

**Table of Contents for Item 16
Regular Meeting of the
California Regional Water Quality Control Board
Los Angeles Region**

Consideration of Petition for Review of the Executive Officer’s Action to Approve, with Conditions, Nine Watershed Management Programs Pursuant to the Los Angeles County Municipal Separate Storm Sewer System (MS4) Permit, Order No. R4-2012-0175

<u>Tab</u>	<u>Item</u>	<u>Page</u>
1	Item Summary	16-1
2	Regional Board Staff’s Response to Petition	16-6
3	Attachment 1-Staff Response to Petitioners’ Detailed Technical Comments in its Memorandum of Points and Authorities and Exhibit D [of the Petition]	16-23
4	Attachment 2 – Assessment of NRDC/LAWK/HTB March 25, 2015 Letter Commenting on Revised Watershed Management Programs	16-50
5	Supporting Materials	16-80
	[Sent under separate cover on August 13, 2015 on DVD. Also now available on Dropbox at https://www.dropbox.com/sh/xqhkmuoxn6fh4yq/AAA9e1EIXSci3JSAFHmQYuXua?dl=0]	
	➤ Table of Contents for 8/13/15 DVD	16-82

Petition for Review of Executive Officer's Approval, with Conditions, of 9 WMPs

ITEM SUMMARY

California Regional Water Quality Control Board Los Angeles Region September 10, 2015 590th Board Meeting

Item Number	16
Proposed Board Action	Consideration of a petition for review of the Executive Officer's approval, with conditions, of nine Watershed Management Programs (WMPs) pursuant to the Los Angeles County MS4 Permit (Order No. R4-2012-0175).
Purpose	<p>On April 28, 2015, the Executive Officer, on behalf of the Los Angeles Water Board, approved, with conditions, nine WMPs pursuant to the Los Angeles County MS4 Permit. Part VI.A.6 of the Permit provides that any Permittee or interested person may request review by the Los Angeles Water Board of any formal determination or approval made by the Executive Officer pursuant to the Permit. A Permittee or interested person may request such review by the Board upon petition within 30 days of the notification of such decision to the Permittee(s) and interested parties on file at the Board.</p> <p>On May 28, 2015, the Natural Resources Defense Council, Los Angeles Waterkeeper, and Heal the Bay (collectively, Petitioners) submitted to the Los Angeles Water Board a "Petition for Review of Los Angeles Regional Water Quality Control Board Executive Officer's Action to Conditionally Approve Nine WMPs Pursuant to the L.A. County MS4 Permit."¹</p>
Background	<p>On November 8, 2012, the Los Angeles Water Board adopted Order No. R4-2012-0175, <i>Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County, except those Discharges Originating from the City of Long Beach MS4</i> (hereafter, Los Angeles County MS4 Permit or Permit). Part VI.C of the Permit allows Permittees the option to develop, either individually or as part of a group, either a WMP or an Enhanced Watershed Management Program (EWMP) to implement permit requirements on a watershed scale through</p>

¹ The petition indicates that it also serves as a petition to the State Water Resources Control Board (State Water Board) pursuant to Water Code section 13320. The Petitioners request that the State Water Board invalidate the Los Angeles Water Board Executive Officer's conditional approvals of the nine WMPs absent such action by the Los Angeles Water Board. The State Water Board may choose to conduct separate proceedings on the petition pursuant to Water Code section 13320.

Petition for Review of Executive Officer's Approval, with Conditions, of 9 WMPs

ITEM SUMMARY

customized strategies, control measures, and best management practices. Development of a WMP or EWMP is voluntary and allows a Permittee to address the highest watershed priorities, including complying with the requirements of Part V.A (Receiving Water Limitations) and Part VI.E and Attachments L through R (Total Maximum Daily Load Provisions), by customizing the control measures in Parts III.A (Prohibitions – Non-Storm Water Discharges) and VI.D (Minimum Control Measures), except the Planning and Land Development Program.

WMP Review & Approval Process

Pursuant to Part VI.C.4.c of the Los Angeles County MS4 Permit, 32 Permittees submitted nine draft WMPs to the Los Angeles Water Board by June 28, 2014 for review.

In conducting its review, Board staff developed a list of review and evaluation questions which was used to ensure a comprehensive and consistent review of the draft WMPs relative to permit requirements. (The list of review and evaluation questions was provided in Folder 13 on the DVD of materials for this item.) Each WMP was assigned a lead reviewer, who was supported by TMDL Program staff, including the Board's modeling expert, Dr. C.P. Lai. Lead staff were overseen by the MS4 Unit Chief, Mr. Ivar Ridgeway, and by the Regional Programs Section Chief, Renee Purdy.

Additionally, Board staff teamed with USEPA Region IX staff to jointly review the draft WMPs. During the review period, Board staff and USEPA staff held conference calls on a weekly basis to discuss the draft WMPs.

On the basis of Board staff's review, USEPA Region IX staff's review, and in consideration of written and oral comments made by interested persons (as described below under "Stakeholder Participation"), the Board sent letters to the Permittees providing comments on the draft WMPs that identified the revisions that needed to be addressed prior to the Board's approval of the WMPs, and directed the Permittees to submit revised draft WMPs addressing the Board's comments by approximately January 28, 2015 for Board review. Both before and after submittal of the revised draft WMPs, Board staff participated in meetings, phone calls, and email exchanges with Permittees and other stakeholders, including the Petitioners.

Per Part VI.C.4.c of the Permit, the Board, or the Board's Executive Officer on behalf of the Board, was scheduled to approve or deny the final WMPs within 3 months of submittal of the final WMPs. Part VI.C.4.e specifies that Permittees that do

Petition for Review of Executive Officer's Approval, with Conditions, of 9 WMPs

ITEM SUMMARY

not have an approved WMP within 28 months of the permit's effective date (thus, by April 28, 2015) shall be subject to the baseline requirements of Part VI.D and shall demonstrate compliance with receiving water limitations pursuant to Part V.A and with applicable interim and final water quality-based effluent limitations in Part VI.E pursuant to subparts VI.E.2.d.i.(1)-(3).

On April 28, 2015, the Executive Officer, on behalf of the Board, approved, with conditions, the following nine WMPs pursuant to the Los Angeles County MS4 Permit:

- Los Angeles River Upper Reach 2 Subwatershed
- Lower Los Angeles River Watershed*
- East San Gabriel Valley Watershed Management Area
- Lower San Gabriel River*
- Los Cerritos Channel Watershed*
- Santa Monica Bay Watershed Jurisdiction 7
- Alamitos Bay/Los Cerritos Channel Group
- El Monte
- Walnut

The Executive Officer provided the Permittees with a short deadline to submit their final WMPs to the Board that satisfied all of the conditions outlined in the approval letter. The letter also indicated that the approval may be rescinded if all of the conditions were not satisfied within the timeframe provided in the letter.

On May 28, 2015, pursuant to Part VI.A.6 of the Los Angeles County MS4 Permit, the Petitioners filed the petition in this matter seeking review of the Executive Officer's action to approve, with conditions, the nine WMPs.

Each of the seven WMP groups and the two individual Permittees submitted final WMPs that satisfied the conditions in the Executive Officer's approval. After reviewing each of the final WMPs relative to the conditions in the approval letters, the Executive Officer confirmed, in a letter to each, that the conditions had been satisfied.

Stakeholder Participation Beginning on July 3, 2014, the Board provided a 46-day public review and written comment period on the draft WMPs. On October 9, 2014, the Board held a workshop at its regularly scheduled Board meeting to discuss the draft WMPs during which stakeholders and interested persons were provided an

* This WMP was also approved, with conditions, pursuant to the City of Long Beach MS4 Permit, Order No. R4-2014-0024. The petition does not seek review of the Executive Officer's approval, with conditions, pursuant to the City of Long Beach MS4 Permit.

Petition for Review of Executive Officer's Approval, with Conditions, of 9 WMPs

ITEM SUMMARY

opportunity to make oral comments on the draft WMPs to the Board and Executive Officer.

Board staff also held a public meeting on April 13, 2015 for Permittees, stakeholders and interested persons to discuss the revised draft WMPs with the Board's Executive Officer and staff. Board members were invited to attend this meeting and several Board members did attend.

Throughout the WMP review process, Board staff participated in several meetings, phone calls, and email exchanges with Permittees and other stakeholders, including the Petitioners.

With regard to the petition for review, on July 3, 2015, the Board publicly noticed the petition for review and provided an opportunity for Permittees and interested persons to respond to the petition. The deadline for responses was August 3, 2015. Responses to the petition for review received by the deadline are listed below.

Significant Issues and Responses

In the petition, the Petitioners allege that the Executive Officer: 1) acted outside the scope of delegated authority in "conditionally" approving the WMPs because the only authority explicitly delegated to the Executive Officer by the Board was to approve or deny the WMPs; 2) improperly modified the Permit by failing to comply with the substantive and procedural requirements pursuant to state and federal law, and exceeded the statutory limits for delegation; and 3) improperly imposed conditions in the approvals that are inconsistent with Permit requirements and the federal Clean Water Act. The Petitioners request that the Los Angeles Water Board invalidate the Executive Officer's approvals, with conditions, and deny all nine WMPs.

Board staff has prepared responses to these allegations for the Board's reference, which are included as attachments to this item summary. The main attachment provides the Board staff's response to the contentions raised by the Petitioners in their Memorandum of Points and Authorities. This response matrix has two attachments. Attachment 1 provides Staff's response to Petitioners' detailed technical comments in its Memorandum of Points and Authorities and in Exhibit D. For the Board's further reference, Board staff has also prepared an assessment of the Petitioners' March 25, 2015 letter commenting on the revised WMPs. This assessment is included as Attachment 2.

Petition for Review of Executive Officer's Approval, with Conditions, of 9 WMPs

ITEM SUMMARY

Responses Received Nine responses to the petition for review were received from the following groups and entities:

- City of Claremont
- City of Los Angeles
- East San Gabriel Valley Watershed Management Group
- Los Angeles County and Los Angeles County Flood Control District
- Los Cerritos Channel Watershed Management Group
- Lower Los Angeles River Watershed Management Group
- Lower San Gabriel River Watershed Management Group
- Los Angeles River Upper Reach 2 Watershed Management Group
- Ms. Joyce Dillard

These responses were included on the DVD provided to you on August 14, 2015.

Options At the conclusion of its review, the Board may, for each of the nine WMPs, either:

1. Ratify the Executive Officer's approvals;
2. Overturn the Executive Officer's approvals; or
3. Conduct further proceedings on the petition as determined by the Board.

**Regional Board Staff’s Response to Petition for Review of the Executive Officer’s approval, with conditions,
of nine Watershed Management Programs (WMPs)
pursuant to the Los Angeles County MS4 Permit (Order No. R4-2012-0175)**

Contention No.	Summary of Contention	Staff Response
1	<p>In reviewing the Executive Officer’s decision, both the Regional and State Boards must exercise their independent judgment as to whether the Executive Officer’s action is reasonable. (<i>See Stinnes-Western Chemical Corp.</i>, State Board WQ Order No. 86-16 (1986).) The Executive Officer’s action constitutes an “[a]buse of discretion...if [he] has not proceeded in the manner required by law, the order or decision is not supported by the findings, or the findings are not supported by the evidence.” (Cal. Civ. Proc. Code § 1094.5(b); <i>see also Zuniga v. Los Angeles County Civil Serv. Comm’n</i> (2006) 137 Cal.App.4th 1255, 1258 (applying same statutory standard).) “Where it is claimed that the findings are not supported by the evidence, . . . abuse of discretion is established if the court determines that the findings are not supported by the weight of the evidence.” (Cal. Civ. Proc. Code § 1094.5(c).)</p>	<p>No specific standard of review applies to the Regional Board’s review of the Executive Officer’s action to approve, with conditions, nine WMPs. The Regional Board is not acting as an appellate body in this matter. Since the Executive Officer acted pursuant to delegated authority on behalf of the Regional Board, the Regional Board is, in essence, being asked to reconsider its own action. The Regional Board is not required to determine whether the Executive Officer’s action constituted an abuse of discretion. Rather, in this instance, the Regional Board may consider whether the Executive Officer’s action to approve the WMPs, with conditions, was appropriate and proper. At the conclusion of its review, the Regional Board may, for each of the nine WMPs, either: 1) ratify the Executive Officer’s approval, 2) overturn the Executive Officer’s approval, or 3) conduct further proceedings on the petition as determined by the Board. If, in its review, the Regional Board makes new findings of fact, they must be supported by a preponderance of the evidence as the Board would be acting as the initial trier of fact.</p> <p>Further, the standard of review cited by the Petitioners in California Code of Civil Procedure section 1094.5 does not apply to the Regional Board’s consideration of the petition. That section applies when a court is reviewing a regional water board’s and/or State Water Board’s action from an adjudicatory proceeding.</p>
2.1	<p>The Executive Officer improperly acted outside the scope of delegated authority in “conditionally” approving the WMPs because the only authority explicitly delegated to the Executive Officer by the</p>	<p>The Executive Officer acted within the scope of his delegated authority in approving the WMPs with conditions. Pursuant to Water Code section 13223, a regional water board has the authority to delegate any of its powers and duties, with limited</p>

Contention No.	Summary of Contention	Staff Response
	<p>Regional Board in the Permit was to approve or deny the WMPs. Such action, therefore, constitutes an abuse of discretion. (Cal. Water Code § 13223(a); <i>see also</i> California Regional Water Quality Control Board Los Angeles Region (April 11, 2014), Resolution No. R14-005 amending Resolution No. R10-009, Delegation of Authority to the Executive Officer.)</p>	<p>exceptions, to its Executive Officer. The Regional Board has done so in a resolution entitled “Delegation of Authority to Executive Officer,” which is periodically updated by the Board, most recently in 2014. (Resolution No. R14-005.) In its delegation, the Regional Board has delegated “to its Executive Officer all powers and duties to conduct and to supervise the activities of the Regional Board,” including, but not limited to, “exercising any powers and duties of the Regional Board.” The Regional Board also specifically delegated to the Executive Officer, in Part VI.C.4 (Table 9) of the Permit, the authority to “approve or deny” a final WMP on behalf of the Regional Board.</p> <p>Petitioners assert that the Executive Officer acted beyond his delegated authority because the Regional Board did not specifically authorize the Executive Officer to “conditionally approve” the WMPs. The Petitioners also appear to assert that, even if the Regional Board were to have considered approval of the WMPs itself, it also would not have had any legal authority to approve a WMP with conditions, and could have only provided an unconditional approval or denied the WMP in its entirety. Petitioners are interpreting the delegation of authority to the Executive Officer literally and narrowly, which is not supported by the terms of the Permit or the practice of this Regional Board. While the Permit says that the Regional Board, or the Executive Officer on behalf of the Regional Board, must approve or deny the final WMP by a time certain, the Permit does not dictate that any approvals must be unconditional or include any other language limiting the discretion of the Board in the specific manner of approving a WMP. Thus, the Regional Board did not limit itself, or the Executive Officer, to only strictly approving or denying a WMP.</p> <p>The Executive Officer’s action to approve, with conditions, the nine WMPs was an action within the broad scope of authority</p>

Contention No.	Summary of Contention	Staff Response
		<p>delegated to the Executive Officer by the Regional Board in Resolution No. R14-005, as well as within specific delegated authority in the Permit. In Part VI.C of the Permit, the Regional Board provides the Executive Officer with broad authority pertaining to administering the WMP/EWMP provisions on behalf of the Board, including authority to approve or deny WMPs (Part VI.C.4.c), approve or deny requests for modifications to certain deadlines in a WMP/EWMP (Part VI.C.4.g & Part VI.C.6.a), approve or deny integrated monitoring programs and coordinated integrated monitoring programs (Part VI.C.7), require modifications and updates to a WMP/ EWMP (Part VI.C.8.b.i), and review and approve modifications to WMPs/EWMPs (Part VI.C.8.b.i). Unless specifically limited, delegated authority is broadly construed. (see <i>County of San Diego v. Bowen</i> (2008) 166 Cal.App.4th 501, 509-510 [California Legislature's broad delegation of authority to the Secretary of State to regulate voting systems includes the authority to condition approval of the use of particular voting machines on certain procedural safeguards, including postelection tallies]).</p> <p>In addition, a well-established principle of administrative law provides that an agency's authority to approve or disapprove inherently includes the authority to approve with conditions. The petitioners in <i>Connecticut Fund for the Environment, Inc. v. EPA</i> (2d Cir. 1982) 672 F.2d 998, made a very similar argument to what Petitioners assert in this matter. In that case, an environmental group asserted that USEPA could not conditionally approve a state implementation plan under the Clean Air Act because the statute required USEPA to "approve or disapprove" the plan within four months of submission. Under USEPA's conditional approval procedures, a plan that is in substantial compliance with the Act may be conditionally approved as satisfying the Act if the state provides strong</p>

Contention No.	Summary of Contention	Staff Response
		<p>assurances that the remaining minor deficiencies will be remedied within a specified short period. (<i>id.</i> at p. 1005.) The environmental group argued that the literal “approve or disapprove” language and the absence of any mention of conditional approvals in the Clean Air Act precluded USEPA’s conditional approval. (<i>id.</i> at p. 1006.) The Court of Appeal for the Second Circuit declined to construe the Act as allowing only outright approval or disapproval of state plans. The Court held: “But this Court has held that an agency’s power to approve conditionally is inherent in the power to approve or disapprove.” (<i>ibid.</i>) The Court further held: “[T]he power to condition ... approval on the incorporation of certain amendments is necessary for flexible administrative action and is inherent in the power to approve or disapprove. We would be sacrificing substance to form if we held invalid any conditional approval but affirmed an unqualified rejection accompanied by an opinion which explicitly stated that approval would be forthcoming if modifications were made.” (<i>ibid.</i>) The Court further noted that a conditional approval offers administrative agencies a measured course that may be more precisely tailored to particular circumstances than the all-or-nothing choice of outright approval or disapproval. (<i>ibid.</i> [citing <i>U.S. v. Chesapeake & Ohio Ry.</i>, 426 U.S. 500, 514 [involving the Interstate Commerce Commission’s powers under the Interstate Commerce Act]]). Lastly, the Court stated that the conditional approval mechanism, in the context of the Clean Air Act, gave USEPA the necessary flexibility to work more closely with the states and that it generally deferred to USEPA’s choice of methods to carry out its difficult and complex job as long as that choice is reasonable and consistent with the Act. (<i>ibid.</i>)</p> <p>Here, the authority to conditionally approve is a necessary and proper exercise of the Executive Officer’s power to accomplish the purpose for which the Regional Board delegated its authority</p>

Contention No.	Summary of Contention	Staff Response
		<p>in the Permit. In addition, a permitting agency is given substantial deference by appellate bodies in interpreting its own permits. As such, it is proper and reasonable for the Regional Board to interpret the Executive Officer's delegated authority to provide the flexibility of an approval with conditions to fulfill the goals of the Permit. Using his discretion, the Executive Officer determined that denial of the WMPs on the basis of needing the types of revisions described below was not warranted and could be appropriately addressed within a specified short period through individually tailored approvals with conditions to address these items.</p> <p>USEPA also utilizes procedures that provide for conditional approvals under the Clean Water Act. For example, in section 6.2.1 of its Water Quality Standards Handbook- Chapter 6: Procedures for Review and Revision of Water Quality Standards (40 CFR 131 - Subpart C), USEPA specifically allows the use of conditional approvals in carrying out its review of a state's water quality standards under Clean Water Act section 303(c). This is despite any express "conditional approval" language in section 303(c).</p> <p>Moreover, the Executive Officer's action conditionally approving the WMPs is wholly consistent with a long-standing practice of this Regional Board to approve submitted documents with conditions when deemed appropriate. When appropriate, the Executive Officer regularly conditionally approves submitted documents on behalf of the Regional Board, including monitoring plans, TMDL work plans, permit workplans, and site cleanup workplans and remedial action plans. The Executive Officer's authority to approve such documents is either pursuant to the Executive Officer's general delegation or in Regional Board adopted permits or regulations. For example, TMDLs adopted by the Regional Board as Basin Plan amendments</p>

Contention No.	Summary of Contention	Staff Response
		<p>often authorize the Executive Officer to “approve” TMDL work plans and monitoring plans on behalf of the Board. The Executive Officer has issued numerous conditional approvals of TMDL work plans and monitoring plans over at least the last decade. Like the Permit, these TMDLs do not specify that such approvals must be without conditions.</p> <p>Board staff is not aware of any prior situation where the Petitioners, or any other person/entity for that matter, has challenged the Regional Board Executive Officer’s conditional approval of a document. Also, if the delegation to the Executive Officer in the Permit to “approve or deny” a WMP literally only means the Executive Officer was required to approve the WMP without any conditions or deny it in its entirety, such an interpretation could, going forward, impact other Regional Board programs.</p> <p>Other regional water boards, as well as the State Water Board, also routinely issue conditional approvals pertaining to both water quality and water rights matters. This common practice by the Water Boards recognizes that regional water boards and the State Water Board require flexibility to manage their programs efficiently and effectively.</p> <p>Lastly, it should be noted that the Executive Officer also approved, with conditions, three of the nine WMPs pursuant to the City of Long Beach MS4 Permit. This was done pursuant to the same delegation language contained in both the Los Angeles County and City of Long Beach MS4 permits. Yet, the Petitioners do not seek review of the Executive Officer’s approval, with conditions, pursuant to the City of Long Beach MS4 Permit. The deadline for Petitioners to seek review has passed and those approvals, with conditions, are final. If the Executive Officer had authority to conditionally approve WMPs</p>

Contention No.	Summary of Contention	Staff Response
		pursuant to the City of Long Beach MS4 Permit, it is unclear why Petitioners would assert that no such authority existed as to the Los Angeles County MS4 Permit.
2.2	Because the nine WMPs, as finally submitted, failed to meet the program development requirements by the designated schedule set forth in the Permit, neither the Regional Board nor the Executive Officer on its behalf could approve the final WMPs. The only course of action available to the Executive Officer pursuant to the Permit was to deny the final WMPs by the April 28, 2015 deadline.	<p>As noted above, neither the Regional Board nor its Executive Officer was limited to only approving the WMPs without conditions or denying them in their entirety. Like the Executive Officer, the Regional Board would have had similar authority to approve the WMPs, with conditions.</p> <p>As discussed below, the Executive Officer determined that the nine WMPs did meet the program development requirements by the designated schedule set forth in the Permit. As such, both the Regional Board, and the Executive Officer on behalf of the Regional Board, could have decided to approve the final WMPs.</p>
2.3	The Executive Officer's conditions were aimed at correcting the WMPs' failures to comply with the Permit requirements and clearly demonstrate that the WMPs should have been properly denied on April 28, 2015.	The Executive Officer's conditions did not generally require fundamental changes to the WMPs. Rather, the conditions largely requested revisions such as providing additional supporting or clarifying information, providing consistency within the WMP, and correcting typographical errors. Some of the conditions were related to lack of detail, particularly for actions/projects to be conducted later in WMP implementation, in future permit cycles, or due to lack of data (e.g., source assessment and model calibration), which can only be remedied with data collection. In the conditional approval letters, the Executive Officer required that Permittees refine and recalibrate the RAA as new data become available. In adopting the Permit, it was not the Board's intent to create an impossible situation whereby, due to lack of data, a WMP could not be approvable within the specified timeframe. In addition, the Permit specifies a focus on deadlines during the current term (through 2017) and next 5-year permit term, recognizing that project details would be fewer for later implementation phases. Through the adaptive

Contention No.	Summary of Contention	Staff Response
		<p>management program and updates to the WMP, the Permittees are expected to add details to later implementation phases as those phases near.</p> <p>Using his discretion, the Executive Officer determined that denial of the WMPs on the basis of needing the types of revisions described above was not warranted and could be appropriately addressed through individually tailored approvals with conditions to address these items. This was particularly in light of the newness of the WMP permit provisions and the significant effort made by the Permittees in developing their WMPs consistent with these provisions. The development of these watershed programs is an accomplishment never before conducted by the Permittees and has required a learning process. In addition, denial of the WMPs on the basis of needing these types of revisions could have delayed timely implementation of the Permit. The Executive Officer determined that it was more beneficial to approve the WMPs with conditions and a short period to address the conditions, such that WMP implementation could begin as soon as possible.</p> <p>Moreover, most of the revised WMPs could have been approved by the Executive Officer without any conditions as the revised WMPs met the requirements of the Permit. However, the Executive Officer chose to approve the WMPs with conditions to ensure that Permittees were fully responsive to the Board's comments on the WMPs.</p> <p>Further, Petitioners assume that all of the Regional Board's comments in its review letters necessarily required a change to be made to the draft WMP or revised draft WMP. In some cases, the Regional Board's comments were addressed without further changes to the WMPs, such as explanations provided by the Permittees during phone calls and/or meetings and/or in the</p>

Contention No.	Summary of Contention	Staff Response
		<p>submittals of the revised WMPs themselves. Many Permittees included matrixes with their revised WMPs that summarized how each of the staff's comments on the draft WMP were addressed.</p>
2.4	<p>By conditionally approving the WMPs, the Executive Officer provided Permittees an additional 45 days to comply with the Permit's WMP development requirements and thereby improperly extended the Permit's WMP deadlines. This created yet another process and a new, unauthorized schedule that will only defer compliance with the Permit's RWLs and TMDL-limitations.</p>	<p>The Executive Officer's approvals with conditions did not extend the WMP deadlines or create a new unauthorized schedule in the Permit. The schedule in the Permit remains unchanged. For this contention, the Petitioners appear to assert that the approvals with conditions were not actually approvals at all. This is incorrect. The Executive Officer's April 28, 2015 letters approved the WMPs, conditioned on the Permittees making relatively minor revisions within a short timeframe and by a date certain, and required the Permittees to begin implementation of the approved WMP immediately as required by the Permit.</p> <p>Lastly, the method by which the Executive Officer approved the WMPs does not defer a Permittees' compliance with receiving water limitations and TMDL limitations. To the contrary, the Permittees were instructed to begin implementation of their respective WMPs immediately upon approval. By timely approving the WMPs, and providing a short but reasonable time frame for Permittees to make the relatively minor revisions, the Executive Officer's action ensured that there was no delay in implementation. In addition, additional time to address the imposed conditions does not defer compliance with TMDL or receiving water limitations compliance schedules, as TMDL schedules are not changed by WMPs or the dates by which a WMP is approved. Moreover, the Executive Officer clearly stated in his letters that, in the event that "Permittees fail to meet any requirements or date for its achievement in the approved WMP...the [Permittee] shall be subject to the baseline requirements of the LA County MS4 Permit..."</p>

Contention No.	Summary of Contention	Staff Response
2.5	<p>The conditional approvals left the extension open-ended, specifying that “[t]he Board <i>may</i> rescind this approval if all of the following conditions are not met to the satisfaction of the Board” by June 12, 2015. Thus, the “conditional approvals” left open the possibility that the Executive Officer/Regional Board <i>may further</i> extend the 45-day deadline and issue another round of conditional approvals beyond June 12, 2015. However, the Executive Officer did not have any authority to indefinitely extend the Permit’s deadlines. Therefore, the conditional approvals’ open-ended extensions are a further abuse of discretion.</p>	<p>The conditional approvals did not leave open the possibility that the Executive Officer may further extend the 45-day deadline and issue another round of conditions. The conditional approval letters clearly stated that the Permittees must submit a final WMP addressing the conditions to the Board’s satisfaction by a specific deadline. Nowhere did the Executive Officer indicate that he would consider granting an extension or issue another round of conditional approvals.</p> <p>In addition, this contention is largely moot as the Executive Officer did not, as the Petitioners feared, extend the deadlines or issue another round of conditional approvals. Final WMPs addressing the Executive Officer’s conditions were submitted in May and June 2015. Between July 2015 and August 2015, the Executive Officer determined that the conditions had been satisfied in all nine final WMPs.</p>
3.1	<p>By conditionally approving WMPs – a procedure nowhere provided for in the 2012 MS4 Permit – the Executive Officer improperly modified the 2012 MS4 Permit in violation of the substantive and procedural requirements of state and federal law. The Executive Officer de facto amended the Permit terms, creating a new process, timeline, and set of standards by conditionally approving WMPs without circulation of a draft permit, public notice, fact sheet, or public hearing date, as required by law. (<i>See Environmental Defense Center, Inc. v. EPA</i>, 344 F.3d 832, 853 (9th Cir. 2003); 40 C.F.R. §§ 124.5-124.15; Cal. Water Code Section § 13223(a).)</p>	<p>Because the Executive Officer’s approvals of the WMPs with conditions was within the scope of delegated authority, as explained above, the Permit did not need to be modified or amended to allow the Executive Officer the authority to approve the WMPs with conditions. As such, the Executive Officer’s inclusion of conditions to the approval of the WMPs did not modify the Permit or amend any of its terms by creating a new process, timeline, or set of standards. The terms of the Permit, including procedures and deadlines pertaining to WMP review and approval, did not change. As such, the procedures noted by the Petitioners, including circulation of a draft permit, public notice, fact sheet, or public hearing, were not required prior to the Executive Officer’s action.</p> <p>Prior to the approvals with conditions of the WMPs, Board staff complied with the public review requirements of the Permit, which requires that “all documents submitted to the Regional</p>

Contention No.	Summary of Contention	Staff Response
		<p>Water Board Executive Officer for approval shall be made available to the public for a 30-day period to allow for public comment." Beginning on July 3, 2014, the Board provided a 46-day public review and written comment period on the draft WMPs. On October 9, 2014, the Board also held a workshop at its regularly scheduled Board meeting to discuss the draft WMPs during which stakeholders and interested persons were provided an opportunity to make oral comments on the draft WMPs to the Board and Executive Officer. In addition, Board staff held a public meeting on April 13, 2015 for Permittees, stakeholders and interested persons to discuss the revised draft WMPs with the Board's Executive Officer and staff. Board members were invited to attend this meeting and several Board members did attend. Throughout the WMP review process, Board staff participated in several meetings, phone calls, and email exchanges with Permittees and interested persons, including Petitioners.</p> <p>Moreover, the WMPs underwent extensive review by Regional Board staff, USEPA Region IX staff, and the public prior to the Executive Officer's action. In conducting its review, Board staff developed a list of review and evaluation questions, which was used to ensure a comprehensive and consistent review of the draft WMPs relative to permit requirements. Each WMP was assigned a lead reviewer, who was supported by TMDL Program staff, including the Board's modeling expert, Dr. C.P. Lai. Lead staff were overseen by the MS4 Unit Chief, Mr. Ivar Ridgeway, and by the Regional Programs Section Chief, Renee Purdy. Additionally, Board staff teamed with USEPA Region IX staff to jointly review the draft WMPs. During the review period, Board staff and USEPA staff held conference calls on a weekly basis to discuss the draft WMPs.</p> <p>On the basis of Board staff's review, USEPA Region IX staff's review, and in consideration of written and oral comments made</p>

Contention No.	Summary of Contention	Staff Response
		<p>by interested persons, the Board sent letters to the Permittees providing comments on the draft WMPs that identified the revisions that needed to be addressed prior to the Board's approval of the WMPs, and directed the Permittees to submit revised draft WMPs addressing the Board's comments by approximately January 28, 2015 for Board review.</p> <p>Petitioners cite <i>Environmental Defense Center, Inc. v. EPA</i> (9th Cir. 2003) 344 F.3d 832, as support for their contention that the Executive Officer's conditional approval of the WMPs amended the terms of the Permit because an approved WMP becomes substantive terms of the Permit. As described above, the Executive Officer's action did not amend the terms of the Permit. Approved WMPs implement the terms of Permit by detailing the specific actions and milestones a Permittee will abide by to achieve compliance with the terms of the Permit. An approved WMP, however, does not amend the terms of the Permit. The terms of the Permit remain unchanged, including the receiving water limitations and water-quality based effluent limitations. Moreover, <i>Environmental Defense Center</i> is not on point. In that case, environmental groups sought judicial review of a USEPA rule mandating that discharges from small MS4s and construction sites be subject to NPDES permitting requirements. Under the rule, small MS4s could seek permission to discharge by submitting an individualized set of BMPs in six specific categories, either in the form of an individual permit application or in the form of a notice of intent to comply with a Phase II general permit. USEPA did not require that permitting authorities review an NOI before a party who submitted the notice of intent was allowed to discharge. The environmental groups asserted that, by allowing permitting authorities to grant dischargers permits based on unreviewed notices of intent, the rule constituted a program of impermissible regulation and failed to provide required avenues of public</p>

Contention No.	Summary of Contention	Staff Response
		<p>participation. (<i>Id.</i> at p. 854.) The Court of Appeal for the Ninth Circuit agreed with the environmental groups in this respect, holding that USEPA failed to require review of notices of intent assuring compliance with Clean Water Act standards and also failed to make notices of intent available to the public. (<i>id.</i> at p. 858.) The Court held: “[S]tormwater management programs that are designed by regulated parties must, in every instance be subject to meaningful review by an appropriate regulatory entity to ensure that each such program reduces the discharge of pollutants to the maximum extent practicable.” (<i>id.</i> at p. 856.)</p> <p>Here, as described above, the WMPs were subject to public review and comment, including at Board and staff level meetings, as well as an opportunity to submit written comments. Petitioners submitted written comments on the draft and revised WMPs. The WMPs also underwent extensive review by Regional Board staff and USEPA Region IX staff to assure compliance with the standards set forth in the Permit. Thus, the WMPs were subject to “meaningful review.”</p>
4.1	<p>The terms of the conditional approvals are inconsistent with Permit requirements and the federal Clean Water Act and therefore establish that the only available course of action for the Executive Officer was to deny the WMPs. Following submission of the initial draft WMPs, Regional Board staff identified numerous and significant failures to comply with Permit requirements and therefore directed Permittees, in writing, to submit revised plans to address the deficiencies. Unfortunately, the revised draft WMPs failed to address virtually all of the identified non-compliance issues. Rather than denying the insufficient WMPs as required by the Permit,</p>	<p>The Executive Officer determined that the nine WMPs, with the conditions imposed, met the WMP permit provisions and the federal Clean Water Act. In addition, as described above, neither the Executive Officer nor the Board itself was limited to only denying the WMPs.</p> <p>Staff disagree that the revised draft WMPs “failed to address virtually all of the identified non-compliance issues.” To the contrary, the Permittees largely addressed all of Board staff’s comments prior to the Executive Officer’s action. However, as previously mentioned, not all of the Regional Board’s comments necessarily required a change to be made to the draft WMP or revised draft WMP. In some cases, the Regional Board’s comments were addressed without further changes to the</p>

Contention No.	Summary of Contention	Staff Response
	<p>however, the Executive Officer approved the WMPs with conditions – conditions that fail to address all of the WMP inadequacies previously cited by Regional Board staff itself. This constitutes an abuse of discretion.</p>	<p>WMPs, such as explanations provided by the Permittees during phone calls and/or meetings and/or in the submittals of the revised WMPs themselves. Many Permittees included matrixes with their revised WMPs that summarized how each of the staff's comments on the draft WMP were addressed.</p> <p>The petition, including Exhibit D to the petition, as well as the Petitioner's March 25, 2015 comments on the revised WMPs only specifically allege substantive inadequacies of three of the nine WMPs, namely the Lower San Gabriel River WMP, the Lower Los Angeles River WMP, and the Los Angeles River Upper Reach 2 WMP. The Petitioners do not allege any specific challenges to the substantive adequacy of the remaining six WMPs, but still request that the Regional Board invalidate the Executive Officer's approvals with conditions for those six WMPs. Without specific factual allegations concerning an inadequacy of a WMP, the Petitioners have not provided the Regional Board with specific allegations to review. Board staff are thus left to speculate as to Petitioners' concerns with the remaining six WMP and cannot adequately respond to unknown allegations. The Regional Board may determine that the sufficiency of these six WMPs is not properly before the Regional Board in its consideration of the petition.</p> <p>For the Regional Board's reference pertaining to the alleged substantive inadequacies of the Lower San Gabriel River WMP, the Lower Los Angeles River WMP, and the Los Angeles River Upper Reach 2 WMP, Board staff has prepared responses to Petitioners' detailed technical comments in its Memorandum of Points and Authorities and in Exhibit D to the petition. These responses are included in a separate matrix as Attachment 1 to this document.</p> <p>For the Board's further reference, Board staff has also prepared</p>

Contention No.	Summary of Contention	Staff Response
		<p>an assessment of the Petitioners' March 25, 2015 comments on the revised WMPs. This assessment is included as an additional matrix as Attachment 2 to this document.</p>
<p>4.2</p>	<p>Reasonable Assurance Analysis Perhaps the most glaring deficiency in the WMPs is the flawed Reasonable Assurance Analysis ("RAA") in each. The RAA is a detailed modeling exercise, intended to ensure that the WMPs implement stormwater pollution control measures of the correct type, location, and size to achieve compliance with WQs in receiving water bodies. The RAA forms the bedrock for WMP development, and therefore for pollution control and compliance with the CWA for those Permittees that choose to develop WMPs.</p> <p>Moreover, Regional Board staff has also recognized the importance of the RAA in WMP development and implementation and thereby need for a robust analysis. As a result, Regional Board staff generated extensive comments on the RAAs that were described in the initial drafts of the WMPs.</p> <p>Despite the detailed comments from Regional Board staff, and the admonition that failure to conduct the required corrections to the RAA modeling would result in denials, the final draft WMPs for the Lower San Gabriel, Los Angeles River Upper Reach 2, and Lower Los Angeles River WMPs either failed to meaningfully address or completely ignored all of the Regional Board staff's identified comments.</p>	<p>Staff disagrees with the Petitioners' contentions that the conditionally approved WMPs "fail to address any of the RAA inadequacies identified by []staff." As previously noted, the Permittees addressed staff's comments prior to the Executive Officer's action. For specific responses to alleged inadequacies, see Attachment 1, as well as staff's assessment of Petitioners' March 25, 2015 comments on the revised WMPs in Attachment 2.</p> <p>Staff further disagrees that the terms of the conditional approvals will not ensure that the RAA will provide any assurance that WMP implementation will achieve compliance with water quality standards and the Clean Water Act. Like many Permittees, Regional Board staff recognizes that the RAAs are not perfect. At this point, they cannot be. RAAs are modeling exercises that reflect current knowledge, best engineering judgment, and available data. The models used for the RAAs were calibrated using the best available monitoring data, and they will be further refined through the adaptive management process as more data become available from the expanded integrated monitoring programs and coordinated integrated monitoring programs. As previously noted, some of the conditions imposed by the Executive Officer were due to lack of data, which can only be remedied with data collection. As the Board is aware, the Permit required new and expanded monitoring, including new outfall monitoring. As outfall monitoring is conducted, new data will be collected. In adopting the Permit, it was not the Board's intent to create an impossible situation whereby, due to lack of data, a WMP could not be approvable within the specified timeframe. In addition, the</p>

Contention No.	Summary of Contention	Staff Response
	<p>Rather than denying the facially inadequate final WMPs as required by the Permit, the Executive Officer, on behalf of the Regional Board, approved the WMPs with conditions that <i>fail to address any of the RAA inadequacies identified by RWQCB staff</i>. Therefore, even if fully complied with, the terms of the conditional approvals will <i>not</i> ensure that the RAA – the basis for development, implementation, and evolution of the pollution control measures to be implemented via the WMPs – will provide <i>any</i> level of assurance that the WMP implementation will achieve compliance with water quality standards and the Clean Water Act, let alone the “reasonable” assurance that the Permit and the State Board require. For this reason alone, the WMPs must be denied.</p>	<p>Permit specifies a focus on deadlines during the current term (through 2017) and next 5-year permit term, recognizing that project details would be fewer for later implementation phases. Through the adaptive management program and updates to the WMP, the Permittees are expected to add details to later implementation phases as those phases near, and update their RAA when directed by the Executive Officer, and at least by June 30, 2021.</p> <p>See Attachment 1 for staff’s responses to the detailed list of RAA contentions identified by Petitioners in their Memorandum of Points and Authorities and Exhibit D to the petition.</p>
4.3	<p>For the Los Angeles River Upper Reach 2 WMP, the revised plan confirms that the model had not been calibrated and is thus an almost entirely speculative exercise.</p>	<p>Because of its small area within the larger Los Angeles River watershed and the lack of monitoring data within the Group’s watershed management area, the Los Angeles River Upper Reach 2 WMP relied upon calibration that has been conducted for the Countywide Watershed Management Modeling System (WMMS). Specifically, the Group used the Countywide calibration to summarize and compare Loading Simulation Program in C++ (LSPC) predicted and observed flows for key locations within the Los Angeles River watershed upstream and downstream of the Los Angeles River Upper Reach 2 watershed management area. The hydrology calibration at both locations was considered “very good” according to the criteria in the Regional Board staff’s RAA guidelines.</p> <p>The Group also used the calibrated Countywide LSPC model to adjust the input parameters of the Structural BMP Prioritization</p>

Contention No.	Summary of Contention	Staff Response
		<p>and Analysis Tool (SBPAT), which the Group elected to use in its RAA, to improve comparability with the County-calibrated LSPC baseline condition outputs. Board staff found this to be a reasonable approach given the limited data currently available within the Los Angeles River Upper Reach 2 watershed management area, but directed the Group to use data collected through its CIMP to refine and recalibrate its RAA through the adaptive management process.</p>
4.4	<p>Substantive Program Requirements Similar to the RAA-related deficiencies, many of the other inadequacies that Regional Board staff originally identified in their October 2015 comments were not addressed by the conditional approvals. A comprehensive list of the substantive requirements of the Permit that the conditional approvals fail to address is provided in Exhibit D to the petition. The failure of the revised WMPs to address these deficiencies should have resulted in denial of the WMPs.</p>	<p>See Attachment 1 for staff's responses to Petitioners' detailed technical comments in its Exhibit D to the petition.</p>

ATTACHMENT 1

Staff Response to Petitioners' Detailed Technical Comments in its Memorandum of Points and Authorities and Exhibit D

Permit Citation	Regional Board Comment on Draft WMP	Environmental Groups' Analysis of Revised WMP Responsiveness to Regional Board Comment ¹	Regional Board Staff's Assessment of Revised WMP Responsiveness to Comments and/or Final WMP Responsiveness to Conditions of Approval
Lower Los Angeles River			
Part VI.C.5.b.iv.(4)(b)-(c)	"The MS4 Permit requires that the WMP provide specificity with regard to structural and non-structural BMPs, including the number, type, and location(s), etc. adequate to assess compliance. In a number of cases, additional specificity....is needed....[T]here should at least be more specificity on actions within the current and next permit terms."	The response, and other statements throughout the document, demonstrate that no commitments to "specificity or actions" or associated timelines are made.	<p>The Revised WMP provided more specificity in Section 5 regarding structural and non-structural best management practices (BMPs). Regarding structural BMPs, the Revised WMP included a pollutant reduction plan in Section 5.4 (pg. 5-7) that indicates the BMP volume that each Permittee needs to install within its jurisdiction at 31%, 50%, and final milestone dates (these milestones occur in 2017, 2024, and 2028, respectively) and also identified regional projects that could support achieving the 31% and 50% milestones.</p> <p>Section 5.3 was revised to include a schedule of feasibility studies and site assessments for regional projects. Section 5.2 (pg. 5-4) listed structural low impact development (LID) BMPs that are to be constructed within this permit term.</p> <p>However, the Revised WMP did not contain definitive milestone dates, nor did it specify the Permittees responsible for the projects. The Executive Officer's approval letter included a condition that the Group add definitive dates for these LID BMPs. The Final WMP includes two new tables, Tables 5-2 and 5-3, which</p>

¹ For each comment, the Petitioners indicated that there was no requirement to address the comment on the draft WMP in the conditions set forth in the Executive Officer's approval letter. Where a condition was not included in the approval letter, it is because the Executive Officer determined that the comment had been adequately addressed, either in the revised WMP or through other means.

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			<p>provide detail on the Permittees responsible for each LID BMP, and the deadlines and status for the project tasks (pgs. 5-4 to 5-5).</p> <p>The compliance schedule for nonstructural BMPs contained in Table 5-1 (pg. 5-3) of the Revised WMP contained some indeterminate milestone dates and in the case of TCM-RET-1 "Encourage Downspout Disconnects," no interim milestones or milestone dates. The Executive Officer's approval letter included a condition that the Group modify the milestones for these BMPs. The Final WMP addresses this condition by including additional milestones and dates for their achievement.</p> <p>These details on structural and non-structural BMPs adequately addressed the Board staff's comment.</p>
Part VI.C.5.b.iv.(4)(b)-(c)	"...the WMP should at least commit to the construction of the necessary number of projects to ensure compliance with permit requirements per applicable compliance schedules."	No change was made in the document in response to the comment.	<p>As originally contained in the draft WMP, Section 5.4 (pg. 5-7) lists the BMP volume capacities that each Permittee needs to install to comply with milestones in 2017, 2024, and 2028. These BMP capacities are taken directly from the WMP's reasonable assurance analysis (RAA) analysis.</p> <p>If a Permittee does not achieve these BMP volume capacities by a milestone date, they are not in compliance with their WMP.</p> <p>Further, as stated above, Section 5.2 (pg. 5-4) lists structural LID BMPs that are to be constructed within this permit term. Section 5.3 (pg. 5-4) was revised to</p>

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			<p>include a schedule of feasibility studies and site assessments for regional projects. However, the Revised WMP did not contain definitive milestone dates, nor did it specify the Permittees responsible for the LID BMPs. The Executive Officer's approval letter included a condition that the Group add definitive dates for these LID BMPs. The Final WMP includes two new tables, Tables 5-2 and 5-3, which provide detail on the Permittees responsible for each LID BMP, and the deadlines and status for the project tasks (pgs. 5-4 to 5-5).</p> <p>The Group has conveyed to Board staff that the information contained in Section 5 is the maximum practicable given uncertainties and that greater certainty will be provided through the adaptive management process.</p> <p>This adequately addressed Board staff's comment.</p>
Part VI.C.5.b.iv.(5)	"The RAA should clarify that sufficient sites were identified so that the remaining necessary BMP volume can be achieved by those sites that were not 'excluded for privacy.'"	No change was made in the document in response to the comment.	<p>The Group has indicated to Board staff that the complete list of potential sites — including the sites that were “excluded for privacy” — provide the necessary BMP volume, and that the “excluded for privacy” sites should be considered since they are still potential regional BMPs sites within the watershed.</p> <p>Section 5.4 (pgs. 5-7 through 5-15) lists potential regional BMPs that each Permittee may implement to achieve their 2017 and 2024 milestones. The regional BMPs listed in this section consist of public parks and do not include sites with addresses that were “excluded</p>

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			<p>for privacy.”</p> <p>Since the Group's Pollution Reduction Plan is an “initial scenario” that may adapt over time by substituting BMPs that produce an equivalent volume reduction, the above information given by the Group is sufficient. For example, through adaptive management, the RAA (Appendix A-4-1, pg. 64) notes that a jurisdiction may “increase implementation of green streets and reduce implementation of regional BMPs.”</p> <p>This adequately addressed Board staff's comment.</p>
Part VI.C.5.b.iv.(5)	<p>"The RAA identifies zinc as the limiting pollutant and notes that this pollutant will drive reductions of other pollutants.</p> <p>If the Group believes that that [sic] this approach demonstrates that activities and control measures will achieve applicable receiving water limitations, it should explicitly state and justify this for each category 1, 2, and 3 pollutant."</p>	No change was made in the document in response to the comment.	<p>The Group has added additional clarification on its limiting pollutant approach in Section 5 (pg. 5-1) of the WMP and in Section 5.3.1 of the RAA (Appendix A-4-1, pg. 38).</p> <p>The revised WMP does not state and justify this approach for each category 1, 2, and 3 pollutant; however, this is not necessary given the Group's limiting pollutant approach.</p> <p>This adequately addressed Board staff's comment.</p>

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Part VI.C.5.b.iv.(5)	"We note that modeling was not conducted for organics (DDT, PCBs, and PAHs). It is not clear why these pollutants were not modeled or why previous modeling of these pollutants could not be used....An explanation for the lack of modeling is needed."	No change was made in the document in response to the comment.	The Group has clarified that the Harbor Toxics TMDL did not directly model these pollutants, but instead used sediment as a surrogate. To establish baseline pollutant loading, the Group uses the 90 th percentile of observed concentrations for DDT, PCBs, and PAHs. This adequately addressed Board staff's comment.
Part VI.C.5.b.iv.(5)	"...the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL was [sic] appears to be completely omitted from the draft WMP."	No change was made in this section of the document and there is no inclusion of analysis of pollutant controls, as requested.	<p>On pgs. 38-39 of Appendix 4, A-4-1, Reasonable Assurance Analysis, the Group demonstrates that their limiting pollutant approach takes into account the Harbor Toxics TMDL by evaluating DDT, PCB, and PAHs in its RAA. The Group states that implementing control measures that control zinc will achieve the load reductions required to achieve the water quality based effluent limitations (WQBELs) of the Harbor Toxics TMDL. This is a reasonable assumption and consistent with the Harbors Toxics TMDL, in which the Board acknowledges that implementation of other TMDLs in the watershed may contribute to the implementation of the Harbors Toxics TMDL.</p> <p>For this reason, no condition was included in the Executive Officer's approval letter to address this comment.</p>

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Part VI.C.5.b.iv.(5)	"Pursuant to Section VI.C.5.a., the WMP should be revised to include an evaluation of existing water quality conditions, classify them into categories, identify potential sources, and identify strategies, control measures, and BMPs as required in the permit for San Pedro Bay <i>unless MS4 discharges from the LLAR WMA directly to San Pedro Bay are being addressed in a separate WMP.</i> "	There is only one reference in the document to San Pedro Bay, and it remains unchanged from the 2014 version of the WMP.	<p>The Group explained to Board staff that discharges to San Pedro Bay will be addressed by the City of Long Beach's WMP, which is currently under review by Board staff. As a note, the City of Long Beach is the only Group member adjacent to San Pedro Bay; however, the portion of Long Beach included in the Lower LA WMP Group is primarily adjacent to the LA River Estuary, not San Pedro Bay.</p> <p>As the original comment notes, this approach is appropriate. Therefore, no condition was included in the Executive Officer's approval letter to address this comment.</p>
Part VI.C.5.b.iv.(4)(c)	"The draft WMP appears to rely mostly on the phase-out of copper in automotive brake pads...to achieve the necessary copper load reductions....[O]ther structural and non-structural BMPs may still be needed to reduce Cu loads sufficiently to achieve compliance deadlines for interim and/or final WQBELs."	No change was made in the document in response to the comment.	<p>The RAA's approach of using zinc as a limiting pollutant, while anticipating copper reductions through Senate Bill 346 is an adequate approach to compliance with copper WQBELs. Therefore, no condition was included in the Executive Officer's approval letter to address this comment</p> <p>The WMP Group has explained its approach and estimates of copper reductions under Senate Bill 346 have been provided since issuance of comments on the draft WMP.</p> <p>This adequately addressed Board staff's comment.</p>

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Part VI.C.5.b.iv.(5)(c)	"For waterbody-pollutant combinations not addressed by TMDLs, the MS4 Permit requires that the plan demonstrate using the reasonable assurance analysis (RAA) that the activities and control measures to be implemented will achieve applicable receiving water limitations as soon as possible....[The RAA] does not address the question of whether compliance with limitations for pollutants not addressed by TMDLs could be achieved in a shorter time frame."	No response identified.	<p>The revised WMP (pg. 5-1) includes new language that clarifies the Group's strategy:</p> <p style="padding-left: 40px;">Meeting the load reductions determined by the RAA results in an aggressive compliance schedule in terms of the technological, operational, and economic factors that affect the design, development, and implementation of the necessary control measures.</p> <p>The revised WMP provides an estimate of the cost of structural BMPs and based on this estimated cost, reiterates the financial difficulties and uncertainties of implementing the WMP (particularly the lack of funding sources for controls), and concludes that the compliance schedule is as short as possible to allow time to both address technological and operational challenges and to secure the necessary funding to implement the watershed control measures in the WMP.</p> <p>This additional clarification is a sufficient response to the comment. The Group's existing strategy to control pollutants "as soon as possible" is sound.</p>

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Part VI.C.5.b.iv.(5)	"The WMP assumes a 10% pollutant reduction from new non-structural controls....additional support for this assumption should be provided, or as part of the adaptive management process, the Permittees should commit to evaluate this assumption during program implementation and develop alternate controls if it becomes apparent that the assumption is not supported."	No change was made in the document in response to the comment.	<p>The revised WMP now includes Section 4.3 (pg. 4-4), which discusses non-modeled controls, including the 10% pollutant reduction from new non-structural controls.</p> <p>Section 4.3 also clarifies the support for the 10% pollutant reduction and commits to a reevaluation of the assumption: "Agencies will evaluate this assumption during Program implementation and develop alternate controls if it becomes apparent that the assumption is not supported."</p> <p>This adequately addressed Board staff's comment.</p>
Part VI.C.5.b.iv.(5)	"...the predicted baseline concentrations and loads for all modeled pollutants of concern, including TSS, should be presented in summary tables for wet weather conditions."	No change was made in the document in response to the comment.	<p>Table 5-6 of the RAA (Appendix A-4-1, pg. 40) reflects baseline loads for organics, metals, and bacteria.</p> <p>Although TSS is not included, the sediment associated pollutants are included (DDT, PCB, and PAH).</p> <p>This adequately addressed Board staff's comment.</p>
Part VI.C.5.b.iv.(5)	"The report presents the existing runoff volumes, required volume reductions and proposed	No change was made in the document in response to the comment.	Attachment B to the revised WMP includes detailed jurisdictional compliance tables that include runoff volumes, required volume reductions, and proposed volume reductions for each subwatershed.

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	<p>volume reductions from BMP scenarios to achieve the 85th percentile, 24-hour volume retention standard for each major watershed area....The same information...also needs to be presented for each modeled subbasin...Additionally, more explanation is needed as to what constitutes the 'incremental' and 'cumulative' critical year storm volumes in table 9-4 through 9-7 and how these values were derived from previous tables.</p> <p>"The report needs to present the same information, if available, for nonstormwater runoff."</p>		<p>Language was added in section 9.2.1 of the RAA (Appendix, pg. 55) that clarifies the incremental and cumulative columns in Tables 9-4 through 9-7.</p> <p>Section 4.2 of the revised WMP commits to re-calibrate the RAA based on data collected through the monitoring program (which includes the non-stormwater outfall screening and monitoring program).</p> <p>This adequately addressed Board staff's comment.</p>

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Lower San Gabriel River			
Part VI.C.5.b.iv.(4)(b)-(d)	"...the WMP should at least commit to the construction of the necessary number of projects to ensure compliance with permit requirements per applicable compliance schedules."	The response implies no commitment beyond good intentions and a willingness to track progress (or its lack thereof) through the permit cycle.	<p>The Petitioners' comment and Board staff's assessment is similar to that made on the LLAR WMP.</p> <p>As originally contained in the draft WMP, Section 5.4 (pgs. 5-7 through 5-20) lists the BMP volume capacities that each Permittee needs to install to comply with milestones in 2017, 2020, and 2026. These BMP capacities are taken directly from the WMP's RAA analysis.</p> <p>If a Permittee does not achieve these BMP volume capacities by a milestone date, they are not in compliance with their WMP.</p> <p>Section 5.2 (pg. 5-4) lists structural LID BMPs that are to be constructed within this permit term. Section 5.3 (pg. 5-4) was revised to include a schedule of feasibility studies and site assessments for regional projects. However, the Revised WMP did not contain definitive milestone dates, nor did it specify the Permittees responsible for the LID BMPs. The Executive Officer's approval letter included a condition that the Group add definitive dates for these structural BMPs. The Final WMP includes two new tables, Tables 5-2 and 5-3, which provide detail on the Permittees responsible for each LID BMP, and the deadlines and status for the project tasks (pgs. 5-4 to 5-5).</p> <p>The Group has conveyed to Board staff that the information contained in Section 5 is the maximum practicable given uncertainties and that greater</p>

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			<p>certainty will be provided through the adaptive management process.</p> <p>This adequately addressed Board staff's comment.</p>
<p>Part VI.C.5.b.iv.(4)(d)</p>	<p>"The MS4 Permit requires that the WMP provide specificity with regard to structural and non-structural BMPs, including the number, type, and location(s), etc. adequate to assess compliance. In a number of cases, additional specificity....is needed....there should at least be more specificity on actions within the current and next permit terms to ensure that the following interim requirements are met..."</p>	<p>The response, and other statements throughout the document, make it clear that no commitments to "specificity or actions" or associated timelines are made. There is also no cross-walk between scheduled completion dates and interim compliance deadlines. Given the vague nature of nearly all of the "milestones," it's not surprising that there is no direct linkage between actions, meeting interim requirements, and the schedule.</p>	<p>The Petitioners' comment and Board staff's assessment is similar to that made on the LLAR WMP.</p> <p>The Revised WMP provided more specificity in Section 5 regarding structural and non-structural BMPs. Regarding structural BMPs, the Revised WMP includes a pollutant reduction plan in Section 5.4 (pg. 5-7) that indicates the BMP volume that each Permittee needs to install within its jurisdiction at 10%, 35%, and Final milestone dates (these milestones occur in 2017, 2020, and 2026, respectively) and also identifies regional projects that could support achieving the 10% and 35% milestones.</p> <p>As stated above, Section 5.2 (pg. 5-4) lists structural LID BMPs that are to be constructed within this permit term. Section 5.3 was revised to include a schedule of feasibility studies and site assessments for regional projects. However, the Revised WMP did not contain definitive milestone dates, nor did it specify the Permittees responsible for the projects. The Executive Officer's approval letter included a condition that the Group add definitive dates for these LID BMPs. The Final WMP includes two new tables, Tables 5-2 and 5-3, which provide detail on the Permittees responsible for each LID BMP, and the deadlines and status for the project tasks (pgs. 5-4 to 5-5).</p>

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			<p>The compliance schedule for nonstructural BMPs contained in Table 5-1 (pg. 5-3) of the Revised WMP contained some indeterminate milestone dates and in the case of TCM-RET-1 "Encourage Downspout Disconnects," no interim milestones or milestone dates. The Executive Officer's approval letter included a condition that the Group modify the milestones for these BMPs. The Final WMP addressed this condition by including additional milestones and dates for their achievement.</p> <p>These details on structural and non-structural BMPs adequately addressed Board staff's comment.</p>
Part VI.C.5.b.iv.(5)	<p>"The RAA identifies zinc as the limiting pollutant and notes that this pollutant will drive reductions of other pollutants.</p> <p>If the Group believes that that [sic] this approach demonstrates that activities and control measures will achieve applicable receiving water limitations, it should explicitly state and justify this for each category 1, 2, and 3</p>	The draft WMP does not appear to have been modified in response to this comment.	<p>The Petitioners' comment and Board staff's assessment is similar to that made on the LLAR WMP. (Note: The RAA for LLAR, LSGR, and the Los Cerritos Channel WMP Groups were contained in a 347-page attachment that covered all three watersheds.)</p> <p>The Group has added additional clarification on its limiting pollutant approach in Section 5 (pg. 5-1) of the WMP and in Section 5.3.1 of the RAA (Appendix A-4-1, pg. 38).</p> <p>The revised WMP does not state and justify this approach for each category 1, 2, and 3 pollutant; however, this is not necessary given the Group's limiting pollutant approach.</p> <p>This adequately addressed Board staff's comment.</p>

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	pollutant."		
Part VI.C.5.b.iv.(5)	"We note that modeling was not conducted for organics (DDT, PCBs, and PAHs). It is not clear why these pollutants were not modeled or why previous modeling of these pollutants could not be used....An explanation for the lack of modeling is needed."	No change was made in the document in response to the comment.	<p>The Petitioners' comment and Board staff's assessment is similar to that made on the LLAR WMP.</p> <p>The Group has clarified that the Harbor Toxics TMDL did not directly model these pollutants, but instead used sediment as a surrogate. To establish baseline pollutant loading, the Group uses the 90th percentile of observed concentrations for DDT, PCBs, and PAHs. This adequately addressed Board staff's comment.</p>
Part VI.C.5.b.iv.(4)(c)	"The draft WMP appears to rely mostly on the phase-out of copper in automotive brake pads...to achieve the necessary copper load reductions....[O]ther structural and non-structural BMPs may still be needed to reduce Cu loads sufficiently to achieve compliance deadlines for interim and/or final WQBELs."	No change was made in the document in response to the comment.	<p>The Petitioners' comment and Board staff's assessment is similar to that made on the LLAR WMP.</p> <p>The RAA's approach of using zinc as a limiting pollutant, while anticipating copper reductions through Senate Bill 346 is an adequate approach to compliance with copper WQBELs. Therefore, no condition was included in the Executive Officer's approval letter to address this comment.</p> <p>The WMP Group has clarified its approach and estimates of copper reductions under Senate Bill 346 have been provided since issuance of comments on draft WMP.</p> <p>This adequately addressed Board staff's comment.</p>

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Part VI.C.5.b.iv.(5)(c)	"For waterbody-pollutant combinations not addressed by TMDLs, the MS4 Permit requires that the plan demonstrate using the reasonable assurance analysis (RAA) that the activities and control measures to be implemented will achieve applicable receiving water limitations as soon as possible....[The RAA] does not address the question of whether compliance with limitations for pollutants not addressed by TMDLs could be achieved in a shorter time frame."	There is no response to this comment.	<p>The Petitioners' comment and Board staff's assessment is similar to that made on the LLAR WMP.</p> <p>The revised WMP (pg. 5-1) includes new language that clarifies the Group's strategy: Meeting the load reductions determined by the RAA results in an aggressive compliance schedule in terms of the technological, operational, and economic factors that affect the design, development, and implementation of the necessary control measures.</p> <p>The revised WMP provides an estimate of the cost of structural BMPs and based on this estimated cost, reiterates the financial difficulties and uncertainties of implementing the WMP (particularly the lack of funding sources for controls), and concludes that the compliance schedule is as short as possible to allow time to both address technological and operational challenges and to secure the necessary funding to implement the watershed control measures in the WMP.</p> <p>This additional clarification is a sufficient response to the comment. The Group's existing strategy to control pollutants "as soon as possible" is sound.</p>
Part VI.C.5.b.iv.(5)	"The draft assumes a 10% pollutant reduction from new non- structural controls....additional support for this	There was no substantial advance over what was previously included, though the issue is acknowledged explicitly.	<p>The Petitioners' comment and Board staff's assessment is similar to that made on the LLAR WMP.</p> <p>The revised WMP now includes Section 4.3 (pg. 4-4), which discusses non-modeled controls, including the</p>

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	<p>assumption should be provided, particularly since the group appears to be relying almost entirely on these controls for near-term pollutant reductions to achieve early interim milestones/deadlines."</p>		<p>10% pollutant reduction from new non-structural controls.</p> <p>Section 4.3 also clarifies the support for the 10% pollutant reduction and commits to a reevaluation of the assumption: "Agencies will evaluate this assumption during Program implementation and develop alternate controls if it becomes apparent that the assumption is not supported."</p> <p>This adequately addressed Board staff's comment.</p>
<p>Part VI.C.5.b.iv.(5)</p>	<p>"Based on the results of the hydrology calibration shown in Table 4-3, the error difference between modeled flow volumes and observed data is 19%....The higher error percentage could be due to the exclusion of contributions of flow volume from upstream. For calibration purposes, upstream volume should be included....Once model calibration has been completed, the upstream flow volume can then be excluded...."</p>	<p>Between the 2014 and 2015 RAA's, the % error improves from -19.0% to -3.31%. There is no text change to explain this difference, nor any difference in the graphed monthly hydrographs for observed and modeled flows.</p>	<p>The Group has clarified that upstream flows were taken into account in the RAA.</p> <p>Additionally, the Group has also clarified that the tables in Sections 4.1.1 and 4.1.2 have been updated to show the modeled versus observed volume error for the daily calibration results as opposed to the monthly calibration results used in the draft WMP.</p> <p>This addressed Board staff's comment.</p>

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Part VI.C.5.b.iv.(5)	"...the predicted baseline concentrations and loads for all modeled pollutants of concern, including TSS, should be presented in summary tables for wet weather conditions."	No change in the RAA to address this comment.	<p>The Petitioners' comment and Board staff's assessment is similar to that made on the LLAR WMP.</p> <p>Table 5-6 of the RAA (Appendix A-4-1, pg. 40) reflects baseline loads for organics, metals, and bacteria.</p> <p>Although TSS is not included, the sediment associated pollutants are included (DDT, PCB, and PAH).</p>
Part VI.C.5.b.iv.(5)	"The report presents the existing runoff volumes, required volume reductions and proposed volume reductions from BMP scenarios to achieve the 85th percentile, 24-hour volume retention standard for each major watershed area....The same information...also needs to be presented for each modeled subbasin...Additionally, more explanation is needed as to what constitutes the 'incremental' and 'cumulative' critical year storm volumes in table 9-6 and 9-7 and how these values were derived from	The request for a series of tables by subbasin has not been met; an added sentence defines the terms used but not how the values were derived from previous tables. No new information addressing comment about non-stormwater runoff.	<p>The Petitioners' comment and Board staff's assessment is similar to that made on the LLAR WMP.</p> <p>Attachment B to the revised WMP includes detailed jurisdictional compliance tables that include runoff volumes, required volume reductions, and proposed volume reductions for each subwatershed.</p> <p>Language was added in section 9.2.1 of the RAA (Appendix A-4-1, pg. 55) that clarifies the incremental and cumulative columns in Tables 9-4 through 9-7. Explanation for how the values were derived from previous tables is unnecessary since Section 7.11 of the RAA (Appendix A-4-1, pg. 46) describes how incremental volume reductions for milestones were calculated.</p> <p>Regarding non-stormwater runoff, the revised WMP does not include the same information for non-stormwater runoff, however it includes additional information to support the assumptions used in its dry weather analysis:</p> <ul style="list-style-type: none"> - 10% nonstructural BMP assumption in Section

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	<p>previous tables.</p> <p>"The report needs to present the same information, if available, for non-stormwater runoff."</p>		<p>4.3</p> <ul style="list-style-type: none"> - 25% irrigation reduction assumption in Section 4.2.1 <p>Section 4 of the WMP, the Group commits to re-calibrate its modeling as data is collected through its monitoring program (which includes the non-stormwater outfall screening and monitoring program).</p> <p>As explained in Section 7.1.2. of the RAA (Appendix A-4-1, pg. 51), for non-stormwater flows, the Group assumes a 10% load reduction from nonstructural BMPs and a 25% reduction in irrigation, which leads to another modeled load reduction. The remaining load reduction required for dry weather is assumed to be addressed by structural BMPs.</p> <p>Since the Group is committed to recalibrate modeling with new monitoring data and evaluate the above assumptions, the revised WMP adequately addressed Board staff's comment.</p>
Los Angeles River Upper Reach 2			
Part VI.C.5.b.iv.(5)	<p>"The WMP did not model any pollutants in Categories 2 and 3. These pollutants or surrogates need to be included in the RAA, or supported justification for the use of the proposed limiting pollutants as</p>	<p>There is no evidence that this comment was considered or addressed.</p>	<p>Section 2.4 of the Revised WMP was revised to clarify that Category 2 and Category 3 pollutants were well represented by Category 1 pollutants (see Table 2-7). For example, "coliform bacteria," a Category 2 pollutant, is represented by E. coli, a Category 1 pollutant, while various metals identified as Category 3 pollutants are represented by other metals that are Category 1 pollutants. This adequately addressed Board staff's comment.</p>

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	<p>surrogates for each Category 2 and Category 3 waterbody-pollutant combination."</p>		
<p>Part VI.C.5.a.iii</p>	<p>"...the WMP should utilize General Industrial Storm Water Permittee monitoring results...to assess and potentially refine estimates of pollutant loading from the identified "non-MS4" areas.</p>	<p>The recommended action was not done.</p>	<p>Section 2 of the revised and final WMP was amended to include details on the Group's analysis of non-MS4 industrial stormwater data. The following discussion was included on page 30 both the revised WMP and final WMP:</p> <p>Monitoring data, from non-MS4 Permittees in the LAR UR2 WMA [watershed management area], were also reviewed, however of 161 General Industrial Permittees within the WMA, only 35 were found to have submitted data to the State Storm Water Multiple Application and Report Tracking System (SMARTS) website. Initially, this data was briefly reviewed and appeared to have little diagnostic value in predicting pollutant sources or loads. Following receipt of the Board WMP comment letter, the analysis was repeated and again the data was found to be of limited value in guiding either current pollutant sources assessments or developing credible industrial land use pollutant EMCs. In the majority of cases, the monitoring data appeared variable and inconsistent, reported with mistaken concentration units, and the analytical parameters tracked were unrelated to likely facility pollutants or observed watershed</p>

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			<p>impairments. A determination was made that this data did not meet the RAA Guideline criteria for being sustentative and defensible. In addition, the current versions of Permit approved RAA models are limited to less than 20 land use categories, preventing the application of SMARTS Monitoring Data to individual Industrial Permittees.</p> <p>The approach in the final WMP is reasonable in light of this analysis.</p>
Part VI.C.5.a.iii	"The draft WMP should consider existing TMDL modeling data, where available, when refining the source assessment.	There is no evidence that this comment was considered or addressed.	The Group and Board staff discussed the existing TMDL modeling and found it too general to refine the Group's source assessment for its watershed area. The Group did, however, add detail to the discussion of TMDL source assessments in Section 2.3 of its Revised WMP, including consideration of recent TMDL monitoring data. This is appropriate as the comment was for the Group to consider existing TMDL modeling data.
Part VI.C.5.a.iii	"A process and schedule for developing the required spatial information on catchment areas to major outfalls should be proposed, if this information does not already exist."	There is no evidence that this comment was considered or addressed.	The Group clarified that some of the required spatial information was presented in the Coordinate Integrated Monitoring Program (CIMP). For the remainder, the Group committed to developing it as it implements its illicit connection/illicit discharge activities, non-stormwater screening and prioritization, and source identification.

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<p>Part VI.C.5.b Part VI.C.5.b.iv.(5)</p>	<p>"The draft WMP does not clearly specify a strategy to comply with the interim WQBELs for the LA River metals TMDL....Further discussion of current compliance with the LA River nitrogen compounds TMDL, for which there is a final compliance deadline of 2004, is also needed..."</p>	<p>There is no evidence that this comment was considered or addressed.</p>	<p>Sections 4 and 5 of the Revised WMPs were revised to add clarity and specificity to the Group's phased implementation schedule relative to interim TMDL compliance deadlines.</p> <p>The Revised WMP also summarizes monitoring data from the LA River Metals TMDL coordinated monitoring program, which indicate that metals rarely exceed receiving water limitations during dry-weather at monitoring stations adjacent to the LAR UR2 watershed management area. (The interim compliance deadline of 2020 for metals in dry weather is one of the nearer term deadlines for the Group.) Regarding compliance with the LA River nitrogen compounds TMDL, the Group included an expand discussion in the RAA explaining that no nitrogen pollutant reduction was required.</p> <p>The Group will further evaluate whether past interim and final deadlines have been met as data are collected through the Group's CIMP.</p>
<p>Part VI.C.5.b</p>	<p>"...the specific LID street projects and their locations are not identified. The draft WMP should provide as much specificity as feasible in describing the potential locations for LID streets. Additionally, the permittees that would be responsible for</p>	<p>Section 4.3.3.2 identifies on proposed LID street BMP in Vernon and one completed and one potential LID street BMP in Commerce. It went on to give some budgetary rationalizations. Mere mention of three LID street BMPs, only one finished or with a solid commitment, is unresponsive.</p>	<p>Table 4-10 of the revised and final WMP lists the extent of LID streets that will be required within the jurisdiction of each LAR UR2 Permittee. Additionally, Section 4.3.3.2 (Revised WMP) and Section 4.5.2 (Final WMP) state:</p> <p>...they [LID streets] will be located near runoff collection or discharge points where their benefit is most easily accessed and quantifiable. LID Streets were applied to treat 25 percent of commercial and residential land uses in areas that were not tributary to</p>

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	implementing LID street projects should be specified."		<p>proposed regional BMPs on the Los Angeles River side of LAR UR2 WMA.</p> <p>The revised WMP identifies three near-term LID street BMPs in Section 4.3.3.2. The approval letter included a condition, directing the Group to provide interim milestones for LID Street implementation associated with the areas identified in Table 4-10. The Final WMP provides additional interim milestones for both specific projects and overall green street implementation in Table 5-1. The Final WMP also includes additional detail in Section 3.3.3 on green street projects in progress or recently completed with the LAR UR2 WMA, and greater detail in Section 4.5.2 on the type, location and treatment scale of planned green street projects. The additional detail and commitments adequately addressed Board staff's comment.</p>
Part VI.C.5.b	"The WMP assumes a significant reduction in copper based on the phase-out of copper in automotive brake pads...to achieve the necessary copper load reductions....[A]dditional structural BMPs may still be needed to reduce copper loads prior to entering receiving waters and eliminate copper exceedances of RWLs."	Section 3.3.2 reasons that the phase-out is ahead of schedule and that other copper reductions will be afforded by source controls for zinc. Section 4.3.2.2 also discusses the issue but with nothing beyond the content of the draft WMP. The WMP shows no analysis of other sources and their magnitudes, how the accelerated phase-out might affect copper concentrations	<p>The RAA's approach of using zinc as a limiting pollutant, while anticipating copper reductions through Senate Bill 346 is an adequate approach to compliance with copper WQBELs. Therefore, no condition was included in the Executive Officer's approval letter to address this comment.</p> <p>The WMP Group has clarified its approach and estimates of copper reductions under Senate Bill 346 have been provided since issuance of comments on the draft WMP. Specifically, the Revised WMP provided detail on expected reductions in copper runoff under various implementation scenarios at TMDL compliance milestones (Section 4.3.2.2, Table 4-8, pg. 87).</p>

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		and loadings, or how source controls for zinc will affect copper. Sources of zinc and copper are not necessarily coincident, and frequently are not.	This adequately addressed Board staff's comment.
Part VI.C.5.b.iv.(5)	"Table 1-5 should be updated....The concentration-based WQBELs for metals on page 78 are incorrect...."	There is no evidence that this comment was considered or addressed.	The revised WMP did not correct the error. However, during a subsequent meeting, Board staff directed the Group to correct Table 1-5 to reflect the correct effective date for the Los Angeles River Nitrogen Compounds and Related Effects TMDL. The final WMP has the correct date in Table 1-5. During the same meeting, Board staff directed the Group to revise the concentration-based WQBELs for metals, which were presented as water effects ratio (WER)-adjusted WQBELs, as the recently adopted WERs are not yet in effect. The final WMP was revised to present the currently applicable WQBELs.
Part VI.C.5.b.iv.(5)	"The differences between baseline concentrations/loads and allowable concentrations/loads should be presented in a time series...and then as a summary of 90th percentile of the differences between pollutant concentrations/loads and allowable	There is no evidence that this comment was considered or addressed.	Section 4.4 (Modeling Output) of the Revised WMP and Section 4.5 (Modeling Output) of the Final WMP states: [t]he following tables present individual and summed BMP load reductions for fecal coliform, copper, and zinc for the Los Angeles River and Rio Hondo drainage areas. The following tables will follow the units presented in Attachment O of the MS4 Permit. Bacteria loads will be presented in MPN/day, and metal loads will be presented in kg/day. Bacteria load reduction results (Table 4-20 and Table 4-21) are shown for the final wet-weather bacteria TMDL compliance date of 2037, modeled

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	<p>concentrations/loads for wet weather periods, in units consistent with the applicable WQBELs and Receiving Water Limitations..."</p>		<p>using rainfall data from the 90th percentile year based on wet days (2011). Metals load reduction results (Table 4-22 and Table 4-23) are shown for the final wet-weather metals TMDL compliance date of 2028, modeled using rainfall data from the 90th percentile year based on rainfall (1995). Average (mean) load reduction results are shown, as well as the interquartile ranges (25th to 75th percentiles), to reflect model output variability, which is primarily driven by land use EMC variability.</p> <p>Time series data were provided in model output files. Total BMP load reductions that exceed the target load reductions indicate that reasonable assurance (of meeting the permit limits) has been demonstrated for that pollutant for that drainage area. The tables in combination with the model output files adequately addressed Board staff's comment.</p>
<p>Part VI.C.5.b.iv.(5)</p>	<p>"...a detailed explanation should be provided of the calculations used to derive the target load reductions."</p>	<p>There is no evidence that this comment was considered or addressed.</p>	<p>Section 4.3.1, Target Load Reductions, details how the Target Load Reductions were calculated. The Group provided model input and output files that allowed Board staff to verify the calculated Target Load Reductions. The Groups' explanation adequately addressed Board staff's comment.</p>
<p>Part VI.C.5.b.iv.(5)</p>	<p>"Model output should also be provided for phased BMP implementation to demonstrate that interim</p>	<p>There is no evidence that this comment was considered or addressed.</p>	<p>The Group submitted the model input and output file in response to Board staff's request. The revised WMP relies on a storm water volume capture approach to demonstrate compliance with WQBELs and receiving water limitations. The modeling calculated the</p>

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	<p>WQBELs for metals and bacteria will be met."</p>		<p>necessary volume capture to achieve compliance with WQBELs and receiving water limitations. Section 4.3.1, Target Load Reductions, includes the calculated volume capture of the BMPs that need to be implemented to achieve compliance. Table 5-1 of the revised WMP identifies the proposed control measure implementation schedule based on the phasing needed to achieve compliance with interim and final compliance targets for both bacteria and metals. The final WMP was revised in response to a condition in the Executive Officer's approval letter to modify the title of Table 5-1 to Control Measure Implementation Schedule, removing the word "tentative" from the title.</p>
<p>Part VI.C.5.b.iv.(5)</p>	<p>"The ID number for each of the 50 subwatersheds from the model input file should be provided and be shown in the simulation domain to present the geographic relationship of subwatersheds within the watershed area that are simulated in the LSPC model."</p>	<p>There is no evidence that this comment was considered or addressed.</p>	<p>The Group provided the subwatershed ID numbers as well as submitted the model input and output files in response to Board staff's request.</p>

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Part VI.C.5.b.iv.(5)	"The flow, runoff volume and water quality....time series output at the watershed outlet as well as for each modeled subbasin should be provided using the 90th percentile critical conditions....to estimate the baseline condition. In addition, per RAA Guidelines, the model output should include stormwater runoff volume and pollutant concentration/load at the outlet and for each modeled subbasin for each BMP scenario as well..."	There is no evidence that this comment was considered or addressed.	The Group submitted the model input and output files in in response to Board staff's request. The time series output is contained within the submitted model files.
Part VI.C.5.b.iv.(5)	"The identification of the 90th percentile years in Table 4-2 needs to be supported by presenting historical hydrological data to demonstrate the selected critical period will capture the variability of rainfall and storm sizes/conditions."	The presentation does not demonstrate that the choice of critical years given in Table 4-2 is correct. The analysis and graphing are not for precipitation frequency, as requested by the comment, but flow rate frequency. The addition to the WMP is thus unresponsive.	Section 4.3.1, Target Load Reductions, of the revised WMP clearly states LACFCD's South Gate Transfer Station (D1256) rain gauge is associated with the largest unit area within the WMA, as demonstrated in Figure 4-4 and was therefore assumed to be representative of atmospheric conditions for the sub-region. The period of record for the gage is 1986-2011. The final WMP was revised to include Table 4-1, which lists the annual rainfall depth, for each year, for the period of 1989 to 2011. The comment was appropriately addressed.

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Part VI.C.5.b.iv.(5)	"Model simulation for copper, lead, zinc, nitrogen, and bacteria under the dry weather condition was not included in the Report and needs to be addressed."	Two paragraphs were added to the WMP in section 4.3 reasoning that the approved models are not applicable to dry weather. Yet the consultant who prepared the Lower San Gabriel River RAA developed methodology to simulate dry weather conditions and to develop dry-weather pollutant reduction targets.	<p>The models identified in the Los Angeles County MS4 Permit for use in conducting Reasonable Assurance Analysis were selected because they can represent rainfall and runoff processes of urban and natural watershed systems. The models were designed to model rain events and the resulting pollutant loads based on predictable rainfall-runoff relationships.</p> <p>While several Groups used the models to strategically plan dry weather compliance, they did so in a novel manner by modeling irrigation flow as a simulated rain event. This approach was taken by watershed groups where the Permittees determined that irrigation flow may be a significant source of dry weather pollutant loading in their watershed.</p> <p>Generally, modeling of non-stormwater discharges is not conducted due to uncertainties in predicting dry-weather runoff volume, which is driven by variable and unpredictable human activities rather than climatic factors. As such, dry weather compliance strategies are generally more conceptual, targeting reduction in non-stormwater discharges through implementation of illicit discharge elimination programs and BMPs for stormwater runoff that can have the added benefit of addressing dry-weather runoff as well. Section 4.3, Modeling Process, of the revised WMP states in part, "[a]lthough model simulations for dry weather are not included, dry weather compliance is demonstrated by the Los Angeles River Bacteria TMDL Load Reduction study, Los Angeles River Metals TMDL CMP Annual Reports, and will continue to be assessed through</p>

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			<p>CIMP implementation, particularly dry-weather receiving water monitoring and non-stormwater outfall screening, source assessments, and monitoring” (pg. 75).</p> <p>The approval letter also included a condition, requiring the Group to include reference to the LA River Bacteria TMDL dry-weather load reduction strategy (LRS), submitted by the Group in December 2014, and the specific steps and dates for investigating outlier outfalls as set forth in the LRS. The Final WMP includes a new section 3.1.5.3 and revisions to Table 1-6, which identify steps and dates for investigating outlier outfalls as required by the condition in the approval letter (pg. 41). The dry weather RAA approach is appropriate.</p>

ATTACHMENT 2

Assessment of NRDC/LAWK/HTB March 25, 2015 Letter Commenting on Revised Watershed Management Programs (WMP)

Watershed Management Group	Environmental Groups' Summary of Regional Board Comment on Draft WMP	Environmental Groups' Assessment of Revised WMP Responsiveness to Regional Board Comment (page number of March 2015 letter noted for reference)	Regional Board Staff's Assessment of Revised and Final WMP Responsiveness to Regional Board Comment (page number or section of revised/final WMP noted for reference)
<p>(1) Los Angeles River Upper Reach 2</p>	<p>Identify and address Category 3 Water Body-Pollutant Combinations (WBPCs) in RAA and WMP similar to Category 1 WBPCs; analyze load reductions from proposed watershed control measures.</p> <p>The WMP needs to provide support for the assumption that Category 2 and 3 pollutants will be addressed by focusing on the limiting bacteria and metals pollutants.</p>	<p>The Category 3 pollutants [total phosphorus, pH, total suspended solids, chromium, and nickel] are not represented on the Category 1 or 2 lists. (Page 3)</p> <p>It is false that total nitrogen (TN) and Category 1 inorganic nitrogen compounds are "the same pollutant" because TN consists of, in addition to inorganic compounds, various organic nitrogen compounds. The Environmental Groups further state, "[t]here is no evidence that this comment</p>	<p>Tables 2-6 and 2-7 in the revised WMP (pp. 29, 34) and final WMP (pp. 29, 34) list potential Category 3 pollutants. Both note that the data used to identify these Category 3 pollutants are from outside of the Group's boundaries. Therefore, the WMP commits to obtaining data applicable to the LAR UR2 subwatershed area to update the Category 3 pollutants through the Group's Coordinated Integrated Monitoring Program (CIMP) and the adaptive management process. This is a reasonable approach as receiving water monitoring under the previous LA County MS4 Permit was limited to several mass emissions stations (typically one per watershed), which limits the ability of some groups to identify Category 3 pollutants.</p> <p>While it is true that TN and inorganic nitrogen compounds are not the same pollutant, in the RAA, the use of subset of pollutants that are proxies for other Category 1, 2 and 3 pollutants is a reasonable and necessary approach as the models identified for use in the permit were developed to model a subset of pollutants. (For example, the Countywide Watershed Management Modeling System (WMMS) models TN,</p>

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		<p>[by Board staff] was considered." (Pages 3-4)</p>	<p>which includes both inorganic and organic nitrogen compounds.) This is based on the knowledge that the baseline loading, target reductions and anticipated reductions with best management practices (BMP) implementation of other pollutants with similar sources and fate and transport mechanisms will be represented by the subset of modeled pollutants. It is also based on the fact that some pollutants will drive BMP implementation (i.e., these "limiting" pollutants will require the most aggressive suite of BMPs to meet water quality requirements). The revised and final WMP adequately describe this approach and the rationale in Section 4.0 on page 70 and 73, respectively.</p>
<p>(2) Los Angeles River Upper Reach 2</p>	<p>Use General Industrial Stormwater Permit monitoring results and other data to refine estimates of pollutant loading from non-MS4 areas in the RAA and WMP.</p>	<p>Although some of the data may be inadequate, additional data should be used wherever possible, including regional data, data from the literature of the field, and data from permitted industries elsewhere. Using the best available data for this purpose would not be inconsistent with other modeling and analysis strategies pursued in the WMP; e.g., almost all receiving water data relied upon are from outside the reach in</p>	<p>Section 2 of the revised and final WMP was amended to include details on the Group's analysis of industrial stormwater data. The following discussion was included on page 30 of both the revised WMP and final WMP:</p> <p>Monitoring data, from non-MS4 Permittees in the LAR UR2 WMA [watershed management area], were also reviewed, however of 161 General Industrial Permittees within the WMA, only 35 were found to have submitted data to the State Storm Water Multiple Application and Report Tracking System</p>

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		<p>question. (Page 4)</p>	<p>(SMARTS) website. Initially, this data was briefly reviewed and appeared to have little diagnostic value in predicting pollutant sources or loads. Following receipt of the Board WMP comment letter, the analysis was repeated and again the data was found to be of limited value in guiding either current pollutant sources assessments or developing credible industrial land use pollutant EMCs. In the majority of cases, the monitoring data appeared variable and inconsistent, reported with mistaken concentration units, and the analytical parameters tracked were unrelated to likely facility pollutants or observed watershed impairments. A determination was made that this data did not meet the RAA Guideline criteria for being sustentative and defensible.</p> <p>When presented with this analysis, Board staff agreed that the data were not appropriate to use to refine estimates of pollutant loading from industrial facilities within the LAR UR2 WMA. Consequently, the LAR UR2 Watershed Management Group relied upon the regional event mean concentrations (EMCs) to determine</p>

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			<p>baseline loading from industrial areas within its subwatershed area. The analysis of monitoring data submitted by general industrial stormwater permittees within the subwatershed and discussion of TMDL source assessments in Section 2.3, and the use of regional land use specific EMCs in the RAA, adequately addressed Board staff's comment.</p>
<p>(3) Los Angeles River Upper Reach 2</p>	<p>Specify why the LA River metals TMDL is not included as Category 1a since some compliance deadlines have passed.</p> <p>The WMP does not specify a strategy to comply with interim LA River metals TMDL WQBELs and specifically needs to be revised to document either that past deadlines have been achieved or provide a strategy to do so.</p>	<p>No assessment was provided by the Environmental Groups, but the following statement was in the letter, "[t]here is no evidence that this comment was considered." (Page 4)</p>	<p>A number of Permittees opted to further subcategorize pollutants within Categories 1, 2 and 3, though such subcategorization is not required by the permit. In this case, the revised WMP does not specify why metals are not included in Category '1a,' but the revised and final WMP does accurately identify the past interim compliance milestones for metals in Table 1-6 (p. 18) and appropriately identifies metals as Category 1 pollutants in Tables 2-6 and 2-7 (pp. 29, 34).</p> <p>Both also note the following in Section 2.3 Source Assessment, which informs the Group's prioritization of pollutants, "[a]s summarized in the Los Angeles River Metals TMDL CMP Annual Reports, dry-weather monitoring data from stations adjacent to the LAR UR2 WMA were rarely in exceedance for metals." The revised and final WMP clearly state that the Group will continue to</p>

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			<p>monitor for dry weather metal concentrations, as proposed in the CIMP, and implement the structural and non-structural watershed control measures identified in Section 5 to further identify and control the sources of metals in runoff and LAR UR2 WMA receiving waters. Through the CIMP, data will be obtained to evaluate whether past deadlines have been achieved. This adequately addressed Board staff's comment.</p>
<p>(4) Los Angeles River Upper Reach 2</p>	<p>The WMP needs to include a firm schedule for implementation of trash TMDL BMPs.</p>	<p>The Environmental Groups' state that there is no evidence that this comment was considered. (Page 4)</p>	<p>Both the revised and final WMP include the final implementation date of October 1, 2015 in Table 5-1 on pages 104 and 117, respectively, which is consistent with the trash TMDL schedule. The revised WMP identified challenges with retrofitting remaining catchbasins with full capture devices (p. 40). However, the approval letter included a condition, directing the Group to include a strategy to address the remaining catchbasins as necessary to comply with the trash TMDL. The final WMP includes discussion of the Group's final trash TMDL implementation steps to overcome these retrofitting challenges in Section 3.1.5.3 on page 41.</p>

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<p>(5) Los Angeles River Upper Reach 2</p>	<p>The WMP should provide as much specificity as feasible in describing the locations of LID streets and permittees responsible for them.</p>	<p>The Environmental Groups state that the information in the draft and revised WMP is insufficient. (Page 5)</p>	<p>Table 4-10 of the revised and final WMP lists the extent of LID streets that will be required within the jurisdiction of each LAR UR2 Permittee. Additionally, Section 4.3.3.2 (Revised WMP) and Section 4.5.2 (Final WMP) state, "...they [LID streets] will be located near runoff collection or discharge points where their benefit is most easily accessed and quantifiable. LID Streets were applied to treat 25 percent of commercial and residential land uses in areas that were not tributary to proposed regional BMPs on the Los Angeles River side of LAR UR2 WMA." The revised WMP identifies three near-term LID street BMPs in Section 4.3.3.2. The approval letter included a condition, directing the Group to provide interim milestones for LID Street implementation associated with the areas identified in Table 4-10. The Final WMP provides additional interim milestones for both specific projects and overall green street implementation in Table 5-1. The Final WMP also includes additional detail in Section 3.3.3 on green street projects in progress or recently completed with the LAR UR2 WMA, and greater detail in Section 4.5.2 on the type, location and treatment scale of planned green street projects. The additional detail and commitments adequately addressed Board staff's comment.</p>

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<p>(6) Los Angeles River Upper Reach 2</p>	<p>The WMP should provide more detail on how the adaptive management process will be implemented.</p>	<p>There is no evidence that this comment was considered, and the subject is crucial to success in reaching compliance. (Page 5)</p>	<p>Section 1 of the revised and final WMP state, "[t]his WMP plan is a critical component of the iterative Adaptive Management Process (AMP) strategy and will be updated every two years as described in the MS4 Permit, or amended with minor corrections as warranted by changing regional precedents and the development of new scientific and technical data." The final WMP also states in Section 4.0, "...CIMP implementation, outfall monitoring, and the adaptive management process, should allow directly applicable local LAR UR2 WMA models to be developed, tested, and calibrated based on observed data, allowing revision of this initial RAA and consideration of different pollutants, standards, and implemented watershed control measures" (p. 79). The Executive Officer also provided additional direction on the adaptive management process to all Permittees implementing a WMP in the letters approving the WMPs.</p>
<p>(7) Los Angeles River Upper Reach 2</p>	<p>The WMP needs to include specific commitments to implement the non-structural BMP enhancements, or not rely upon the 5% load</p>	<p>A comparison of page numbers is by no means documentation that load reduction will result. Non-</p>	<p>On the basis of discussions at technical advisory committee (TAC) meetings and, specifically, RAA subcommittee meetings, the RAA guidance document developed by</p>

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	<p>reduction anticipated from their use.</p>	<p>structural BMPs beyond street vacuuming are ignored. (Page 5)</p>	<p>Regional Board staff allows Permittees to assume a 5% reduction in pollutant load from the baseline load in light of the additional minimum control measures (MCMs) in the 2012 permit as compared to the 2001 permit.</p> <p>Section 3.1 of the Revised WMP discusses new minimum control measures (MCM) provisions of the 2012 permit that will support a reduction in pollutant loads, while Table 3-8 on page 68 identifies specific non-structural BMPs that will be implemented by the Permittees of the LAR UR2 WMA consistent with, or in addition to, the baseline provisions of the 2012 permit. Table 3-8 includes a suite of non-structural BMPs; street vacuuming is only one among this suite.</p> <p>The Executive Officer's approval letter included conditions, directing the Group to revise certain sections of the WMP to clarify the Permittees' commitments regarding non-structural BMP implementation. Sections 3.1 and 4.4.4 of the final WMP note some of the differences in MCM requirements from the 2001 permit and the 2012 permit, and Table 3-8 of the final WMP (pp. 69-70) provides greater specificity with regard to the non-structural BMPs that each Permittee within the LAR UR2 WMA will implement, including</p>

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			the timing of implementation. This adequately addressed Board staff's comment.
<p>(8) Los Angeles River Upper Reach 2</p>	The WMP is predicated on the assumption that industries will eliminate their contributions to receiving water exceedances as required by their permits. However, it is important that the jurisdictions ensure that industries implement required BMPs through various actions, such as tracking critical sources, education, and inspection.	The draft WMP is vague and does not even name, let alone commit to, specific measures such as those mentioned in the Board's comment. (Page 6)	In the revised and final WMP, the LAR UR2 Watershed Management Group commits to complying with all Industrial/Commercial Facilities Pollutant Control Program provisions of the 2012 permit. In the Final WMP, Table 3-8 is revised to include specific commitments to non-structural BMPs in addition to implementation of the baseline provisions of the Industrial/Commercial Facilities Pollutant Control Program provisions and indicates each Permittee's specific commitments, including timing of implementation. Additionally, Section 3.1.1.2 of the Final WMP considers additional enhancements to the program in certain jurisdictions with more extensive industrial area (e.g., City of Commerce).
<p>(9) Los Angeles River Upper Reach 2</p>	The differences between baseline concentrations/loads and allowable concentrations/loads should be presented in a time series for each pollutant... In addition, a detailed explanation should be provided of the calculations used to derive the	There is no evidence that this comment was considered. (Page 6)	Section 4.4 (Modeling Output) of the Revised WMP and Section 4.5 (Modeling Output) of the Final WMP states: [t]he following tables present individual and summed BMP load reductions for fecal coliform, copper, and zinc for the Los Angeles River and Rio Hondo

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	<p>target load reductions.</p> <p>Note: The March 25, 2015 Letter referenced RAA Comment B3, but misstated comment to read, "Give model output for interim WQBELs."</p>		<p>drainage areas. The following tables will follow the units presented in Attachment O of the MS4 Permit. Bacteria loads will be presented in MPN/day, and metal loads will be presented in kg/day. Bacteria load reduction results (Table 4-20 and Table 4-21) are shown for the final wet-weather bacteria TMDL compliance date of 2037, modeled using rainfall data from the 90th percentile year based on wet days (2011). Metals load reduction results (Table 4-22 and Table 4-23) are shown for the final wet-weather metals TMDL compliance date of 2028, modeled using rainfall data from the 90th percentile year based on rainfall (1995). Average (mean) load reduction results are shown, as well as the interquartile ranges (25th to 75th percentiles), to reflect model output variability, which is primarily driven by land use EMC variability.</p> <p>Time series data were provided to the Board in model output files. Total BMP load reductions that exceed the target load reductions (TLRs) indicate that reasonable assurance (of meeting the permit limits) has</p>

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			been demonstrated for that pollutant for that drainage area. This explanation along with the model output files adequately addressed Board staff's comment.
<p style="text-align: center;">(10) Los Angeles River Upper Reach 2</p>	Describe how the model was calibrated.	This [description in section 4.5] does not demonstrate calibration. A calibration adjusts model parameters as needed to bring observed and simulated values into as much agreement as can be accomplished. What the final sentence of the response describes is not calibration but instead a verification step, which is a demonstration of the degree of difference that still exists between an independent observed data set and simulated values after calibration. There is no evidence presented that either operation has been completed. (Page 6)	Section 4.1.3.1 (Hydrology Calibration) of the Final WMP details the approach used for model calibration. It states, in part, "[a]s part of the Los Angeles County WMMS system, the LSPC module, including the Los Angeles River Watershed, was calibrated for hydrology and water quality performance. Input parameters and model settings were not modified during the LAR UR2 WMA RAA, so the original County calibration results should continue to apply; however they are partially repeated and summarized herein, with an emphasis on local or WMA applicability" (p. 75). Section 4.1.3.1 also clarifies the calibration process by stating, "[t]he County calibration documentation allows us to compare and summarize LSPC predicted and observed flows for key locations within watershed. As shown in Figure 4-1, for the Los Angeles River at Sepulveda Dam from October, 2002 to October, 2006, an average difference of 1.25% in annual stream volumes was observed placing these results within RAA Guidelines 'very good' range. For the period between October 1988 and October 1992 as shown in Figure 4-2, the watershed LSPC

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			<p>model similarly compared favorably with downstream USGS gauge 11103000, with an average difference of only 4.37%, which is also within the 'very good' range." (p. 75) Additionally, in the Executive Officer's approval letter, a condition was included to provide the comparison of runoff volumes from Loading Simulation Program in C++ (LSPC) and Structural BMP Prioritization and Analysis Tool (SBPAT) as an appendix or subsection to the model calibration section. The Final WMP provided this comparison in Table 4-2 on page 89. This is a reasonable approach given available data for the LAR UR2 WMA. The approval letter also directed the LAR UR2 Watershed Management Group to refine and recalibrate its RAA based on data obtained through the Group's CIMP, which will be specific to the LAR UR2 WMA, as part of the adaptive management process.</p>
<p>(1) Lower Los Angeles River</p>	<p>Consider other TMDL source investigations (e.g., for metals).</p>	<p>No difference in draft and revised WMPs in how metals TMDL results were reported or used in section 2.2.4, in particular for source investigation. (Page 7)</p>	<p>Section 2.2.4 is part of the Water Quality Characterization section of the WMP rather than the Source Assessment section. Data collected since 2008 per the LA River Metals TMDL are presented in this section.</p> <p>The WMP's source assessment in Section 2.3 (starting on page 2-34) considers TMDL source investigations by citing TMDL findings that were not included in the draft</p>

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			<p>WMP. For example:</p> <ul style="list-style-type: none"> - Pg. 2-36: LA River Nitrogen Compounds and Related Effects TMDL – Wastewater reclamation plants are largest source of nutrient loadings; - Pg. 2-37: LA River Metals TMDL – Stormwater accounts for the majority of annual loading for various metals (40-95%); POTWs are primary source of metal loadings in dry weather; - Pg. 2-34: LA River Bacteria TMDL – Dry weather urban runoff and stormwater are the primary sources of bacterial loading in the watershed; and - Pg. 2-39: LA River Trash TMDL – Urban runoff is the dominant source of trash.
<p>(2) Lower Los Angeles River</p>	<p>Need: (1) map of major outfalls and structural controls, (2) outfall database, (3) maps of 53 subcatchments or process and schedule to develop.</p>	<p>Maps of major outfalls and structural controls is a permit requirement, which is not met here. (Page 7)</p>	<p>The LLAR Group has provided maps of major outfalls and structural controls (see Revised WMP, Section 3.4.3.3, Figure 3-16 and Chapter 4). Information pertaining to the outfall database was submitted with the CIMP. What the Group cannot provide readily are the drainage areas associated with each major outfall. However, Board staff's original comment states that if maps are not readily available, a process and timeline can be proposed.</p>

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			<p>The LLAR Group has indicated the difficulty of providing the requested catchment area information as part of its WMP submittal and has made a 1-year timeline to provide the catchments for major outfalls with significant discharges and outfalls where stormwater monitoring will occur. The CIMP also notes that refinement of catchment areas for major outfalls is ongoing. This adequately addressed Board staff's comment.</p>
<p>(3) Lower Los Angeles River</p>	<p>Demonstrate schedule ensures compliance as soon as possible.</p>	<p>The program needs to more clearly demonstrate that the compliance schedule (section 5) ensures that compliance can be achieved "as soon as possible." (Page 7)</p>	<p>The revised WMP (pg. 5-1) includes new language that clarifies the Group's strategy: "Meeting the load reductions determined by the RAA results in an aggressive compliance schedule in terms of the technological, operational, and economic factors that affect the design, development, and implementation of the necessary control measures."</p> <p>The revised WMP provides an estimate of the cost of structural BMPs, and based on this estimated cost, reiterates the financial difficulties and uncertainties of implementing the WMP (particularly the lack of funding sources for controls), and concludes that the compliance schedule is as short as possible to allow time to both address technological and operational challenges and to secure the necessary funding to implement the watershed control measures in the WMP.</p>

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			This additional clarification is a sufficient response to the comment. The Group's existing strategy to control pollutants "as soon as possible" is sound.
(4) Lower Los Angeles River	Address if limits for pollutants not addressed by TMDLs could be complied with in a shorter time.	There is no evidence that this comment was considered. (Pages 7-8)	This comment is similar to the above comment that compliance schedules for non-TMDL pollutants are "as soon as possible." The clarification provided by the Group in Section 5 (pg. 5-1) of the revised WMP on how the Group's strategy for meeting load reductions determined in the RAA is an aggressive compliance schedule is sufficient with respect to this comment.
(5) Lower Los Angeles River	<p>More specificity on type, number, location, and timing of watershed controls. "The MS4 Permit requires that the WMP provide specificity with regard to structural and non-structural BMPs, including the number, type, and location(s), etc. adequate to assess compliance."</p> <p>Regional Water Board staff recognizes uncertainties may complicate establishment of specific implementation dates, however there should at least be more specificity on actions within the current and next permit terms.</p>	<p>As is the case with the Lower San Gabriel River ("LSGR") WMP, this passage has interpreted the Board's requirement for [as soon as possible] ASAP compliance in strictly financial terms, with additional indeterminate delays added for acquisition and "conversion."</p> <p>This response, and other statements throughout the document, make it clear that no commitments to "specificity or actions" or associated timelines have been provided.</p>	<p>The compliance schedule for nonstructural BMPs contained in Table 5-1 (pg. 5-3) of the Revised WMP contained some indeterminate milestone dates and in the case of TCM-RET-1 "Encourage Downspout Disconnects," no interim milestones or milestone dates. The Executive Officer's approval letter included a condition, directing the Group to modify the milestones for these BMPs. The Final WMP addressed this condition by including additional milestones and dates for their achievement.</p> <p>Section 5.2 (pg. 5-4) lists structural LID BMPs that are to be constructed within this permit term; however, the revised WMP did not contain definitive milestone dates nor did</p>

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		<p>For those actions with starting dates, both the draft WMP and revised WMP (with just 7 months between them) fail to demonstrate that actionable steps have been taken. For example, Table 5-1 in both documents lists the "Nonstructural TCM Compliance Schedule." However, of the items in the 2014 table with associated 2014 start dates, several are now listed in the 2015 table as having 2015 start dates (e.g., "Enhance tracking through use of online GIS MS4 Permit database" and "Exposed soil ordinance")—clearly, no assurances can be assumed from these documents. There is also no pathway between scheduled completion dates and interim compliance deadlines, as requested by the Board's comment and required by the 2012 Permit. (Pages 8-9)</p>	<p>it specify the Permittees responsible for the projects. The Executive Officer's approval letter included a condition, directing the Group to add definitive dates for these structural BMPs. The Final WMP includes two new tables, Tables 5-2 and 5-3, which provide detail on the Permittees responsible for each LID BMP, and the deadlines and status for the project tasks (pgs. 5-4 to 5-5).</p> <p>Regarding other structural BMPs, the Revised WMP includes a pollutant reduction plan in Section 5.4 (pg. 5-7) that indicates the BMP volume that each Permittee needs to install within its jurisdiction at 31%, 50%, and Final milestone dates (these milestones occur in 2017, 2024, and 2028, respectively) and also identifies regional projects that could support achieving the 31% and 50% milestones.</p> <p>These details on structural and non-structural BMPs adequately address Board staff's comment.</p>

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<p>(6) Lower Los Angeles River</p>	<p>The draft WMP proposes a final compliance date of September 2030 for bacteria in the LA River Estuary. However, the Group does not provide sufficient justification for this date. ... Additional milestones and a schedule of dates for achieving milestones should be defined for addressing bacteria discharges to the LA River Estuary.</p>	<p>The response only addresses a schedule for submittals, not for achieving milestones. (Page 9)</p>	<p>The Group did not address this comment in the Revised WMP. The Load Reduction Strategy schedule for LAR Estuary was inadequate.</p> <p>The Executive Officer's approval letter included a condition, directing the Group to change the dates of submittals and implementation, as well as a date for when final water quality based effluent limitations (WQBELs) should be achieved. Section 5.4.10 of the Final WMP includes a revised Table 5-4, which provides milestones and a revised schedule of dates for achieving milestones sooner than initially proposed. The Executive Officer determined these revisions adequately addressed the condition in the approval letter.</p>
<p>(7) Lower Los Angeles River</p>	<p>The WQBELs that are established in the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL shall be achieved through implementation of the watershed control measure proposed in the WMP. However, the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL appears to be completely omitted from the draft</p>	<p>There is a section in the 2014 WMP (3.4.1.6) on these TMDLs, but no change was made in this section of the document and there is no inclusion or analysis of pollutant controls, as requested.</p>	<p>On pgs. 38-39 of Appendix 4, A-4-1 Reasonable Assurance Analysis, the Group demonstrates that their limiting pollutant approach takes into account the Harbor Toxics TMDL by evaluating DDT, PCB, and PAHs in its RAA. The Group states that implementing control measures that control zinc will achieve the load reductions required to achieve the WQBELs of the Harbor Toxics TMDL. This is a reasonable assumption and consistent with the Harbors Toxics TMDL, in which the Board acknowledges that implementation of other TMDLs in the</p>

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	<p>WMP. The draft WMP did not include and analyze a strategy to implement pollutant controls necessary to achieve all applicable interim and final water quality-based effluent limitations...</p> <p>Pursuant to Section VI.C.5.a., the WMP should be revised to include an evaluation of existing water quality conditions, classify them into categories, identify potential sources, and identify strategies, control measures, and BMPs as required in the permit for San Pedro Bay unless MS4 discharges from the LLAR WMA directly to San Pedro Bay are being addressed in a separate WMP.</p> <p>--</p>	<p>There is only one reference in the document to San Pedro Bay, as follows and unchanged from the 2014 version: "In addition, the Cities of Signal Hill and Long Beach, and the LACSD developed a Contaminated Sediment Management Plan to support the long-term recovery of sediment and water quality in the Long Beach Harbor, Eastern San Pedro Bay, and the LAR Estuary." (p. 3-30). This is an insufficient response.</p>	<p>watershed may contribute to the implementation of the Harbors Toxics TMDL.</p> <p>For this reason, no condition was included in the approval letter to address this comment.</p> <p>The Group explained to Board staff that discharges to San Pedro Bay will be addressed by the City of Long Beach's WMP, which is currently under review by Board staff. As a note, the City of Long Beach is the only Group member adjacent to San Pedro Bay; however, the portion of Long Beach included in the Lower LA River WMP Group is primarily adjacent to the LA River Estuary, not San Pedro Bay.</p> <p>As the original comment notes, this approach is appropriate. Therefore, no condition was included in the Executive Officer's approval letter to address this comment</p>

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	<p>The draft WMP provided corresponding implementation schedules for nonstructural BMPs, which are assumed to result a 10% reduction in pollutant load. For structural BMPs, general implementation timeframes are given...to meet 31% and 50% of the compliance target by 2017 and 2024, respectively. However, greater specificity should be provided with regard to these dates, and additional milestones and dates for their achievement between 2017 and 2024 should be included.</p>	<p>--</p> <p>Identical wording as in the LSGR WMP was added here as well; it is no more responsive to the comment on this plan as it is for the LSGR WMP. (Pages 9-10)</p>	<p>--</p> <p>The Group discusses structural controls on pg. 5-4 noting that: "Uncertainties associated with the structural controls complicate establishment of specific implementation dates. Despite this uncertainty the Group has made a diligent effort to provide a clear schedule of specific actions within the current and next permit terms in order to achieve target load reductions."</p> <p>To substantiate this statement, the Group has provided additional detail in its Table 5-1 for nonstructural BMPs and has added information in Section 5.3.2 on its approach to implement structural controls:</p> <p>Right-of-Way (ROW) BMPs:</p> <ul style="list-style-type: none"> - Will be considered when new capital improvement projects are being constructed. - The Strategic Transportation Plan will redevelop major transportation corridors and will require that structural stormwater BMPs are incorporated into these projects where feasible. <p>Adaptive Management will provide an assessment of the effectiveness of these 2 pathways for ROW BMPs in contributing to metals reductions.</p>

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			<p>Regional BMPs:</p> <ul style="list-style-type: none"> - Preliminary site assessments and feasibility studies by March 2016 - Field analysis of selected sites by December 2016 <p>The Group included additional detail on its Prop 84 Grant projects in Section 5.2; however, this section still lacked specific milestone dates. The Executive Officer's approval letter included a condition, directing the Group to provide definitive dates with respect to these projects. The Final WMP includes two new tables, Tables 5-2 and 5-3, which provide detail on the Permittees responsible for each LID BMP, and the deadlines and status for the project tasks (pgs. 5-4 to 5-5).</p> <p>Regardless of the "uncertainty" that the Group cites in the WMP, the Board will treat the volume reduction milestones in 2017 and 2024 as compliance metrics for the Group.</p>
<p>(1) Lower San Gabriel River</p>	<p>Although section 3 includes a compliance strategy, the program needs to more clearly demonstrate that the compliance schedules (section 5) ensure compliance is "as soon as possible."</p>	<p>This passage [in Compliance Schedule, page 5-1] has interpreted the Board's requirement for [as soon as possible] ASAP compliance in strictly financial terms, with additional indeterminate</p>	<p>The Group reasonably justifies that their strategy will achieve compliance with receiving water limitations (RWLs) as soon as possible.</p> <p>The WMP conveys the uncertainty and financial hurdles faced by the Group as well</p>

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	<p>The WMP needs to provide a clear schedule that demonstrates implementation of the BMPs will achieve the required interim metal reductions by the compliance deadlines. The WMP schedule should at the least provide specificity on actions within the current and next permit terms.</p>	<p>delays added for acquisition and "conversion." It also expresses the judgment (drawn from section 5.3.1 of the RAA [Appendix 4-1]) that compliance schedules need only be evaluated for zinc, since other pollutants will be reduced at least as rapidly.</p>	<p>as the fact that the Group must control several different pollutants, including pollutants specified in TMDLs.</p> <p>The Group's strategy of controlling other pollutants as it implements its schedule to control the limiting pollutant zinc through nonstructural control measures and structural control measures is sound and consistent with the Board's integrated water resources approach to TMDL implementation, which is characterized by implementation measures that address multiple pollutants and achieve other benefits. The Group provides a pollutant reduction plan with interim milestones that specifies BMP volume capacity compliance targets that the Group must meet. These targets are specified at the jurisdictional and subwatershed levels (see Attachment B to the RAA – Detailed Jurisdictional Compliance Tables).</p> <p>The Group's comment about conversion of land and acquisition is with regards to regional BMPs. However, it should be noted that the potential initial scenario of control measures presented in the Group's pollutant reduction plan specifies BMP capacity to be installed through right-of-way BMPs and LID BMPs on public parcels, leaving a remaining BMP volume to be handled through</p>

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		<p>This response, and other statements throughout the document, make it clear that no commitments are made to "specificity or actions" or associated timelines. For those actions with starting dates, even the draft and revised WMPs with just 7 months between them, demonstrate a failure to perform. For example, Table 5-1 in both documents lists the "Nonstructural TCM Compliance Schedule." However, of the items in the 2014 table with associated 2014 start dates, several are now listed in the 2015 as having 2015 start dates (e.g., "Enhance tracking through use</p>	<p>"Potentially Regional BMPs," provided in the WMP's RAA (shown in Tables 9-6 and 9-7), constituting only ~2% of the BMP capacity to be installed.</p> <p>Right-of-Way BMP volume = 94.8 acre-feet (af) Estimated LID on Public Parcels = 21.8 af Remaining BMP Volume/Potentially Regional BMP = 2.2 af</p> <p>The Group provides specificity in its control measures by specifying the number of BMPs to be implemented in terms of BMP capacity volume. It then provides milestones for the installation of this BMP capacity volume.</p> <p>The Group commits to achieving milestones on page 5-5 stating: "...over time the Watershed Group will report and demonstrate that the summative effects of projects implemented add up to the required reductions for interim milestones and final targets."</p> <p>Taken altogether, the above information addressed Board staff's comment.</p> <p>Regarding the starting dates for nonstructural BMPs in Table 5-1, the cited start dates were specified as ranges in the draft WMP. For example the start date for</p>

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		<p>of online GIS MS4 Permit database"; "Exposed soil ordinance"—clearly, no assurances can be assumed from these documents. There is also no cross-walk between scheduled completion dates and interim compliance deadlines, as requested by the Board's comment and required by the 2012 Permit. (Pages 10-12)</p>	<p>"Enhanced tracking through use of online GIS MS4 Permit database" was 2014-2017. These dates were modified to be more specific in the revised WMP and to include associated milestones to track progress. To address instances where a milestone date was not specific, the Executive Officer's approval letter included a condition that the Group modify the milestone. The Executive Officer determined that the Final WMP addressed this condition.</p>
<p>(2) Lower San Gabriel River</p>	<p>For waterbody-pollutant combinations not addressed by TMDLs, the MS4 Permit requires that the plan demonstrate...that the activities and control measures to be implemented will achieve applicable receiving water limitations as soon as possible. The RAA ...does not address the question of whether compliance with limitations for pollutants not addressed by TMDLs could be achieved in a shorter time frame.</p>	<p>There is no response to this comment; the RAA continues to not address whether compliance with limitations for pollutants not addressed by TMDLs could be achieved in a shorter time frame. (Page 12)</p>	<p>The Group responds to this comment in Section 5 of the WMP through its justification that their strategy is "as soon as possible." This comment is a corollary to the above comment and is sufficiently addressed.</p>
<p>(3) Lower San Gabriel River</p>	<p>"...the WMP should at least commit to the construction of the necessary number of projects to ensure compliance with permit requirements per applicable compliance schedules."</p>	<p>This response clearly implies no commitment beyond good intentions and a (mandated) willingness to track progress (or its lack thereof) through the permit cycle.</p>	<p>The Group commits to the compliance milestones that are to be achieved through a mixture of structural BMPs, including green street conversion. Compliance with the 2017 first-term</p>

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		<p>(Pages 12-13)</p>	<p>milestone is planned to be achieved through the implementation of non-structural control measures, which the Group provides more specificity (as compared to the draft WMP) in Table 5-1 by providing specific start dates and additional milestones prior to 2017.</p>
<p>(4) Lower San Gabriel River</p>	<p>The MS4 Permit requires that the WMP provide specificity with regard to structural and non-structural BMPs, including the number, type, and location(s), etc. adequate to assess compliance.</p> <p>...there should at least be more specificity on actions within the current and next permit terms to ensure that the following interim requirements are met: (1) a 10% reduction in metals loads during wet weather and a 30% reduction in dry weather by 2017 and (2) a 35% reduction in metals loads during wet weather and a 70% reduction during dry weather by 2020.</p>	<p>Given the vague nature of nearly all of the "milestones" (see above), there is no direct linkage between actions, meeting interim requirements, and schedule to ensure even the 2017 targets.</p> <p>(Pages 13-14)</p>	<p>The Group's 2017 10% reduction milestone is proposed to be met entirely based on nonstructural controls. They cite:</p> <ul style="list-style-type: none"> - Expanded nonstructural MCMs in the MS4 permit (particularly Development Construction Program) - Expanded non-stormwater discharge control measures in the MS4 permit - Nonstructural targeted control measures (e.g., ordinances, increased street sweeping, promotion of downspout retrofits, etc.) <p>To track this, the nonstructural targeted control measures that the Group has developed have a compliance schedule with associated milestones.</p> <p>However, due to the nature of these measures being contingent upon political will (e.g., ordinances), public involvement (e.g., downspout retrofits), and external forces (e.g., source control regulations on metals and grant-funded based projects),</p>

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			<p>implementation of these measures carries with it a degree of uncertainty. Because of this, the Executive Officer's approval letter included a condition that the Group include, where appropriate, more definitive milestones for the nonstructural control measures listed in Table 5-1 and the structural control measures listed in Section 5.2. In the Final WMP, the Group revised milestones for the BMPs listed in Table 5-1 and included jurisdiction-specific milestones (with milestone dates from 2015 to 2017) for the construction and completion of the structural BMPs listed in Section 5.2. The Executive Officer determined that this adequately addressed the condition in the approval letter.</p>
<p>(5) Lower San Gabriel River</p>	<p>The RAA identifies zinc as the limiting pollutant and notes that this pollutant will drive reductions of other pollutants. If the Group believes that that this approach demonstrates that activities and control measures will achieve applicable receiving water limitations, it should explicitly state and justify this for each category 1, 2, and 3 pollutant.</p>	<p>As with other issues, there is no linkage between identified control measures and compliance schedule or milestones. Although there is a plausible set of measures to control zinc (and, by association, all other pollutants), there is no indication that they will ever be implemented. (Page 14)</p>	<p>There is a direct linkage between control measures and milestones since the Group commits to pollutant reduction milestones in 2017 (10%) and 2020 (35%); and a final milestone in 2026 (100% of required reduction based on the RAA). Although the specifics of the locations of the control measures are not set-in-stone, the required BMP volume capacity that the Group needs to implement are clearly set by jurisdiction and by subwatershed.</p> <p>This means that the Group is responsible for implementing a suite of control measures</p>

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			<p>that will achieve the volume capture milestones calculated from the RAA. These BMP volume capture milestones and dates for their achievement are compliance metrics for the Group. This adequately addressed Board staff's comment.</p>
<p>(6) Lower San Gabriel River</p>	<p>For dry weather, the WMP assumes a 25% reduction in irrigation (RAA, section 7.1.2). Additional support should be provided for this assumption, particularly since the group appears to be relying almost entirely on this non-structural BMP for near-term pollutant reductions to meet early interim milestones/deadlines.</p>	<p>The justification for 25% reductions may be plausible but is hardly "conservative" (as stated in the text); it also presupposed implementation of actions that would lead to such an outcome. The text also invokes emergency drought regulations as an example of how public education can reduce water use, although its applicability to long-term reductions is nowhere clarified. (Page 14-15)</p>	<p>The Group supports the 25% by citing studies that report water reductions from institution of conservation programs. They also commit to reevaluate this assumption. This adequately addressed Board staff's comment.</p> <p>As a reference, the RAA models existing condition dry-weather loads using 2003 and 2008 dry weather flows for Aug 17-Sep 30.</p>
<p>(7) Lower San Gabriel River</p>	<p>Page 6-1 notes that "[t]he final non-TMDL water quality standard compliance date is projected to be sometime in 2040." However, the pollutant reduction plan milestones in Section 5 only appear to go up to the year 2026. For watershed priorities related to addressing exceedances for receiving water</p>	<p>There are no milestones, based on measureable criteria or indicators, an explicit schedule, or a final compliance date. (Page 15)</p>	<p>The 2026 date provided by the Group is the final compliance date for the San Gabriel River Metals TMDL and, through the Group's limiting pollutant approach, the compliance date used for the Category 1, 2, and 3 pollutants identified in the WMP.</p> <p>The cited 2040 date for bacteria serves as a backup date if, through adaptive</p>

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	<p>limitations, the permit requires milestones based on measureable criteria or indicators, a schedule with dates for achieving the milestones, and a final date for achieving the receiving water limitations as soon as possible. These need to be included in the revised WMP.</p>		<p>management and future model simulations, the 2026 deadline for zinc is inadequate to control bacteria. The 2040 date is based on schedules for other bacteria TMDLs.</p> <p>As an additional note, a SGR bacteria TMDL was recently adopted by the Board and the implementation schedule provides MS4 Permittees up to 20 years from the effective date of the TMDL to achieve the wet weather TMDL wasteload allocations. When the permit is reopened or reissued, and provisions consistent with the assumptions and requirements of the SGR bacteria TMDL are incorporated, the Group will be required to revise its WMP consistent with the implementation schedule of the TMDL.</p> <p>The Executive Officer's approval letter included a condition, directing the Group to clarify the bacteria compliance schedule with the language: "If it is determined through the adaptive management process that required bacteria load reductions may not be met by controlling for zinc, then the WMP will be modified to incorporate bacteria milestones with measureable criteria or indicators consistent with any future bacteria TMDL for the San Gabriel River and with, at the latest, a final deadline of 2040." The Final WMP included this language in Section 5.4.14 on page 5-23.</p>

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<p>(8) Lower San Gabriel River</p>	<p>As proposed in the WMP, the 10% load reduction was assumed to result from the cumulative effect of nonstructural BMPs. There is uncertainty in the ability of these BMPs to meet the required reductions by September 2017.</p> <p>Additional support for the anticipated pollutant load reductions from these non-structural BMPs and source control measures over the next two to three years should be provided to increase the confidence that these measures can achieve the near-term interim WQBELs by September 2017.</p> <p>--</p> <p>Section 5 Compliance Schedule of the draft Watershed Management Plan only provided implementation schedule for non-structural targeted control measures up to 2017. The LSGR Watershed Management Group must provide measurable</p>	<p>No "additional support" was provided.</p> <p>While this issue has been acknowledged through the changes in the WMP, it has not been addressed. (Pages 15-16)</p>	<p>The Group added two additional subsections in section 4 of their WMP to provide additional support for the sufficiency of nonstructural controls to cumulatively meet the 10% load reduction milestone.</p> <p>This comment is related to previous comments regarding nonstructural BMPs.</p> <p>--</p> <p>The Group adds additional specificity to its compliance schedule in Section 5.1.</p> <p>In the sense that "measureable milestones" refer to things that are quantitative and/or definitively scheduled on a particular date, the compliance schedule may appear to be lacking. However, given the types of nonstructural controls that the Group is pursuing, anything of this nature is not likely reasonable.</p> <p>However, the schedule still provides a way to track progress towards interim and final WQBELs. The change is that, instead of preemptively setting a milestone to be met by a particular date, the Group instead will</p>

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	<p>milestones for implementing each one of the proposed control measures that will allow an assessment of progress toward the interim and final WQBELs and receiving water limitations every two years.</p>		<p>provide information on the successes and failures of its planned nonstructural controls. This gives information on whether the Group's proposed nonstructural control measures are actually having any on-the-ground impact.</p> <p>This comment is related to previous comments regarding specificity.</p> <p>The above revisions adequately addressed Board staff's comment.</p>
<p>(9) Lower San Gabriel River</p>	<p>The report needs to present the same information, if available, for non-stormwater runoff. Alternatively, the report should include a commitment to collect the necessary data in each watershed area, through the non-stormwater outfall screening and monitoring program....</p>	<p>There is no evidence in either the 2015 RAA or the revised WMP that this comment was addressed. (Page 17)</p>	<p>The revised WMP does not include the same information for non-stormwater runoff; however, it includes additional information to support the assumptions used in its dry weather analysis:</p> <ul style="list-style-type: none"> - 10% nonstructural BMP assumption in Section 4.3 - 25% irrigation reduction assumption in Section 4.2.1 <p>In Section 4 of the WMP, the Group commits to re-calibrate its modeling as data is collected through its monitoring program (which includes the non-stormwater outfall screening and monitoring program).</p> <p>As explained in Section 7.1.2. of the RAA (Appendix A-4-1, pg. 51), for non-stormwater flows, the Group assumes a 10% load</p>

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			<p>reduction from nonstructural BMPs and a 25% reduction in irrigation, which leads to another modeled load reduction. The remaining load reduction required for dry weather is assumed to be addressed by structural BMPs.</p> <p>Since the Group is committed to recalibrate modeling with new monitoring data and evaluate the above assumptions, the revised WMP adequately addressed Board staff's comment.</p>

Supporting Materials

[Sent under separate cover on August 13, 2015 on DVD. Also now available on Dropbox at

<https://www.dropbox.com/sh/xghkmuoxn6fh4yq/AAA9e1EIXSci3JSAFHmQYuXua?dl=0>

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Folder Number	File Number on CD	Item
1		Petition for Review
	1	➤ Petition for Review
	2	➤ Memorandum of Points & Authorities
	3	➤ Exhibit A
	3	➤ Exhibit B
	3	➤ Exhibit C
	3	➤ Exhibit D
2		Responses to Petition
	1	➤ City of Claremont
	2	➤ City of Los Angeles
	3	➤ East San Gabriel Valley
	4	➤ County of Los Angeles, Department of Public Works
	5	➤ Los Cerritos Channel Watershed Group
		➤ Lower Los Angeles River
	6a	○ Response
	6b	○ Legal Memorandum
	6c	○ Request for Official Notice
		➤ Lower San Gabriel River
	7a	○ Response
	7b	○ Matrix of Responses
	7c	○ Legal Memorandum
	8	➤ Los Angeles River-Upper Reach 2
	9	➤ Joyce Dillard

3		East San Gabriel Valley
	1	a. Revised Draft WMP
	2	b. Approval, with conditions
	3	c. Final WMP
	4	d. Confirmation of Approval
4		City of El Monte
	1	a. Revised Draft WMP
	2	b. Approval, with conditions
	3	c. Final WMP
	4	d. Confirmation of Approval
5		Los Angeles River-Upper Reach 2
	1	a. Revised Draft WMP
	2	b. Approval, with conditions
	3	c. Final WMP
	4	d. Confirmation of Approval
6		Los Cerritos Channel
	1	a. Revised Draft WMP
	2	b. Approval, with conditions
	3	c. Final WMP
	4	d. Confirmation of Approval
7		Los Cerritos-Alamitos Bay
	1	a. Revised Draft WMP
	2	b. Approval, with conditions
	3	c. Final WMP

	4	d. Confirmation of Approval
8		Lower Los Angeles River
	1	a. Revised Draft WMP
	2	b. Approval, with conditions
	3	c. Final WMP
	4	d. Confirmation of Approval
9		Lower San Gabriel River
	1	a. Revised Draft WMP
	2	b. Approval, with conditions
	3	c. Final WMP
	4	d. Confirmation of Approval
10		Santa Monica Bay-Jurisdictional Group 7
	1	a. Revised Draft WMP
	2	b. Approval, with conditions
	3	c. Final WMP
	4	d. Confirmation of Approval
11		City of Walnut
		a. Revised Draft WMP
	1a	<ul style="list-style-type: none"> • 1st Revised Draft WMP (Submitted 01/21/15, but incorrectly dated 07/21/15)
	1b	<ul style="list-style-type: none"> • 2nd Revised Draft WMP (Dated 4/22/15)
	2	b. Approval, with conditions
	3	c. Final WMP
	4	d. Confirmation of Approval

12		Material from April 13, 2015 Public Meeting on Revised WMPs
		Permittees' presentation slides
	1	➤ Alamitos Bay and Los Cerritos Channel
	2	➤ City of El Monte
	3	➤ East San Gabriel Valley
	4	➤ Los Cerritos Channel
	5	➤ Lower Los Angeles River
	6	➤ Lower San Gabriel River
	7	➤ Santa Monica Bay-Jurisdictional Group 7
	8	➤ Los Angeles River-Upper Reach 2
	9	Audio of April 13, 2015 Public Meeting
13		Internal WMP Review & Evaluation Questions
	1	a. List of Review and Evaluation Questions

Rodgers, Theresa@Waterboards

From: lyris@swrcb18.waterboards.ca.gov
Sent: Thursday, September 03, 2015 11:35 AM
To: Rodgers, Theresa@Waterboards
Subject: AVAILABILITY OF ADDITIONAL DOCUMENTS FOR THE 9/10/15 BOARD HEARING ON THE MS4 PERMIT
Attachments: 09-03-2015 (2).pdf



Water Boards This is a message from the California Regional Water Quality Control Board, Los Angeles Region (4).

Please see attached Notice of Availability of Additional Documents for the September 10, 2015 Board Hearing on the Petition for Review of the Executive Officer's Approval, with conditions, of nine Watershed Management Programs Pursuant to the LA County MS4 Permit (Order No. R4-2012-0175)

You are currently subscribed to reg4_sw_losanagelesco_ms4 as: Theresa.Rodgers@waterboards.ca.gov.

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Los Angeles Regional Water Quality Control Board

TO: LA County MS4 Permittees and Other Interested Persons

FROM: Renee Purdy *RAP*
Section Chief
REGIONAL PROGRAMS

DATE: September 3, 2015

SUBJECT: NOTICE OF AVAILABILITY OF ADDITIONAL DOCUMENTS FOR THE SEPTEMBER 10, 2015 BOARD HEARING ON THE PETITION FOR REVIEW OF THE EXECUTIVE OFFICER'S APPROVAL, WITH CONDITIONS, OF NINE WATERSHED MANAGEMENT PROGRAMS PURSUANT TO THE LA COUNTY MS4 PERMIT (ORDER NO. R4-2012-0175)

This notice informs interested persons that additional documents are available pertaining to the September 10, 2015 public hearing on the petition for review of the Executive Officer's approval, with conditions, of nine Watershed Management Programs (WMPs) pursuant to the LA County MS4 Permit.

These documents include: (i) Regional Board Staff's Response to Petition for Review of the Executive Officer's approval, with conditions, of nine Watershed Management Programs pursuant to the Los Angeles County MS4 Permit; (ii) Attachment 1 – Staff Response to Petitioners' Detailed Technical Comments in its Memorandum of Points and Authorities and Exhibit D [of the Petition]; (iii) Attachment 2 – Assessment of NRDC/LAWK/HTB March 25, 2015 Letter Commenting on Revised Watershed Management Programs; and (iv) Draft Watershed Management Program Review and Evaluation Questions.

These documents are available on the Los Angeles Water Board's website at:

http://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/watershed_management/Consideration_of_petition/index.shtml and
http://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/watershed_management/index.shtml

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