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## Los Angeles Regional Water Quality Control Board

January 29, 2016

Mr. Kevin Hampton  
AERC Desmonds Tower LLC  
2 Venture  
Irvine, CA 92618

**REVISED COVERAGE UNDER GENERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT AND WASTE DISCHARGE REQUIREMENTS- AERC DESMONDS TOWER LLC, DESMOND WILSHIRE PROJECT, 5520 WEST WILSHIRE BOULEVARD, LOS ANGELES, CALIFORNIA (NPDES NO. CAG994004, CI-9957)**

Dear Mr. Hampton,

In our letter dated July 12, 2013, we informed you that the subject discharge is regulated under Order No. R4-2013-0095, *General National Pollutant Discharge Elimination System and Waste Discharge Requirements for Discharges of Groundwater from Construction and Project Dewatering to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties, (General NPDES Permit No. CAG994004)*, which also serves as your NPDES permit. Your NPDES permit includes selenium effluent limitations and selenium monitoring to implement Waste Load Allocations (WLAs) that are required per Total Maximum Daily Loads (TMDL) for discharges to the Ballona Creek.

On December 5, 2013, the Regional Board adopted Resolution R13-010 amending Chapter 7 of the Basin Plan for the Los Angeles Region to revise the TMDL for metals in Ballona Creek and the TMDL for toxic pollutants in the Ballona Creek Estuary. This action was based on recent data indicating that selenium is not present at levels exceeding existing water quality standards and is not impairing the designated beneficial uses. Resolution R13-010 removed selenium from the TMDL for metals in Ballona Creek and toxic pollutants in the Ballona Creek Estuary.

On June 17, 2014, the State Board approved the Regional Board Resolution No. R13-010. Subsequently, the Office of Administrative Law approved the State Board's regulatory action on May 4, 2015. On October 26, 2015, USEPA approved the Basin Plan Amendment package for the revised metals TMDL in Ballona Creek and toxic pollutants in Ballona Creek Estuary TMDL.

Therefore, the selenium TMDL for the Ballona Creek contained in Order No. R4-2013-0095, as reflected in your enrollment authorization letter and factsheet dated July 12, 2013, is no longer applicable to your discharge. In addition, we have reviewed the quarterly monitoring data submitted in accordance with your Monitoring and Reporting Program along with the analytical water quality data initially submitted with your Notice of Intent form. The data indicate that no reasonable potential exists for selenium in your discharge; therefore, selenium effluent limitations are not prescribed for your discharge. However, you are required to continue monitoring for selenium in your discharge at a reduced frequency of once per year, conducted

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on or before November 30, each year; to ensure the Ballona Creek does not become impaired due to selenium in the future. Please note that all other conditions of your existing enrollment remains in effect except as amended by this letter.

If you have any questions, please contact Vilma Correa at (213) 576-6794.

Sincerely,



Samuel Unger, P.E.  
Executive Officer

cc: Environmental Protection Agency, Region 9, Permit Section (WTR-5)  
State Water Resources Control Board, npdes-wastewater@waterboards.ca.gov  
U.S. Army Corps of Engineers  
U.S. Fish and Wildlife Services, Division of Ecological Services  
NOAA, National Marine Fisheries Service  
California Department of Fish and Wildlife, Marine Resources, Region 5  
Los Angeles County, Department of Public Works, Environmental Programs Division  
Los Angeles County, Department of Public Works, Flood Maintenance Division  
Jae Kim, Tetra Tech  
Russ Colby, Regional Water Quality Control Board-Los Angeles Region, Enforcement Unit