Los Angeles Regional Water Quality Control Board

November 12, 2026

Mark Pestrella
Director of Public Works
County of Los Angeles
900 South Freemont Avenue
Alhambra, CA 91803

APPROVAL OF ALTERNATIVE ONSITE FLOW-BASED BMPS PURSUANT TO PART VIII.F.4.c.ii OF THE REGIONAL PHASE I MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT (NPDES PERMIT NO. CAS004004; ORDER NO. R4-2021-0105); PEPPERDINE UNIVERSITY ATHLETICS/EVENTS CENTER: DRAINAGE MANAGEMENT AREA (DMA) 1 AT 24255 PACIFIC COAST HIGHWAY, MALIBU, CA 90263.

Dear Mr. Pestrella:

On February 19, 2026, the County of Los Angeles (Permittee), submitted correspondence to the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) requesting approval for the use of an onsite flow-based treatment control BMP, Linear Modular Wetland by Contech Engineered Solutions, LLC., as an alternative compliance measure for a priority development project within the Permittee's jurisdiction. On February 20, 2026, the Los Angeles Water Board provided the Permittee with initial comments needed to align with the Regional MS4 Permit (Order). On August 20, 2026, the Los Angeles Regional Board received an updated request.

Pursuant to Parts VIII.F.4.b.i and VIII.F.4.c.ii of the Order, if a Permittee determines that onsite infiltration, onsite biofiltration, and offsite alternative compliance measures are not technically feasible, the Permittee may request approval from the Los Angeles Water Board Executive Officer for the use of onsite flow-based BMPs.

Background

Part VIII.F of the Order requires Permittees to implement a Planning and Land Development Program. As part of this program, Permittees shall require all priority development projects identified in Part VIII.F.1.a of the Order, to implement structural BMPs to meet the performance requirements described in Part VIII.F.4.a of the Order. Except as provided in Part VIII.F.1.c (Exemptions), Part VIII.F.2 (Hydromodification Management Requirements), or Part VIII.F.4.b (Alternative Compliance) of the Order,

the structural BMPs shall retain on-site the Storm Water Quality Design Volume (SWQDV). Each Permittee shall require all priority development projects to meet the performance requirements in the following order of preference per Part VIII.F.1.d of the Order:

i. On-site infiltration, bioretention and/or rainfall harvest and use,
ii. If subpart i above is infeasible, on-site biofiltration, off-site groundwater replenishment, and/or off-site retrofit, or
iii. If subpart ii above is infeasible, on-site treatment, where all the above options are infeasible.

Pursuant to Parts VIII.F.4.b and VIII.F.4.c.ii of the Order, Permittees, with approval, may allow the priority development project to utilize flow-through treatment control BMPs to treat runoff leaving the site, and mitigate for the design capture volume not reliably retained onsite pursuant to Part VIII.F.4.a of the Order. Flow-through treatment control BMPs must be appropriately designed and sized and meet the following criteria:

1. Filter/treat either:
    a. The maximum flow rate of runoff produced from a rainfall intensity of 0.2 inch of rainfall per hour, for each hour of a storm event; or
    b. The maximum flow rate of runoff produced by the 85th percentile hourly rainfall intensity (for each hour of a storm event), as determined from the local historical rainfall record, multiplied by a factor of two.
2. Be certified for “Enhanced Treatment” under the Washington State Department of Ecology’s TAPE Program; or an appropriate future BMP certification developed by the State of California.

Public Review

On August 28, 2026, the Los Angeles Water Board provided public notice and a 30-day period to allow for public review and written comment on the proposed use of onsite flow-based BMPs as an alternative compliance measure. No comments were received during the public comment period.

Alternative Onsite Flow-based BMPs Approval

I hereby approve the Permittee’s proposal for the use of the requested TAPE-certified onsite flow-based BMP, Linear Modular Wetland by Contech Engineered Solutions, LLC, as an alternative compliance measure for the priority development project at Pepperdine University Athletics/Events Center: DMA 1; 24255 Pacific Coast Highway, Malibu, CA 90263. The Permittee has demonstrated that the project followed the post construction BMP preference order per Part VIII.F.1.d of the Order and that all other alternative compliance measures are not feasible. The requested BMP is appropriately designed and sized to meet the filtration/treatment and certification criteria pursuant to Part VIII.F.4.c.ii of the Order.

This approval does not constitute certification or verification of the performance of the Linear Modular Wetland by Contech Engineered Solutions, LLC since the Los Angeles Water Board does not have a testing and certification program for treatment control BMPs. This approval is given based on the supporting documentation provided in the request and relies on the Permittee's review of the system.

The Permittee shall comply with the Maintenance Agreement and Transfer requirements outlined in Part VIII.F.3 of the Order. These requirements include:

1. Part VIII.F.3.b – prior to issuing approval for final occupancy, the Permittee shall require new development and redevelopment projects subject to postconstruction BMP requirements to provide an operation and maintenance plan; monitoring plan, where required; and verification of ongoing maintenance provisions for LID practices, treatment control BMPs, and hydromodification control BMPs.
2. Part VIII.F.3.b.i – verification of post-construction BMP maintenance agreement shall include all the documents included in this provision.
3. Part VIII.F.3.b.ii – the Permittee shall ensure a plan is developed for the operation and maintenance of all structural and treatment controls. The Permittee shall examine the plan for relevance to keeping the BMPs in proper working order. Furthermore, operation and maintenance plans for private BMPs shall be kept on-site for periodic review by Permittee inspectors.
4. Part VIII.F.3.c.iii – the Permittee shall verify proper maintenance and operation of post-construction BMPs operated by the Permittee.
5. Part VIII.F.3.c.iv – for post-construction BMPs operated and maintained by parties other than the Permittee, the Permittee shall require the other parties to document proper maintenance and operations.
6. Part VIII.F.3.c.v – the Permittee shall undertake any enforcement as appropriate per the established progressive enforcement policy.

If you have any questions, please contact Jessica Pearson of the Municipal Stormwater Permitting Unit by email at Jessica.Pearson@waterboards.ca.gov or by phone at (213) 576-6186. Alternatively, you may also contact Erum Razzak, Municipal Stormwater Permitting Unit Supervisor, by email at Erum.Razzak@waterboards.ca.gov or by phone at (213) 620-2095.

Sincerely,

for Susana Arredondo
Executive Officer

Cc: Joshua M. Lugavere, County of Los Angeles
Jason Zhang, County of Los Angeles