other pollutant loads while avoiding more expensive analyses. However, since few significant TSS correlations were found in the Santa Clara Watershed, and none in the other watersheds, TSS correlation cannot serve its intended purpose as a surrogate for more expensive analysis and should be discontinued.

B. Water Column Toxicity Monitoring

Water Column Toxicity Monitoring is performed in order to evaluate the toxicity of water being discharged from the MS4 system at the Mass Emissions Sites, to determine the causes and extent of toxicity in receiving waters and to modify and utilize the SQMP in order to eliminate or reduce sources of toxicity in MS4 discharges.

1. Existing Permit Requirements
 - Two storm events (including the first of the season) and two dry weather events are annually analyzed for toxicity. *Ceriodaphnia dubia* (water flea) 7-day survival/reproduction and *Strongylocentrotus purpuratus* (purple sea urchin) fertilization tests are used as a minimum.
 - A Phase I Toxicity Identification Evaluation (TIE) is performed on samples exhibiting a toxicity of 1 Toxic Unit or more for the water flea and a toxicity of 2 Toxic Unit or more for the purple sea urchin.
 - A Toxicity Reduction Evaluation is performed if a pollutant or class of pollutants is responsible for 50 percent of three or more TIEs at the same location.
2. Issues and Recommendations
 - Only 9.6% of all toxicity tests for *C. dubia* (water flea) resulted in TIEs and no trends were apparent. Furthermore, no dry weather toxicity tests for *C. dubia* (water flea) were toxic. Therefore, the Permittees recommend reducing the dry weather *C. dubia* (water flea) toxicity testing at the Mass Emissions sites to one test per year unless the first dry weather event *C. dubia* test of each year exhibits toxicity, in which case the second dry weather event should also be tested for *C. dubia* (water flea) toxicity.
 - Toxicity Testing should be performed at Tributary Monitoring sites for 2 storms and 2 dry events in order to detect pollutant effects that are not detected by physical or chemical analysis. The toxicity tests should be identical to those for the Mass Emissions Sites.

C. Shoreline Monitoring

The Shoreline Monitoring Program is intended to evaluate the impacts to coastal receiving waters and the loss of recreational beneficial uses resulting from storm water/urban runoff.

1. Existing Permit Requirements

- The City of Los Angeles is responsible for Shoreline Monitoring under 2001 Permit and the revised Santa Monica Bay Shoreline Monitoring Requirements approved June 14, 2005.
- Twenty shoreline water quality stations are monitored.
- Three additional sites are to be evaluated for future monitoring.
- Three indicator groups (Total coliforms, Fecal Coliforms and Enterococcus) are monitored using membrane filtration, multiple tube fermentation, or chromogenic substrate test kits.
- Sampling occurs weekly or 5 days a week depending upon historical water quality at the sampling sites.
- Sampling occurs during daylight hours and may be omitted during hazardous weather.
- Monitoring frequencies may be modified based on adjacent beach use and storm drain proximity as recommended by the Santa Monica Bay Restoration Commission's Technical Advisory Committee (SMBRC TAC) and the Los Angeles County Department of Health Services (LA County DHS).
- Data is transmitted daily to the LA County DHS.
- LA County DHS is responsible for taking appropriate action in accordance with State law when exceedances of bacterial water quality standards occur.

2. Issues and Recommendations

The Regional Board's 2005 revision to the shoreline-monitoring requirement only partially aligned the Permit's requirement with the Coordinated Shoreline Monitoring Program (CSMP) approved by the Regional Board on April 28, 2004. Some of the Permittees' concerns on this matter were presented in comment letters submitted to the Regional Board by the City of Redondo Beach and Los Angeles County Department of Public Works on April 27 and May 10, 2005, respectively.

The allowable number of exceedance days depends on monitoring frequency. In choosing to conduct weekly monitoring, responsible agencies agreed to a proportional reduction in the allowable number of exceedances from that for daily monitoring. While the rationale behind the SMBRC TAC's recommendation to base monitoring frequency on usage and historical water quality is understandable, Permittees believe that weekly monitoring, which is consistent with AB411, provides reasonable public health protection. Instead of more monitoring, scarce public funds should be directed toward identifying and eliminating anthropogenic sources contributing to shoreline water quality impairments.

Permittees recommend that the CSMP in its entirety replace the existing shoreline monitoring program under the 2001 Permit. Monitoring should be the

joint responsibility of those Permittees which are responsible agencies to address impaired water bodies. Permittees welcome the opportunity to discuss this issue with the SMBRC TAC.

D. Tributary Monitoring

Tributary Monitoring is performed in order to identify sub-watersheds where storm water discharges are causing or contributing to exceedances of Water Quality Standards, and to prioritize drainage and sub-drainage areas that need management actions.

1. Existing Permit Requirements
 - A minimum of six tributaries per year is monitored for a minimum of 1 year each. If no exceedances of water quality objectives are found at a station within one year, the station may be moved upon approval of the Regional Board Executive Officer. If exceedances for the same constituent are found in 3 out of 4 sampled events in a year, the Permittees shall initiate a focused effort to identify the sources of pollutants within that subwatershed.
 - Monitoring started in the Los Angeles River Watershed and is rotated between watersheds subject to the approval of the Regional Board Executive Officer. Descriptions and explanation of proposed sites and a summary of the previous year's data are to be included in the Annual Monitoring Report. The first tributaries to be monitored were prescribed in Order 01-182.
 - Tributary sites are monitored for the first storm of the year and three additional storms. At least one dry weather event per year is monitored at each site. (4 storm events and 1 dry weather event)
 - Tributary sites are monitored using the same sampling protocol as Mass Emissions sites and samples are analyzed for: pH, dissolved oxygen, temperature, conductivity, TSS, indicator bacteria, all priority pollutants, all constituents for which the water body is impaired downstream, and all constituents that caused toxicity or exceeded water quality criteria at the associated Mass Emissions Site the previous year. Flow data is also collected.

2. Issues and Recommendations
 - Tributary Monitoring sites should be located within a watershed for a period of two years. Watersheds should be rotated until all watersheds within the permit area have been monitored before returning to a previously monitored watershed. Watersheds are monitored for two years for two distinct reasons. First, two years allows for better calibration of monitoring equipment and adjusting sampling protocols to site specific factors (traffic patterns, equipment quirks, flow calibration). Secondly, and more importantly, two years of monitoring provides time so that subwatersheds with consistently high levels of pollutant loading can be identified, sources within subwatersheds can be identified and

the identified sources of pollutants can be properly addressed or eliminated.

- Tributary Monitoring sites will be located in the San Gabriel River Watershed, including the Coyote Creek Watershed, for the 06/07 monitoring year. Monitoring should continue in this watershed for a total of 2 years, and monitoring in the next watershed should begin during the 08/09 monitoring year. The Los Angeles River Watershed and Ballona Creek Watershed have each been previously monitored under the Tributary Monitoring program. The Santa Clara River, Malibu Creek, and Dominguez Channel watersheds should be monitored in the future.
- Dry weather flows occur for a larger portion of the year than storm flows and may be monitored at a much lower expense than storm flows. Dry weather flows may also provide insight into chronic conditions within the MS4 system that may be masked by the high volumes in a storm flow. Three wet weather sampling events are sufficient to detect and double check exceedances, in keeping with the purpose of Tributary Monitoring. Therefore, the Permittees recommend reducing wet weather sampling to 3 events and increasing the dry weather sampling to 2 events. Resources saved by reducing wet weather monitoring will be used to analyze tributary flows for toxicity.
- The Permittees propose the addition of toxicity testing to the tributary monitoring program so as to identify toxic pollutant classes that are not otherwise found using standard physical and chemical tests. The toxicity tests should be identical to those for the Mass Emissions Sites.

5.2 REGIONAL MONITORING

A. Estuary Sampling

The objective of the estuary-sampling requirement is to “sample estuaries for sediment chemistry, sediment toxicity, and benthic macroinvertebrate community to determine the spatial extent of sediment fate from storm water, and the magnitude of its effect.” This objective is consistent with questions 1, 2, and 5 of the Model Monitoring Program.

1. Existing Permit Requirements
The 2001 Permit requires the Principal Permittee to participate in the Bight '03 project, specifically with respect to the project's estuary sampling component. The permit language provides great detail on the extent of the participation; this has been summarized in Table 1.
2. Issues and Recommendation

Based on a preliminary review of available results, it appears that the Bight '03 project has been conducted such that the 2001 Permit's requirement has been fulfilled. We now better understand the extent and magnitude of impairments in LA County's estuaries. While some characterization work will remain necessary, we believe it is time to look more systematically at 1) determining the sources of urban runoff that contribute to elevated sediment toxicity levels and 2) how to reduce that contribution. The former question corresponds to question 4 in the MMP; the latter, while not a question formulated in the MMP, is essential for improving estuary sediment quality.

The Permittees recommend continuing participation in and fund future bight-wide studies (e.g. Bight '08). However, Permittees' contribution should be directed towards follow-up studies designed to answer questions most pertinent to reducing toxicant loading into LA County's estuaries from urban and storm runoff. These questions will be formulated in the coming months in consultation with Regional Board and SCCWRP, and may include but are not limited to the following:

- What are the specific toxicants causing recurring sediment toxicity in Ballona Creek Estuary? Dominguez Channel Estuary?
- What are sources of urban runoff that contribute to sediment toxicity?
- Partitioning coefficients between water column and sediment?
- Suspended sediment toxicity sampling protocol?
- Sediment transport mechanism and deposition patterns?
- What is the state of current technology available to reduce toxicant loading from urban and storm runoff?

B. Bioassessment

Existing Permit Requirements

- Participate in the SMC and with the Surface Water Ambient Monitoring Program (SWAMP) in development of a regional Index of Biological Integrity (IBI).
- Perform bioassessment monitoring every October
- Monitor a minimum of 20 sampling sites and coordinate with Surface Water Ambient Monitoring Program (SWAMP) in site selection.
- Collect a minimum of three replicate samples at each site
- Submit annual monitoring report containing all physical, chemical, and biological data collected and analyzed during bioassessment

1. Issues and Recommendations

- **Regional IBI:** Permittees will continue participation in the development and testing of a regional IBI for low graded and ephemeral streams and estuaries.
- **Site Selection:** Permittees will select the number and location of sampling sites through the protocol expected to be developed in the regional IBI. Permittees will consider those sites already sampled in the three years of the current permit for the sake of continuity.
- **Indicator Species:** Permittees will choose fresh and salt-water benthic species to indicate the health of low graded and ephemeral streams and estuaries from the regional IBI to be developed.
- **Impaired Water Body Studies:** Permittees will give consideration to how the bioassessment monitoring required by the MS4 permit can enhance impaired water body studies.

5.3 SPECIAL STUDIES

A. New Development Impact Study

1. Existing Permit Requirements

- With support from the City of Santa Clarita, determine impacts from new development in the Santa Clara River watershed
- Compare water quality between two subwatersheds, one with and one without post-construction SUSMP BMPs
- As agree, if in the event of not finding suitable subwatersheds for study, develop a water quality model to simulate results for a single watershed in the Santa Clara River watershed

2. Issues and Recommendations

- A watershed of multiple-land uses has been selected for the water quality model simulation, and monitoring instrumentation is being installed.
- The model will evaluate the effectiveness of SUSMP implementation by calculating the changes of runoff flows and contaminant loading due to certain BMPs installed. As a result, a matrix of most suitable BMPs for certain types of land use will be recommended.

- Upon the sampling of at least three storms, the model will be calibrated and run for various scenarios of BMP types and placement.
- Results will be used to support a study proposed by the SMC to evaluate the effectiveness of post-construction Low Impact Development (LID) BMPs in new development.
- Permittees will participate with the SMC LID study.

The proposed changes in the study requirements are summarized in Table 1 as compared with the requirements under the existing permit. The SMC's management questions for the New Development Impact Study are addressed in Table 2

3. Integration of impaired water body specific programs
 - Results of the SMC LID BMP study will be evaluated for their possible inclusion in impaired water body specific programs. The results of the study will provide a variety of options of structural BMPs to help implement impaired water body specific programs. Furthermore, the results of the study will help with impaired water body specific programs by minimizing the impact of any future development or redevelopment within the watershed.
4. Comparison of existing and proposed programs in addressing management questions by SMC

B. Peak Discharge Impact Study

1. Existing permit requirements
 - Evaluate peak flow controls
 - Determine numeric criteria to prevent or minimize erosion of natural stream channels and banks caused by upstream development.
2. Issues and Recommendations
 - A study, conducted jointly with the Stormwater Monitoring Coalition, was funded in whole by County Public Works and managed by the Southern California Coastal Waters Research Project.
 - The study was completed in a manner sufficient only to develop interim standards, which were promulgated and submitted to the Regional Board on January 31, 2005.
 - Interest in hydromodification issues among the permittees and members of the SMC led to a technical workshop in October 2005,

associated with the first annual conference of the California Stormwater Quality Association.

- Proceedings of the workshop were assembled and published by SCCWRP and USC Sea Grant in December 2005.
- Interest in peak discharge and hydromodification issues is still high among permittees and the SMC member agencies.
- Ongoing research is being discussed to take up where the County DPW-funded study left off.
- Permittees will continue participating with in-kind services and in a peer-review capacity in the SMC hydromodification impacts research and develop numeric criteria by Dec. 10, 2010, or 6 months after publication of the SMC research, whichever is later.
- Until that time, the Interim Peak Flow criteria will be enforced, applying to all areas draining directly or indirectly to natural streams.

The proposed changes in the study requirements are summarized in Table 1 as compared with the requirements under the existing permit.

3. Integration of impaired water body specific programs
4. Comparison of existing and proposed programs in addressing management questions by SMC

The SMC's management questions for the Peak Discharge Impact Study are addressed in Table 2.

C. BMP Effectiveness Study

1. Existing Permit Requirements
 - Conduct or participate in studies to evaluate the effectiveness of structural and treatment control BMPs.
 - Monitor the reduction of pollutants of concern in storm water for five or more different types of BMPs
 - Evaluate the requirements, feasibility and cost of maintenance for each BMP
 - Develop recommendations for appropriate BMPs for the reduction of pollutants of concern in storm water.
2. Issues and Recommendations
 - Five structural BMPs have been tested, including infiltration trench, catch basin inserts, enhanced manhole, hydrodynamic separator, wet vaults, and bioswale.

- Detailed results are provided in the Appendix H of Los Angeles County 1994-2005 Integrated Receiving Water Impacts Report, which was submitted to RWQCB in August 2005.
- Three of the tested BMPs warrant further evaluation, one will be evaluated by another agency, and one does not warrant further testing.
- At least two replacement BMPs will be included in the study. The BMPs will be from those structural BMPs incorporated in the permittees' Sun Valley Park Drain and Infiltration System Project.
- Because BMP evaluation for trash removal is already required under the Public Agency Activities Program, trash will not be one of the pollutants to be monitored.

The proposed changes in the study requirements are summarized in Table 1 as compared with the requirements under the existing permit.

D. Participation in Studies Organized by the SMC

County Public Works was a founding member of the Southern California SMC, and will continue to be an active member. Diligent efforts will be made to participate in ongoing or future studies organized by the SMC at various levels including peer review, in-kind services, and monetary contributions. In particular, DPW will participate in the following studies:

- Regional Index of Biological Indicators
- Laboratory Intercalibration
- Reference Watershed Study
- Low Impact Development BMP Evaluation, Guidance and Training
- Stormwater Toxicity Protocols
- Peak Flow/Hydromodification Study

5.4 INTEGRATION OF IMPAIRED WATER BODY SPECIFIC PROGRAMS

Alignment of Permit-mandated monitoring with those required under other actions of the Regional Board should be required. The shoreline-monitoring program is a good example. Impaired water body monitoring programs and special studies currently in progress, or are expected to be conducted during the 2006 Permit cycle, have been summarized in Table 3. All impaired water body projects should be conducted by those Permittees which are also responsible agencies for these impaired water bodies.

Appendix B Applicant Certification Letters

This appendix contains letters from the Cities, signed by their City Managers, to Mr. Jonathan Bishop, Executive Officer of the California Regional Water Quality Control Board, Los Angeles Region, certifying their participation in a separate a Report of Waste Discharge application, referred to as the Upper San Gabriel River Watershed Coalition.



The Canyon City — Gateway to the American Dream

June 12, 2006

Mr. Jonathan Bishop
Executive Officer
California Regional Water Quality Control Board
320 West 4th Street
Los Angeles, California 90013

Subject: Participation in Separate ROWD Application

Dear Mr. Bishop:

The City of Azusa writes to notify your office that it has decided to participate in a group watershed Report of Waste Discharge (ROWD), referred to as the Upper San Gabriel River Watershed Coalition (attached herewith).

The City, along with the other municipal applicants, is taking the initiative to promote and develop a more watershed-focused approach to urban runoff management. Each of the applicants shares the common characteristic of discharging partially or wholly upstream of percolation basins - including the Whittier Narrows Spreading Grounds and the Rio Hondo Spreading Grounds.

In the end, the City believes that this watershed approach, which is spelled out in greater detail in the attached ROWD, will "preserve and enhance" the beneficial use of the Upper San Gabriel River. The City believes that a watershed approach to runoff pollution control is in keeping with USEPA, State Water Resources Control Board, and Los Angeles Regional Water Quality Control policy. Beyond this, non-governmental agencies, Heal the Bay especially, have encouraged municipal NPDES Permittees to pursue a watershed management approach to runoff pollution control.

The City also believes that the approach will serve as a model for other watersheds. Although not all municipal permittees in the Upper San Gabriel River (differentiated from the lower half by the spreading grounds) are included in this application, we believe that the nucleus of Cities that form this watershed will, through the success of this approach, encourage other municipalities participate at a later date. Further, we see no reason why these Cities and the Los Angeles County Flood Control District could not participate with us shortly after the next MS4 Permits are adopted.

The City looks forward to your support of this the initiative, of which it is pleased to be a participant. Should you have any questions, please call James Makshanoff, Public Works Director at 626-812-5248.

Sincerely,

Francis M. Delach
City Manager



CITY OF CLAREMONT

Jeffrey C. Parker, City Manager

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June 12, 2006

Jonathan Bishop, Executive Officer
California Regional Water Quality Control Board
Los Angeles Region
320 West 4th Street
Los Angeles, CA 90013

Dear Mr. Bishop:

Participation in Separate ROWD Application

This letter is to notify your office that the City of Claremont has decided to participate in a group watershed Report of Waste Discharge (ROWD), referred to as the Upper San Gabriel River Watershed Coalition (attached herewith).

The City, along with the other municipal applicants, is taking the initiative to promote and develop a more watershed-focused approach to urban runoff management. Each of the applicants shares the common characteristic of discharging partially or wholly upstream of percolation basins – including the Whittier Narrows Spreading Grounds and the Rio Hondo Spreading Grounds.

In the end, the City believes that this watershed approach, which is spelled out in greater detail in the ROWD, will preserve and enhance the beneficial use of the Upper San Gabriel River. The City believes that a watershed approach to runoff pollution control is in keeping with USEPA, State Water Resources Control Board, and Los Angeles Regional Water Quality Control policy. Beyond this, non-governmental agencies, Heal the Bay especially, have encouraged municipal NPDES Permittees to pursue a watershed management approach to runoff pollution control.

The City also believes that the approach will serve as a model for other watersheds. Although not all municipal permittees in the Upper San Gabriel River (differentiated from the lower half by the spreading grounds) are included in this application, we believe that the nucleus of cities that form this watershed will, through the success of this approach, encourage the participation of other municipalities at a later date. Further, we see no

Jonathan Bishop
June 12, 2006
Page 2

reason why these Cities -- and the Los Angeles County Flood Control District for that matter -- could not participate with us shortly after the next MS4 Permits are adopted.

The City looks forward to your support of this initiative, of which it is pleased to be a participant.

Should you have any questions, please call our city engineer, Craig Bradshaw, at (909) 399-5465.

Sincerely,



Jeffrey C. Parker
City Manager

Attachment

- c: City Council
- Sonia Carvalho, City Attorney
- Tony Ramos, Assistant City Manager
- Anthony Witt, Community Development Director
- Scott Carroll, Community Services Director
- Craig Bradshaw, City Engineer



CITY OF GLENDORA CITY HALL

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June 7, 2006

Mr. Jonathan Bishop
Executive Officer
California Regional Water Quality Control Board
Los Angeles Region
320 West 4th Street
Los Angeles, California 90013

Re: Participation in Separate ROWD Application

Dear Mr. Bishop:

The City of Glendora hereby gives notice, subject to concurrence of the Glendora City Council, that it has decided to participate in a group watershed Report of Waste Discharge (ROWD), referred to as the Upper San Gabriel River Watershed Coalition. The City Council is expected to authorize staff to file the appropriate application(s) as discussed below prior to the June 12 deadline for submission.

The City, along with the other applicants, is taking the initiative to promote and develop a more watershed-focused approach to urban runoff management. Each of the applicants shares the common characteristic of discharging partially or wholly upstream of percolation basins.

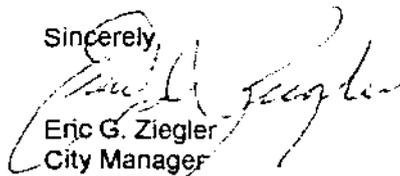
In the end, the City believes that this watershed approach, which is spelled out in greater detail in the ROWD, will preserve and enhance the beneficial use of this reach of the San Gabriel River. The City also believes that the approach will serve as a model for other watersheds.

Although not all municipal permittees in Reach 2 of the San Gabriel River are included in this application, we believe that the nucleus of Cities that form this watershed will, through the success of this approach, encourage other cities participate at a later date. Further, we see no reason why these cities could not participate with us shortly after the next MS4 Permits are adopted.

The City looks forward to your support of this the initiative, in which it is pleased to be a participant.

Should you have any questions, please call me.

Sincerely,



Eric G. Ziegler
City Manager

cc: City Council



June 6, 2006

Mr. Jonathan Bishop, Executive Officer
California Regional Water Quality Control Board, Los Angeles Region
320 West 4th Street
Los Angeles, California 90013

Subject: Participation in Separate ROWD Application

Dear Mr. Bishop:

The City of Irwindale writes to notify your office that it has decided to participate in a group watershed Report of Waste Discharge (ROWD), referred to as the Upper San Gabriel River Watershed Coalition (attached herewith).

The City, along with the other applicants, is taking the initiative to promote and develop a more watershed-focused approach to urban runoff management. Each of the applicants shares the common characteristic of discharging, partially or wholly, upstream of percolation basins.

In the end, the City believes that this watershed approach, which is spelled out in greater detail in the ROWD, will preserve and enhance the beneficial use of this reach of the San Gabriel River. The City also believes that the approach will serve as a model for other watersheds. Although not all municipal permittees in reach 2 of the San Gabriel River are included in this application, we believe that the nucleus of Cities that form this watershed will, through the success of this approach, encourage other Cities to participate at a later date. Further, we see no reason why these Cities could not participate with us shortly after the next MS4 Permits are adopted.

The City looks forward to your support of this initiative, of which it is pleased to be a participant.

Should you have any questions, please call me at (626) 430-2217.

Sincerely,

Robert Griego
Interim City Manager





City of Whittier

13230 Penn Street, Whittier, California 90602-1772
(562) 945-8200

Cathy Warner
Mayor

Owen Newcomer
Mayor Pro Tem

Joe Vinatieri
Council Member

Bob Henderson
Council Member

Greg Nordbak
Council Member

Stephen W. Helvey
City Manager

June 8, 2006

Mr. Jonathan Bishop, Executive Officer
California Regional Water Quality Board
Los Angeles Region
320 West 4th Street
Los Angeles, CA 90013

Dear Mr. Bishop:

RE: Participation in Separate ROWD Application

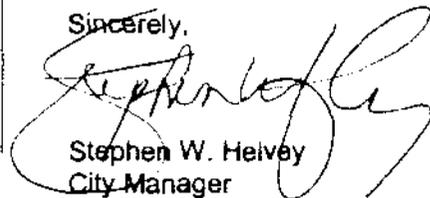
The City of Whittier writes to notify your office that it has decided to participate in a group watershed Report of Waste Discharge (ROWD), referred to as the Upper San Gabriel River Watershed Coalition (attached herewith).

The City, along with the other applicants, is taking the initiative to promote and develop a more watershed-focused approach to urban runoff management. Each of the applicants shares the common characteristic of discharging partially or wholly upstream of percolation basins.

In the end, the City believes that this watershed approach, which is spelled out in greater detail in the ROWD, will preserve and enhance the beneficial use of this Reach of the San Gabriel River. The City also believes that the approach will serve as a model for other watersheds. Although not all municipal permittees in Reaches 2 & 3 of the San Gabriel River are included in this application, we believe that the nucleus of Cities that form this watershed will, through the success of this approach, encourage other Cities to participate at a later date. Further, we see no reason why these Cities could not participate with us shortly after the next MS4 Permits are adopted.

The City looks forward to your support for this initiative, of which it is pleased to be a participant. Should you have any questions, please contact Dave Mochizuki, Director of Public Works, at (562) 464-3510.

Sincerely,



Stephen W. Helvey
City Manager

SH:ck

Attachment: Report of Waste Discharge

O:\Staff\Leon Yehuda\Separate ROWD App. 8.06.doc