

**1. TEST CLAIM TITLE**

Joint Test Claims of Los Angeles County  
Local Agencies Concerning Los Angeles

**2. CLAIMANT INFORMATION**

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**3. CLAIMANT REPRESENTATIVE INFORMATION**

Claimant designates the following person to act as its sole representative in this test claim. All correspondence and communications regarding this claim shall be forwarded to this representative. Any change in representation must be authorized by the claimant in writing, and sent to the Commission on State Mandates.

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**RECEIVED**  
November 20, 2017  
Commission on  
State Mandates

For CSM Use Only  
Filing Date:  
  
Test Claim #:

**4. TEST CLAIM STATUTES OR EXECUTIVE ORDERS CITED**

Please identify all code sections (include statutes, chapters, and bill numbers) (e.g., Penal Code Section 2045, Statutes 2004, Chapter 54 [AB 290]), regulations (include register number and effective date), and executive orders (include effective date) that impose the alleged mandate .

Los Angeles RWQCB Order No.  
R4-2012-0175 (NPDES No. CAS 004001)

Copies of all statutes and executive orders cited are attached.

Sections 5, 6, and 7 are attached as follows:  
**5. Written Narrative:** pages \_\_\_\_ to \_\_\_\_.  
**6. Declarations:** pages \_\_\_\_ to \_\_\_\_.  
**7. Documentation:** pages \_\_\_\_ to \_\_\_\_.

**8. CLAIM CERTIFICATION**

*Read, sign, and date this section and insert at the end of the test claim submission.\**

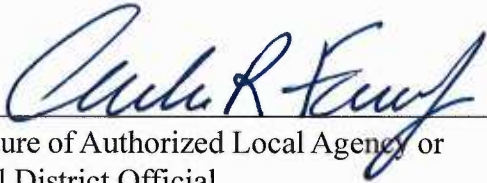
This test claim alleges the existence of a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514. I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this test claim submission is true and complete to the best of my own knowledge or information or belief.

**Carlos R. Fandino, Jr.**

**City Administrator**

Print or Type Name of Authorized Local Agency  
or School District Official

Print or Type Title



10/25/17

Signature of Authorized Local Agency or  
School District Official

Date

*\* If the declarant for this Claim Certification is different from the Claimant contact identified in section 2 of the test claim form, please provide the declarant's address, telephone number, fax number, and e-mail address below.*

# SECTION FIVE

## NARRATIVE STATEMENT

In Support of Joint Test Claim of Los Angeles County Local Agencies Concerning Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No. CAS 004001), 13-TC-01

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## **NARRATIVE STATEMENT IN SUPPORT OF JOINT TEST CLAIM**

### **I. INTRODUCTION**

The Cities of Agoura Hills, Bellflower, Beverly Hills, Carson, Cerritos, Commerce, Downey, Huntington Park, Lakewood, Manhattan Beach, Norwalk, Pico Rivera, Rancho Palos Verdes, Redondo Beach, San Marino, Santa Clarita, Santa Fe Springs, Signal Hill, South El Monte, Vernon, Westlake Village and Whittier (collectively, the “Claimants”) bring this Joint Test Claim with respect to various requirements in a stormwater permit issued by the California Regional Water Quality Control Board, Los Angeles Region (“LARWQCB”). Such requirements are unfunded state mandates for which a subvention of funds is required.

#### **A. Adoption of Executive Order**

On November 8, 2012, the LARWQCB adopted a new storm water permit, Order No. R4-2012-0175 (NPDES No. CAS 004001) (“Permit”) regulating discharges from the municipal separate storm sewer systems (“MS4s”) operated by a number of municipal entities in portions of Los Angeles County.<sup>1</sup>

The Permit includes numerous new provisions that exceed the requirements of federal law, all of which were not included in the previous MS4 permit issued by the LARWQCB on December 13, 2001, Order No. 01-182 (“2001 Permit”).<sup>2</sup> These new requirements represent unfunded State mandates for which Claimants are entitled to reimbursement under article XIII B, section 6, of the California Constitution.

This Section 5 of the Test Claim identifies the activities that are unfunded mandates and sets forth the basis for reimbursement for such activities. Claimants seek a subvention of funds for the following mandates:

A. Requirements to comply with Total Maximum Daily Load (“TMDL”) programs set forth in Permit Part VI.E and Attachments L through Q and in the Permit’s Monitoring and Reporting Program;

B. Requirements involving the prohibition of non-stormwater discharges into and through the permittees’ MS4s, contained in Permit Part III.A;

C. Requirements relating to the provision of a means for public reporting of clogged catch basin inlets and illicit discharges, missing catch basin labels and other pollution prevention information, contained in Permit Part VI.D.5;

D. Requirements relating to the inspection of industrial and commercial facilities and to inventory or database critical industrial and commercial sources in Permit Part VI.D.6;

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<sup>1</sup> A copy of the Permit and all attachments is included as Exhibit A in Section 7, filed herewith. The permittees regulated under the Permit are the Los Angeles County Flood Control District, the County of Los Angeles and 84 cities in the County. A full list of the permittees can be found on pages 1-8 of the Permit.

<sup>2</sup> A copy of the 2001 Permit is included as Exhibit B in Section 7.

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E. Requirements contained in the planning and development program requirements in the Permit (Part VI.D.7), including to track, enforce and inspect new development and re-development post-construction best management practices (“BMPs”);

F. Requirements in Permit Part VI.D.8 relating to construction site activities, including to inspect construction sites of one acre or greater covered by the general construction activities stormwater permit, to electronically inventory various land use permits and to update this inventory, to require review and approval of erosion and sediment control plans, to develop technical standards for the selection, installation and maintenance of construction BMPs, to develop procedures to review and approve relevant construction plan documents, and to train permittee employees with respect to review and inspections;

G. Requirements relating to public agencies in Permit Part VI.D.9, including to maintain an updated inventory of permittee-owned or operated public facilities that are potential sources of stormwater pollution, to develop an inventory of public rights of ways or other areas that can be retrofitted to reduce the discharge of stormwater, to develop and implement an Integrated Pest Management Program, and for areas not subject to a trash TMDL to install trash excluders or equivalent devices on catch basins or take alternative steps such as increased street sweeping, adding trash cans or installing trash nets; and

H. Requirements in Permit Part VI.D.10 to, among other things, promote, publicize and facilitate public reporting of illicit discharges, ensure that signage adjacent to open channels includes information regarding dumping prohibitions and public reporting of illicit discharges, develop procedures regarding documentation of the handling of complaint calls, develop spill response plans, and expand training programs.

**B. Statement of Interest of Claimants**

Claimants file this test claim jointly and, pursuant to 2 Cal. Code Reg. § 1183.1(g), attest to the following:

1. Claimants allege state-mandated costs resulting from the same Executive Order, *i.e.*, the Permit;
2. Claimants agree on all issues of the Joint Test Claim; and
3. Claimants have designated one contact person to act as a resource for information regarding the test claim in Section 3 of their Test Claim forms.<sup>3</sup>

**C. Statement of Actual and/or Estimated Costs Exceeding \$1,000**

Claimants further state that, as set forth below in the discussion of each specific mandate and in the attached Section 6 Declarations, the actual and/or estimated costs from the state mandates set forth in this Joint Test Claim exceed \$1,000 for each of the Claimants. This Narrative Statement sets forth specific and estimated amounts expended by Claimants as determined from

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<sup>3</sup> See Section 6 Declarations of Claimants, filed herewith.



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the review of pertinent records and as disclosed in the Section 6 Declarations filed herewith. Such amounts reflect, in many cases, costs associated with the development of programs and not their later implementation by Claimants. Claimants respectfully reserve the right to modify such amounts when or if additional information is received and to adduce additional evidence of costs if required in the course of the Joint Test Claim.

**D. The Joint Test Claim is Timely Filed**

A test claim must be filed with the Commission “not later than 12 months following the effective date of a statute or executive order, or within 12 months of first incurring increased costs as a result of a statute or executive order, whichever is later. For purposes of claiming based on the date of first incurring costs, ‘within 12 months’ means by June 30 of the fiscal year following the fiscal year in which increased costs were first incurred by the test claimant.”<sup>4</sup> The Commission is bound by this regulation. *Bonn v. California State University, Chico* (1979) 88 Cal.App.3d 985, 990.

The Permit became effective on December 28, 2012. Claimants first incurred certain costs to implement the Permit during fiscal year (“FY”) 2012-2013, which ended on July 1, 2013.<sup>5</sup> Examples of these costs include staff time analyzing and deciding whether to implement Watershed Management Programs or Enhanced Watershed Management Programs, which address each of the new mandates. The staff time expended on the Watershed Management and Enhanced Watershed Management Programs resulted in Letters of Intent sent to the LARWQCB in June, 2013.<sup>6</sup> This Test Claim was filed on June 30, 2014, i.e., by June 30 of the fiscal year following the fiscal year in which the increased costs were first incurred. It is thus timely.<sup>7</sup>

**II. THE STATUTORY AND REGULATORY FRAMEWORK**

The Permit was issued as both a “waste discharge requirement” under the Porter-Cologne Water Quality Control Act, Water Code § 13000 *et seq.*, and as a National Pollutant Discharge Elimination System (“NPDES”) permit under the federal Clean Water Act (“CWA”), 42 U.S.C. § 1342. *See* Permit Part II.H. In 1969, three years before Congress enacted the CWA, the California Legislature enacted the Porter-Cologne Act, which established the State Board and nine regional control boards as the agencies responsible for the coordination and control of water quality in California. Water Code § 13001.<sup>8</sup> Under Porter-Cologne, any person who discharges or proposes to discharge “waste” that could affect the quality of the “waters of the state” is required to obtain a waste discharge requirement permit. Water Code §§ 13260 and 13263.

In 1972 Congress adopted what later became known as the CWA. In so doing, Congress expressly preserved the right of any state to adopt or enforce standards or limitations respecting discharges of pollutants or the control or abatement of pollutants, so long as such provisions were not “less stringent” than federal law. 33 U.S.C. § 1370. *See also* 40 C.F.R. § 123.1(i) (“Nothing

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<sup>4</sup> 2 Cal. Code Regs. § 1183.1(c).

<sup>5</sup> Section 6 Declarations, ¶¶ 8-15.

<sup>6</sup> Declarations, ¶¶ 8-15. *See* Exhibit 1 to each declaration for the date each City’s Letter of Intent was sent.

<sup>7</sup> 2 Cal. Code Regs. § 1183.1(c).

<sup>8</sup> Copies of relevant California statutes are contained in Section 7, Exhibit C.

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in this part precludes a State from: (1) Adopting or enforcing requirements which are more stringent or more extensive than those required under this part; (2) Operating a program with a greater scope of coverage than that required under this part.”).

Under the CWA, the discharge of a pollutant to a navigable water of the United States is prohibited unless the discharge is in accordance with one of the statutory provisions of the Act. 33 U.S.C. § 1311(a).<sup>9</sup> One of those provisions is the NPDES permit program. 33 U.S.C. § 1342. The CWA provides that states may administer their own NPDES permit programs in lieu of the federal program. 33 U.S.C. § 1342(b); 40 C.F.R. § 123.22. A state’s decision to do so is entirely voluntary, and if the state chooses not to administer this program, NPDES permits for that state are issued by USEPA. *See* 33 U.S.C. § 1342(a).

To effectuate California’s issuance of NPDES permits, the Legislature in 1972 added Chapter 5.5 to the Porter-Cologne Act, Water Code §§ 13370-13389. *Building Industry Ass’n of San Diego County v. State Water Resources Control Board* (2004) 124 Cal.App.4<sup>th</sup> 866, 875.<sup>10</sup> In so doing, the Legislature ensured that California law would mirror the CWA’s savings clause by authorizing the State Board and regional boards to not only issue permits that complied with the CWA’s requirements, but also to include in them “any more stringent effluent standards or limitations necessary to implement water quality control plans, or the protection of beneficial uses, or to prevent nuisance.” Water Code § 13377.

In California, NPDES permits are issued by the State Board and the nine regional boards. Water Code § 13377. Such permits can include both federal requirements and any other state provisions that are more stringent than the federal requirements. *Id.* As the California Supreme Court held in *City of Burbank v. State Water Resources Control Board* (2005) 35 Cal. 4<sup>th</sup> 613, 627-28, the latter requirements are state-imposed and subject to the requirements of state law.

The CWA was amended in 1987 to include within its regulation discharges of stormwater from both industrial and municipal sources. 33 U.S.C. § 1342(p). Permits for discharges from municipal separate storm sewer systems:

- (i) may be issued on a system or jurisdiction-wide basis;
- (ii) shall include a requirement to effectively prohibit non-stormwater discharges into the storm sewers; and
- (iii) shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants.

33 U.S.C. § 1342(p)(3)(B).

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<sup>9</sup> Copies of federal statutes and regulations are contained in Section 7, Exhibit D.

<sup>10</sup> Copies of cited federal and state cases are contained in Section 7, Exhibit E.

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The CWA requirements imposed on municipal stormwater dischargers are less stringent than those imposed on industrial dischargers. Industrial dischargers, including industrial stormwater dischargers, must assure that their discharges meet “water quality standards.” 33 U.S.C. §§ 1342(a), 1311(b)(1)(C) and 1342(p)(3)(A). The CWA does not impose this requirement on municipal stormwater dischargers. 33 U.S.C. § 1342(p)(3)(B); *Defenders of Wildlife v. Browner* (9<sup>th</sup> Cir. 1999) 191 F.3d 1159, 1164-65. In *Defenders*, the Ninth Circuit specifically held that MS4 permits were not required to include requirements to meet water quality standards. The court found that EPA or a state may have the *discretion* to include such requirements in a MS4 permit, but such inclusion was solely discretionary. It is not required by the CWA. *Id.* at 1166.

Under the CWA, a state administers “*its own permit program* for discharges into navigable waters,” which program is established and administered “*under State law.*” 33 U.S.C. § 1342(b) (emphasis added.) *See also* 40 C.F.R. §123.22 (“Any State that seeks to administer a program . . . shall submit a description of the program it proposes to administer in lieu of the Federal program *under State law.* . . .”) (emphasis added).

When administering an NPDES program, the state is not acting as an arm of the United States Environmental Protection Agency (“EPA”), but is acting *in lieu* of the federal program. 40 C.F.R. § 123.22; *State of California v. United States Department of the Navy* (9<sup>th</sup> Cir. 1988) 845 F.2d 222, 225 (CWA legislative history “clearly states that the state permit programs are ‘not a delegation of Federal Authority’ but instead are state programs which ‘function . . . in lieu of the Federal program.’”); *Voices of the Wetlands v. State Water Resources Control Bd.* (2011) 52 Cal.4<sup>th</sup> 499, 522 (“It is true, as these parties observe, that the Clean Water Act does not directly delegate a state agency the authority to administer the federal clean water program; instead, it allows the EPA director to ‘suspend’ operation of the federal permit program in individual states in favor of EPA-approved permit systems that operate under those state’s own laws in lieu of the federal framework.”).

The Permit is a “Phase I” permit issued to MS4s serving large urban populations. In 1990, EPA issued regulations to implement Phase I of the MS4 permit program. 55 Fed. Reg. 47990 (November 16, 1990). The requirements of those regulations, as they apply to the provisions of the Permit relevant to this Test Claim, are discussed in further depth below.

This Commission previously has found in a test claim brought regarding the 2001 Permit and in a test claim brought regarding a 2007 San Diego MS4 permit that those permits contained requirements that exceeded federal law and constituted unfunded state mandates. *In re Test Claim on: Los Angeles Regional Quality Control Board Order No. 01-192*, Case Nos.: 03-TC-04, 03-TC-19, 03-TC-20, 03-TC-21 (“Los Angeles County Test Claim”); *In re Test Claim on: San Diego Regional Water Quality Control Board Order No. R9-2007-0001*, Case No. 07-TC-09 (“San Diego County Test Claim”). The Supreme Court affirmed the Commission’s Los Angeles County Test Claim’s findings in *Dept. of Finance v. Commission on State Mandates* (2016) 1 Cal. 5<sup>th</sup> 749 (“*Dept. of Finance*”), a case which is discussed in detail in Section III.B below. Review of the Commission’s decision in the San Diego County Test Claim is pending in the California Court of Appeal.

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The State Board has issued two state-wide general NPDES stormwater permits covering construction sites (SWRCB Order 2009-0009 DWQ, as amended by Order 2010-0014 DWQ) (“GCASP”) and certain industrial facilities (SWRCB Order 97-03 DWQ, superseded by Order No. 2014-0057-DWQ (effective July 1, 2015)) (“GIASP”). The responsibility to enforce these permits has been delegated by the State Board to the regional boards. *See* Order 2009-0009 DWQ, paragraph 8; Order 97-03 DWQ, paragraph 13, Order 2014-0057, paragraphs I.A.7, I.Q, and XIX.B.<sup>11</sup> In addition, permittees covered by the GCASP and GIASP are required to pay fees to the State Board, fees which are authorized under Water Code § 13260(d)(2)(B)(i)-(iii).

As will be discussed below, however, notwithstanding these State Board Orders the Permit requires the permittees to inspect industrial and construction sites and to conduct enforcement activities with respect to these general permits, which represents a transfer of these state obligations to local agencies. The Commission itself has already found, in the Los Angeles County Test Claim, that similar obligations under the 2001 Permit represented state mandates. Los Angeles County Test Claim, Statement of Decision at 40-48.

### III. STATE MANDATE LAW

#### A. Introduction

Article XIII B, section 6, of the California Constitution requires that the Legislature provide a subvention of funds to reimburse local agencies any time that the Legislature or a state agency “mandates a new program or higher level of service on any local government.” The purpose of section 6 “is to preclude the State from shifting financial responsibility for carrying out governmental functions to local agencies, which are ‘ill equipped’ to assume increased financial responsibilities because of the taxing and spending limitations that articles XIII A and XIII B impose.” *County of San Diego v. State of California* (1991) 15 Cal.4<sup>th</sup> 68, 81. The Legislature implemented section 6 by enacting a comprehensive administrative scheme to establish and pay mandate claims. Govt. Code § 17500 *et seq.*; *Kinlaw v. State of California* (1991) 54 Cal.3d 326, 331, 333 (statute establishes “procedure by which to implement and enforce section 6”).

“Costs mandated by the state” include “any increased costs which a local agency ... is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.” Govt. Code § 17514.

Govt. Code § 17516 defines “executive order” to mean “any order, plan, requirement, rule or regulation issued by the Governor, any officer or official serving at the pleasure of the Governor, or any agency, department, board, or commission of state government.”

Govt. Code § 17556 identifies seven exceptions to the reimbursement requirement for state mandated costs. The exceptions are as follows:

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<sup>11</sup> See Section 7, Exhibit F and Exhibit G, Supplemental Authorities filed herewith.

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(a) The claim is submitted by a local agency . . . that requested legislative authority for that local agency . . . to implement the program specified in the statute, and that statute imposes costs upon that local agency or school district requesting the legislative authority. . . .

(b) The statute or executive order affirmed for the state a mandate that had been declared existing law or regulation by action of the courts.

(c) The statute or executive order imposes a requirement that is mandated by a federal law or regulation and results in costs mandated by the federal government, unless the statute or executive order mandates costs that exceed the mandate in that federal law or regulation. . . .

(d) The local agency . . . has the authority to levy service charges, fees, or assessments sufficient to pay for the mandated program or increased level of service.

(e) The statute, executive order, or an appropriation in a Budget Act or other bill provides for offsetting savings to local agencies . . . that result in no net costs to the local agencies or . . . includes additional revenue that was specifically intended to fund the costs of the state mandate in an amount sufficient to fund the cost of the state mandate.

(f) The statute or executive order imposes duties that are necessary to implement, reasonably within the scope of, or expressly included in, a ballot measure approved by the voters in a statewide or local election.

(g) The statute created a new crime or infraction, eliminated a crime or infraction, or changed the penalty for a crime or infraction, but only for that portion of the statute relating directly to the enforcement of the crime or infraction.

Of these exceptions, only (c) and (d) are relevant to the determination of this Test Claim.

**B. The Supreme Court’s Holdings in *Dept. of Finance Control this Case***

In *Dept. of Finance*, the Supreme Court addressed a challenge to the Commission’s finding that the inspection and trash receptacle provisions of the 2001 Permit constituted state, as opposed to federal, mandates. Three holdings from that case are pertinent here:

1. The first is the holding that sets forth the test to determine if a mandate is federal versus state: “If federal law compels the state to impose, or itself imposes, a requirement, that requirement is a federal mandate. On the other hand, if federal law gives the state discretion whether to impose a particular implementing requirement, and the state exercises its discretion to impose the requirement by virtue of a “true choice,” the requirement is not federally mandated.” 1 Cal. 5<sup>th</sup> at 765.

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2. The second is the holding that addresses the lack of deference to Regional Board findings: In determining whether a mandate is state or federal, the Commission does not defer to the Regional Board. Instead, the Commission makes its own, independent finding. *Id.* at 768-769.

3. The third holding addresses the burden of proof: The State has the burden of proving that one of Government Code section 17756 exceptions applies, including that a mandate is federal as opposed state. *Id.* at 769.

The manner in which the Supreme Court reached its conclusion that the inspection and trash receptacle requirements were state mandates is also pertinent here. The Supreme Court's analysis included (a) examination of federal and state statutory and regulatory authority, (b) evidence from the permit development process, and (c) evidence of other permits issued by the federal and state governments. In affirming the Commission's decision, the Court explicitly rejected the State's argument that the inspection and trash requirements were implementation of the maximum extent practicable ("MEP") standard required of stormwater permittees by 33 U.S.C. § 1342(p)(3)(B)(iii), and that the existence of this MEP provision alone was sufficient to establish that federal law compelled these requirements. 1 Cal. 5<sup>th</sup> at 759-760, 767-768. Instead the Court undertook an analysis of whether federal law specifically compelled the inspection and trash receptacle requirements at issue. 1 Cal. 5<sup>th</sup> at 770-772. The Court also rejected the State's argument that the Commission should defer to Regional Board findings that the permit requirements were federal versus state. 1 Cal. 5<sup>th</sup> at 768-769.

The Supreme Court's holdings were based on the public policies underlying article XIII B, section 6, and the reasoning in four principal cases, *City of Sacramento v. State of California* (1990) 50 Cal. 3d 51, *County of Los Angeles v. Commission on State Mandates* (1995) 32 Cal. App. 4<sup>th</sup> 805, *Hayes v. Commission on State Mandates* (1992) 11 Cal.App.4<sup>th</sup> 1564, and *Division of Occupational Safety & Health v. State Bd. Of Control* (1987) 189 Cal.App.3<sup>d</sup> 794. *See Dept. of Finance*, 1 Cal. 5<sup>th</sup> at 762-769.

These public policies, the holdings in *Dept. of Finance*, and the holdings in the four cases the Supreme Court relied on, all apply here. As set forth below, the mandates at issue in this Test Claim carry out the governmental function of providing services to the public and impose unique requirements on Claimants. The mandates are new or impose a higher level of service. Each requirement is the result of a "true choice" by the Regional Board to impose the conditions at issue or to specify the means of compliance. Nowhere in the Permit is there any case-specific Regional Board finding that the requirements at issue are the *only* way in which the MEP standard could be achieved. Finally, Claimants do not have the authority to levy service charges, fees or assessments sufficient to pay for these mandates.

**IV. THE MANDATES AT ISSUE HERE ARE STATE MANDATES FOR WHICH CLAIMANTS ARE ENTITLED TO A SUBVENTION OF FUNDS**

As noted, Calif. Const. article XIII B, section 6, requires a subvention of funds whenever the Legislature or any state agency imposes a new program or higher level of service on any local government. A "program" within the meaning of article XIII B, section 6, is a program that carries out a governmental function of providing services to the public, or laws which, to implement a

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state policy, impose unique requirements on local governments. *County of Los Angeles v. State of California* (1987) 43 Cal.3d, 46, 56.

The Permit requirements at issue here are “programs” within the meaning of article XIII B, section 6, in that they require Claimants to provide certain services to the public. The Permit requirements here are unique because they arise from the operation of a MS4 NPDES Permit, which is a permit issued only to municipalities and which requires activities that are not required of any private, non-governmental discharger. These requirements include the adoption of ordinances, the development and amendment of government planning documents and electronic databases, the inspection of facilities, the enforcement of statutes and ordinances and other governmental activities.

Under the Permit, Claimants either comply directly with its specific provisions or comply through a Watershed Management Program (“WMP”) or Enhanced Watershed Management Program (“EWMP”), as set forth in Part VI.C of the Permit. The WMP and EWMP are intended to allow permittees, individually or collectively, to develop a coordinated plan to implement the requirements of the Permit. Permit Part VI.C.1.a. For example, permittees that prepare a WMP or EWMP can prepare a customized program to comply with the “Storm Water Management Program Minimum Control Measures” (“MCM”) set forth in Permit Part VI.D. Part VI.C.5.b(iv). However, the control measures set forth in the WMP or EWMP must be consistent with those MCM control measures set forth in Permit Part VI.D, which are “incorporated” as part of the WMP or EWMP pursuant to Part VI.C.5.b(iv).

Permittees which participate in a WMP or EWMP must assess the MCMs for the Development Construction Program (Part VI.D.8), the Industrial/Commercial Facilities Program (Part VI.D.6), the Illicit Connection and Illicit Discharges Detection and Elimination Program (Part VI.D.10), the Public Agency Activities Program (Part VI.D.9) and the Public Information and Participation Program (Part VI.D.5) and identify “potential modifications” that will address watershed priorities.” Part VI.C.5.b(iv)(1)(a). The discretion of permittees participating in a WMP or EWMP is thus constrained by the requirements of the MCMs. Permit Part VI.C.5.b(iv)(1)(c) further requires that if a permittee “elects to eliminate a control measure identified in Parts VI.D.4 [relating to the Los Angeles County Flood Control District], VI.D.5, VI.D.6 and VI.D.8 to VI.D.10 because that specific control measure is not applicable to the Permittee(s), the Permittee(s) shall provide a justification for its elimination.” Control measures set forth in the Permit’s Planning and Land Development Program (Permit Part VI.D.7) are “not eligible for elimination.” *Id.*

Permittees participating in a WMP or EWMP also must, with regard to non-stormwater discharge measures, include “strategies, control measures, and/or BMPs that must be implemented to effectively eliminate the source of pollutants consistent with Parts III.A [which addresses non-stormwater discharges] and VI.D.10 [the MCM concerning illicit connection and illicit discharges detection and elimination].” Permit Part VI.C.5.b(iv)(2). Additionally, as discussed in Section IV.A below, permittees can also comply with Total Maximum Daily Load (“TMDL”) programs through participation in a WMP or EWMP.

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Thus, the specific requirements of the Permit as to MCMs, non-stormwater discharges, and TMDL and RWL compliance drive the scope and ultimate expense of the development and implementation of the WMP or EWMP. The WMP or EWMP is one means of complying with the mandates imposed by the Permit. Permittees participate in a WMP/EWMP (which must be consistent with the Permit's specific requirements) or otherwise comply directly with the Permit's specific requirements. Permit Part VI.C.4.e. If a permittee does not have an approved WMP or EWMP within the time deadlines set forth in the Permit, it "shall be subject to the baseline requirements in Part VI.D [the MCM] and shall demonstrate compliance with receiving water limitations pursuant to Part V.A and with applicable interim water quality-based effluent limitations in Part VI.E . . . ." *Id.*

**A. TMDL Requirements**

**1. Mandate Requirements in the Permit**

The Permit requires Claimants to comply with applicable water quality-based effluent limitations and receiving water limitations contained in the Total Maximum Daily Loads ("TMDLs") set forth in the Permit's attachments L through R. Claimants must comply with the implementation plans and schedules in state adopted TMDLs, and can comply with interim limits and EPA-adopted TMDLs through a WMP or EWMP, as discussed above. Permit Parts VI.E.1.c, VI.E.2.d, and VI.E.3.

As part of this compliance, permittees, such as Claimants, must sample and analyze water samples at TMDL "receiving water compliance points" and at storm water and non stormwater outfalls as designated in TMDL Monitoring Plans. Permit Part VI.B and Attachment E, Parts II.E.1-3, and Part V. This monitoring can be part of an Integrated or Coordinated Integrated Monitoring Program. The monitoring programs can be developed in conjunction with any watershed management program or enhanced watershed management program for a particular water body. Permit Part VI.C.7.

As set forth in Permit Attachment K, the following Claimants are subject to TMDLs for the following watersheds:

(1) Santa Clara River Watershed Management Area (Permit Attachment L): City of Santa Clarita.

(2) Santa Monica Bay Watershed Management Area (Permit Attachment M): Cities of Agoura Hills, Beverly Hills, Manhattan Beach, Rancho Palos Verdes, Redondo Beach and Westlake Village.

(3) Dominguez Channel Watershed Management Area (Permit Attachment N): Cities of Carson, Manhattan Beach, Rancho Palos Verdes and Redondo Beach.

(4) Los Angeles River Watershed Management Area (Permit Attachment O): Cities of Carson, Commerce, Downey, Huntington Park, Lakewood, Pico Rivera, San Marino, Signal Hill, South El Monte and Vernon.



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(5) San Gabriel River Watershed Management Area (Permit Attachment P): Cities of Cerritos, Covina, Downey, Lakewood, Norwalk, Pico Rivera, Santa Fe Springs, South El Monte and Whittier.

(6) Los Cerritos Channel and Alamitos Bay Watershed Management Area (Permit Attachment Q): Cities of Bellflower, Cerritos, Downey and Signal Hill.

The Permit's specific mandates are as follows:

a. Part VI.E.1.c requires Claimants to “comply with the applicable water quality-based effluent limitations and/or receiving water limitations contained in Attachments L through R, consistent with the assumptions and requirements of the WLAs established in the TMDLs, including implementation plans and schedules, where provided for in the State adoption and approval of the TMDL (40 CFR 122.44(d)(1)(vii)(B); Cal. Wat. Code § 13263(a).”

b. Permit Attachment K sets forth the TMDLs with which Claimants must comply (TMDLs in the respective watersheds for each Claimant are set forth above).

c. Attachments L through Q of the Permit set forth the requirements of each TMDL and its “waste load allocations (“WLAs”)” with which Claimants must comply.

d. Part VI.B of the Permit requires Claimants “to comply with the [Monitoring and Reporting Program] and future revisions thereto, in Attachment E of this Order or may, in coordination with an approved Watershed Management Program per Part VI.C, implement a customized monitoring program that achieves the five Primary Objectives set forth in Part II.A of Attachment E and includes the elements set forth in Part II.E of Attachment E.”

e. Permit Attachment E requires that in the performance of the monitoring program, Claimants must include monitoring at “TMDL receiving water compliance points” and other “TMDL monitoring requirements specified in approved TMDL Monitoring Plans.” (Permit, Attachment E, Parts II.E.1 through 3 and Part V; *see also* Permit Attachment E. Parts VI.A.1.b(iii-iv), VI.B.2, VI.C.1.a, VI.D.1.a, VIII.B.1.b(ii), IX.A.5, IX.C.1.a, IX.E.1.a and b, IX.G.1.b., and IX.G.2.)

Claimants can meet their TMDL compliance requirements through participation in a WMP or EWMP that addresses the TMDL. Permit Part VI.E.2.a.

## **2. These Permit Requirements are New Programs or Higher Levels of Service**

As adopted, the 2001 Permit included no TMDL provisions or associated required monitoring. On December 10, 2009, the permit was amended to incorporate provisions of the Los Angeles River Watershed Trash TMDL (Regional Board Order No. R4-2009-0130).<sup>12</sup>

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<sup>12</sup> The 2001 Permit was also amended to include provisions relating to the Marina del Rey Bacteria TMDL. That TMDL does not apply to the Claimants.

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With respect to the Los Angeles River Trash TMDL, under the 2001 Permit, permittees were required to be in compliance with the applicable interim or final effluent limitations for that TMDL as identified in 2001 Permit, Part 7.1.B.2. Those interim or final effluent limitations required a reduction of trash to 30 percent of the baseline load calculated as a rolling 3-year annual average. *See* LARWQCB Resolution No. 2007-012, Attachment A, Table 7.2.3.<sup>13</sup> The Permit has different requirements; permittees must now reduce trash to zero percent of the baseline allocation. Permit Attachment O, Part A.3.

Accordingly, all TMDL requirements in the Permit applicable to Claimants, including monitoring requirements with respect thereto, are new programs or higher levels of service. These TMDL and monitoring requirements were not imposed on Claimants until the Permit was adopted.

### **3. These Permit Requirements are State Mandates**

The Permit's TMDL requirements, including monitoring, are state mandates. The LARWQCB was not compelled to include these provisions in the Permit. Instead, the LARWQCB included these TMDL provisions as a matter of discretion.

TMDLs are adopted pursuant to the CWA. 33 U.S.C. § 1313(d) provides that states shall identify waters for which effluent limitations required by 33 U.S.C. §§ 1311(d)(1)(A) and (B) are not stringent enough to implement any "water quality standard" applicable to such waters. 33 U.S.C. § 1313(d)(1)(A).

"Water quality standards" are adopted by the state. These standards consist of the designated uses of a navigable water and the water quality criteria for such waters to support such uses. *See* 33 U.S.C. § 1313(c)(2)(A).

A state must establish a TMDL for those waters for which the effluent limitations are not stringent enough to implement any water quality standard. 33 U.S.C. § 1313(d)(1)(A). The TMDL must be established at a level necessary to implement the applicable water quality standards with seasonal variations and a margin of safety which takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality. 33 U.S.C. § 1313(d)(1)(C).

Under the federal CWA regulations, a TMDL is composed of both "Wasteload Allocations" ("WLAs") and Load Allocations ("LAs"). 40 C.F.R. § 130.2(g) and (h). The TMDL is the sum of the individual WLAs for point sources and LAs for non-point sources and natural background. 40 C.F.R. § 130.2(i).

The Permit requires permittees to comply with the TMDLs referenced in the Permit and their associated WLAs. These WLAs are numeric limitations on the permittees' discharges; the permittees must develop programs to limit the pollutants in their discharges to these WLAs. Permit Part VI.E.1.c; Permit, Attachments L through R.

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<sup>13</sup> See Section 7, Exhibit F.

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The LARWQCB was not required to include the TMDL provisions in the Permit. As set forth above, TMDL provisions are solely for the purpose of implementing water quality standards. Federal law, however, does not require municipal stormwater permits to contain provisions to meet water quality standards. *Defenders, supra*, 191 F.3d at 1164-65. Instead, municipal permits must contain controls “to reduce the discharge of pollutants to the maximum extent practicable . . . .” 33 U.S.C. § 1342(p)(3)(B)(iii). EPA or a state has the *discretion* to require compliance with water quality standards pursuant to the provision of 33 U.S.C. § 1342(p)(3)(B)(iii), which provides that municipal stormwater permits shall contain “such other provisions as the Administrator or the State *determines appropriate* for the control of such pollutants.” (Emphasis supplied.) Because requiring compliance is discretionary, it is not mandated by federal law. *Defenders*, 191 F.3d at 1166-67.

Similarly, the federal stormwater regulations do not require municipal stormwater permits to contain TMDL provisions. 40 C.F.R. § 122.44(d)(1)(vii)(B) addresses the interrelationship between TMDLs and NPDES permits. This regulation provides that NPDES permits are to include conditions consistent with the assumptions and requirements of TMDL waste load allocations “when applicable.” 40 C.F.R. § 122.44. Because MS4 permits are not required to contain provisions to comply with water quality standards, TMDL wasteload allocations intended to achieve such standards are not “applicable.”

The Fact Sheet adopted by the LARWQCB in support of the Permit recognized that the LARWQCB’s inclusion of the TMDL provisions was not mandated but was adopted pursuant to the discretionary portion of 33 U.S.C. § 1342(p)(3)(B)(iii). (Permit Attachment F, p. F-84.) The Fact Sheet also cited two California statutes as support for the incorporation of the TMDLs, Water Code §§ 13263 and 13377, which provide that permits shall include more stringent effluent standards or limitations to implement water quality control plans. *Id.* These facts demonstrate that the LARWQCB’s inclusion of the TMDL provisions was a state agency decision, and thus a state, not a federal, mandate. A subvention of funds is appropriate not only for the cost of the structural controls and non-structural programs to achieve the WLAs but also the monitoring required by the TMDL implementation plans.

The CWA also does not compel the inclusion of numeric effluent limitations. As set forth above, 42 U.S.C. § 1342(p)(3)(B)(iii) provides that MS4 permits “shall require controls to reduce the pollutants to the maximum extent practicable . . . and such other provisions as the Administrator or the state determines appropriate for the control of such pollutants.” *Defenders* held that this provision did not require the inclusion of numeric effluent limits to meet water quality standards in MS4 permits, but that EPA or a state had the discretion to include them. 191 F.3d at 1165-66. *See also Building Industry Ass’n, supra*, 124 Cal.App.4<sup>th</sup> at 874 (“With respect to municipal stormwater discharges, Congress clarified that the EPA has the authority to fashion NPDES permit requirements to meet water quality standards without specific numeric effluent limits and instead to impose ‘controls to reduce a discharge of pollutants to the maximum extent practicable’”).

On November 22, 2002, EPA issued a guidance memorandum on “Establishing Total Maximum Daily Load (TMDL) Wasteload Allocations (WLAs) for Storm Water Sources and

NPDES Permit Requirements based on Those WLAs.” In this memorandum,<sup>14</sup> EPA noted that because stormwater discharges are due to storm events, which are highly variable in frequency and duration and are not easily characterized, only in rare cases will it be feasible or appropriate to establish numeric limits for municipal stormwater discharges. *Id.* p. 4. EPA concluded that, in light of 33 U.S.C. § 1342(p)(3)(B)(iii), “for NPDES-regulated municipal and small construction discharges effluent limits should be expressed as best management practices (BMPs) or other similar requirements, rather than as numeric effluent limits.” *Id.*

The LARWQCB was therefore not compelled by the CWA or its implementing regulations to incorporate TMDLs and their WLAs into the Permit. Even if it was so required, it was not required to reflect TMDL requirements as numeric effluent limits. Because federal law did not compel the LARWQCB to include the TMDLs, the monitoring program to implement those TMDLs was also not required. These requirements are state mandated requirements imposed by the LARWQCB itself.

#### **4. Claimants’ Increased Costs**

As set forth in the Declarations in Section 6, Claimants have incurred increased costs of approximately \$3,358,100 in FY 2012-13 and \$6,150,875 in FY 2013-14 with respect to these requirements. See Declarations in Section 6, ¶ 8(f).

### **B. Requirements Related to Discharge Prohibitions For Non-Stormwater**

Part III.A.1 of the Permit requires the permittees, including Claimants, to prohibit certain non-stormwater discharges “through the MS4 to receiving waters.” For non-exempted non-stormwater flows, the permittees, including Claimants, are required to develop and implement various procedures relating to such flows. Such requirements either exceed the requirements of the CWA and federal stormwater regulations or specify the means of compliance with the Act and the regulations, and consequently are state mandates.

As noted above, Claimants can prepare a WMP or EWMP that would incorporate provisions regarding non-stormwater discharges. However, the Permit requires that any such WMP or EWMP provisions must include “strategies, control measures, and/or BMPs that must be implemented to effectively eliminate the source of pollutants consistent with Parts III.A . . . .” Part VI.C.5.b(iv)(2). Thus, the provisions of Part III.A discussed below represent state-mandated requirements for new programs or higher levels of service that will, in whole or in part, be part of a WMP or EWMP.

#### **1. Mandate Requirements in the Permit**

Permit Part III.A.1 of the Permit requires Claimants to prohibit certain non-stormwater discharges “through the MS4 to receiving waters.”

Parts III.A.2 and VI.D.9.f, relating to conditional exemptions from the non-stormwater discharge prohibition, requires Claimants to assure that appropriate BMPs are employed for

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<sup>14</sup> See Section 7, Exhibit F.

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discharges from essential non-emergency firefighting activities and, with regard to unpermitted discharges by drinking water suppliers, to work with those suppliers on the conditions of their discharges.

Part III.A.4.a requires Claimants to “develop and implement procedures” to require non-stormwater dischargers to fulfill requirements set forth in Part III.A.4.a(i-vi).

Part III.A.4.b requires Claimants to “develop and implement procedures that minimize the discharge of landscape irrigation water into the MS4 by promoting water conservation programs.” Permittees are required to coordinate with local water purveyors, where applicable, to promote landscape water use efficiency requirements, use of drought tolerant native vegetation and the use of less toxic options for pest control and landscape management. Permittees are required to develop and implement a “coordinated outreach and education program” to minimize the discharge of irrigation water and pollutants associated with such discharge as part of the Public Information and Participation in Part VI.D.4.c of the Permit.

Part III.A.4.c requires Claimants to evaluate monitoring data collected pursuant to the Monitoring and Reporting Program of the Permit (Attachment E) and “any other associated data or information” to determine if any authorized or conditionally exempt non-stormwater discharges identified in Permit Parts III.A.1, A.2 and A.3 are a source of pollutants that may be causing or contributing to an exceedance of a receiving water limitation in Part V or water quality-based effluent limitation in Part VI.E.

Part III.A.4.d requires that if these data show that the non-stormwater discharges are such a source of pollutants, Claimants are required to take further action to determine whether the discharge is causing or contributing to exceedances of receiving water limitations, report those findings to the LARWQCB, and take steps to effectively prohibit, condition, require diversion or require treatment of the discharge.

## **2. The Permit Requirements are New Programs or Higher Levels of Service**

The Permit requirements set forth above are new programs or higher levels of service that have not been imposed on Claimants before. This can be seen by a comparison of these activities to the 2001 Permit.

The 2001 Permit required that permittees “effectively prohibit non-storm water discharges into the MS4 and watercourses” unless the non-stormwater discharge fell into one of several categories. 2001 Permit Part 1.A. The LARWQCB reserved to itself the obligation to add or remove categories of exempt non-stormwater discharges (page 24).

The 2001 Permit did not require the permittees to:

- (a) police, through the establishment of procedures and standards, the categories of the “conditionally exempt” discharges to the MS4;
- (b) assure that appropriate BMPs were employed for discharges from essential non-emergency firefighting activities or drinking water supply systems;

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(c) implement procedures that minimized the discharge of landscape irrigation water into the MS4 or to coordinate with local water purveyors to promote landscape water use efficiency requirements;

(d) evaluate monitoring data to determine if any authorized or conditionally exempt non-stormwater discharges were a source of pollutants that may be causing or contributing to an exceedance of a receiving water limitation. (This previously was an obligation of the LARWQCB.); and

(e) “develop and implement procedures” to require non-stormwater dischargers to fulfill requirements set forth in Part III.A.4.a(i-vi).

The above-described requirements of the Permit are therefore new programs or higher levels of service.

### **3. The Permit Requirements are State Mandates**

The CWA requires MS4 NPDES permits to “include a requirement to effectively prohibit non-stormwater discharges *into* the storm sewers.” 33 U.S.C. § 1342(p)(3)(B)(ii) (emphasis added). The CWA does not, however, require regulation of non-stormwater discharges from storm sewers. The federal CWA regulations, in 40 C.F.R. § 122.26(d)(2)(iv)(B)(1):

(1) do not require a municipality to address certain specified categories of non-stormwater discharges into the MS4 unless the municipality determines that such discharges are sources of pollutants to “waters of the United States”;

(2) do not require a municipality *to affirmatively evaluate* those discharges to determine if they are such a source of pollutants, as required by Section III.A of the Permit; and

(3) refer to the discharges as sources of pollutants to “waters of the United States,” not to MS4 systems.

Here, the non-stormwater Permit requirements go beyond the requirements set forth in the federal CWA regulations, which do not mandate these particular implementing requirements. *Dept. of Finance*, 1 Cal. 5<sup>th</sup> at 765. Nor do the federal regulations require their scope and detail. *Id.* at 771. Additionally, by specifying the steps to be taken by the Claimants with regard to the evaluation of non-stormwater discharges, including the development and implementation of procedures, the evaluation of monitoring data, reporting to the LARWQCB and coordination with local water purveyors and other requirements, the LARWQCB in the Permit exercised its discretion to specify the means of compliance with the non-stormwater discharge requirements. *Long Beach Unified School Dist. v State of California* (1990) 225 Cal.App.3d 155, 172-73. Thus, even if these requirements were federal in origin, the LARWQCB’s specification of compliance, an exercise of discretion that usurped the Claimants’ ability to design their own program, rendered these Permit provisions state mandates. *Id.*; *Dept. of Finance*, 1 Cal. 5<sup>th</sup> at 771.

Finally, to the extent that these requirements were previously performed by the LARWQCB, such as the responsibility to evaluate monitoring data to determine if any authorized

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or conditionally exempt non-stormwater discharges were a source of pollutants that may be causing or contributing to an exceedance of a receiving water limitation, the LARWQCB in the Permit freely chose to impose these requirements on permittees rather than perform them itself. As such, a state mandate was imposed. *Id.*; *Hayes, supra*, 11 Cal.App.4<sup>th</sup> at 1593-94.

#### **4. Claimants' Increased Costs**

As set forth in the Declarations in Section 6, Claimants have incurred increased costs in the approximate amount of \$572,000 in FY 2012-13 and \$779,480 in FY 2013-14 with respect to these requirements. *See* Declarations in Section 6, ¶ 9(g).

#### **C. Public Information Program Requirements**

Part VI.D.5 requires the permittees, including Claimants, to undertake specific Public Information and Participation Program (“PIPP”) activities, including either individually or as part of a County-wide or Watershed Group sponsored PIPP, to conduct various public information activities.

As discussed above, Claimants can prepare a WMP or EWMP that would incorporate PIPP measures in a customized watershed-specific fashion. However, since such WMP or EWMP must assess the requirements of Part VI.D.5 and incorporate or customize all control measures set forth therein, unless their elimination is justified by a Claimant as not applicable (Part VI.C.5.b.(iv)(c)), the provisions set forth below establishing new programs and/or a higher level of service are state mandates.

##### **1. Mandate Requirements in the Permit**

The Permit, in Part VI.D.5.a requires Claimants to “measurably increase” the knowledge of target audiences about the MS4, adverse impacts of stormwater pollution on receiving waters and potential solutions to mitigate impacts, to “measurably change” waste disposal and stormwater pollution generation behavior by developing and encouraging implementation of “appropriate alternatives and to “involve and engage a diversity of socio-economic groups and ethnic communities” in Los Angeles County to participate in stormwater pollution impact mitigation.

Part VI.D.5.b requires the permittees to implement the PIPP activities by participating in a County-wide or Watershed Group-sponsored PIPP or individually.

Part VI.D.5.c requires Claimants to provide a means for public reporting of clogged catch basin inlets and illicit discharges/dumping, faded or missing catch basin labels and “general storm water and non-storm water pollution prevention information” through a telephone hotline, in public information or government pages of the telephone book. Part VI.D.5.c also requires Claimants to identify staff or departments serving as contact persons and providing current, updated hotline information. This part also requires permittees to organize events “targeted to residents and population subgroups” to “educate and involve the community in storm water and non-storm water pollution prevention and clean-up (e.g., education seminars, clean-ups, and community catch basin stenciling).”

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Part VI.D.5.d requires Claimants to conduct stormwater pollution prevention public service announcements and advertising campaigns, provide public education materials on the proper handling of vehicle waste fluids, household waste materials, construction waste materials, pesticides and fertilizers (including integrated pest management (“IPM”) practices), green waste and animal wastes; distribute “activity specific” stormwater pollution prevent public education materials at, but not limited to, automotive parts stores, home improvement centers, lumber yards and hardware and paint stores, landscaping and gardening centers and pet shops and feed stores; maintain stormwater websites or provide links to stormwater websites via the Claimant’s website, which must include educational material and opportunities for public participation in stormwater pollution and cleanup activities; and provide schools within each Claimant’s jurisdiction with materials to educate K-12 students on stormwater pollution.

In each of the VI.D.5.d requirements, Claimants “shall use effective strategies to educate and involve ethnic communities in storm water pollution prevention through culturally effective methods.” *Id.* This requires Claimants to identify such ethnic communities and appropriate culturally effective methods.

**2. The Permit Requirements are New Programs or Higher Levels of Service**

The above-described requirements in the Permit are new programs or a higher level of service, as can be seen in a comparison with the requirements of the 2001 Permit.

The 2001 Permit contained no requirements for permittees other than the Los Angeles County Flood Control District, Principal Permittee under that permit, to undertake these PIPP obligations. Thus, these PIPP obligations are new obligations.

**3. The Permit Requirements are State Mandates**

The federal stormwater regulations require that a permittee must include in its management program “[a] description of a program to promote, publicize, and facilitate public reporting of the presence of illicit discharges or water quality impacts associated with discharges from municipal separate storm sewers” and a “description of educational activities, public information activities, and other appropriate activities to facilitate the proper management and disposal of used oil and toxic materials.” 40 C.F.R. § 122.26(d)(2)(iv)(B)(5-6).

Additionally, 40 C.F.R. § 122.26(d)(2)(iv)(A)(6) requires that the management program include a “description of a program to reduce to the maximum extent practicable, pollutants in discharges from MS4s associated with the application of pesticides, herbicides, and fertilizer which will include, as appropriate, controls such as educational activities, permits, certifications, and other measures for commercial applicators and distributors, and controls for application in public right-of-ways and at municipal facilities.” While this regulation was cited in the Permit Fact Sheet (F-56), the requirements in Part VI.D.5 apply to the general population, not solely to commercial applicators and distributors of pesticides, herbicides and fertilizer.

The requirements set forth in Part VI.D.5 of the Permit both go beyond the requirements of the federal regulations and specify methods of compliance, which lead to the conclusion that the requirements are a state, not federal, mandate. *Dept. of Finance*, 1 Cal. 5<sup>th</sup> at 765, 771; *Long*



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*Beach Unified School Dist., supra*, 225 Cal.App.3d at 172-73. The Permit requirements exceed the federal requirements in several ways, including the requirements related to public information activities relating to materials other than used and oil and toxic materials, requirements to target educational and public information programs at ethnic communities and to organize events targeted to residents and population subgroups.

With regard to the specification of the means of compliance, a comparison of the detailed and mandatory requirements of Part VI.D.5 with the general and flexible requirements of the federal stormwater regulations demonstrates that the LARWQCB intended in the Permit to direct the specific compliance of the permittees, including Claimants, with regard to their PIPP efforts. These Permit requirements that far exceeded the “scope and detail” of the federal requirements and thus are state, not federal, mandates. *Dept. of Finance*, 1 Cal. 5<sup>th</sup> at 771.

#### **4. Claimants’ Increased Costs**

As set forth in the Declarations in Section 6, Claimants have incurred increased costs in the approximate amount of \$400,000 in FY 2012-13 and \$637,000 in FY 2013-14 with respect to these requirements. *See* Declarations in Section 6, ¶ 10(e).

#### **D. Inventory and Inspections of Industrial/Commercial Sources**

Part VI.D.6 of the Permit requires Claimants to track various “critical” industrial and commercial sources, including the creation and updating of an electronic database containing information regarding such sources and to inspect such sources.

As discussed above, Claimants, can prepare a WMP or EWMP that would incorporate industrial/commercial source control measures in a customized watershed-specific fashion. However, since such WMP or EWMP must assess the requirements of Part VI.D.6 and incorporate or customize all control measures set forth therein, unless their elimination is justified by a Claimant as not applicable (Part VI.C.5.b.(iv)(c)), the provisions set forth below establishing new programs and/or a higher level of service are state mandates.

##### **1. Mandate Requirements in the Permit**

Permit Part VI.D.6 requires that Claimants develop and implement an industrial/commercial source program following, at minimum, the requirements set forth in that part.

Part VI.D.6.b requires the tracking of nurseries and nursery centers in addition to other sources and the inclusion of information regarding the source, including the North American Industry Classification System code, the status of exposure of materials to stormwater, the name of the receiving water, identification of whether the facility is tributary to a waterbody listed as impaired under CWA § 303(d) where the facility generates pollutants for which the waterbody is impaired, and whether the facility has filed a “No Exposure Certification” with the State Board. This provision requires Claimants to conduct field work to identify facilities and to collect information sufficient to fill the tracking database. Additionally, Claimants must update the

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inventory at least annually, through collection of information through field activities or through other readily available inter- and intra-agency informational databases.

Part VI.D.6.d requires that commercial facilities (restaurants, automotive service facilities (including automotive dealerships)), retail gasoline outlets and nurseries and nursery centers be inspected twice during the term of the Permit, with the first inspection to occur within 2 years after the effective date of the Permit. In the inspection the permittees are required, among other things, to evaluate whether the source is implementing “effective source control BMPs for each corresponding activity” and to require implementation of additional BMPs where “storm water from the MS4 discharges to a significant ecological area . . . , a water body subject to TMDL provisions . . . or a CWA § 3030(d) listed impaired water body.” In addition to basic inspection obligations, this provision requires Claimants to identify waterbodies into which the facilities discharge and to evaluate the effectiveness of BMPs at the facilities.

Part VI.D.6.e requires Claimants to inspect industrial facilities, including the categories of facilities identified in 40 C.F.R. § 122.26(b)(14)(i-xi) (the “Phase I facilities”), and facilities specified in 40 C.F.R. § 122.26(d)(2)(iv)(C) (the “Specified Facilities”). Included among the inspection requirements are to confirm that each facility has a current Waste Discharge Identification (“WDID”) number for coverage under the GIASP or has applied for and received a current No Exposure Certification, and to require implementation of additional BMPs where “storm water from the MS4 discharges to a water body subject to TMDL Provisions . . . or a CWA § 303(d) listed impaired water body.” For facilities that discharge to MS4s that discharge to a Significant Ecological Area (“SEA”), the permit requires that Claimants “shall require operators to implement additional pollutant-specific controls to reduce pollutants in storm water runoff that are causing or contributing to exceedances of water quality standards.” In addition to basic inspection obligations, this provision requires Claimants to identify waterbodies into which the facilities discharge and to evaluate the effectiveness of BMPs at the facilities.

## **2. The Requirements are New Programs or Higher Levels of Service**

The requirements described above are new requirements or represent a higher level of service. This is evident from a comparison with the requirements of the 2001 Permit. First, while some tracking and inspection requirements were carried over from the 2001 Permit, those requirements were determined by the Commission to represent a new program and/or higher level of service in the Los Angeles County Test Claim. Thus, such requirements in the Permit continue this new program and/or higher level of service.

Second, whereas the 2001 Permit required tracking of commercial facilities (but not nurseries and nursery centers), Phase I facilities and Specified Facilities (2001 Permit, Part 4.C.1(a)), the information required in such tracking was not as extensive as the Permit now requires. The 2001 Permit included only the facility name and address, the name of the owner/operator, whether it was covered under the GIASP or other individual or general NPDES permit and a narrative description “including SIC codes that best reflects the industrial activities at and principal products of each facility.” 2001 Permit, Part 4.C.1.(b). Also, the 2001 Permit did not require permittees to maintain the tracking in an electronic database.

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Third, although 2001 Permit Part 4.C.2 required inspections of the same types of facilities as in the Permit (inspections that the Commission determined were a state mandate), the 2001 Permit did not require the inspectors to evaluate the effectiveness of the BMPs at the facilities, a significant new requirement.

### **3. The Requirements are State Mandates**

The federal stormwater regulations require that a permittee's management program include a "description of a program to monitor and control pollutants in storm water discharges to municipal systems from municipal landfills, hazardous waste treatment, disposal and recovery facilities, industrial facilities that are subject to section 313 of title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA), and industrial facilities that the municipal permit applicant determines are contributing a substantial pollutant loading to the municipal storm sewer system." 40 C.F.R. § 122.26(d)(2)(iv)(C). Included in this program must be an identification of "priorities and procedures for inspections . . . ." 40 C.F.R. § 122.26(d)(2)(iv)(C)(i). These regulations are cited in the Permit Fact Sheet as legal authority for the inspection requirements. Permit Attachment F, pp. F-58-59.

This regulation only requires inspections of municipal landfills, hazardous waste treatment, disposal and recovery facilities, industrial facilities that are subject to section 313 of title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA), and industrial facilities that the municipal permit applicant determines are contributing a substantial pollutant loading to the municipal storm sewer system." 40 C.F.R. § 122.26(d)(2)(iv)(C). The regulation does not require inspections of the commercial facilities or the Phase I facilities identified in Part VI.D.6 of the Permit. These inspections are therefore state, not federal mandates.

Indeed, as discussed in Section III.B, the Supreme Court affirmed the Commission's determination in the Los Angeles County Test Claim that similar inspection requirements constitute state mandates. *Dept. of Finance*, 1 Cal. 5<sup>th</sup> at 770. As set forth in *Dept. of Finance*, the requirement to inspect Phase I facilities represents a shifting of state responsibility to inspect GIASP permittees to local agencies, a shifting which itself creates a state mandate. *Id.* at 771; *Hayes*, 11 Cal.App.4<sup>th</sup> at 1593-94.

Moreover, nothing in the federal regulations requires Claimants to confirm that an industrial facility maintains a WDID or No Exposure Certificate (requirements of the state-enforced GIASP) or to require additional BMPs for discharges into an SEA, a waterbody subject to TMDL provisions or a CWA § 303(d) listed waterbody. Because these facilities must obtain an independent NPDES permit through issuance of a state WDR (pursuant to Water Code § 13260), it is the responsibility of the State Board or a regional board, such as the LARWQCB, to ensure that the permit requires adequate BMPs to ensure compliance with discharge requirements. The Permit shifts that state responsibility to the local permittees, a shifting that, again, represents a state mandate. *Dept. of Finance*, 1 Cal. 5<sup>th</sup> at 770-771; *Hayes*, 11 Cal.App.4<sup>th</sup> at 1593-94.

#### **4. Claimants' Increased Costs**

As set forth in the Declarations in Section 6, Claimants have incurred increased costs in the approximate amount of \$487,000 in FY 2012-13 and \$735,000 in FY 2013-14 with respect to these requirements. *See* Declarations in Section 6, ¶ 11(d).

#### **E. Requirements Relating to Post-Construction BMPs**

Part VI.D.7.d(iv) requires Claimants to implement a tracking system and inspection and enforcement program for new development and redevelopment post-construction BMPs.

As discussed above, Claimants can prepare a WMP or EWMP that would incorporate planning and land development provisions in a customized watershed-specific fashion. However, since such WMP or EWMP must assess the requirements of Part VI.D.7 and incorporate/customize all control measures set forth therein (Part VI.C.5.b(iv)(c)), the provisions set forth below establishing new programs and/or a higher level of service are state mandates.

##### **1. Mandate Requirements in the Permit**

Permit Part VI.D.7.d(iv)(1)(a) and Attachment E, Part X, require the permittees to implement a GIS or other electronic system for tracking projects that have been conditioned for post-construction BMPs, including such information as project identification, acreage, BMP type and description, BMP locations, dates of acceptance and maintenance agreement, inspection dates and summaries and corrective action.

Part VI.D.7.d(iv)(1)(b) requires Claimants to inspect all development sites upon completion of construction and before issuance of an occupancy certificate to “ensure proper installation” of LID measures, structural BMPs, treatment control BMPs and hydromodification control BMPs.

Part VI.D.7.d(iv)(1)(c) requires Claimants to develop a post-construction BMP maintenance inspection checklist and inspect at an interval of at least once every two years permittee-operated post-construction BMPs to assess operation conditions.

##### **2. The Requirements are New Programs or Higher Levels of Service**

The above-described requirements in the Permit represent new programs or a required higher level of service. This is demonstrated by comparing these requirements with the 2001 Permit, which had no requirement that the permittees, including Claimants, establish a database for tracking projects with conditions for post-construction BMPs, had no requirement that permittees inspect development sites upon completion of construction to determine the proper installation of LID measures or BMPs and had no requirements to establish a post-construction BMP maintenance inspection checklists or to inspect permittee-operated post-construction BMPs.

##### **3. The Requirements are State Mandates**

The above-described requirements are state, not federal mandates, as they represent mandates not required by either the CWA or its regulations. Additionally, even were the

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requirements considered to be required under federal law, the LARWQCB's specification of how to comply with such requirements is itself a state mandate.

The federal CWA regulations require that MS4 permits include a

description of planning procedures including a comprehensive master plan to develop, implement and enforce controls to reduce the discharge of pollutants from municipal separate storm sewers which receive discharges from areas of new development and significant new redevelopment. Such plan shall address controls to reduce pollutants in discharges from municipal separate storm sewers after construction is completed.

40 CFR § 122.26(d)(2)(iv)(A)(2). Nothing in this regulation requires that permittees develop a tracking system for post-construction BMPs or to inspect construction site BMPs for compliance with stormwater requirements. Similarly, nothing in the regulation requires routine inspections of post-construction BMPs operated by the permittees. Both in the exceedance of federal requirements, and in the specification of compliance set forth in the Permit that goes beyond federal requirements, state mandates have been created. *Dept. of Finance*, 1 Cal. 5<sup>th</sup> at 765, 771; *Long Beach Unified School Dist.*, *supra*, 225 Cal.App.3d at 172-73.

#### **4. Claimants' Increased Costs**

As set forth in the Declarations in Section 6, Claimants have incurred increased costs in the approximate amount of \$477,000 in FY 2012-13 and \$586,000 in FY 2013-14 with respect to these requirements. *See* Declarations in Section 6, ¶ 12(d).

#### **F. Construction Site Requirements**

Part VI.D.8 of the Permit requires Claimants to follow requirements applicable to construction sites, including inspection of construction sites of one acre or more in size, creation of a construction site inventory and electronic tracking system, the development of technical standards for Erosion and Sediment Control Plans ("ESCP") and for the review of those plans, the development of procedures to review and approve construction site plan documents, and the training of permittee employees.

As discussed above, Claimants can prepare a WMP or EWMP that would incorporate development construction program control measures in a customized watershed-specific fashion. However, since such WMP or EWMP must assess the requirements of Part VI.D.8 and incorporate/customize all control measures set forth therein, unless their elimination is justified by the permittee as not applicable (Part VI.C.5.b.(iv)(c)), the provisions set forth below establishing new programs and/or a higher level of service are state mandates.

##### **1. Mandate Requirements in the Permit**

Permit Part VI.D.8.g (i) requires the permittees, including Claimants, to develop an electronic system to inventory grading, encroachment, demolition, building, or construction permits (or any other municipal authorization to move soil and/or construct or destruct that involves land disturbance).

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Part VI.D.8.g(ii) requires that Claimants complete an inventory of development projects, which must be continuously updated as new sites are permitted and completed. This inventory/tracking system must contain, among other items, contact information for the project, basic site information, the proximity of all water bodies, significant threats to water quality status, current construction phase where feasible, required inspection frequency, start and anticipated completion dates, whether the project has submitted a Notice of Intent to be covered under the GCASP and whether it has obtain GCASP coverage, the date the ESCP was approved and post-construction structural BMPs subject to operation and maintenance requirements.

Part VI.D.8.h requires Claimants to develop and implement review procedures for construction plan documents, including preparation and submittal of an ESCP meeting multiple minimum requirements, verification of GCASP or other permit coverage and other items. In addition, Claimants must develop and implement a checklist to conduct and document review of each ESCP.

Permit Part VI.D.8.i(i) requires Claimants to develop and implement technical standards for the selection, installation and maintenance of construction BMPs for all sites within their jurisdictions.

Part VI.D.8.i(ii) requires that such construction BMPs must be tailored by Claimants to the risks posed by the project, as well as be in minimum conformance with standards in Permit Table 15, and the use of BMPs meeting the requirements of Permit Tables 14 and 16 for constructions sites of one or more acres or for paving projects, provision of detailed installation designs and cut sheets for use in ESCPs and provision of maintenance expectations for each BMP or category of BMPs.

Part VI.D.8.i(iv) requires that Claimants make technical standards “readily available” to the development community and that such standards must be “clearly referenced” within each permittee’s stormwater or development services website, ordinance, permit approval process and/or ESCP review forms.

Part VI.D.8.i(v) requires local BMP technical standards to cover all items set forth in Tables 13, 14, 15 and 16 of the Permit.

Part VI.D.8.j requires Claimants to inspect all construction sites of one acre or greater in size on the frequencies set forth in the Permit, which requires inspections prior to land disturbance activities, during active construction and at the conclusion of the project and as a condition to approve and/or issuing a Certificate of Occupancy. The frequency of inspections is also set in Table 17 of the Permit. As part of its inspection obligations, Claimants must develop, implement and revise as necessary standard operating procedures that identify the inspection procedures to be followed by each permittee. Additionally, during inspections, Claimants must verify “active coverage” under the GCASP for specified projects; review the Erosion and Sediment Control Plan (“ESCP”); inspect the site to determine whether all BMPs have been selected, installed, implemented and maintained; assess the appropriateness of planned and installed BMPs, and their effectiveness; visually observe and record non-stormwater discharge, potential illicit discharges and connections and potential discharge of pollutants in stormwater runoff; develop a written or

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electronic inspection report generated from a field inspection checklist; and track the number of inspections for the site to ensure that it meets the minimum requirements of Permit Table 17.

Permit Part VI.D.8.1(i-ii) requires Claimants to ensure training for “all staff whose primary job duties are related to implementing the construction storm water program,” including plan reviewers and permitting staff with regard to the “technical review of local erosion and sediment control ordinance, local BMP technical standards, ESCP requirements, and the key objectives of the State Water Board Qualified SWPPP Development (“QSD”) program, erosion sediment control/storm water inspectors in inspection procedures consistent with various standards. Additionally, if outside parties conduct inspections or review plans, each permittee, including Claimants, is required to ensure that such staff are trained under the same requirements.

## **2. The Requirements are New Programs or Higher Levels of Service**

The requirements described above are new programs and/or a higher level of service in that either they were not included as part of Claimants’ obligations under the 2001 Permit or, if so, were determined by the Commission to represent a state mandate under the 2001 Permit. To the extent such latter requirements are carried forward in the Permit, they still represent state mandates.

The 2001 Permit did not require Claimants to develop a tracking system to track anything except grading permits. The 2001 Permit did not require the tracking system to be updated or to be populated with the items contained in the Permit. The 2001 Permit did not require Claimants to develop and implement procedures for reviewing construction plan documents, or to develop a checklist to conduct and document the review of the ESCP (which itself was not required under the 2001 Permit.)

The 2001 Permit did not require Claimants to develop and implement technical standards for construction BMPs, did not specify the nature of such BMPs as set forth in the Permit, did not require detailed installation designs or cut sheets or devising maintenance expectations.

The 2001 permit did not require that technical standards be made readily available to the development community or be referenced on Claimants’ websites, ordinances, permit approvals or ESCP review forms.

Part 4.E.1 of the 2001 Permit required the permittees to implement a program to control runoff from construction activity at construction sites within their jurisdiction, including sediments, construction-related materials, wastes spills and residues, non-stormwater runoff from equipment and vehicle washing and erosion from slopes and channels. Part 4.E.2 of the 2001 Permit required that for construction sites of one acre or greater, permittees must require preparation and submittal of a Local Storm Water Pollution Prevention Plan (“SWPPP”) for approval prior to a grading permit, inspect such sites at least once during the wet season, and prior to issuing the site a grading permit, require proof that the site had filed for coverage under the GCASP. Part 4.E.3 of the Permit require construction sites of five acres or greater to meet the requirements of Parts 4.E.1 and 2 and further that the permittees require proof of coverage under the GCASP, proof of coverage and a copy of the SWPPP if ownership transferred and use of “an effective system to track grading permits issued by each Permittee.” Part 4.E.4 required referrals

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of violations of the state-issued GCASP and Part 4.E.5 required permittees to “train employees in target positions (whose jobs or activities are engaged in construction activities including construction inspection staff) concerning the requirements of the stormwater program.

The Commission determined that these requirements constituted a state mandate. Los Angeles County Test Claim, Statement of Decision at 46-48. The new Permit now greatly enhances the requirements for inspection of construction sites. While the 2001 Permit required only one inspection during the wet season, the new Permit requires inspections at least monthly for most construction sites and during wet weather events and at least once bi-weekly for construction sites that discharge to a tributary listed as an impaired waterbody for sediment or turbidity or which are determined to be a “significant threat” to water quality. Additionally, Claimants are required to inspect prior to land disturbance, during construction and prior to issuing a Certificate of Occupancy. None of these requirements is contained in the 2001 Permit.

Similarly, the 2001 Permit did not require Claimants to develop, implement and revise as necessary standard operating procedures for inspection procedures. The 2001 Permit also did not require Claimants to review the applicable ESCP (which was not required under the 2001 Permit) or determine whether all BMPs were selected, installed, implemented and maintained according to the ESCP, did not require an assessment of the appropriateness of planned and installed BMPs and their effectiveness, did not require that Claimants make visual observations and keep records of non-stormwater water discharges, potential illicit discharges and connections and potential discharge of stormwater runoff or require Claimants to develop a written or electronic inspection report generated from an inspection checklist used in the field.

Finally, while the 2001 Permit required permittees to train employees regarding requirements of the stormwater management program, it did not require training of employees with regard to the “technical review of local erosion and sediment control ordinance, local BMP technical standards, ESCP requirements, and the key objectives of the State Water Board QSD program,” nor did it require that inspectors be knowledgeable in inspection procedures consistent with the QSD program or to designate a staff person trained in the objectives of the QSD program or the Qualified SWPPP Practitioner program, or that each inspector be knowledgeable regarding local BMP technical standards and ESCP requirements. Finally, the 2001 Permit did not require that if outside parties conducted inspections or review plans, each permittee was required to ensure that such staff was trained under the same requirements.

### **3. The Requirements are State Mandates**

The federal stormwater regulations applicable to Phase I MS4s, such as that operated by the Claimants, provide that a permittee’s management program must contain:

“(1) A description of procedures for site planning which incorporate consideration of potential water quality impacts;

(2) A description of requirements for nonstructural and structural best management practices;



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(3) A description of procedures for identifying priorities for inspecting sites and enforcing control measures which consider the nature of the construction activity, topography, and the characteristics of soils and receiving water quality; and

(4) A description of appropriate educational and training measures for construction site operators.”

40 C.F.R. §122.26(d)(2)(iv)(D)(1-4).

Nothing in this regulation specifies the requirements set forth in Permit Part VI.D.8, outlined above. The Permit requires specific, detailed actions by the permittees that are required by them in order to be in compliance with the requirements of the Permit, the “scope and detail” of which are not compelled by federal regulations. *Dept. of Finance*, 1 Cal. 5<sup>th</sup> at 771.

Additionally, the Permit requires the development and maintenance of an inventory of construction sites, which is not required by the regulations. As such, the requirements of Part VI.D.8 both exceed the requirements of the federal regulations and specify the means for permittees to comply with those regulations. The requirements therefore constitute state mandates. *Dept. of Finance*, 1 Cal. 5<sup>th</sup> at 771; *Long Beach Unified School Dist.*, *supra*, 225 Cal.App.3d at 172-73.

Moreover, the Supreme Court has affirmed the Commission’s determination in the Los Angeles County Test Claim that less stringent, but comparable, requirements in the 2001 Permit for the permittees to inspect construction sites (constituted a state mandate. *Dept. of Finance*, 1 Cal. 5<sup>th</sup> at 770.

The Fact Sheet for the Permit does not cite 40 C.F.R. § 122.26(d)(2)(iv)(D)(1-4) as authority for these construction site requirements, even though it is the only applicable regulation for Phase I permits. Instead, the Fact Sheet cites 40 C.F.R. § 122.34(b)(4), which is applicable not to the Phase I MS4s, but to the smaller, “Phase II” MS4s. Permit Attachment F at F-72 to F-73. This latter regulation does not apply to Claimants and was adopted under a different regulatory scheme which sets forth various “minimum control measures” for Phase II municipalities to adopt.

#### **4. Claimants’ Increased Costs**

As set forth in the Declarations in Section 6, Claimants have incurred increased costs in the approximate amount of \$518,000 in FY 2012-13 and \$1,000,000 in FY 2013-14 with respect to these requirements. *See* Declarations in Section 6, ¶ 13(j).

#### **G. Public Agency Requirements**

Part VI.D.9 of the Permit requires permittees, including Claimants, to undertake numerous tasks with respect to their properties and operations, including an inventory of facilities, an inventory of existing development for retrofitting opportunities, development and implementation of an IPM program, installation of trash excluders or equivalent devices, or take other steps in areas not covered by a Trash TMDL, and training of permittee employees and contractors in the use of pesticides and fertilizers.

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As discussed above, permittees, including Claimants, can prepare a WMP or EWMP that would incorporate public agency program control measures in a customized watershed-specific fashion. However, since such WMP or EWMP must assess the requirements of Part VI.D.9 and incorporate/customize all control measures set forth therein, unless their elimination is justified by a Claimant as not applicable (Part VI.C.5.b.(iv)(c)), the provisions set forth below establishing new programs and/or a higher level of service are state mandates.

**1. Mandate Requirements in the Permit**

Permit Part VI.D.9.c requires Claimants to maintain an “updated inventory” of all permittee-owned or operated facilities that are potential sources of stormwater pollution, including 24 separate categories of facilities that are required to be in the inventory. The inventory must include the name and address of the facility, contact information, a narrative description of activities performed and potential pollution sources, and coverage under any individual or general NPDES permits or waivers. The inventory must be updated at least once during the five-year term of the Permit with information collected through field activities or other means.

Part VI.D.9.d(i) requires Claimants to develop an inventory of “retrofitting opportunities” in existing development.

Part VI.D.9.d(ii) requires Claimants to screen existing areas of development “to identify candidate areas for retrofitting using watershed models or other screening level tools.” They must then evaluate and rank areas of existing development to prioritize retrofitting candidates.

Part VI.D.9.d(iv) requires Claimants to consider the results of the evaluation by giving “highly feasible” projects a “high priority” to implement source control and treatment control BMPs in the permittee’s Storm Water Management Plan (“SWMP”) and considering high priority retrofit projects as candidates for off-site mitigation for new development and redevelopment projects.

Part VI.D.9.d(v) requires permittees to cooperate with private landowners to “encourage site specific retrofitting projects.” The permittees must consider demonstration retrofit projects, retrofits on public lands and easements, education and outreach, subsidies for retrofit projects, requiring retrofit projects as enforcement, mitigation or ordinance compliance, public and private partnerships, fees for existing discharges to the MS4 and reduction of such fees for retrofit implementation.

Part VI.D.9.g(ii) requires Claimants to implement an IPM program, including restrictions on the use of pesticides, restricting treatments only to remove the target organism, selection of pest controls that minimize risks to human health, “beneficial non-target organisms” and the environment, partnering with other agencies and organizations to “encourage” the use of IPM and adopt and “verifiably implement” policies, procedures and/or ordinances requiring the minimization of pesticide use and encouraging the use of IPM techniques for public agency facilities and activities. Additionally, permittees in such policies must commit and schedule to reduce the use of pesticides that cause impairments of surface waters by preparing and updating

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annually an inventory of pesticides, quantify pesticide use by staff and contractors and demonstrate implementation of IPM alternatives where feasible to reduce pesticide use.

Part VI.D.9.h(vii) requires Claimants, in areas not subject to a Trash TMDL, to install trash excluders, or equivalent devices, on or in catch basins or outfalls, except where such installation would cause flooding, unless lack of maintenance that causes the flooding. Claimants may also employ alternative or enhanced BMPs that “provide substantially equivalent removal of trash.” If alternative means are employed, the permittee must demonstrate that such BMPs “provide equivalent trash removal performance as excluders.”

Part VI.D.9.k(ii) requires Claimants to train all employees and contractors “who use or have the potential to use pesticides or fertilizers” that address the potential for pesticide-related surface water toxicity, in the proper use, handling, and disposal of pesticides, least toxic methods of pest prevention and control, including IPM and the reduction of pesticide use.

## **2. The Requirements are New Programs or Higher Levels of Service**

The public agency requirements in the Permit represent a significantly enhanced set of requirements over those set forth in the 2001 Permit, and thus represent new programs or higher levels of service required of Claimants.

The 2001 Permit contained no requirements for permittees to inventory their public facilities or to inventory areas of existing development for retrofitting, to evaluate such areas or to encourage private landowners with respect to retrofitting. The 2001 Permit contained no requirements with respect to development and implementation of an IPM program or for the training of employees or contractors with respect to such a program.

The 2001 Permit contained a requirement that municipalities not covered by a Trash TMDL must place that trash receptacles at transit stops. This requirement was determined to be a state mandate by the Commission in the Los Angeles County Test Claim, Statement of Decision at 1-2. The 2001 Permit did not contain a requirement for trash excluders or other equivalent BMPs.

## **3. These Permit Requirements are State Mandates**

Nothing in the CWA or the stormwater regulations require that permittees are required to maintain an inventory of their public facilities. Similarly, nothing in the CWA or the regulations requires permittees to develop an inventory of existing development as candidates for retrofitting, or to evaluate and rank such candidates, or to include such projects as part of stormwater plans or off-site mitigation projects or to cooperate with private landowners to encourage site specific retrofitting projects.

Similarly, nothing in the CWA or regulations requires the retrofitting of existing developed areas. The only retrofitting requirement in the CWA regulations is one which requires MS4 permits to include “[a] description of procedures to assure that flood management projects assess the impacts on the water quality of receiving water bodies and that existing structural flood control devices have been evaluated to determine if retrofitting the device to provide additional pollutant

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removal from storm water is feasible.” 40 CFR § 122.26(d)(2)(iv)(A)(4). This requirement however applies only to structural flood control devices and does not apply to the type of comprehensive program required of Claimants in Part VI.D.9 of the Permit.

Nothing in the CWA or regulations requires Claimants to develop and implement an IPM program, or to train employees or contractors regarding such requirements.

Finally, nothing in the CWA or regulations requires Claimants to install trash excluders or other devices in areas where a Trash TMDL is not in effect. The California Supreme Court already has affirmed the Commission’s determination in the Los Angeles County Test Claim that a requirement in the 2001 Permit for the placement of trash receptacles was a state mandate, not justified by any provision of the stormwater regulations. *Dept. of Finance*, 1 Cal. 5<sup>th</sup> at 771-72. That holding applies here.

The requirements of Permit Part VI.D.9 outlined above exceed the requirements of the CWA and implementing federal regulations, and are thus state mandates. Since federal law (here the CWA) has given the LARWQCB discretion to impose these requirements, and the Board has exercised “its discretion to impose [the requirements] by virtue of a ‘true choice,’ the [requirements are] not federally mandated.” *Dept. of Finance*, 1 Cal. 5<sup>th</sup> at 765.

#### **4. Claimants’ Increased Costs**

As set forth in the Declarations in Section 6, Claimants have incurred increased costs in the approximate amount of \$3,172,000 in FY 2012-13 and \$4,070,000 in FY 2013-14 with respect to these requirements. *See* Declarations in Section 6, ¶ 14(i).

### **H. Illicit Connection and Discharge Program**

Permit Part VI.D.10(d) requires Claimants to revise signage adjacent to open channels, to develop and maintain written procedures to document how complaint calls are received, documented and tracked and to maintain documentation of complaint calls. Part VI.D.10(e) requires specific requirements for spill response plans.

As discussed above, Claimants can prepare a WMP or EWMP that would incorporate illicit connection and discharge detection program control measures in a customized watershed-specific fashion. However, since such WMP or EWMP must assess the requirements of Part VI.D.10 and incorporate or customize all control measures set forth therein, unless their elimination is justified by the permittee as not applicable (Part VI.C.5.b.(iv)(c)), the provisions set forth below establishing new programs and/or a higher level of service are state mandates.

#### **1. Mandate Requirements in the Permit**

Permit Part VI.D.10.d(iii) requires Claimants to “ensure that signage adjacent to open channels . . . include information regarding dumping prohibitions and public reporting of illicit discharges.”

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Part VI.D.10.d(iv) requires Claimants to develop and maintain written procedures that document how complaint calls are received, documented and tracked “to ensure that all complaints are adequately addressed. Such procedures must be “evaluated to determine whether changes or updates are needed to ensure that the procedures adequately document the methods employed by the Permittee.”

Part VI.D.10.d(v) requires Claimants to maintain documentation of complaint calls and record the location of the reported spill or illicit discharge and the action undertaken in response.

Part VI.D.10.e(i) requires, in pertinent part, that Claimants implement a “spill response plan” for all sewage and other spills that may discharge into its MS4.

Part VI.D.10.e(i)(1) requires that the spill response plan must identify agencies responsible for spill response and cleanup, phone numbers and e-mail addresses for contacts and shall further address coordination with spill response teams “throughout all appropriate departments, programs and agencies so that maximum water quality protection is provided.”

Part VI.D.10.e(i)(3-4) require Claimants to respond to spills for containment within four hours of becoming aware of the spill, or if on private property, within two hours of gaining legal access to the property and reporting of spills that may endanger health or the environment to appropriate public health agencies and the Office of Emergency Services. This requirement requires Claimants to assemble and have available sufficient staff and equipment to meet these requirements.

## **2. The Requirements are New Programs or Higher Levels of Service**

The 2001 Permit contained none of the cited requirements of Permit Parts VI.D.10(d) or (e). Part 4.B.1.a of the 2001 Permit required only that “signs with prohibitive language discouraging illegal dumping must be posted at designated public access points to creeks, other relevant water bodies, and channels . . . .” Thus, the above-cited requirements are new programs or required higher levels of service established by the LARWQCB in the Permit.

## **3. The Requirements are State Mandates**

The Fact Sheet for the Permit (Appendix F) identifies only the general requirement in the CWA that MS4 permittees must “effectively prohibit non-stormwater discharges into the storm sewers.” Fact Sheet at F-81 (citing 33 U.S.C. § 1342(p)(3)(B)(ii). The Fact Sheet also cites 40 C.F.R. § 122.26(d)(2)(iv)(B), which requires the permittees’ management program to include “a program, including a schedule, to detect and remove (or require the discharger to the municipal storm sewer to obtain a separate NPDES permit for) illicit discharges and improper disposal into the storm sewer. *Id.* at F-80. The Fact Sheet also cites 40 C.F.R. § 122.26(d)(2)(iv)(B)(1), which requires the permittees’ management program to include “[a] description of a program, including inspections, to implement and enforce an ordinance, orders or similar means to prevent illicit discharges to the [MS4] . . . .” *Id.* The stormwater regulations also require that the management program include a “description of procedures to prevent, contain, and respond to spills that may

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discharge into the [MS4]” and a “description of a program to promote, publicize, and facilitate public reporting of the presence of illicit discharges or water quality impacts associated with discharges from [MS4].” 40 CFR §122.26(d)(iv)(B)(4-5).

These regulations do not require the specific actions set forth in Parts VI.D.10.d and e. First, with respect to the public reporting provisions in Permit Part VI.D.10.d., the Permit requires specific, detailed steps to be taken, including establishing a central contact point, revising signage adjacent to open channels and developing and maintaining written procedures regarding complaint calls. Because the regulations do not require the “scope and detail” that is mandated by these Permit’s requirements, the requirements are not federal. *Dept. of Finance*, 1 Cal. 5<sup>th</sup> at 771. Even assuming that the stormwater regulations required a program to publicize public reporting, in Part VI.D.10.d, the LARWQCB exercised its discretion and has gone farther and dictated the means of compliance with these regulatory requirements. For this reason also, these requirements constitute a state mandate. *Long Beach Unified School Dist. supra*, 225 Cal.App.3d at 172-73.

Similarly, the LARWQCB has dictated the means of compliance with requirements to respond to spills, through the requirements in Part VI.D.10.e. regarding the manner of responding to a spill, including as to coordination, timing and reporting. As such, the requirements of Part VI.D.10.e. constitute a state mandate. *Long Beach Unified School Dist.*, 225 Cal.App.3d at 172-73.

#### **4. Claimants’ Increased Costs**

As set forth in the Declarations in Section 6, Claimants have incurred increased costs in the approximate amount of \$261,000 in FY 2012-13 and \$308,000 in FY 2013-14 with respect to these requirements. *See* Declarations in Section 6, ¶ 15(g).

### **V. STATEWIDE COST ESTIMATE**

This Joint Test Claim involves a permit issued to Los Angeles County, the Los Angeles County Flood Control District and 84 cities in the urbanized areas of Los Angeles County south of the San Gabriel Mountains within the jurisdiction of the RWQCB. Claimants represent only 22 of the permittees, and thus are not in a position to be able to verify costs incurred by non-Claimant permittees. Twenty-two Claimants estimate that they incurred costs of approximately \$9,200,000 in FY 2012-13 and \$14,290,000 in FY 2013-14. *See* declarations submitted in Section 6 of this Test Claim, paragraphs 8 through 15. Although Claimants cannot verify the costs incurred by non-Claimants, if one assumes that they are approximately the same, then all city permittees would have incurred costs in complying with the permit in the approximate amount of \$54,560,000 for FY 2013-2014. In making a statewide estimate, the costs estimated by the County of Los Angeles and the Los Angeles Flood Control District in Test Claim 13-TC-02 should also be added to this cost estimate.

## VI. FUNDING SOURCES

The Claimants are not aware of any designated State, federal or non-local agency funds that are or will be available to fund the mandated activities set forth in this Test Claim, except for portions of a small grant for implementation of tree box low impact development BMPs, but which will not cover all costs

The Claimants are also restricted by the California Constitution with respect to their ability to assess fees or assessments sufficient to pay for the Permit's mandates.

First, in providing services or conferring benefits, the Claimants cannot assess fees that cover more than the reasonable cost of providing the benefit, privilege, service or product and the manner in which those costs are allocated to a payor must bear a fair and reasonable relationship to the payor's burdens or benefits received from the governmental activity. Otherwise the fee would be considered a tax subject to the requirements of article XIII C of the California Constitution. Cal. Const., Article XIII C § 1(e). *See Jacks v. City of Santa Barbara* (2017) 3 Cal. 5<sup>th</sup> 248, 261. In this regard, the Claimants bear the burden of proving by a preponderance of the evidence that the amount is no more than necessary to cover the reasonable costs of the governmental activity, and that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor's burdens on, or benefits received from, the governmental activity. Cal. Const., Article XIII C § 1(e).

The mandates at issue in this test claim are not the types of programs for which the Claimants can assess a fee. The TMDL, non-stormwater discharge, information on illicit discharges, spill response plan, and public information programs, described in Sections IV.A, B, D, and E of this Narrative Statement, all are programs intended to improve the overall water quality in the basin, which benefits all persons within the jurisdiction. It is not possible to identify benefits that any individual resident, business or property owner within the jurisdiction is receiving that is distinct from benefits that all other persons within the jurisdiction are receiving.

The Permit's requirements relating to public agencies, described in Section IV.C of this Narrative Statement, address requirements of the Claimants themselves. Again, therefore, there is no individual resident, business or property owner upon whom a fee can be assessed to pay for these requirements.

Likewise, no fee can be assessed for inspection of industrial or construction sites, at least to the extent those sites hold general industrial or general construction stormwater permits for which the State Water Resources Control Board already assesses a fee, which includes a fee to pay for inspections. Water Code §13260(d)(2)(B). Because the State is already assessing a fee for these inspections, the Claimants would have difficulty demonstrating that their fees would bear a fair and reasonable relationship to the payors' burdens or benefits; the State has already collected a fee for that activity. Likewise, there is no party on which to assess the cost of creating the inventory and databases of industrial and commercial sites or to pay for the inspection of post-construction BMP requirements every two years into the future.

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Second, any assessment would be considered to be a “special tax,” and, as such, could not be imposed without a vote of the electorate. Under the Constitution a tax is defined to be “any levy, charge, or exaction of any kind imposed by a local government . . . .” Cal. Const., Article XIII C § 1(e). A “special tax” is defined to be “any tax imposed for specific purposes, including a tax imposed for specific purposes, which is placed into a general fund.” *Id.*, Article XIII C § 1(d). Under the Constitution, “No local government may impose, extend, or increase any special tax unless and until that tax is submitted to the electorate and approved by a two-thirds vote.” Cal. Const. Article XIII C § 2(d).

Article XIII C, section 1(e), sets forth certain charges that are excepted from the definition of a tax. Those exceptions are:

- (1) A charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege.
- (2) A charge imposed for a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the service or product.
- (3) A charge imposed for the reasonable regulatory costs to a local government for issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, and the administrative enforcement and adjudication thereof.
- (4) A charge imposed for entrance to or use of local government property, or the purchase, rental, or lease of local government property.
- (5) A fine, penalty, or other monetary charge imposed by the judicial branch of government or a local government, as a result of a violation of law.
- (6) A charge imposed as a condition of property development.
- (7) Assessments and property-related fees imposed in accordance with the provisions of Article XIII D.

Cal. Const., Article XIII C § 1(e).

None of these exceptions arguably apply here. As discussed above, any fee or assessment to pay for the TMDL non-stormwater discharge, information on illicit discharges, spill response plan, and public information programs would be a fee or assessment to pay for the costs of a general program, not one directed towards a specific benefit, privilege, service or product. As for the other mandates, such as discharges from commercial, industrial or construction sites, the State is already regulating or has the authority to regulate those activities.



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Article XIII D of the California Constitution also restricts the Claimants' ability to assess property-related fees. Under article XIII D, section 3(a), no tax, assessment, fee, or charge shall be assessed by any agency upon any parcel of property or upon any person as an incident of property ownership, unless it is for "property-related services"<sup>15</sup> or certain other exceptions, except upon a two-thirds vote of the electorate. Under article XIII D, section 6(c), except for fees or charges for sewer, water, and refuse collection services, no property related fee or charge shall be imposed unless approved by a majority vote of property owners of the property subject to the fee or charge or by two-thirds vote of the electorate residing the affected area. In *Howard Jarvis Taxpayers Association v. City of Salinas* (2002) 98 Cal.App.4th 1351, 1354 the Court of Appeal held that a general stormwater fee is a property-related fee that is not excepted as a charge for water or sewer services, but instead is a property-related fee subject to the two-thirds electoral vote requirement. *Id.* at 1354-1355, 1357-1359.

Accordingly, the Claimants do not have the authority to levy fees or assessments to pay for the mandates that are the subject of this Test Claim. Such fees or assessments can be levied only upon the vote of the electorate.

## **VII. PRIOR MANDATE DETERMINATIONS**

### **A. Los Angeles County Test Claim**

In 2003 and 2007, the County of Los Angeles and 14 cities within the county ("Los Angeles County claimants") submitted test claims 03-TC-04, 03-TC-19, 03-TC-19, 03-TC-20 and 03-TC-21. These test claims asserted that provisions of the 2001 Permit, LARWQCB Order No. 01-182, constituted unfunded state mandates. The 2001 Permit, like the 2012 Permit at issue in this Test Claim, was a renewal of an existing MS4 permit. The provisions challenged in these test claims concerned the requirement for the Los Angeles County claimants to install and maintain trash receptacles at transit stops and to inspect certain industrial, construction and commercial facilities for compliance with local and/or state storm water requirements.

The Commission, in a final decision issued on September 3, 2009, determined that the trash receptacle requirement was a reimbursable state mandate. *In re Test Claim on: Los Angeles Regional Quality Control Board Order No. 01-192*, Case Nos.: 03-TC-04, 03-TC-19, 03-TC-20, 03-TC-21. The Commission found that the portion of the test claims relating to the inspection requirement was a state mandate, but that the Los Angeles County claimants had fee authority sufficient to fund such inspections. In *Dept. of Finance*, the Supreme Court affirmed the Commission's findings that both the trash receptacle and inspection requirements were state mandates. 1 Cal. 5<sup>th</sup> at 770-772. The issue of whether the claimants can impose a fee to fund the inspections is still pending before the Superior Court.

The Commission approved parameters and guidelines for the trash receptacle mandate, and the State Controller's Office issued Claiming Instructions to the affected local agencies.

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<sup>15</sup> "Property-related services" means "a public service having a direct relationship to property ownership." Article XIII D, § 2(h).

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**B. San Diego County Test Claim**

In 2007, the County of San Diego and 21 cities within the county (the “San Diego County claimants”) submitted test claim 07-TC-09. This test claim asserted that several provisions of San Diego RWQCB Order No. R9-2007-0001 constituted reimbursable state mandates. This order was the renewal of the existing MS4 permit for the San Diego County claimants.

On March 30, 2010, the Commission issued a final decision entitled *In re Test Claim on: San Diego Regional Water Quality Control Board Order No. R9-2007-0001, Case No. 07-TC-09*. In that decision, the Commission found the following requirements to be reimbursable state mandates:

1. A requirement to conduct and report on street sweeping activities;
2. A requirement to conduct and report on storm sewer cleaning;
3. A requirement to conduct public education with respect to specific target communities and on specific topics;
4. A requirement to conduct mandatory watershed activities and collaborate in a Watershed Urban Management Program;
5. A requirement to conduct program effectiveness assessments;
6. A requirement to conduct long-term effectiveness assessments; and
7. A requirement for permittee collaboration.

The Commission also found requirements for hydromodification and low impact development programs to be state mandates, but determined that because local agencies could charge fees to pay for these programs, they were not reimbursable state mandates.

On January 5, 2012, the Commission’s decision was overturned by the Sacramento County Superior Court and remanded to the Commission as the result of an action for writ of mandate brought by the State Department of Finance, the State Board and the San Diego RWQCB. The San Diego County Claimants appealed that decision to the California Court of Appeal, which has not yet heard argument on the appeal.

**VIII. CONCLUSION**

Claimants are committed to working together with the RWQCB and other stakeholders to achieve the clean water goals set forth in the Permit.

Nonetheless, important elements of the Permit represent significant and expensive mandates at a time when the budgets of all local agencies, including those of Claimants, have been dramatically constrained. The Claimants submit that the mandates set forth in this Test Claim represent state mandates for which a subvention of funds is required, pursuant to article XIII B,

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section 6 of the California Constitution. Claimants respectfully request that the Commission make such finding as to each of the programs and activities set forth herein.

DECLARATION OF GREGORY RAMIREZ

CITY OF AGOURA HILLS

I, Gregory Ramirez, hereby declare and state as follows:

1. I am City Manager for the City of Agoura Hills (“City”). In that capacity, I share responsibility for the compliance of the City with regard to the requirements of California Regional Water Quality Control Board, Los Angeles Region (“LARWQCB”) Order No. R4-2012-0175 (“the Permit”) as they apply to the City.

2. I have reviewed sections of the Permit and its attachments as set forth herein and am familiar with those provisions. I am also familiar with how the Permit changed requirements that were previously imposed on the City by the prior permit that had issued to the City by the LARWQCB in 2001 (“2001 Permit”).

3. I have an understanding of the City’s sources of funding for programs and activities required to comply with the Permit.

4. I make this declaration based on my own personal knowledge, except for matters set forth herein based on information and belief, and as to those matters I believe them to be true. If called upon to testify, I could and would competently to the matters set forth herein.

5. In Section 5 and Section 7 of this Test Claim, which contains exhibits to the test claim filed by the City and other permittees under the Permit, the specific sections of the Permit at issue in the test claim have been set forth. I hereby incorporate such provisions of Sections 5 and 7 into this declaration as though fully set forth herein.

6. The City has elected to participate in an Enhanced Watershed Management Plan (“EWMP”) that is designed to address, in whole or in part, the “Total Maximum Daily Load

(TMDL”)” provisions of the Permit as well other requirements of the Permit, including those set forth in this Declaration.

7. Based on my understanding of the Permit, I believe that the Permit requires the City to undertake the following programs either directly or through the mechanism of a EWMP, which represent new programs and/or higher levels of service or the shifting of state responsibilities to the City, which activities were not required by the 2001 Permit and which are unique to local government entities:

8. **Implementation of TMDLs:**

(a) Part VI.E.1.c requires the permittees to “comply with the applicable water quality-based effluent limitations and/or receiving water limitations contained in Attachments L through R, consistent with the assumptions and requirements of the WLAs established in the TMDLs, including implementation plans and schedules, where provided for in the State adoption and approval of the TMDL (40 CFR 122.44(d)(1)(vii)(B); Cal. Wat. Code § 13263(a)).”

(b) Attachment K to the Permit sets forth the TMDLs with which the City must comply.

(c) Attachments L through R of the Permit set forth the requirements of each TMDL and its “waste load allocations” with which the City must comply.

(d) Part VI.B of the Permit requires the City “to comply with the [Monitoring and Reporting Program] and future revisions thereto, in Attachment E of this Order or may, in coordination with an approved Watershed Management Program per Part VI.C, implement a customized monitoring program that achieves the five Primary Objectives set forth in Part II.A of Attachment E and includes the elements set forth in Part II.E of Attachment E.”

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(e) Attachment E to the Permit requires the monitoring program to include monitoring at “TMDL receiving water compliance points” and other “TMDL monitoring requirements specified in approved TMDL Monitoring Plans.” (Permit, Attachment E, Parts II.E.1 through 3 and Part V; *see also* Attachment E, Parts VI.A.1.b(iii) and (iv), VI.B.2, VI.C.1.a, VI.D.1.a, VIII.B.1.b(ii), IX.A.5, IX.C.1.a, IX.E.1.a and b, IX.G.1.b, and IX.G.2.)

(f) Based on City records, the cost to the City to comply with these TMDL requirements in Fiscal Year (FY) 2012-2013, including costs in participating in the EWMP process, was \$24,375. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement an EWMP and an integrated monitoring program (“IMP”) or Coordinated Integrated Monitoring Program (“CIMP”), which resulted in a Letter of Intent sent to the LARWQCB to participate in an EWMP and CIMP. The Letter of Intent is dated June 26, 2013; costs were incurred on and leading up to that date. A copy of the City’s letter is attached as Exhibit 1.

(g) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$39,678.

9. **Requirements Related to Discharge Prohibitions for Non-Stormwater:**

(a) Permit Part III.A.1 prohibits certain non-stormwater discharges through the municipal separate storm sewer system (“MS4”) to receiving waters. I have been advised that this requirement exceeds the requirements of the Clean Water Act (“CWA”).

(b) Part III.A.2 requires the City to employ best management practices (“BMPs”) for discharges from essential non-emergency firefighting activities and, with regard to unpermitted

discharges by drinking water suppliers, to work with those suppliers on the conditions of their discharges.

(c) Part III.A.4.a requires the City to develop and implement procedures covering non-permitted discharges of non-stormwater to the City's MS4 in compliance with the requirements of Part III.A.4.a.i-vi of the Permit.

(d) Part III.A.4.b. requires the City to develop and implement procedures to minimize the discharge of landscape irrigation water into the MS4, including to coordinate with local water purveyors to promote water use efficiency, use of drought tolerant vegetation and use of less toxic options for pest control and landscape management and to develop and implement an outreach and education program to minimize the discharge of irrigation water and associated pollutants.

(e) Part III.A.4.c requires the City to evaluate monitoring data collected pursuant to the Permit's Monitoring and Reporting Program (Permit Attachment E) and other associated data and information to determine, among other things, if authorized or conditionally authorized non-stormwater discharges are a source of pollutants that may be causing or contributing to an exceedance of receiving water limitations and/or water quality based effluent limitations.

(f) Part III.A.4.d requires the City to take action to address such non-stormwater discharges if they are found to be such a source of pollutants, through effective prohibition, conditions, diversions or treatment. These tasks involve, among other things, meeting with non-stormwater dischargers, identifying and analyzing the nature of non-stormwater discharges, the development and implementation of discharge procedures, conducting public education efforts and evaluating monitoring data.

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(g) Based on City records, the cost to the City to comply with these non-stormwater prohibition requirements in FY 2012-2013, including costs in participating in the EWMP process, was \$ (The City incurred costs with respect to these requirements but cannot at this time quantify those costs). These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement an EWMP, which includes an analysis of the non-stormwater discharge program. This staff time resulted in a Letter of Intent to participate in a EWMP sent to the LARWQCB dated June 26, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$(I am informed and believe and therefore state that the City incurred costs with respect to these requirements but cannot at this time quantify those costs).

10. **Public Information Program Requirements:**

(a) Permit Part VI.D.5.a requires the City to “measurably increase” the knowledge of target audiences about the MS4, the adverse impacts of stormwater pollution on receiving waters and potential solutions to mitigate impacts, to “measurably change” waste disposal and stormwater pollution generation behavior by developing and encouraging implementation of “appropriate alternatives” and to “involve and engage a diversity of socio-economic groups and ethnic communities” to participate in stormwater pollution impact mitigation.

(b) Permit Part VI.D.5.b requires the City to implement Public Information and Participation Program activities by participating in either a County-wide, Watershed Group-sponsored or individual effort.



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(c) Permit Part VI.D.5.c requires the City to provide a means for public reporting of clogged catch basin inlets and illicit discharges/dumping, faded or missing catch basin labels and general stormwater and non-stormwater pollution prevention information through a telephone hotline or in public information or government pages of the telephone book, identify staff or departments serving as contact persons and providing current, updated hotline information. The City is also required to organize events targeted to residents and population subgroups to “educate and involve the community in storm water and non-storm water pollution prevent and clean-up (e.g., education seminars, clean-ups, and community catch basin stenciling).”

(d) Permit Part VI.D.5.d requires the City to conduct stormwater pollution prevention public service announcements and advertising campaigns and provide public education materials on the proper handling of vehicle waste fluids, house, and construction waste, pesticides and fertilizers (including the use of integrated pest management practices), green waste and animal wastes. This Part further requires the City (a) to distribute public education materials at automotive parts stores, home improvement centers, lumber yards and hardware and paint stores, landscaping and gardening centers and pet shops and feed stores, and (b) to maintain stormwater websites or provide links to stormwater websites via the City’s website, which must include educational material and opportunities for public participation in stormwater pollution and cleanup activities and provide schools within the City’s jurisdiction with materials to education K-12 students on stormwater pollution. In each of these requirements, Permit Part VID.5.d requires the City to “use effective strategies to educate and involve ethnic communities in storm water pollution prevention through culturally effective methods.”

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(e) Based on City records, the cost to the City to comply with these public information program requirements in FY 2012-2013, including costs in participating in the EWMP process, was \$6,765. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement an EWMP, which includes public information. This staff time resulted in a Letter of Intent to participate in an EWMP sent to the LARWQCB dated June 26, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(f) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$13,042.

11. **Inventory and Inspections of Industrial/Commercial Sources:**

(a) Permit Part VI.D.6.b requires the City to track nurseries and nursery centers and to include various information for each facility on the inventory, including the industrial classification code, the status of exposure of materials to stormwater, the name of the receiving water, whether the facility is tributary to a waterbody listed as impaired under CWA section 303(d) where the facility generates pollutants for which the waterbody is impaired, and whether the facility has filed a "No Exposure Certification" ("NEC") with the State Water Resources Control Board ("State Board"). The City is required to update the inventory at least annually, through collection of information through field activities over from other means.

(b) Permit Part VI.D.6.d requires the City to inspect restaurants, automotive service facilities, retail gasoline outlets and nurseries and nursery centers twice during the Permit term, including an inspection within two years after the Permit's effective date. In such inspection, the City is required, among other things, to evaluate whether the source is implementing effective

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source control BMPs for each corresponding activity and to require implementation of additional BMPs where stormwater from the facility discharged to the MS4 discharges to a Significant Ecological Area (“SEA”), a water body subject to TMDL provisions or a CWA section 303(d) listed waterbody.

(c) Permit Part VI.D.6.e requires the City to inspect industrial facilities, including those identified in 40 C.F.R. section 122.26(b)(14)(i-xi) and facilities identified in 40 C.F.R. section 122.26(d)(12)(iv)(C). In such inspections, the City is required to confirm that each facility has a current Waste Discharge Identification number for coverage under the State Board-issued General Industrial Activities Stormwater Permit or has applied for and received a no exposure certification, and to require implementation of additional BMPs where stormwater from the MS4 discharges to a waterbody subject to a TMDL or is a CWA section 303(d) listed impaired waterbodies. Additionally, for facilities discharging to MS4s that discharge to an SEA, the permittees, including the City, are required to require operators to implement additional pollutant-specific controls to reduce pollutants that are causing or contributing to exceedances of water quality standards.

(d) Based on City records, the cost to the City to comply with these inventory and inspection requirements in FY 2012-2013, including costs in participating in the EWMP process, was \$15,504. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. Those costs included costs for staff time in analyzing and deciding whether to implement an EWMP, which includes the inspection of industrial and commercial sources. This staff time resulted in a Letter of Intent to participate in an EWMP sent to the

LARWQCB dated June 26, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$30,282.

12. **Post-Construction BMP Requirements:**

(a) Permit Part VI.D.7.d.iv(1)(a) requires the City to implement a GIS or other electronic system for tracking projects that are required to have post-construction BMPs, including project identification, acreage, BMP type and description, BMP locations, dates of acceptance and maintenance agreements, inspection dates and summaries and corrective action.

(b) Permit Part VI.D.7.d.iv(1)(b) requires the City to inspect all development sites upon completion of construction and before issuance of an occupancy certificate to ensure “proper installation” of Low Impact Development (“LID”) measures, structural BMPs, treatment control BMPs and hydromodification control BMPs.

(c) Permit Part VI.D.7.d.iv(1)(c) requires the City to develop a post-construction BMP checklist and to inspect at an interval of at least once every two years, City-operated post-construction BMPs to assess operations condition.

(d) Based on City records, the cost to the City to comply with these post-construction BMP requirements in FY 2012-2013, including costs in participating in the EWMP process, was \$8,122. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement an EWMP, which includes a planning and development program. This staff time resulted in a

Letter of Intent to participate in an EWMP sent to the LARWQCB dated June 26, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$2,520.

13. **Construction Site Requirements:**

(a) Permit Part VI.D.8.g.i requires the City to develop an electronic system to inventory grading, encroachment, demolition, building or construction permits (or other municipal authorizations to move soil and/or construct or destruct that involves land disturbance).

(b) Permit Part VI.D.8.g.ii requires the City to complete and update an inventory containing, among other items, contact information for a project, basic site information, the proximity of all water bodies, significant threats to water quality status, current construction phase where feasible, required inspection frequency, start and anticipated completion dates, whether the project has submitted a Notice of Intent to be covered under the State Board-issued General Construction Activities Stormwater Permit ("GCASP"), whether it has obtained GCASP coverage, the date the Erosion and Sediment Control Plan ("ESCP") was approved and post-construction structural BMPs subject to operation and maintenance requirements.

(c) Permit Part VI.D.8.h requires the City to develop and implement review procedures for construction plan documents, including preparation and submittal of an appropriate ESCP, verification of GCASP or other permit coverage and other items. The Part further requires permittees, including the City, to develop and implement a checklist to conduct and document the review of each ESCP.

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(d) Permit Part VI.D.8.i.i requires the City to develop and implement technical standards for the selection, installation and maintenance of construction BMPs for all such sites within the City.

(e) Permit Part VI.D.8.i.ii requires that such BMPs be tailored to the risks posed by the project, as well as in minimum conformance with standards set forth in Permit Table 15, use of BMPs meeting the requirements of Permit Tables 14 and 16 for construction sites equal or greater than one acre or paving projects, detailed installation designs and cut sheets for use in ESCPs and maintenance expectations for each BMP or category of BMPs.

(f) Permit Part VI.D.8.i.iv further requires that such technical standards must be “readily available” to the development community and must be “clearly referenced” within the City’s stormwater or development services website, ordinance, permit approval process and/or ESCP review forms.

(g) Permit Part VI.D.8.i.v requires local BMP technical standards to cover all items set forth in Tables 13, 14, 15 and 16 of the Permit.

(h) Permit Part VI.D.8.j requires the City to inspect all construction sites of one acre or greater in size on the frequencies set forth in the Permit, which requires inspections prior to land disturbance activities, during active construction and at the conclusion of the project and as a condition to approving and/or issuing a Certificate of Occupancy. The frequency of inspections is set in addition in Table 17 of the Permit. As part of the inspection obligations, the permittees, including the City, must develop, implement and revise as necessary standard operating procedures that identify the inspection procedures to be followed by each permittee. Additionally, during inspections, the City must verify “active coverage” under the GCASP for specified projects;

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review the ESCP; inspect the site to determine whether all BMPs have been selected, installed, implemented and maintained; assess the appropriateness of planned and installed BMPs, and their effectiveness; visually observe and record non-stormwater discharge, potential illicit discharges and connections and potential discharge of pollutants in stormwater runoff; develop a written or electronic inspection report generated from a field inspection checklist; and track the number of inspections for the site to ensure that it meets the minimum requirements of Permit Table 17.

(i) Permit Part VI.D.8.1.i and ii requires the City to ensure training for “all staff whose primary job duties are related to implementing the construction storm water program,” including plan reviewers and permitting staff with regard to the “technical review of local erosion and sediment control ordinance, local BMP technical standards, ESCP requirements, and the key objectives of the State Water Board QSD program, erosion sediment control/storm water inspectors in inspection procedures consistent with various standards. Additionally, if outside parties conduct inspections or review plans, the City is required to ensure that such staff are trained under the same requirements.

(j) Based on City records, the cost to the City to comply with these construction site requirements in FY 2012-2013, including costs in participating in the EWMP process, was \$7,500. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement an EWMP, which includes construction site requirements. This staff time resulted in a Letter of Intent to participate in an EWMP sent to the LARWQCB dated June 26, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(k) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$7,500.

14. **Public Agency Requirements:**

(a) Permit Part VI.D.9.c requires the City to maintain an “updated inventory” of all permittee-owned or operated facilities that are potential sources of stormwater pollution, including 24 separate categories of facilities that are required to be in the inventory. The inventory must include the name and address of the facility, contact information, a narrative description of activities performed and potential pollution sources, coverage under any individual or general NPDES permits or waivers. The inventory must be updated at least once during the five-year term of the Permit with information collected through field activities or other means.

(b) Permit Part VI.D.9.d.i requires the City to develop an inventory of “retrofitting opportunities” in areas of existing development.

(c) Permit Part VI.D.9.d.ii and iii requires the City to screen existing areas of development “to identify candidate areas for retrofitting using watershed models or other screening level tools” and then evaluate and rank areas of existing development to prioritize retrofitting candidates.

(d) Permit Part VI.D.9.d.iv requires the City to consider the results of the evaluation by giving “highly feasible” projects a “high priority” to implement source control and treatment control BMPs in their Storm Water Management Plan (“SWMP”) and consider high priority retrofit projects as candidates for off-site mitigation for new development and redevelopment projects.

(e) Permit Part VI.D.9.d.v requires the City to cooperate with private landowners to “encourage site specific retrofitting projects.” In such cooperation, demonstration retrofit projects,



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retrofits on public lands and easements, education and outreach, subsidies for retrofit projects, requiring retrofit projects as enforcement, mitigation or ordinance compliance, public and private partnerships, fees for existing discharges to the MS4 and reduction of such fees for retrofit implementation must be considered.

(f) Permit Part VI.D.9.g.ii requires the City to implement an Integrated Pest Management (“IPM”) program, including restrictions on the use of pesticides, restricting treatments only to remove the target organism, selection of pest controls that minimize risks to human health, “beneficial non-target organisms” and the environment, partnering with other agencies and organizations to “encourage” the use of IPM and adopt and “verifiably implement” policies, procedures and/or ordinances requiring the minimization of pesticide use and encouraging the use of IPM techniques for public agency facilities and activities. Additionally, the City must commit and schedule to reduce the use of pesticides that cause impairments of surface waters by preparing and updating annually an inventory of pesticides, quantify pesticide use by staff and contractors and demonstrate implementation of IPM alternatives where feasible to reduce pesticide use.

(g) Permit Part VI.D.9.h.vii requires permittees in areas not subject to a Trash TMDL, to install trash excluders, or equivalent devices, on or in catch basins or outfalls, except where such installation would cause flooding, unless lack of maintenance that causes the flooding. Permittees, including the City, may also employ alternative or enhanced BMPs that “provide substantially equivalent removal of trash.” If alternative means are employed, the City must demonstrate that such BMPs “provide equivalent trash removal performance as excluders.”

(h) Permit Part VI.D.9.k.ii requires the City to train all employees and contractors “who use or have the potential to use pesticides or fertilizers” that address the potential for pesticide-

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related surface water toxicity, in the proper use, handling, and disposal of pesticides, least toxic methods of pest prevention and control, including IPM and the reduction of pesticide use.

(i) Based on City records, the cost to the City to comply with these public agency requirements in FY 2012-2013, including costs in participating in the EWMP process, was \$88,411. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. Those costs included costs for staff time in analyzing and deciding whether to implement an EWMP, which includes public agency activities. This staff time resulted in a Letter of Intent to participate in an EWMP sent to the LARWQCB dated June 26, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(j) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$342,992.

15. **Illicit Connection and Discharge Requirements:**

(a) Permit Part VI.D.10.d.iii requires the City to “ensure that signage adjacent to open channels . . . include information regarding dumping prohibitions and public reporting of illicit discharges.”

(b) Permit Part VI.D.10.d.iv requires the City to develop and maintain written procedures that document how complaint calls are received, documented and tracked “to ensure that all complaints are adequately addressed.” Such procedures must be “evaluated to determine whether changes or updates are needed to ensure that the procedures adequately document the methods employed by the Permittee.”

(c) Permit Part VI.D.10.d.v the City to maintain documentation of complaint calls and to record the location of the reported spill or illicit discharge and the action undertaken in response.

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(d) Permit Part VI.D.10.e.i requires, in pertinent part, that the City implement a “spill response plan” for all sewage and other spills that may discharge into its MS4.

(e) Permit Part VI.D.10.e.i(1) requires that the plan must identify agencies responsible for spill response and cleanup, phone numbers and e-mail addresses for contacts and shall further address coordination with spill response teams “throughout all appropriate departments, programs and agencies so that maximum water quality protection is provided.”

(f) Permit Part VI.D.10.e.i(3) and (4) requires the City to respond to spills for containment within four hours of become aware of the spill, or if on private property, within two hours of gaining legal access to the property and reporting of spills that may endanger health or the environment to appropriate public health agencies and the Office of Emergency Services (“OES”).

The City incurred staff time in analyzing and deciding whether to implement an EWMP, which includes illicit connection and discharge requirements. This staff time resulted in a Letter of Intent to participate in an EWMP sent to the LARWQCB dated June 26, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date. (I cannot currently quantify those costs.)

(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$709.

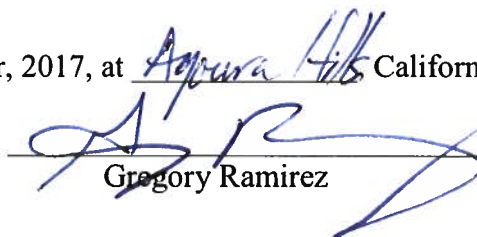
16. I am informed and believe that there are no dedicated state, federal or regional funds that are or will be available to pay for any of the new and/or upgraded programs and activities set forth in this Declaration. I am not aware of any other fee or tax that the City would have the discretion to impose under California law to recover any portion of the cost of these programs and activities.

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17. The City has filed a joint test claim with 22 other cities. The Cities agree on all issues of the test claim.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 31 day of October, 2017, at Agoura Hills California.

  
Gregory Ramirez

## EXHIBIT 1



*"Gateway to the Santa Monica Mountains National Recreation Area"*

June 26, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

**LETTER OF INTENT RELATED TO THE DEVELOPMENT OF AN ENHANCED  
WATERSHED MANAGEMENT PROGRAM AND COORDINATED INTEGRATED  
MONITORING PROGRAM**

Dear Mr. Unger,

The City of Agoura Hills, with this letter, pledges to collaborate with the Malibu Creek Watershed Group (Group) in the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) in accordance with the new MS4 Permit by Order No. R4-2012-0175 for submission to your Board.

The Malibu Creek Watershed Group includes the following agencies: The City of Agoura Hills, City of Calabasas, City of Hidden Hills, City of Westlake Village, County of Los Angeles and the Los Angeles County Flood Control District.

The City of Agoura Hills further pledges to cost share the development cost of both the Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP). A cost sharing formula has been agreed by all participating members of the Group as to the equitable distribution of costs.

Should you have any questions, please contact Ramiro Adeva at 818-597-7353 or [radeva@ci.agoura-hills.ca.us](mailto:radeva@ci.agoura-hills.ca.us).

Sincerely,

Denis Weber  
Mayor

cc: Renee Purdy, LA Regional Water Quality Control Board  
Ivar Ridgeway, LA Regional Water Quality Control Board  
Alex Farassati, City of Calabasas

DECLARATION OF JEFFREY L. STEWART

CITY OF BELLFLOWER

I, Jeffrey L. Stewart, hereby declare and state as follows:

1. I am City Manager for the City of Bellflower (“City”). In that capacity, I share responsibility for the compliance of the City with regard to the requirements of California Regional Water Quality Control Board, Los Angeles Region (“LARWQCB”) Order No. R4-2012-0175 (“the Permit”) as they apply to the City.

2. I have reviewed sections of the Permit and its attachments as set forth herein and am familiar with those provisions. I am also familiar with how the Permit changed requirements that were previously imposed on the City by the prior permit that had issued to the City by the LARWQCB in 2001 (“2001 Permit”).

3. I have an understanding of the City’s sources of funding for programs and activities required to comply with the Permit.

4. I make this declaration based on my own personal knowledge, except for matters set forth herein based on information and belief, and as to those matters I believe them to be true. If called upon to testify, I could and would competently to the matters set forth herein.

5. In Section 5 and Section 7 of this Test Claim, which contains exhibits to the test claim filed by the City and other permittees under the Permit, the specific sections of the Permit at issue in the test claim have been set forth. I hereby incorporate such provisions of Sections 5 and 7 into this declaration as though fully set forth herein.

6. The City has elected to participate in two Watershed Management Plans (“WMPs”), one for the Lower San Gabriel River and one for the Los Cerritos Channel, that are designed to address, in whole or in part, the “Total Maximum Daily Load (TMDL)” provisions

of the Permit as well other requirements of the Permit, including those set forth in this Declaration.

7. Based on my understanding of the Permit, I believe that the Permit requires the City to undertake the following programs either directly or through the mechanism of a WMP, which represent new programs and/or higher levels of service or the shifting of state responsibilities to the City, which activities were not required by the 2001 Permit and which are unique to local government entities:

8. **Implementation of TMDLs:**

(a) Part VI.E.1.c requires the permittees to “comply with the applicable water quality-based effluent limitations and/or receiving water limitations contained in Attachments L through R, consistent with the assumptions and requirements of the WLAs established in the TMDLs, including implementation plans and schedules, where provided for in the State adoption and approval of the TMDL (40 CFR 122.44(d)(1)(vii)(B); Cal. Wat. Code § 13263(a)).”

(b) Attachment K to the Permit sets forth the TMDLs with which the City must comply.

(c) Attachments L through R of the Permit set forth the requirements of each TMDL and its “waste load allocations” with which the City must comply.

(d) Part VI.B of the Permit requires the City “to comply with the [Monitoring and Reporting Program] and future revisions thereto, in Attachment E of this Order or may, in coordination with an approved Watershed Management Program per Part VI.C, implement a customized monitoring program that achieves the five Primary Objectives set forth in Part II.A of Attachment E and includes the elements set forth in Part II.E of Attachment E.”



(e) Attachment E to the Permit requires the monitoring program to include monitoring at “TMDL receiving water compliance points” and other “TMDL monitoring requirements specified in approved TMDL Monitoring Plans.” (Permit, Attachment E, Parts II.E.1 through 3 and Part V; *see also* Attachment E, Parts VI.A.1.b(iii) and (iv), VI.B.2, VI.C.1.a, VI.D.1.a, VIII.B.1.b(ii), IX.A.5, IX.C.1.a, IX.E.1.a and b, IX.G.1.b, and IX.G.2.)

(f) Based on City records, the cost to the City to comply with these TMDL requirements in Fiscal Year (FY) 2012-2013, including costs in participating in the WMP process, was \$7,949. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, and an integrated monitoring program (“IMP”) or Coordinated Integrated Monitoring Program (“CIMP”) which resulted in Notices of Intent to participate in a WMP and CIMP. The Notices of Intent were sent to the LARWQCB dated June 26, 2013; costs were incurred on and leading up to that date. Copies of the City’s Notices are attached as Exhibit 1.

(g) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$150,020.

9. **Requirements Related to Discharge Prohibitions for Non-Stormwater:**

(a) Permit Part III.A.1 prohibits certain non-stormwater discharges through the municipal separate storm sewer system (“MS4”) to receiving waters. I have been advised that this requirement exceeds the requirements of the Clean Water Act (“CWA”).

(b) Part III.A.2 requires the City to employ best management practices (“BMPs”) for discharges from essential non-emergency firefighting activities and, with regard to unpermitted

discharges by drinking water suppliers, to work with those suppliers on the conditions of their discharges.

(c) Part III.A.4.a requires the City to develop and implement procedures covering non-permitted discharges of non-stormwater to the City's MS4 in compliance with the requirements of Part III.A.4.a.i-vi of the Permit.

(d) Part III.A.4.b requires the City to develop and implement procedures to minimize the discharge of landscape irrigation water into the MS4, including to coordinate with local water purveyors to promote water use efficiency, use of drought tolerant vegetation and use of less toxic options for pest control and landscape management and to develop and implement an outreach and education program to minimize the discharge of irrigation water and associated pollutants.

(e) Part III.A.4.c requires the City to evaluate monitoring data collected pursuant to the Permit's Monitoring and Reporting Program (Permit Attachment E) and other associated data and information to determine, among other things, if authorized or conditionally authorized non-stormwater discharges are a source of pollutants that may be causing or contributing to an exceedance of receiving water limitations and/or water quality based effluent limitations.

(f) Part III.A.4.d requires the City to take action to address such non-stormwater discharges if they are found to be such a source of pollutants, through effective prohibition, conditions, diversions or treatment. These tasks involve, among other things, meeting with non-stormwater dischargers, identifying and analyzing the nature of non-stormwater discharges, the development and implementation of discharge procedures, conducting public education efforts and evaluating monitoring data.

(g) Based on City records, the cost to the City to comply with these non-stormwater prohibition requirements in FY 2012-2013, including costs in participating in the WMP process, as \$21,076. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. Those costs included costs for staff time in analyzing and deciding whether to implement a WMP, which resulted in a Notices of Intent to participate in a WMP sent to the LARWQCB dated June 26, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$24,965.

10. **Public Information Program Requirements:**

(a) Permit Part VI.D.5.a requires the City to “measurably increase” the knowledge of target audiences about the MS4, the adverse impacts of stormwater pollution on receiving waters and potential solutions to mitigate impacts, to “measurably change” waste disposal and stormwater pollution generation behavior by developing and encouraging implementation of “appropriate alternatives” and to “involve and engage a diversity of socio-economic groups and ethnic communities” to participate in stormwater pollution impact mitigation.

(b) Permit Part VI.D.5.b requires the City to implement Public Information and Participation Program activities by participating in either a County-wide, Watershed Group-sponsored or individual effort.

(c) Permit Part VI.D.5.c requires the City to provide a means for public reporting of clogged catch basin inlets and illicit discharges/dumping, faded or missing catch basin labels and general stormwater and non-stormwater pollution prevention information through a telephone

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hotline or in public information or government pages of the telephone book, identify staff or departments serving as contact persons and providing current, updated hotline information. The City is also required to organize events targeted to residents and population subgroups to “educate and involve the community in storm water and non-storm water pollution prevent and clean-up (e.g., education seminars, clean-ups, and community catch basin stenciling).”

(d) Permit Part VI.D.5.d requires the City to conduct stormwater pollution prevention public service announcements and advertising campaigns and provide public education materials on the proper handling of vehicle waste fluids, house, and construction waste, pesticides and fertilizers (including the use of integrated pest management practices), green waste and animal wastes. This Part further requires the City (a) to distribute public education materials at automotive parts stores, home improvement centers, lumber yards and hardware and paint stores, landscaping and gardening centers and pet shops and feed stores, and (b) to maintain stormwater websites or provide links to stormwater websites via the City’s website, which must include educational material and opportunities for public participation in stormwater pollution and cleanup activities and provide schools within the City’s jurisdiction with materials to education K-12 students on stormwater pollution. In each of these requirements, Permit Part VID.5.d requires the City to “use effective strategies to educate and involve ethnic communities in storm water pollution prevention through culturally effective methods.”

(e) Based on City records, the cost to the City to comply with these public information program requirements in FY 2012-2013, including costs in participating in the WMP process, was \$26,498. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. Those costs included costs for staff time in analyzing and deciding

whether to implement a WMP, which includes an analysis of the public information program. This staff time resulted in Notices of Intent to participate in a WMP dated June 26, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(f) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$34,425.

11. **Inventory and Inspections of Industrial/Commercial Sources:**

(a) Permit Part VI.D.6.b requires the City to track nurseries and nursery centers and to include various information for each facility on the inventory, including the industrial classification code, the status of exposure of materials to stormwater, the name of the receiving water, whether the facility is tributary to a waterbody listed as impaired under CWA section 303(d) where the facility generates pollutants for which the waterbody is impaired, and whether the facility has filed a “No Exposure Certification” (“NEC”) with the State Water Resources Control Board (“State Board”). The City is required to update the inventory at least annually, through collection of information through field activities over from other means.

(b) Permit Part VI.D.6.d requires the City to inspect restaurants, automotive service facilities, retail gasoline outlets and nurseries and nursery centers twice during the Permit term, including an inspection within two years after the Permit’s effective date. In such inspection, the City is required, among other things, to evaluate whether the source is implementing effective source control BMPs for each corresponding activity and to require implementation of additional BMPs where stormwater from the facility discharged to the MS4 discharges to a Significant Ecological Area (“SEA”), a water body subject to TMDL provisions or a CWA section 303(d) listed waterbody.

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(c) Permit Part VI.D.6.e requires the City to inspect industrial facilities, including those identified in 40 C.F.R. section 122.26(b)(14)(i-xi) and facilities identified in 40 C.F.R. section 122.26(d)(12)(iv)(C). In such inspections, the City is required to confirm that each facility has a current Waste Discharge Identification number for coverage under the State Board-issued General Industrial Activities Stormwater Permit or has applied for and received a no exposure certification, and to require implementation of additional BMPs where stormwater from the MS4 discharges to a waterbody subject to a TMDL or is a CWA section 303(d) listed impaired waterbodies. Additionally, for facilities discharging to MS4s that discharge to an SEA, the permittees, including the City, are required to require operators to implement additional pollutant-specific controls to reduce pollutants that are causing or contributing to exceedances of water quality standards.

(d) Based on City records, the cost to the City to comply with these inventory and inspection requirements in FY 2012-2013, including costs in participating in the WMP process, was \$9,682. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. Those costs included costs for staff time in analyzing and deciding whether to implement a WMP, which includes an analysis and customization of the inspection of industrial and commercial sources. This staff time resulted in a Notices of Intent to participate in a WMP sent to the LARWQCB dated June 26, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$18,117.

12. **Post-Construction BMP Requirements:**

(a) Permit Part VI.D.7.d.iv(1)(a) requires the City to implement a GIS or other electronic system for tracking projects that are required to have post-construction BMPs, including project identification, acreage, BMP type and description, BMP locations, dates of acceptance and maintenance agreements, inspection dates and summaries and corrective action.

(b) Permit Part VI.D.7.d.iv(1)(b) requires the City to inspect all development sites upon completion of construction and before issuance of an occupancy certificate to ensure “proper installation” of Low Impact Development (“LID”) measures, structural BMPs, treatment control BMPs and hydromodification control BMPs.

(c) Permit Part VI.D.7.d.iv(1)(c) requires the City to develop a post-construction BMP checklist and to inspect at an interval of at least once every two years, City-operated post-construction BMPs to assess operations condition.

(d) Based on City records, the cost to the City to comply with these post-construction BMP Requirements in FY 2012-2013, including costs in participating in the WMP process, was \$39,667. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. Those costs included costs for staff time in analyzing and deciding whether to implement a WMP, which includes an analysis of the planning and development program. This staff time resulted in Notices of Intent to participate in a WMP sent to the LARWQCB dated June 26, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$41,374.

13. **Construction Site Requirements:**

(a) Permit Part VI.D.8.g.i requires the City to develop an electronic system to inventory grading, encroachment, demolition, building or construction permits (or other municipal authorizations to move soil and/or construct or destruct that involves land disturbance).

(b) Permit Part VI.D.8.g.ii requires the City to complete and update an inventory containing, among other items, contact information for a project, basic site information, the proximity of all water bodies, significant threats to water quality status, current construction phase where feasible, required inspection frequency, start and anticipated completion dates, whether the project has submitted a Notice of Intent to be covered under the State Board-issued General Construction Activities Stormwater Permit (“GCASP”), whether it has obtained GCASP coverage, the date the Erosion and Sediment Control Plan (“ESCP”) was approved and post-construction structural BMPs subject to operation and maintenance requirements.

(c) Permit Part VI.D.8.h requires the City to develop and implement review procedures for construction plan documents, including preparation and submittal of an appropriate ESCP, verification of GCASP or other permit coverage and other items. The Part further requires permittees, including the City, to develop and implement a checklist to conduct and document the review of each ESCP.

(d) Permit Part VI.D.8.i.i requires the City to develop and implement technical standards for the selection, installation and maintenance of construction BMPs for all such sites within the City.

(e) Permit Part VI.D.8.i.ii requires that such BMPs be tailored to the risks posed by the project, as well as in minimum conformance with standards set forth in Permit Table 15, use of



Section 6: Declarations in Support of Joint Test Claim of Los Angeles County Local Agencies  
Concerning Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No. CAS 004001)

BMPs meeting the requirements of Permit Tables 14 and 16 for construction sites equal or greater than one acre or paving projects, detailed installation designs and cut sheets for use in ESCPs and maintenance expectations for each BMP or category of BMPs.

(f) Permit Part VI.D.8.i.iv further requires that such technical standards must be “readily available” to the development community and must be “clearly referenced” within the City’s stormwater or development services website, ordinance, permit approval process and/or ESCP review forms.

(g) Permit Part VI.D.8.i.v requires local BMP technical standards to cover all items set forth in Tables 13, 14, 15 and 16 of the Permit.

(h) Permit Part VI.D.8.j requires the City to inspect all construction sites of one acre or greater in size on the frequencies set forth in the Permit, which requires inspections prior to land disturbance activities, during active construction and at the conclusion of the project and as a condition to approving and/or issuing a Certificate of Occupancy. The frequency of inspections is set in addition in Table 17 of the Permit. As part of the inspection obligations, the permittees, including the City, must develop, implement and revise as necessary standard operating procedures that identify the inspection procedures to be followed by each permittee. Additionally, during inspections, the City must verify “active coverage” under the GCASP for specified projects; review the ESCP; inspect the site to determine whether all BMPs have been selected, installed, implemented and maintained; assess the appropriateness of planned and installed BMPs, and their effectiveness; visually observe and record non-stormwater discharge, potential illicit discharges and connections and potential discharge of pollutants in stormwater runoff; develop a written or electronic inspection report generated from a field inspection

checklist; and track the number of inspections for the site to ensure that it meets the minimum requirements of Permit Table 17.

(i) Permit Part VI.D.8.1.i and ii requires the City to ensure training for “all staff whose primary job duties are related to implementing the construction storm water program,” including plan reviewers and permitting staff with regard to the “technical review of local erosion and sediment control ordinance, local BMP technical standards, ESCP requirements, and the key objectives of the State Water Board QSD program, erosion sediment control/storm water inspectors in inspection procedures consistent with various standards. Additionally, if outside parties conduct inspections or review plans, the City is required to ensure that such staff are trained under the same requirements.

(j) Based on City records, the cost to the City to comply with these construction site requirements in FY 2012-2013, including costs in participating in the WMP process, was \$15,467. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. Those costs included costs for staff time in analyzing and deciding whether to implement a WMP, which included an analysis of construction site requirements. This resulted in Notices of Intent to participate in WMPs sent to the LARWQCB dated June 26, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(k) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$22,188.

14. **Public Agency Requirements:**

(a) Permit Part VI.D.9.c requires the City to maintain an “updated inventory” of all permittee-owned or operated facilities that are potential sources of stormwater pollution,

including 24 separate categories of facilities that are required to be in the inventory. The inventory must include the name and address of the facility, contact information, a narrative description of activities performed and potential pollution sources, coverage under any individual or general NPDES permits or waivers. The inventory must be updated at least once during the five-year term of the Permit with information collected through field activities or other means.

(b) Permit Part VI.D.9.d.i requires the City to develop an inventory of “retrofitting opportunities” in areas of existing development.

(c) Permit Part VI.D.9.d.ii and iii requires the City to screen existing areas of development “to identify candidate areas for retrofitting using watershed models or other screening level tools” and then evaluate and rank areas of existing development to prioritize retrofitting candidates.

(d) Permit Part VI.D.9.d.iv requires the City to consider the results of the evaluation by giving “highly feasible” projects a “high priority” to implement source control and treatment control BMPs in their Storm Water Management Plan (“SWMP”) and consider high priority retrofit projects as candidates for off-site mitigation for new development and redevelopment projects.

(e) Permit Part VI.D.9.d.v requires the City to cooperate with private landowners to “encourage site specific retrofitting projects.” In such cooperation, demonstration retrofit projects, retrofits on public lands and easements, education and outreach, subsidies for retrofit projects, requiring retrofit projects as enforcement, mitigation or ordinance compliance, public and private partnerships, fees for existing discharges to the MS4 and reduction of such fees for retrofit implementation must be considered.

(f) Permit Part VI.D.9.g.ii requires the City to implement an Integrated Pest Management (“IPM”) program, including restrictions on the use of pesticides, restricting treatments only to remove the target organism, selection of pest controls that minimize risks to human health, “beneficial non-target organisms” and the environment, partnering with other agencies and organizations to “encourage” the use of IPM and adopt and “verifiably implement” policies, procedures and/or ordinances requiring the minimization of pesticide use and encouraging the use of IPM techniques for public agency facilities and activities. Additionally, the City must commit and schedule to reduce the use of pesticides that cause impairments of surface waters by preparing and updating annually an inventory of pesticides, quantify pesticide use by staff and contractors and demonstrate implementation of IPM alternatives where feasible to reduce pesticide use.

(g) Permit Part VI.D.9.h.vii requires permittees in areas not subject to a Trash TMDL, to install trash excluders, or equivalent devices, on or in catch basins or outfalls, except where such installation would cause flooding, unless lack of maintenance that causes the flooding. Permittees, including the City, may also employ alternative or enhanced BMPs that “provide substantially equivalent removal of trash.” If alternative means are employed, the City must demonstrate that such BMPs “provide equivalent trash removal performance as excluders.”

(h) Permit Part VI.D.9.k.ii requires the City to train all employees and contractors “who use or have the potential to use pesticides or fertilizers” that address the potential for pesticide-related surface water toxicity, in the proper use, handling, and disposal of pesticides, least toxic methods of pest prevention and control, including IPM and the reduction of pesticide use.

(i) Based on City records, the cost to the City to comply with these public agency requirements in FY 2012-2013, including costs in participating in the WMP process, was \$88,967. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, which included an analysis of these public agency activities. This resulted in Notices of Intent sent to the LARWQCB to participate in a WMP dated June 26, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(j) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$78,893.

15. **Illicit Connection and Discharge Requirements:**

(a) Permit Part VI.D.10.d.iii requires the City to “ensure that signage adjacent to open channels . . . include information regarding dumping prohibitions and public reporting of illicit discharges.”

(b) Permit Part VI.D.10.d.iv requires the City to develop and maintain written procedures that document how complaint calls are received, documented and tracked “to ensure that all complaints are adequately addressed.” Such procedures must be “evaluated to determine whether changes or updates are needed to ensure that the procedures adequately document the methods employed by the Permittee.”

(c) Permit Part VI.D.10.d.v the City to maintain documentation of complaint calls and to record the location of the reported spill or illicit discharge and the action undertaken in response.

(d) Permit Part VI.D.10.e.i requires, in pertinent part, that the City implement a “spill response plan” for all sewage and other spills that may discharge into its MS4.

Section 6: Declarations in Support of Joint Test Claim of Los Angeles County Local Agencies Concerning Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No. CAS 004001)

(e) Permit Part VI.D.10.e.i(1) requires that the plan must identify agencies responsible for spill response and cleanup, phone numbers and e-mail addresses for contacts and shall further address coordination with spill response teams “throughout all appropriate departments, programs and agencies so that maximum water quality protection is provided.”

(f) Permit Part VI.D.10.e.i(3) and (4) requires the City to respond to spills for containment within four hours of become aware of the spill, or if on private property, within two hours of gaining legal access to the property and reporting of spills that may endanger health or the environment to appropriate public health agencies and the Office of Emergency Services (“OES”).

(g) Based on my review of the City records, the cost to the City to comply with these illicit connection and discharge requirements in FY 2012-2013, including costs in participating in the WMP process, was \$63,067. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, which included an analysis of these illicit connection and discharge requirements. This staff time resulted in Notices of Intent sent to the LARWQCB to participate in a WMP dated June 26, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$62,372.

16. I am informed and believe that there are no dedicated state, federal or regional funds that are or will be available to pay for any of the new and/or upgraded programs and activities set forth in this Declaration. I am not aware of any other fee or tax that the City would

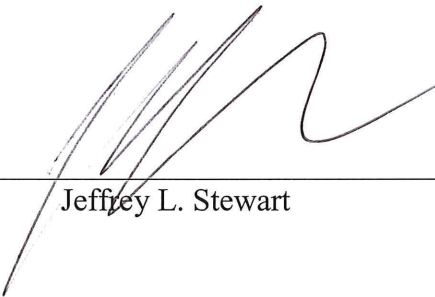
Section 6: Declarations in Support of Joint Test Claim of Los Angeles County Local Agencies  
Concerning Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No. CAS 004001)

have the discretion to impose under California law to recover any portion of the cost of these programs and activities.

17. The City has filed a joint test claim with 22 other cities. The Cities agree on all issues of the test claim.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 9th day of November, 2017, at Bellflower, California.



---

Jeffrey L. Stewart

## EXHIBIT 1



# The City of Bellflower

*Families. Businesses. Futures.*

16600 Civic Center Drive, Bellflower, CA 90706

Tel 562.804.1424 Fax 562.925.8660 www.bellflower.org



June 26, 2013

Mr. Samuel Unger  
Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
320 W. Fourth Street, Suite 200  
Los Angeles, CA 90013

Attn.: Renee Purdy

**Re: Letter of Intent to Participate in the Development of a Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) in Cooperation with the Los Cerritos Channel Watershed Group**

Dear Mr. Unger:

The City of Bellflower (City) has voluntarily joined the Los Cerritos Channel Watershed Group (LCC Group) in the development of a Watershed Management Program (WMP) and a Coordinated Integrated Monitoring Program (CIMP). We intend to comply with the requirements and provisions of the MS4 NPDES Permit (Order No. R4-2012-0175). The LCC Group is comprised of the following permittees: the Cities of Bellflower, Cerritos, Downey, Lakewood, Long Beach, Paramount, and Signal Hill, as well as the Los Angeles County Flood Control District and Caltrans.

The City complied with Part VI.C.4.c.iv (1) through submission of a Notice of Intent letter dated December 27, 2012 (attached). We are complying with Part VI.C.4.c.iv (2) by attaching our Draft Green Streets Best Management Practices Policy and our adopted Stormwater Ordinance (City of Bellflower Ordinance No. 1099), which provides the City with authority to implement the Planning and Land Development Program requirements contained in Order No. R4-2012-0175, including Part VI.D.7.c.i.; Part VI.D.7.c.ii; Part VI.D.7.c.iii; and, if applicable, Part VI.D.7.c.iv, once the L.A. Regional Water Quality Control Board approves the WMP.

**Page 1 of 2**

> Ray Dunton  
Mayor

Sonny R. Santa Ines  
Mayor Pro Tem

Dan Koops  
Council Member

Scott A. Larsen  
Council Member

Ron Schnablegger  
Council Member

**Mr. Sam Unger**

**Letter of Intent – Los Cerritos Channel Watershed Group WMP**

**June 26, 2013**

**Page 2 of 2**

The City signed a Memorandum of Agreement (MOA) with the Los Angeles Gateway Regional Water Management Joint Powers Authority for the Administration and Cost Sharing Resulting from Preparation of the Los Cerritos Channel Metals Total Maximum Daily Load Implementation Plan, Monitoring Program and Special Studies. This MOA has been used to begin preparation of a WMP, but it will soon be replaced with an MOU specifically for Development of a WMP or Enhanced WMP (EWMP), and a CIMP.

The City recognizes that while maintaining the 18-month schedule for development of the WMP, the LCC Group intends to continue to evaluate and consider the EWMP option. If the LCC Group decides prior to December 28, 2013, deadline to develop an EWMP, your office will be notified in a separate letter.

If you have any questions regarding the City's Letter of Intent, please contact Bernardo Iniguez, Environmental Services Manager, at 562-804-1424, ext. 2233.

Sincerely,



Jeffrey L. Stewart  
City Manager

Enclosures

cc: Leo L. Mingle, Jr., Assistant City Manager  
Deborah R. Chankin, Director of Public Works  
Bernardo Iniguez, Environmental Services Manager

Doc 281718

# The City of Bellflower

*Families. Businesses. Futures.*

16600 Civic Center Drive, Bellflower, CA 90706

Tel 562.804.1424 Fax 562.925.8660 www.bellflower.org



June 26, 2013

Mr. Samuel Unger  
Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
320 W. Fourth Street, Suite 200  
Los Angeles, CA 90013

Attn.: Renee Purdy

**Re: Letter of Intent to Participate in the Development of a Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) in Cooperation with the Lower San Gabriel River Watershed Group**

Dear Mr. Unger:

The City of Bellflower (City) has voluntarily joined the Lower San Gabriel River Watershed Group (LSGR Group) in the development of a Watershed Management Program (WMP) and a Coordinated Integrated Monitoring Program (CIMP). We intend to comply with the requirements and provisions of the MS4 NPDES Permit (Order No. R4-2012-0175). The Watershed Group is comprised of the following permittees: the Cities of Artesia, Bellflower, Cerritos, Diamond Bar, Downey, Hawaiian Gardens, La Mirada, Lakewood, Long Beach, Norwalk, Pico Rivera, Santa Fe Springs, Whittier and the Los Angeles County Flood Control District.

The City complied with Part VI.C.4.c.iv (1) through submission of a Notice of Intent letter dated December 27, 2012. We are complying with Part VI.C.4.c.iv (2) based on our Draft Green Streets Best Management Practices Policy and our adopted Stormwater Ordinance (City of Bellflower Ordinance No. 1099), which provides the City with authority to implement the Planning and Land Development Program requirements contained in Order No. R4-2012-0175, including Part VI.D.7.c.i.; Part VI.D.7.c.ii; Part VI.D.7.c.iii; and, if applicable, Part VI.D.7.c.iv, once the L.A. Regional Water Quality Control Board approves the WMP.

**Page 1 of 2**

> Ray Dunton  
Mayor

Sonny R. Santa Ines  
Mayor Pro Tem

Dan Koops  
Council Member

Scott A. Larsen  
Council Member

Ron Schnablegger  
Council Member

**Mr. Sam Unger**

**Letter of Intent – Lower San Gabriel River Watershed Group WMP**

**June 26, 2013**

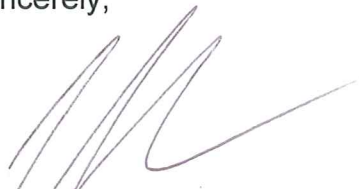
**Page 2 of 2**

The City signed a Memorandum of Agreement (MOA) with the Los Angeles Gateway Regional Water Management Joint Powers Authority for the Administration and Cost Sharing Resulting from Preparation of the San Gabriel River Metals Total Maximum Daily Load Implementation Plan, Monitoring Program and Special Studies. This MOA has been used to begin preparation of a WMP, but it will soon be replaced with an MOU specifically for Development of a WMP or Enhanced WMP (EWMP), and a CIMP.

The City recognizes that while maintaining the 18-month schedule for development of the WMP, the LSGR Group intends to continue to evaluate and consider the EWMP option. If the LSGR Group decides prior to December 28, 2013, deadline to develop an EWMP, your office will be notified in a separate letter.

If you have any questions regarding the City's Letter of Intent, please contact Bernardo Iniguez, Environmental Services Manager, at 562-804-1424, ext. 2233.

Sincerely,



Jeffrey L. Stewart  
City Manager

cc: Leo L. Mingle, Jr., Assistant City Manager  
Deborah R. Chankin, Director of Public Works  
Bernardo Iniguez, Environmental Services Manager

Doc 282033

DECLARATION OF PATRICIA RHAY

CITY OF BEVERLY HILLS

I, Patricia Rhay, hereby declare and state as follows:

1. I am Assistant Director of Public Works for the City of Beverly Hills (“City”). In that capacity, I share responsibility for the compliance of the City with regard to the requirements of California Regional Water Quality Control Board, Los Angeles Region (“LARWQCB”) Order No. R4-2012-0175 (“the Permit”) as they apply to the City.

2. I have reviewed sections of the Permit and its attachments as set forth herein and am familiar with those provisions. I am also familiar with how the Permit changed requirements that were previously imposed on the City by the prior permit that had issued to the City by the LARWQCB in 2001 (“2001 Permit”).

3. I have an understanding of the City’s sources of funding for programs and activities required to comply with the Permit.

4. I make this declaration based on my own personal knowledge, except for matters set forth herein based on information and belief, and as to those matters I believe them to be true. If called upon to testify, I could and would competently to the matters set forth herein.

5. In Section 5 and Section 7 of this Test Claim, which contains exhibits to the test claim filed by the City and other permittees under the Permit, the specific sections of the Permit at issue in the test claim have been set forth. I hereby incorporate such provisions of Sections 5 and 7 into this declaration as though fully set forth herein.

6. The City has elected to participate in an Enhanced Watershed Management Plan (“EWMP”) that is designed to address, in whole or in part, the “Total Maximum Daily Load

Section 6: Declarations in Support of Joint Test Claim of Los Angeles County Local Agencies Concerning Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No. CAS 004001)

(TMDL”)” provisions of the Permit as well other requirements of the Permit, including those set forth in this Declaration.

7. Based on my understanding of the Permit, I believe that the Permit requires the City to undertake the following programs either directly or through the mechanism of a Watershed Management Program or an Enhanced Watershed Management Program, which represent new programs and/or higher levels of service or the shifting of state responsibilities to the City, which activities were not required by the 2001 Permit and which are unique to local government entities:

8. **Implementation of TMDLs:**

(a) Part VI.E.1.c requires the permittees to “comply with the applicable water quality-based effluent limitations and/or receiving water limitations contained in Attachments L through R, consistent with the assumptions and requirements of the WLAs established in the TMDLs, including implementation plans and schedules, where provided for in the State adoption and approval of the TMDL (40 CFR 122.44(d)(1)(vii)(B); Cal. Wat. Code § 13263(a)).”

(b) Attachment K to the Permit sets forth the TMDLs with which the City must comply.

(c) Attachments L through R of the Permit set forth the requirements of each TMDL and its “waste load allocations” with which the City must comply.

(d) Part VI.B of the Permit requires the City “to comply with the [Monitoring and Reporting Program] and future revisions thereto, in Attachment E of this Order or may, in coordination with an approved Watershed Management Program per Part VI.C, implement a customized monitoring program that achieves the five Primary Objectives set forth in Part II.A of Attachment E and includes the elements set forth in Part II.E of Attachment E.”

Section 6: Declarations in Support of Joint Test Claim of Los Angeles County Local Agencies Concerning Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No. CAS 004001)

(e) Attachment E to the Permit requires the monitoring program to include monitoring at “TMDL receiving water compliance points” and other “TMDL monitoring requirements specified in approved TMDL Monitoring Plans.” (Permit, Attachment E, Parts II.E.1 through 3 and Part V; *see also* Attachment E, Parts VI.A.1.b(iii) and (iv), VI.B.2, VI.C.1.a, VI.D.1.a, VIII.B.1.b(ii), IX.A.5, IX.C.1.a, IX.E.1.a and b, IX.G.1.b, and IX.G.2.)

(f) Based on City records, the cost to the City to comply with these TMDL requirements in Fiscal Year (FY) 2012-2013, including costs in participating in the EWMP process, was \$5,466.46. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. On February 28, 2013, City staff attended regular meetings to address the Ballona Creek Metal, Estuary Toxics and Bacteria TMDLs. TMDL monitoring as well as other Permit requirements were addressed at that meeting. Another regular meeting was held on March 28, 2013, which also addressed these topics. These are scheduled monthly meetings that address the Ballona Creek TMDLs. Attached as Exhibit 1 is a copy of the Agenda for these meetings. (The agenda for the February 28, 2013 meeting also reflects a meeting held on January 24, 2013.) These costs also included costs for staff time in analyzing and deciding whether to implement an EWMP and an integrated monitoring program (“IMP”) or Coordinated Integrated Monitoring Program (“CIMP”), which resulted in a Letter of Intent to participate in an EWMP and CIMP. The Letter of Intent was sent to the LARWQCB dated June 3, 2013; costs were incurred on and leading up to that date. A copy of the City’s letter is attached as Exhibit 2.

(g) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$58,909.60.

9. **Requirements Related to Discharge Prohibitions for Non-Stormwater:**

(a) Permit Part III.A.1 prohibits certain non-stormwater discharges through the municipal separate storm sewer system (“MS4”) to receiving waters. I have been advised that this requirement exceeds the requirements of the Clean Water Act (“CWA”).

(b) Part III.A.2 requires the City to employ best management practices (“BMPs”) for discharges from essential non-emergency firefighting activities and, with regard to unpermitted discharges by drinking water suppliers, to work with those suppliers on the conditions of their discharges.

(c) Part III.A.4.a requires the City to develop and implement procedures covering non-permitted discharges of non-stormwater to the City’s MS4 in compliance with the requirements of Part III.A.4.a.i-vi of the Permit.

(d) Part III.A.4.b requires the City to develop and implement procedures to minimize the discharge of landscape irrigation water into the MS4, including to coordinate with local water purveyors to promote water use efficiency, use of drought tolerant vegetation and use of less toxic options for pest control and landscape management and to develop and implement an outreach and education program to minimize the discharge of irrigation water and associated pollutants.

(e) Part III.A.4.c requires the City to evaluate monitoring data collected pursuant to the Permit’s Monitoring and Reporting Program (Permit Attachment E) and other associated data and information to determine, among other things, if authorized or conditionally authorized non-stormwater discharges are a source of pollutants that may be causing or contributing to an exceedance of receiving water limitations and/or water quality based effluent limitations.



Section 6: Declarations in Support of Joint Test Claim of Los Angeles County Local Agencies Concerning Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No. CAS 004001)

(f) Part III.A.4.d requires the City to take action to address such non-stormwater discharges if they are found to be such a source of pollutants, through effective prohibition, conditions, diversions or treatment. These tasks involve, among other things, meeting with non-stormwater dischargers, identifying and analyzing the nature of non-stormwater discharges, the development and implementation of discharge procedures, conducting public education efforts and evaluating monitoring data.

(g) Based on City records, the cost to the City to comply with these non-stormwater prohibition requirements in FY 2012-2013, including costs in participating in the EWMP process, was \$57,775. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. City staff began attending regular meetings to address the Ballona Creek Metals, Estuary Toxics and Bacteria TMDLs at which Permit requirements are also addressed. Attached are the agenda meetings on February 28, 2013 and March 28, 2013 as proofs that costs were incurred to comply with the Permit requirements. Attached as Exhibit 1 is a copy of the Agenda for these meetings. (The agenda for the February 28, 2013 meeting also reflects a meeting held on January 24, 2013.) These costs also included costs for staff time in analyzing and deciding whether to implement a EWMP, which takes into consideration the Permit's non-stormwater requirements, and which resulted in a Letter of Intent to participate in an EWMP sent to the LARWQCB dated June 3, 2013 (Exhibit 2 attached hereto); costs were incurred on and leading up to that date.

(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$97,629.

10. **Public Information Program Requirements:**

(a) Permit Part VI.D.5.a requires the City to “measurably increase” the knowledge of target audiences about the MS4, the adverse impacts of stormwater pollution on receiving waters and potential solutions to mitigate impacts, to “measurably change” waste disposal and stormwater pollution generation behavior by developing and encouraging implementation of “appropriate alternatives” and to “involve and engage a diversity of socio-economic groups and ethnic communities” to participate in stormwater pollution impact mitigation.

(b) Permit Part VI.D.5.b requires the City to implement Public Information and Participation Program activities by participating in either a County-wide, Watershed Group-sponsored or individual effort.

(c) Permit Part VI.D.5.c requires the City to provide a means for public reporting of clogged catch basin inlets and illicit discharges/dumping, faded or missing catch basin labels and general stormwater and non-stormwater pollution prevention information through a telephone hotline or in public information or government pages of the telephone book, identify staff or departments serving as contact persons and providing current, updated hotline information. The City is also required to organize events targeted to residents and population subgroups to “educate and involve the community in storm water and non-storm water pollution prevent and clean-up (e.g., education seminars, clean-ups, and community catch basin stenciling).”

(d) Permit Part VI.D.5.d requires the City to conduct stormwater pollution prevention public service announcements and advertising campaigns and provide public education materials on the proper handling of vehicle waste fluids, house, and construction waste, pesticides and fertilizers (including the use of integrated pest management practices), green waste and animal

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wastes. This Part further requires the City (a) to distribute public education materials at automotive parts stores, home improvement centers, lumber yards and hardware and paint stores, landscaping and gardening centers and pet shops and feed stores, and (b) to maintain stormwater websites or provide links to stormwater websites via the City's website, which must include educational material and opportunities for public participation in stormwater pollution and cleanup activities and provide schools within the City's jurisdiction with materials to education K-12 students on stormwater pollution. In each of these requirements, Permit Part VID.5.d requires the City to "use effective strategies to educate and involve ethnic communities in storm water pollution prevention through culturally effective methods."

(e) Based on City records, the cost to the City to comply with these public information program requirements in FY 2012-2013, including costs in participating in the EWMP process, was \$9,755. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. City staff began attending regular meetings to address the Ballona Creek Metals, Estuary Toxics and Bacteria TMDLs at which Permit requirements are also addressed. Attached are the agenda meetings on February 28, 2013 and March 28, 2013 as proofs that costs were incurred to comply with the Permit requirements. Attached as Exhibit 1 is a copy of the Agenda for these meetings. (The agenda for the February 28, 2013 meeting also reflects a meeting held on January 24, 2013.) These costs also included costs for staff time in analyzing and deciding whether to implement an EWMP, which takes into consideration the Permit's minimum control measures including public information requirements. This staff time resulted in a Letter of Intent to participate in an EWMP sent to the LARWQCB dated June 3, 2013 (Exhibit 2 attached hereto); costs were incurred on and leading up to that date.

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(f) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$6,629.

11. **Inventory and Inspections of Industrial/Commercial Sources:**

(a) Permit Part VI.D.6.b requires the City to track nurseries and nursery centers and to include various information for each facility on the inventory, including the industrial classification code, the status of exposure of materials to stormwater, the name of the receiving water, whether the facility is tributary to a waterbody listed as impaired under CWA section 303(d) where the facility generates pollutants for which the waterbody is impaired, and whether the facility has filed a “No Exposure Certification” (“NEC”) with the State Water Resources Control Board (“State Board”). The City is required to update the inventory at least annually, through collection of information through field activities over from other means.

(b) Permit Part VI.D.6.d requires the City to inspect restaurants, automotive service facilities, retail gasoline outlets and nurseries and nursery centers twice during the Permit term, including an inspection within two years after the Permit’s effective date. In such inspection, the City is required, among other things, to evaluate whether the source is implementing effective source control BMPs for each corresponding activity and to require implementation of additional BMPs where stormwater from the facility discharged to the MS4 discharges to a Significant Ecological Area (“SEA”), a water body subject to TMDL provisions or a CWA section 303(d) listed waterbody.

(c) Permit Part VI.D.6.e requires the City to inspect industrial facilities, including those identified in 40 C.F.R. section 122.26(b)(14)(i-xi) and facilities identified in 40 C.F.R. section 122.26(d)(12)(iv)(C). In such inspections, the City is required to confirm that each facility has a

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current Waste Discharge Identification number for coverage under the State Board-issued General Industrial Activities Stormwater Permit or has applied for and received a no exposure certification, and to require implementation of additional BMPs where stormwater from the MS4 discharges to a waterbody subject to a TMDL or is a CWA section 303(d) listed impaired waterbodies. Additionally, for facilities discharging to MS4s that discharge to an SEA, the permittees, including the City, are required to require operators to implement additional pollutant-specific controls to reduce pollutants that are causing or contributing to exceedances of water quality standards.

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(d) Based on City records, the cost to the City to comply with these inventory and inspection requirements in FY 2012-2013, including costs in participating in the EWMP process, was \$48,000. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. City staff began attending regular meetings to address the Ballona Creek Metals, Estuary Toxics and Bacteria TMDLs at which Permit requirements are also addressed. Attached are the agenda meetings on February 28, 2013 and March 28, 2013 as proofs that costs were incurred to comply with the Permit requirements. Attached as Exhibit 1 is a copy of the Agenda for these meetings. (The agenda for the February 28, 2013 meeting also reflects a meeting held on January 24, 2013.) These costs also included costs for staff time in analyzing and deciding whether to implement an EWMP, which takes into consideration the Permit's minimum control measures including industrial and commercial inspections. This staff time resulted in a Letter of Intent to participate in an EWMP sent to the LARWQCB dated June 3, 2013 (Exhibit 2 attached hereto); costs were incurred on and leading up to that date.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$91,000.

12. **Post-Construction BMP Requirements:**

(a) Permit Part VI.D.7.d.iv(1)(a) requires the City to implement a GIS or other electronic system for tracking projects that are required to have post-construction BMPs, including project identification, acreage, BMP type and description, BMP locations, dates of acceptance and maintenance agreements, inspection dates and summaries and corrective action.

(b) Permit Part VI.D.7.d.iv(1)(b) requires the City to inspect all development sites upon completion of construction and before issuance of an occupancy certificate to ensure "proper

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installation” of Low Impact Development (“LID”) measures, structural BMPs, treatment control BMPs and hydromodification control BMPs.

(c) Permit Part VI.D.7.d.iv(1)(c) requires the City to develop a post-construction BMP checklist and to inspect at an interval of at least once every two years, City-operated post-construction BMPs to assess operations condition.

(d) Based on City records, the cost to the City to comply with these post-construction BMP requirements in FY 2012-2013, including costs in participating in the EWMP process, was \$20,840. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement an EWMP, which takes into consideration the Permit’s minimum control measures including post-construction BMPs. This staff time resulted in a Letter of Intent to participate in an EWMP sent to the LARWQCB dated June 3, 2013 (Exhibit 2 attached hereto); costs were incurred on and leading up to that date.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$26,000.

13. **Construction Site Requirements:**

(a) Permit Part VI.D.8.g.i requires the City to develop an electronic system to inventory grading, encroachment, demolition, building or construction permits (or other municipal authorizations to move soil and/or construct or destruct that involves land disturbance).

(b) Permit Part VI.D.8.g.ii requires the City to complete and update an inventory containing, among other items, contact information for a project, basic site information, the proximity of all water bodies, significant threats to water quality status, current construction

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phase where feasible, required inspection frequency, start and anticipated completion dates, whether the project has submitted a Notice of Intent to be covered under the State Board-issued General Construction Activities Stormwater Permit (“GCASP”), whether it has obtained GCASP coverage, the date the Erosion and Sediment Control Plan (“ESCP”) was approved and post-construction structural BMPs subject to operation and maintenance requirements.

(c) Permit Part VI.D.8.h requires the City to develop and implement review procedures for construction plan documents, including preparation and submittal of an appropriate ESCP, verification of GCASP or other permit coverage and other items. The Part further requires permittees, including the City, to develop and implement a checklist to conduct and document the review of each ESCP.

(d) Permit Part VI.D.8.i.i requires the City to develop and implement technical standards for the selection, installation and maintenance of construction BMPs for all such sites within the City.

(e) Permit Part VI.D.8.i.ii requires that such BMPs be tailored to the risks posed by the project, as well as in minimum conformance with standards set forth in Permit Table 15, use of BMPs meeting the requirements of Permit Tables 14 and 16 for construction sites equal or greater than one acre or paving projects, detailed installation designs and cut sheets for use in ESCPs and maintenance expectations for each BMP or category of BMPs.

(f) Permit Part VI.D.8.i.iv further requires that such technical standards must be “readily available” to the development community and must be “clearly referenced” within the City’s stormwater or development services website, ordinance, permit approval process and/or ESCP review forms.



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(g) Permit Part VI.D.8.i.v requires local BMP technical standards to cover all items set forth in Tables 13, 14, 15 and 16 of the Permit.

(h) Permit Part VI.D.8.j requires the City to inspect all construction sites of one acre or greater in size on the frequencies set forth in the Permit, which requires inspections prior to land disturbance activities, during active construction and at the conclusion of the project and as a condition to approving and/or issuing a Certificate of Occupancy. The frequency of inspections is set in addition in Table 17 of the Permit. As part of the inspection obligations, the permittees, including the City, must develop, implement and revise as necessary standard operating procedures that identify the inspection procedures to be followed by each permittee. Additionally, during inspections, the City must verify “active coverage” under the GCASP for specified projects; review the ESCP; inspect the site to determine whether all BMPs have been selected, installed, implemented and maintained; assess the appropriateness of planned and installed BMPs, and their effectiveness; visually observe and record non-stormwater discharge, potential illicit discharges and connections and potential discharge of pollutants in stormwater runoff; develop a written or electronic inspection report generated from a field inspection checklist; and track the number of inspections for the site to ensure that it meets the minimum requirements of Permit Table 17.

(i) Permit Part VI.D.8.1.i and ii requires the City to ensure training for “all staff whose primary job duties are related to implementing the construction storm water program,” including plan reviewers and permitting staff with regard to the “technical review of local erosion and sediment control ordinance, local BMP technical standards, ESCP requirements, and the key objectives of the State Water Board QSD program, erosion sediment control/storm water

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inspectors in inspection procedures consistent with various standards. Additionally, if outside parties conduct inspections or review plans, the City is required to ensure that such staff are trained under the same requirements.

(j) Based on City records, the cost to the City to comply with these construction site requirements in FY 2012-2013, including costs in participating in the EWMP process, was \$48,000. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement an EWMP, which takes into consideration the Permit's minimum control measures including construction site requirements. This staff time resulted in a Letter of Intent to participate in an EWMP sent to the LARWQCB dated June 3, 2013 (Exhibit 2 attached hereto); costs were incurred on and leading up to that date.

(k) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$91,000.

14. **Public Agency Requirements:**

(a) Permit Part VI.D.9.c requires the City to maintain an “updated inventory” of all permittee-owned or operated facilities that are potential sources of stormwater pollution, including 24 separate categories of facilities that are required to be in the inventory. The inventory must include the name and address of the facility, contact information, a narrative description of activities performed and potential pollution sources, coverage under any individual or general NPDES permits or waivers. The inventory must be updated at least once during the five-year term of the Permit with information collected through field activities or other means.

(b) Permit Part VI.D.9.d.i requires the City to develop an inventory of “retrofitting opportunities” in areas of existing development.

(c) Permit Part VI.D.9.d.ii and iii requires the City to screen existing areas of development “to identify candidate areas for retrofitting using watershed models or other screening level tools” and then evaluate and rank areas of existing development to prioritize retrofitting candidates.

(d) Permit Part VI.D.9.d.iv requires the City to consider the results of the evaluation by giving “highly feasible” projects a “high priority” to implement source control and treatment control BMPs in the their Storm Water Management Plan (“SWMP”) and consider high priority retrofit projects as candidates for off-site mitigation for new development and redevelopment projects.

(e) Permit Part VI.D.9.d.v requires the City to cooperate with private landowners to “encourage site specific retrofitting projects.” In such cooperation, demonstration retrofit projects, retrofits on public lands and easements, education and outreach, subsidies for retrofit

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projects, requiring retrofit projects as enforcement, mitigation or ordinance compliance, public and private partnerships, fees for existing discharges to the MS4 and reduction of such fees for retrofit implementation must be considered.

(f) Permit Part VI.D.9.g.ii requires the City to implement an Integrated Pest Management (“IPM”) program, including restrictions on the use of pesticides, restricting treatments only to remove the target organism, selection of pest controls that minimize risks to human health, “beneficial non-target organisms” and the environment, partnering with other agencies and organizations to “encourage” the use of IPM and adopt and “verifiably implement” policies, procedures and/or ordinances requiring the minimization of pesticide use and encouraging the use of IPM techniques for public agency facilities and activities. Additionally, the City must commit and schedule to reduce the use of pesticides that cause impairments of surface waters by preparing and updating annually an inventory of pesticides, quantify pesticide use by staff and contractors and demonstrate implementation of IPM alternatives where feasible to reduce pesticide use.

(g) Permit Part VI.D.9.h.vii requires permittees in areas not subject to a Trash TMDL, to install trash excluders, or equivalent devices, on or in catch basins or outfalls, except where such installation would cause flooding, unless lack of maintenance that causes the flooding. Permittees, including the City, may also employ alternative or enhanced BMPs that “provide substantially equivalent removal of trash.” If alternative means are employed, the City must demonstrate that such BMPs “provide equivalent trash removal performance as excluders.”

(h) Permit Part VI.D.9.k.ii requires the City to train all employees and contractors “who use or have the potential to use pesticides or fertilizers” that address the potential for pesticide-

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related surface water toxicity, in the proper use, handling, and disposal of pesticides, least toxic methods of pest prevention and control, including IPM and the reduction of pesticide use.

(i) Based on City records, the cost to the City to comply with these public agency requirements in FY 2012-2013, including costs in participating in the EWMP process, was \$37,777.90. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. City staff began attending regular meetings to address the Ballona Creek Metals, Estuary Toxics and Bacteria TMDLs at which Permit requirements are also addressed. Attached are the agenda meetings on February 28, 2013 and March 28, 2013 as proofs that costs were incurred to comply with the Permit requirements. Attached as Exhibit 1 is a copy of the Agenda for these meetings. (The agenda for the February 28, 2013 meeting also reflects a meeting held on January 24, 2013.) These costs also included costs for staff time in analyzing and deciding whether to implement an EWMP, which takes into consideration the Permit's minimum control measures including public agency requirements. This staff time resulted in a Letter of Intent to participate in an EWMP sent to the LARWQCB dated June 3, 2013 (Exhibit 2 attached hereto); costs were incurred on and leading up to that date.

(j) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$47,562.10.

15. **Illicit Connection and Discharge Requirements:**

(a) Permit Part VI.D.10.d.iii requires the City to "ensure that signage adjacent to open channels . . . include information regarding dumping prohibitions and public reporting of illicit discharges."

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(b) Permit Part VI.D.10.d.iv requires the City to develop and maintain written procedures that document how complaint calls are received, documented and tracked “to ensure that all complaints are adequately addressed.” Such procedures must be “evaluated to determine whether changes or updates are needed to ensure that the procedures adequately document the methods employed by the Permittee.”

(c) Permit Part VI.D.10.d.v the City to maintain documentation of complaint calls and to record the location of the reported spill or illicit discharge and the action undertaken in response.

(d) Permit Part VI.D.10.e.i requires, in pertinent part, that the City implement a “spill response plan” for all sewage and other spills that may discharge into its MS4.

(e) Permit Part VI.D.10.e.i(1) requires that the plan must identify agencies responsible for spill response and cleanup, phone numbers and e-mail addresses for contacts and shall further address coordination with spill response teams “throughout all appropriate departments, programs and agencies so that maximum water quality protection is provided.”

(f) Permit Part VI.D.10.e.i(3) and(4) requires the City to respond to spills for containment within four hours of become aware of the spill, or if on private property, within two hours of gaining legal access to the property and reporting of spills that may endanger health or the environment to appropriate public health agencies and the Office of Emergency Services (“OES”).

(g) Based on City records, the cost to the City to comply with these illicit connection and discharge requirements in FY 2012-2013, including costs in participating in the EWMP process, was \$8,311. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding

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whether to implement an EWMP, which takes into consideration the Permit's minimum control measures including illicit connection and discharge requirements. This staff time resulted in a Letter of Intent to participate in an EWMP sent to the LARWQCB dated June 3, 2013 (Exhibit 2 attached hereto); costs were incurred on and leading up to that date.

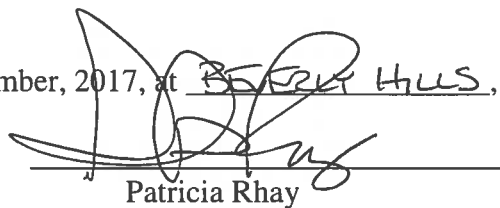
(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$13,000.

16. I am informed and believe that there are no dedicated state, federal or regional funds that are or will be available to pay for any of the new and/or upgraded programs and activities set forth in this Declaration. I am not aware of any other fee or tax that the City would have the discretion to impose under California law to recover any portion of the cost of these programs and activities.

17. The City has filed a joint test claim with 22 other cities. The Cities agree on all issues of the test claim.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 8<sup>th</sup> day of November, 2017, at BEVERLY HILLS, California.

  
Patricia Rhay

## EXHIBIT 1



# AGENDA

## Ballona Creek Metals, Estuary Toxics and Bacteria TMDLs Group Meeting

February 28, 2013, 9:30 AM – 11:00 AM

City of Los Angeles, Watershed Protection Division  
Public Works Building, 1149 S. Broadway, Los Angeles, CA 90015  
10<sup>th</sup> Floor, Room A

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### Introductions

### Approval of January 24<sup>th</sup> 2013 meeting minutes

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### DISCUSSION

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- I. **TMDL Monitoring and Reconsiderations**
    - ◆ Bacteria accelerated v. Outfall monitoring
  
  - II. **MS4 Requirements**
    - ◆ City of LA updates
    - ◆ NOI requirements
      - Agency info needed for NOI
      - Watershed area breakdown
    - ◆ Cost sharing formula
  
  - III. **Time Schedule Order**
    - ◆ Requirements
    - ◆ Coordination of TSO requests
  
  - IV. **Others**
    - ◆
    - ◆
- 

### ACTION ITEMS

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- | V. | January 24 <sup>th</sup> 2013 action items  | Status            |
|----|---|-------------------|
| ◆  | City of LA to follow up on the reopener process for the BC Metals and Toxics TMDLs and provide agencies with the revised technical memos.   |                   |
| ◆  | City of LA to continue discussion with Regional Board on the removal of accelerated monitoring from Bacteria CMP.                           |                   |
| ◆  | All agencies to continue research for funding opportunities of implementation projects.   |                   |
| ◆  | All agencies to check with their City management/legal counsel regarding TSO request for the dry weather milestone of the BC Bacteria TMDL. | TO DO<br>CONCLUDE |
| ◆  | City of LA to draft MOA for cost-sharing of baseline bacteria monitoring.   |                   |
| ◆  | City of LA to revise the MOA for cost-sharing of metals and toxics monitoring upon official approval by Regional Board of the revised CMP.  |                   |
| ◆  | City of LA to confirm monthly meeting schedule over Feb-Jun 2013 by   | ✓                 |

email to agencies.

- ◆ City of LA to request agencies to confirm their participation in a collaborative process for EWMP development.
- ◆ City of LA to provide information on EWMP plan development, schedule and cost-sharing information.
- ◆ City of LA and County of LA to follow up on distribution of monitoring reports in Excel format.

**II. Identify action items for next meeting**

The next meeting will be held on **March (28?) 2012**, 9:30am -11:00am at the City of Los Angeles' ***Room TBD, Public Works Building.***

# AGENDA

## Ballona Creek Metals, Estuary Toxics and Bacteria TMDLs Group Meeting

**March 28, 2013, 9:30 AM – 11:00 AM**

City of Los Angeles, Watershed Protection Division  
Public Works Building, 1149 S. Broadway, Los Angeles, CA 90015  
**10<sup>th</sup> Floor, Room A**

### Introductions

Approval of February 28<sup>th</sup> 2013 meeting minutes

### DISCUSSION

#### I. TMDL Monitoring and Reconsiderations

- ◆ Outfall Monitoring outline (Agencies' comments)
- ◆ Outfall Monitoring Plan Complete draft and costs
- ◆ Cost sharing MOAs (Metals & Toxics, Bacteria)

#### II. MS4 Requirements

- ◆ City of LA updates
- ◆ NOI requirements
  - Agency input for NOI
  - Presentation by and Q&A with LWA Consultants

*blank for agency input: cost sharing must part of NOI*

*submit as one package as watershed*

#### III. Time Schedule Order

- ◆ Coordination of TSO requests

*LA meets with board on April 2nd to identify expectations*

*review TSO and weco of April*

*June 4th*

*June 18th*

*santa Monica no TSO*

#### IV. Others

- ◆ Open discussion

### ACTION ITEMS

#### V. January 24<sup>th</sup> 2013 action items

- |   | <b>Status</b> |
|---|---------------|
| ◆ City of LA to draft Outfall Monitoring Plan for agencies' review.   | Ongoing       |
| ◆ City of LA to distribute tech memos for Metals and Toxics Reopeners.  | Completed     |
| ◆ Agencies to investigate what 'meaningful water quality benefits' from regional projects means.                  | Ongoing       |
| ◆ City of LA to redefine watershed areas and provide detail info of Fed and National park lands in the watershed. | Ongoing       |
| ◆ All agencies to provide City of LA with requested information for use in NOI.                                   | Ongoing       |
| ◆ All agencies to review and provide general comments of the Scope of Work that was distributed Feb 28th meeting. | Ongoing       |
| ◆ All agencies to check with their City management/legal counsel regarding  | Ongoing       |

*• bacteria cost: \$ 10,000 y/y all watershed*

## EXHIBIT 2



Jeffrey Kolin, City Manager

June 3, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

**CITY OF BEVERLY HILLS COMMITMENT TO PARTICIPATE IN AND SHARE THE COST FOR DEVELOPMENT OF ENHANCED WATERSHED MANAGEMENT PROGRAM AND COORDINATED INTEGRATED MONITORING PROGRAM FOR THE BALLONA CREEK WATERSHED**

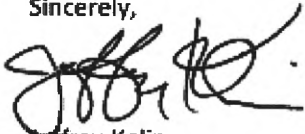
Dear Mr. Unger,

The City of Beverly Hills submits this letter of intent with our commitment to participate in and share the cost for the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) for the Ballona Creek watershed as outlined in the Notice of Intent submitted by the City of Los Angeles to meet the requirements of Part VI.C.4.b of the MS4 Permit (Order No. R4-2012-0175) and the CIMP notification requirements specified in Attachment E Section IV.C.1.

The Ballona Creek Watershed Group consists of the following MS4 Permittees: the City of Los Angeles (lead agency for EWMP and CIMP development), the County of Los Angeles, Los Angeles County Flood Control District, the City of Beverly Hills, the City of Culver City, the City of Inglewood, the City of Santa Monica, and the City of West Hollywood. The final draft agreement to fund program development by the Ballona Creek Watershed Group has been included in the Notice of Intent and the City of Beverly Hills is committed to execute this agreement prior to December 28, 2013.

Should you have any questions regarding this correspondence, please contact Daniel E. Cartagena at 310.285.1189 or [dcartagena@beverlyhills.org](mailto:dcartagena@beverlyhills.org).

Sincerely,



Jeffrey Kolin  
City Manager,  
City of Beverly Hills

cc: Renee Purdy, California Regional Water Quality Control Board, Los Angeles Region  
Ivar Ridgeway, California Regional Water Quality Control Board, Los Angeles Region  
Shahram Kharaghani, City of Los Angeles  
Gary Hildebrand, County of Los Angeles  
Daniel Cartagena, City of Beverly Hills  
Sharon Perlstein, City of West Hollywood  
Damian Skinner, City of Culver City  
Lauren Amimoto, City of Inglewood  
Rick Valte, City of Santa Monica

DECLARATION OF JULIO GONZALEZ

CITY OF CARSON

I, Julio Gonzalez, hereby declare and state as follows:

1. I am the Acting Water Program Manager for the City of Carson ("City"). In that capacity, I share responsibility for the compliance of the City with regard to the requirements of California Regional Water Quality Control Board, Los Angeles Region ("LARWQCB") Order No. R4-2012-0175 ("the Permit") as they apply to the City.

2. I have reviewed sections of the Permit and its attachments as set forth herein and am familiar with those provisions. I am also familiar with how the Permit changed requirements that were previously imposed on the City by the prior permit that had issued to the City by the LARWQCB in 2001 ("2001 Permit").

3. I have an understanding of the City's sources of funding for programs and activities required to comply with the Permit.

4. I make this declaration based on my own personal knowledge, except for matters set forth herein based on information and belief, and as to those matters I believe them to be true. If called upon to testify, I could and would competently to the matters set forth herein.

5. In Section 5 and Section 7 of this Test Claim, which contains exhibits to the test claim filed by the City and other permittees under the Permit, the specific sections of the Permit at issue in the test claim have been set forth. I hereby incorporate such provisions of Sections 5 and 7 into this declaration as though fully set forth herein.

6. The City originally elected to develop an Individual Watershed Management Plan ("I-WMP") in accordance with the terms of the Permit. Thereafter, the City modified its election, choosing to participate along with other cities in the Enhanced Watershed Management

Plan (“EWMP”) for the Dominguez Channel Watershed that is designed to address, in whole or in part, the “Total Maximum Daily Load (TMDL)” provisions of the Permit as well other requirements of the Permit, including those set forth in this Declaration.

7. Based on my understanding of the Permit, I believe that the Permit requires the City to undertake the following programs either directly or through the mechanism of a I-WMP/EWMP, which represent new programs and/or higher levels of service or the shifting of state responsibilities to the City, which activities were not required by the 2001 Permit and which are unique to local government entities:

8. **Implementation of TMDLs:**

(a) Part VI.E.1.c requires the permittees to “comply with the applicable water quality-based effluent limitations and/or receiving water limitations contained in Attachments L through R, consistent with the assumptions and requirements of the WLAs established in the TMDLs, including implementation plans and schedules, where provided for in the State adoption and approval of the TMDL (40 CFR 122.44(d)(1)(vii)(B); Cal. Wat. Code § 13263(a)).”

(b) Attachment K to the Permit sets forth the TMDLs with which the City must comply.

(c) Attachments L through R of the Permit set forth the requirements of each TMDL and its “waste load allocations” with which the City must comply.

(d) Part VI.B of the Permit requires the City “to comply with the [Monitoring and Reporting Program] and future revisions thereto, in Attachment E of this Order or may, in coordination with an approved Watershed Management Program per Part VI.C, implement a customized monitoring program that achieves the five Primary Objectives set forth in Part II.A of Attachment E and includes the elements set forth in Part II.E of Attachment E.”



(e) Attachment E to the Permit requires the monitoring program to include monitoring at “TMDL receiving water compliance points” and other “TMDL monitoring requirements specified in approved TMDL Monitoring Plans.” (Permit, Attachment E, Parts II.E.1 through 3 and Part V; *see also* Attachment E, Parts VI.A.1.b(iii) and (iv), VI.B.2, VI.C.1.a, VI.D.1.a, VIII.B.1.b(ii), IX.A.5, IX.C.1.a, IX.E.1.a and b, IX.G.1.b, and IX.G.2.)

(f) Based on City records, the cost to the City to comply with these TMDL requirements in Fiscal Year (FY) 2012-2013, including costs in participating in the I-WMP/EWMP process, was \$210,000.00. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a I-WMP and an integrated monitoring program (“IMP”) or Coordinated Integrated Monitoring Program (“CIMP”). These efforts resulted in the City originally sending a Notice of Intent to prepare a I-WMP and participate in a CIMP. The Notice of Intent was sent to the LARWQCB on June 26, 2013; costs were incurred on and leading up to that date. Attached as Exhibit 1 is a copy of the City’s Notice of Intent.

(g) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$23,000.00.

9. **Requirements Related to Discharge Prohibitions for Non-Stormwater:**

(a) Permit Part III.A.1 prohibits certain non-stormwater discharges through the municipal separate storm sewer system (“MS4”) to receiving waters. I have been advised that this requirement exceeds the requirements of the Clean Water Act (“CWA”).

(b) Part III.A.2 requires the City to employ best management practices (“BMPs”) for discharges from essential non-emergency firefighting activities and, with regard to unpermitted

discharges by drinking water suppliers, to work with those suppliers on the conditions of their discharges.

(c) Part III.A.4.a requires the City to develop and implement procedures covering non-permitted discharges of non-stormwater to the City's MS4 in compliance with the requirements of Part III.A.4.a.i-vi of the Permit.

(d) Part III.A.4.b requires the City to develop and implement procedures to minimize the discharge of landscape irrigation water into the MS4, including to coordinate with local water purveyors to promote water use efficiency, use of drought tolerant vegetation and use of less toxic options for pest control and landscape management and to develop and implement an outreach and education program to minimize the discharge of irrigation water and associated pollutants.

(e) Part III.A.4.c requires the City to evaluate monitoring data collected pursuant to the Permit's Monitoring and Reporting Program (Permit Attachment E) and other associated data and information to determine, among other things, if authorized or conditionally authorized non-stormwater discharges are a source of pollutants that may be causing or contributing to an exceedance of receiving water limitations and/or water quality based effluent limitations.

(f) Part III.A.4.d requires the City to take action to address such non-stormwater discharges if they are found to be such a source of pollutants, through effective prohibition, conditions, diversions or treatment. These tasks involve, among other things, meeting with non-stormwater dischargers, identifying and analyzing the nature of non-stormwater discharges, the development and implementation of discharge procedures, conducting public education efforts and evaluating monitoring data.

(g) Based on City records, the cost to the City to comply with these non-stormwater prohibition requirements in FY 2012-2013, including costs in participating in the I-WMP/EWMP process, was \$142,080.00. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement an I-WMP, which resulted in the City originally submitting to the LARWQCB a Notice of Intent to prepare a I-WMP, dated June 26, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$153,000.00.

10. **Public Information Program Requirements:**

(a) Permit Part VI.D.5.a requires the City to “measurably increase” the knowledge of target audiences about the MS4, the adverse impacts of stormwater pollution on receiving waters and potential solutions to mitigate impacts, to “measurably change” waste disposal and stormwater pollution generation behavior by developing and encouraging implementation of “appropriate alternatives” and to “involve and engage a diversity of socio-economic groups and ethnic communities” to participate in stormwater pollution impact mitigation.

(b) Permit Part VI.D.5.b requires the City to implement Public Information and Participation Program activities by participating in either a County-wide, Watershed Group-sponsored or individual effort.

(c) Permit Part VI.D.5.c requires the City to provide a means for public reporting of clogged catch basin inlets and illicit discharges/dumping, faded or missing catch basin labels and general stormwater and non-stormwater pollution prevention information through a telephone

hotline or in public information or government pages of the telephone book, identify staff or departments serving as contact persons and providing current, updated hotline information. The City is also required to organize events targeted to residents and population subgroups to “educate and involve the community in storm water and non-storm water pollution prevent and clean-up (e.g., education seminars, clean-ups, and community catch basin stenciling).”

(d) Permit Part VI.D.5.d requires the City to conduct stormwater pollution prevention public service announcements and advertising campaigns and provide public education materials on the proper handling of vehicle waste fluids, house, and construction waste, pesticides and fertilizers (including the use of integrated pest management practices), green waste and animal wastes. This Part further requires the City (a) to distribute public education materials at automotive parts stores, home improvement centers, lumber yards and hardware and paint stores, landscaping and gardening centers and pet shops and feed stores, and (b) to maintain stormwater websites or provide links to stormwater websites via the City’s website, which must include educational material and opportunities for public participation in stormwater pollution and cleanup activities and provide schools within the City’s jurisdiction with materials to education K-12 students on stormwater pollution. In each of these requirements, Permit Part VID.5.d requires the City to “use effective strategies to educate and involve ethnic communities in storm water pollution prevention through culturally effective methods.”

(e) Based on City records, the cost to the City to comply with these public information program requirements in FY 2012-2013, including costs in participating in the I-WMP/EWMP process, was \$28,750.00. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing

and deciding whether to implement an I-WMP, which resulted in the City submitting to the LARWQCB a Notice of Intent, dated June 26, 2013 (Exhibit 1 attached hereto), to prepare a I-WMP; costs were incurred on and leading up to that date.

(f) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$25,735.00.

11. **Inventory and Inspections of Industrial/Commercial Sources:**

(a) Permit Part VI.D.6.b requires the City to track nurseries and nursery centers and to include various information for each facility on the inventory, including the industrial classification code, the status of exposure of materials to stormwater, the name of the receiving water, whether the facility is tributary to a waterbody listed as impaired under CWA section 303(d) where the facility generates pollutants for which the waterbody is impaired, and whether the facility has filed a “No Exposure Certification” (“NEC”) with the State Water Resources Control Board (“State Board”). The City is required to update the inventory at least annually, through collection of information through field activities over from other means.

(b) Permit Part VI.D.6.d requires the City to inspect restaurants, automotive service facilities, retail gasoline outlets and nurseries and nursery centers twice during the Permit term, including an inspection within two years after the Permit’s effective date. In such inspection, the City is required, among other things, to evaluate whether the source is implementing effective source control BMPs for each corresponding activity and to require implementation of additional BMPs where stormwater from the facility discharged to the MS4 discharges to a Significant Ecological Area (“SEA”), a water body subject to TMDL provisions or a CWA section 303(d) listed waterbody.

(c) Permit Part VI.D.6.e requires the City to inspect industrial facilities, including those identified in 40 C.F.R. section 122.26(b)(14)(i-xi) and facilities identified in 40 C.F.R. section 122.26(d)(12)(iv)(C). In such inspections, the City is required to confirm that each facility has a current Waste Discharge Identification number for coverage under the State Board-issued General Industrial Activities Stormwater Permit or has applied for and received a no exposure certification, and to require implementation of additional BMPs where stormwater from the MS4 discharges to a waterbody subject to a TMDL or is a CWA section 303(d) listed impaired waterbodies. Additionally, for facilities discharging to MS4s that discharge to an SEA, the permittees, including the City, are required to require operators to implement additional pollutant-specific controls to reduce pollutants that are causing or contributing to exceedances of water quality standards.

(d) Based on City records, the cost to the City to comply with these inventory and inspection requirements in FY 2012-2013, including costs in participating in the I-WMP/EWMP process, was \$8,000.00. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement an I-WMP, which resulted in the City submitting to the LARWQCB a Notice of Intent to prepare a I-WMP, dated June 26, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$9,250.00.

12. **Post-Construction BMP Requirements:**

Section 6: Declarations in Support of Joint Test Claim of Los Angeles County Local Agencies  
Concerning Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No. CAS 004001)

(a) Permit Part VI.D.7.d.iv(1)(a) requires the City to implement a GIS or other electronic system for tracking projects that are required to have post-construction BMPs, including project identification, acreage, BMP type and description, BMP locations, dates of acceptance and maintenance agreements, inspection dates and summaries and corrective action.

(b) Permit Part VI.D.7.d.iv(1)(b) requires the City to inspect all development sites upon completion of construction and before issuance of an occupancy certificate to ensure “proper installation” of Low Impact Development (“LID”) measures, structural BMPs, treatment control BMPs and hydromodification control BMPs.

(c) Permit Part VI.D.7.d.iv(1)(c) requires the City to develop a post-construction BMP checklist and to inspect at an interval of at least once every two years, City-operated post-construction BMPs to assess operations condition.

(d) The City incurred staff time in analyzing and deciding whether to implement a I-WMP and thereafter an EWMP, which addresses post-construction BMPs. The original Notice of Intent to participate in a WMP was sent to the LARWQCB dated June 26, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date. I cannot currently quantify those costs.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$0.00.

13. **Construction Site Requirements:**

(a) Permit Part VI.D.8.g.i requires the City to develop an electronic system to inventory grading, encroachment, demolition, building or construction permits (or other municipal authorizations to move soil and/or construct or destruct that involves land disturbance).

(b) Permit Part VI.D.8.g.ii requires the City to complete and update an inventory containing, among other items, contact information for a project, basic site information, the proximity of all water bodies, significant threats to water quality status, current construction phase where feasible, required inspection frequency, start and anticipated completion dates, whether the project has submitted a Notice of Intent to be covered under the State Board-issued General Construction Activities Stormwater Permit (“GCASP”), whether it has obtained GCASP coverage, the date the Erosion and Sediment Control Plan (“ESCP”) was approved and post-construction structural BMPs subject to operation and maintenance requirements.

(c) Permit Part VI.D.8.h requires the City to develop and implement review procedures for construction plan documents, including preparation and submittal of an appropriate ESCP, verification of GCASP or other permit coverage and other items. The Part further requires permittees, including the City, to develop and implement a checklist to conduct and document the review of each ESCP.

(d) Permit Part VI.D.8.i.i requires the City to develop and implement technical standards for the selection, installation and maintenance of construction BMPs for all such sites within the City.

(e) Permit Part VI.D.8.i.ii requires that such BMPs be tailored to the risks posed by the project, as well as in minimum conformance with standards set forth in Permit Table 15, use of



BMPs meeting the requirements of Permit Tables 14 and 16 for construction sites equal or greater than one acre or paving projects, detailed installation designs and cut sheets for use in ESCPs and maintenance expectations for each BMP or category of BMPs.

(f) Permit Part VI.D.8.i.iv further requires that such technical standards must be “readily available” to the development community and must be “clearly referenced” within the City’s stormwater or development services website, ordinance, permit approval process and/or ESCP review forms.

(g) Permit Part VI.D.8.i.v requires local BMP technical standards to cover all items set forth in Tables 13, 14, 15 and 16 of the Permit.

(h) Permit Part VI.D.8.j requires the City to inspect all construction sites of one acre or greater in size on the frequencies set forth in the Permit, which requires inspections prior to land disturbance activities, during active construction and at the conclusion of the project and as a condition to approving and/or issuing a Certificate of Occupancy. The frequency of inspections is set in addition in Table 17 of the Permit. As part of the inspection obligations, the permittees, including the City, must develop, implement and revise as necessary standard operating procedures that identify the inspection procedures to be followed by each permittee. Additionally, during inspections, the City must verify “active coverage” under the GCASP for specified projects; review the ESCP; inspect the site to determine whether all BMPs have been selected, installed, implemented and maintained; assess the appropriateness of planned and installed BMPs, and their effectiveness; visually observe and record non-stormwater discharge, potential illicit discharges and connections and potential discharge of pollutants in stormwater runoff; develop a written or electronic inspection report generated from a field inspection

checklist; and track the number of inspections for the site to ensure that it meets the minimum requirements of Permit Table 17.

(i) Permit Part VI.D.8.1.i and (ii) requires the City to ensure training for “all staff whose primary job duties are related to implementing the construction storm water program,” including plan reviewers and permitting staff with regard to the “technical review of local erosion and sediment control ordinance, local BMP technical standards, ESCP requirements, and the key objectives of the State Water Board QSD program, erosion sediment control/storm water inspectors in inspection procedures consistent with various standards. Additionally, if outside parties conduct inspections or review plans, the City is required to ensure that such staff are trained under the same requirements.

(j) Based on City records, the cost to the City to comply with these construction site requirements in FY 2012-2013, including costs in participating in the I-WMP/EWMP process, was \$7,800.00. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement an WMP, which resulted in the City submitting to the LARWQCB a Notice of Intent to prepare a WMP, dated June 26, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(k) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$11,200.00.

14. **Public Agency Requirements:**

(a) Permit Part VI.D.9.c requires the City to maintain an “updated inventory” of all permittee-owned or operated facilities that are potential sources of stormwater pollution,

including 24 separate categories of facilities that are required to be in the inventory. The inventory must include the name and address of the facility, contact information, a narrative description of activities performed and potential pollution sources, coverage under any individual or general NPDES permits or waivers. The inventory must be updated at least once during the five-year term of the Permit with information collected through field activities or other means.

(b) Permit Part VI.D.9.d.i requires the City to develop an inventory of “retrofitting opportunities” in areas of existing development.

(c) Permit Part VI.D.9.d.ii and iii requires the City to screen existing areas of development “to identify candidate areas for retrofitting using watershed models or other screening level tools” and then evaluate and rank areas of existing development to prioritize retrofitting candidates.

(d) Permit Part VI.D.9.d.iv requires the City to consider the results of the evaluation by giving “highly feasible” projects a “high priority” to implement source control and treatment control BMPs in the their Storm Water Management Plan (“SWMP”) and consider high priority retrofit projects as candidates for off-site mitigation for new development and redevelopment projects.

(e) Permit Part VI.D.9.d.v requires the City to cooperate with private landowners to “encourage site specific retrofitting projects.” In such cooperation, demonstration retrofit projects, retrofits on public lands and easements, education and outreach, subsidies for retrofit projects, requiring retrofit projects as enforcement, mitigation or ordinance compliance, public and private partnerships, fees for existing discharges to the MS4 and reduction of such fees for retrofit implementation must be considered.

(f) Permit Part VI.D.9.g.ii requires the City to implement an Integrated Pest Management (“IPM”) program, including restrictions on the use of pesticides, restricting treatments only to remove the target organism, selection of pest controls that minimize risks to human health, “beneficial non-target organisms” and the environment, partnering with other agencies and organizations to “encourage” the use of IPM and adopt and “verifiably implement” policies, procedures and/or ordinances requiring the minimization of pesticide use and encouraging the use of IPM techniques for public agency facilities and activities. Additionally, the City must commit and schedule to reduce the use of pesticides that cause impairments of surface waters by preparing and updating annually an inventory of pesticides, quantify pesticide use by staff and contractors and demonstrate implementation of IPM alternatives where feasible to reduce pesticide use.

(g) Permit Part VI.D.9.h.vii requires permittees in areas not subject to a Trash TMDL, to install trash excluders, or equivalent devices, on or in catch basins or outfalls, except where such installation would cause flooding, unless lack of maintenance that causes the flooding. Permittees, including the City, may also employ alternative or enhanced BMPs that “provide substantially equivalent removal of trash.” If alternative means are employed, the City must demonstrate that such BMPs “provide equivalent trash removal performance as excluders.”

(h) Permit Part VI.D.9.k.ii requires the City to train all employees and contractors “who use or have the potential to use pesticides or fertilizers” that address the potential for pesticide-related surface water toxicity, in the proper use, handling, and disposal of pesticides, least toxic methods of pest prevention and control, including IPM and the reduction of pesticide use.

(i) The City incurred staff time in analyzing and deciding whether to implement a I-WMP and thereafter an EWMP, which addresses public agency activities. The original Notice of Intent to participate in a I-WMP was sent to the LARWQCB dated June 26, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date. I cannot currently quantify those costs.

(j) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$13,000.00.

15. **Illicit Connection and Discharge Requirements:**

(a) Permit Part VI.D.10.d.iii requires the City to “ensure that signage adjacent to open channels . . . include information regarding dumping prohibitions and public reporting of illicit discharges.”

(b) Permit Part VI.D.10.d.iv requires the City to develop and maintain written procedures that document how complaint calls are received, documented and tracked “to ensure that all complaints are adequately addressed.” Such procedures must be “evaluated to determine whether changes or updates are needed to ensure that the procedures adequately document the methods employed by the Permittee.”

(c) Permit Part VI.D.10.d.v the City to maintain documentation of complaint calls and to record the location of the reported spill or illicit discharge and the action undertaken in response.

(d) Permit Part VI.D.10.e.i requires, in pertinent part, that the City implement a “spill response plan” for all sewage and other spills that may discharge into its MS4.

(e) Permit Part VI.D.10.e.i(1) requires that the plan must identify agencies responsible for spill response and cleanup, phone numbers and e-mail addresses for contacts and shall further

address coordination with spill response teams “throughout all appropriate departments, programs and agencies so that maximum water quality protection is provided.”

(f) Permit Part VI.D.10.e.i(3) and (4) requires the City to respond to spills for containment within four hours of become aware of the spill, or if on private property, within two hours of gaining legal access to the property and reporting of spills that may endanger health or the environment to appropriate public health agencies and the Office of Emergency Services (“OES”).

(g) Based on City records, the cost to the City to comply with these illicit connection and discharge requirements in FY 2012-2013, including costs in participating in the I-WMP/EWMP process, was \$17,000.00. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement an I-WMP, which resulted in the City submitting to the LARWQCB a Notice of Intent to prepare a I-WMP, dated June 26, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$23,000.00.

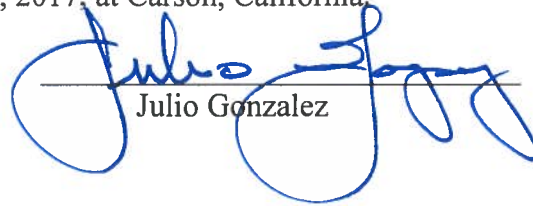
16. I am informed and believe that there are no dedicated state, federal or regional funds that are or will be available to pay for any of the new and/or upgraded programs and activities set forth in this Declaration. I am not aware of any other fee or tax that the City would have the discretion to impose under California law to recover any portion of the cost of these programs and activities.

Section 6: Declarations in Support of Joint Test Claim of Los Angeles County Local Agencies  
Concerning Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No. CAS 004001)

17. The City has filed a joint test claim with 22 other cities. The Cities agree on all issues of the test claim.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 18th day of October, 2017, at Carson, California.

  
Julio Gonzalez

## EXHIBIT 1





# CITY OF CARSON

June 26, 2013

Sam Unger, P.E.  
Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
320 W. 4th Street, Suite 200  
Los Angeles, CA 90013

Subject: Notice of Intent to Opt for an Individual Watershed Management Program

Dear Mr. Unger:

The **City of Carson** is pleased to submit its Notice of Intent ("NOI") to the Los Angeles Regional Water Quality Control Board ("Regional Board") to:

1. develop an Individual Watershed Management Program ("I-WMP") in accordance with Los Angeles Regional Water Quality Control Board Order No. R4-2012-0175, NPDES Permit No., CAS0040, adopted on November 8, 2012 ("Order") and became effective on December 28, 2012; and
2. participate in a Coordinated Integrated Monitoring Plan ("CIMP").

The NOI requires the completion of the following tasks under VI.C.4.B.ii that shall be submitted to the Regional Board on or before June 28, 2014:

1. identify applicable interim and final trash water quality based effluent limitations (WQBELs);
2. identify all other interim and final WQBELs;
3. identify interim and final receiving water limitations; and
4. identify watershed control measures (where possible) based on existing TMDL implementation plans to be implemented by the City, concurrently with the development of a WMP (an I-WMP in this case).

In addition to the foregoing, the NOI also requires the following tasks to be performed if a permittee chooses to implement an I-WMP:

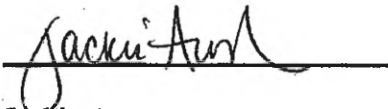
1. demonstrate that a Low Impact Development (LID) ordinance is in place or that the process of developing one has started within 60 days of the Order (February 26, 2013); and
2. demonstrate that a Green Street Policy is in place or begin development of one that addresses "green street strategies for transportation corridors" within 60 days of the Order.

The attached provides a complete discussion of the NOI-related tasks.

Should you have any questions, please feel free to call the Storm Water Quality Programs Manager, Patricia Elkins, at (310) 847-3529.

*"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted.*

*Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility, of a fine and imprisonment for knowing violations."*



Jackie Acosta  
Acting City Manager  
City of Carson

Attachment noted

DECLARATION OF MICHAEL O'GRADY

CITY OF CERRITOS

I, Michael O'Grady, hereby declare and state as follows:

1. I am the Environmental Services Manager for the City of Cerritos ("City"). In that capacity, I share responsibility for the compliance of the City with regard to the requirements of California Regional Water Quality Control Board, Los Angeles Region ("LARWQCB") Order No. R4-2012-0175 ("the Permit") as they apply to the City.

2. I have reviewed sections of the Permit and its attachments as set forth herein and am familiar with those provisions. I am also familiar with how the Permit changed requirements that were previously imposed on the City by the prior permit that had issued to the City by the LARWQCB in 2001 ("2001 Permit").

3. I have an understanding of the City's sources of funding for programs and activities required to comply with the Permit.

4. I make this declaration based on my own personal knowledge, except for matters set forth herein based on information and belief, and as to those matters I believe them to be true. If called upon to testify, I could and would competently to the matters set forth herein.

5. In Section 5 and Section 7 of this Test Claim, which contains exhibits to the test claim filed by the City and other permittees under the Permit, the specific sections of the Permit at issue in the test claim have been set forth. I hereby incorporate such provisions of Sections 5 and 7 into this declaration as though fully set forth herein.

6. The City has elected to participate in two Watershed Management Plans ("WMPs"), one for the Lower San Gabriel River Watershed and one for the Los Cerritos Channel Watershed, designed to address, in whole or in part, the "Total Maximum Daily Load

("TMDL") provisions of the Permit as well other requirements of the Permit, including those set forth in this Declaration.

7. Based on my understanding of the Permit, I believe that the Permit requires the City to undertake the following programs either directly or through the mechanism of a WMP/EWMP, which represent new programs and/or higher levels of service or the shifting of state responsibilities to the City, which activities were not required by the 2001 Permit and which are unique to local government entities:

8. **Implementation of TMDLs:**

(a) Part VI.E.1.c requires the permittees to "comply with the applicable water quality-based effluent limitations and/or receiving water limitations contained in Attachments L through R, consistent with the assumptions and requirements of the WLAs established in the TMDLs, including implementation plans and schedules, where provided for in the State adoption and approval of the TMDL (40 CFR 122.44(d)(1)(vii)(B); Cal. Wat. Code § 13263(a))."

(b) Attachment K to the Permit sets forth the TMDLs with which the City must comply.

(c) Attachments L through R of the Permit set forth the requirements of each TMDL and its "waste load allocations" with which the City must comply.

(d) Part VI.B of the Permit requires the City "to comply with the [Monitoring and Reporting Program] and future revisions thereto, in Attachment E of this Order or may, in coordination with an approved Watershed Management Program per Part VI.C, implement a customized monitoring program that achieves the five Primary Objectives set forth in Part II.A of Attachment E and includes the elements set forth in Part II.E of Attachment E."

(e) Attachment E to the Permit requires the monitoring program to include monitoring at “TMDL receiving water compliance points” and other “TMDL monitoring requirements specified in approved TMDL Monitoring Plans.” (Permit, Attachment E, Parts II.E.1 through 3 and Part V; *see also* Attachment E, Parts VI.A.1.b.(iii) and (iv), VI.B.2, VI.C.1.a, VI.D.1.a, VIII.B.1.b(ii), IX.A.5, IX.C.1.a, IX.E.1.a and b, IX.G.1.b, and IX.G.2.)

(f) Based on City records, the cost to the City to comply with these TMDL requirements in FY 2012-2013, including costs in participating in the WMP process, was \$18,680. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP and an integrated monitoring program (“IMP”) or Coordinated Integrated Monitoring Program (“CIMP”) which resulted in Notices of Intent to participate in a WMP and CIMP. The Notices of Intent were sent to the LARWQCB dated June 27, 2013; costs were incurred on and leading up to that date. Copies of the City’s Notices are attached as Exhibit 1.

(g) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$94,592.

9. **Requirements Related to Discharge Prohibitions for Non-Stormwater:**

(a) Permit Part III.A.1 prohibits certain non-stormwater discharges through the municipal separate storm sewer system (“MS4”) to receiving waters. I have been advised that this requirement exceeds the requirements of the Clean Water Act (“CWA”).

(b) Part III.A.2 requires the City to employ best management practices (“BMPs”) for discharges from essential non-emergency firefighting activities and, with regard to unpermitted

discharges by drinking water suppliers, to work with those suppliers on the conditions of their discharges.

(c) Part III.A.4.a requires the City to develop and implement procedures covering non-permitted discharges of non-stormwater to the City's MS4 in compliance with the requirements of Part III.A.4.a.i-vi of the Permit.

(d) Part III.A.4.b requires the City to develop and implement procedures to minimize the discharge of landscape irrigation water into the MS4, including to coordinate with local water purveyors to promote water use efficiency, use of drought tolerant vegetation and use of less toxic options for pest control and landscape management and to develop and implement an outreach and education program to minimize the discharge of irrigation water and associated pollutants.

(e) Part III.A.4.c requires the City to evaluate monitoring data collected pursuant to the Permit's Monitoring and Reporting Program (Permit Attachment E) and other associated data and information to determine, among other things, if authorized or conditionally authorized non-stormwater discharges are a source of pollutants that may be causing or contributing to an exceedance of receiving water limitations and/or water quality based effluent limitations.

(f) Part III.A.4.d requires the City to take action to address such non-stormwater discharges if they are found to be such a source of pollutants, through effective prohibition, conditions, diversions or treatment. These tasks involve, among other things, meeting with non-stormwater dischargers, identifying and analyzing the nature of non-stormwater discharges, the development and implementation of discharge procedures, conducting public education efforts and evaluating monitoring data.

Section 6: Declarations in Support of Joint Test Claim of Los Angeles County Local Agencies Concerning Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No. CAS 004001)

(g) Based on City records, the cost to the City to comply with these non-stormwater prohibition requirements in FY 2012-2013, including costs in participating in the WMP process, was \$51,806. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, which resulted in Notices of Intent to participate in a WMP sent to the LARWQCB dated June 27, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$105,827.

10. **Public Information Program Requirements:**

(a) Permit Part VI.D.5.a requires the City to “measurably increase” the knowledge of target audiences about the MS4, the adverse impacts of stormwater pollution on receiving waters and potential solutions to mitigate impacts, to “measurably change” waste disposal and stormwater pollution generation behavior by developing and encouraging implementation of “appropriate alternatives” and to “involve and engage a diversity of socio-economic groups and ethnic communities” to participate in stormwater pollution impact mitigation.

(b) Permit Part VI.D.5.b requires the City to implement Public Information and Participation Program activities by participating in either a County-wide, Watershed Group-sponsored or individual effort.

(c) Permit Part VI.D.5.c requires the City to provide a means for public reporting of clogged catch basin inlets and illicit discharges/dumping, faded or missing catch basin labels and general stormwater and non-stormwater pollution prevention information through a telephone

hotline or in public information or government pages of the telephone book, identify staff or departments serving as contact persons and providing current, updated hotline information. The City is also required to organize events targeted to residents and population subgroups to “educate and involve the community in storm water and non-storm water pollution prevent and clean-up (e.g., education seminars, clean-ups, and community catch basin stenciling).”

(d) Permit Part VI.D.5.d requires the City to conduct stormwater pollution prevention public service announcements and advertising campaigns and provide public education materials on the proper handling of vehicle waste fluids, house, and construction waste, pesticides and fertilizers (including the use of integrated pest management practices), green waste and animal wastes. This Part further requires the City (a) to distribute public education materials at automotive parts stores, home improvement centers, lumber yards and hardware and paint stores, landscaping and gardening centers and pet shops and feed stores, and (b) to maintain stormwater websites or provide links to stormwater websites via the City’s website, which must include educational material and opportunities for public participation in stormwater pollution and cleanup activities and provide schools within the City’s jurisdiction with materials to education K-12 students on stormwater pollution. In each of these requirements, Permit Part VID.5.d requires the City to “use effective strategies to educate and involve ethnic communities in storm water pollution prevention through culturally effective methods.”

(e) Based on City records, the cost to the City to comply with these public information program requirements in FY 2012-2013, including costs in participating in the WMP process, was \$4,254. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding



whether to implement a WMP, which include an analysis of the public information program. This staff time resulted in Notices of Intent to participate in a WMP sent to the LARWQCB dated June 27, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(f) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$9,284.

11. **Inventory and Inspections of Industrial/Commercial Sources:**

(a) Permit Part VI.D.6.b requires the City to track nurseries and nursery centers and to include various information for each facility on the inventory, including the industrial classification code, the status of exposure of materials to stormwater, the name of the receiving water, whether the facility is tributary to a waterbody listed as impaired under CWA section 303(d) where the facility generates pollutants for which the waterbody is impaired, and whether the facility has filed a “No Exposure Certification” (“NEC”) with the State Water Resources Control Board (“State Board”). The City is required to update the inventory at least annually, through collection of information through field activities over from other means.

(b) Permit Part VI.D.6.d requires the City to inspect restaurants, automotive service facilities, retail gasoline outlets and nurseries and nursery centers twice during the Permit term, including an inspection within two years after the Permit’s effective date. In such inspection, the City is required, among other things, to evaluate whether the source is implementing effective source control BMPs for each corresponding activity and to require implementation of additional BMPs where stormwater from the facility discharged to the MS4 discharges to a Significant

Section 6: Declarations in Support of Joint Test Claim of Los Angeles County Local Agencies  
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Ecological Area (“SEA”), a water body subject to TMDL provisions or a CWA section 303(d) listed waterbody.

(c) Permit Part VI.D.6.e requires the City to inspect industrial facilities, including those identified in 40 C.F.R. section 122.26(b)(14)(i-xi) and facilities identified in 40 C.F.R. section 122.26(d)(12)(iv)(C). In such inspections, the City is required to confirm that each facility has a current Waste Discharge Identification number for coverage under the State Board-issued General Industrial Activities Stormwater Permit or has applied for and received a no exposure certification, and to require implementation of additional BMPs where stormwater from the MS4 discharges to a waterbody subject to a TMDL or is a CWA section 303(d) listed impaired waterbodies. Additionally, for facilities discharging to MS4s that discharge to an SEA, the permittees, including the City, are required to require operators to implement additional pollutant-specific controls to reduce pollutants that are causing or contributing to exceedances of water quality standards.

(d) Based on City records, the cost to the City to comply with these inventory and inspection requirements in FY 2012-2013, including costs in participating in the WMP process, was \$250. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, which includes an analysis and customization of the inspection of industrial and commercial sources. This staff time resulted in Notices of Intent to participate in a WMP sent to the LARWQCB dated June 27, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$500.

12. **Post-Construction BMP Requirements:**

(a) Permit Part VI.D.7.d.iv(1)(a) requires the City to implement a GIS or other electronic system for tracking projects that are required to have post-construction BMPs, including project identification, acreage, BMP type and description, BMP locations, dates of acceptance and maintenance agreements, inspection dates and summaries and corrective action.

(b) Permit Part VI.D.7.d.iv(1)(b) requires the City to inspect all development sites upon completion of construction and before issuance of an occupancy certificate to ensure “proper installation” of Low Impact Development (“LID”) measures, structural BMPs, treatment control BMPs and hydromodification control BMPs.

(c) Permit Part VI.D.7.d.iv(1)(c) requires the City to develop a post-construction BMP checklist and to inspect at an interval of at least once every two years, City-operated post-construction BMPs to assess operations condition.

(d) Based on City records, the cost to the City to comply with these post-construction BMP requirements in Fiscal Year (FY) 2012-2013, including costs in participating in the WMP process, was \$6,711. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, which includes an analysis of the planning and development program. This staff time resulted in Notices of Intent to participate in a WMP sent to the LARWQCB dated June 27, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$14,072.

13. **Construction Site Requirements:**

(a) Permit Part VI.D.8.g.i requires the City to develop an electronic system to inventory grading, encroachment, demolition, building or construction permits (or other municipal authorizations to move soil and/or construct or destruct that involves land disturbance).

(b) Permit Part VI.D.8.g.ii requires the City to complete and update an inventory containing, among other items, contact information for a project, basic site information, the proximity of all water bodies, significant threats to water quality status, current construction phase where feasible, required inspection frequency, start and anticipated completion dates, whether the project has submitted a Notice of Intent to be covered under the State Board-issued General Construction Activities Stormwater Permit (“GCASP”), whether it has obtained GCASP coverage, the date the Erosion and Sediment Control Plan (“ESCP”) was approved and post-construction structural BMPs subject to operation and maintenance requirements.

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(c) Permit Part VI.D.8.h requires the City to develop and implement review procedures for construction plan documents, including preparation and submittal of an appropriate ESCP, verification of GCASP or other permit coverage and other items. The Part further requires permittees, including the City, to develop and implement a checklist to conduct and document the review of each ESCP.

(d) Permit Part VI.D.8.i.i requires the City to develop and implement technical standards for the selection, installation and maintenance of construction BMPs for all such sites within the City.

(e) Permit Part VI.D.8.i.ii requires that such BMPs be tailored to the risks posed by the project, as well as in minimum conformance with standards set forth in Permit Table 15, use of BMPs meeting the requirements of Permit Tables 14 and 16 for construction sites equal or greater than one acre or paving projects, detailed installation designs and cut sheets for use in ESCPs and maintenance expectations for each BMP or category of BMPs.

(f) Permit Part VI.D.8.i.iv further requires that such technical standards must be “readily available” to the development community and must be “clearly referenced” within the City’s stormwater or development services website, ordinance, permit approval process and/or ESCP review forms.

(g) Permit Part VI.D.8.i.v requires local BMP technical standards to cover all items set forth in Tables 13, 14, 15 and 16 of the Permit.

(h) Permit Part VI.D.8.j requires the City to inspect all construction sites of one acre or greater in size on the frequencies set forth in the Permit, which requires inspections prior to land disturbance activities, during active construction and at the conclusion of the project and as a

condition to approving and/or issuing a Certificate of Occupancy. The frequency of inspections is set in addition in Table 17 of the Permit. As part of the inspection obligations, the permittees, including the City, must develop, implement and revise as necessary standard operating procedures that identify the inspection procedures to be followed by each permittee. Additionally, during inspections, the City must verify “active coverage” under the GCASP for specified projects; review the ESCP; inspect the site to determine whether all BMPs have been selected, installed, implemented and maintained; assess the appropriateness of planned and installed BMPs, and their effectiveness; visually observe and record non-stormwater discharge, potential illicit discharges and connections and potential discharge of pollutants in stormwater runoff; develop a written or electronic inspection report generated from a field inspection checklist; and track the number of inspections for the site to ensure that it meets the minimum requirements of Permit Table 17.

(i) Permit Part VI.D.8.1.i and ii requires the City to ensure training for “all staff whose primary job duties are related to implementing the construction storm water program,” including plan reviewers and permitting staff with regard to the “technical review of local erosion and sediment control ordinance, local BMP technical standards, ESCP requirements, and the key objectives of the State Water Board QSD program, erosion sediment control/storm water inspectors in inspection procedures consistent with various standards. Additionally, if outside parties conduct inspections or review plans, the City is required to ensure that such staff are trained under the same requirements.

(j) Based on City records, the cost to the City to comply with these construction site requirements in FY 2012-2013, including costs in participating in the WMP process, was \$9,579.

These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, which included an analysis of construction site requirements. This staff time resulted in Notices of Intent sent to the LARWQCB to participate in a WMP dated June 27, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(k) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$19,494.

14. **Public Agency Requirements:**

(a) Permit Part VI.D.9.c requires the City to maintain an “updated inventory” of all permittee-owned or operated facilities that are potential sources of stormwater pollution, including 24 separate categories of facilities that are required to be in the inventory. The inventory must include the name and address of the facility, contact information, a narrative description of activities performed and potential pollution sources, coverage under any individual or general NPDES permits or waivers. The inventory must be updated at least once during the five-year term of the Permit with information collected through field activities or other means.

(b) Permit Part VI.D.9.d.i requires the City to develop an inventory of “retrofitting opportunities” in areas of existing development.

(c) Permit Part VI.D.9.d.ii and iii requires the City to screen existing areas of development “to identify candidate areas for retrofitting using watershed models or other screening level tools” and then evaluate and rank areas of existing development to prioritize retrofitting candidates.

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(d) Permit Part VI.D.9.d.iv requires the City to consider the results of the evaluation by giving “highly feasible” projects a “high priority” to implement source control and treatment control BMPs in the their Storm Water Management Plan (“SWMP”) and consider high priority retrofit projects as candidates for off-site mitigation for new development and redevelopment projects.

(e) Permit Part VI.D.9.d.v requires the City to cooperate with private landowners to “encourage site specific retrofitting projects.” In such cooperation, demonstration retrofit projects, retrofits on public lands and easements, education and outreach, subsidies for retrofit projects, requiring retrofit projects as enforcement, mitigation or ordinance compliance, public and private partnerships, fees for existing discharges to the MS4 and reduction of such fees for retrofit implementation must be considered.

(f) Permit Part VI.D.9.g.ii requires the City to implement an Integrated Pest Management (“IPM”) program, including restrictions on the use of pesticides, restricting treatments only to remove the target organism, selection of pest controls that minimize risks to human health, “beneficial non-target organisms” and the environment, partnering with other agencies and organizations to “encourage” the use of IPM and adopt and “verifiably implement” policies, procedures and/or ordinances requiring the minimization of pesticide use and encouraging the use of IPM techniques for public agency facilities and activities. Additionally, the City must commit and schedule to reduce the use of pesticides that cause impairments of surface waters by preparing and updating annually an inventory of pesticides, quantify pesticide use by staff and contractors and demonstrate implementation of IPM alternatives where feasible to reduce pesticide use.



(g) Permit Part VI.D.9.h.vii requires permittees in areas not subject to a Trash TMDL, to install trash excluders, or equivalent devices, on or in catch basins or outfalls, except where such installation would cause flooding, unless lack of maintenance that causes the flooding. Permittees, including the City, may also employ alternative or enhanced BMPs that “provide substantially equivalent removal of trash.” If alternative means are employed, the City must demonstrate that such BMPs “provide equivalent trash removal performance as excluders.”

(h) Permit Part VI.D.9.k.ii requires the City to train all employees and contractors “who use or have the potential to use pesticides or fertilizers” that address the potential for pesticide-related surface water toxicity, in the proper use, handling, and disposal of pesticides, least toxic methods of pest prevention and control, including IPM and the reduction of pesticide use.

(i) Based on City records, the cost to the City to comply with these public agency requirements in FY 2012-2013, including costs in participating in the WMP process, was \$328,642. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, which included an analysis of these public agency activities. This resulted in Notices of Intent sent to the LARWQCB to participate in a WMP dated June 27, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(j) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$577,085.

15. **Illicit Connection and Discharge Requirements:**

Section 6: Declarations in Support of Joint Test Claim of Los Angeles County Local Agencies  
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(a) Permit Part VI.D.10.d.iii requires the City to “ensure that signage adjacent to open channels . . . include information regarding dumping prohibitions and public reporting of illicit discharges.”

(b) Permit Part VI.D.10.d.iv requires the City to develop and maintain written procedures that document how complaint calls are received, documented and tracked “to ensure that all complaints are adequately addressed.” Such procedures must be “evaluated to determine whether changes or updates are needed to ensure that the procedures adequately document the methods employed by the Permittee.”

(c) Permit Part VI.D.10.d.v requires the City to maintain documentation of complaint calls and to record the location of the reported spill or illicit discharge and the action undertaken in response.

(d) Permit Part VI.D.10.e.i requires, in pertinent part, that the City implement a “spill response plan” for all sewage and other spills that may discharge into its MS4.

(e) Permit Part VI.D.10.e.i(1) requires that the plan must identify agencies responsible for spill response and cleanup, phone numbers and e-mail addresses for contacts and shall further address coordination with spill response teams “throughout all appropriate departments, programs and agencies so that maximum water quality protection is provided.”

(f) Part VI.D.10.e.i(3) and(4) requires the City to respond to spills for containment within four hours of become aware of the spill, or if on private property, within two hours of gaining legal access to the property and reporting of spills that may endanger health or the environment to appropriate public health agencies and the Office of Emergency Services (“OES”).

Section 6: Declarations in Support of Joint Test Claim of Los Angeles County Local Agencies Concerning Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No. CAS 004001)

(g) Based on City records, the cost to the City to comply with these illicit connection and discharge requirements in FY 2012-2013, including costs in participating in the WMP process, was \$21,456. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, which included an analysis of these illicit connection and discharge requirements. This resulted in Notices of Intent sent to the LARWQCB to participate in a WMP dated June 27, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

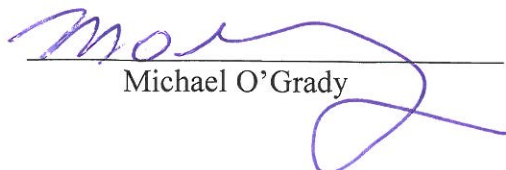
(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$42,246.

16. I am informed and believe that there are no dedicated state, federal or regional funds that are or will be available to pay for any of the new and/or upgraded programs and activities set forth in this Declaration. I am not aware of any other fee or tax that the City would have the discretion to impose under California law to recover any portion of the cost of these programs and activities.

17. The City has filed a joint test claim with 22 other cities. The Cities agree on all issues of the test claim.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 16th day of November, 2017, at Cerritos, California.

  
\_\_\_\_\_  
Michael O'Grady

## EXHIBIT 1



# CITY OF CERRITOS<sup>SM</sup>

CIVIC CENTER • 18125 BLOOMFIELD AVENUE  
P.O. BOX 3130 • CERRITOS, CALIFORNIA 90703-3130  
PHONE: (562) 916-1301 • FAX: (562) 468-1095  
WWW.CERRITOS.US



June 27, 2013

OFFICE OF THE CITY MANAGER  
**ART GALLUCCI**

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

## **LETTER OF INTENT TO PARTICIPATE IN THE DEVELOPMENT OF A WATERSHED MANAGEMENT PROGRAM (WMP) AND COORDINATED INTEGRATED MONITORING PROGRAM (CIMP) IN COOPERATION WITH THE LOS CERRITOS CHANNEL WATERSHED GROUP**

Dear Mr. Unger:

The City of Cerritos has voluntarily joined the Los Cerritos Channel Watershed Group in the development of a Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) for the Los Cerritos Channel Watershed. While the City's continued participation in the Los Cerritos Channel Watershed Group is contingent upon the City Council's approval of a Memorandum of Understanding (MOU), the City will comply with the requirements of Order No. R4-2012-0175 (MS4 Permit). The Los Cerritos Channel Watershed Group is comprised of the following permittees: Bellflower, Cerritos, Downey, Lakewood, Long Beach, Paramount, Signal Hill as well as the Los Angeles County Flood Control District and Caltrans.

The City of Cerritos complied with Part VI.C.4.c.i and Part VI.C.4.c.i (2) through submission of a Notice of Intent letter dated December 21, 2012 (attached). We are complying with Part VI.C.4.c.i (2) by attaching our draft Green Streets Policy and our draft LID Ordinance. These documents will be presented to the Cerritos City Council for consideration at an upcoming meeting.

While maintaining the 18-month schedule for development of the WMP, the Los Cerritos Channel Watershed Group intends to continue to evaluate and consider the Enhanced-WMP (EWMP) option. If the group decides to develop an EWMP prior to the December 28, 2013 deadline, your office will be notified in a separate letter prior to any such change.

The City of Cerritos signed a Memorandum of Agreement (MOA) with the Los Angeles Gateway Regional Water Management Joint Powers Authority for the administration and cost sharing resulting from preparation of the Los Cerritos Channel Metals Total Maximum Daily Load Implementation Plan, Monitoring Program and Special Studies in 2010 (attached). This MOA has been used to begin preparation of a Watershed Management Program, but it will soon be replaced with a MOU for development of a WMP or Enhanced WMP (EWMP) and Coordinated Integrated Monitoring Program (CIMP).

LETTER OF INTENT – LOS CERRITOS CHANNEL

June 27, 2013

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The City recognizes that while maintaining the 18-month schedule for development of the WMP, the Los Cerritos Watershed Group intends to continue to evaluate and consider the EWMP option. If the group decides prior to the December 28, 2013 deadline to develop an EWMP, your office will be notified in a separate letter.

The City of Cerritos has developed a draft Green Streets Policy and draft Low Impact Development (LID) Ordinance. These documents will be presented to the Cerritos City Council, along with the Memorandum of Understanding with the Los Cerritos Channel Watershed Group for consideration at an upcoming meeting.

If you have any questions, please contact the City's Environmental Services Manager, Mike O'Grady, at (562) 916-1226.

Sincerely,

A handwritten signature in black ink, appearing to read 'Art Gallucci', with a long horizontal line extending to the right.

Art Gallucci  
City Manager



# CITY OF CERRITOS<sup>SM</sup>

CIVIC CENTER • 18125 BLOOMFIELD AVENUE  
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June 27, 2013

OFFICE OF THE CITY MANAGER  
**ART GALLUCCI**

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

## **LETTER OF INTENT TO PARTICIPATE IN THE DEVELOPMENT OF A WATERSHED MANAGEMENT PROGRAM (WMP) AND COORDINATED INTEGRATED MONITORING PROGRAM (CIMP) IN COOPERATION WITH THE LOWER SAN GABRIEL RIVER WATERSHED GROUP**

Dear Mr. Unger:

The City of Cerritos submits this Letter of Intent as notification to participate and share the cost for the development of a Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) for the Lower San Gabriel River Watershed and to satisfy the CIMP notification requirement of Section IV.C.1 of Attachment E of Order No. R4-2012-0175 (MS4 Permit). While continued participation in the Lower San Gabriel River Watershed Group is contingent upon the Cerritos City Council's approval of a Memorandum of Understanding, the City will comply with the requirements of the MS4 Permit. The Lower San Gabriel River Watershed Group is comprised of the following permittees: Artesia, Bellflower, Cerritos, Diamond Bar, Downey, Hawaiian Gardens, La Mirada, Lakewood, Long Beach, Norwalk, Pico Rivera, Santa Fe Springs, Whittier and the Los Angeles County Flood Control District.

The City of Cerritos has developed a draft Green Streets Policy and a draft Low Impact Development (LID) Ordinance. These documents will be presented to the Cerritos City Council, along with a Memorandum of Understanding with the Lower San Gabriel River Watershed Group for consideration at an upcoming meeting.

While maintaining the 18-month schedule for development of the WMP, the Lower San Gabriel River Watershed Group intends to continue to evaluate and consider the Enhanced-WMP (EWMP) option. If the group decides to develop an EWMP prior to the December 28, 2013 deadline, your office will be notified in a separate letter prior to any such change.

If you have any questions, please contact the City's Environmental Services Manager, Mike O'Grady, at (562) 916-1226.

Sincerely,

Art Gallucci  
City Manager

DECLARATION OF MARYAM BABAKI

CITY OF COMMERCE

I, Maryam Babaki, hereby declare and state as follows:

1. I am the Director of Public Works and Development Services of the City of Commerce (“City”). In that capacity, I share responsibility for the compliance of the City with regard to the requirements of California Regional Water Quality Control Board, Los Angeles Region (“LARWQCB”) Order No. R4-2012-0175 (“the Permit”) as they apply to the City.

2. I have reviewed sections of the Permit and its attachments as set forth herein and am familiar with those provisions. I am also familiar with how the Permit changed requirements that were previously imposed on the City by the prior permit that had issued to the City by the LARWQCB in 2001 (“2001 Permit”).

3. I have an understanding of the City’s sources of funding for programs and activities required to comply with the Permit.

4. I make this declaration based on my own personal knowledge, except for matters set forth herein based on information and belief, and as to those matters I believe them to be true. If called upon to testify, I could and would competently to the matters set forth herein.

5. In Section 5 and Section 7 of this Test Claim, which contains exhibits to the test claim filed by the City and other permittees under the Permit, the specific sections of the Permit at issue in the test claim have been set forth. I hereby incorporate such provisions of Sections 5 and 7 into this declaration as though fully set forth herein.

6. The City has elected to participate in a Watershed Management Plan (“WMP”) that is designed to address, in whole or in part, the “Total Maximum Daily Load



(TMDL”)” provisions of the Permit as well other requirements of the Permit, including those set forth in this Declaration.

7. Based on my understanding of the Permit, I believe that the Permit requires the City to undertake the following programs either directly or through the mechanism of a WMP, which represent new programs and/or higher levels of service or the shifting of state responsibilities to the City, which activities were not required by the 2001 Permit and which are unique to local government entities:

8. **Implementation of TMDLs:**

(a) Part VI.E.1.c requires the permittees to “comply with the applicable water quality-based effluent limitations and/or receiving water limitations contained in Attachments L through R, consistent with the assumptions and requirements of the WLAs established in the TMDLs, including implementation plans and schedules, where provided for in the State adoption and approval of the TMDL (40 CFR 122.44(d)(1)(vii)(B); Cal. Wat. Code § 13263(a)).”

(b) Attachment K to the Permit sets forth the TMDLs with which the City must comply.

(c) Attachments L through R of the Permit set forth the requirements of each TMDL and its “waste load allocations” with which the City must comply.

(d) Part VI.B of the Permit requires the City “to comply with the [Monitoring and Reporting Program] and future revisions thereto, in Attachment E of this Order or may, in coordination with an approved Watershed Management Program per Part VI.C, implement a customized monitoring program that achieves the five Primary Objectives set forth in Part II.A of Attachment E and includes the elements set forth in Part II.E of Attachment E.”

(e) Attachment E to the Permit requires the monitoring program to include monitoring at “TMDL receiving water compliance points” and other “TMDL monitoring requirements specified in approved TMDL Monitoring Plans.” (Permit, Attachment E, Parts II.E.1 through 3 and Part V; *see also* Attachment E, Parts VI.A.1.b(iii) and (iv), VI.B.2, VI.C.1.a, VI.D.1.a, VIII.B.1.b(ii), IX.A.5, IX.C.1.a, IX.E.1.a and b, IX.G.1.b, and IX.G.2.)

(f) Based on City records, the cost to the City to comply with these TMDL requirements in FY 2012-2013, including costs in participating in the WMP process, was \$1,947,952. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP and an integrated monitoring program (“IMP”) or Coordinated Integrated Monitoring Program (“CIMP”) which resulted in a Notice of Intent to participate in a WMP and CIMP. The Notice of Intent was sent to the LARWQCB on June 27, 2013; costs were incurred on and leading up to that date. A copy of the Notice of Intent Letter is attached as Exhibit 1.

(g) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$3,056,952.

9. **Requirements Related to Discharge Prohibitions for Non-Stormwater:**

(a) Permit Part III.A.1 prohibits certain non-stormwater discharges through the municipal separate storm sewer system (“MS4”) to receiving waters. I have been advised that this requirement exceeds the requirements of the Clean Water Act (“CWA”).

(b) Part III.A.2 requires the City to employ best management practices (“BMPs”) for discharges from essential non-emergency firefighting activities and, with regard to unpermitted

discharges by drinking water suppliers, to work with those suppliers on the conditions of their discharges.

(c) Part III.A.4.a requires the City to develop and implement procedures covering non-permitted discharges of non-stormwater to the City's MS4 in compliance with the requirements of Part III.A.4.a.i-vi of the Permit.

(d) Part III.A.4.b requires the City to develop and implement procedures to minimize the discharge of landscape irrigation water into the MS4, including to coordinate with local water purveyors to promote water use efficiency, use of drought tolerant vegetation and use of less toxic options for pest control and landscape management and to develop and implement an outreach and education program to minimize the discharge of irrigation water and associated pollutants.

(e) Part III.A.4.c requires the City to evaluate monitoring data collected pursuant to the Permit's Monitoring and Reporting Program (Permit Attachment E) and other associated data and information to determine, among other things, if authorized or conditionally authorized non-stormwater discharges are a source of pollutants that may be causing or contributing to an exceedance of receiving water limitations and/or water quality based effluent limitations.

(f) Part III.A.4.d requires the City to take action to address such non-stormwater discharges if they are found to be such a source of pollutants, through effective prohibition, conditions, diversions or treatment. These tasks involve, among other things, meeting with non-stormwater dischargers, identifying and analyzing the nature of non-stormwater discharges, the development and implementation of discharge procedures, conducting public education efforts and evaluating monitoring data.

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(g) Based on City records, the cost to the City to comply with these non-stormwater prohibition requirements in FY 2012-2013, including costs in participating in the WMP process, was \$73,000. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. As discussed above, those costs included costs for staff time in analyzing and deciding whether to implement a WMP, which resulted in a Notice of Intent to participate in a WMP sent to the LARWQCB on June 27, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$91,000.

10. **Public Information Program Requirements:**

(a) Permit Part VI.D.5.a requires the City to “measurably increase” the knowledge of target audiences about the MS4, the adverse impacts of stormwater pollution on receiving waters and potential solutions to mitigate impacts, to “measurably change” waste disposal and stormwater pollution generation behavior by developing and encouraging implementation of “appropriate alternatives” and to “involve and engage a diversity of socio-economic groups and ethnic communities” to participate in stormwater pollution impact mitigation.

(b) Permit Part VI.D.5.b requires the City to implement Public Information and Participation Program activities by participating in either a County-wide, Watershed Group-sponsored or individual effort.

(c) Permit Part VI.D.5.c requires the City to provide a means for public reporting of clogged catch basin inlets and illicit discharges/dumping, faded or missing catch basin labels and general stormwater and non-stormwater pollution prevention information through a telephone

hotline or in public information or government pages of the telephone book, identify staff or departments serving as contact persons and providing current, updated hotline information. The City is also required to organize events targeted to residents and population subgroups to “educate and involve the community in storm water and non-storm water pollution prevent and clean-up (e.g., education seminars, clean-ups, and community catch basin stenciling).”

(d) Permit Part VI.D.5.d requires the City to conduct stormwater pollution prevention public service announcements and advertising campaigns and provide public education materials on the proper handling of vehicle waste fluids, house, and construction waste, pesticides and fertilizers (including the use of integrated pest management practices), green waste and animal wastes. This Part further requires the City (a) to distribute public education materials at automotive parts stores, home improvement centers, lumber yards and hardware and paint stores, landscaping and gardening centers and pet shops and feed stores, and (b) to maintain stormwater websites or provide links to stormwater websites via the City’s website, which must include educational material and opportunities for public participation in stormwater pollution and cleanup activities and provide schools within the City’s jurisdiction with materials to education K-12 students on stormwater pollution. In each of these requirements, Permit Part VI.D.5.d. requires the City to “use effective strategies to educate and involve ethnic communities in storm water pollution prevention through culturally effective methods.”

(e) Based on City records, the cost to the City to comply with these public information program requirements in FY 2012-2013, including costs in participating in the WMP process, was \$59,000. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. As discussed above, those costs included costs for staff time in

analyzing and deciding whether to implement a WMP, which includes an analysis and customization of the public information program. This staff time resulted in a Notice of Intent to participate in a WMP sent to the LARWQCB on June 27, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(f) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$75,000.

11. **Inventory and Inspections of Industrial/Commercial Sources:**

(a) Permit Part VI.D.6.b requires the City to track nurseries and nursery centers and to include various information for each facility on the inventory, including the industrial classification code, the status of exposure of materials to stormwater, the name of the receiving water, whether the facility is tributary to a waterbody listed as impaired under CWA section 303(d) where the facility generates pollutants for which the waterbody is impaired, and whether the facility has filed a “No Exposure Certification” (“NEC”) with the State Water Resources Control Board (“State Board”). The City is required to update the inventory at least annually, through collection of information through field activities over from other means.

(b) Permit Part VI.D.6.d requires the City to inspect restaurants, automotive service facilities, retail gasoline outlets and nurseries and nursery centers twice during the Permit term, including an inspection within two years after the Permit’s effective date. In such inspection, the City is required, among other things, to evaluate whether the source is implementing effective source control BMPs for each corresponding activity and to require implementation of additional BMPs where stormwater from the facility discharged to the MS4 discharges to a Significant

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Ecological Area (“SEA”), a water body subject to TMDL provisions or a CWA section 303(d) listed waterbody.

(c) Permit Part VI.D.6.e requires the City to inspect industrial facilities, including those identified in 40 C.F.R. section 122.26(b)(14)(i-xi) and facilities identified in 40 C.F.R. section 122.26(d)(12)(iv)(C). In such inspections, the City is required to confirm that each facility has a current Waste Discharge Identification number for coverage under the State Board-issued General Industrial Activities Stormwater Permit or has applied for and received a no exposure certification, and to require implementation of additional BMPs where stormwater from the MS4 discharges to a waterbody subject to a TMDL or is a CWA section 303(d) listed impaired waterbodies. Additionally, for facilities discharging to MS4s that discharge to an SEA, the permittees, including the City, are required to require operators to implement additional pollutant-specific controls to reduce pollutants that are causing or contributing to exceedances of water quality standards.

(d)Based on City records, the cost to the City to comply with these inventory and inspection requirements in FY 2012-2013, including costs in participating in the WMP process, was \$105,000. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. Those costs included costs for staff time in analyzing and deciding whether to implement a WMP, which includes an analysis and customization of education and inspection of industrial and commercial sources. This staff time resulted in a Notice of Intent to participate in a WMP sent to the LARWQCB on June 27, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$205,000.

12. **Post-Construction BMP Requirements:**

(a) Permit Part VI.D.7.d.iv(1)(a)requires the City to implement a GIS or other electronic system for tracking projects that are required to have post-construction BMPs, including project identification, acreage, BMP type and description, BMP locations, dates of acceptance and maintenance agreements, inspection dates and summaries and corrective action.

(b) Permit Part VI.D.7.d.iv(1)(b) requires the City to inspect all development sites upon completion of construction and before issuance of an occupancy certificate to ensure “proper installation” of Low Impact Development (“LID”) measures, structural BMPs, treatment control BMPs and hydromodification control BMPs.

(c) Permit Part VI.D.7.d.iv(1)(c) requires the City to develop a post-construction BMP checklist and to inspect at an interval of at least once every two years, City-operated post-construction BMPs to assess operations condition.



(d)Based on City records, the cost to the City to comply with these post-construction BMP requirements in FY 2012-2013, including costs in participating in the WMP process, was \$6,800. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. Those costs included costs for staff time in analyzing and deciding whether to implement a WMP, which includes an analysis of the planning and development program. This staff time resulted in a Notice of Intent to participate in a WMP sent to the LARWQCB on June 27, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$14,300.

13. **Construction Site Requirements:**

(a) Permit Part VI.D.8.g.i requires the City to develop an electronic system to inventory grading, encroachment, demolition, building or construction permits (or other municipal authorizations to move soil and/or construct or destruct that involves land disturbance).

(b) Permit Part VI.D.8.g.ii requires the City to complete and update an inventory containing, among other items, contact information for a project, basic site information, the proximity of all water bodies, significant threats to water quality status, current construction phase where feasible, required inspection frequency, start and anticipated completion dates, whether the project has submitted a Notice of Intent to be covered under the State Board-issued General Construction Activities Stormwater Permit (“GCASP”), whether it has obtained GCASP coverage, the date the Erosion and Sediment Control Plan (“ESCP”) was approved and post-construction structural BMPs subject to operation and maintenance requirements.

Section 6: Declarations in Support of Joint Test Claim of Los Angeles County Local Agencies Concerning Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No. CAS 004001)

(c) Permit Part VI.D.8.h requires the City to develop and implement review procedures for construction plan documents, including preparation and submittal of an appropriate ESCP, verification of GCASP or other permit coverage and other items. The Part further requires permittees, including the City, to develop and implement a checklist to conduct and document the review of each ESCP.

(d) Permit Part VI.D.8.i.i requires the City to develop and implement technical standards for the selection, installation and maintenance of construction BMPs for all such sites within the City.

(e) Permit Part VI.D.8.i.ii requires that such BMPs be tailored to the risks posed by the project, as well as in minimum conformance with standards set forth in Permit Table 15, use of BMPs meeting the requirements of Permit Tables 14 and 16 for construction sites equal or greater than one acre or paving projects, detailed installation designs and cut sheets for use in ESCPs and maintenance expectations for each BMP or category of BMPs.

(f) Permit Part VI.D.8.i.iv further requires that such technical standards must be “readily available” to the development community and must be “clearly referenced” within the City’s stormwater or development services website, ordinance, permit approval process and/or ESCP review forms.

(g) Permit Part VI.D.8.i.v requires local BMP technical standards to cover all items set forth in Tables 13, 14, 15 and 16 of the Permit.

(h) Permit Part VI.D.8.j requires the City to inspect all construction sites of one acre or greater in size on the frequencies set forth in the Permit, which requires inspections prior to land disturbance activities, during active construction and at the conclusion of the project and as a

condition to approving and/or issuing a Certificate of Occupancy. The frequency of inspections is set in addition in Table 17 of the Permit. As part of the inspection obligations, the permittees, including the City, must develop, implement and revise as necessary standard operating procedures that identify the inspection procedures to be followed by each permittee. Additionally, during inspections, the City must verify “active coverage” under the GCASP for specified projects; review the ESCP; inspect the site to determine whether all BMPs have been selected, installed, implemented and maintained; assess the appropriateness of planned and installed BMPs, and their effectiveness; visually observe and record non-stormwater discharge, potential illicit discharges and connections and potential discharge of pollutants in stormwater runoff; develop a written or electronic inspection report generated from a field inspection checklist; and track the number of inspections for the site to ensure that it meets the minimum requirements of Permit Table 17.

(i) Permit Part VI.D.8.1.i and ii requires the City to ensure training for “all staff whose primary job duties are related to implementing the construction storm water program,” including plan reviewers and permitting staff with regard to the “technical review of local erosion and sediment control ordinance, local BMP technical standards, ESCP requirements, and the key objectives of the State Water Board QSD program, erosion sediment control/storm water inspectors in inspection procedures consistent with various standards. Additionally, if outside parties conduct inspections or review plans, the City is required to ensure that such staff are trained under the same requirements.

(j) Based on City records, the cost to the City to comply with these construction site requirements in FY 2012-2013, including costs in participating in the WMP process, was

\$37,000. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. Those costs included costs for staff time in analyzing and deciding whether to implement a WMP, which included an analysis of construction site requirements. This resulted in a Notice of Intent sent to the LARWQCB on June 27, 2013 to participate in a WMP (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(k) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$100,000.

14. **Public Agency Requirements:**

(a) Permit Part VI.D.9.c requires the City to maintain an “updated inventory” of all permittee-owned or operated facilities that are potential sources of stormwater pollution, including 24 separate categories of facilities that are required to be in the inventory. The inventory must include the name and address of the facility, contact information, a narrative description of activities performed and potential pollution sources, coverage under any individual or general NPDES permits or waivers. The inventory must be updated at least once during the five-year term of the Permit with information collected through field activities or other means.

(b) Permit Part VI.D.9.d.i requires the City to develop an inventory of “retrofitting opportunities” in areas of existing development.

(c) Permit Part VI.D.9.d.ii and iii requires the City to screen existing areas of development “to identify candidate areas for retrofitting using watershed models or other screening level tools” and then evaluate and rank areas of existing development to prioritize retrofitting candidates.

(d) Permit Part VI.D.9.d.iv requires the City to consider the results of the evaluation by giving “highly feasible” projects a “high priority” to implement source control and treatment control BMPs in their Storm Water Management Plan (“SWMP”) and consider high priority retrofit projects as candidates for off-site mitigation for new development and redevelopment projects.

(e) Permit Part VI.D.9.d.v requires the City to cooperate with private landowners to “encourage site specific retrofitting projects.” In such cooperation, demonstration retrofit projects, retrofits on public lands and easements, education and outreach, subsidies for retrofit projects, requiring retrofit projects as enforcement, mitigation or ordinance compliance, public and private partnerships, fees for existing discharges to the MS4 and reduction of such fees for retrofit implementation must be considered.

(f) Permit Part VI.D.9.g.ii requires the City to implement an Integrated Pest Management (“IPM”) program, including restrictions on the use of pesticides, restricting treatments only to remove the target organism, selection of pest controls that minimize risks to human health, “beneficial non-target organisms” and the environment, partnering with other agencies and organizations to “encourage” the use of IPM and adopt and “verifiably implement” policies, procedures and/or ordinances requiring the minimization of pesticide use and encouraging the use of IPM techniques for public agency facilities and activities. Additionally, the City must commit and schedule to reduce the use of pesticides that cause impairments of surface waters by preparing and updating annually an inventory of pesticides, quantify pesticide use by staff and contractors and demonstrate implementation of IPM alternatives where feasible to reduce pesticide use.

(g) Permit Part VI.D.9.k.ii requires the City to train all employees and contractors “who use or have the potential to use pesticides or fertilizers” that address the potential for pesticide-related surface water toxicity, in the proper use, handling, and disposal of pesticides, least toxic methods of pest prevention and control, including IPM and the reduction of pesticide use.

(h) Based on City records, the cost to the City to comply with these construction site requirements in FY 2012-2013, including costs in participating in the WMP process, was \$131,000. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. Those costs included costs for staff time in analyzing and deciding whether to implement a WMP, which included an analysis and customization of these public agency activities. This resulted in a Notice of Intent sent to the LARWQCB on June 27, 2013 to participate in a WMP (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(i) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$150,000.

15. **Illicit Connection and Discharge Requirements:**

(a) Permit Part VI.D.10.d.iii requires the City to “ensure that signage adjacent to open channels . . . include information regarding dumping prohibitions and public reporting of illicit discharges.”

(b) Permit Part VI.D.10.d.iv requires the City to develop and maintain written procedures that document how complaint calls are received, documented and tracked “to ensure that all complaints are adequately addressed.” Such procedures must be “evaluated to determine

whether changes or updates are needed to ensure that the procedures adequately document the methods employed by the Permittee.”

(c) Permit Part VI.D.10.d.v requires the City to maintain documentation of complaint calls and to record the location of the reported spill or illicit discharge and the action undertaken in response.

(d) Permit Part VI.D.10.e.i requires, in pertinent part, that the City implement a “spill response plan” for all sewage and other spills that may discharge into its MS4.

(e) Permit Part VI.D.10.e.i(1) requires that the plan must identify agencies responsible for spill response and cleanup, phone numbers and e-mail addresses for contacts and shall further address coordination with spill response teams “throughout all appropriate departments, programs and agencies so that maximum water quality protection is provided.”

(f) Permit Part VI.D.10.e.i(3) and (4) requires the City to respond to spills for containment within four hours of become aware of the spill, or if on private property, within two hours of gaining legal access to the property and reporting of spills that may endanger health or the environment to appropriate public health agencies and the Office of Emergency Services (“OES”).

(g) Based on City records, the cost to the City to comply with these illicit connection and discharge requirements in FY 2012-2013, including costs in participating in the WMP process, was \$9,000. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. Those costs included costs for staff time in analyzing and deciding whether to implement a WMP, which included an analysis and customization of these illicit connection and discharge requirements. This resulted in a Notice of Intent sent to the

Section 6: Declarations in Support of Joint Test Claim of Los Angeles County Local Agencies  
Concerning Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No. CAS 004001)

LARWQCB on June 27, 2013 to participate in a WMP (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$12,000.

16. I am informed and believe that there are no dedicated state, federal or regional funds that are or will be available to pay for any of the new and/or upgraded programs and activities set forth in this Declaration. I am not aware of any other fee or tax that the City would have the discretion to impose under California law to recover any portion of the cost of these programs and activities.

17. The City has filed a joint test claim with 22 other cities. The Cities agree on all issues of the test claim.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 7th day of November, 2017, at City of Commerce, California.

A handwritten signature in black ink, consisting of a stylized, cursive name followed by a horizontal line.



## EXHIBIT 1



# City of Commerce

Office of the  
City Administrator

June 27, 2013

Mr. Sam Unger  
Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region, Suite 200  
320 W. Fourth St., Suite 200  
Los Angeles, CA 90013

RE: Notice of Intent for a Watershed Management Program and Coordinated Integrated Monitoring Program for the Los Angeles River Upper Reach 2 Gateway Sub Watershed.

Dear Mr. Unger:

The Permittees listed in Table 1 below that are party to this Notice of Intent (NOI) hereby notify the Los Angeles Regional Water Quality Control Board (Regional Water Board) of their intent to develop a Watershed Management Program (WMP) for the Los Angeles River Upper Reach 2 Sub Watershed (LAR UR2 Sub Watershed) which includes the Cities of Bell, Bell Gardens, Cudahy, Commerce, Huntington Park, Maywood, Vernon, and the Los Angeles County Flood Control District. This NOI is hereby submitted in accordance with Part VI.C.4.b.i of Order R4-2012-0175. Permittees meet the LID and Green Streets conditions and will submit the Draft WMP within 18 months of the effective date of Order R4-2012-0175 (June 28, 2014).

In addition, the same permittees listed in Table 1 hereby notify the Regional Water Board of their intent to develop a Coordinated Integrated Monitoring Program (CIMP) as part of their WMP. The Permittees intend to follow a CIMP approach for each of the required monitoring plan elements including Receiving Water Monitoring, Storm Water Outfall Based Monitoring, Non-Storm Water Outfall Based Monitoring, New Development/Re-Development Effectiveness Tracking, and Regional Studies and will submit the CIMP within 18 months of the effective date of Order R4-2012-0175 (June 28, 2014) with the WMP.

*“Where Quality Service Is Our Tradition”*

**SECTION 1. PROGRAM TYPE AND PERMITTEES**

**Table 1** lists the permittees who have agreed to work cooperatively and to jointly develop a WMP and CIMP under a Memorandum of Understanding (MOU) with the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority for administration and cost sharing.

**Table 1. Watershed Management Program Permittees**

City of Bell
City of Bell Gardens
City of Commerce
City of Cudahy
City of Huntington Park
City of Maywood
City of Vernon
Los Angeles County Flood Control District (LACFCD)

**SECTION 2. TOTAL MAXIMUM DAILY LOADS ESTABLISHED WATER QUALITY BASED EFFLUENT LIMITATIONS:**

**Table 2** lists applicable interim and final Water Quality Based Effluent Limitations (WQBELs) and receiving water limitations established by Total Maximum Daily Loads (TMDLs) and identified by Section VI.C.4.B.ii of the Order that occur prior to the anticipated approval of the WMP.

**Table 2. Applicable Interim and Final Trash WQBELs and all other Final WQBELs and Receiving Water Limitations Occurring Before Watershed Management Program Approval**

<b>TMDL Order</b>	<b>WQBEL</b>	<b>Interim or Final</b>	<b>Compliance Date</b>
Los Angeles River Trash	80% reduction of baseline	Interim	09/30/2013
	90% reduction of baseline	Interim	09/30/2014
	96.7% reduction of baseline	Interim	09/30/2015
	100% reduction of baseline	Final	09/30/2016

Los Angeles River Nitrogen Compounds and Related Effects TMDL	100% of MS4 drainage area complies with waste load allocations	Final	03/23/2004
Los Angeles River Bacteria Implementation Schedule for Dry Weather – upper and middle reach 2 (Figueroa St. to Rosecrans Ave.) R4-2012-0175	Submit a Load Reduction Strategy (LRS) for Segment B (or submit an alternative compliance plan)	Interim	09/23/2014

### SECTION 3. IDENTIFY TMDL CONTROL MEASURES:

**Table 3** identifies the control measures being implemented by each Permittee for each TMDL that have interim and final WQBELs that occur prior to the anticipated approval of the WMP. The Permittees will continue to implement these measures during the development of the WMP.

**Table 3. Control Measures that will be Implemented Concurrently with WMP Development for TMDLs**

TMDL	Permittees	Implementation Plan and Control Measures	Status of Implementation
Los Angeles River Trash R4-2012-0175	Cities of: Bell	Install Full Capture Systems or other BMPs to reduce baseline by 80%	Completed
	Bell Gardens Commerce Cudahy Huntington Park Maywood Vernon	Install Full Capture Systems or other BMPs to reduce baseline by 90%	Completed
		Install Full Capture Systems or other BMPs to reduce baseline by 96.7%	Completed
Los Angeles River Bacteria Implementation Schedule for Dry Weather – upper and middle reach 2 (Figueroa St. to Rosecrans Ave.) R4-2012-0175	Cities of: Bell Bell Gardens Commerce Cudahy Huntington Park Maywood Vernon	Developed a Coordinated Monitoring Plan (CMP) for the Los Angeles River Watershed.	Submitted the CMP to the LA Regional Water Quality Control Board on March 23, 2013 with the expressed intention of integrating the CMP with a future CIMP.

#### SECTION 4. DEMONSTRATION OF MEETING LID ORDINANCE AND GREEN STREETS POLICY REQUIREMENTS:

The Permittees that are party to this NOI developed LID Ordinances and Green Streets Policies that are in the process of being adopted by their governing board. **Table 4** summarizes the status of the Permittees' LID ordinances and Green Streets policies. More than 50% of the MS4 watershed area that will be addressed by the WMP is covered by LID Ordinances and Green Streets Policies.

**Table 4. Status of LID Ordinance and Green Streets Policy Coverage of the MS4 Watershed Area Addressed by the WMP**

Permittee	Land Area (mi <sup>2</sup> )	LID Ordinance Status	Green Streets Policy Status
City of Bell	2.64	Developed	Developed
City of Bell Gardens	2.49	Adopted	Adopted
City of Commerce	6.57	Adopted	Adopted
City of Cudahy	1.12	Developed	Adopted
City of Huntington Park	3.03	Developed	Adopted
City of Maywood	1.18	Developed	Adopted
City of Vernon	5.16	Developed	Developed
LACFCD	0	N/A	N/A
<b>Total MS4 Watershed Area</b>	<b>22.19</b>		

The listed permittees are diligently working together and making progress towards compliance with Order R4-2012-0175. Please contact the individual permittees should you have questions pertaining to their jurisdiction's compliance measures. A list of contact information is enclosed. Please direct all inquiries regarding the LAR UR2 Sub Watershed's WMP/CIMP development to Ms. Claudia Arellano at [carellano@ci.vernon.ca.us](mailto:carellano@ci.vernon.ca.us) or (323) 583-8811, ext. 258. Thank you.

Sincerely,

The LAR UR2 Sub Watershed Permittees  
(Individual signatures enclosed)

cc: Ms. Renee Purdy, California Regional Water Quality Control Board  
Mr. Ivar Ridgeway, California Regional Water Quality Control Board

Violeta Alvarez - *Mayor*  
Ana Maria Quintana - *Mayor Pro Tem*  
Alicia Romero - *Councilmember*  
Ali Saleh - *Councilmember*  
Nestor Enrique Valencia - *Councilmember*



6330 Pine Avenue  
Bell, California 90201  
(323) 588-6211  
(323) 771-9473 fax

## CITY OF BELL

June 12, 2013

Mr. Samuel Unger, P.E., Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West Fourth Street, Suite 200  
Los Angeles, CA 90013

Attention: Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – LOS ANGELES COUNTY FLOOD CONTROL DISTRICT  
LOS ANGELES RIVER UPPER REACH 2 SUB WATERSHED  
WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The City of Bell submits this Letter of Intent to participate in and share the cost of the development of a Watershed Management Program (WMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Los Angeles River Upper Reach 2 Sub Watershed Group. This Letter of Intent serves to satisfy the WMP notification requirements of Section VI.C.4.b. of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Los Angeles River Upper Reach 2 Sub Watershed Group consists of the following agencies: the cities of Bell, Bell Gardens, Commerce, Cudahy, Huntington Park, Maywood, Vernon and the LACFCD. The City of Bell intends to submit a final Memorandum of Understanding to the City Council for approval on July 17<sup>th</sup>, 2013.

If you have any questions, please contact Mr. Terry Rodrigue at (323)588-6211 or [trodrigue@cityofbell.org](mailto:trodrigue@cityofbell.org).

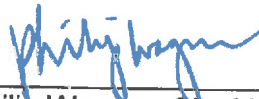
Sincerely,

Doug Wilmore  
City Manager

The Watershed Permittees, described as the LAR UR2 Sub Watershed, made and entered into an MOU by and between the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority (GWMA), a California Joint Powers Authority, and the Cities of Bell, Bell Gardens, Commerce, Cudahy, Huntington Park, Maywood, Vernon and the Los Angeles County Flood Control District (LACFCD). In said MOU and pursuant to Section V.C.4.b of the MS4 Permit Order R4-2012-0175, the Watershed Permittees agreed to jointly draft, execute and submit to the Los Angeles Regional Water Quality Control Board, a Notice of Intent (NOI) letter by June 28, 2013 that complies with all applicable MS4 Permit provisions for development of a joint Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) and execute such joint NOI as follows:

DATE: 6/19/13

CITY OF BELL GARDENS  
Mr. Philip Wagner  
City Manager  
7100 Garfield Avenue  
Bell Gardens, CA 90201



\_\_\_\_\_  
Philip Wagner, City Manager

The Watershed Permittees, described as the LAR UR2 Sub Watershed, made and entered into an MOU by and between the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority (GWMA), a California Joint Powers Authority, and the Cities of Bell, Bell Gardens, Commerce, Cudahy, Huntington Park, Maywood, Vernon and the Los Angeles County Flood Control District (LACFCD). In said MOU and pursuant to Section V.C.4.b of the MS4 Permit Order R4-2012-0175, the Watershed Permittees agreed to jointly draft, execute and submit to the Los Angeles Regional Water Quality Control Board, a Notice of Intent (NOI) letter by June 28, 2013 that complies with all applicable MS4 Permit provisions for development of a joint Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) and execute such joint NOI as follows:

DATE: 06.13/2013

CITY OF COMMERCE  
Mr. Jorge Rifa  
City Administrator  
2535 Commerce Way  
Commerce, CA 90040




Jorge Rifa, City Administrator



The Watershed Permittees, described as the LAR UR2 Sub Watershed, made and entered into an MOU by and between the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority (GWMA), a California Joint Powers Authority, and the Cities of Bell, Bell Gardens, Commerce, Cudahy, Huntington Park, Maywood, Vernon and the Los Angeles County Flood Control District (LACFCD). In said MOU and pursuant to Section V.C.4.b of the MS4 Permit Order R4-2012-0175, the Watershed Permittees agreed to jointly draft, execute and submit to the Los Angeles Regional Water Quality Control Board, a Notice of Intent (NOI) letter by June 28, 2013 that complies with all applicable MS4 Permit provisions for development of a joint Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) and execute such joint NOI as follows:

DATE: 6/19/13

CITY OF CUDAHY  
Mr. Hector Rodriguez  
City Manager  
5220 Santa Ana Street  
Cudahy, CA 90201



Hector Rodriguez, City Manager

The Watershed Permittees, described as the LAR UR2 Sub Watershed, made and entered into an MOU by and between the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority (GWMA), a California Joint Powers Authority, and the Cities of Bell, Bell Gardens, Commerce, Cudahy, Huntington Park, Maywood, Vernon and the Los Angeles County Flood Control District (LACFCD). In said MOU and pursuant to Section V.C.4.b of the MS4 Permit Order R4-2012-0175, the Watershed Permittees agreed to jointly draft, execute and submit to the Los Angeles Regional Water Quality Control Board, a Notice of Intent (NOI) letter by June 28, 2013 that complies with all applicable MS4 Permit provisions for development of a joint Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) and execute such joint NOI as follows:

DATE: 6/24/13

CITY OF HUNTINGTON PARK  
Mr. Rene Bobadilla, P.E.  
City Manager  
6550 Miles Avenue  
Huntington Park, CA 90255

  
\_\_\_\_\_  
Rene Bobadilla, City Manager

The Watershed Permittees, described as the LAR UR2 Sub Watershed, made and entered into an MOU by and between the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority (GWMA), a California Joint Powers Authority, and the Cities of Bell, Bell Gardens, Commerce, Cudahy, Huntington Park, Maywood, Vernon and the Los Angeles County Flood Control District (LACFCD). In said MOU and pursuant to Section V.C.4.b of the MS4 Permit Order R4-2012-0175, the Watershed Permittees agreed to jointly draft, execute and submit to the Los Angeles Regional Water Quality Control Board, a Notice of Intent (NOI) letter by June 28, 2013 that complies with all applicable MS4 Permit provisions for development of a joint Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) and execute such joint NOI as follows:

DATE: 6-25-13

CITY OF MAYWOOD  
Ms. Lillian Myers  
City Manager  
4319 East Slauson Avenue  
Maywood, CA 90270

  
\_\_\_\_\_  
Lillian Myers, City Manager

The Watershed Permittees, described as the LAR UR2 Sub Watershed, made and entered into an MOU by and between the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority (GWMA), a California Joint Powers Authority, and the Cities of Bell, Bell Gardens, Commerce, Cudahy, Huntington Park, Maywood, Vernon and the Los Angeles County Flood Control District (LACFCD). In said MOU and pursuant to Section V.C.4.b of the MS4 Permit Order R4-2012-0175, the Watershed Permittees agreed to jointly draft, execute and submit to the Los Angeles Regional Water Quality Control Board, a Notice of Intent (NOI) letter by June 28, 2013 that complies with all applicable MS4 Permit provisions for development of a joint Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) and execute such joint NOI as follows:

DATE: 6-20-13

CITY OF VERNON  
Mr. Samuel Kevin Wilson, P.E.  
Director of Community Services & Water  
4305 Santa Fe Avenue  
Vernon, CA 90058



\_\_\_\_\_  
Samuel Kevin Wilson, Director of  
Community Services & Water



GAIL FARBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE

REFER TO FILE: **WM-7**

June 24, 2013

Mr. Samuel Unger, P.E.  
Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – LOS ANGELES COUNTY FLOOD CONTROL DISTRICT  
LOS ANGELES RIVER UPPER REACH 2 SUB WATERSHED  
WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The Los Angeles County Flood Control District (LACFCD) submits this Letter of Intent to participate in and share the cost of the development of a Watershed Management Program (WMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Los Angeles River Upper Reach 2 Sub Watershed Group. This Letter of Intent serves to satisfy the WMP notification requirements of Section VI.C.4.b. of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Los Angeles River Upper Reach 2 Sub Watershed Group consists of the following agencies: LACFCD and cities of Bell, Bell Gardens, Commerce, Cudahy, Huntington Park, Maywood, and Vernon. The LACFCD intends to submit a final Memorandum of Understanding to the County of Los Angeles Board of Supervisors (which is the LACFCD's governing body) for approval prior to December 28, 2013.

Mr. Samuel Unger  
June 24, 2013  
Page 2

If you have any questions, please contact Ms. Terri Grant at (626) 458-4309 or tgrant@dpw.lacounty.gov.

Very truly yours,



*for* GAIL FARBER

Chief Engineer of the Los Angeles County Flood Control District

TA:jht

P:\wmpub\Secretarial\2013 Documents\Letter\LOI LAR UR2 LACFCD.doc\C13230

cc: City of Bell  
City of Bell Gardens  
City of Commerce  
City of Cudahy  
City of Huntington Park  
City of Maywood  
City of Vernon

## Watershed Permittee Contact List

<b>Permittee</b>	<b>Contact</b>	<b>Contact Mailing Address</b>	<b>Contact Telephone and Email Address</b>
City of Bell	Young Park Terry Rodrigue	6330 Pine Ave. Bell, CA 90201	(323) 588-6211 Ext 228 <a href="mailto:ypark@cityofbell.org">ypark@cityofbell.org</a> <a href="mailto:trodrigue@cityofbell.org">trodrigue@cityofbell.org</a>
City of Bell Gardens	Chau Vu	7100 Garfield Ave. Bell Gardens, CA 90201	(562) 334-1790 <a href="mailto:cvu@bellgardens.org">cvu@bellgardens.org</a>
City of Commerce	Gina Nila Environmental Services Manager	2535 Commerce Way Commerce, CA 90040	(323) 722-4805, ext. 2839 <a href="mailto:ginan@ci.commerce.ca.us">ginan@ci.commerce.ca.us</a>
City of Cudahy	Aaron Hernandez-Torres Assistant City Engineer	5220 Santa Ana St. Cudahy, CA 90201	(323) 773-5143 <a href="mailto:ahernandez@cityofcudayca.gov">ahernandez@cityofcudayca.gov</a>
City of Huntington Park	James A. Enriquez Director of Public Works/City Engineer	6550 Miles Ave. Huntington Park, CA 90255	(323) 584-6253 <a href="mailto:jenriquez@huntingtonpark.org">jenriquez@huntingtonpark.org</a>
City of Maywood	Andre Dupret	4319 E. Slauson Ave. Maywood, CA 90270	(323) 562-5700 <a href="mailto:andre.dupret@cityofmaywood.org">andre.dupret@cityofmaywood.org</a>
City of Vernon	Samuel Kevin Wilson, P.E. Director of Community Services & Water	4305 Santa Fe Ave. Vernon, CA 90058	(323) 583-8811, ext. 245 <a href="mailto:kwilson@ci.vernon.ca.us">kwilson@ci.vernon.ca.us</a>
LACFCD	Gary Hildebrand	900 S. Fremont Ave. Alhambra, CA 91803	(323) 583-8811, ext. 258 <a href="mailto:carellano@ci.vernon.ca.us">carellano@ci.vernon.ca.us</a> (626) 458-4300 <a href="mailto:ghildeb@dpw.lacounty.gov">ghildeb@dpw.lacounty.gov</a>

DECLARATION OF GILBERT A. LIVAS

CITY OF DOWNEY

I, Gilbert A. Livas, hereby declare and state as follows:

1. I am the City Manager for the City of Downey (“City”). In that capacity, I share responsibility for the compliance of the City with regard to the requirements of California Regional Water Quality Control Board, Los Angeles Region (“LARWQCB”) Order No. R4-2012-0175 (“the Permit”) as they apply to the City.

2. I have reviewed sections of the Permit and its attachments as set forth herein and am familiar with those provisions. I am also familiar with how the Permit changed requirements that were previously imposed on the City by the prior permit that had issued to the City by the LARWQCB in 2001 (“2001 Permit”).

3. I have an understanding of the City’s sources of funding for programs and activities required to comply with the Permit.

4. I make this declaration based on my own personal knowledge, except for matters set forth herein based on information and belief, and as to those matters I believe them to be true. If called upon to testify, I could and would competently to the matters set forth herein.

5. In Section 5 and Section 7 of this Test Claim, which contains exhibits to the test claim filed by the City and other permittees under the Permit, the specific sections of the Permit at issue in the test claim have been set forth. I hereby incorporate such provisions of Sections 5 and 7 into this declaration as though fully set forth herein.

6. The City has elected to participate in three Watershed Management Programs (“WMPs”), one for the Lower Los Angeles River Watershed, one for the Lower San Gabriel River Watershed, and one for the Los Cerritos Channel Watershed, that are designed to address,



in whole or in part, the “Total Maximum Daily Load (TMDL)” provisions of the Permit as well other requirements of the Permit, including those set forth in this Declaration.

7. Based on my understanding of the Permit, I believe that the Permit requires the City to undertake the following programs either directly or through the mechanism of a WMP, which represent new programs and/or higher levels of service or the shifting of state responsibilities to the City, which activities were not required by the 2001 Permit and which are unique to local government entities:

8. **Implementation of TMDLs:**

(a) Part VI.E.1.c requires the permittees to “comply with the applicable water quality-based effluent limitations and/or receiving water limitations contained in Attachments L through R, consistent with the assumptions and requirements of the WLAs established in the TMDLs, including implementation plans and schedules, where provided for in the State adoption and approval of the TMDL (40 CFR 122.44(d)(1)(vii)(B); Cal. Wat. Code § 13263(a)).”

(b) Attachment K to the Permit sets forth the TMDLs with which the City must comply.

(c) Attachments L through R of the Permit set forth the requirements of each TMDL and its “waste load allocations” with which the City must comply.

(d) Part VI.B of the Permit requires the City “to comply with the [Monitoring and Reporting Program] and future revisions thereto, in Attachment E of this Order or may, in coordination with an approved Watershed Management Program per Part VI.C, implement a customized monitoring program that achieves the five Primary Objectives set forth in Part II.A of Attachment E and includes the elements set forth in Part II.E of Attachment E.”

(e) Attachment E to the Permit requires the monitoring program to include monitoring at “TMDL receiving water compliance points” and other “TMDL monitoring requirements specified in approved TMDL Monitoring Plans.” (Permit, Attachment E, Parts II.E.1 through 3 and Part V; *see also* Attachment E, Parts VI.A.1.b(iii) and (iv), VI.B.2, VI.C.1.a, VI.D.1.a, VIII.B.1.b(ii), IX.A.5, IX.C.1.a, IX.E.1.a and b, IX.G.1.b, and IX.G.2.)

(f) Based on City records, the cost to the City to comply with these TMDL requirements in Fiscal Year (FY) 2012-2013, including costs in participating in the WMP process, was \$17,802.55. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP and an integrated monitoring program (“IMP”) or Coordinated Integrated Monitoring Program (“CIMP”) which resulted in a Notices of Intent to participate in a WMP and CIMP. The Notices of Intent were sent to the LARWQCB dated June 24, 2013; costs were incurred on and leading up to that date. Copies of the City’s Notices are attached as Exhibit 1.

(g) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$168,356.05.

9. **Requirements Related to Discharge Prohibitions for Non-Stormwater:**

(a) Permit Part III.A.1 prohibits certain non-stormwater discharges through the municipal separate storm sewer system (“MS4”) to receiving waters. I have been advised that this requirement exceeds the requirements of the Clean Water Act (“CWA”).

(b) Part III.A.2 requires the City to employ best management practices (“BMPs”) for discharges from essential non-emergency firefighting activities and, with regard to unpermitted

discharges by drinking water suppliers, to work with those suppliers on the conditions of their discharges.

(c) Part III.A.4.a requires the City to develop and implement procedures covering non-permitted discharges of non-stormwater to the City's MS4 in compliance with the requirements of Part III.A.4.a.i-vi of the Permit.

(d) Part III.A.4.b requires the City to develop and implement procedures to minimize the discharge of landscape irrigation water into the MS4, including to coordinate with local water purveyors to promote water use efficiency, use of drought tolerant vegetation and use of less toxic options for pest control and landscape management and to develop and implement an outreach and education program to minimize the discharge of irrigation water and associated pollutants.

(e) Part III.A.4.c requires the City to evaluate monitoring data collected pursuant to the Permit's Monitoring and Reporting Program (Permit Attachment E) and other associated data and information to determine, among other things, if authorized or conditionally authorized non-stormwater discharges are a source of pollutants that may be causing or contributing to an exceedance of receiving water limitations and/or water quality based effluent limitations.

(f) Part III.A.4.d requires the City to take action to address such non-stormwater discharges if they are found to be such a source of pollutants, through effective prohibition, conditions, diversions or treatment. These tasks involve, among other things, meeting with non-stormwater dischargers, identifying and analyzing the nature of non-stormwater discharges, the development and implementation of discharge procedures, conducting public education efforts and evaluating monitoring data.

(g) Based on City records, the cost to the City to comply with these non-stormwater prohibition requirements in FY 2012-2013, including costs in participating in the WMP process, was \$1,000. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, which resulted in Notices of Intent dated June 24, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$1,000.

10. **Public Information Program Requirements:**

(a) Permit Part VI.D.5.a requires the City to “measurably increase” the knowledge of target audiences about the MS4, the adverse impacts of stormwater pollution on receiving waters and potential solutions to mitigate impacts, to “measurably change” waste disposal and stormwater pollution generation behavior by developing and encouraging implementation of “appropriate alternatives” and to “involve and engage a diversity of socio-economic groups and ethnic communities” to participate in stormwater pollution impact mitigation.

(b) Permit Part VI.D.5.b requires the City to implement Public Information and Participation Program activities by participating in either a County-wide, Watershed Group-sponsored or individual effort.

(c) Permit Part VI.D.5.c requires the City to provide a means for public reporting of clogged catch basin inlets and illicit discharges/dumping, faded or missing catch basin labels and general stormwater and non-stormwater pollution prevention information through a telephone hotline or in public information or government pages of the telephone book, identify staff or

departments serving as contact persons and providing current, updated hotline information. The City is also required to organize events targeted to residents and population subgroups to “educate and involve the community in storm water and non-storm water pollution prevent and clean-up (e.g., education seminars, clean-ups, and community catch basin stenciling).”

(d) Permit Part VI.D.5.d requires the City to conduct stormwater pollution prevention public service announcements and advertising campaigns and provide public education materials on the proper handling of vehicle waste fluids, house, and construction waste, pesticides and fertilizers (including the use of integrated pest management practices), green waste and animal wastes. This Part further requires the City (a) to distribute public education materials at automotive parts stores, home improvement centers, lumber yards and hardware and paint stores, landscaping and gardening centers and pet shops and feed stores, and (b) to maintain stormwater websites or provide links to stormwater websites via the City’s website, which must include educational material and opportunities for public participation in stormwater pollution and cleanup activities and provide schools within the City’s jurisdiction with materials to education K-12 students on stormwater pollution. In each of these requirements, Permit Part VID.5.d requires the City to “use effective strategies to educate and involve ethnic communities in storm water pollution prevention through culturally effective methods.”

(e) Based on City records, the cost to the City to comply with these public information program requirements in FY 2012-2013, including costs in participating in the WMP process, was \$5,431.85. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, which includes an analysis of the public information program.

This staff time resulted in Notices of Intent to participate in WMPs sent to the LARWQCB dated June 24, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(f) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$5,774.25.

11. **Inventory and Inspections of Industrial/Commercial Sources:**

(a) Permit Part VI.D.6.b requires the City to track nurseries and nursery centers and to include various information for each facility on the inventory, including the industrial classification code, the status of exposure of materials to stormwater, the name of the receiving water, whether the facility is tributary to a waterbody listed as impaired under CWA section 303(d) where the facility generates pollutants for which the waterbody is impaired, and whether the facility has filed a “No Exposure Certification” (“NEC”) with the State Water Resources Control Board (“State Board”). The City is required to update the inventory at least annually, through collection of information through field activities over from other means.

(b) Permit Part VI.D.6.d requires the City to inspect restaurants, automotive service facilities, retail gasoline outlets and nurseries and nursery centers twice during the Permit term, including an inspection within two years after the Permit’s effective date. In such inspection, the City is required, among other things, to evaluate whether the source is implementing effective source control BMPs for each corresponding activity and to require implementation of additional BMPs where stormwater from the facility discharged to the MS4 discharges to a Significant Ecological Area (“SEA”), a water body subject to TMDL provisions or a CWA section 303(d) listed waterbody.

Section 6: Declarations in Support of Joint Test Claim of Los Angeles County Local Agencies  
Concerning Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No. CAS 004001)

(c) Permit Part VI.D.6.e requires the City to inspect industrial facilities, including those identified in 40 C.F.R. section 122.26(b)(14)(i-xi) and facilities identified in 40 C.F.R. section 122.26(d)(12)(iv)(C). In such inspections, the City is required to confirm that each facility has a current Waste Discharge Identification number for coverage under the State Board-issued General Industrial Activities Stormwater Permit or has applied for and received a no exposure certification, and to require implementation of additional BMPs where stormwater from the MS4 discharges to a waterbody subject to a TMDL or is a CWA section 303(d) listed impaired waterbodies. Additionally, for facilities discharging to MS4s that discharge to an SEA, the permittees, including the City, are required to require operators to implement additional pollutant-specific controls to reduce pollutants that are causing or contributing to exceedances of water quality standards.

(d) Based on City records, the cost to the City to comply with these inventory and inspection requirements in FY 2012-2013, including costs in participating in the WMP process, was \$139.50. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, which includes an analysis and customization of the inspection of industrial and commercial sources. This staff time resulted in Notices of Intent to participate in WMPs sent to the LARWQCB dated June 24, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$7,326.25.

12. **Post-Construction BMP Requirements:**

(a) Permit Part VI.D.7.d.iv(1)(a) requires the City to implement a GIS or other electronic system for tracking projects that are required to have post-construction BMPs, including project identification, acreage, BMP type and description, BMP locations, dates of acceptance and maintenance agreements, inspection dates and summaries and corrective action.

(b) Permit Part VI.D.7.d.iv(1)(b) requires the City to inspect all development sites upon completion of construction and before issuance of an occupancy certificate to ensure “proper installation” of Low Impact Development (“LID”) measures, structural BMPs, treatment control BMPs and hydromodification control BMPs.

(c) Permit Part VI.D.7.d.iv(1)(c) requires the City to develop a post-construction BMP checklist and to inspect at an interval of at least once every two years, City-operated post-construction BMPs to assess operations condition.

(d) Based on City records, the cost to the City to comply with these post-construction BMP requirements in FY 2012-2013, including costs in participating in the WMP process, was \$4,581.25. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, which includes an analysis of the planning and development program. This staff time resulted in Notices of Intent to participate in WMPs sent to the LARWQCB dated June 24, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$17,268.00.



13. **Construction Site Requirements:**

(a) Permit Part VI.D.8.g.i requires the City to develop an electronic system to inventory grading, encroachment, demolition, building or construction permits (or other municipal authorizations to move soil and/or construct or destruct that involves land disturbance).

(b) Permit Part VI.D.8.g.ii requires the City to complete and update an inventory containing, among other items, contact information for a project, basic site information, the proximity of all water bodies, significant threats to water quality status, current construction phase where feasible, required inspection frequency, start and anticipated completion dates, whether the project has submitted a Notice of Intent to be covered under the State Board-issued General Construction Activities Stormwater Permit (“GCASP”), whether it has obtained GCASP coverage, the date the Erosion and Sediment Control Plan (“ESCP”) was approved and post-construction structural BMPs subject to operation and maintenance requirements.

(c) Permit Part VI.D.8.h requires the City to develop and implement review procedures for construction plan documents, including preparation and submittal of an appropriate ESCP, verification of GCASP or other permit coverage and other items. The Part further requires permittees, including the City, to develop and implement a checklist to conduct and document the review of each ESCP.

(d) Permit Part VI.D.8.i.i requires the City to develop and implement technical standards for the selection, installation and maintenance of construction BMPs for all such sites within the City.

(e) Permit Part VI.D.8.i.ii requires that such BMPs be tailored to the risks posed by the project, as well as in minimum conformance with standards set forth in Permit Table 15, use of

BMPs meeting the requirements of Permit Tables 14 and 16 for construction sites equal or greater than one acre or paving projects, detailed installation designs and cut sheets for use in ESCPs and maintenance expectations for each BMP or category of BMPs.

(f) Permit Part VI.D.8.i.iv further requires that such technical standards must be “readily available” to the development community and must be “clearly referenced” within the City’s stormwater or development services website, ordinance, permit approval process and/or ESCP review forms.

(g) Permit Part VI.D.8.i.v requires local BMP technical standards to cover all items set forth in Tables 13, 14, 15 and 16 of the Permit.

(h) Permit Part VI.D.8.j requires the City to inspect all construction sites of one acre or greater in size on the frequencies set forth in the Permit, which requires inspections prior to land disturbance activities, during active construction and at the conclusion of the project and as a condition to approving and/or issuing a Certificate of Occupancy. The frequency of inspections is set in addition in Table 17 of the Permit. As part of the inspection obligations, the permittees, including the City, must develop, implement and revise as necessary standard operating procedures that identify the inspection procedures to be followed by each permittee. Additionally, during inspections, the City must verify “active coverage” under the GCASP for specified projects; review the ESCP; inspect the site to determine whether all BMPs have been selected, installed, implemented and maintained; assess the appropriateness of planned and installed BMPs, and their effectiveness; visually observe and record non-stormwater discharge, potential illicit discharges and connections and potential discharge of pollutants in stormwater runoff; develop a written or electronic inspection report generated from a field inspection

checklist; and track the number of inspections for the site to ensure that it meets the minimum requirements of Permit Table 17.

(i) Permit Part VI.D.8.1.i and ii requires the City to ensure training for “all staff whose primary job duties are related to implementing the construction storm water program,” including plan reviewers and permitting staff with regard to the “technical review of local erosion and sediment control ordinance, local BMP technical standards, ESCP requirements, and the key objectives of the State Water Board QSD program, erosion sediment control/storm water inspectors in inspection procedures consistent with various standards. Additionally, if outside parties conduct inspections or review plans, the City is required to ensure that such staff are trained under the same requirements.

(j) Based on City records, the cost to the City to comply with these construction site requirements in FY 2012-2013, including costs in participating in the WMP process, was \$2,310.00. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, which included an analysis of construction site requirements. This staff time resulted in Notices of Intent to participate in WMPs sent to the LARWQCB dated June 24, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(k) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$6,188.75.

14. **Public Agency Requirements:**

(a) Permit Part VI.D.9.c requires the City to maintain an “updated inventory” of all permittee-owned or operated facilities that are potential sources of stormwater pollution,

including 24 separate categories of facilities that are required to be in the inventory. The inventory must include the name and address of the facility, contact information, a narrative description of activities performed and potential pollution sources, coverage under any individual or general NPDES permits or waivers. The inventory must be updated at least once during the five-year term of the Permit with information collected through field activities or other means.

(b) Permit Part VI.D.9.d.i requires the City to develop an inventory of “retrofitting opportunities” in areas of existing development.

(c) Permit Part VI.D.9.d.ii and iii requires the City to screen existing areas of development “to identify candidate areas for retrofitting using watershed models or other screening level tools” and then evaluate and rank areas of existing development to prioritize retrofitting candidates.

(d) Permit Part VI.D.9.d.iv requires the City to consider the results of the evaluation by giving “highly feasible” projects a “high priority” to implement source control and treatment control BMPs in the their Storm Water Management Plan (“SWMP”) and consider high priority retrofit projects as candidates for off-site mitigation for new development and redevelopment projects.

(e) Permit Part VI.D.9.d.v requires the City to cooperate with private landowners to “encourage site specific retrofitting projects.” In such cooperation, demonstration retrofit projects, retrofits on public lands and easements, education and outreach, subsidies for retrofit projects, requiring retrofit projects as enforcement, mitigation or ordinance compliance, public and private partnerships, fees for existing discharges to the MS4 and reduction of such fees for retrofit implementation must be considered.

(f) Permit Part VI.D.9.g.ii requires the City to implement an Integrated Pest Management (“IPM”) program, including restrictions on the use of pesticides, restricting treatments only to remove the target organism, selection of pest controls that minimize risks to human health, “beneficial non-target organisms” and the environment, partnering with other agencies and organizations to “encourage” the use of IPM and adopt and “verifiably implement” policies, procedures and/or ordinances requiring the minimization of pesticide use and encouraging the use of IPM techniques for public agency facilities and activities. Additionally, the City must commit and schedule to reduce the use of pesticides that cause impairments of surface waters by preparing and updating annually an inventory of pesticides, quantify pesticide use by staff and contractors and demonstrate implementation of IPM alternatives where feasible to reduce pesticide use.

(g) Permit Part VI.D.9.h.vii requires permittees in areas not subject to a Trash TMDL, to install trash excluders, or equivalent devices, on or in catch basins or outfalls, except where such installation would cause flooding, unless lack of maintenance that causes the flooding. Permittees, including the City, may also employ alternative or enhanced BMPs that “provide substantially equivalent removal of trash.” If alternative means are employed, the City must demonstrate that such BMPs “provide equivalent trash removal performance as excluders.”

(h) Permit Part VI.D.9.k.ii requires the City to train all employees and contractors “who use or have the potential to use pesticides or fertilizers” that address the potential for pesticide-related surface water toxicity, in the proper use, handling, and disposal of pesticides, least toxic methods of pest prevention and control, including IPM and the reduction of pesticide use.

(i) Based on City records, the cost to the City to comply with these public agency requirements in FY 2012-2013, including costs in participating in the WMP process, was \$35,655.90. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, which included an analysis of these public agency activities. This staff time resulted in Notices of Intent to participate in WMPs sent to the LARWQCB dated June 24, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(j) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$46,819.65.

15. **Illicit Connection and Discharge Requirements:**

(a) Permit Part VI.D.10.d.iii requires the City to “ensure that signage adjacent to open channels . . . include information regarding dumping prohibitions and public reporting of illicit discharges.”

(b) Permit Part VI.D.10.d.iv requires the City to develop and maintain written procedures that document how complaint calls are received, documented and tracked “to ensure that all complaints are adequately addressed.” Such procedures must be “evaluated to determine whether changes or updates are needed to ensure that the procedures adequately document the methods employed by the Permittee.”

(c) Permit Part VI.D.10.d.v requires the City to maintain documentation of complaint calls and to record the location of the reported spill or illicit discharge and the action undertaken in response.

(d) Permit Part VI.D.10.e.i requires, in pertinent part, that the City implement a “spill response plan” for all sewage and other spills that may discharge into its MS4.

(e) Permit Part VI.D.10.e.i(1) requires that the plan must identify agencies responsible for spill response and cleanup, phone numbers and e-mail addresses for contacts and shall further address coordination with spill response teams “throughout all appropriate departments, programs and agencies so that maximum water quality protection is provided.”

(f) Permit Part VI.D.10.e.i(3) and (4) requires the City to respond to spills for containment within four hours of become aware of the spill, or if on private property, within two hours of gaining legal access to the property and reporting of spills that may endanger health or the environment to appropriate public health agencies and the Office of Emergency Services (“OES”).

(g) Based on City records, the cost to the City to comply with these illicit connection and discharge requirements in FY 2012-2013, including costs in participating in the WMP/EWMP process, was \$28.75. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, which included an analysis of these illicit connection and discharge requirements. This staff time resulted in Notices of Intent to participate in WMPs sent to the LARWQCB dated June 24, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$123.75.

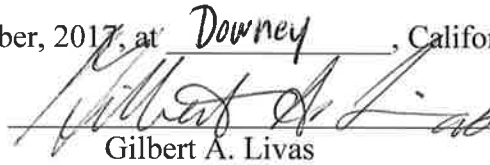
Section 6: Declarations in Support of Joint Test Claim of Los Angeles County Local Agencies Concerning Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No. CAS 004001)

16. I am informed and believe that there are no dedicated state, federal or regional funds that are or will be available to pay for any of the new and/or upgraded programs and activities set forth in this Declaration. I am not aware of any other fee or tax that the City would have the discretion to impose under California law to recover any portion of the cost of these programs and activities.

17. The City has filed a joint test claim with 22 other cities. The Cities agree on all issues of the test claim.

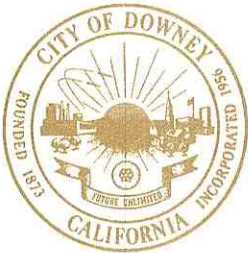
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 13<sup>th</sup> day of November, 2017, at Downey, California.

  
Gilbert A. Livas



## EXHIBIT 1



# City of Downey

FUTURE UNLIMITED

June 24, 2013

**CITY COUNCIL**

**MAYOR**

DN. MARIO A. GUERRA

**MAYOR PRO TEM**

FERNANDO VASQUEZ

**COUNCIL MEMBERS**

ROGER C. BROSSMER

LUIS H. MARQUEZ

ALEX SAAB

**CITY MANAGER**

GILBERT A. LIVAS

**CITY CLERK**

ADRIA M. JIMENEZ, CMC

**CITY ATTORNEY**

YVETTE M. ABICH GARCIA

Samuel Unger, Executive Office  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, CA 90013

Attn: Renee Purdy

**Subject: LETTER OF INTENT TO PARTICIPATE IN THE  
DEVELOPMENT OF A WATERSHED MANAGEMENT  
PROGRAM (WMP) AND COORDINATED INTEGRATED  
MONITORING PROGRAM (CIMP) IN COOPERATION  
WITH THE LOS CERRITOS CHANNEL METALS TMDL  
TECHNICAL COMMITTEE**

Dear Mr. Unger:

The City of Downey has voluntarily joined the Los Cerritos Channel Metals TMDL Technical Committee in the Development of the Watershed Management Program (WMP) and a Coordinated Integrated Monitoring Program (CIMP) and intends to comply with the requirements and provisions of Order No. R4-2012-0175. The Los Cerritos Channel Metals TMDL Technical Committee is comprised of the following permittees: the Cities of Bellflower, Cerritos, Downey, Lakewood, Long Beach, Paramount, and Signal Hill, as well as the Los Angeles County Flood Control District, and Caltrans.

The City of Downey signed a Memorandum of Agreement (MOA) with the Los Angeles Gateway Regional Water Management Joint Powers Authority for the Administration and Cost Sharing Resulting From Preparation of the Los Cerritos Channel Metals Total Maximum Daily Load Implementation Plan, Monitoring Program and Special Studies. This MOA has been used to begin preparation of a Watershed Management Program, but it will soon be replaced with an MOU for Development of a WMP or EWMP and a Coordinated Integrated Monitoring Program (CIMP).

Samuel Unger  
June 24, 2013  
Page 2

The City recognizes that while maintaining the 18-month schedule for development of the WMP, the Technical Committee intends to continue to evaluate and consider the Enhanced WMP (EWMP) option. If the group decides prior to the December 28, 2013 deadline to develop an EWMP, your office will be notified in a separate letter and our City will participate in development of the EWMP.

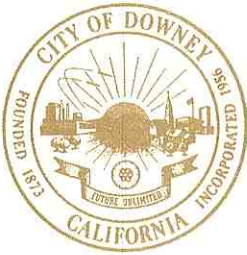
Should you have any questions, please contact Jason Wen at 562-904-7201. Thank you.

Sincerely,

CITY OF DOWNEY

A handwritten signature in black ink, appearing to read "Gilbert A. Livas", with a stylized flourish at the end.

Gilbert A. Livas  
City Manager



# City of Downey

FUTURE UNLIMITED

June 24, 2013

**CITY COUNCIL**

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**MAYOR PRO TEM**

FERNANDO VASQUEZ

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ADRIA M. JIMENEZ, CMC

**CITY ATTORNEY**

YVETTE M. ABICH GARCIA

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

**Subject: LETTER OF INTENT TO PARTICIPATE IN THE DEVELOPMENT OF A WATERSHED MANAGEMENT PROGRAM (WMP) AND COORDINATED INTEGRATED MONITORING PROGRAM (CIMP) IN COOPERATION WITH THE LOWER LOS ANGELES RIVER WATERSHED GROUP**

Dear Mr. Unger:

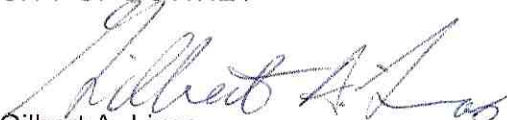
The City of Downey submits this Letter of Intent as our written notification to participate and share the cost for the development of a Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) for the Lower Los Angeles River Watershed and to satisfy the CIMP notification requirement of Section IV.C.1 of Attachment E of Order No. R4-2012-0175 (MS4 Permit). The Lower Los Angeles River Watershed Group is comprised of the following Permittees: Downey, Lakewood, Long Beach, Lynwood, Paramount, Pico Rivera, Signal Hill, South Gate and the Los Angeles Flood Control District.

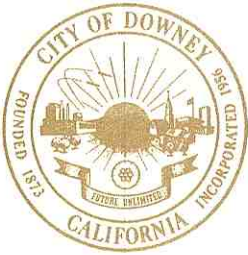
While maintaining the 18 month schedule for development of the WMP, the Lower Los Angeles River Watershed Group intends to continue to evaluate and consider the Enhanced WMP (EWMP) option. If the group decides to develop an EWMP prior to the December 28, 2013 deadline, your office will be notified in a separate letter prior to any such change.

If you have any questions, please contact Jason Wen at 562-904-7201.

Very truly yours,

CITY OF DOWNEY

  
Gilbert A. Livas  
City Manager



# City of Downey

FUTURE UNLIMITED

June 24, 2013

## **CITY COUNCIL**

### **MAYOR**

DN. MARIO A. GUERRA

### **MAYOR PRO TEM**

FERNANDO VASQUEZ

### **COUNCIL MEMBERS**

ROGER C. BROSSMER

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### **CITY MANAGER**

GILBERT A. LIVAS

### **CITY CLERK**

ADRIA M. JIMENEZ, CMC

### **CITY ATTORNEY**

YVETTE M. ABICH GARCIA

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

**Subject: LETTER OF INTENT TO PARTICIPATE IN THE DEVELOPMENT OF A WATERSHED MANAGEMENT PROGRAM (WMP) AND COORDINATED INTEGRATED MONITORING PROGRAM (CIMP) IN COOPERATION WITH THE LOWER SAN GABRIEL RIVER WATERSHED GROUP**

Dear Mr. Unger:

The City of Downey submits this Letter of Intent as our written notification to participate and share the cost for the development of a Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) for the Lower San Gabriel River Watershed and to satisfy the CIMP notification requirement of Section IV.C.1 of Attachment E of Order No. R4-2012-0175 (MS4 Permit). The Lower San Gabriel River Watershed Group is comprised of the following permittees: Artesia, Bellflower, Cerritos, Diamond Bar, Downey, Hawaiian Gardens, La Mirada, Lakewood, Long Beach, Norwalk, Pico Rivera, Santa Fe Springs, Whittier and the Los Angeles County Flood Control District.

While maintaining the 18 month schedule for development of the WMP, the Lower San Gabriel River Watershed Group intends to continue to evaluate and consider the Enhanced-WMP (EWMP) option. If the group decides to develop an EWMP prior to the December 28, 2013 deadline, your office will be notified in a separate letter prior to any such change.

If you have any questions, please contact Jason Wen at 562-904-7201.

Very truly yours,

CITY OF DOWNEY

Handwritten signature of Gilbert A. Livas in blue ink.

Gilbert A. Livas  
City Manager

DECLARATION OF DANIEL HERNANDEZ

CITY OF HUNTINGTON PARK

I, Daniel Hernandez, hereby declare and state as follows:

1. I am the Director of Public Works and Development Services for the City of Huntington Park ("City"). In that capacity, I share responsibility for the compliance of the City with regard to the requirements of California Regional Water Quality Control Board, Los Angeles Region ("LARWQCB") Order No. R4-2012-0175 ("the Permit") as they apply to the City.
2. I have reviewed sections of the Permit and its attachments as set forth herein and am familiar with those provisions. I am also familiar with how the Permit changed requirements that were previously imposed on the City by the prior permit that had issued to the City by the LARWQCB in 2001 ("2001 Permit").
3. I have an understanding of the City's sources of funding for programs and activities required to comply with the Permit.
4. I make this declaration based on my own personal knowledge, except for matters set forth herein based on information and belief, and as to those matters I believe them to be true. If called upon to testify, I could and would competently to the matters set forth herein.
5. In Section 5 and Section 7 of this Test Claim, which contains exhibits to the test claim filed by the City and other permittees under the Permit, the specific sections of the Permit at issue in the test claim have been set forth. I hereby incorporate such provisions of Sections 5 and 7 into this declaration as though fully set forth herein.
6. The City has elected to participate in a Watershed Management Plan WMP that is designed to address, in whole or in part, the "Total Maximum Daily Load (TMDL)" provisions

of the Permit as well other requirements of the Permit, including those set forth in this Declaration.

7. Based on my understanding of the Permit, I believe that the Permit requires the City to undertake the following programs either directly or through the mechanism of a WMP, which represent new programs and/or higher levels of service or the shifting of state responsibilities to the City, which activities were not required by the 2001 Permit and which are unique to local government entities:

8. **Implementation of TMDLs:**

(a) Part VI.E.1.c requires the permittees to “comply with the applicable water quality-based effluent limitations and/or receiving water limitations contained in Attachments L through R, consistent with the assumptions and requirements of the WLAs established in the TMDLs, including implementation plans and schedules, where provided for in the State adoption and approval of the TMDL (40 CFR 122.44(d)(1)(vii)(B); Cal. Wat. Code § 13263(a)).”

(b) Attachment K to the Permit sets forth the TMDLs with which the City must comply.

(c) Attachments L through R of the Permit set forth the requirements of each TMDL and its “waste load allocations” with which the City must comply.

(d) Part VI.B of the Permit requires the City “to comply with the [Monitoring and Reporting Program] and future revisions thereto, in Attachment E of this Order or may, in coordination with an approved Watershed Management Program per Part VI.C, implement a customized monitoring program that achieves the five Primary Objectives set forth in Part II.A of Attachment E and includes the elements set forth in Part II.E of Attachment E.”

(e) Attachment E to the Permit requires the monitoring program to include monitoring at “TMDL receiving water compliance points” and other “TMDL monitoring requirements specified in approved TMDL Monitoring Plans.” (Permit, Attachment E, Parts II.E.1 through 3 and Part V; *see also* Attachment E, Parts VI.A.1.b.(iii) and (iv), VI.B.2, VI.C.1.a, VI.D.1.a, VIII.B.1.b(ii), IX.A.5, IX.C.1.a, IX.E.1.a and b, IX.G.1.b, and IX.G.2.)

(f) Based on City records, the cost to the City to comply with these TMDL requirements in Fiscal Year (FY) 2012-2013, including costs in participating in the WMP process, was \$481,900.00. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP and an integrated monitoring program (“IMP”) or Coordinated Integrated Monitoring Program (“CIMP”) which resulted in a Notice of Intent to participate in a WMP and CIMP. The Notice of Intent was sent to the LARWQCB on June 27, 2013; costs were incurred on and leading up to that date. A copy of the Notice of Intent Letter is attached as Exhibit 1.

(g) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$481,900.00.

9. **Requirements Related to Discharge Prohibitions for Non-Stormwater:**

(a) Permit Part III.A.1 prohibits certain non-stormwater discharges through the municipal separate storm sewer system (“MS4”) to receiving waters. I have been advised that this requirement exceeds the requirements of the Clean Water Act (“CWA”).

(b) Part III.A.2 requires the City to employ best management practices (“BMPs”) for discharges from essential non-emergency firefighting activities and, with regard to unpermitted



discharges by drinking water suppliers, to work with those suppliers on the conditions of their discharges.

(c) Part III.A.4.a requires the City to develop and implement procedures covering non-permitted discharges of non-stormwater to the City's MS4 in compliance with the requirements of Part III.A.4.a.i-vi of the Permit.

(d) Part III.A.4.b requires the City to develop and implement procedures to minimize the discharge of landscape irrigation water into the MS4, including to coordinate with local water purveyors to promote water use efficiency, use of drought tolerant vegetation and use of less toxic options for pest control and landscape management and to develop and implement an outreach and education program to minimize the discharge of irrigation water and associated pollutants.

(e) Part III.A.4.c requires the City to evaluate monitoring data collected pursuant to the Permit's Monitoring and Reporting Program (Permit Attachment E) and other associated data and information to determine, among other things, if authorized or conditionally authorized non-stormwater discharges are a source of pollutants that may be causing or contributing to an exceedance of receiving water limitations and/or water quality based effluent limitations.

(f) Part III.A.4.d requires the City to take action to address such non-stormwater discharges if they are found to be such a source of pollutants, through effective prohibition, conditions, diversions or treatment. These tasks involve, among other things, meeting with non-stormwater dischargers, identifying and analyzing the nature of non-stormwater discharges, the development and implementation of discharge procedures, conducting public education efforts and evaluating monitoring data.

(g) Based on City records, the cost to the City to comply with these non-stormwater prohibition requirements in FY 2012-2013, including costs in participating in the WMP process, was \$30,443.00. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. Those costs included costs for staff time in analyzing and deciding whether to implement a WMP, which resulted in a Notice of Intent to participate in a WMP sent to the LARWQCB on June 27, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was 57,456.00.

10. **Public Information Program Requirements:**

(a) Permit Part VI.D.5.a requires the City to “measurably increase” the knowledge of target audiences about the MS4, the adverse impacts of stormwater pollution on receiving waters and potential solutions to mitigate impacts, to “measurably change” waste disposal and stormwater pollution generation behavior by developing and encouraging implementation of “appropriate alternatives” and to “involve and engage a diversity of socio-economic groups and ethnic communities” to participate in stormwater pollution impact mitigation.

(b) Permit Part VI.D.5.b requires the City to implement Public Information and Participation Program activities by participating in either a County-wide, Watershed Group-sponsored or individual effort.

(c) Permit Part VI.D.5.c requires the City to provide a means for public reporting of clogged catch basin inlets and illicit discharges/dumping, faded or missing catch basin labels and general stormwater and non-stormwater pollution prevention information through a telephone

Section 6: Declarations in Support of Joint Test Claim of Los Angeles County Local Agencies Concerning Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No. CAS 004001)

hotline or in public information or government pages of the telephone book, identify staff or departments serving as contact persons and providing current, updated hotline information. The City is also required to organize events targeted to residents and population subgroups to “educate and involve the community in storm water and non-storm water pollution prevent and clean-up (e.g., education seminars, clean-ups, and community catch basin stenciling).”

(d) Permit Part VI.D.5.d requires the City to conduct stormwater pollution prevention public service announcements and advertising campaigns and provide public education materials on the proper handling of vehicle waste fluids, house, and construction waste, pesticides and fertilizers (including the use of integrated pest management practices), green waste and animal wastes. This Part further requires the City (a) to distribute public education materials at automotive parts stores, home improvement centers, lumber yards and hardware and paint stores, landscaping and gardening centers and pet shops and feed stores, and (b) to maintain stormwater websites or provide links to stormwater websites via the City’s website, which must include educational material and opportunities for public participation in stormwater pollution and cleanup activities and provide schools within the City’s jurisdiction with materials to education K-12 students on stormwater pollution. In each of these requirements, Permit Part VI.D.5.d requires the City to “use effective strategies to educate and involve ethnic communities in storm water pollution prevention through culturally effective methods.”

(e) Based on City records, the cost to the City to comply with these public information program requirements in FY 2012-2013, including costs in participating in the WMP process, was \$20,000.00. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. Those costs included costs for staff time in analyzing and

deciding whether to implement a WMP, which included an analysis and customization of the public information program. This staff time resulted in a Notice of Intent to participate in a WMP sent to the LARWQCB on June 27, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(f) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$20,000.

11. **Inventory and Inspections of Industrial/Commercial Sources:**

(a) Permit Part VI.D.6.b requires the City to track nurseries and nursery centers and to include various information for each facility on the inventory, including the industrial classification code, the status of exposure of materials to stormwater, the name of the receiving water, whether the facility is tributary to a waterbody listed as impaired under CWA section 303(d) where the facility generates pollutants for which the waterbody is impaired, and whether the facility has filed a "No Exposure Certification" ("NEC") with the State Water Resources Control Board ("State Board"). The City is required to update the inventory at least annually, through collection of information through field activities over from other means.

(b) Permit Part VI.D.6.d requires the City to inspect restaurants, automotive service facilities, retail gasoline outlets and nurseries and nursery centers twice during the Permit term, including an inspection within two years after the Permit's effective date. In such inspection, the City is required, among other things, to evaluate whether the source is implementing effective source control BMPs for each corresponding activity and to require implementation of additional BMPs where stormwater from the facility discharged to the MS4 discharges to a Significant

Ecological Area (“SEA”), a water body subject to TMDL provisions or a CWA section 303(d) listed waterbody.

(c) Permit Part VI.D.6.e requires the City to inspect industrial facilities, including those identified in 40 C.F.R. section 122.26(b)(14)(i-xi) and facilities identified in 40 C.F.R. section 122.26(d)(12)(iv)(C). In such inspections, the City is required to confirm that each facility has a current Waste Discharge Identification number for coverage under the State Board-issued General Industrial Activities Stormwater Permit or has applied for and received a no exposure certification, and to require implementation of additional BMPs where stormwater from the MS4 discharges to a waterbody subject to a TMDL or is a CWA section 303(d) listed impaired waterbodies. Additionally, for facilities discharging to MS4s that discharge to an SEA, the permittees, including the City, are required to require operators to implement additional pollutant-specific controls to reduce pollutants that are causing or contributing to exceedances of water quality standards.

(d) Based on City records, the cost to the City to comply with these inventory and inspection requirements in FY 2012-2013, including costs in participating in the WMP process, was \$281,900.00. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. Those costs included costs for staff time in analyzing and deciding whether to implement a WMP, which includes an analysis and customization of education and inspection of industrial and commercial sources. This staff time resulted in a Notice of Intent to participate in a WMP sent to the LARWQCB on June 27, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$308,913.00.

12. **Post-Construction BMP Requirements:**

(a) Permit Part VI.D.7.d.iv(1)(a) requires the City to implement a GIS or other electronic system for tracking projects that are required to have post-construction BMPs, including project identification, acreage, BMP type and description, BMP locations, dates of acceptance and maintenance agreements, inspection dates and summaries and corrective action.

(b) Permit Part VI.D.7.d.iv(1)(b) requires the City to inspect all development sites upon completion of construction and before issuance of an occupancy certificate to ensure “proper installation” of Low Impact Development (“LID”) measures, structural BMPs, treatment control BMPs and hydromodification control BMPs.

(c) Permit Part VI.D.7.d.iv(1)(c) requires the City to develop a post-construction BMP checklist and to inspect at an interval of at least once every two years, City-operated post-construction BMPs to assess operations condition.

(d) Based on City records, the cost to the City to comply with these post-construction BMP requirements in FY 2012-2013, including costs in participating in the WMP process, was \$56,730.00. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. As discussed above, those costs included costs for staff time in analyzing and deciding whether to implement a WMP, which includes an analysis of the planning and development program. This staff time resulted in a Notice of Intent to participate in a WMP sent to the LARWQCB on June 27, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$93,843.00.

13. **Construction Site Requirements:**

(a) Permit Part VI.D.8.g.i requires the City to develop an electronic system to inventory grading, encroachment, demolition, building or construction permits (or other municipal authorizations to move soil and/or construct or destruct that involves land disturbance).

(b) Permit Part VI.D.8.g.ii requires the City to complete and update an inventory containing, among other items, contact information for a project, basic site information, the proximity of all water bodies, significant threats to water quality status, current construction phase where feasible, required inspection frequency, start and anticipated completion dates, whether the project has submitted a Notice of Intent to be covered under the State Board-issued General Construction Activities Stormwater Permit ("GCASP"), whether it has obtained GCASP coverage, the date the Erosion and Sediment Control Plan ("ESCP") was approved and post-construction structural BMPs subject to operation and maintenance requirements.

(c) Permit Part VI.D.8.h requires the City to develop and implement review procedures for construction plan documents, including preparation and submittal of an appropriate ESCP, verification of GCASP or other permit coverage and other items. The Part further requires permittees, including the City, to develop and implement a checklist to conduct and document the review of each ESCP.

(d) Permit Part VI.D.8.i.i requires the City to develop and implement technical standards for the selection, installation and maintenance of construction BMPs for all such sites within the City.

Section 6: Declarations in Support of Joint Test Claim of Los Angeles County Local Agencies Concerning Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No. CAS 004001)

(e) Permit Part VI.D.8.i.ii requires that such BMPs be tailored to the risks posed by the project, as well as in minimum conformance with standards set forth in Permit Table 15, use of BMPs meeting the requirements of Permit Tables 14 and 16 for construction sites equal or greater than one acre or paving projects, detailed installation designs and cut sheets for use in ESCPs and maintenance expectations for each BMP or category of BMPs.

(f) Permit Part VI.D.8.i.iv further requires that such technical standards must be “readily available” to the development community and must be “clearly referenced” within the City’s stormwater or development services website, ordinance, permit approval process and/or ESCP review forms.

(g) Permit Part VI.D.8.i.v requires local BMP technical standards to cover all items set forth in Tables 13, 14, 15 and 16 of the Permit.

(h) Permit Part VI.D.8.j requires the City to inspect all construction sites of one acre or greater in size on the frequencies set forth in the Permit, which requires inspections prior to land disturbance activities, during active construction and at the conclusion of the project and as a condition to approving and/or issuing a Certificate of Occupancy. The frequency of inspections is set in addition in Table 17 of the Permit. As part of the inspection obligations, the permittees, including the City, must develop, implement and revise as necessary standard operating procedures that identify the inspection procedures to be followed by each permittee. Additionally, during inspections, the City must verify “active coverage” under the GCASP for specified projects; review the ESCP; inspect the site to determine whether all BMPs have been selected, installed, implemented and maintained; assess the appropriateness of planned and installed BMPs, and their effectiveness; visually observe and record non-stormwater discharge,



Section 6: Declarations in Support of Joint Test Claim of Los Angeles County Local Agencies  
Concerning Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No. CAS 004001)

potential illicit discharges and connections and potential discharge of pollutants in stormwater runoff; develop a written or electronic inspection report generated from a field inspection checklist; and track the number of inspections for the site to ensure that it meets the minimum requirements of Permit Table 17.

(i) Permit Part VI.D.8.1.i and ii requires the City to ensure training for “all staff whose primary job duties are related to implementing the construction storm water program,” including plan reviewers and permitting staff with regard to the “technical review of local erosion and sediment control ordinance, local BMP technical standards, ESCP requirements, and the key objectives of the State Water Board QSD program, erosion sediment control/storm water inspectors in inspection procedures consistent with various standards. Additionally, if outside parties conduct inspections or review plans, the City is required to ensure that such staff are trained under the same requirements.

(j) Based on City records, the cost to the City to comply with these construction site requirements in FY 2012-2013, including costs in participating in the WMP process, was \$56,730.00. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. Those costs included costs for staff time in analyzing and deciding whether to implement a WMP, which included an analysis of construction site requirements. This resulted in a Notice of Intent sent to the LARWQCB on June 27, 2013 to participate in a WMP (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(k) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$93,843.00.

14. **Public Agency Requirements:**

(a) Permit Part VI.D.9.c requires the City to maintain an “updated inventory” of all permittee-owned or operated facilities that are potential sources of stormwater pollution, including 24 separate categories of facilities that are required to be in the inventory. The inventory must include the name and address of the facility, contact information, a narrative description of activities performed and potential pollution sources, coverage under any individual or general NPDES permits or waivers. The inventory must be updated at least once during the five-year term of the Permit with information collected through field activities or other means.

(b) Permit Part VI.D.9.d.i requires the City to develop an inventory of “retrofitting opportunities” in areas of existing development.

(c) Permit Part VI.D.9.d.ii and iii requires the City to screen existing areas of development “to identify candidate areas for retrofitting using watershed models or other screening level tools” and then evaluate and rank areas of existing development to prioritize retrofitting candidates.

(d) Permit Part VI.D.9.d.iv requires the City to consider the results of the evaluation by giving “highly feasible” projects a “high priority” to implement source control and treatment control BMPs in their Storm Water Management Plan (“SWMP”) and consider high priority retrofit projects as candidates for off-site mitigation for new development and redevelopment projects.

(e) Permit Part VI.D.9.d.v requires the City to cooperate with private landowners to “encourage site specific retrofitting projects.” In such cooperation, demonstration retrofit projects, retrofits on public lands and easements, education and outreach, subsidies for retrofit

projects, requiring retrofit projects as enforcement, mitigation or ordinance compliance, public and private partnerships, fees for existing discharges to the MS4 and reduction of such fees for retrofit implementation must be considered.

(f) Permit Part VI.D.9.g.ii requires the City to implement an Integrated Pest Management (“IPM”) program, including restrictions on the use of pesticides, restricting treatments only to remove the target organism, selection of pest controls that minimize risks to human health, “beneficial non-target organisms” and the environment, partnering with other agencies and organizations to “encourage” the use of IPM and adopt and “verifiably implement” policies, procedures and/or ordinances requiring the minimization of pesticide use and encouraging the use of IPM techniques for public agency facilities and activities. Additionally, the City must commit and schedule to reduce the use of pesticides that cause impairments of surface waters by preparing and updating annually an inventory of pesticides, quantify pesticide use by staff and contractors and demonstrate implementation of IPM alternatives where feasible to reduce pesticide use.

(g) Permit Part VI.D.9.h.vii requires permittees in areas not subject to a Trash TMDL, to install trash excluders, or equivalent devices, on or in catch basins or outfalls, except where such installation would cause flooding, unless lack of maintenance that causes the flooding. Permittees, including the City, may also employ alternative or enhanced BMPs that “provide substantially equivalent removal of trash.” If alternative means are employed, the City must demonstrate that such BMPs “provide equivalent trash removal performance as excluders.”

(h) Permit Part VI.D.9.k.ii requires the City to train all employees and contractors “who use or have the potential to use pesticides or fertilizers” that address the potential for pesticide-

related surface water toxicity, in the proper use, handling, and disposal of pesticides, least toxic methods of pest prevention and control, including IPM and the reduction of pesticide use.

(i) Based on City records, the cost to the City to comply with these public agency requirements in FY 2012-2013, including costs in participating in the WMP process, was \$71,730.00. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. Those costs included costs for staff time in analyzing and deciding whether to implement a WMP, which included an analysis and customization of these public agency activities. This resulted in a Notice of Intent sent to the LARWQCB on June 27, 2013 to participate in a WMP (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(j) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$71,730.00.

15. **Illicit Connection and Discharge Requirements:**

(a) Permit Part VI.D.10.d.iii requires the City to “ensure that signage adjacent to open channels . . . include information regarding dumping prohibitions and public reporting of illicit discharges.”

(b) Permit Part VI.D.10.d.iv requires the City to develop and maintain written procedures that document how complaint calls are received, documented and tracked “to ensure that all complaints are adequately addressed.” Such procedures must be “evaluated to determine whether changes or updates are needed to ensure that the procedures adequately document the methods employed by the Permittee.”

Section 6: Declarations in Support of Joint Test Claim of Los Angeles County Local Agencies  
Concerning Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No. CAS 004001)

(c) Permit Part VI.D.10.d.v requires the City to maintain documentation of complaint calls and to record the location of the reported spill or illicit discharge and the action undertaken in response.

(d) Permit Part VI.D.10.e.i requires, in pertinent part, that the City implement a “spill response plan” for all sewage and other spills that may discharge into its MS4.

(e) Permit Part VI.D.10.e.i(1) requires that the plan must identify agencies responsible for spill response and cleanup, phone numbers and e-mail addresses for contacts and shall further address coordination with spill response teams “throughout all appropriate departments, programs and agencies so that maximum water quality protection is provided.”

(f) Permit Part VI.D.10.e.i(3) and (4) requires the City to respond to spills for containment within four hours of become aware of the spill, or if on private property, within two hours of gaining legal access to the property and reporting of spills that may endanger health or the environment to appropriate public health agencies and the Office of Emergency Services (“OES”).

(g) Based on City records, the cost to the City to comply with these illicit connection and discharge requirements in FY 2012-2013, including costs in participating in the WMP process, was \$27,283.00. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. Those costs included costs for staff time in analyzing and deciding whether to implement a WMP, which included an analysis and customization of these illicit connection and discharge requirements. This resulted in a Notice of Intent sent to the LARWQCB on June 27, 2013 to participate in a WMP (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

Section 6: Declarations in Support of Joint Test Claim of Los Angeles County Local Agencies  
Concerning Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No. CAS 004001)

(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$27,283.00.

16. I am informed and believe that there are no dedicated state, federal, or regional funds that are or will be available to pay for any of the new and/or upgraded programs and activities set forth in this Declaration. I am not aware of any other fee or tax that the City would have the discretion to impose under California law to recover any portion of the cost of these programs and activities.

17. The City has filed a joint test claim with 22 other cities. The Cities agree on all issues of the test claim.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 11<sup>th</sup> day of November, 2017, at HUNTINGTON PARK, California.

  
Daniel Hernandez

## EXHIBIT 1



# City of Commerce

Office of the  
City Administrator

June 27, 2013

Mr. Sam Unger  
Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region, Suite 200  
320 W. Fourth St., Suite 200  
Los Angeles, CA 90013

RE: Notice of Intent for a Watershed Management Program and Coordinated Integrated Monitoring Program for the Los Angeles River Upper Reach 2 Gateway Sub Watershed.

Dear Mr. Unger:

The Permittees listed in Table 1 below that are party to this Notice of Intent (NOI) hereby notify the Los Angeles Regional Water Quality Control Board (Regional Water Board) of their intent to develop a Watershed Management Program (WMP) for the Los Angeles River Upper Reach 2 Sub Watershed (LAR UR2 Sub Watershed) which includes the Cities of Bell, Bell Gardens, Cudahy, Commerce, Huntington Park, Maywood, Vernon, and the Los Angeles County Flood Control District. This NOI is hereby submitted in accordance with Part VI.C.4.b.i of Order R4-2012-0175. Permittees meet the LID and Green Streets conditions and will submit the Draft WMP within 18 months of the effective date of Order R4-2012-0175 (June 28, 2014).

In addition, the same permittees listed in Table 1 hereby notify the Regional Water Board of their intent to develop a Coordinated Integrated Monitoring Program (CIMP) as part of their WMP. The Permittees intend to follow a CIMP approach for each of the required monitoring plan elements including Receiving Water Monitoring, Storm Water Outfall Based Monitoring, Non-Storm Water Outfall Based Monitoring, New Development/Re-Development Effectiveness Tracking, and Regional Studies and will submit the CIMP within 18 months of the effective date of Order R4-2012-0175 (June 28, 2014) with the WMP.

*“Where Quality Service Is Our Tradition”*



**SECTION 1. PROGRAM TYPE AND PERMITTEES**

**Table 1** lists the permittees who have agreed to work cooperatively and to jointly develop a WMP and CIMP under a Memorandum of Understanding (MOU) with the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority for administration and cost sharing.

**Table 1. Watershed Management Program Permittees**

City of Bell
City of Bell Gardens
City of Commerce
City of Cudahy
City of Huntington Park
City of Maywood
City of Vernon
Los Angeles County Flood Control District (LACFCD)

**SECTION 2. TOTAL MAXIMUM DAILY LOADS ESTABLISHED WATER QUALITY BASED EFFLUENT LIMITATIONS:**

**Table 2** lists applicable interim and final Water Quality Based Effluent Limitations (WQBELs) and receiving water limitations established by Total Maximum Daily Loads (TMDLs) and identified by Section VI.C.4.B.ii of the Order that occur prior to the anticipated approval of the WMP.

**Table 2. Applicable Interim and Final Trash WQBELs and all other Final WQBELs and Receiving Water Limitations Occurring Before Watershed Management Program Approval**

<b>TMDL Order</b>	<b>WQBEL</b>	<b>Interim or Final</b>	<b>Compliance Date</b>
Los Angeles River Trash	80% reduction of baseline	Interim	09/30/2013
	90% reduction of baseline	Interim	09/30/2014
	96.7% reduction of baseline	Interim	09/30/2015
	100% reduction of baseline	Final	09/30/2016

Los Angeles River Nitrogen Compounds and Related Effects TMDL	100% of MS4 drainage area complies with waste load allocations	Final	03/23/2004
Los Angeles River Bacteria Implementation Schedule for Dry Weather – upper and middle reach 2 (Figueroa St. to Rosecrans Ave.) R4-2012-0175	Submit a Load Reduction Strategy (LRS) for Segment B (or submit an alternative compliance plan)	Interim	09/23/2014

### SECTION 3. IDENTIFY TMDL CONTROL MEASURES:

**Table 3** identifies the control measures being implemented by each Permittee for each TMDL that have interim and final WQBELs that occur prior to the anticipated approval of the WMP. The Permittees will continue to implement these measures during the development of the WMP.

**Table 3. Control Measures that will be Implemented Concurrently with WMP Development for TMDLs**

TMDL	Permittees	Implementation Plan and Control Measures	Status of Implementation
Los Angeles River Trash R4-2012-0175	Cities of: Bell	Install Full Capture Systems or other BMPs to reduce baseline by 80%	Completed
	Bell Gardens Commerce Cudahy	Install Full Capture Systems or other BMPs to reduce baseline by 90%	Completed
	Huntington Park Maywood Vernon	Install Full Capture Systems or other BMPs to reduce baseline by 96.7%	Completed
Los Angeles River Bacteria Implementation Schedule for Dry Weather – upper and middle reach 2 (Figueroa St. to Rosecrans Ave.) R4-2012-0175	Cities of: Bell Bell Gardens Commerce Cudahy Huntington Park Maywood Vernon	Developed a Coordinated Monitoring Plan (CMP) for the Los Angeles River Watershed.	Submitted the CMP to the LA Regional Water Quality Control Board on March 23, 2013 with the expressed intention of integrating the CMP with a future CIMP.

**SECTION 4. DEMONSTRATION OF MEETING LID ORDINANCE AND GREEN STREETS POLICY REQUIREMENTS:**

The Permittees that are party to this NOI developed LID Ordinances and Green Streets Policies that are in the process of being adopted by their governing board. **Table 4** summarizes the status of the Permittees' LID ordinances and Green Streets policies. More than 50% of the MS4 watershed area that will be addressed by the WMP is covered by LID Ordinances and Green Streets Policies.

**Table 4. Status of LID Ordinance and Green Streets Policy Coverage of the MS4 Watershed Area Addressed by the WMP**

Permittee	Land Area (mi <sup>2</sup> )	LID Ordinance Status	Green Streets Policy Status
City of Bell	2.64	Developed	Developed
City of Bell Gardens	2.49	Adopted	Adopted
City of Commerce	6.57	Adopted	Adopted
City of Cudahy	1.12	Developed	Adopted
City of Huntington Park	3.03	Developed	Adopted
City of Maywood	1.18	Developed	Adopted
City of Vernon	5.16	Developed	Developed
LACFCD	0	N/A	N/A
<b>Total MS4 Watershed Area</b>	<b>22.19</b>		

The listed permittees are diligently working together and making progress towards compliance with Order R4-2012-0175. Please contact the individual permittees should you have questions pertaining to their jurisdiction's compliance measures. A list of contact information is enclosed. Please direct all inquiries regarding the LAR UR2 Sub Watershed's WMP/CIMP development to Ms. Claudia Arellano at [carellano@ci.vernon.ca.us](mailto:carellano@ci.vernon.ca.us) or (323) 583-8811, ext. 258. Thank you.

Sincerely,

The LAR UR2 Sub Watershed Permittees  
 (Individual signatures enclosed)

cc: Ms. Renee Purdy, California Regional Water Quality Control Board  
 Mr. Ivar Ridgeway, California Regional Water Quality Control Board

Violeta Alvarez - *Mayor*  
Ana Maria Quintana - *Mayor Pro Tem*  
Alicia Romero - *Councilmember*  
Ali Saleh - *Councilmember*  
Nestor Enrique Valencia - *Councilmember*



6330 Pine Avenue  
Bell, California 90201  
(323) 588-6211  
(323) 771-9473 fax

## CITY OF BELL

June 12, 2013

Mr. Samuel Unger, P.E., Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West Fourth Street, Suite 200  
Los Angeles, CA 90013

Attention: Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – LOS ANGELES COUNTY FLOOD CONTROL DISTRICT  
LOS ANGELES RIVER UPPER REACH 2 SUB WATERSHED  
WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The City of Bell submits this Letter of Intent to participate in and share the cost of the development of a Watershed Management Program (WMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Los Angeles River Upper Reach 2 Sub Watershed Group. This Letter of Intent serves to satisfy the WMP notification requirements of Section VI.C.4.b. of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Los Angeles River Upper Reach 2 Sub Watershed Group consists of the following agencies: the cities of Bell, Bell Gardens, Commerce, Cudahy, Huntington Park, Maywood, Vernon and the LACFCD. The City of Bell intends to submit a final Memorandum of Understanding to the City Council for approval on July 17<sup>th</sup>, 2013.

If you have any questions, please contact Mr. Terry Rodrigue at (323)588-6211 or [trodrigue@cityofbell.org](mailto:trodrigue@cityofbell.org).

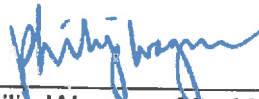
Sincerely,

Doug Wilmore  
City Manager

The Watershed Permittees, described as the LAR UR2 Sub Watershed, made and entered into an MOU by and between the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority (GWMA), a California Joint Powers Authority, and the Cities of Bell, Bell Gardens, Commerce, Cudahy, Huntington Park, Maywood, Vernon and the Los Angeles County Flood Control District (LACFCD). In said MOU and pursuant to Section V.C.4.b of the MS4 Permit Order R4-2012-0175, the Watershed Permittees agreed to jointly draft, execute and submit to the Los Angeles Regional Water Quality Control Board, a Notice of Intent (NOI) letter by June 28, 2013 that complies with all applicable MS4 Permit provisions for development of a joint Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) and execute such joint NOI as follows:

DATE: 6/19/13

CITY OF BELL GARDENS  
Mr. Philip Wagner  
City Manager  
7100 Garfield Avenue  
Bell Gardens, CA 90201



Philip Wagner, City Manager

The Watershed Permittees, described as the LAR UR2 Sub Watershed, made and entered into an MOU by and between the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority (GWMA), a California Joint Powers Authority, and the Cities of Bell, Bell Gardens, Commerce, Cudahy, Huntington Park, Maywood, Vernon and the Los Angeles County Flood Control District (LACFCD). In said MOU and pursuant to Section V.C.4.b of the MS4 Permit Order R4-2012-0175, the Watershed Permittees agreed to jointly draft, execute and submit to the Los Angeles Regional Water Quality Control Board, a Notice of Intent (NOI) letter by June 28, 2013 that complies with all applicable MS4 Permit provisions for development of a joint Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) and execute such joint NOI as follows:

DATE: 06.13/2013

CITY OF COMMERCE  
Mr. Jorge Rifa  
City Administrator  
2535 Commerce Way  
Commerce, CA 90040

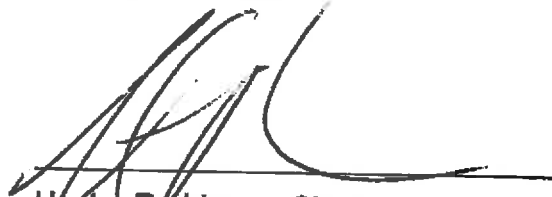


Jorge Rifa, City Administrator

The Watershed Permittees, described as the LAR UR2 Sub Watershed, made and entered into an MOU by and between the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority (GWMA), a California Joint Powers Authority, and the Cities of Bell, Bell Gardens, Commerce, Cudahy, Huntington Park, Maywood, Vernon and the Los Angeles County Flood Control District (LACFCD). In said MOU and pursuant to Section V.C.4.b of the MS4 Permit Order R4-2012-0175, the Watershed Permittees agreed to jointly draft, execute and submit to the Los Angeles Regional Water Quality Control Board, a Notice of Intent (NOI) letter by June 28, 2013 that complies with all applicable MS4 Permit provisions for development of a joint Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) and execute such joint NOI as follows:

DATE: 6/19/13

CITY OF CUDAHY  
Mr. Hector Rodriguez  
City Manager  
5220 Santa Ana Street  
Cudahy, CA 90201



Hector Rodriguez, City Manager

The Watershed Permittees, described as the LAR UR2 Sub Watershed, made and entered into an MOU by and between the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority (GWMA), a California Joint Powers Authority, and the Cities of Bell, Bell Gardens, Commerce, Cudahy, Huntington Park, Maywood, Vernon and the Los Angeles County Flood Control District (LACFCD). In said MOU and pursuant to Section V.C.4.b of the MS4 Permit Order R4-2012-0175, the Watershed Permittees agreed to jointly draft, execute and submit to the Los Angeles Regional Water Quality Control Board, a Notice of Intent (NOI) letter by June 28, 2013 that complies with all applicable MS4 Permit provisions for development of a joint Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) and execute such joint NOI as follows:

DATE: 6/24/13

CITY OF HUNTINGTON PARK  
Mr. Rene Bobadilla, P.E.  
City Manager  
6550 Miles Avenue  
Huntington Park, CA 90255

  
\_\_\_\_\_  
Rene Bobadilla, City Manager



The Watershed Permittees, described as the LAR UR2 Sub Watershed, made and entered into an MOU by and between the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority (GWMA), a California Joint Powers Authority, and the Cities of Bell, Bell Gardens, Commerce, Cudahy, Huntington Park, Maywood, Vernon and the Los Angeles County Flood Control District (LACFCD). In said MOU and pursuant to Section V.C.4.b of the MS4 Permit Order R4-2012-0175, the Watershed Permittees agreed to jointly draft, execute and submit to the Los Angeles Regional Water Quality Control Board, a Notice of Intent (NOI) letter by June 28, 2013 that complies with all applicable MS4 Permit provisions for development of a joint Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) and execute such joint NOI as follows:

DATE: 6-25-13

CITY OF MAYWOOD  
Ms. Lillian Myers  
City Manager  
4319 East Slauson Avenue  
Maywood, CA 90270

  
\_\_\_\_\_  
Lillian Myers, City Manager

The Watershed Permittees, described as the LAR UR2 Sub Watershed, made and entered into an MOU by and between the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority (GWMA), a California Joint Powers Authority, and the Cities of Bell, Bell Gardens, Commerce, Cudahy, Huntington Park, Maywood, Vernon and the Los Angeles County Flood Control District (LACFCD). In said MOU and pursuant to Section V.C.4.b of the MS4 Permit Order R4-2012-0175, the Watershed Permittees agreed to jointly draft, execute and submit to the Los Angeles Regional Water Quality Control Board, a Notice of Intent (NOI) letter by June 28, 2013 that complies with all applicable MS4 Permit provisions for development of a joint Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) and execute such joint NOI as follows:

DATE: 6-20-13

CITY OF VERNON  
Mr. Samuel Kevin Wilson, P.E.  
Director of Community Services & Water  
4305 Santa Fe Avenue  
Vernon, CA 90058

  
\_\_\_\_\_  
Samuel Kevin Wilson, Director of  
Community Services & Water



GAIL FARBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE

REFER TO FILE: **WM-7**

June 24, 2013

Mr. Samuel Unger, P.E.  
Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – LOS ANGELES COUNTY FLOOD CONTROL DISTRICT  
LOS ANGELES RIVER UPPER REACH 2 SUB WATERSHED  
WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The Los Angeles County Flood Control District (LACFCD) submits this Letter of Intent to participate in and share the cost of the development of a Watershed Management Program (WMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Los Angeles River Upper Reach 2 Sub Watershed Group. This Letter of Intent serves to satisfy the WMP notification requirements of Section VI.C.4.b. of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Los Angeles River Upper Reach 2 Sub Watershed Group consists of the following agencies: LACFCD and cities of Bell, Bell Gardens, Commerce, Cudahy, Huntington Park, Maywood, and Vernon. The LACFCD intends to submit a final Memorandum of Understanding to the County of Los Angeles Board of Supervisors (which is the LACFCD's governing body) for approval prior to December 28, 2013.

Mr. Samuel Unger  
June 24, 2013  
Page 2

If you have any questions, please contact Ms. Terri Grant at (626) 458-4309 or tgrant@dpw.lacounty.gov.

Very truly yours,



*for* GAIL FARBER  
Chief Engineer of the Los Angeles County Flood Control District

TA:jht

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cc: City of Bell  
City of Bell Gardens  
City of Commerce  
City of Cudahy  
City of Huntington Park  
City of Maywood  
City of Vernon

## Watershed Permittee Contact List

<b>Permittee</b>	<b>Contact</b>	<b>Contact Mailing Address</b>	<b>Contact Telephone and Email Address</b>
City of Bell	Young Park Terry Rodrigue	6330 Pine Ave. Bell, CA 90201	(323) 588-6211 Ext 228 <a href="mailto:ypark@cityofbell.org">ypark@cityofbell.org</a> <a href="mailto:tr Rodrigue@cityofbell.org">tr Rodrigue@cityofbell.org</a>
City of Bell Gardens	Chau Vu	7100 Garfield Ave. Bell Gardens, CA 90201	(562) 334-1790 <a href="mailto:cvu@bellgardens.org">cvu@bellgardens.org</a>
City of Commerce	Gina Nila Environmental Services Manager	2535 Commerce Way Commerce, CA 90040	(323) 722-4805, ext. 2839 <a href="mailto:ginan@ci.commerce.ca.us">ginan@ci.commerce.ca.us</a>
City of Cudahy	Aaron Hernandez-Torres Assistant City Engineer	5220 Santa Ana St. Cudahy, CA 90201	(323) 773-5143 <a href="mailto:ahernandez@cityofcudayca.gov">ahernandez@cityofcudayca.gov</a>
City of Huntington Park	James A. Enriquez Director of Public Works/City Engineer	6550 Miles Ave. Huntington Park, CA 90255	(323) 584-6253 <a href="mailto:jenriquez@huntingtonpark.org">jenriquez@huntingtonpark.org</a>
City of Maywood	Andre Dupret	4319 E. Slauson Ave. Maywood, CA 90270	(323) 562-5700 <a href="mailto:andre.dupret@cityofmaywood.org">andre.dupret@cityofmaywood.org</a>
City of Vernon	Samuel Kevin Wilson, P.E. Director of Community Services & Water	4305 Santa Fe Ave. Vernon, CA 90058	(323) 583-8811, ext. 245 <a href="mailto:kwilson@ci.vernon.ca.us">kwilson@ci.vernon.ca.us</a>
LACFCD	Gary Hildebrand	900 S. Fremont Ave. Alhambra, CA 91803	(323) 583-8811, ext. 258 <a href="mailto:carellano@ci.vernon.ca.us">carellano@ci.vernon.ca.us</a> (626) 458-4300 <a href="mailto:gildeb@dpw.lacounty.gov">gildeb@dpw.lacounty.gov</a>

DECLARATION OF LISA RAPP

CITY OF LAKEWOOD

I, Lisa Rapp, hereby declare and state as follows:

1. I am the Public Works Director of the City of Lakewood ("City"). In that capacity, I share responsibility for the compliance of the City with regard to the requirements of California Regional Water Quality Control Board, Los Angeles Region ("LARWQCB") Order No. R4-2012-0175 ("the Permit") as they apply to the City.

2. I have reviewed sections of the Permit and its attachments as set forth herein and am familiar with those provisions. I am also familiar with how the Permit changed requirements that were previously imposed on the City by the prior permit that had issued to the City by the LARWQCB in 2001 ("2001 Permit").

3. I have an understanding of the City's sources of funding for programs and activities required to comply with the Permit.

4. I make this declaration based on my own personal knowledge, except for matters set forth herein based on information and belief, and as to those matters I believe them to be true. If called upon to testify, I could and would competently to the matters set forth herein.

5. In Section 5 and Section 7 of this Test Claim, which contains exhibits to the test claim filed by the City and other permittees under the Permit, the specific sections of the Permit at issue in the test claim have been set forth. I hereby incorporate such provisions of Sections 5 and 7 into this declaration as though fully set forth herein.

6. The City has elected to participate in three Watershed Management Plans ("WMPs"), one for the Lower Los Angeles Watershed, one for the Lower San Gabriel River Watershed, and one for the Los Cerritos Channel Watershed, that are designed to address, in

whole or in part, the “Total Maximum Daily Load (TMDL)” provisions of the Permit as well other requirements of the Permit, including those set forth in this Declaration.

7. Based on my understanding of the Permit, I believe that the Permit requires the City to undertake the following programs either directly or through the mechanism of a WMP, which represent new programs and/or higher levels of service or the shifting of state responsibilities to the City, which activities were not required by the 2001 Permit and which are unique to local government entities:

8. **Implementation of TMDLs:**

(a) Part VI.E.1.c requires the permittees to “comply with the applicable water quality-based effluent limitations and/or receiving water limitations contained in Attachments L through R, consistent with the assumptions and requirements of the WLAs established in the TMDLs, including implementation plans and schedules, where provided for in the State adoption and approval of the TMDL (40 CFR 122.44(d)(1)(vii)(B); Cal. Wat. Code § 13263(a)).”

(b) Attachment K to the Permit sets forth the TMDLs with which the City must comply.

(c) Attachments L through R of the Permit set forth the requirements of each TMDL and its “waste load allocations” with which the City must comply.

(d) Part VI.B of the Permit requires the City “to comply with the [Monitoring and Reporting Program] and future revisions thereto, in Attachment E of this Order or may, in coordination with an approved Watershed Management Program per Part VI.C, implement a customized monitoring program that achieves the five Primary Objectives set forth in Part II.A of Attachment E and includes the elements set forth in Part II.E of Attachment E.”

(e) Attachment E to the Permit requires the monitoring program to include monitoring at “TMDL receiving water compliance points” and other “TMDL monitoring requirements specified in approved TMDL Monitoring Plans.” (Permit, Attachment E, Parts II.E.1 through 3 and Part V; *see also* Attachment E, Parts VI.A.1.b(iii) and (iv), VI.B.2, VI.C.1.a, VI.D.1.a, VIII.B.1.b(ii), IX.A.5, IX.C.1.a, IX.E.1.a and b, IX.G.1.b., and IX.G.2.)

(f) Based on City records, the cost to the City to comply with these TMDL requirements in Fiscal Year (FY) 2012-2013, including costs in participating in the WMP process, was \$45,000. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP and an integrated monitoring program (“IMP”) or Coordinated Integrated Monitoring Program (“CIMP”) which resulted in a Notices of Intent to participate in a WMP and CIMP. Notices of Intent were sent to the LARWQCB dated June 26, 2013; costs were incurred on and leading up to that date. Attached to that Notice is the City’s letter confirming its intent to participate. Copies of the City’s Notices are attached as Exhibit 1.

(g) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$196,769.

9. **Requirements Related to Discharge Prohibitions for Non-Stormwater:**

(a) Permit Part III.A.1 prohibits certain non-stormwater discharges through the municipal separate storm sewer system (“MS4”) to receiving waters. I have been advised that this requirement exceeds the requirements of the Clean Water Act (“CWA”).

(b) Part III.A.2 requires the City to employ best management practices (“BMPs”) for discharges from essential non-emergency firefighting activities and, with regard to unpermitted



discharges by drinking water suppliers, to work with those suppliers on the conditions of their discharges.

(c) Part III.A.4.a requires the City to develop and implement procedures covering non-permitted discharges of non-stormwater to the City's MS4 in compliance with the requirements of Part III.A.4.a.i-vi of the Permit.

(d) Part III.A.4.b requires the City to develop and implement procedures to minimize the discharge of landscape irrigation water into the MS4, including to coordinate with local water purveyors to promote water use efficiency, use of drought tolerant vegetation and use of less toxic options for pest control and landscape management and to develop and implement an outreach and education program to minimize the discharge of irrigation water and associated pollutants.

(e) Part III.A.4.c requires the City to evaluate monitoring data collected pursuant to the Permit's Monitoring and Reporting Program (Permit Attachment E) and other associated data and information to determine, among other things, if authorized or conditionally authorized non-stormwater discharges are a source of pollutants that may be causing or contributing to an exceedance of receiving water limitations and/or water quality based effluent limitations.

(f) Part III.A.4.d requires the City to take action to address such non-stormwater discharges if they are found to be such a source of pollutants, through effective prohibition, conditions, diversions or treatment. These tasks involve, among other things, meeting with non-stormwater dischargers, identifying and analyzing the nature of non-stormwater discharges, the development and implementation of discharge procedures, conducting public education efforts and evaluating monitoring data.

(g) Based on City records, the cost to the City to comply with these non-stormwater prohibition requirements in FY 2012-2013, including costs in participating in the WMP process, was \$1,000. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, which resulted in Notices of Intent dated June 26, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$1,000.

10. **Public Information Program Requirements:**

(a) Permit Part VI.D.5.a requires the City to “measurably increase” the knowledge of target audiences about the MS4, the adverse impacts of stormwater pollution on receiving waters and potential solutions to mitigate impacts, to “measurably change” waste disposal and stormwater pollution generation behavior by developing and encouraging implementation of “appropriate alternatives” and to “involve and engage a diversity of socio-economic groups and ethnic communities” to participate in stormwater pollution impact mitigation.

(b) Permit Part VI.D.5.b requires the City to implement Public Information and Participation Program activities by participating in either a County-wide, Watershed Group-sponsored or individual effort.

(c) Permit Part VI.D.5.c requires the City to provide a means for public reporting of clogged catch basin inlets and illicit discharges/dumping, faded or missing catch basin labels and general stormwater and non-stormwater pollution prevention information through a telephone hotline or in public information or government pages of the telephone book, identify staff or

Section 6: Declarations in Support of Joint Test Claim of Los Angeles County Local Agencies Concerning Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No. CAS 004001)

departments serving as contact persons and providing current, updated hotline information. The City is also required to organize events targeted to residents and population subgroups to “educate and involve the community in storm water and non-storm water pollution prevent and clean-up (e.g., education seminars, clean-ups, and community catch basin stenciling).”

(d) Permit Part VI.D.5.d requires the City to conduct stormwater pollution prevention public service announcements and advertising campaigns and provide public education materials on the proper handling of vehicle waste fluids, house, and construction waste, pesticides and fertilizers (including the use of integrated pest management practices), green waste and animal wastes. This Part further requires the City (a) to distribute public education materials at automotive parts stores, home improvement centers, lumber yards and hardware and paint stores, landscaping and gardening centers and pet shops and feed stores, and (b) to maintain stormwater websites or provide links to stormwater websites via the City’s website, which must include educational material and opportunities for public participation in stormwater pollution and cleanup activities and provide schools within the City’s jurisdiction with materials to education K-12 students on stormwater pollution. In each of these requirements, Permit Part VI.D.5.d requires the City to “use effective strategies to educate and involve ethnic communities in storm water pollution prevention through culturally effective methods.”

(e) Based on City records, the cost to the City to comply with these public information program requirements in FY 2012-2013, including costs in participating in the WMP process, was \$181,070. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, which includes an analysis of the public information program.

This staff time resulted in Notices of Intent to participate in WMPs sent to the LARWQCB dated June 26, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(f) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$369,798.

11. **Inventory and Inspections of Industrial/Commercial Sources:**

(a) Permit Part VI.D.6.b requires the City to track nurseries and nursery centers and to include various information for each facility on the inventory, including the industrial classification code, the status of exposure of materials to stormwater, the name of the receiving water, whether the facility is tributary to a waterbody listed as impaired under CWA section 303(d) where the facility generates pollutants for which the waterbody is impaired, and whether the facility has filed a "No Exposure Certification" ("NEC") with the State Water Resources Control Board ("State Board"). The City is required to update the inventory at least annually, through collection of information through field activities over from other means.

(b) Permit Part VI.D.6.d requires the City to inspect restaurants, automotive service facilities, retail gasoline outlets and nurseries and nursery centers twice during the Permit term, including an inspection within two years after the Permit's effective date. In such inspection, the City is required, among other things, to evaluate whether the source is implementing effective source control BMPs for each corresponding activity and to require implementation of additional BMPs where stormwater from the facility discharged to the MS4 discharges to a Significant Ecological Area ("SEA"), a water body subject to TMDL provisions or a CWA section 303(d) listed waterbody.

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(c) Permit Part VI.D.6.e requires the City to inspect industrial facilities, including those identified in 40 C.F.R. section 122.26(b)(14)(i-xi) and facilities identified in 40 C.F.R. section 122.26(d)(12)(iv)(C). In such inspections, the City is required to confirm that each facility has a current Waste Discharge Identification number for coverage under the State Board-issued General Industrial Activities Stormwater Permit or has applied for and received a no exposure certification, and to require implementation of additional BMPs where stormwater from the MS4 discharges to a waterbody subject to a TMDL or is a CWA section 303(d) listed impaired waterbodies. Additionally, for facilities discharging to MS4s that discharge to an SEA, the permittees, including the City, are required to require operators to implement additional pollutant-specific controls to reduce pollutants that are causing or contributing to exceedances of water quality standards.

(d) Based on City records, the cost to the City to comply with these inventory and inspection requirements in FY 2012-2013, including costs in participating in the WMP process, was \$25,986. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, which includes an analysis and customization of the inspection of industrial and commercial sources. This staff time resulted in Notices of Intent to participate in WMPs sent to the LARWQCB dated June 26, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$76,579.

12. **Post-Construction BMP Requirements:**

(a) Permit Part VI.D.7.d.iv(1)(a) requires the City to implement a GIS or other electronic system for tracking projects that are required to have post-construction BMPs, including project identification, acreage, BMP type and description, BMP locations, dates of acceptance and maintenance agreements, inspection dates and summaries and corrective action.

(b) Permit Part VI.D.7.d.iv(1)(b) requires the City to inspect all development sites upon completion of construction and before issuance of an occupancy certificate to ensure “proper installation” of Low Impact Development (“LID”) measures, structural BMPs, treatment control BMPs and hydromodification control BMPs.

(c) Permit Part VI.D.7.d.iv(1)(c) requires the City to develop a post-construction BMP checklist and to inspect at an interval of at least once every two years, City-operated post-construction BMPs to assess operations condition.

(d) Based on City records, the cost to the City to comply with these post-construction BMP requirements in FY 2012-2013, including costs in participating in the WMP process, was \$171,621. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, which includes an analysis of the planning and development program. This staff time resulted in Notices of Intent to participate in WMPs sent to the LARWQCB dated June 24, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$211,018.

13. **Construction Site Requirements:**

(a) Permit Part VI.D.8.g.i requires the City to develop an electronic system to inventory grading, encroachment, demolition, building or construction permits (or other municipal authorizations to move soil and/or construct or destruct that involves land disturbance).

(b) Permit Part VI.D.8.g.ii requires the City to complete and update an inventory containing, among other items, contact information for a project, basic site information, the proximity of all water bodies, significant threats to water quality status, current construction phase where feasible, required inspection frequency, start and anticipated completion dates, whether the project has submitted a Notice of Intent to be covered under the State Board-issued General Construction Activities Stormwater Permit ("GCASP"), whether it has obtained GCASP coverage, the date the Erosion and Sediment Control Plan ("ESCP") was approved and post-construction structural BMPs subject to operation and maintenance requirements.

(c) Permit Part VI.D.8.h requires the City to develop and implement review procedures for construction plan documents, including preparation and submittal of an appropriate ESCP, verification of GCASP or other permit coverage and other items. The Part further requires permittees, including the City, to develop and implement a checklist to conduct and document the review of each ESCP.

(d) Permit Part VI.D.8.i.i requires the City to develop and implement technical standards for the selection, installation and maintenance of construction BMPs for all such sites within the City.

(e) Permit Part VI.D.8.i.ii requires that such BMPs be tailored to the risks posed by the project, as well as in minimum conformance with standards set forth in Permit Table 15, use of

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BMPs meeting the requirements of Permit Tables 14 and 16 for construction sites equal or greater than one acre or paving projects, detailed installation designs and cut sheets for use in ESCPs and maintenance expectations for each BMP or category of BMPs.

(f) Permit Part VI.D.8.i.iv further requires that such technical standards must be “readily available” to the development community and must be “clearly referenced” within the City’s stormwater or development services website, ordinance, permit approval process and/or ESCP review forms.

(g) Permit Part VI.D.8.i.v requires local BMP technical standards to cover all items set forth in Tables 13, 14, 15 and 16 of the Permit.

(h) Permit Part VI.D.8.j requires the City to inspect all construction sites of one acre or greater in size on the frequencies set forth in the Permit, which requires inspections prior to land disturbance activities, during active construction and at the conclusion of the project and as a condition to approving and/or issuing a Certificate of Occupancy. The frequency of inspections is set in addition in Table 17 of the Permit. As part of the inspection obligations, the permittees, including the City, must develop, implement and revise as necessary standard operating procedures that identify the inspection procedures to be followed by each permittee. Additionally, during inspections, the City must verify “active coverage” under the GCASP for specified projects; review the ESCP; inspect the site to determine whether all BMPs have been selected, installed, implemented and maintained; assess the appropriateness of planned and installed BMPs, and their effectiveness; visually observe and record non-stormwater discharge, potential illicit discharges and connections and potential discharge of pollutants in stormwater runoff; develop a written or electronic inspection report generated from a field inspection



checklist; and track the number of inspections for the site to ensure that it meets the minimum requirements of Permit Table 17.

(i) Permit Part VI.D.8.i and ii requires the City to ensure training for “all staff whose primary job duties are related to implementing the construction storm water program,” including plan reviewers and permitting staff with regard to the “technical review of local erosion and sediment control ordinance, local BMP technical standards, ESCP requirements, and the key objectives of the State Water Board QSD program, erosion sediment control/storm water inspectors in inspection procedures consistent with various standards. Additionally, if outside parties conduct inspections or review plans, the City is required to ensure that such staff are trained under the same requirements.

(j) Based on City records, the cost to the City to comply with these construction site requirements in FY 2012-2013, including costs in participating in the WMP process, was \$323,563. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, which included an analysis of construction site requirements. This staff time resulted in Notices of Intent to participate in WMPs sent to the LARWQCB dated June 24, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(k) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$666,308.

14. **Public Agency Requirements:**

(a) Permit Part VI.D.9.c requires the City to maintain an “updated inventory” of all permittee-owned or operated facilities that are potential sources of stormwater pollution,

including 24 separate categories of facilities that are required to be in the inventory. The inventory must include the name and address of the facility, contact information, a narrative description of activities performed and potential pollution sources, coverage under any individual or general NPDES permits or waivers. The inventory must be updated at least once during the five-year term of the Permit with information collected through field activities or other means.

(b) Permit Part VI.D.9.d.i requires the City to develop an inventory of “retrofitting opportunities” in areas of existing development.

(c) Permit Part VI.D.9.d.ii and iii requires the City to screen existing areas of development “to identify candidate areas for retrofitting using watershed models or other screening level tools” and then evaluate and rank areas of existing development to prioritize retrofitting candidates.

(d) Permit Part VI.D.9.d.iv requires the City to consider the results of the evaluation by giving “highly feasible” projects a “high priority” to implement source control and treatment control BMPs in the their Storm Water Management Plan (“SWMP”) and consider high priority retrofit projects as candidates for off-site mitigation for new development and redevelopment projects.

(e) Permit Part VI.D.9.d.v requires the City to cooperate with private landowners to “encourage site specific retrofitting projects.” In such cooperation, demonstration retrofit projects, retrofits on public lands and easements, education and outreach, subsidies for retrofit projects, requiring retrofit projects as enforcement, mitigation or ordinance compliance, public and private partnerships, fees for existing discharges to the MS4 and reduction of such fees for retrofit implementation must be considered.

(f) Permit Part VI.D.9.g.ii requires the City to implement an Integrated Pest Management (“IPM”) program, including restrictions on the use of pesticides, restricting treatments only to remove the target organism, selection of pest controls that minimize risks to human health, “beneficial non-target organisms” and the environment, partnering with other agencies and organizations to “encourage” the use of IPM and adopt and “verifiably implement” policies, procedures and/or ordinances requiring the minimization of pesticide use and encouraging the use of IPM techniques for public agency facilities and activities. Additionally, the City must commit and schedule to reduce the use of pesticides that cause impairments of surface waters by preparing and updating annually an inventory of pesticides, quantify pesticide use by staff and contractors and demonstrate implementation of IPM alternatives where feasible to reduce pesticide use.

(g) Permit Part VI.D.9.h.vii requires permittees in areas not subject to a Trash TMDL, to install trash excluders, or equivalent devices, on or in catch basins or outfalls, except where such installation would cause flooding, unless lack of maintenance that causes the flooding. Permittees, including the City, may also employ alternative or enhanced BMPs that “provide substantially equivalent removal of trash.” If alternative means are employed, the City must demonstrate that such BMPs “provide equivalent trash removal performance as excluders.”

(h) Permit Part VI.D.9.k.ii requires the City to train all employees and contractors “who use or have the potential to use pesticides or fertilizers” that address the potential for pesticide-related surface water toxicity, in the proper use, handling, and disposal of pesticides, least toxic methods of pest prevention and control, including IPM and the reduction of pesticide use.

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(i) Based on City records, the cost to the City to comply with these public agency requirements in FY 2012-2013, including costs in participating in the WMP process, was \$93,463. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, which included an analysis of these public agency activities. This staff time resulted in Notices of Intent to participate in WMPs sent to the LARWQCB dated June 24, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(j) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$233,474.

15. **Illicit Connection and Discharge Requirements:**

(a) Permit Part VI.D.10.d.iii requires the City to “ensure that signage adjacent to open channels . . . include information regarding dumping prohibitions and public reporting of illicit discharges.”

(b) Permit Part VI.D.10.d.iv requires the City to develop and maintain written procedures that document how complaint calls are received, documented and tracked “to ensure that all complaints are adequately addressed.” Such procedures must be “evaluated to determine whether changes or updates are needed to ensure that the procedures adequately document the methods employed by the Permittee.”

(c) Permit Part VI.D.10.d.v requires the City to maintain documentation of complaint calls and to record the location of the reported spill or illicit discharge and the action undertaken in response.

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Concerning Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No. CAS 004001)

(d) Permit Part VI.D.10.e.i requires, in pertinent part, that the City implement a “spill response plan” for all sewage and other spills that may discharge into its MS4.

(e) Permit Part VI.D.10.e.i(1) requires that the plan must identify agencies responsible for spill response and cleanup, phone numbers and e-mail addresses for contacts and shall further address coordination with spill response teams “throughout all appropriate departments, programs and agencies so that maximum water quality protection is provided.”

(f) Permit Part VI.D.10.e.i(3) and (4) requires the City to respond to spills for containment within four hours of become aware of the spill, or if on private property, within two hours of gaining legal access to the property and reporting of spills that may endanger health or the environment to appropriate public health agencies and the Office of Emergency Services (“OES”).

(g) The City incurred costs for staff time in analyzing and deciding whether to implement an WMP, which includes an analysis of the Permit’s illicit connection and discharge requirements. Those efforts resulted in the City submitting to the LARWQCB Letters of Intent, dated June 26, 2013 (Exhibit 1 attached hereto), to participate in WMPs; costs for staff time were incurred on and leading up to that date.

16. I am informed and believe that there are no dedicated state, federal or regional funds that are or will be available to pay for any of the new and/or upgraded programs and activities set forth in this Declaration. Except for a modest fee for LID inspections related to new developments, I am not aware of any other fee or tax that the City would have the discretion to impose under California law to recover any portion of the cost of these programs and activities.

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Concerning Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No. CAS 004001)

17. The City has filed a joint test claim with 22 other cities. The Cities agree on all issues of the test claim.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 18<sup>th</sup> day of October, 2017, at Lakewood, California.

  
\_\_\_\_\_  
Lisa A. Rapp

## EXHIBIT 1



June 26, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

**LETTER OF INTENT TO PARTICIPATE IN THE DEVELOPMENT OF A WATERSHED MANAGEMENT PROGRAM (WMP) AND COORDINATED INTEGRATED MONITORING PROGRAM (CIMP) IN COOPERATION WITH THE LOWER SAN GABRIEL RIVER WATERSHED GROUP**

Dear Mr. Unger:

The City of Lakewood submits this Letter of Intent as our written notification to participate and share the cost for the development of a Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) for the Lower San Gabriel River Watershed and to satisfy the CIMP notification requirement of Section IV.C.1 of Attachment E of Order No. R4-2012-0175 (MS4 Permit). The Lower San Gabriel River Watershed Group is comprised of the following permittees: Artesia, Bellflower, Cerritos, Diamond Bar, Downey, Hawaiian Gardens, La Mirada, Lakewood, Long Beach, Norwalk, Pico Rivera, Santa Fe Springs, Whittier and the Los Angeles County Flood Control District.

While maintaining the 18 month schedule for development of the WMP, the Lower San Gabriel River Watershed Group intends to continue to evaluate and consider the Enhanced-WMP (EWMP) option. If the group decides to develop an EWMP prior to the December 28, 2013 deadline, your office will be notified in a separate letter prior to any such change.

At their meeting on June 25, 2013, the City Council authorized the submittal of this letter of intent. In addition, the City Council has approved a draft Green Streets Policy Manual and draft Low Impact Development (LID) Ordinance.

If you have any questions, please contact Konya Vivanti, Sr. Management Analyst at (562) 866-9771 ext. 2507.

Sincerely,

  
Howard L. Chambers  
City Manager

Lakewood



June 26, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

**LETTER OF INTENT TO PARTICIPATE IN THE DEVELOPMENT OF A  
WATERSHED MANAGEMENT PROGRAM (WMP) AND COORDINATED  
INTEGRATED MONITORING PROGRAM (CIMP) IN COOPERATION WITH THE  
LOWER LOS ANGELES RIVER WATERSHED GROUP**

Dear Mr. Unger;

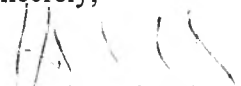
The City of Lakewood submits this Letter of Intent as our written notification to participate and share the cost for the development of a Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) for the Lower Los Angeles River Watershed and to satisfy the CIMP notification requirement of Section IV.C.1 of Attachment E of Order No. R4-2012-0175 (MS4 Permit). The Los Angeles Lower Los Angeles River Watershed Group is comprised of the following Permittees: Downey, Lakewood, Long Beach, Lynwood, Paramount, City of Pico Rivera, City of Signal Hill, City of South Gate and the Los Angeles Flood Control District.

While maintaining the 18 month schedule for development of the WMP, the Lower Los Angeles River Watershed Group intends to continue to evaluate and consider the Enhanced-WMP (EWMP) option. If the group decides to develop an EWMP prior to the December 28, 2013 deadline, your office will be notified in a separate letter prior to any such change.

At their meeting on June 25, 2013, the City council authorized the submittal of this letter of intent. In addition, the City Council has approved a draft Green Streets Policy Manual and draft Low Impact Development (LID) Ordinance.

If you have any questions, please contact Ms. Konya Vivanti, Sr. Management Analyst at (562) 866-9771 ext. 2507 or [kvivanti@lakewoodcity.org](mailto:kvivanti@lakewoodcity.org).

Sincerely,

  
Howard L. Chambers  
City Manager

DECLARATION OF STEPHANIE KATSOULEAS, P.E.

CITY OF MANHATTAN BEACH

I, Stephanie Katsouleas, P.E., hereby declare and state as follows:

1. I am Director of Public Works for the City of Manhattan Beach (“City”). In that capacity, I share responsibility for the compliance of the City with regard to the requirements of California Regional Water Quality Control Board, Los Angeles Region (“LARWQCB”) Order No. R4-2012-0175 (“the Permit”) as they apply to the City.

2. I have reviewed sections of the Permit and its attachments as set forth herein and am familiar with those provisions. I am also familiar with how the Permit changed requirements that were previously imposed on the City by the prior permit that had issued to the City by the LARWQCB in 2001 (“2001 Permit”).

3. I have an understanding of the City’s sources of funding for programs and activities required to comply with the Permit.

4. I make this declaration based on my own personal knowledge, except for matters set forth herein based on information and belief, and as to those matters I believe them to be true. If called upon to testify, I could and would competently to the matters set forth herein.

5. In Section 5 and Section 7 of this Test Claim, which contains exhibits to the test claim filed by the City and other permittees under the Permit, the specific sections of the Permit at issue in the test claim have been set forth. I hereby incorporate such provisions of Sections 5 and 7 into this declaration as though fully set forth herein.

6. The City has elected to participate in an Enhanced Watershed Management Plan (“EWMP”) that is designed to address, in whole or in part, the “Total Maximum Daily Load

(TMDL”)” provisions of the Permit as well other requirements of the Permit, including those set forth in this Declaration.

7. Based on my understanding of the Permit, I believe that the Permit requires the City to undertake the following programs either directly or through the mechanism of a EWMP, which represent new programs and/or higher levels of service or the shifting of state responsibilities to the City, which activities were not required by the 2001 Permit and which are unique to local government entities:

8. **Implementation of TMDLs:**

(a) Part VI.E.1.c requires the permittees to “comply with the applicable water quality-based effluent limitations and/or receiving water limitations contained in Attachments L through R, consistent with the assumptions and requirements of the WLAs established in the TMDLs, including implementation plans and schedules, where provided for in the State adoption and approval of the TMDL (40 CFR 122.44(d)(1)(vii)(B); Cal. Wat. Code § 13263(a)).”

(b) Attachment K to the Permit sets forth the TMDLs with which the City must comply.

(c) Attachments L through R of the Permit set forth the requirements of each TMDL and its “waste load allocations” with which the City must comply.

(d) Part VI.B of the Permit requires the City “to comply with the [Monitoring and Reporting Program] and future revisions thereto, in Attachment E of this Order or may, in coordination with an approved Watershed Management Program per Part VI.C, implement a customized monitoring program that achieves the five Primary Objectives set forth in Part II.A of Attachment E and includes the elements set forth in Part II.E of Attachment E.”

(e) Attachment E to the Permit requires the monitoring program to include monitoring at “TMDL receiving water compliance points” and other “TMDL monitoring requirements specified in approved TMDL Monitoring Plans.” (Permit, Attachment E, Parts II.E.1 through 3 and Part V; *see also* Attachment E, Parts VI.A.1.b(iii) and (iv), VI.B.2, VI.C.1.a, VI.D.1.a, VIII.B.1.b(ii), IX.A.5, IX.C.1.a, IX.E.1.a and b, IX.G.1.b, and IX.G.2.)

(f) Based on City records, the cost to the City to comply with these TMDL requirements in Fiscal Year (FY) 2012-2013, including costs in participating in the EWMP process, was \$24,445. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement an EWMP and an integrated monitoring program (“IMP”) or Coordinated Integrated Monitoring Program (“CIMP”) which resulted in a Letter of Intent to participate in an EWMP and CIMP. The Letter of Intent is dated June 25, 2013; costs were incurred on and leading up to that date. A copy of the City’s letter is attached as Exhibit 1.

(g) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$87,645.

9. **Requirements Related to Discharge Prohibitions for Non-Stormwater:**

(a) Permit Part III.A.1 prohibits certain non-stormwater discharges through the municipal separate storm sewer system (“MS4”) to receiving waters. I have been advised that this requirement exceeds the requirements of the Clean Water Act (“CWA”).

(b) Part III.A.2 requires the City to employ best management practices (“BMPs”) for discharges from essential non-emergency firefighting activities and, with regard to unpermitted

discharges by drinking water suppliers, to work with those suppliers on the conditions of their discharges.

(c) Part III.A.4.a requires the City to develop and implement procedures covering non-permitted discharges of non-stormwater to the City's MS4 in compliance with the requirements of Part III.A.4.a.i-vi of the Permit.

(d) Part III.A.4.b requires the City to develop and implement procedures to minimize the discharge of landscape irrigation water into the MS4, including to coordinate with local water purveyors to promote water use efficiency, use of drought tolerant vegetation and use of less toxic options for pest control and landscape management and to develop and implement an outreach and education program to minimize the discharge of irrigation water and associated pollutants.

(e) Part III.A.4.c requires the City to evaluate monitoring data collected pursuant to the Permit's Monitoring and Reporting Program (Permit Attachment E) and other associated data and information to determine, among other things, if authorized or conditionally authorized non-stormwater discharges are a source of pollutants that may be causing or contributing to an exceedance of receiving water limitations and/or water quality based effluent limitations.

(f) Part III.A.4.d requires the City to take action to address such non-stormwater discharges if they are found to be such a source of pollutants, through effective prohibition, conditions, diversions or treatment. These tasks involve, among other things, meeting with non-stormwater dischargers, identifying and analyzing the nature of non-stormwater discharges, the development and implementation of discharge procedures, conducting public education efforts and evaluating monitoring data.

(g) The City incurred staff time in analyzing and deciding whether to implement an EWMP, which includes an analysis of the non-stormwater discharge program. This staff time resulted in a Letter of Intent to participate in a EWMP sent to the LARWQCB dated June 25, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date. I cannot currently quantify those costs.

(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$6,042.

10. **Public Information Program Requirements:**

(a) Permit Part VI.D.5.a requires the City to “measurably increase” the knowledge of target audiences about the MS4, the adverse impacts of stormwater pollution on receiving waters and potential solutions to mitigate impacts, to “measurably change” waste disposal and stormwater pollution generation behavior by developing and encouraging implementation of “appropriate alternatives” and to “involve and engage a diversity of socio-economic groups and ethnic communities” to participate in stormwater pollution impact mitigation.

(b) Permit Part VI.D.5.b requires the City to implement Public Information and Participation Program activities by participating in either a County-wide, Watershed Group-sponsored or individual effort.

(c) Permit Part VI.D.5.c requires the City to provide a means for public reporting of clogged catch basin inlets and illicit discharges/dumping, faded or missing catch basin labels and general stormwater and non-stormwater pollution prevention information through a telephone hotline or in public information or government pages of the telephone book, identify staff or departments serving as contact persons and providing current, updated hotline information. The City is also

required to organize events targeted to residents and population subgroups to “educate and involve the community in storm water and non-storm water pollution prevent and clean-up (e.g., education seminars, clean-ups, and community catch basin stenciling).”

(d) Permit Part VI.D.5.d requires the City to conduct stormwater pollution prevention public service announcements and advertising campaigns and provide public education materials on the proper handling of vehicle waste fluids, house, and construction waste, pesticides and fertilizers (including the use of integrated pest management practices), green waste and animal wastes. This Part further requires the City (a) to distribute public education materials at automotive parts stores, home improvement centers, lumber yards and hardware and paint stores, landscaping and gardening centers and pet shops and feed stores, and (b) to maintain stormwater websites or provide links to stormwater websites via the City’s website, which must include educational material and opportunities for public participation in stormwater pollution and cleanup activities and provide schools within the City’s jurisdiction with materials to education K-12 students on stormwater pollution. In each of these requirements, Permit Part VID.5.d requires the City to “use effective strategies to educate and involve ethnic communities in storm water pollution prevention through culturally effective methods.”

(e) Based on City records, the cost to the City to comply with these public information program requirements in FY 2012-2013, including costs in participating in the EWMP process, was \$5,897. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. Those costs included costs for staff time in analyzing and deciding whether to implement an EWMP, which includes an analysis of the public information program.

This staff time resulted in a Letter of Intent to participate in an EWMP sent to the LARWQCB dated June 25, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(f) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$8,198.

11. **Inventory and Inspections of Industrial/Commercial Sources:**

(a) Permit Part VI.D.6.b requires the City to track nurseries and nursery centers and to include various information for each facility on the inventory, including the industrial classification code, the status of exposure of materials to stormwater, the name of the receiving water, whether the facility is tributary to a waterbody listed as impaired under CWA section 303(d) where the facility generates pollutants for which the waterbody is impaired, and whether the facility has filed a “No Exposure Certification” (“NEC”) with the State Water Resources Control Board (“State Board”). The City is required to update the inventory at least annually, through collection of information through field activities over from other means.

(b) Permit Part VI.D.6.d requires the City to inspect restaurants, automotive service facilities, retail gasoline outlets and nurseries and nursery centers twice during the Permit term, including an inspection within two years after the Permit’s effective date. In such inspection, the City is required, among other things, to evaluate whether the source is implementing effective source control BMPs for each corresponding activity and to require implementation of additional BMPs where stormwater from the facility discharged to the MS4 discharges to a Significant Ecological Area (“SEA”), a water body subject to TMDL provisions or a CWA section 303(d) listed waterbody.



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(c) Permit Part VI.D.6.e requires the City to inspect industrial facilities, including those identified in 40 C.F.R. section 122.26(b)(14)(i-xi) and facilities identified in 40 C.F.R. section 122.26(d)(12)(iv)(C). In such inspections, the City is required to confirm that each facility has a current Waste Discharge Identification number for coverage under the State Board-issued General Industrial Activities Stormwater Permit or has applied for and received a no exposure certification, and to require implementation of additional BMPs where stormwater from the MS4 discharges to a waterbody subject to a TMDL or is a CWA section 303(d) listed impaired waterbodies. Additionally, for facilities discharging to MS4s that discharge to an SEA, the permittees, including the City, are required to require operators to implement additional pollutant-specific controls to reduce pollutants that are causing or contributing to exceedances of water quality standards.

(d) Based on City records, the cost to the City to comply with these inventory and inspection requirements in FY 2012-2013, including costs in participating in the EWMP process, was \$62,000. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement an EWMP, which includes an analysis and customization of the inspection of industrial and commercial sources. This staff time resulted in a Letter of Intent to participate in an EWMP sent to the LARWQCB dated June 25, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$63,860.

12. **Post-Construction BMP Requirements:**

(a) Permit Part VI.D.7.d.iv(1)(a) requires the City to implement a GIS or other electronic system for tracking projects that are required to have post-construction BMPs, including project identification, acreage, BMP type and description, BMP locations, dates of acceptance and maintenance agreements, inspection dates and summaries and corrective action.

(b) Permit Part VI.D.7.d.iv(1)(b) requires the City to inspect all development sites upon completion of construction and before issuance of an occupancy certificate to ensure “proper installation” of Low Impact Development (“LID”) measures, structural BMPs, treatment control BMPs and hydromodification control BMPs.

(c) Permit Part VI.D.7.d.iv(1)(c) requires the City to develop a post-construction BMP checklist and to inspect at an interval of at least once every two years, City-operated post-construction BMPs to assess operations condition.

(d) Based on City records, the cost to the City to comply with these post-construction BMP requirements in FY 2012-2013, including costs in participating in the EWMP process, was \$4,370. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement an EWMP, which includes an analysis of the planning and development program. This staff time resulted in a Letter of Intent to participate in an EWMP sent to the LARWQCB dated June 25, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$4,904.

13. **Construction Site Requirements:**

(a) Permit Part VI.D.8.g.i requires the City to develop an electronic system to inventory grading, encroachment, demolition, building or construction permits (or other municipal authorizations to move soil and/or construct or destruct that involves land disturbance).

(b) Permit Part VI.D.8.g.ii requires the City to complete and update an inventory containing, among other items, contact information for a project, basic site information, the proximity of all water bodies, significant threats to water quality status, current construction phase where feasible, required inspection frequency, start and anticipated completion dates, whether the project has submitted a Notice of Intent to be covered under the State Board-issued General Construction Activities Stormwater Permit (“GCASP”), whether it has obtained GCASP coverage, the date the Erosion and Sediment Control Plan (“ESCP”) was approved and post-construction structural BMPs subject to operation and maintenance requirements.

(c) Permit Part VI.D.8.h requires the City to develop and implement review procedures for construction plan documents, including preparation and submittal of an appropriate ESCP, verification of GCASP or other permit coverage and other items. The Part further requires permittees, including the City, to develop and implement a checklist to conduct and document the review of each ESCP.

(d) Permit Part VI.D.8.i.i requires the City to develop and implement technical standards for the selection, installation and maintenance of construction BMPs for all such sites within the City.

(e) Permit Part VI.D.8.i.ii requires that such BMPs be tailored to the risks posed by the project, as well as in minimum conformance with standards set forth in Permit Table 15, use of

BMPs meeting the requirements of Permit Tables 14 and 16 for construction sites equal or greater than one acre or paving projects, detailed installation designs and cut sheets for use in ESCPs and maintenance expectations for each BMP or category of BMPs.

(f) Permit Part VI.D.8.i.iv further requires that such technical standards must be “readily available” to the development community and must be “clearly referenced” within the City’s stormwater or development services website, ordinance, permit approval process and/or ESCP review forms.

(g) Permit Part VI.D.8.i.v requires local BMP technical standards to cover all items set forth in Tables 13, 14, 15 and 16 of the Permit.

(h) Permit Part VI.D.8.j requires the City to inspect all construction sites of one acre or greater in size on the frequencies set forth in the Permit, which requires inspections prior to land disturbance activities, during active construction and at the conclusion of the project and as a condition to approving and/or issuing a Certificate of Occupancy. The frequency of inspections is set in addition in Table 17 of the Permit. As part of the inspection obligations, the permittees, including the City, must develop, implement and revise as necessary standard operating procedures that identify the inspection procedures to be followed by each permittee. Additionally, during inspections, the City must verify “active coverage” under the GCASP for specified projects; review the ESCP; inspect the site to determine whether all BMPs have been selected, installed, implemented and maintained; assess the appropriateness of planned and installed BMPs, and their effectiveness; visually observe and record non-stormwater discharge, potential illicit discharges and connections and potential discharge of pollutants in stormwater runoff; develop a written or

electronic inspection report generated from a field inspection checklist; and track the number of inspections for the site to ensure that it meets the minimum requirements of Permit Table 17.

(i) Permit Part VI.D.8.1.i and ii requires the City to ensure training for “all staff whose primary job duties are related to implementing the construction storm water program,” including plan reviewers and permitting staff with regard to the “technical review of local erosion and sediment control ordinance, local BMP technical standards, ESCP requirements, and the key objectives of the State Water Board QSD program, erosion sediment control/storm water inspectors in inspection procedures consistent with various standards. Additionally, if outside parties conduct inspections or review plans, the City is required to ensure that such staff are trained under the same requirements.

(j) The City incurred staff time in analyzing and deciding whether to implement an EWMP, which includes construction site requirements. This staff time resulted in a Letter of Intent to participate in a EWMP sent to the LARWQCB dated June 25, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date. I cannot currently quantify those costs.

(k) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$0.

14. **Public Agency Requirements:**

(a) Permit Part VI.D.9.c requires the City to maintain an “updated inventory” of all permittee-owned or operated facilities that are potential sources of stormwater pollution, including 24 separate categories of facilities that are required to be in the inventory. The inventory must include the name and address of the facility, contact information, a narrative description of activities performed and potential pollution sources, coverage under any individual or general

NPDES permits or waivers. The inventory must be updated at least once during the five-year term of the Permit with information collected through field activities or other means.

(b) Permit Part VI.D.9.d.i requires the City to develop an inventory of “retrofitting opportunities” in areas of existing development.

(c) Permit Part VI.D.9.d.ii and iii requires the City to screen existing areas of development “to identify candidate areas for retrofitting using watershed models or other screening level tools” and then evaluate and rank areas of existing development to prioritize retrofitting candidates.

(d) Permit Part VI.D.9.d.iv requires the City to consider the results of the evaluation by giving “highly feasible” projects a “high priority” to implement source control and treatment control BMPs in the their Storm Water Management Plan (“SWMP”) and consider high priority retrofit projects as candidates for off-site mitigation for new development and redevelopment projects.

(e) Permit Part VI.D.9.d.v requires the City to cooperate with private landowners to “encourage site specific retrofitting projects.” In such cooperation, demonstration retrofit projects, retrofits on public lands and easements, education and outreach, subsidies for retrofit projects, requiring retrofit projects as enforcement, mitigation or ordinance compliance, public and private partnerships, fees for existing discharges to the MS4 and reduction of such fees for retrofit implementation must be considered.

(f) Permit Part VI.D.9.g.ii requires the City to implement an Integrated Pest Management (“IPM”) program, including restrictions on the use of pesticides, restricting treatments only to remove the target organism, selection of pest controls that minimize risks to human health, “beneficial non-target organisms” and the environment, partnering with other agencies and

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organizations to “encourage” the use of IPM and adopt and “verifiably implement” policies, procedures and/or ordinances requiring the minimization of pesticide use and encouraging the use of IPM techniques for public agency facilities and activities. Additionally, the City must commit and schedule to reduce the use of pesticides that cause impairments of surface waters by preparing and updating annually an inventory of pesticides, quantify pesticide use by staff and contractors and demonstrate implementation of IPM alternatives where feasible to reduce pesticide use.

(g) Permit Part VI.D.9.h.vii requires permittees in areas not subject to a Trash TMDL, to install trash excluders, or equivalent devices, on or in catch basins or outfalls, except where such installation would cause flooding, unless lack of maintenance that causes the flooding. Permittees, including the City, may also employ alternative or enhanced BMPs that “provide substantially equivalent removal of trash.” If alternative means are employed, the City must demonstrate that such BMPs “provide equivalent trash removal performance as excluders.”

(h) Permit Part VI.D.9.k.ii requires the City to train all employees and contractors “who use or have the potential to use pesticides or fertilizers” that address the potential for pesticide-related surface water toxicity, in the proper use, handling, and disposal of pesticides, least toxic methods of pest prevention and control, including IPM and the reduction of pesticide use.

(i) Based on City records, the cost to the City to comply with these public agency requirements in FY 2012-2013, including costs in participating in the EWMP process, was \$32,000. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement an EWMP, which included an analysis of these public agency activities.

This staff time resulted in a Letter of Intent to participate in an EWMP sent to the LARWQCB dated June 25, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(j) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$4,645.

15. **Illicit Connection and Discharge Requirements:**

(a) Permit Part VI.D.10.d.iii requires the City to “ensure that signage adjacent to open channels . . . include information regarding dumping prohibitions and public reporting of illicit discharges.”

(b) Permit Part VI.D.10.d.iv requires the City to develop and maintain written procedures that document how complaint calls are received, documented and tracked “to ensure that all complaints are adequately addressed.” Such procedures must be “evaluated to determine whether changes or updates are needed to ensure that the procedures adequately document the methods employed by the Permittee.”

(c) Permit Part VI.D.10.d.v requires the City to maintain documentation of complaint calls and to record the location of the reported spill or illicit discharge and the action undertaken in response.

(d) Permit Part VI.D.10.e.i requires, in pertinent part, that the City implement a “spill response plan” for all sewage and other spills that may discharge into its MS4.

(e) Permit Part VI.D.10.e.i(1) requires that the plan must identify agencies responsible for spill response and cleanup, phone numbers and e-mail addresses for contacts and shall further address coordination with spill response teams “throughout all appropriate departments, programs and agencies so that maximum water quality protection is provided.”



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(f) Part VI.D.10.e.i(3) and (4) requires the City to respond to spills for containment within four hours of become aware of the spill, or if on private property, within two hours of gaining legal access to the property and reporting of spills that may endanger health or the environment to appropriate public health agencies and the Office of Emergency Services (“OES”).

(g) Based on City records, the cost to the City to comply with these illicit connection and discharge requirements in FY 2012-2013, including costs in participating in the EWMP process, was \$3,000. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement an EWMP, which included an analysis of these illicit connection and discharge requirements. This staff time resulted in a Letter of Intent to participate in an EWMP sent to the LARWQCB dated June 25, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$0.

16. I am informed and believe that there are no dedicated state, federal or regional funds that are or will be available to pay for any of the new and/or upgraded programs and activities set forth in this Declaration. I am not aware of any other fee or tax that the City would have the discretion to impose under California law to recover any portion of the cost of these programs and activities.

17. The City has filed a joint test claim with 22 other cities. The Cities agree on all issues of the test claim.

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I declare under penalty of perjury under the laws of the State of California that the  
foregoing is true and correct.

Executed this 17<sup>th</sup> day of October, 2017, at Manhattan Beach, California.

  
Stephanie Katsouleas, P.E.

## EXHIBIT 1



# City of Manhattan Beach

## Management Services

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Phone: (310) 802-5050  
FAX: (310) 802-5051  
TDD: (310) 546-3501

June 25, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

### **Letter of Intent to Develop an Enhanced Watershed Management Program and Coordinated Integrated Monitoring Program in Collaboration with the Beach Cities Watershed Management Group**

Dear Mr. Unger;

The City of Manhattan Beach, with this letter, commits to collaborate with the Beach Cities Watershed Management Group in the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program in accordance with the new MS4 Permit by Order No. R4-2012-0175 for submission to your Board. The Beach Cities Watershed Management Group includes: the City of Redondo Beach, the City of Manhattan Beach, the City of Hermosa Beach, the City of Torrance and the Los Angeles County Flood Control District. The CIMP will address all of the required monitoring elements in the MS4 Permit for each of the watersheds to which the City is tributary.

The City of Manhattan Beach further commits to cost share the development of both the Enhanced Watershed Management Program (EWMP) and the Coordinated Integrated Monitoring Program. A cost sharing formula and draft memorandum of agreement has been negotiated among participating representatives of the Group as to the equitable distribution of costs and responsibilities.

Should you have any questions, please contact Raul Saenz at (310) 802-5315.

Sincerely,

---

David N. Carmany  
City Manager

DECLARATION OF ADRIANA FIGUEROA

CITY OF NORWALK

I, Adriana Figueroa, hereby declare and state as follows:

1. I am an employ of the City of Norwalk (“City”). In that capacity, I share responsibility for the compliance of the City with regard to the requirements of California Regional Water Quality Control Board, Los Angeles Region (“LARWQCB”) Order No. R4-2012-0175 (“the Permit”) as they apply to the City.

2. I have reviewed sections of the Permit and its attachments as set forth herein and am familiar with those provisions. I am also familiar with how the Permit changed requirements that were previously imposed on the City by the prior permit that had issued to the City by the LARWQCB in 2001 (“2001 Permit”).

3. I have an understanding of the City’s sources of funding for programs and activities required to comply with the Permit.

4. I make this declaration based on my own personal knowledge, except for matters set forth herein based on information and belief, and as to those matters I believe them to be true. If called upon to testify, I could and would competently to the matters set forth herein.

5. In Section 5 and Section 7 of this Test Claim, which contains exhibits to the test claim filed by the City and other permittees under the Permit, the specific sections of the Permit at issue in the test claim have been set forth. I hereby incorporate such provisions of Sections 5 and 7 into this declaration as though fully set forth herein.

6. The City has elected to participate in a Watershed Management Plan (“WMP”) that is designed to address, in whole or in part, the “Total Maximum Daily Load (TMDL)” provisions of the Permit as well other requirements of the Permit, including those set forth in this Declaration.

7. Based on my understanding of the Permit, I believe that the Permit requires the City to undertake the following programs either directly or through the mechanism of a WMP, which represent new programs and/or higher levels of service or the shifting of state responsibilities to the City, which activities were not required by the 2001 Permit and which are unique to local government entities:

8. **Implementation of TMDLs:**

(a) Part VI.E.1.c requires the permittees to “comply with the applicable water quality-based effluent limitations and/or receiving water limitations contained in Attachments L through R, consistent with the assumptions and requirements of the WLAs established in the TMDLs, including implementation plans and schedules, where provided for in the State adoption and approval of the TMDL (40 CFR 122.44(d)(1)(vii)(B); Cal. Wat. Code § 13263(a)).”

(b) Attachment K to the Permit sets forth the TMDLs with which the City must comply.

(c) Attachments L through R of the Permit set forth the requirements of each TMDL and its “waste load allocations” with which the City must comply.

(d) Part VI.B of the Permit requires the City “to comply with the [Monitoring and Reporting Program] and future revisions thereto, in Attachment E of this Order or may, in coordination with an approved Watershed Management Program per Part VI.C, implement a customized monitoring program that achieves the five Primary Objectives set forth in Part II.A of Attachment E and includes the elements set forth in Part II.E of Attachment E.”

(e) Attachment E to the Permit requires the monitoring program to include monitoring at “TMDL receiving water compliance points” and other “TMDL monitoring requirements specified in approved TMDL Monitoring Plans.” (Permit, Attachment E, Parts II.E.1 through 3 and Part V;

*see also* Attachment E, Parts VI.A.1.b.(iii) and (iv), VI.B.2, VI.C.1.a, VI.D.1.a, VIII.B.1.b(ii), IX.A.5, IX.C.1.a, IX.E.1.a and b, IX.G.1.b, and IX.G.2.)

(f) Based on City records, the cost to the City to comply with these TMDL requirements in Fiscal Year (FY) 2012-2013, including costs in participating in the WMP/EWMP process, was \$344,859. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP and an Integrated Monitoring Program (“IMP”) or Coordinated Integrated Monitoring Program (“CIMP”) which resulted in a Letter of Intent to participate in a WMP and CIMP. The Letter of Intent was sent to the LARWQCB dated June 24, 2013; costs were incurred on and leading up to that date. A copy of the City’s Letter of Intent is attached as Exhibit 1.

(g) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$806,754.

9. **Requirements Related to Discharge Prohibitions for Non-Stormwater:**

(a) Permit Part III.A.1 prohibits certain non-stormwater discharges through the municipal separate storm sewer system (“MS4”) to receiving waters. I have been advised that this requirement exceeds the requirements of the Clean Water Act (“CWA”).

(b) Part III.A.2 requires the City to employ best management practices (“BMPs”) for discharges from essential non-emergency firefighting activities and, with regard to unpermitted discharges by drinking water suppliers, to work with those suppliers on the conditions of their discharges.

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(c) Part III.A.4.a requires the City to develop and implement procedures covering non-permitted discharges of non-stormwater to the City's MS4 in compliance with the requirements of Part III.A.4.a.i-vi of the Permit.

(d) Part III.A.4.b requires the City to develop and implement procedures to minimize the discharge of landscape irrigation water into the MS4, including to coordinate with local water purveyors to promote water use efficiency, use of drought tolerant vegetation and use of less toxic options for pest control and landscape management and to develop and implement an outreach and education program to minimize the discharge of irrigation water and associated pollutants.

(e) Part III.A.4.c requires the City to evaluate monitoring data collected pursuant to the Permit's Monitoring and Reporting Program (Permit Attachment E) and other associated data and information to determine, among other things, if authorized or conditionally authorized non-stormwater discharges are a source of pollutants that may be causing or contributing to an exceedance of receiving water limitations and/or water quality based effluent limitations.

(f) Part III.A.4.d requires the City to take action to address such non-stormwater discharges if they are found to be such a source of pollutants, through effective prohibition, conditions, diversions or treatment. These tasks involve, among other things, meeting with non-stormwater dischargers, identifying and analyzing the nature of non-stormwater discharges, the development and implementation of discharge procedures, conducting public education efforts and evaluating monitoring data.

(g) Based on City records, the cost to the City to comply with these non-stormwater prohibition requirements in FY 2012-2013, including costs in participating in the WMP process, was \$1,000. These costs were first incurred by the City in January 2013, upon or shortly after the



Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, which resulted in a Letter of Intent dated June 24, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$1,000.

10. **Public Information Program Requirements:**

(a) Permit Part VI.D.5.a requires the City to “measurably increase” the knowledge of target audiences about the MS4, the adverse impacts of stormwater pollution on receiving waters and potential solutions to mitigate impacts, to “measurably change” waste disposal and stormwater pollution generation behavior by developing and encouraging implementation of “appropriate alternatives” and to “involve and engage a diversity of socio-economic groups and ethnic communities” to participate in stormwater pollution impact mitigation.

(b) Permit Part VI.D.5.b requires the City to implement Public Information and Participation Program activities by participating in either a County-wide, Watershed Group-sponsored or individual effort.

(c) Permit Part VI.D.5.c requires the City to provide a means for public reporting of clogged catch basin inlets and illicit discharges/dumping, faded or missing catch basin labels and general stormwater and non-stormwater pollution prevention information through a telephone hotline or in public information or government pages of the telephone book, identify staff or departments serving as contact persons and providing current, updated hotline information. The City is also required to organize events targeted to residents and population subgroups to “educate and involve

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the community in storm water and non-storm water pollution prevent and clean-up (e.g., education seminars, clean-ups, and community catch basin stenciling).”

(d) Permit Part VI.D.5.d requires the City to conduct stormwater pollution prevention public service announcements and advertising campaigns and provide public education materials on the proper handling of vehicle waste fluids, house, and construction waste, pesticides and fertilizers (including the use of integrated pest management practices), green waste and animal wastes. This Part further requires the City (a) to distribute public education materials at automotive parts stores, home improvement centers, lumber yards and hardware and paint stores, landscaping and gardening centers and pet shops and feed stores, and (b) to maintain stormwater websites or provide links to stormwater websites via the City’s website, which must include educational material and opportunities for public participation in stormwater pollution and cleanup activities and provide schools within the City’s jurisdiction with materials to education K-12 students on stormwater pollution. In each of these requirements, Permit Part VID.5.d requires the City to “use effective strategies to educate and involve ethnic communities in storm water pollution prevention through culturally effective methods.”

(e) Based on City records, the cost to the City to comply with these public information program requirements in FY 2012-2013, including costs in participating in the WMP process, was \$1,000. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, which includes an analysis of the public information program. This staff time resulted in a Letter of Intent to participate in a WMP sent to the LARWQCB dated June 24, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(f) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$2,841.

11. **Inventory and Inspections of Industrial/Commercial Sources:**

(a) Permit Part VI.D.6.b requires the City to track nurseries and nursery centers and to include various information for each facility on the inventory, including the industrial classification code, the status of exposure of materials to stormwater, the name of the receiving water, whether the facility is tributary to a waterbody listed as impaired under CWA section 303(d) where the facility generates pollutants for which the waterbody is impaired, and whether the facility has filed a “No Exposure Certification” (“NEC”) with the State Water Resources Control Board (“State Board”). The City is required to update the inventory at least annually, through collection of information through field activities over from other means.

(b) Permit Part VI.D.6.d requires the City to inspect restaurants, automotive service facilities, retail gasoline outlets and nurseries and nursery centers twice during the Permit term, including an inspection within two years after the Permit’s effective date. In such inspection, the City is required, among other things, to evaluate whether the source is implementing effective source control BMPs for each corresponding activity and to require implementation of additional BMPs where stormwater from the facility discharged to the MS4 discharges to a Significant Ecological Area (“SEA”), a water body subject to TMDL provisions or a CWA section 303(d) listed waterbody.

(c) Permit Part VI.D.6.e requires the City to inspect industrial facilities, including those identified in 40 C.F.R. section 122.26(b)(14)(i-xi) and facilities identified in 40 C.F.R. section 122.26(d)(12)(iv)(C). In such inspections, the City is required to confirm that each facility has a

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current Waste Discharge Identification number for coverage under the State Board-issued General Industrial Activities Stormwater Permit or has applied for and received a no exposure certification, and to require implementation of additional BMPs where stormwater from the MS4 discharges to a waterbody subject to a TMDL or is a CWA section 303(d) listed impaired waterbodies. Additionally, for facilities discharging to MS4s that discharge to an SEA, the permittees, including the City, are required to require operators to implement additional pollutant-specific controls to reduce pollutants that are causing or contributing to exceedances of water quality standards.

(d) Based on City records, the cost to the City to comply with these inventory and inspection requirements in FY 2012-2013, including costs in participating in the WMP process, was \$2,000. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, which includes an analysis of the inspection of industrial and commercial sources. This staff time resulted in a Letter of Intent to participate in a WMP sent to the LARWQCB dated June 24, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$5,323.

12. **Post-Construction BMP Requirements:**

(a) Permit Part VI.D.7.d.iv(1)(a) requires the City to implement a GIS or other electronic system for tracking projects that are required to have post-construction BMPs, including project

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identification, acreage, BMP type and description, BMP locations, dates of acceptance and maintenance agreements, inspection dates and summaries and corrective action.

(b) Permit Part VI.D.7.d.iv(1)(b) requires the City to inspect all development sites upon completion of construction and before issuance of an occupancy certificate to ensure “proper installation” of Low Impact Development (“LID”) measures, structural BMPs, treatment control BMPs and hydromodification control BMPs.

(c) Permit Part VI.D.7.d.iv(1)(c) requires the City to develop a post-construction BMP checklist and to inspect at an interval of at least once every two years, City-operated post-construction BMPs to assess operations condition.

(d) Based on City records, the cost to the City to comply with these post-construction BMP requirements in FY 2012-2013, including costs in participating in the WMP process, was \$500. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, which includes an analysis of the planning and development program. This staff time resulted in a Letter of Intent to participate in a WMP sent to the LARWQCB dated June 24, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$2,000.

13. **Construction Site Requirements:**

(a) Permit Part VI.D.8.g.i requires the City to develop an electronic system to inventory grading, encroachment, demolition, building or construction permits (or other municipal authorizations to move soil and/or construct or destruct that involves land disturbance).

(b) Permit Part VI.D.8.g.ii requires the City to complete and update an inventory containing, among other items, contact information for a project, basic site information, the proximity of all water bodies, significant threats to water quality status, current construction phase where feasible, required inspection frequency, start and anticipated completion dates, whether the project has submitted a Notice of Intent to be covered under the State Board-issued General Construction Activities Stormwater Permit (“GCASP”), whether it has obtained GCASP coverage, the date the Erosion and Sediment Control Plan (“ESCP”) was approved and post-construction structural BMPs subject to operation and maintenance requirements.

(c) Permit Part VI.D.8.h requires the City to develop and implement review procedures for construction plan documents, including preparation and submittal of an appropriate ESCP, verification of GCASP or other permit coverage and other items. The Part further requires permittees, including the City, to develop and implement a checklist to conduct and document the review of each ESCP.

(d) Permit Part VI.D.8.i.i requires the City to develop and implement technical standards for the selection, installation and maintenance of construction BMPs for all such sites within the City.

(e) Permit Part VI.D.8.i.ii requires that such BMPs be tailored to the risks posed by the project, as well as in minimum conformance with standards set forth in Permit Table 15, use of

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BMPs meeting the requirements of Permit Tables 14 and 16 for construction sites equal or greater than one acre or paving projects, detailed installation designs and cut sheets for use in ESCPs and maintenance expectations for each BMP or category of BMPs.

(f) Permit Part VI.D.8.i.iv further requires that such technical standards must be “readily available” to the development community and must be “clearly referenced” within the City’s stormwater or development services website, ordinance, permit approval process and/or ESCP review forms.

(g) Permit Part VI.D.8.i.v requires local BMP technical standards to cover all items set forth in Tables 13, 14, 15 and 16 of the Permit.

(h) Permit Part VI.D.8.j requires the City to inspect all construction sites of one acre or greater in size on the frequencies set forth in the Permit, which requires inspections prior to land disturbance activities, during active construction and at the conclusion of the project and as a condition to approving and/or issuing a Certificate of Occupancy. The frequency of inspections is set in addition in Table 17 of the Permit. As part of the inspection obligations, the permittees, including the City, must develop, implement and revise as necessary standard operating procedures that identify the inspection procedures to be followed by each permittee. Additionally, during inspections, the City must verify “active coverage” under the GCASP for specified projects; review the ESCP; inspect the site to determine whether all BMPs have been selected, installed, implemented and maintained; assess the appropriateness of planned and installed BMPs, and their effectiveness; visually observe and record non-stormwater discharge, potential illicit discharges and connections and potential discharge of pollutants in stormwater runoff; develop a written or

electronic inspection report generated from a field inspection checklist; and track the number of inspections for the site to ensure that it meets the minimum requirements of Permit Table 17.

(i) Permit Part VI.D.8.1.i and ii requires the City to ensure training for “all staff whose primary job duties are related to implementing the construction storm water program,” including plan reviewers and permitting staff with regard to the “technical review of local erosion and sediment control ordinance, local BMP technical standards, ESCP requirements, and the key objectives of the State Water Board QSD program, erosion sediment control/storm water inspectors in inspection procedures consistent with various standards. Additionally, if outside parties conduct inspections or review plans, the City is required to ensure that such staff are trained under the same requirements.

(j) Based on City records, the cost to the City to comply with these construction site requirements in FY 2012-2013, including costs in participating in the WMP process, was \$1,000. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, which included an analysis of construction site requirements. This staff time resulted in a Letter of Intent to participate in a WMP sent to the LARWQCB dated June 24, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(k) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$2,000.

14. **Public Agency Requirements:**

(a) Permit Part VI.D.9.c requires the City to maintain an “updated inventory” of all permittee-owned or operated facilities that are potential sources of stormwater pollution, including



24 separate categories of facilities that are required to be in the inventory. The inventory must include the name and address of the facility, contact information, a narrative description of activities performed and potential pollution sources, coverage under any individual or general NPDES permits or waivers. The inventory must be updated at least once during the five-year term of the Permit with information collected through field activities or other means.

(b) Permit Part VI.D.9.d.i requires the City to develop an inventory of “retrofitting opportunities” in areas of existing development.

(c) Permit Part VI.D.9.d.ii and iii requires the City to screen existing areas of development “to identify candidate areas for retrofitting using watershed models or other screening level tools” and then evaluate and rank areas of existing development to prioritize retrofitting candidates.

(d) Permit Part VI.D.9.d.iv requires the City to consider the results of the evaluation by giving “highly feasible” projects a “high priority” to implement source control and treatment control BMPs in the their Storm Water Management Plan (“SWMP”) and consider high priority retrofit projects as candidates for off-site mitigation for new development and redevelopment projects.

(e) Permit Part VI.D.9.d.v requires the City to cooperate with private landowners to “encourage site specific retrofitting projects.” In such cooperation, demonstration retrofit projects, retrofits on public lands and easements, education and outreach, subsidies for retrofit projects, requiring retrofit projects as enforcement, mitigation or ordinance compliance, public and private partnerships, fees for existing discharges to the MS4 and reduction of such fees for retrofit implementation must be considered.

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(f) Permit Part VI.D.9.g.ii requires the City to implement an Integrated Pest Management (“IPM”) program, including restrictions on the use of pesticides, restricting treatments only to remove the target organism, selection of pest controls that minimize risks to human health, “beneficial non-target organisms” and the environment, partnering with other agencies and organizations to “encourage” the use of IPM and adopt and “verifiably implement” policies, procedures and/or ordinances requiring the minimization of pesticide use and encouraging the use of IPM techniques for public agency facilities and activities. Additionally, the City must commit and schedule to reduce the use of pesticides that cause impairments of surface waters by preparing and updating annually an inventory of pesticides, quantify pesticide use by staff and contractors and demonstrate implementation of IPM alternatives where feasible to reduce pesticide use.

(g) Permit Part VI.D.9.h.vii requires permittees in areas not subject to a Trash TMDL, to install trash excluders, or equivalent devices, on or in catch basins or outfalls, except where such installation would cause flooding, unless lack of maintenance that causes the flooding. Permittees, including the City, may also employ alternative or enhanced BMPs that “provide substantially equivalent removal of trash.” If alternative means are employed, the City must demonstrate that such BMPs “provide equivalent trash removal performance as excluders.”

(h) Permit Part VI.D.9.k.ii requires the City to train all employees and contractors “who use or have the potential to use pesticides or fertilizers” that address the potential for pesticide-related surface water toxicity, in the proper use, handling, and disposal of pesticides, least toxic methods of pest prevention and control, including IPM and the reduction of pesticide use.

(i) Based on City records, the cost to the City to comply with these public agency requirements in FY 2012-2013, including costs in participating in the WMP process, was \$500.

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These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, which included an analysis of these public agency activities. This staff time resulted in a Letter of Intent to participate in a WMP sent to the LARWQCB dated June 24, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(j) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$5,500.

15. **Illicit Connection and Discharge Requirements:**

(a) Permit Part VI.D.10.d.iii requires the City to “ensure that signage adjacent to open channels . . . include information regarding dumping prohibitions and public reporting of illicit discharges.”

(b) Permit Part VI.D.10.d.iv requires the City to develop and maintain written procedures that document how complaint calls are received, documented and tracked “to ensure that all complaints are adequately addressed.” Such procedures must be “evaluated to determine whether changes or updates are needed to ensure that the procedures adequately document the methods employed by the Permittee.”

(c) Permit Part VI.D.10.d.v requires the City to maintain documentation of complaint calls and to record the location of the reported spill or illicit discharge and the action undertaken in response.

(d) Permit Part VI.D.10.e.i requires, in pertinent part, that the City implement a “spill response plan” for all sewage and other spills that may discharge into its MS4.

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(e) Permit Part VI.D.10.e.i(1) requires that the plan must identify agencies responsible for spill response and cleanup, phone numbers and e-mail addresses for contacts and shall further address coordination with spill response teams “throughout all appropriate departments, programs and agencies so that maximum water quality protection is provided.”

(f) Permit Part VI.D.10.e.i(3) and (4) requires the City to respond to spills for containment within four hours of become aware of the spill, or if on private property, within two hours of gaining legal access to the property and reporting of spills that may endanger health or the environment to appropriate public health agencies and the Office of Emergency Services (“OES”).

(g) Based on City records, the cost to the City to comply with these illicit connection and discharge requirements in FY 2012-2013, including costs in participating in the WMP process, was \$500. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, which included an analysis of these illicit connection and discharge requirements. This staff time resulted in a Letter of Intent to participate in a WMP sent to the LARWQCB dated June 24, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$794.

16. Other than a portion of a Proposition 84, Round 2, stormwater program, of which the City will receive a small portion for implementation of treebox LID BMPs, but which will not cover all costs, I am informed and believe that there are no other dedicated state, federal or regional funds that are or will be available to pay for any of the new and/or upgraded programs and activities

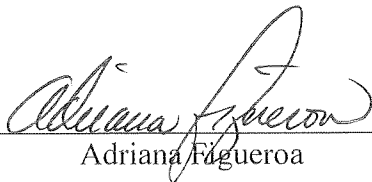
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set forth in this Declaration. I am not aware of any other fee or tax that the City would have the discretion to impose under California law to recover any portion of the cost of these programs and activities.

17. The City has filed a joint test claim with 22 other cities. The Cities agree on all issues of the test claim.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 1<sup>st</sup> day of November, 2017, at Norwalk, California.

  
\_\_\_\_\_  
Adriana Figueroa

## EXHIBIT 1

LUIGI VERNOLA  
Mayor  
MARCEL RODARTE  
Vice Mayor  
CHERI KELLEY  
Councilmember  
MICHAEL MENDEZ  
Councilmember  
LEONARD SHRYOCK  
Councilmember  
MICHAEL J. EGAN  
City Manager



12700 NORWALK BLVD., P.O. BOX 1030, NORWALK, CA 90651-1030 \* PHONE: 562/929-5700 \* FACSIMILE: 562/929-5773 \* WWW.NORWALKCA.GOV

June 24, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

**LETTER OF INTENT TO PARTICIPATE IN THE DEVELOPMENT OF A WATERSHED  
MANAGEMENT PROGRAM (WMP) AND COORDINATED INTEGRATED MONITORING  
PROGRAM (CIMP) IN COOPERATION WITH THE LOWER SAN GABRIEL RIVER  
WATERSHED GROUP**

Dear Mr. Unger:

The City of Norwalk submits this Letter of Intent as our written notification to participate and share the cost for the development of a Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) for the Lower San Gabriel River Watershed and to satisfy the CIMP notification requirement of Section IV.C.1 of Attachment E of Order No. R4-2012-0175 (MS4 Permit). The Lower San Gabriel River Watershed Group is comprised of the following permittees: Artesia, Bellflower, Cerritos, Diamond Bar, Downey, Hawaiian Gardens, La Mirada, Lakewood, Long Beach, Norwalk, Pico Rivera, Santa Fe Springs, Whittier and the Los Angeles County Flood Control District.

While maintaining the 18-month schedule for development of the WMP, the Lower San Gabriel River Watershed Group intends to continue to evaluate and consider the Enhanced-WMP (EWMP) option. If the group decides to develop an EWMP prior to the December 28, 2013 deadline, your office will be notified in a separate letter prior to any such change.

At their meeting on June 18, 2013, the City Council authorized the submittal of this letter of intent. In addition, the City Council reviewed and approved a draft Green Streets Policy Manual and draft Low Impact Development (LID) Ordinance.

If you have any questions, please contact Adriana Figueroa, Administrative Services Manager, at (562) 929-5760.

Sincerely,

A handwritten signature in black ink, appearing to be "Michael J. Egan". The signature is fluid and cursive, with a long horizontal line extending to the right.

Michael J. Egan  
City Manager

cc: Renee Purdy, Los Angeles Regional Water Quality Control Board

DECLARATION OF DOUGLAS WILLMORE

CITY OF RANCHO PALOS VERDES

I, Douglas Willmore, hereby declare and state as follows:

1. I am City Manager for the City of Rancho Palos Verdes (“City”). In that capacity, I share responsibility for the compliance of the City with regard to the requirements of California Regional Water Quality Control Board, Los Angeles Region (“LARWQCB”) Order No. R4-2012-0175 (“the Permit”) as they apply to the City.

2. I have reviewed sections of the Permit and its attachments as set forth herein and am familiar with those provisions. I am also familiar with how the Permit changed requirements that were previously imposed on the City by the prior permit that had issued to the City by the LARWQCB in 2001 (“2001 Permit”).

3. I have an understanding of the City’s sources of funding for programs and activities required to comply with the Permit.

4. I make this declaration based on my own personal knowledge, except for matters set forth herein based on information and belief, and as to those matters I believe them to be true. If called upon to testify, I could and would competently to the matters set forth herein.

5. In Section 5 and Section 7 of this Test Claim, which contains exhibits to the test claim filed by the City and other permittees under the Permit, the specific sections of the Permit at issue in the test claim have been set forth. I hereby incorporate such provisions of Sections 5 and 7 into this declaration as though fully set forth herein.

6. The City has elected to participate in an Enhanced Watershed Management Plan (“EWMP”) that is designed to address, in whole or in part, the “Total Maximum Daily Load



(TMDL”)” provisions of the Permit as well other requirements of the Permit, including those set forth in this Declaration.

7. Based on my understanding of the Permit, I believe that the Permit requires the City to undertake the following programs either directly or through the mechanism of an EWMP, which represent new programs and/or higher levels of service or the shifting of state responsibilities to the City, which activities were not required by the 2001 Permit and which are unique to local government entities:

8. **Implementation of TMDLs:**

(a) Part VI.E.1.c requires the permittees to “comply with the applicable water quality-based effluent limitations and/or receiving water limitations contained in Attachments L through R, consistent with the assumptions and requirements of the WLAs established in the TMDLs, including implementation plans and schedules, where provided for in the State adoption and approval of the TMDL (40 CFR 122.44(d)(1)(vii)(B); Cal. Wat. Code § 13263(a)).”

(b) Attachment K to the Permit sets forth the TMDLs with which the City must comply.

(iii) Attachments L through R of the Permit set forth the requirements of each TMDL and its “waste load allocations” with which the City must comply.

(c) Part VI.B of the Permit requires the City “to comply with the [Monitoring and Reporting Program] and future revisions thereto, in Attachment E of this Order or may, in coordination with an approved Watershed Management Program per Part VI.C, implement a customized monitoring program that achieves the five Primary Objectives set forth in Part II.A of Attachment E and includes the elements set forth in Part II.E of Attachment E.”

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(d) Attachment E to the Permit requires the monitoring program to include monitoring at “TMDL receiving water compliance points” and other “TMDL monitoring requirements specified in approved TMDL Monitoring Plans.” (Permit, Attachment E, Parts II.E.1 through 3 and Part V; *see also* Attachment E, Parts VI.A.1.b(iii) and (iv), VI.B.2, VI.C.1.a, VI.D.1.a, VIII.B.1.b(ii), IX.A.5, IX.C.1.a, IX.E.1.a and b, IX.G.1.b, and IX.G.2.)

(e) Based on City records, the cost to the City to comply with these TMDL requirements in Fiscal Year (FY) 2012-2013, including costs in participating in the EWMP process, was \$19,216. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement an EWMP and an integrated monitoring program (“IMP”) or Coordinated Integrated Monitoring Program (“CIMP”) which resulted in a Letter of Intent to participate in an EWMP and CIMP. The Letter of Intent is dated June 27, 2013; costs were incurred on and leading up to that date. A copy of the City’s letter is attached as Exhibit 1.

(f) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$22,712.

9. **Requirements Related to Discharge Prohibitions for Non-Stormwater:**

(a) Permit Part III.A.1 prohibits certain non-stormwater discharges through the municipal separate storm sewer system (“MS4”) to receiving waters. I have been advised that this requirement exceeds the requirements of the Clean Water Act (“CWA”).

(b) Part III.A.2 requires the City to employ best management practices (“BMPs”) for discharges from essential non-emergency firefighting activities and, with regard to unpermitted

discharges by drinking water suppliers, to work with those suppliers on the conditions of their discharges.

(c) Part III.A.4.a requires the City to develop and implement procedures covering non-permitted discharges of non-stormwater to the City's MS4 in compliance with the requirements of Part III.A.4.a.(i-vi) of the Permit.

(d) Part III.A.4.b requires the City to develop and implement procedures to minimize the discharge of landscape irrigation water into the MS4, including to coordinate with local water purveyors to promote water use efficiency, use of drought tolerant vegetation and use of less toxic options for pest control and landscape management and to develop and implement an outreach and education program to minimize the discharge of irrigation water and associated pollutants.

(e) Part III.A.4.c requires the City to evaluate monitoring data collected pursuant to the Permit's Monitoring and Reporting Program (Permit Attachment E) and other associated data and information to determine, among other things, if authorized or conditionally authorized non-stormwater discharges are a source of pollutants that may be causing or contributing to an exceedance of receiving water limitations and/or water quality based effluent limitations.

(f) Part III.A.4.d requires the City to take action to address such non-stormwater discharges if they are found to be such a source of pollutants, through effective prohibition, conditions, diversions or treatment. These tasks involve, among other things, meeting with non-stormwater dischargers, identifying and analyzing the nature of non-stormwater discharges, the development and implementation of discharge procedures, conducting public education efforts and evaluating monitoring data.

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(g) Based on City records, the cost to the City to comply with these non-stormwater prohibition requirements in FY 2012-2013, including costs in participating in the EWMP process, was \$1,073. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement an EWMP, which includes an analysis of the non-stormwater discharge program. This staff time resulted in a Letter of Intent to participate in a EWMP sent to the LARWQCB dated June 27, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$1,706.

10. **Public Information Program Requirements:**

(a) Permit Part VI.D.5.a requires the City to “measurably increase” the knowledge of target audiences about the MS4, the adverse impacts of stormwater pollution on receiving waters and potential solutions to mitigate impacts, to “measurably change” waste disposal and stormwater pollution generation behavior by developing and encouraging implementation of “appropriate alternatives” and to “involve and engage a diversity of socio-economic groups and ethnic communities” to participate in stormwater pollution impact mitigation.

(b) Permit Part VI.D.5.b requires the City to implement Public Information and Participation Program activities by participating in either a County-wide, Watershed Group-sponsored or individual effort.

(c) Permit Part VI.D.5.c requires the City to provide a means for public reporting of clogged catch basin inlets and illicit discharges/dumping, faded or missing catch basin labels and general

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stormwater and non-stormwater pollution prevention information through a telephone hotline or in public information or government pages of the telephone book, identify staff or departments serving as contact persons and providing current, updated hotline information. The City is also required to organize events targeted to residents and population subgroups to “educate and involve the community in storm water and non-storm water pollution prevent and clean-up (e.g., education seminars, clean-ups, and community catch basin stenciling).”

(d) Permit Part VI.D.5.d requires the City to conduct stormwater pollution prevention public service announcements and advertising campaigns and provide public education materials on the proper handling of vehicle waste fluids, house, and construction waste, pesticides and fertilizers (including the use of integrated pest management practices), green waste and animal wastes. This Part further requires the City (a) to distribute public education materials at automotive parts stores, home improvement centers, lumber yards and hardware and paint stores, landscaping and gardening centers and pet shops and feed stores, and (b) to maintain stormwater websites or provide links to stormwater websites via the City’s website, which must include educational material and opportunities for public participation in stormwater pollution and cleanup activities and provide schools within the City’s jurisdiction with materials to education K-12 students on stormwater pollution. In each of these requirements, Permit Part VID.5.d requires the City to “use effective strategies to educate and involve ethnic communities in storm water pollution prevention through culturally effective methods.”

(e) Based on City records, the cost to the City to comply with these public information program requirements in FY 2012-2013, including costs in participating in the EWMP process, was \$2,618. These costs were first incurred by the City in January 2013, upon or shortly after the

Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement an EWMP, which includes public information. This staff time resulted in a Letter of Intent to participate in an EWMP sent to the LARWQCB dated June 27, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(f) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$3,230.

11. **Inventory and Inspections of Industrial/Commercial Sources:**

(a) Permit Part VI.D.6.b requires the City to track nurseries and nursery centers and to include various information for each facility on the inventory, including the industrial classification code, the status of exposure of materials to stormwater, the name of the receiving water, whether the facility is tributary to a waterbody listed as impaired under CWA section 303(d) where the facility generates pollutants for which the waterbody is impaired, and whether the facility has filed a “No Exposure Certification” (“NEC”) with the State Water Resources Control Board (“State Board”). The City is required to update the inventory at least annually, through collection of information through field activities over from other means.

(b) Permit Part VI.D.6.d requires the City to inspect restaurants, automotive service facilities, retail gasoline outlets and nurseries and nursery centers twice during the Permit term, including an inspection within two years after the Permit’s effective date. In such inspection, the City is required, among other things, to evaluate whether the source is implementing effective source control BMPs for each corresponding activity and to require implementation of additional BMPs where stormwater from the facility discharged to the MS4 discharges to a Significant

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Ecological Area (“SEA”), a water body subject to TMDL provisions or a CWA section 303(d) listed waterbody.

(c) Permit Part VI.D.6.e requires the City to inspect industrial facilities, including those identified in 40 C.F.R. section 122.26(b)(14)(i-xi) and facilities identified in 40 C.F.R. section 122.26(d)(12)(iv)(C). In such inspections, the City is required to confirm that each facility has a current Waste Discharge Identification number for coverage under the State Board-issued General Industrial Activities Stormwater Permit or has applied for and received a no exposure certification, and to require implementation of additional BMPs where stormwater from the MS4 discharges to a waterbody subject to a TMDL or is a CWA section 303(d) listed impaired waterbodies. Additionally, for facilities discharging to MS4s that discharge to an SEA, the permittees, including the City, are required to require operators to implement additional pollutant-specific controls to reduce pollutants that are causing or contributing to exceedances of water quality standards.

(d) Based on City records, the cost to the City to comply with these inventory and inspection requirements in FY 2012-2013, including costs in participating in the EWMP process, was \$11,602. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement an EWMP, which includes the inspection of industrial and commercial sources. This staff time resulted in a Letter of Intent to participate in an EWMP sent to the LARWQCB dated June 27, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$12,153.

12. **Post-Construction BMP Requirements:**

(a) Permit Part VI.D.7.d.iv(1)(a) requires the City to implement a GIS or other electronic system for tracking projects that are required to have post-construction BMPs, including project identification, acreage, BMP type and description, BMP locations, dates of acceptance and maintenance agreements, inspection dates and summaries and corrective action.

(b) Permit Part VI.D.7.d.iv(1)(b) requires the City to inspect all development sites upon completion of construction and before issuance of an occupancy certificate to ensure “proper installation” of Low Impact Development (“LID”) measures, structural BMPs, treatment control BMPs and hydromodification control BMPs.

(c) Permit Part VI.D.7.d.iv(1)(c) requires the City to develop a post-construction BMP checklist and to inspect at an interval of at least once every two years, City-operated post-construction BMPs to assess operations condition.

(d) Based on City records, the cost to the City to comply with these post-construction BMP requirements in FY 2012-2013, including costs in participating in the EWMP process, was \$6,134. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement an EWMP, which includes a planning and development program. This staff time resulted in a Letter of Intent to participate in an EWMP sent to the LARWQCB dated June 27, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$785.



13. **Construction Site Requirements:**

(a) Permit Part VI.D.8.g.i requires the City to develop an electronic system to inventory grading, encroachment, demolition, building or construction permits (or other municipal authorizations to move soil and/or construct or destruct that involves land disturbance).

(b) Permit Part VI.D.8.g.ii requires the City to complete and update an inventory containing, among other items, contact information for a project, basic site information, the proximity of all water bodies, significant threats to water quality status, current construction phase where feasible, required inspection frequency, start and anticipated completion dates, whether the project has submitted a Notice of Intent to be covered under the State Board-issued General Construction Activities Stormwater Permit (“GCASP”), whether it has obtained GCASP coverage, the date the Erosion and Sediment Control Plan (“ESCP”) was approved and post-construction structural BMPs subject to operation and maintenance requirements.

(c) Permit Part VI.D.8.h requires the City to develop and implement review procedures for construction plan documents, including preparation and submittal of an appropriate ESCP, verification of GCASP or other permit coverage and other items. The Part further requires permittees, including the City, to develop and implement a checklist to conduct and document the review of each ESCP.

(d) Permit Part VI.D.8.i.i requires the City to develop and implement technical standards for the selection, installation and maintenance of construction BMPs for all such sites within the City.

(e) Permit Part VI.D.8.i.ii requires that such BMPs be tailored to the risks posed by the project, as well as in minimum conformance with standards set forth in Permit Table 15, use of

BMPs meeting the requirements of Permit Tables 14 and 16 for construction sites equal or greater than one acre or paving projects, detailed installation designs and cut sheets for use in ESCPs and maintenance expectations for each BMP or category of BMPs.

(f) Permit Part VI.D.8.i.iv further requires that such technical standards must be “readily available” to the development community and must be “clearly referenced” within the City’s stormwater or development services website, ordinance, permit approval process and/or ESCP review forms.

(g) Permit Part VI.D.8.i.v requires local BMP technical standards to cover all items set forth in Tables 13, 14, 15 and 16 of the Permit.

(h) Permit Part VI.D.8.j requires the City to inspect all construction sites of one acre or greater in size on the frequencies set forth in the Permit, which requires inspections prior to land disturbance activities, during active construction and at the conclusion of the project and as a condition to approving and/or issuing a Certificate of Occupancy. The frequency of inspections is set in addition in Table 17 of the Permit. As part of the inspection obligations, the permittees, including the City, must develop, implement and revise as necessary standard operating procedures that identify the inspection procedures to be followed by each permittee. Additionally, during inspections, the City must verify “active coverage” under the GCASP for specified projects; review the ESCP; inspect the site to determine whether all BMPs have been selected, installed, implemented and maintained; assess the appropriateness of planned and installed BMPs, and their effectiveness; visually observe and record non-stormwater discharge, potential illicit discharges and connections and potential discharge of pollutants in stormwater runoff; develop a written or

electronic inspection report generated from a field inspection checklist; and track the number of inspections for the site to ensure that it meets the minimum requirements of Permit Table 17.

(i) Permit Part VI.D.8.1.i and ii requires the City to ensure training for “all staff whose primary job duties are related to implementing the construction storm water program,” including plan reviewers and permitting staff with regard to the “technical review of local erosion and sediment control ordinance, local BMP technical standards, ESCP requirements, and the key objectives of the State Water Board QSD program, erosion sediment control/storm water inspectors in inspection procedures consistent with various standards. Additionally, if outside parties conduct inspections or review plans, the City is required to ensure that such staff are trained under the same requirements.

(j) Based on City records, the cost to the City to comply with these construction site requirements in FY 2012-2013, including costs in participating in the /EWMP process, was \$6,889. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement an EWMP, which includes construction site requirements. This staff time resulted in a Letter of Intent to participate in an EWMP sent to the LARWQCB dated June 27, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(k) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$5,700.

14. **Public Agency Requirements:**

(a) Permit Part VI.D.9.c requires the City to maintain an “updated inventory” of all permittee-owned or operated facilities that are potential sources of stormwater pollution, including

24 separate categories of facilities that are required to be in the inventory. The inventory must include the name and address of the facility, contact information, a narrative description of activities performed and potential pollution sources, coverage under any individual or general NPDES permits or waivers. The inventory must be updated at least once during the five-year term of the Permit with information collected through field activities or other means.

(b) Permit Part VI.D.9.d.i requires the City to develop an inventory of “retrofitting opportunities” in areas of existing development.

(c) Permit Part VI.D.9.d.ii and iii requires the City to screen existing areas of development “to identify candidate areas for retrofitting using watershed models or other screening level tools” and then evaluate and rank areas of existing development to prioritize retrofitting candidates.

(d) Permit Part VI.D.9.d.iv requires the City to consider the results of the evaluation by giving “highly feasible” projects a “high priority” to implement source control and treatment control BMPs in the their Storm Water Management Plan (“SWMP”) and consider high priority retrofit projects as candidates for off-site mitigation for new development and redevelopment projects.

(e) Permit Part VI.D.9.d.v requires the City to cooperate with private landowners to “encourage site specific retrofitting projects.” In such cooperation, demonstration retrofit projects, retrofits on public lands and easements, education and outreach, subsidies for retrofit projects, requiring retrofit projects as enforcement, mitigation or ordinance compliance, public and private partnerships, fees for existing discharges to the MS4 and reduction of such fees for retrofit implementation must be considered.

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(f) Permit Part VI.D.9.g.ii requires the City to implement an Integrated Pest Management (“IPM”) program, including restrictions on the use of pesticides, restricting treatments only to remove the target organism, selection of pest controls that minimize risks to human health, “beneficial non-target organisms” and the environment, partnering with other agencies and organizations to “encourage” the use of IPM and adopt and “verifiably implement” policies, procedures and/or ordinances requiring the minimization of pesticide use and encouraging the use of IPM techniques for public agency facilities and activities. Additionally, the City must commit and schedule to reduce the use of pesticides that cause impairments of surface waters by preparing and updating annually an inventory of pesticides, quantify pesticide use by staff and contractors and demonstrate implementation of IPM alternatives where feasible to reduce pesticide use.

(g) Permit Part VI.D.9.h.vii requires permittees in areas not subject to a Trash TMDL, to install trash excluders, or equivalent devices, on or in catch basins or outfalls, except where such installation would cause flooding, unless lack of maintenance that causes the flooding. Permittees, including the City, may also employ alternative or enhanced BMPs that “provide substantially equivalent removal of trash.” If alternative means are employed, the City must demonstrate that such BMPs “provide equivalent trash removal performance as excluders.”

(h) Permit Part VI.D.9.k.ii requires the City to train all employees and contractors “who use or have the potential to use pesticides or fertilizers” that address the potential for pesticide-related surface water toxicity, in the proper use, handling, and disposal of pesticides, least toxic methods of pest prevention and control, including IPM and the reduction of pesticide use.

(i) Based on City records, the cost to the City to comply with these public agency requirements in FY 2012-2013, including costs in participating in the EWMP process, was \$489.

These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement an EWMP, which includes public agency activities. This staff time resulted in a Letter of Intent to participate in an EWMP sent to the LARWQCB dated June 28, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(j) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$3,376.

15. **Illicit Connection and Discharge Requirements:**

(a) Permit Part VI.D.10.d.iii requires the City to “ensure that signage adjacent to open channels . . . include information regarding dumping prohibitions and public reporting of illicit discharges.”

(b) Permit Part VI.D.10.d.iv requires the City to develop and maintain written procedures that document how complaint calls are received, documented and tracked “to ensure that all complaints are adequately addressed.” Such procedures must be “evaluated to determine whether changes or updates are needed to ensure that the procedures adequately document the methods employed by the Permittee.”

(c) Permit Part VI.D.10.d.v requires the City to maintain documentation of complaint calls and to record the location of the reported spill or illicit discharge and the action undertaken in response.

(d) Permit Part VI.D.10.e.i requires, in pertinent part, that the City implement a “spill response plan” for all sewage and other spills that may discharge into its MS4.

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(e) Permit Part VI.D.10.e.i(1) requires that the plan must identify agencies responsible for spill response and cleanup, phone numbers and e-mail addresses for contacts and shall further address coordination with spill response teams “throughout all appropriate departments, programs and agencies so that maximum water quality protection is provided.”

(f) Permit Part VI.D.10.e.i(3) and (4) requires the City to respond to spills for containment within four hours of become aware of the spill, or if on private property, within two hours of gaining legal access to the property and reporting of spills that may endanger health or the environment to appropriate public health agencies and the Office of Emergency Services (“OES”).

(g) Based on City records, the cost to the City to comply with these illicit connection and discharge requirements in FY 2012-2013, including costs in participating in the EWMP process, was \$782. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement an EWMP, which includes illicit connection and discharge requirements. This staff time resulted in a Letter of Intent to participate in an EWMP sent to the LARWQCB dated June 28, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$6,135.

16. I am informed and believe that there are no dedicated state, federal or regional funds that are or will be available to pay for any of the new and/or upgraded programs and activities set forth in this Declaration. I am not aware of any other fee or tax that the City would have the discretion to impose under California law to recover any portion of the cost of these programs and activities.

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17. The City has filed a joint test claim with 22 other cities. The Cities agree on all issues of the test claim.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 7<sup>th</sup> day of November, 2017, at Rancho Palos Verdes, California.

  
\_\_\_\_\_  
Douglas Willmore



## EXHIBIT 1



June 27, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

**LETTER OF INTENT TO PARTICIPATE IN THE DEVELOPMENT OF AN ENHANCED WATERSHED MANAGEMENT PROGRAM IN COLLABORATION WITH THE PALOS VERDES PENINSULA WATERSHED AGENCIES**

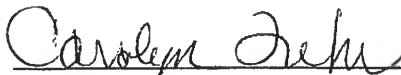
Dear Mr. Unger;

The City of Rancho Palos Verdes, with this letter, states its intent to collaborate with the Palos Verdes Peninsula Watershed Group (Group) in the development of an Enhanced Watershed Management Program (EWMP) in accordance with the new MS4 Permit by Order No. R4-2012-0175 for submission to your Board. The EWMP will address all of the required elements in the MS4 Permit for each of the watersheds to which the City is tributary. The Palos Verdes Peninsula Watershed Group includes only the following agencies: the City of Rancho Palos Verdes, the City of Palos Verdes Estates, the City of Rolling Hills Estates, the County of Los Angeles, and Los Angeles Flood Control District.

The City of Rancho Palos Verdes further intends to cost share in the development cost of an Enhanced Watershed Management Program (EWMP). A cost sharing formula has been negotiated among participating representatives of the Group as to the equitable distribution of costs.

Should you have any questions, please contact me or Andy Winje at 310-544-5252.

Sincerely,

  
\_\_\_\_\_  
Carolyn Lehr  
City Manager



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Office of the City Manager

415 Diamond Street, P.O. Box 270  
Redondo Beach, California 90277-0270  
www.redondo.org

tel 310 372-1171  
fax 310 379-9268

## DECLARATION OF JOE HOEFGEN

### CITY OF REDONDO BEACH

I, Joe Hoefgen, hereby declare and state as follows:

1. I am City Manager for the City of Redondo Beach ("City"). In that capacity, I share responsibility for the compliance of the City with regard to the requirements of California Regional Water Quality Control Board, Los Angeles Region ("LARWQCB") Order No. R4-2012-0175 ("the Permit") as they apply to the City.

2. I have reviewed sections of the Permit and its attachments as set forth herein and am familiar with those provisions. I am also familiar with how the Permit changed requirements that were previously imposed on the City by the prior permit that had issued to the City by the LARWQCB in 2001 ("2001 Permit").

3. I have an understanding of the City's sources of funding for programs and activities required to comply with the Permit.

4. I make this declaration based on my own personal knowledge, except for matters set forth herein based on information and belief, and as to those matters I believe them to be true. If called upon to testify, I could and would competently to the matters set forth herein.

5. In Section 5 and Section 7 of this Test Claim, which contains exhibits to the test claim filed by the City and other permittees under the Permit, the specific sections of the Permit at issue in the test claim have been set forth. I hereby incorporate such provisions of Sections 5 and 7 into this declaration as though fully set forth herein.

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6. The City has elected to participate in an Enhanced Watershed Management Plan (“EWMP”) that is designed to address, in whole or in part, the “Total Maximum Daily Load (TMDL)” provisions of the Permit as well other requirements of the Permit, including those set forth in this Declaration.

7. Based on my understanding of the Permit, I believe that the Permit requires the City to undertake the following programs either directly or through the mechanism of an EWMP, which represent new programs and/or higher levels of service or the shifting of state responsibilities to the City, which activities were not required by the 2001 Permit and which are unique to local government entities:

8. **Implementation of TMDLs:**

(a) Part VI.E.1.c requires the permittees to “comply with the applicable water quality-based effluent limitations and/or receiving water limitations contained in Attachments L through R, consistent with the assumptions and requirements of the WLAs established in the TMDLs, including implementation plans and schedules, where provided for in the State adoption and approval of the TMDL (40 CFR 122.44(d)(1)(vii)(B); Cal. Wat. Code § 13263(a)).”

(b) Attachment K to the Permit sets forth the TMDLs with which the City must comply.

(c) Attachments L through R of the Permit set forth the requirements of each TMDL and its “waste load allocations” with which the City must comply.

(d) Part VI.B of the Permit requires the City “to comply with the [Monitoring and Reporting Program] and future revisions thereto, in Attachment E of this Order or may, in coordination with an approved Watershed Management Program per Part VI.C, implement a

customized monitoring program that achieves the five Primary Objectives set forth in Part II.A of Attachment E and includes the elements set forth in Part II.E of Attachment E.”

(e) Attachment E to the Permit requires the monitoring program to include monitoring at “TMDL receiving water compliance points” and other “TMDL monitoring requirements specified in approved TMDL Monitoring Plans.” (Permit, Attachment E, Parts II.E.1 through 3 and Part V; *see also* Attachment E, Parts VI.A.1.b(iii) and (iv), VI.B.2, VI.C.1.a, VI.D.1.a, VIII.B.1.b(ii), IX.A.5, IX.C.1.a, IX.E.1.a and b, IX.G.1.b, and IX.G.2.)

(f) Based on City records, the cost to the City to comply with these TMDL requirements in Fiscal Year (FY) 2012-2013, including costs in participating in the EWMP process, was \$30,000.00. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement an EWMP and an integrated monitoring program (“IMP”) or Coordinated Integrated Monitoring Program (“CIMP”) which resulted in a Letter of Intent to participate in an EWMP and CIMP. The Letter of Intent is dated June 28, 2013; costs were incurred on and leading up to that date. A copy of the City’s letter is attached as Exhibit 1.

(g) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$50,000.00.

9. **Requirements Related to Discharge Prohibitions for Non-Stormwater:**

(a) Permit Part III.A.1 prohibits certain non-stormwater discharges through the municipal separate storm sewer system (“MS4”) to receiving waters. I have been advised that this requirement exceeds the requirements of the Clean Water Act (“CWA”).

(b) Part III.A.2 requires the City to employ best management practices (“BMPs”) for discharges from essential non-emergency firefighting activities and, with regard to unpermitted discharges by drinking water suppliers, to work with those suppliers on the conditions of their discharges.

(c) Part III.A.4.a requires the City to develop and implement procedures covering non-permitted discharges of non-stormwater to the City’s MS4 in compliance with the requirements of Part III.A.4.a.i-vi of the Permit.

(d) Part III.A.4.b requires the City to develop and implement procedures to minimize the discharge of landscape irrigation water into the MS4, including to coordinate with local water purveyors to promote water use efficiency, use of drought tolerant vegetation and use of less toxic options for pest control and landscape management and to develop and implement an outreach and education program to minimize the discharge of irrigation water and associated pollutants.

(e) Part III.A.4.c requires the City to evaluate monitoring data collected pursuant to the Permit’s Monitoring and Reporting Program (Permit Attachment E) and other associated data and information to determine, among other things, if authorized or conditionally authorized non-stormwater discharges are a source of pollutants that may be causing or contributing to an exceedance of receiving water limitations and/or water quality based effluent limitations.

(f) Part III.A.4.d requires the City to take action to address such non-stormwater discharges if they are found to be such a source of pollutants, through effective prohibition, conditions, diversions or treatment. These tasks involve, among other things, meeting with non-stormwater dischargers, identifying and analyzing the nature of non-stormwater discharges, the

development and implementation of discharge procedures, conducting public education efforts and evaluating monitoring data.

(g) Based on City records, the cost to the City to comply with these non-stormwater prohibition requirements in FY 2012-2013, including costs in participating in the EWMP process, was \$27,000.00. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement an EWMP, which includes an analysis of the non-stormwater discharge program. This staff time resulted in a Letter of Intent to participate in a EWMP sent to the LARWQCB dated June 28, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$28,000.00.

10. **Public Information Program Requirements:**

(a) Permit Part VI.D.5.a requires the City to “measurably increase” the knowledge of target audiences about the MS4, the adverse impacts of stormwater pollution on receiving waters and potential solutions to mitigate impacts, to “measurably change” waste disposal and stormwater pollution generation behavior by developing and encouraging implementation of “appropriate alternatives” and to “involve and engage a diversity of socio-economic groups and ethnic communities” to participate in stormwater pollution impact mitigation.

(b) Permit Part VI.D.5.b requires the City to implement Public Information and Participation Program activities by participating in either a County-wide, Watershed Group-sponsored or individual effort.

(c) Permit Part VI.D.5.c requires the City to provide a means for public reporting of clogged catch basin inlets and illicit discharges/dumping, faded or missing catch basin labels and general stormwater and non-stormwater pollution prevention information through a telephone hotline or in public information or government pages of the telephone book, identify staff or departments serving as contact persons and providing current, updated hotline information. The City is also required to organize events targeted to residents and population subgroups to “educate and involve the community in storm water and non-storm water pollution prevent and clean-up (e.g., education seminars, clean-ups, and community catch basin stenciling).”

(d) Permit Part VI.D.5.d requires the City to conduct stormwater pollution prevention public service announcements and advertising campaigns and provide public education materials on the proper handling of vehicle waste fluids, house, and construction waste, pesticides and fertilizers (including the use of integrated pest management practices), green waste and animal wastes. This Part further requires the City (a) to distribute public education materials at automotive parts stores, home improvement centers, lumber yards and hardware and paint stores, landscaping and gardening centers and pet shops and feed stores, and (b) to maintain stormwater websites or provide links to stormwater websites via the City’s website, which must include educational material and opportunities for public participation in stormwater pollution and cleanup activities and provide schools within the City’s jurisdiction with materials to education K-12 students on stormwater pollution. In each of these requirements, Permit Part VID.5.d requires the City to “use effective strategies to educate and involve ethnic communities in storm water pollution prevention through culturally effective methods.”



(e) Based on City records, the cost to the City to comply with these public information program requirements in FY 2012-2013, including costs in participating in the EWMP process, was \$30,000.00. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement an EWMP, which includes public information. This staff time resulted in a Letter of Intent to participate in an EWMP sent to the LARWQCB dated June 28, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(f) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$30,000.00.

11. **Inventory and Inspections of Industrial/Commercial Sources:**

(a) Permit Part VI.D.6.b requires the City to track nurseries and nursery centers and to include various information for each facility on the inventory, including the industrial classification code, the status of exposure of materials to stormwater, the name of the receiving water, whether the facility is tributary to a waterbody listed as impaired under CWA section 303(d) where the facility generates pollutants for which the waterbody is impaired, and whether the facility has filed a "No Exposure Certification" ("NEC") with the State Water Resources Control Board ("State Board"). The City is required to update the inventory at least annually, through collection of information through field activities over from other means.

(b) Permit Part VI.D.6.d requires the City to inspect restaurants, automotive service facilities, retail gasoline outlets and nurseries and nursery centers twice during the Permit term, including an inspection within two years after the Permit's effective date. In such inspection, the City is required, among other things, to evaluate whether the source is implementing effective

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source control BMPs for each corresponding activity and to require implementation of additional BMPs where stormwater from the facility discharged to the MS4 discharges to a Significant Ecological Area (“SEA”), a water body subject to TMDL provisions or a CWA section 303(d) listed waterbody.

(c) Permit Part VI.D.6.e requires the City to inspect industrial facilities, including those identified in 40 C.F.R. section 122.26(b)(14)(i-xi) and facilities identified in 40 C.F.R. section 122.26(d)(12)(iv)(C). In such inspections, the City is required to confirm that each facility has a current Waste Discharge Identification number for coverage under the State Board-issued General Industrial Activities Stormwater Permit or has applied for and received a no exposure certification, and to require implementation of additional BMPs where stormwater from the MS4 discharges to a waterbody subject to a TMDL or is a CWA section 303(d) listed impaired waterbodies. Additionally, for facilities discharging to MS4s that discharge to an SEA, the permittees, including the City, are required to require operators to implement additional pollutant-specific controls to reduce pollutants that are causing or contributing to exceedances of water quality standards.

(d) Based on City records, the cost to the City to comply with these inventory and inspection requirements in FY 2012-2013, including costs in participating in the EWMP process, was \$80,000.00. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. Those costs included costs for staff time in analyzing and deciding whether to implement an EWMP, which includes the inspection of industrial and commercial sources. This staff time resulted in a Letter of Intent to participate in an EWMP sent

to the LARWQCB dated June 28, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$80,000.00.

12. **Post-Construction BMP Requirements:**

(a) Permit Part VI.D.7.d.iv(1)(a) requires the City to implement a GIS or other electronic system for tracking projects that are required to have post-construction BMPs, including project identification, acreage, BMP type and description, BMP locations, dates of acceptance and maintenance agreements, inspection dates and summaries and corrective action.

(b) Permit Part VI.D.7.d.iv(1)(b) requires the City to inspect all development sites upon completion of construction and before issuance of an occupancy certificate to ensure “proper installation” of Low Impact Development (“LID”) measures, structural BMPs, treatment control BMPs and hydromodification control BMPs.

(c) Permit Part VI.D.7.d.iv(1)(c) requires the City to develop a post-construction BMP checklist and to inspect at an interval of at least once every two years, City-operated post-construction BMPs to assess operations condition.

(d) Based on City records, the cost to the City to comply with these post-construction BMP requirements in FY 2012-2013, including costs in participating in the EWMP process, was \$10,000.00. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement an EWMP, which includes a planning and development program. This

staff time resulted in a Letter of Intent to participate in an EWMP sent to the LARWQCB dated June 28, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$15,000.00.

13. **Construction Site Requirements:**

(a) Permit Part VI.D.8.g.i requires the City to develop an electronic system to inventory grading, encroachment, demolition, building or construction permits (or other municipal authorizations to move soil and/or construct or destruct that involves land disturbance).

(b) Permit Part VI.D.8.g.ii requires the City to complete and update an inventory containing, among other items, contact information for a project, basic site information, the proximity of all water bodies, significant threats to water quality status, current construction phase where feasible, required inspection frequency, start and anticipated completion dates, whether the project has submitted a Notice of Intent to be covered under the State Board-issued General Construction Activities Stormwater Permit ("GCASP"), whether it has obtained GCASP coverage, the date the Erosion and Sediment Control Plan ("ESCP") was approved and post-construction structural BMPs subject to operation and maintenance requirements.

(c) Permit Part VI.D.8.h requires the City to develop and implement review procedures for construction plan documents, including preparation and submittal of an appropriate ESCP, verification of GCASP or other permit coverage and other items. The Part further requires permittees, including the City, to develop and implement a checklist to conduct and document the review of each ESCP.

(d) Permit Part VI.D.8.i.i requires the City to develop and implement technical standards for the selection, installation and maintenance of construction BMPs for all such sites within the City.

(e) Permit Part VI.D.8.i.ii requires that such BMPs be tailored to the risks posed by the project, as well as in minimum conformance with standards set forth in Permit Table 15, use of BMPs meeting the requirements of Permit Tables 14 and 16 for construction sites equal or greater than one acre or paving projects, detailed installation designs and cut sheets for use in ESCPs and maintenance expectations for each BMP or category of BMPs.

(f) Permit Part VI.D.8.i.iv further requires that such technical standards must be “readily available” to the development community and must be “clearly referenced” within the City’s stormwater or development services website, ordinance, permit approval process and/or ESCP review forms.

(g) Permit Part VI.D.8.i.v requires local BMP technical standards to cover all items set forth in Tables 13, 14, 15 and 16 of the Permit.

(h) Permit Part VI.D.8.j requires the City to inspect all construction sites of one acre or greater in size on the frequencies set forth in the Permit, which requires inspections prior to land disturbance activities, during active construction and at the conclusion of the project and as a condition to approving and/or issuing a Certificate of Occupancy. The frequency of inspections is set in addition in Table 17 of the Permit. As part of the inspection obligations, the permittees, including the City, must develop, implement and revise as necessary standard operating procedures that identify the inspection procedures to be followed by each permittee. Additionally, during inspections, the City must verify “active coverage” under the GCASP for

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specified projects; review the ESCP; inspect the site to determine whether all BMPs have been selected, installed, implemented and maintained; assess the appropriateness of planned and installed BMPs, and their effectiveness; visually observe and record non-stormwater discharge, potential illicit discharges and connections and potential discharge of pollutants in stormwater runoff; develop a written or electronic inspection report generated from a field inspection checklist; and track the number of inspections for the site to ensure that it meets the minimum requirements of Permit Table 17.

(i) Permit Part VI.D.8.I.i and ii requires the City to ensure training for “all staff whose primary job duties are related to implementing the construction storm water program,” including plan reviewers and permitting staff with regard to the “technical review of local erosion and sediment control ordinance, local BMP technical standards, ESCP requirements, and the key objectives of the State Water Board QSD program, erosion sediment control/storm water inspectors in inspection procedures consistent with various standards. Additionally, if outside parties conduct inspections or review plans, the City is required to ensure that such staff are trained under the same requirements.

(j) Based on City records, the cost to the City to comply with these construction site requirements in FY 2012-2013, including costs in participating in the EWMP process, was \$23,000.00. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement an EWMP, which includes construction site requirements. This staff time resulted in a Letter of Intent to participate in an EWMP sent to the LARWQCB dated June 28, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(k) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$24,000.00.

14. **Public Agency Requirements:**

(a) Permit Part VI.D.9.c requires the City to maintain an “updated inventory” of all permittee-owned or operated facilities that are potential sources of stormwater pollution, including 24 separate categories of facilities that are required to be in the inventory. The inventory must include the name and address of the facility, contact information, a narrative description of activities performed and potential pollution sources, coverage under any individual or general NPDES permits or waivers. The inventory must be updated at least once during the five-year term of the Permit with information collected through field activities or other means.

(b) Permit Part VI.D.9.d.i requires the City to develop an inventory of “retrofitting opportunities” in areas of existing development.

(c) Permit Part VI.D.9.d.ii and iii requires the City to screen existing areas of development “to identify candidate areas for retrofitting using watershed models or other screening level tools” and then evaluate and rank areas of existing development to prioritize retrofitting candidates.

(d) Permit Part VI.D.9.d.iv requires the City to consider the results of the evaluation by giving “highly feasible” projects a “high priority” to implement source control and treatment control BMPs in the their Storm Water Management Plan (“SWMP”) and consider high priority retrofit projects as candidates for off-site mitigation for new development and redevelopment projects.

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(e) Permit Part VI.D.9.d.v requires the City to cooperate with private landowners to “encourage site specific retrofitting projects.” In such cooperation, demonstration retrofit projects, retrofits on public lands and easements, education and outreach, subsidies for retrofit projects, requiring retrofit projects as enforcement, mitigation or ordinance compliance, public and private partnerships, fees for existing discharges to the MS4 and reduction of such fees for retrofit implementation must be considered.

(f) Permit Part VI.D.9.g.ii requires the City to implement an Integrated Pest Management (“IPM”) program, including restrictions on the use of pesticides, restricting treatments only to remove the target organism, selection of pest controls that minimize risks to human health, “beneficial non-target organisms” and the environment, partnering with other agencies and organizations to “encourage” the use of IPM and adopt and “verifiably implement” policies, procedures and/or ordinances requiring the minimization of pesticide use and encouraging the use of IPM techniques for public agency facilities and activities. Additionally, the City must commit and schedule to reduce the use of pesticides that cause impairments of surface waters by preparing and updating annually an inventory of pesticides, quantify pesticide use by staff and contractors and demonstrate implementation of IPM alternatives where feasible to reduce pesticide use.

(g) Permit Part VI.D.9.h.vii requires permittees in areas not subject to a Trash TMDL, to install trash excluders, or equivalent devices, on or in catch basins or outfalls, except where such installation would cause flooding, unless lack of maintenance that causes the flooding. Permittees, including the City, may also employ alternative or enhanced BMPs that “provide



substantially equivalent removal of trash.” If alternative means are employed, the City must demonstrate that such BMPs “provide equivalent trash removal performance as excluders.”

(h) Permit Part VI.D.9.k.ii requires the City to train all employees and contractors “who use or have the potential to use pesticides or fertilizers” that address the potential for pesticide-related surface water toxicity, in the proper use, handling, and disposal of pesticides, least toxic methods of pest prevention and control, including IPM and the reduction of pesticide use.

(i) Based on City records, the cost to the City to comply with these public agency requirements in FY 2012-2013, including costs in participating in the EWMP process, was \$1,500,000.00. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement an EWMP, which includes public agency activities. This staff time resulted in a Letter of Intent to participate in an EWMP sent to the LARWQCB dated June 28, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(j) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$1,500,000.00.

15. **Illicit Connection and Discharge Requirements:**

(a) Permit Part VI.D.10.d.iii requires the City to “ensure that signage adjacent to open channels . . . include information regarding dumping prohibitions and public reporting of illicit discharges.”

(b) Permit Part VI.D.10.d.iv requires the City to develop and maintain written procedures that document how complaint calls are received, documented and tracked “to ensure that all complaints are adequately addressed.” Such procedures must be “evaluated to determine

whether changes or updates are needed to ensure that the procedures adequately document the methods employed by the Permittee.”

(c) Permit Part VI.D.10.d.v requires the City to maintain documentation of complaint calls and to record the location of the reported spill or illicit discharge and the action undertaken in response.

(d) Permit Part VI.D.10.e.i requires, in pertinent part, that the City implement a “spill response plan” for all sewage and other spills that may discharge into its MS4.

(e) Permit Part VI.D.10.e.i(1) requires that the plan must identify agencies responsible for spill response and cleanup, phone numbers and e-mail addresses for contacts and shall further address coordination with spill response teams “throughout all appropriate departments, programs and agencies so that maximum water quality protection is provided.”

(f) Permit Part VI.D.10.e.i(3) and (4) requires the City to respond to spills for containment within four hours of become aware of the spill, or if on private property, within two hours of gaining legal access to the property and reporting of spills that may endanger health or the environment to appropriate public health agencies and the Office of Emergency Services (“OES”).

(g) Based on City records, the cost to the City to comply with these illicit connection and discharge requirements in FY 2012-2013, including costs in participating in the EWMP process, was \$27,000.00. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement an EWMP, which includes illicit connection and discharge requirements. This staff time resulted in a Letter of Intent to participate in an EWMP sent to the

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LARWQCB dated June 28, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

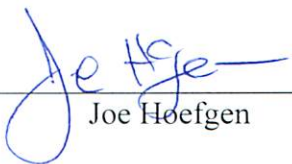
(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$28,000.00.

16. I am informed and believe that there are no dedicated state, federal or regional funds that are or will be available to pay for any of the new and/or upgraded programs and activities set forth in this Declaration. I am not aware of any other fee or tax that the City would have the discretion to impose under California law to recover any portion of the cost of these programs and activities.

17. The City has filed a joint test claim with 22 other cities. The Cities agree on all issues of the test claim.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 13<sup>th</sup> day of November, 2017, at Redondo Beach, California.

  
\_\_\_\_\_  
Joe Hoefgen

## EXHIBIT 1



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Steve Aspel  
Mayor

415 Diamond Street, P.O. Box 270  
Redondo Beach, California 90277-0270  
[www.redondo.org](http://www.redondo.org)

tel 310 937-6619  
fax 310 379-9268

June 28, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

**Letter of Intent to Develop an Enhanced Watershed Management Program and Coordinated Integrated Monitoring Program in Collaboration with the Beach Cities Watershed Management Group**

Dear Mr. Unger:

The City of Redondo Beach, with this letter, commits to collaborate with the Beach Cities Watershed Management Group in the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program in accordance with the new MS4 Permit by Order No. R4-2012-0175 for submission to your Board. The Beach Cities Watershed Management Group includes: the City of Redondo Beach, the City of Manhattan Beach, the City of Hermosa Beach, the City of Torrance and the Los Angeles County Flood Control District. The CIMP will address all of the required monitoring elements in the MS4 Permit for each of the watersheds to which the City is tributary.

The City of Redondo Beach further commits to cost share the development of both the Enhanced Watershed Management Program (EWMP) and the Coordinated Integrated Monitoring Program. A cost sharing formula and draft memorandum of agreement has been negotiated among participating representatives of the Group as to the equitable distribution of costs and responsibilities.

Should you have any questions, please contact me via email at [steve.aspel@redondo.org](mailto:steve.aspel@redondo.org) or via telephone at (310) 372-1171, ext. 2260.

Sincerely,

Steve Aspel

DECLARATION OF MICHAEL W. THRONE, PE

CITY OF SAN MARINO

I, Michael W. Throne, PE, Parks and Public Works Director/City Engineer, hereby declare and state as follows:

1. I am an employee of the City of San Marino (“City”). In that capacity, I share responsibility for the compliance of the City with regard to the requirements of California Regional Water Quality Control Board, Los Angeles Region (“LARWQCB”) Order No. R4-2012-0175 (“the Permit”) as they apply to the City.

2. I have reviewed sections of the Permit and its attachments as set forth herein and am familiar with those provisions. I am also familiar with how the Permit changed requirements that were previously imposed on the City by the prior permit that had issued to the City by the LARWQCB in 2001 (“2001 Permit”).

3. I have an understanding of the City’s sources of funding for programs and activities required to comply with the Permit.

4. I make this declaration based on my own personal knowledge, except for matters set forth herein based on information and belief, and as to those matters I believe them to be true. If called upon to testify, I could and would competently to the matters set forth herein.

5. In Section 5 and Section 7 of this Test Claim, which contains exhibits to the test claim filed by the City and other permittees under the Permit, the specific sections of the Permit at issue in the test claim have been set forth. I hereby incorporate such provisions of Sections 5 and 7 into this declaration as though fully set forth herein.

6. The City has elected to participate in an Enhanced Watershed Management Plan (“EWMP”) that is designed to address, in whole or in part, the “Total Maximum Daily Load

(TMDL”)” provisions of the Permit as well other requirements of the Permit, including those set forth in this Declaration.

7. Based on my understanding of the Permit, I believe that the Permit requires the City to undertake the following programs either directly or through the mechanism of an EWMP, which represent new programs and/or higher levels of service or the shifting of state responsibilities to the City, which activities were not required by the 2001 Permit and which are unique to local government entities:

8. **Implementation of TMDLs:**

(a) Part VI.E.1.c requires the permittees to “comply with the applicable water quality-based effluent limitations and/or receiving water limitations contained in Attachments L through R, consistent with the assumptions and requirements of the WLAs established in the TMDLs, including implementation plans and schedules, where provided for in the State adoption and approval of the TMDL (40 CFR 122.44(d)(1)(vii)(B); Cal. Wat. Code § 13263(a).”

(b) Attachment K to the Permit sets forth the TMDLs with which the City must comply.

(c) Attachments L through R of the Permit set forth the requirements of each TMDL and its “waste load allocations” with which the City must comply.

(d) Part VI.B of the Permit requires the City “to comply with the [Monitoring and Reporting Program] and future revisions thereto, in Attachment E of this Order or may, in coordination with an approved Watershed Management Program per Part VI.C, implement a customized monitoring program that achieves the five Primary Objectives set forth in Part II.A of Attachment E and includes the elements set forth in Part II.E of Attachment E.”

(e) Attachment E to the Permit requires the monitoring program to include monitoring at “TMDL receiving water compliance points” and other “TMDL monitoring requirements specified in approved TMDL Monitoring Plans.” (Permit, Attachment E, Parts II.E.1 through 3 and Part V; *see also* Attachment E, Parts VI.A.1.b(iii) and (iv), VI.B.2, VI.C.1.a, VI.D.1.a, VIII.B.1.b(ii), IX.A.5, IX.C.1.a, IX.E.1.a and b, IX.G.1.b., and IX.G.2.)

(f) Based on City records, the cost to the City to comply with these TMDL requirements in Fiscal Year (FY) 2012-2013, including costs in participating in the EWMP process, was \$149,078. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement an EWMP and an integrated monitoring program (“IMP”) or Coordinated Integrated Monitoring Program (“CIMP”), which resulted in the City submitting to the LARWQCB a Letter of Intent, dated June 4, 2013, to participate in an EWMP and CIMP; costs were incurred on and leading up to that date. Attached as Exhibit 1 is a copy of the City’s letter.

(g) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$225,305.

9. **Requirements Related to Discharge Prohibitions for Non-Stormwater:**

(a) Permit Part III.A.1 prohibits certain non-stormwater discharges through the municipal separate storm sewer system (“MS4”) to receiving waters. I have been advised that this requirement exceeds the requirements of the Clean Water Act (“CWA”).

(b) Part III.A.2 requires the City to employ best management practices (“BMPs”) for discharges from essential non-emergency firefighting activities and, with regard to unpermitted



discharges by drinking water suppliers, to work with those suppliers on the conditions of their discharges.

(c) Part III.A.4.a requires the City to develop and implement procedures covering non-permitted discharges of non-stormwater to the City's MS4 in compliance with the requirements of Part III.A.4.a.i-vi of the Permit.

(d) Part III.A.4.b requires the City to develop and implement procedures to minimize the discharge of landscape irrigation water into the MS4, including to coordinate with local water purveyors to promote water use efficiency, use of drought tolerant vegetation and use of less toxic options for pest control and landscape management and to develop and implement an outreach and education program to minimize the discharge of irrigation water and associated pollutants.

(e) Part III.A.4.c requires the City to evaluate monitoring data collected pursuant to the Permit's Monitoring and Reporting Program (Permit Attachment E) and other associated data and information to determine, among other things, if authorized or conditionally authorized non-stormwater discharges are a source of pollutants that may be causing or contributing to an exceedance of receiving water limitations and/or water quality based effluent limitations.

(f) Part III.A.4.d requires the City to take action to address such non-stormwater discharges if they are found to be such a source of pollutants, through effective prohibition, conditions, diversions or treatment. These tasks involve, among other things, meeting with non-stormwater dischargers, identifying and analyzing the nature of non-stormwater discharges, the development and implementation of discharge procedures, conducting public education efforts and evaluating monitoring data.

(g) Based on City records, the cost to the City to comply with these non-stormwater prohibition requirements in FY 2012-2013, including costs in participating in the EWMP process, was \$19,993. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. Those costs included costs for staff time in analyzing and deciding whether to implement an EWMP, which includes an analysis of non-stormwater requirements. These efforts resulted in the City submitting to the LARWQCB a Letter of Intent, dated June 4, 2013 (Exhibit 1 attached hereto), to participate in an EWMP; costs were incurred on and leading up to that date.

(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$40,000.

10. **Public Information Program Requirements:**

(a) Permit Part VI.D.5.a requires the City to “measurably increase” the knowledge of target audiences about the MS4, the adverse impacts of stormwater pollution on receiving waters and potential solutions to mitigate impacts, to “measurably change” waste disposal and stormwater pollution generation behavior by developing and encouraging implementation of “appropriate alternatives” and to “involve and engage a diversity of socio-economic groups and ethnic communities” to participate in stormwater pollution impact mitigation.

(b) Permit Part VI.D.5.b requires the City to implement Public Information and Participation Program activities by participating in either a County-wide, Watershed Group-sponsored or individual effort.

(c) Permit Part VI.D.5.c requires the City to provide a means for public reporting of clogged catch basin inlets and illicit discharges/dumping, faded or missing catch basin labels and general

stormwater and non-stormwater pollution prevention information through a telephone hotline or in public information or government pages of the telephone book, identify staff or departments serving as contact persons and providing current, updated hotline information. The City is also required to organize events targeted to residents and population subgroups to “educate and involve the community in storm water and non-storm water pollution prevent and clean-up (e.g., education seminars, clean-ups, and community catch basin stenciling).”

(d) Permit Part VI.D.5.d requires the City to conduct stormwater pollution prevention public service announcements and advertising campaigns and provide public education materials on the proper handling of vehicle waste fluids, house, and construction waste, pesticides and fertilizers (including the use of integrated pest management practices), green waste and animal wastes. This Part further requires the City (a) to distribute public education materials at automotive parts stores, home improvement centers, lumber yards and hardware and paint stores, landscaping and gardening centers and pet shops and feed stores, and (b) to maintain stormwater websites or provide links to stormwater websites via the City’s website, which must include educational material and opportunities for public participation in stormwater pollution and cleanup activities and provide schools within the City’s jurisdiction with materials to education K-12 students on stormwater pollution. In each of these requirements, Permit Part VID.5.d requires the City to “use effective strategies to educate and involve ethnic communities in storm water pollution prevention through culturally effective methods.”

(e) The City incurred costs for staff time in analyzing and deciding whether to implement an EWMP, which includes an analysis of the public information program. Those efforts resulted in the City submitting to the LARWQCB a Letter of Intent, dated June 4, 2013 (Exhibit 1 attached

hereto), to participate in an EWMP; costs for staff time were incurred on and leading up to that date.

(f) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$1,500.

11. **Inventory and Inspections of Industrial/Commercial Sources:**

(a) Permit Part VI.D.6.b requires the City to track nurseries and nursery centers and to include various information for each facility on the inventory, including the industrial classification code, the status of exposure of materials to stormwater, the name of the receiving water, whether the facility is tributary to a waterbody listed as impaired under CWA section 303(d) where the facility generates pollutants for which the waterbody is impaired, and whether the facility has filed a “No Exposure Certification” (“NEC”) with the State Water Resources Control Board (“State Board”). The City is required to update the inventory at least annually, through collection of information through field activities over from other means.

(b) Permit Part VI.D.6.d requires the City to inspect restaurants, automotive service facilities, retail gasoline outlets and nurseries and nursery centers twice during the Permit term, including an inspection within two years after the Permit’s effective date. In such inspection, the City is required, among other things, to evaluate whether the source is implementing effective source control BMPs for each corresponding activity and to require implementation of additional BMPs where stormwater from the facility discharged to the MS4 discharges to a Significant Ecological Area (“SEA”), a water body subject to TMDL provisions or a CWA section 303(d) listed waterbody.

(c) Permit Part VI.D.6.e requires the City to inspect industrial facilities, including those identified in 40 C.F.R. section 122.26(b)(14)(i-xi) and facilities identified in 40 C.F.R. section 122.26(d)(12)(iv)(C). In such inspections, the City is required to confirm that each facility has a current Waste Discharge Identification number for coverage under the State Board-issued General Industrial Activities Stormwater Permit or has applied for and received a no exposure certification, and to require implementation of additional BMPs where stormwater from the MS4 discharges to a waterbody subject to a TMDL or is a CWA section 303(d) listed impaired waterbodies. Additionally, for facilities discharging to MS4s that discharge to an SEA, the permittees, including the City, are required to require operators to implement additional pollutant-specific controls to reduce pollutants that are causing or contributing to exceedances of water quality standards.

(d) Based on City records, the cost to the City to comply with these inventory and inspection requirements in FY 2012-2013, including costs in participating in the EWMP process, was \$19,525. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. Those costs included costs for staff time in analyzing and deciding whether to implement an EWMP, which includes an analysis and customization of the inspection of industrial and commercial sources. Those efforts resulted in the City submitting to the LARWQCB a Letter of Intent, dated June 4, 2013 (Exhibit 1 attached hereto), to participate in an EWMP; costs for staff time were incurred on and leading up to that date.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$18,000.

12. **Post-Construction BMP Requirements:**

(a) Permit Part VI.D.7.d.iv(1)(a) requires the City to implement a GIS or other electronic system for tracking projects that are required to have post-construction BMPs, including project identification, acreage, BMP type and description, BMP locations, dates of acceptance and maintenance agreements, inspection dates and summaries and corrective action.

(b) Permit Part VI.D.7.d.iv(1)(b) requires the City to inspect all development sites upon completion of construction and before issuance of an occupancy certificate to ensure “proper installation” of Low Impact Development (“LID”) measures, structural BMPs, treatment control BMPs and hydromodification control BMPs.

(c) Permit Part VI.D.7.d.iv(1)(c) requires the City to develop a post-construction BMP checklist and to inspect at an interval of at least once every two years, City-operated post-construction BMPs to assess operations condition.

(d) Based on City records, the cost to the City to comply with these post-construction BMP requirements in FY 2012-2013, including costs in participating in the EWMP process, was \$143,704. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. Those costs included costs for staff time in analyzing and deciding whether to implement an EWMP, which includes an analysis of the planning and development program. Those efforts resulted in the City submitting to the LARWQCB a Letter of Intent, dated June 4, 2013 (Exhibit 1 attached hereto), to participate in an EWMP; costs for staff time were incurred on and leading up to that date.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$165,000.

13. **Construction Site Requirements:**

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Concerning Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No. CAS 004001)

(a) Permit Part VI.D.8.g.i requires the City to develop an electronic system to inventory grading, encroachment, demolition, building or construction permits (or other municipal authorizations to move soil and/or construct or destruct that involves land disturbance).

(b) Permit Part VI.D.8.g.ii requires the City to complete and update an inventory containing, among other items, contact information for a project, basic site information, the proximity of all water bodies, significant threats to water quality status, current construction phase where feasible, required inspection frequency, start and anticipated completion dates, whether the project has submitted a Notice of Intent to be covered under the State Board-issued General Construction Activities Stormwater Permit (“GCASP”), whether it has obtained GCASP coverage, the date the Erosion and Sediment Control Plan (“ESCP”) was approved and post-construction structural BMPs subject to operation and maintenance requirements.

(c) Permit Part VI.D.8.h requires the City to develop and implement review procedures for construction plan documents, including preparation and submittal of an appropriate ESCP, verification of GCASP or other permit coverage and other items. The Part further requires permittees, including the City, to develop and implement a checklist to conduct and document the review of each ESCP.

(d) Permit Part VI.D.8.i.i requires the City to develop and implement technical standards for the selection, installation and maintenance of construction BMPs for all such sites within the City.

(e) Permit Part VI.D.8.i.ii requires that such BMPs be tailored to the risks posed by the project, as well as in minimum conformance with standards set forth in Permit Table 15, use of BMPs meeting the requirements of Permit Tables 14 and 16 for construction sites equal or greater

than one acre or paving projects, detailed installation designs and cut sheets for use in ESCPs and maintenance expectations for each BMP or category of BMPs.

(f) Permit Part VI.D.8.i.iv further requires that such technical standards must be “readily available” to the development community and must be “clearly referenced” within the City’s stormwater or development services website, ordinance, permit approval process and/or ESCP review forms.

(g) Permit Part VI.D.8.i.v requires local BMP technical standards to cover all items set forth in Tables 13, 14, 15 and 16 of the Permit.

(h) Permit Part VI.D.8.j requires the City to inspect all construction sites of one acre or greater in size on the frequencies set forth in the Permit, which requires inspections prior to land disturbance activities, during active construction and at the conclusion of the project and as a condition to approving and/or issuing a Certificate of Occupancy. The frequency of inspections is set in addition in Table 17 of the Permit. As part of the inspection obligations, the permittees, including the City, must develop, implement and revise as necessary standard operating procedures that identify the inspection procedures to be followed by each permittee. Additionally, during inspections, the City must verify “active coverage” under the GCASP for specified projects; review the ESCP; inspect the site to determine whether all BMPs have been selected, installed, implemented and maintained; assess the appropriateness of planned and installed BMPs, and their effectiveness; visually observe and record non-stormwater discharge, potential illicit discharges and connections and potential discharge of pollutants in stormwater runoff; develop a written or electronic inspection report generated from a field inspection checklist; and track the number of inspections for the site to ensure that it meets the minimum requirements of Permit Table 17.



(i) Permit Part VI.D.8.1.i and ii requires the City to ensure training for “all staff whose primary job duties are related to implementing the construction storm water program,” including plan reviewers and permitting staff with regard to the “technical review of local erosion and sediment control ordinance, local BMP technical standards, ESCP requirements, and the key objectives of the State Water Board QSD program, erosion sediment control/storm water inspectors in inspection procedures consistent with various standards. Additionally, if outside parties conduct inspections or review plans, the City is required to ensure that such staff are trained under the same requirements.

(j) The City incurred costs for staff time in analyzing and deciding whether to implement an EWMP, which includes an analysis of the Permit’s construction requirements. Those efforts resulted in the City submitting to the LARWQCB a Letter of Intent, dated June 4, 2013 (Exhibit 1 attached hereto), to participate in an EWMP; costs for staff time were incurred on and leading up to that date.

14. **Public Agency Requirements:**

(a) Permit Part VI.D.9.c requires the City to maintain an “updated inventory” of all permittee-owned or operated facilities that are potential sources of stormwater pollution, including 24 separate categories of facilities that are required to be in the inventory. The inventory must include the name and address of the facility, contact information, a narrative description of activities performed and potential pollution sources, coverage under any individual or general NPDES permits or waivers. The inventory must be updated at least once during the five-year term of the Permit with information collected through field activities or other means.

(b) Permit Part VI.D.9.d.i requires the City to develop an inventory of “retrofitting opportunities” in areas of existing development.

(c) Permit Part VI.D.9.d.ii and iii requires the City to screen existing areas of development “to identify candidate areas for retrofitting using watershed models or other screening level tools” and then evaluate and rank areas of existing development to prioritize retrofitting candidates.

(d) Permit Part VI.D.9.d.iv requires the City to consider the results of the evaluation by giving “highly feasible” projects a “high priority” to implement source control and treatment control BMPs in their Storm Water Management Plan (“SWMP”) and consider high priority retrofit projects as candidates for off-site mitigation for new development and redevelopment projects.

(e) Permit Part VI.D.9.d.v requires the City to cooperate with private landowners to “encourage site specific retrofitting projects.” In such cooperation, demonstration retrofit projects, retrofits on public lands and easements, education and outreach, subsidies for retrofit projects, requiring retrofit projects as enforcement, mitigation or ordinance compliance, public and private partnerships, fees for existing discharges to the MS4 and reduction of such fees for retrofit implementation must be considered.

(f) Permit Part VI.D.9.g.ii requires the City to implement an Integrated Pest Management (“IPM”) program, including restrictions on the use of pesticides, restricting treatments only to remove the target organism, selection of pest controls that minimize risks to human health, “beneficial non-target organisms” and the environment, partnering with other agencies and organizations to “encourage” the use of IPM and adopt and “verifiably implement” policies, procedures and/or ordinances requiring the minimization of pesticide use and encouraging the use

of IPM techniques for public agency facilities and activities. Additionally, the City must commit and schedule to reduce the use of pesticides that cause impairments of surface waters by preparing and updating annually an inventory of pesticides, quantify pesticide use by staff and contractors and demonstrate implementation of IPM alternatives where feasible to reduce pesticide use.

(g) Permit Part VI.D.9.h.vii requires permittees in areas not subject to a Trash TMDL, to install trash excluders, or equivalent devices, on or in catch basins or outfalls, except where such installation would cause flooding, unless lack of maintenance that causes the flooding. Permittees, including the City, may also employ alternative or enhanced BMPs that “provide substantially equivalent removal of trash.” If alternative means are employed, the City must demonstrate that such BMPs “provide equivalent trash removal performance as excluders.”

(h) Permit Part VI.D.9.k.ii requires the City to train all employees and contractors “who use or have the potential to use pesticides or fertilizers” that address the potential for pesticide-related surface water toxicity, in the proper use, handling, and disposal of pesticides, least toxic methods of pest prevention and control, including IPM and the reduction of pesticide use.

(i) Based on City records, the cost to the City to comply with these public agency requirements in FY 2012-2013, including costs in participating in the WMP/EWMP process, was \$19,993. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. Those costs included costs for staff time in analyzing and deciding whether to implement an EWMP, which resulted in the City submitting to the LARWQCB a Letter of Intent, dated June 4, 2013 (Exhibit 1 attached hereto), to participate in an EWMP; costs were incurred on and leading up to that date.

(j) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$40,000.

15. **Illicit Connection and Discharge Requirements:**

(a) Permit Part VI.D.10.d.iii requires the City to “ensure that signage adjacent to open channels . . . include information regarding dumping prohibitions and public reporting of illicit discharges.”

(b) Permit Part VI.D.10.d.iv requires the City to develop and maintain written procedures that document how complaint calls are received, documented and tracked “to ensure that all complaints are adequately addressed.” Such procedures must be “evaluated to determine whether changes or updates are needed to ensure that the procedures adequately document the methods employed by the Permittee.”

(c) Permit Part VI.D.10.d.v requires the City to maintain documentation of complaint calls and to record the location of the reported spill or illicit discharge and the action undertaken in response.

(d) Permit Part VI.D.10.e.i requires, in pertinent part, that the City implement a “spill response plan” for all sewage and other spills that may discharge into its MS4.

(e) Permit Part VI.D.10.e.i(1) requires that the plan must identify agencies responsible for spill response and cleanup, phone numbers and e-mail addresses for contacts and shall further address coordination with spill response teams “throughout all appropriate departments, programs and agencies so that maximum water quality protection is provided.”

(f) Permit Part VI.D.10.e.i(3) and (4) requires the City to respond to spills for containment within four hours of become aware of the spill, or if on private property, within two hours of

gaining legal access to the property and reporting of spills that may endanger health or the environment to appropriate public health agencies and the Office of Emergency Services (“OES”).

(g) The City incurred costs for staff time in analyzing and deciding whether to implement an EWMP, which includes an analysis of the illicit connection and discharge program. Those efforts resulted in the City submitting to the LARWQCB a Letter of Intent, dated June 4, 2013 (Exhibit 1 attached hereto), to participate in an EWMP; costs for staff time were incurred on and leading up to that date.

(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$4,400.

16. I am informed and believe that there are no dedicated state, federal or regional funds that are or will be available to pay for any of the new and/or upgraded programs and activities set forth in this Declaration. I am not aware of any other fee or tax that the City would have the discretion to impose under California law to recover any portion of the cost of these programs and activities.

17. The City has filed a joint test claim with 22 other cities. The Cities agree on all issues of the test claim.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 14th day of November, 2017, at San Marino, California.



\_\_\_\_\_  
Michael W. Throne, PE

## EXHIBIT 1

# City of San Marino

Office of the City Manager

RECEIVED

JUN 12 2013

W/ PROTECTION DIVISION



**JOHN T. SCHAEFER**  
City Manager

June 4, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

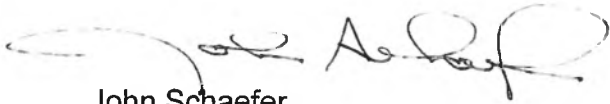
## **LETTER OF INTENT PLEDGING COMMITMENT IN THE DEVELOPMENT OF AN ENHANCED WATERSHED MANAGEMENT PROGRAM AND COORDINATED INTEGRATED MONITORING PROGRAM IN COLLABORATION WITH THE UPPER LOS ANGELES RIVER WATERSHED GROUP**

Dear Mr. Unger;

The City of San Marino, with this letter, pledges to collaborate with the Upper Los Angeles River Watershed Group (Group) in the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) in accordance with the new MS4 Permit by Order No. R4-2012-0175 for submission to your Board. The Upper Los Angeles Watershed Group includes only the following agencies: The City of Alhambra, the City of Burbank, The City of Calabasas, the City of Los Angeles, the city of El Monte, the City of Glendale, the City of Hidden Hills, the City of La Canada Flintridge, the County of Los Angeles, the City of Montebello, the City of Monterey Park, the City of Pasadena, the City of Rosemead, the City of San Gabriel, the City of San Marino, the City of South Pasadena, the City of Temple City, and the Los Angeles County Flood Control District.

The City of San Marino further pledges to cost share the development cost of both the Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP). A cost sharing formula has been agreed by all participating members of the Group as to the equitable distribution of costs.

Sincerely,

A handwritten signature in black ink, appearing to read "John Schaefer". The signature is fluid and cursive, with a large initial "J" and a distinct "S".

John Schaefer  
City Manager

cc:

Renee Purdy, California Regional Water Quality Control Board, Los Angeles Region  
Ivar Ridgeway, California Regional Water Quality Control Board, Los Angeles Region  
Alfredo Magallanes, City of Los Angeles, Bureau of Sanitation



DECLARATION OF NOE NEGRETE

CITY OF SANTA FE SPRINGS

I, Noe Negrete, hereby declare and state as follows:

1. I am an employee of the City of Santa Fe Springs (“City”). In that capacity, I share responsibility for the compliance of the City with regard to the requirements of California Regional Water Quality Control Board, Los Angeles Region (“LARWQCB”) Order No. R4-2012-0175 (“the Permit”) as they apply to the City.

2. I have reviewed sections of the Permit and its attachments as set forth herein and am familiar with those provisions. I am also familiar with how the Permit changed requirements that were previously imposed on the City by the prior permit that had issued to the City by the LARWQCB in 2001 (“2001 Permit”).

3. I have an understanding of the City’s sources of funding for programs and activities required to comply with the Permit.

4. I make this declaration based on my own personal knowledge, except for matters set forth herein based on information and belief, and as to those matters I believe them to be true. If called upon to testify, I could and would competently to the matters set forth herein.

5. In Section 5 and Section 7 of this Test Claim, which contains exhibits to the test claim filed by the City and other permittees under the Permit, the specific sections of the Permit at issue in the test claim have been set forth. I hereby incorporate such provisions of Sections 5 and 7 into this declaration as though fully set forth herein.

6. The City has elected to participate in a Watershed Management Plan (“WMP”) that is designed to address, in whole or in part, the “Total Maximum Daily Load (TMDL)” provisions of the Permit as well other requirements of the Permit, including those set forth in this Declaration.

7. Based on my understanding of the Permit, I believe that the Permit requires the City to undertake the following programs either directly or through the mechanism of a WMP, which represent new programs and/or higher levels of service or the shifting of state responsibilities to the City, which activities were not required by the 2001 Permit and which are unique to local government entities:

8. **Implementation of TMDLs:**

(a) Part VI.E.1.c requires the permittees to “comply with the applicable water quality-based effluent limitations and/or receiving water limitations contained in Attachments L through R, consistent with the assumptions and requirements of the WLAs established in the TMDLs, including implementation plans and schedules, where provided for in the State adoption and approval of the TMDL (40 CFR 122.44(d)(1)(vii)(B); Cal. Wat. Code § 13263(a)).”

(b) Attachment K to the Permit sets forth the TMDLs with which the City must comply.

(c) Attachments L through R of the Permit set forth the requirements of each TMDL and its “waste load allocations” with which the City must comply.

(d) Part VI.B of the Permit requires the City “to comply with the [Monitoring and Reporting Program] and future revisions thereto, in Attachment E of this Order or may, in coordination with an approved Watershed Management Program per Part VI.C, implement a customized monitoring program that achieves the five Primary Objectives set forth in Part II.A of Attachment E and includes the elements set forth in Part II.E of Attachment E.”

(e) Attachment E to the Permit requires the monitoring program to include monitoring at “TMDL receiving water compliance points” and other “TMDL monitoring requirements specified in approved TMDL Monitoring Plans.” (Permit, Attachment E, Parts II.E.1 through 3 and Part V;

Section 6: Declarations in Support of Joint Test Claim of Los Angeles County Local Agencies  
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*see also* Attachment E, Parts VI.A.1.b.(iii) and (iv), VI.B.2, VI.C.1.a, VI.D.1.a, VIII.B.1.b.(ii), IX.A.5, IX.C.1.a, IX.E.1.a and b, IX.G.1.b., and IX.G.2.)

(f) Based on City records, the cost to the City to comply with these TMDL requirements in Fiscal Year (FY) 2012-2013 was at least \$21,317.00. These costs were first incurred by the City in September 2012. Additional costs included costs for staff time in analyzing and deciding whether to implement a WMP and an integrated monitoring program (“IMP”) or Coordinated Integrated Monitoring Program (“CIMP”) which resulted in Notices of Intent to participate in a WMP and CIMP. The Notices of Intent were sent to the LARWQCB dated June 27, 2013; costs were incurred on and leading up to that date. Copies of the City’s Notices are attached as Exhibit 1.

(g) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$72,609.00.

9. **Requirements Related to Discharge Prohibitions for Non-Stormwater:**

(a) Permit Part III.A.1 prohibits certain non-stormwater discharges through the municipal separate storm sewer system (“MS4”) to receiving waters. I have been advised that this requirement exceeds the requirements of the Clean Water Act (“CWA”).

(b) Part III.A.2 requires the City to employ best management practices (“BMPs”) for discharges from essential non-emergency firefighting activities and, with regard to unpermitted discharges by drinking water suppliers, to work with those suppliers on the conditions of their discharges.

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(c) Part III.A.4.a requires the City to develop and implement procedures covering non-permitted discharges of non-stormwater to the City's MS4 in compliance with the requirements of Part III.A.4.a.i-vi of the Permit.

(d) Part III.A.4.b requires the City to develop and implement procedures to minimize the discharge of landscape irrigation water into the MS4, including to coordinate with local water purveyors to promote water use efficiency, use of drought tolerant vegetation and use of less toxic options for pest control and landscape management and to develop and implement an outreach and education program to minimize the discharge of irrigation water and associated pollutants.

(e) Part III.A.4.c requires the City to evaluate monitoring data collected pursuant to the Permit's Monitoring and Reporting Program (Permit Attachment E) and other associated data and information to determine, among other things, if authorized or conditionally authorized non-stormwater discharges are a source of pollutants that may be causing or contributing to an exceedance of receiving water limitations and/or water quality based effluent limitations.

(f) Part III.A.4.d requires the City to take action to address such non-stormwater discharges if they are found to be such a source of pollutants, through effective prohibition, conditions, diversions or treatment. These tasks involve, among other things, meeting with non-stormwater dischargers, identifying and analyzing the nature of non-stormwater discharges, the development and implementation of discharge procedures, conducting public education efforts and evaluating monitoring data.

(g) The City incurred staff time in analyzing and deciding whether to implement a WMP that addresses non-stormwater requirements. This staff time resulted in a Letter of Intent to

participate in a WMP sent to the LARWQCB dated June 27, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date. I cannot currently quantify those costs.

(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$0.

10. **Public Information Program Requirements:**

(a) Permit Part VI.D.5.a requires the City to “measurably increase” the knowledge of target audiences about the MS4, the adverse impacts of stormwater pollution on receiving waters and potential solutions to mitigate impacts, to “measurably change” waste disposal and stormwater pollution generation behavior by developing and encouraging implementation of “appropriate alternatives” and to “involve and engage a diversity of socio-economic groups and ethnic communities” to participate in stormwater pollution impact mitigation.

(b) Permit Part VI.D.5.b requires the City to implement Public Information and Participation Program activities by participating in either a County-wide, Watershed Group-sponsored or individual effort.

(c) Permit Part VI.D.5.c requires the City to provide a means for public reporting of clogged catch basin inlets and illicit discharges/dumping, faded or missing catch basin labels and general stormwater and non-stormwater pollution prevention information through a telephone hotline or in public information or government pages of the telephone book, identify staff or departments serving as contact persons and providing current, updated hotline information. The City is also required to organize events targeted to residents and population subgroups to “educate and involve the community in storm water and non-storm water pollution prevent and clean-up (e.g., education seminars, clean-ups, and community catch basin stenciling).”

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(d) Permit Part VI.D.5.d requires the City to conduct stormwater pollution prevention public service announcements and advertising campaigns and provide public education materials on the proper handling of vehicle waste fluids, house, and construction waste, pesticides and fertilizers (including the use of integrated pest management practices), green waste and animal wastes. This Part further requires the City (a) to distribute public education materials at automotive parts stores, home improvement centers, lumber yards and hardware and paint stores, landscaping and gardening centers and pet shops and feed stores, and (b) to maintain stormwater websites or provide links to stormwater websites via the City's website, which must include educational material and opportunities for public participation in stormwater pollution and cleanup activities and provide schools within the City's jurisdiction with materials to education K-12 students on stormwater pollution. In each of these requirements, Permit Part VI.D.5.d requires the City to "use effective strategies to educate and involve ethnic communities in storm water pollution prevention through culturally effective methods."

(e) The City incurred staff time in analyzing and deciding whether to implement a WMP that addresses public information requirements. This staff time resulted in a Letter of Intent to participate in a WMP sent to the LARWQCB dated June 27, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date. I cannot currently quantify those costs.

(f) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$2,000.

11. **Inventory and Inspections of Industrial/Commercial Sources:**

(a) Permit Part VI.D.6.b requires the City to track nurseries and nursery centers and to include various information for each facility on the inventory, including the industrial

classification code, the status of exposure of materials to stormwater, the name of the receiving water, whether the facility is tributary to a waterbody listed as impaired under CWA section 303(d) where the facility generates pollutants for which the waterbody is impaired, and whether the facility has filed a "No Exposure Certification" ("NEC") with the State Water Resources Control Board ("State Board"). The City is required to update the inventory at least annually, through collection of information through field activities over from other means.

(b) Permit Part VI.D.6.d requires the City to inspect restaurants, automotive service facilities, retail gasoline outlets and nurseries and nursery centers twice during the Permit term, including an inspection within two years after the Permit's effective date. In such inspection, the City is required, among other things, to evaluate whether the source is implementing effective source control BMPs for each corresponding activity and to require implementation of additional BMPs where stormwater from the facility discharged to the MS4 discharges to a Significant Ecological Area ("SEA"), a water body subject to TMDL provisions or a CWA section 303(d) listed waterbody.

(c) Permit Part VI.D.6.e requires the City to inspect industrial facilities, including those identified in 40 C.F.R. section 122.26(b)(14)(i-xi) and facilities identified in 40 C.F.R. section 122.26(d)(12)(iv)(C). In such inspections, the City is required to confirm that each facility has a current Waste Discharge Identification number for coverage under the State Board-issued General Industrial Activities Stormwater Permit or has applied for and received a no exposure certification, and to require implementation of additional BMPs where stormwater from the MS4 discharges to a waterbody subject to a TMDL or is a CWA section 303(d) listed impaired waterbodies. Additionally, for facilities discharging to MS4s that discharge to an SEA, the permittees, including

the City, are required to require operators to implement additional pollutant-specific controls to reduce pollutants that are causing or contributing to exceedances of water quality standards.

(d) Based on City records, the cost to the City to comply with these inventory and inspection requirements in FY 2012-2013, including costs in participating in the WMP process, was approximately \$20,000. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, which includes an analysis and customization of the inspection of industrial and commercial sources. This staff time resulted in a Letter of Intent to participate in a WMP sent to the LARWQCB on June 27, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$20,000.

12. **Post-Construction BMP Requirements:**

(a) Permit Part VI.D.7.d.iv(1)(a) requires the City to implement a GIS or other electronic system for tracking projects that are required to have post-construction BMPs, including project identification, acreage, BMP type and description, BMP locations, dates of acceptance and maintenance agreements, inspection dates and summaries and corrective action.

(b) Permit Part VI.D.7.d.iv(1)(b) requires the City to inspect all development sites upon completion of construction and before issuance of an occupancy certificate to ensure “proper installation” of Low Impact Development (“LID”) measures, structural BMPs, treatment control BMPs and hydromodification control BMPs.



(c) Permit Part VI.D.7.d.iv(1)(c) requires the City to develop a post-construction BMP checklist and to inspect at an interval of at least once every two years, City-operated post-construction BMPs to assess operations condition.

(d) The City incurred staff time in analyzing and deciding whether to implement a WMP that addresses post construction BMP requirements. This staff time resulted in a Letter of Intent to participate in a WMP sent to the LARWQCB dated June 27, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date. I cannot currently quantify those costs.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$0.

13. **Construction Site Requirements:**

(a) Permit Part VI.D.8.g.i requires the City to develop an electronic system to inventory grading, encroachment, demolition, building or construction permits (or other municipal authorizations to move soil and/or construct or destruct that involves land disturbance).

(b) Permit Part VI.D.8.g.ii requires the City to complete and update an inventory containing, among other items, contact information for a project, basic site information, the proximity of all water bodies, significant threats to water quality status, current construction phase where feasible, required inspection frequency, start and anticipated completion dates, whether the project has submitted a Notice of Intent to be covered under the State Board-issued General Construction Activities Stormwater Permit (“GCASP”), whether it has obtained GCASP coverage, the date the Erosion and Sediment Control Plan (“ESCP”) was approved and post-construction structural BMPs subject to operation and maintenance requirements.

Section 6: Declarations in Support of Joint Test Claim of Los Angeles County Local Agencies  
Concerning Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No. CAS 004001)

(c) Permit Part VI.D.8.h requires the City to develop and implement review procedures for construction plan documents, including preparation and submittal of an appropriate ESCP, verification of GCASP or other permit coverage and other items. The Part further requires permittees, including the City, to develop and implement a checklist to conduct and document the review of each ESCP.

(d) Permit Part VI.D.8.i.i requires the City to develop and implement technical standards for the selection, installation and maintenance of construction BMPs for all such sites within the City.

(e) Permit Part VI.D.8.i.ii requires that such BMPs be tailored to the risks posed by the project, as well as in minimum conformance with standards set forth in Permit Table 15, use of BMPs meeting the requirements of Permit Tables 14 and 16 for construction sites equal or greater than one acre or paving projects, detailed installation designs and cut sheets for use in ESCPs and maintenance expectations for each BMP or category of BMPs.

(f) Permit Part VI.D.8.i.iv further requires that such technical standards must be “readily available” to the development community and must be “clearly referenced” within the City’s stormwater or development services website, ordinance, permit approval process and/or ESCP review forms.

(g) Permit Part VI.D.8.i.v requires local BMP technical standards to cover all items set forth in Tables 13, 14, 15 and 16 of the Permit.

(h) Permit Part VI.D.8.j requires the City to inspect all construction sites of one acre or greater in size on the frequencies set forth in the Permit, which requires inspections prior to land disturbance activities, during active construction and at the conclusion of the project and as a

Section 6: Declarations in Support of Joint Test Claim of Los Angeles County Local Agencies  
Concerning Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No. CAS 004001)

condition to approving and/or issuing a Certificate of Occupancy. The frequency of inspections is set in addition in Table 17 of the Permit. As part of the inspection obligations, the permittees, including the City, must develop, implement and revise as necessary standard operating procedures that identify the inspection procedures to be followed by each permittee. Additionally, during inspections, the City must verify “active coverage” under the GCASP for specified projects; review the ESCP; inspect the site to determine whether all BMPs have been selected, installed, implemented and maintained; assess the appropriateness of planned and installed BMPs, and their effectiveness; visually observe and record non-stormwater discharge, potential illicit discharges and connections and potential discharge of pollutants in stormwater runoff; develop a written or electronic inspection report generated from a field inspection checklist; and track the number of inspections for the site to ensure that it meets the minimum requirements of Permit Table 17.

(i) Permit Part VI.D.8.i and ii requires the City to ensure training for “all staff whose primary job duties are related to implementing the construction storm water program,” including plan reviewers and permitting staff with regard to the “technical review of local erosion and sediment control ordinance, local BMP technical standards, ESCP requirements, and the key objectives of the State Water Board QSD program, erosion sediment control/storm water inspectors in inspection procedures consistent with various standards. Additionally, if outside parties conduct inspections or review plans, the City is required to ensure that such staff are trained under the same requirements.

(j) The City incurred staff time in analyzing and deciding whether to implement a WMP that includes construction site requirements. This staff time resulted in a Letter of Intent to

participate in a WMP sent to the LARWQCB dated June 27, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date. I cannot currently quantify those costs.

(k) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$0.

14. **Public Agency Requirements:**

(a) Permit Part VI.D.9.c requires the City to maintain an “updated inventory” of all permittee-owned or operated facilities that are potential sources of stormwater pollution, including 24 separate categories of facilities that are required to be in the inventory. The inventory must include the name and address of the facility, contact information, a narrative description of activities performed and potential pollution sources, coverage under any individual or general NPDES permits or waivers. The inventory must be updated at least once during the five-year term of the Permit with information collected through field activities or other means.

(b) Permit Part VI.D.9.d.i requires the City to develop an inventory of “retrofitting opportunities” in areas of existing development.

(c) Permit Part VI.D.9.d.ii and iii requires the City to screen existing areas of development “to identify candidate areas for retrofitting using watershed models or other screening level tools” and then evaluate and rank areas of existing development to prioritize retrofitting candidates.

(d) Permit Part VI.D.9.d.iv requires the City to consider the results of the evaluation by giving “highly feasible” projects a “high priority” to implement source control and treatment control BMPs in the their Storm Water Management Plan (“SWMP”) and consider high priority

retrofit projects as candidates for off-site mitigation for new development and redevelopment projects.

(e) Permit Part VI.D.9.d.v requires the City to cooperate with private landowners to “encourage site specific retrofitting projects.” In such cooperation, demonstration retrofit projects, retrofits on public lands and easements, education and outreach, subsidies for retrofit projects, requiring retrofit projects as enforcement, mitigation or ordinance compliance, public and private partnerships, fees for existing discharges to the MS4 and reduction of such fees for retrofit implementation must be considered.

(f) Permit Part VI.D.9.g.ii requires the City to implement an Integrated Pest Management (“IPM”) program, including restrictions on the use of pesticides, restricting treatments only to remove the target organism, selection of pest controls that minimize risks to human health, “beneficial non-target organisms” and the environment, partnering with other agencies and organizations to “encourage” the use of IPM and adopt and “verifiably implement” policies, procedures and/or ordinances requiring the minimization of pesticide use and encouraging the use of IPM techniques for public agency facilities and activities. Additionally, the City must commit and schedule to reduce the use of pesticides that cause impairments of surface waters by preparing and updating annually an inventory of pesticides, quantify pesticide use by staff and contractors and demonstrate implementation of IPM alternatives where feasible to reduce pesticide use.

(g) Permit Part VI.D.9.h.vii requires permittees in areas not subject to a Trash TMDL, to install trash excluders, or equivalent devices, on or in catch basins or outfalls, except where such installation would cause flooding, unless lack of maintenance that causes the flooding. Permittees, including the City, may also employ alternative or enhanced BMPs that “provide substantially

equivalent removal of trash.” If alternative means are employed, the City must demonstrate that such BMPs “provide equivalent trash removal performance as excluders.”

(h) Permit Part VI.D.9.k.ii requires the City to train all employees and contractors “who use or have the potential to use pesticides or fertilizers” that address the potential for pesticide-related surface water toxicity, in the proper use, handling, and disposal of pesticides, least toxic methods of pest prevention and control, including IPM and the reduction of pesticide use.

(i) The City incurred staff time in analyzing and deciding whether to implement a WMP that includes public agency requirements. This staff time resulted in a Letter of Intent to participate in a WMP sent to the LARWQCB dated June 27, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date. I cannot currently quantify those costs.

(j) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$0.

15. **Illicit Connection and Discharge Requirements:**

(a) Permit Part VI.D.10.d.iii requires the City to “ensure that signage adjacent to open channels . . . include information regarding dumping prohibitions and public reporting of illicit discharges.”

(b) Permit Part VI.D.10.d.iv requires the City to develop and maintain written procedures that document how complaint calls are received, documented and tracked “to ensure that all complaints are adequately addressed.” Such procedures must be “evaluated to determine whether changes or updates are needed to ensure that the procedures adequately document the methods employed by the Permittee.”

Section 6: Declarations in Support of Joint Test Claim of Los Angeles County Local Agencies  
Concerning Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No. CAS 004001)

(c) Permit Part VI.D.10.d.v requires the City to maintain documentation of complaint calls and to record the location of the reported spill or illicit discharge and the action undertaken in response.

(d) Permit Part VI.D.10.e.i requires, in pertinent part, that the City implement a “spill response plan” for all sewage and other spills that may discharge into its MS4.

(e) Permit Part VI.D.10.e.i(1) requires that the plan must identify agencies responsible for spill response and cleanup, phone numbers and e-mail addresses for contacts and shall further address coordination with spill response teams “throughout all appropriate departments, programs and agencies so that maximum water quality protection is provided.”

(f) Permit Part VI.D.10.e.i(3) and (4) requires the City to respond to spills for containment within four hours of become aware of the spill, or if on private property, within two hours of gaining legal access to the property and reporting of spills that may endanger health or the environment to appropriate public health agencies and the Office of Emergency Services (“OES”).

(g) The City incurred staff time in analyzing and deciding whether to implement a WMP that includes illicit connection and discharge requirements. This staff time resulted in a Letter of Intent to participate in a WMP sent to the LARWQCB dated June 27, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date. I cannot currently quantify those costs.

(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$0.

16. I am informed and believe that there are no dedicated state, federal or regional funds that are or will be available to pay for any of the new and/or upgraded programs and activities set forth in this Declaration. I am not aware of any other fee or tax that the City would have the

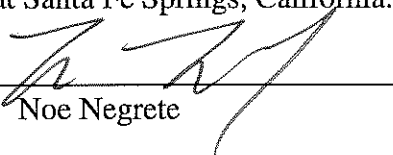
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discretion to impose under California law to recover any portion of the cost of these programs and activities.

17. The City has filed a joint test claim with 22 other cities. The Cities agree on all issues of the test claim.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 9th day of November, 2017, at Santa Fe Springs, California.

  
\_\_\_\_\_  
Noe Negrete



## EXHIBIT 1



11710 Telegraph Road CA 90670-3679 (562) 868-0511 Fax (562) 868-7112 www.santafesprings.org

*"A great place to live, work, and play"*

June 27, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

Subject: Letter of Intent to Participate in the Development of a Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) in Cooperation with the Lower San Gabriel River Watershed Group.

Dear Mr. Unger:

The City of Santa Fe Springs submits this Letter of Intent as our written notification to participate and share the cost for the development of a Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) for the Lower San Gabriel River Watershed and to satisfy the CIMP notification requirement of Section IV.C.1 of Attachment E of Order No. R4-2012-0175 (MS4 Permit). The Lower San Gabriel River Watershed Group is comprised of the following permittees: Artesia, Bellflower, Cerritos, Diamond Bar, Downey, Hawaiian Gardens, La Mirada, Lakewood, Long Beach, Norwalk, Pico Rivera, Santa Fe Springs, Whittier and the Los Angeles County Flood Control District.

While maintaining the 18 month schedule for development of the WMP, the Lower San Gabriel River Watershed Group intends to continue to evaluate and consider the Enhanced-WMP (EWMP) option. If the group decides to develop an EWMP prior to the December 28, 2013 deadline, your office will be notified in a separate letter prior to any such change.

Should you have any questions, please contact Sarina Morales-Choate at (562) 868-0511 extension 7367.

Sincerely,

Noe Negrete  
Director of Public Works

Richard J. Moore, Mayor • Juanita Trujillo, Mayor Pro Tem  
City Council  
Louie González • Laurie M. Rios • William K. Rounds  
City Manager  
Thaddeus McCormack

## DECLARATION OF CHARLIE HONEYCUTT

### CITY OF SIGNAL HILL

I, Charlie Honeycutt, hereby declare and state as follows:

1. I am the City Manager for the City of Signal Hill (“City”). In that capacity, I share responsibility for the compliance of the City with regard to the requirements of California Regional Water Quality Control Board, Los Angeles Region (“LARWQCB”) Order No. R4-2012-0175 (“the Permit”) as they apply to the City.

2. I have reviewed sections of the Permit and its attachments as set forth herein and am familiar with those provisions. I am also familiar with how the Permit changed requirements that were previously imposed on the City by the prior permit that had issued to the City by the LARWQCB in 2001 (“2001 Permit”).

3. I have an understanding of the City’s sources of funding for programs and activities required to comply with the Permit.

4. I make this declaration based on my own personal knowledge, except for matters set forth herein based on information and belief, and as to those matters I believe them to be true. If called upon to testify, I could and would competently to the matters set forth herein.

5. In Section 5 and Section 7 of this Test Claim, which contains exhibits to the test claim filed by the City and other permittees under the Permit, the specific sections of the Permit at issue in the test claim have been set forth. I hereby incorporate such provisions of Sections 5 and 7 into this declaration as though fully set forth herein.

6. The City has elected to participate in two Watershed Management Plans (“WMP”), one for the Lower Los Angeles River Watershed and one for the Los Cerritos Channel Watershed, that are designed to address, in whole or in part, the “Total Maximum Daily Load (TMDL)”

provisions of the Permit as well other requirements of the Permit, including those set forth in this Declaration.

7. Based on my understanding of the Permit, I believe that the Permit requires the City to undertake the following programs either directly or through the mechanism of a WMP, which represent new programs and/or higher levels of service or the shifting of state responsibilities to the City, which activities were not required by the 2001 Permit and which are unique to local government entities:

8. **Implementation of TMDLs:**

(a) Part VI.E.1.c requires the permittees to “comply with the applicable water quality-based effluent limitations and/or receiving water limitations contained in Attachments L through R, consistent with the assumptions and requirements of the WLAs established in the TMDLs, including implementation plans and schedules, where provided for in the State adoption and approval of the TMDL (40 CFR 122.44(d)(1)(vii)(B); Cal. Wat. Code § 13263(a)).”

(b) Attachment K to the Permit sets forth the TMDLs with which the City must comply.

(c) Attachments L through R of the Permit set forth the requirements of each TMDL and its “waste load allocations” with which the City must comply.

(d) Part VI.B of the Permit requires the City “to comply with the [Monitoring and Reporting Program] and future revisions thereto, in Attachment E of this Order or may, in coordination with an approved Watershed Management Program per Part VI.C, implement a customized monitoring program that achieves the five Primary Objectives set forth in Part II.A of Attachment E and includes the elements set forth in Part II.E of Attachment E.”

(e) Attachment E to the Permit requires the monitoring program to include monitoring at “TMDL receiving water compliance points” and other “TMDL monitoring requirements specified in approved TMDL Monitoring Plans.” (Permit, Attachment E, Parts II.E.1 through 3 and Part V; *see also* Attachment E, Parts VI.A.1.b.(iii) and (iv), VI.B.2, VI.C.1.a, VI.D.1.a, VIII.B.1.b.(ii), IX.A.5, IX.C.1.a, IX.E.1.a and b, IX.G.1.b., and IX.G.2.)

(f) Based on City records, the cost to the City to comply with these TMDL requirements in Fiscal Year (FY) 2012-2013, including costs in participating in the WMP process, was 121,292.50. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP and an integrated monitoring program (“IMP”) or Coordinated Integrated Monitoring Program (“CIMP”) which resulted in a Notices of Intent to participate in a WMP and CIMP. The Notices of Intent were sent to the LARWQCB dated June 24, 2013; costs were incurred on and leading up to that date. Copies of the City’s Notices are attached as Exhibit 1.

(g) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$208,900.

9. **Requirements Related to Discharge Prohibitions for Non-Stormwater:**

(a) Permit Part III.A.1 prohibits certain non-stormwater discharges through the municipal separate storm sewer system (“MS4”) to receiving waters. I have been advised that this requirement exceeds the requirements of the Clean Water Act (“CWA”).

(b) Part III.A.2 requires the City to employ best management practices (“BMPs”) for discharges from essential non-emergency firefighting activities and, with regard to unpermitted

discharges by drinking water suppliers, to work with those suppliers on the conditions of their discharges.

(c) Part III.A.4.a requires the City to develop and implement procedures covering non-permitted discharges of non-stormwater to the City's MS4 in compliance with the requirements of Part III.A.4.a.i-vi of the Permit.

(d) Part III.A.4.b requires the City to develop and implement procedures to minimize the discharge of landscape irrigation water into the MS4, including to coordinate with local water purveyors to promote water use efficiency, use of drought tolerant vegetation and use of less toxic options for pest control and landscape management and to develop and implement an outreach and education program to minimize the discharge of irrigation water and associated pollutants.

(e) Part III.A.4.c requires the City to evaluate monitoring data collected pursuant to the Permit's Monitoring and Reporting Program (Permit Attachment E) and other associated data and information to determine, among other things, if authorized or conditionally authorized non-stormwater discharges are a source of pollutants that may be causing or contributing to an exceedance of receiving water limitations and/or water quality based effluent limitations.

(f) Part III.A.4.d requires the City to take action to address such non-stormwater discharges if they are found to be such a source of pollutants, through effective prohibition, conditions, diversions or treatment. These tasks involve, among other things, meeting with non-stormwater dischargers, identifying and analyzing the nature of non-stormwater discharges, the development and implementation of discharge procedures, conducting public education efforts and evaluating monitoring data.

(g) Based on City records, the cost to the City to comply with these non-stormwater prohibition requirements in FY 2012-2013, including costs in participating in the WMP process, was \$1,000. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, which resulted in Notices of Intent dated June 24, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$1,000.

10. **Public Information Program Requirements:**

(a) Permit Part VI.D.5.a requires the City to “measurably increase” the knowledge of target audiences about the MS4, the adverse impacts of stormwater pollution on receiving waters and potential solutions to mitigate impacts, to “measurably change” waste disposal and stormwater pollution generation behavior by developing and encouraging implementation of “appropriate alternatives” and to “involve and engage a diversity of socio-economic groups and ethnic communities” to participate in stormwater pollution impact mitigation.

(b) Permit Part VI.D.5.b requires the City to implement Public Information and Participation Program activities by participating in either a County-wide, Watershed Group-sponsored or individual effort.

(c) Permit Part VI.D.5.c requires the City to provide a means for public reporting of clogged catch basin inlets and illicit discharges/dumping, faded or missing catch basin labels and general stormwater and non-stormwater pollution prevention information through a telephone hotline or in public information or government pages of the telephone book, identify staff or departments

serving as contact persons and providing current, updated hotline information. The City is also required to organize events targeted to residents and population subgroups to “educate and involve the community in storm water and non-storm water pollution prevent and clean-up (e.g., education seminars, clean-ups, and community catch basin stenciling).”

(d) Permit Part VI.D.5.d requires the City to conduct stormwater pollution prevention public service announcements and advertising campaigns and provide public education materials on the proper handling of vehicle waste fluids, house, and construction waste, pesticides and fertilizers (including the use of integrated pest management practices), green waste and animal wastes. This Part further requires the City (a) to distribute public education materials at automotive parts stores, home improvement centers, lumber yards and hardware and paint stores, landscaping and gardening centers and pet shops and feed stores, and (b) to maintain stormwater websites or provide links to stormwater websites via the City’s website, which must include educational material and opportunities for public participation in stormwater pollution and cleanup activities and provide schools within the City’s jurisdiction with materials to education K-12 students on stormwater pollution. In each of these requirements, Permit Part VI.D.5.d. requires the City to “use effective strategies to educate and involve ethnic communities in storm water pollution prevention through culturally effective methods.”

(e) Based on City records, the cost to the City to comply with these public information program requirements in FY 2012-2013, including costs in participating in the WMP process, was \$2,625. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, which includes an analysis of the public information program. This



staff time resulted in Notices of Intent to participate in WMPs sent to the LARWQCB dated June 24, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(f) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$6,500.

11. **Inventory and Inspections of Industrial/Commercial Sources:**

(a) Permit Part VI.D.6.b requires the City to track nurseries and nursery centers and to include various information for each facility on the inventory, including the industrial classification code, the status of exposure of materials to stormwater, the name of the receiving water, whether the facility is tributary to a waterbody listed as impaired under CWA section 303(d) where the facility generates pollutants for which the waterbody is impaired, and whether the facility has filed a “No Exposure Certification” (“NEC”) with the State Water Resources Control Board (“State Board”). The City is required to update the inventory at least annually, through collection of information through field activities over from other means.

(b) Permit Part VI.D.6.d requires the City to inspect restaurants, automotive service facilities, retail gasoline outlets and nurseries and nursery centers twice during the Permit term, including an inspection within two years after the Permit’s effective date. In such inspection, the City is required, among other things, to evaluate whether the source is implementing effective source control BMPs for each corresponding activity and to require implementation of additional BMPs where stormwater from the facility discharged to the MS4 discharges to a Significant Ecological Area (“SEA”), a water body subject to TMDL provisions or a CWA section 303(d) listed waterbody.

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(c) Permit Part VI.D.6.e requires the City to inspect industrial facilities, including those identified in 40 C.F.R. section 122.26(b)(14)(i-xi) and facilities identified in 40 C.F.R. section 122.26(d)(12)(iv)(C). In such inspections, the City is required to confirm that each facility has a current Waste Discharge Identification number for coverage under the State Board-issued General Industrial Activities Stormwater Permit or has applied for and received a no exposure certification, and to require implementation of additional BMPs where stormwater from the MS4 discharges to a waterbody subject to a TMDL or is a CWA section 303(d) listed impaired waterbodies. Additionally, for facilities discharging to MS4s that discharge to an SEA, the permittees, including the City, are required to require operators to implement additional pollutant-specific controls to reduce pollutants that are causing or contributing to exceedances of water quality standards.

(d) Based on City records, the cost to the City to comply with these inventory and inspection requirements in FY 2012-2013, including costs in participating in the WMP process, was \$2,400. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, which includes an analysis and customization of the inspection of industrial and commercial sources. This staff time resulted in Notices of Intent to participate in WMPs sent to the LARWQCB dated June 24, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$18,000.

12. **Post-Construction BMP Requirements:**

(a) Permit Part VI.D.7.d.iv(1)(a) requires the City to implement a GIS or other electronic system for tracking projects that are required to have post-construction BMPs, including project identification, acreage, BMP type and description, BMP locations, dates of acceptance and maintenance agreements, inspection dates and summaries and corrective action.

(b) Permit Part VI.D.7.d.iv(1)(b) requires the City to inspect all development sites upon completion of construction and before issuance of an occupancy certificate to ensure “proper installation” of Low Impact Development (“LID”) measures, structural BMPs, treatment control BMPs and hydromodification control BMPs.

(c) Permit Part VI.D.7.d.iv(1)(c) requires the City to develop a post-construction BMP checklist and to inspect at an interval of at least once every two years, City-operated post-construction BMPs to assess operations condition.

(d) Based on City records, the cost to the City to comply with these post-construction BMP requirements in FY 2012-2013, including costs in participating in the WMP process, was \$6,700. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, which includes an analysis of the planning and development program. This staff time resulted in Notices of Intent to participate in WMPs sent to the LARWQCB dated June 24, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$6,300.

13. **Construction Site Requirements:**

(a) Permit Part VI.D.8.g.i requires the City to develop an electronic system to inventory grading, encroachment, demolition, building or construction permits (or other municipal authorizations to move soil and/or construct or destruct that involves land disturbance).

(b) Permit Part VI.D.8.g.ii requires the City to complete and update an inventory containing, among other items, contact information for a project, basic site information, the proximity of all water bodies, significant threats to water quality status, current construction phase where feasible, required inspection frequency, start and anticipated completion dates, whether the project has submitted a Notice of Intent to be covered under the State Board-issued General Construction Activities Stormwater Permit (“GCASP”), whether it has obtained GCASP coverage, the date the Erosion and Sediment Control Plan (“ESCP”) was approved and post-construction structural BMPs subject to operation and maintenance requirements.

(c) Permit Part VI.D.8.h requires the City to develop and implement review procedures for construction plan documents, including preparation and submittal of an appropriate ESCP, verification of GCASP or other permit coverage and other items. The Part further requires permittees, including the City, to develop and implement a checklist to conduct and document the review of each ESCP.

(d) Permit Part VI.D.8.i.i requires the City to develop and implement technical standards for the selection, installation and maintenance of construction BMPs for all such sites within the City.

(e) Permit Part VI.D.8.i.ii requires that such BMPs be tailored to the risks posed by the project, as well as in minimum conformance with standards set forth in Permit Table 15, use of

BMPs meeting the requirements of Permit Tables 14 and 16 for construction sites equal or greater than one acre or paving projects, detailed installation designs and cut sheets for use in ESCPs and maintenance expectations for each BMP or category of BMPs.

(f) Permit Part VI.D.8.i.iv further requires that such technical standards must be “readily available” to the development community and must be “clearly referenced” within the City’s stormwater or development services website, ordinance, permit approval process and/or ESCP review forms.

(g) Permit Part VI.D.8.i.v requires local BMP technical standards to cover all items set forth in Tables 13, 14, 15 and 16 of the Permit.

(h) Permit Part VI.D.8.j requires the City to inspect all construction sites of one acre or greater in size on the frequencies set forth in the Permit, which requires inspections prior to land disturbance activities, during active construction and at the conclusion of the project and as a condition to approving and/or issuing a Certificate of Occupancy. The frequency of inspections is set in addition in Table 17 of the Permit. As part of the inspection obligations, the permittees, including the City, must develop, implement and revise as necessary standard operating procedures that identify the inspection procedures to be followed by each permittee. Additionally, during inspections, the City must verify “active coverage” under the GCASP for specified projects; review the ESCP; inspect the site to determine whether all BMPs have been selected, installed, implemented and maintained; assess the appropriateness of planned and installed BMPs, and their effectiveness; visually observe and record non-stormwater discharge, potential illicit discharges and connections and potential discharge of pollutants in stormwater runoff; develop a written or

electronic inspection report generated from a field inspection checklist; and track the number of inspections for the site to ensure that it meets the minimum requirements of Permit Table 17.

(i) Permit Part VI.D.8.1.i and ii requires the City to ensure training for “all staff whose primary job duties are related to implementing the construction storm water program,” including plan reviewers and permitting staff with regard to the “technical review of local erosion and sediment control ordinance, local BMP technical standards, ESCP requirements, and the key objectives of the State Water Board QSD program, erosion sediment control/storm water inspectors in inspection procedures consistent with various standards. Additionally, if outside parties conduct inspections or review plans, the City is required to ensure that such staff are trained under the same requirements.

(j) Based on City records, the cost to the City to comply with these construction site requirements in FY 2012-2013, including costs in participating in the WMP process, was \$6,700. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, which included an analysis of construction site requirements. This staff time resulted in Notices of Intent to participate in WMPs sent to the LARWQCB dated June 24, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(k) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$6,300.

14. **Public Agency Requirements:**

(a) Permit Part VI.D.9.c requires the City to maintain an “updated inventory” of all permittee-owned or operated facilities that are potential sources of stormwater pollution, including

24 separate categories of facilities that are required to be in the inventory. The inventory must include the name and address of the facility, contact information, a narrative description of activities performed and potential pollution sources, coverage under any individual or general NPDES permits or waivers. The inventory must be updated at least once during the five-year term of the Permit with information collected through field activities or other means.

(b) Permit Part VI.D.9.d.i requires the City to develop an inventory of “retrofitting opportunities” in areas of existing development.

(c) Permit Part VI.D.9.d.ii and iii requires the City to screen existing areas of development “to identify candidate areas for retrofitting using watershed models or other screening level tools” and then evaluate and rank areas of existing development to prioritize retrofitting candidates.

(d) Permit Part VI.D.9.d.iv requires the City to consider the results of the evaluation by giving “highly feasible” projects a “high priority” to implement source control and treatment control BMPs in the their Storm Water Management Plan (“SWMP”) and consider high priority retrofit projects as candidates for off-site mitigation for new development and redevelopment projects.

(e) Permit Part VI.D.9.d.v requires the City to cooperate with private landowners to “encourage site specific retrofitting projects.” In such cooperation, demonstration retrofit projects, retrofits on public lands and easements, education and outreach, subsidies for retrofit projects, requiring retrofit projects as enforcement, mitigation or ordinance compliance, public and private partnerships, fees for existing discharges to the MS4 and reduction of such fees for retrofit implementation must be considered.

(f) Permit Part VI.D.9.g.ii requires the City to implement an Integrated Pest Management (“IPM”) program, including restrictions on the use of pesticides, restricting treatments only to remove the target organism, selection of pest controls that minimize risks to human health, “beneficial non-target organisms” and the environment, partnering with other agencies and organizations to “encourage” the use of IPM and adopt and “verifiably implement” policies, procedures and/or ordinances requiring the minimization of pesticide use and encouraging the use of IPM techniques for public agency facilities and activities. Additionally, the City must commit and schedule to reduce the use of pesticides that cause impairments of surface waters by preparing and updating annually an inventory of pesticides, quantify pesticide use by staff and contractors and demonstrate implementation of IPM alternatives where feasible to reduce pesticide use.

(g) Permit Part VI.D.9.h.vii requires permittees in areas not subject to a Trash TMDL, to install trash excluders, or equivalent devices, on or in catch basins or outfalls, except where such installation would cause flooding, unless lack of maintenance that causes the flooding. Permittees, including the City, may also employ alternative or enhanced BMPs that “provide substantially equivalent removal of trash.” If alternative means are employed, the City must demonstrate that such BMPs “provide equivalent trash removal performance as excluders.”

(h) Permit Part VI.D.9.k.ii requires the City to train all employees and contractors “who use or have the potential to use pesticides or fertilizers” that address the potential for pesticide-related surface water toxicity, in the proper use, handling, and disposal of pesticides, least toxic methods of pest prevention and control, including IPM and the reduction of pesticide use.

(i) Based on City records, the cost to the City to comply with these public agency requirements in FY 2012-2013, including costs in participating in the WMP process, was \$41,577.



These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, which included an analysis of these public agency activities. This staff time resulted in Notices of Intent to participate in WMPs sent to the LARWQCB dated June 24, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(j) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$88,000.

15. **Illicit Connection and Discharge Requirements:**

(a) Permit Part VI.D.10.d.iii requires the City to “ensure that signage adjacent to open channels . . . include information regarding dumping prohibitions and public reporting of illicit discharges.”

(b) Permit Part VI.D.10.d.iv requires the City to develop and maintain written procedures that document how complaint calls are received, documented and tracked “to ensure that all complaints are adequately addressed.” Such procedures must be “evaluated to determine whether changes or updates are needed to ensure that the procedures adequately document the methods employed by the Permittee.”

(c) Permit Part VI.D.10.d.v requires the City to maintain documentation of complaint calls and to record the location of the reported spill or illicit discharge and the action undertaken in response.

(d) Permit Part VI.D.10.e.i requires, in pertinent part, that the City implement a “spill response plan” for all sewage and other spills that may discharge into its MS4.

Section 6: Declarations in Support of Joint Test Claim of Los Angeles County Local Agencies  
Concerning Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No. CAS 004001)

(e) Permit Part VI.D.10.e.i(1) requires that the plan must identify agencies responsible for spill response and cleanup, phone numbers and e-mail addresses for contacts and shall further address coordination with spill response teams “throughout all appropriate departments, programs and agencies so that maximum water quality protection is provided.”

(f) Permit Part VI.D.10.e.i(3) and (4) requires the City to respond to spills for containment within four hours of become aware of the spill, or if on private property, within two hours of gaining legal access to the property and reporting of spills that may endanger health or the environment to appropriate public health agencies and the Office of Emergency Services (“OES”).

(g) Based on City records, the cost to the City to comply with these illicit connection and discharge requirements in FY 2012-2013, including costs in participating in the WMP process, was \$2,250. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, which included an analysis of these illicit connection and discharge requirements. This staff time resulted in Notices of Intent to participate in WMPs sent to the LARWQCB dated June 24, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$2,700.

16. I am informed and believe that there are no dedicated state, federal or regional funds that are or will be available to pay for any of the new and/or upgraded programs and activities set forth in this Declaration. I am not aware of any other fee or tax that the City would have the

Section 6: Declarations in Support of Joint Test Claim of Los Angeles County Local Agencies  
Concerning Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No. CAS 004001)

discretion to impose under California law to recover any portion of the cost of these programs and activities.

17. The City has filed a joint test claim with 22 other cities. The Cities agree on all issues of the test claim.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 12<sup>TH</sup> day of October, 2017, at Signal Hill, California.

  
\_\_\_\_\_  
Charlie Honeycutt

## EXHIBIT 1



## CITY OF SIGNAL HILL

2175 Cherry Avenue • Signal Hill, California 90755-3799

June 24, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

Subject: Letter of Intent to Participate in the Development of a Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) in Cooperation with the Lower Los Angeles River Watershed Group

Dear Mr. Unger;

The City of Signal Hill submits this Letter of Intent as our written notification to participate and share the cost for the development of a Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) for the Lower Los Angeles River Watershed and to satisfy the CIMP notification requirement of Section IV.C.1 of Attachment E of Order No. R4-2012-0175 (MS4 Permit). The Los Angeles Lower Los Angeles River Watershed Group is comprised of the following Permittees: Downey, Lakewood, Long Beach, Lynwood, Paramount, Pico Rivera, Signal Hill, South Gate, and the Los Angeles Flood Control District.

While maintaining the 18 month schedule for development of the WMP, the Lower Los Angeles River Watershed Group intends to continue to evaluate and consider the Enhanced WMP (EWMP) option. If the group decides to develop an EWMP prior to the December 28, 2013 deadline, your office will be notified in a separate letter prior to any such change.

At its meeting of June 18, 2013, the City Council authorized the submittal of this letter of intent. In addition, on June 4, 2013, the City Council adopted a Green Streets Policy, and on June 18, 2013, had the first reading of its draft Low Impact Development (LID) Ordinance. Adoption of the LID Ordinance is expected in July.

Intent to Participate  
WMP and CIMP for LARR  
June 24, 2013  
Page 2

If you have any questions, please contact Steve Myrter, the Director of Public Works at (562) 989-7356.

Very truly yours,



---

Kenneth C. Farfing  
City Manger

**Notice of Intent to Develop a  
Watershed Management Program (WMP) and a  
Coordinated Integrated Monitoring Program (CIMP)  
for  
the Los Cerritos Channel Watershed**

Prepared for:

City of Bellflower

City of Cerritos

City of Downey

City of Lakewood

City of Long Beach

City of Paramount

City of Signal Hill

Los Angeles County Flood Control District (LACFCD)

Caltrans

June 27, 2013

LOS CERRITOS CHANNEL WATERSHED  
NOTICE OF INTENT PACKAGE

TRANSMITTAL LETTER



## *The Los Cerritos Channel Watershed Group*

June 25, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, CA 90013

Attn.: Renee Purdy

### **LETTER OF INTENT TO PARTICIPATE IN THE DEVELOPMENT OF A WATERSHED MANAGEMENT PROGRAM (WMP) AND COORDINATED INTEGRATED MONITORING PROGRAM (CIMP) IN COOPERATION WITH THE LOS CERRITOS CHANNEL METALS TMDL TECHNICAL COMMITTEE**

Dear Mr. Unger:

The Los Cerritos Channel (LCC) Metals TMDL Technical Committee now known as the Los Cerritos Channel Watershed Group (LCCWG) is submitting the attached Notice of Intent (NOI) package to your Board on behalf of our members. The LCCWG is comprised of the Cities of Bellflower, Cerritos, Downey, Lakewood, Long Beach, Paramount, and Signal Hill, as well as the Los Angeles County Flood Control District, and Caltrans. We are developing a Watershed Management Program (WMP) and a Coordinated Integrated Monitoring Program (CIMP) and intend to comply with the requirements and provisions of Order No. R4-2012-0175.

Attached to this NOI package for the Los Cerritos Channel Watershed are letters of intent from our member cities.

While maintaining the 18-month schedule for development of the WMP and CIMP, we intend to continue to evaluate and consider the Enhanced WMP (EWMP) option. If the group decides prior to December 28, 2013 to develop an EWMP, your office will be notified in a supplemental Notice of Intent, together with revised Letters of Intent from member cities and agencies.

Should you have any questions, please contact one of us at the following numbers: Anthony Arevalo, 562.570.6023; or Steve Myrter, 562.989.7356. Thank you.

Sincerely,

ON BEHALF OF THE LOS CERRITOS CHANNEL METALS TMDLS TECHNICAL COMMITTEE



**ANTHONY AREVALO**  
Co-Chair, Los Cerritos Channel  
Metals TMDLs Technical Committee



**STEVE MYRTER**  
Co-Chair, Los Cerritos Channel  
Metals TMDLs Technical Committee

LOS CERRITOS CHANNEL WATERSHED  
NOTICE OF INTENT PACKAGE

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A.2	City of Signal Hill Development of LID Ordinance and Green Streets Policy
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LOS CERRITOS CHANNEL WATERSHED  
NOTICE OF INTENT PACKAGE

LOS CERRITOS CHANNEL WATERSHED NOI

# Notice of Intent

## Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) Los Cerritos Channel Watershed

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### SECTION 1

#### PROGRAM TYPE AND PERMITTEES

The Permittees (listed in Table 1) that are party to this Notice of Intent (NOI) hereby notify the Los Angeles Regional Water Quality Control Board (Regional Water Board) of their intent to develop a Watershed Management Plan (WMP) for the Los Cerritos Channel Watershed. This NOI is being submitted in accordance with Part VI.C.4.b.i of Order R4-2012-0175. Permittees meet the LID and Green Street conditions in Sections VI.C.4.c.i (1) and (2) and VI.C.4.c.iv (1) and (2) and will submit the Draft WMP within 18 months of the effective date of Order R4-2012-0175 (June 28, 2014). Demonstration that the conditions of Part VI.C.4.c.i (1) have been met in greater than 50% of the watershed area is contained in Attachment A that demonstrates that the Cities of Downey, Lakewood, Paramount, and Signal Hill, which together comprise 69.99% of the total portion of the watershed included in the MS4 Permit for the Coastal Watersheds of Los Angeles Except Those Discharges Originating from the City of Long Beach, commenced development of a Low Impact Development (LID) Ordinance and a Green Streets Policy in collaboration with the Gateway Water Management Authority by February 26, 2013. Demonstration that the conditions of Part VI.C.4.c.iv (2) have been met in greater than 50% of the watershed area is contained in the attachments to the letters of intent from the cities of Bellflower, Cerritos, Lakewood, Paramount, and Signal Hill, which together comprise 97.44% of the total portion of the watershed included in the MS4 Permit.

The Permittees (listed in Table 1) that are party to this NOI also hereby notify the Regional Water Board of their intent to develop a Coordinated Integrated Monitoring Program (CIMP). The Permittees intend to follow a CIMP approach for each of the required monitoring plan elements and will submit the CIMP within 18 months of the effective date of Order R4-2012-0175 (June 28, 2014). Caltrans has long participated informally in meetings of the Los Cerritos Channel Watershed Group (formerly Los Cerritos Channel Metals TMDLs Technical Committee), and the Group is currently negotiating formal participation of Caltrans in preparation of both the WMP and CIMP.

While maintaining the 18-month WMP schedule, the Permittees intend to continue to consider Enhanced WMP (EWMP) options. If the Permittees elect to develop an EWMP prior to the December 28, 2013 deadline, the Permittees will notify the Regional Board.

**Table 1. Watershed Management Program Permittees**

1. City of Bellflower
2. City of Cerritos
3. City of Downey
4. City of Lakewood

5. City of Long Beach <sup>1</sup>
6. City of Paramount
7. City of Signal Hill
8. Caltrans <sup>1</sup>
9. Los Angeles County Flood Control District (LACFCD)

<sup>1</sup> The City of Long Beach and Caltrans are Regulated Under Separate MS4 Permits

## SECTION 2

### TOTAL MAXIMUM DAILY LOADS ESTABLISHED WATER QUALITY BASED EFFLUENT LIMITATIONS

At this time, there are no interim or final Water Quality Based Effluent Limitations (WQBELs) for trash applicable to the Watershed. Rather, the only interim or final WQBELs directly applicable to the Watershed are for the Los Cerritos Channel Total Maximum Daily Loads (TMDLs) for Metals established by the USEPA on March 17, 2010. On June 6, 2013, the Regional Water Board adopted Resolution No. R13-XXX with two attachments. Attachment B specifies an interim compliance date of September 30, 2017, which is after the anticipated approval date for the WMP, but approximately three months prior to the expiration date for Order No. R4-2012-0175. Attachment B also specifies two additional interim compliance dates in 2020 and 2023 and a final compliance date of September 30, 2026. Pursuant to Section VI.E.3 of the Order, the WMP will become the Implementation Plan for the EPA-established Los Cerritos Channel Metals TMDLs.

In addition, the cities of Bellflower, Lakewood, Long Beach, Paramount, and Signal Hill, together with Caltrans and the Los Angeles County Flood Control District (LACFCD) have been named as responsible parties in the Total Maximum Daily Load for Toxic Pollutants in the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters. This TMDL became effective on March 23, 2012. There are no interim or final WQBELs directly applicable to the Los Cerritos Channel Watershed. However, there are general plan development, monitoring, reporting, and plan implementation requirements that could impact the watershed. Initial work on these tasks is being coordinated by the Regional Monitoring Coalition with which the applicable permittees are coordinating.

Table 2 lists applicable interim, final Water Quality Based Effluent Limitations (WQBELs) limitations established by the Implementation Schedule for the Los Cerritos Channel TMDLs<sup>1</sup> for Metals.

**Table 2. Applicable Interim and Final WQBELs occurring before and after Watershed Management Program Approval.**

TMDL Order	WQBEL	Interim/Final	Compliance Date
Los Cerritos Channel TMDLs for Metals 2010-2026	Dry Weather <sup>1</sup> 30% of drainage area	Interim	9/30/2017
	70% of drainage area	Interim	9/30/2020

	100% of drainage area	Interim	9/30/2023
	Wet Weather <sup>1</sup>		
	10% of drainage area	Interim	9/30/2017
	35% of drainage area	Interim	9/30/2020
	65% of drainage area	Interim	9/30/2023
	100% of drainage area	Final	9/30/2026

<sup>1</sup> An Implementation Schedule for the Los Cerritos Channel Metals TMDLs was approved by the Regional Water Board on June 6, 2013 in Attachment B to Resolution No. R13-XXX.



### SECTION 3

#### IDENTIFY TMDL CONTROL MEASURES:

Table 3 identifies the control measures being implemented by each Permittee for each TMDL. The Permittees will continue to implement these measures during the development of the WMP.

**Table 3. Control Measures that are and will be Implemented Concurrently with WMP Development**

Permit	Program Elements	Control Measures
<b>Continued Implementation of Permit Requirements</b>	Public Information and Public Participation Program	Provide Public Information related to control of metals
	Industrial/Commercial Facilities Program	Track critical sources of metals Inspect critical industrial sources of metals Notify industries identified as potential sources of metals of BMP requirements applicable to their sites
	Planning and Land Development Program	Implement New Development/Redevelopment Project Performance Criteria
	Development Construction Program	Implement Construction Site Inventory Tracking Implement Construction Plan Review and Approval Procedures Conduct Construction Site Inspections
	Public Agency Activities Program	Implement Public Construction Management and Public Facility Inventory Inventory Existing Development for Retrofitting Opportunities Train Employees in Targeted Positions and Contractors

## SECTION 4

### DEMONSTRATION OF MEETING LID ORDINANCE AND GREEN STREET POLICY REQUIREMENTS

The Permittees that are party to this NOI have LID Ordinances and Green Streets Policies in place or in development. Table 4 summarizes the status of the Permittees' LID ordinances and Table 5 summarizes the status of the Permittees' Green Streets policies. More than 50% of the MS4 watershed area regulated by Order No. R4-2012-0175 that will be addressed by the WMP is covered by LID ordinances and Green Streets policies.

**Table 4. LCC: Status of LID Ordinance Coverage of the MS4 Watershed Area Addressed by the WMP<sup>1</sup>**

Permittee	LID Ordinance Status	MS4 Watershed Area for which Permittee is Responsible <sup>1</sup> [acres]	MS4 Watershed Area Covered by Permittee's LID Ordinance [acres]	Percentage of Watershed Area
Bellflower	In Place	2,818.43	2,818.43	15.91%
Cerritos	Draft Ordinance	57.60	57.60	0.33%
Downey	In Development	245.0	245.0	1.38%
Lakewood <sup>2</sup>	Draft Ordinance	4,802.77	4,802.77	27.12%
Paramount	Draft Ordinance	1,128.93	1,128.93	6.37%
Signal Hill	Draft Ordinance	530.75	530.75	3.00%
Total LA MS4 City Watershed Area		9,583.48		
Long Beach	In Place	7,535.38	7,535.38	42.55%
Total LA and Long Beach MS4 Watershed Area		17,118.86		
Caltrans <sup>3</sup>	NA	497.97	NA	2.81%
LACFCD <sup>3</sup>	NA	NA	NA	NA
Total Los Cerritos Channel Watershed Area		17,616.83 <sup>4</sup>		
Total LA MS4 City Watershed Area Covered By In Place or Draft LID Ordinances			9,338.48 <sup>4</sup>	
Total LA and Long Beach MS4 City Watershed Area Covered by In Place or Draft LID Ordinances			16,873.86 <sup>4</sup>	
% of LA MS4 City Watershed Area Covered By In Place or Draft Ordinances				97.44%
% of LA and LB MS4 City Watershed Area Covered by LID Ordinances				98.57%

Status Descriptions:

- In Place – Permittee has adopted an LID Ordinance that is in compliance with the requirements of Order R4-2012-0175 for its portion of the watershed.
- Draft Ordinance – Permittee has completed, or will complete by June 28, 2013, the development of a draft LID Ordinance in compliance with the requirements of Order R4-2012-0175 for its portion of the watershed.
- In Development – Permittee initiated development of an LID Ordinance for its portion of the watershed within 60 days of the effective date of the Order in compliance with the requirements of Order R4-2012-0175.

<sup>1</sup> Caltrans is under a separate statewide permit and its acreage is subtracted from city acreage.

<sup>2</sup> Lakewood will adopt a modified version of the County of Los Angeles LID Ordinance.

<sup>3</sup> The properties of Caltrans and LACFCD are not subject to inclusion in an LID Ordinance, nor in a municipal Green Streets Policy.

<sup>4</sup> Not including 95-acre unincorporated County area being addressed separately.

**Table 5. LCC: Status of Green Street Policy Coverage of the MS4 Watershed Area Addressed by the WMP <sup>1</sup>**

Permittee	Green Street Policy Status	MS4 Watershed Area for which Permittee is Responsible <sup>1</sup> [acres]	MS4 Watershed Area Covered by Permittee's Green Street Policy [acres]	Percentage of Watershed Area
Bellflower	Draft Policy	2,818.43	2,818.43	15.91%
Cerritos	Draft Policy	57.60	57.60	0.33%
Downey	In Development	245.0	245.0	1.38%
Lakewood	Draft Policy	4,802.77	4,802.77	27.12%
Paramount	In Place	1,128.93	1,128.93	6.37%
Signal Hill	In Place	530.75	530.75	3.00%
Total LA MS4 City Watershed Area		9,583.48		
Long Beach	In Development	7,535.38	7,535.38	42.55%
Total LA and Long Beach MS4 City, Watershed Area		17,118.86		
Caltrans <sup>2</sup>	NA	497.97	NA	2.81%
LACFCD <sup>2</sup>	NA	NA	NA	NA
Total Los Cerritos Channel Watershed Area		17,616.83 <sup>3</sup>		
Total LA MS4 City Watershed Area Covered By In Place or Draft Green Streets Policies			6,520.05 <sup>3</sup>	
Total LA and LB MS4 City Watershed Area Covered by In Place or Draft Green Streets Policies			6,520.05 <sup>3</sup>	
% of LA MS4 City Watershed Area Covered By In Place or Draft Green Streets Policies				97.44%
% of LA and LB MS4 City Watershed Area Covered by In Place or Draft Green Streets Policies				54.55%
<p>Status Descriptions:</p> <ul style="list-style-type: none"> <li>• In Place – Permittee has adopted a Green Streets Policy that is in compliance with the requirements of Order R4-2012-0175 for its portion of the watershed.</li> <li>• Draft Ordinance – Permittee has completed, or will complete by June 28, 2013, the development of a draft Green Streets Policy in compliance with the requirements of Order R4-2012-0175 for its portion of the watershed.</li> <li>• In Development – Permittee initiated development of a Green Streets Policy for its portion of the watershed within 60 days of the effective date of the Order in compliance with the requirements of Order R4-2012-0175.</li> </ul>				

<sup>1</sup> Caltrans is under a separate statewide permit and its acreage is subtracted from city acreage.

<sup>2</sup> The properties of Caltrans and LACFCD are not subject to inclusion in an LID Ordinance, nor in a municipal Green Streets Policy.

<sup>3</sup> Not including 95-acre unincorporated County area being addressed separately.

## SECTION 5

### GEOGRAPHIC SCOPE OF WATERSHED MANAGEMENT PROGRAM

The Los Cerritos Channel Watershed encompasses a land area of approximately 17,711 acres (27.7 square miles). It extends from just north of I-105 in Downey to Atherton Street in Long Beach where it discharges into the Los Cerritos Channel Estuary, which, in turn, discharges through Marine Stadium and Alamitos Bay to San Pedro Bay. The watershed includes ten MS4 Permittees regulated under three different MS4 permits. Nine of these Permittees are participating together in development of a WMP and a CIMP. This WMP and CIMP only includes the areas of the participating Permittees within the Los Cerritos Channel Freshwater watershed; it does not include areas directly tributary to the Los Cerritos Channel Estuary, nor areas directly tributary to Alamitos Bay. The WMP and CIMP will also include all LACFCD facilities within the Los Cerritos Channel Watershed, excluding any unincorporated County areas. The total area covered by the WMP includes approximately 17,617 acres. A 95-acre unincorporated County area with a separate WMP will be excluded from the WMP prepared by the Los Cerritos Channel Watershed Group. Table 6 provides a breakdown of the land area within the Los Cerritos Channel Watershed by Permittee.

**Table 6. Los Cerritos Channel Watershed Land Area by Permittee.**

<b>Permittee</b>	<b>Land Area (Acres)<sup>1,2</sup></b>	<b>Percent of Total Area</b>
<b>Bellflower</b>	2,818.43	15.91%
<b>Cerritos</b>	57.60	0.33%
<b>Downey</b>	245.0	1.38%
<b>Lakewood</b>	4,802.77	27.12%
<b>Long Beach</b>	7,535.38	42.55%
<b>Paramount</b>	1,128.93	6.37%
<b>Signal Hill</b>	530.75	3.00%
<b>Caltrans</b>	497.97 <sup>1</sup>	2.81%
<b>LACFCD</b>	NA <sup>2</sup>	NA

<sup>1</sup> Caltrans acreage subtracted from city areas.

<sup>2</sup> LACFCD acreage is included in city areas.

## SECTION 6

### PLAN CONCEPT AND INTERIM MILESTONES AND DEADLINES

If at any point, the Permittees elect to develop an EWMP, the Permittees propose to follow the schedule in Table 7:

**Table 7. Enhanced Watershed Management Program Interim Milestones and Target Completion Dates.**

<b>Milestone</b>	<b>Target Date</b>
Notify Regional Board on decision to elect to develop an Enhanced WMP instead of WMP	December 2013
Compile technical memorandum of water quality priorities	December 2013
Complete internal draft of EWMP Work Plan	March 2014
Complete draft CIMP	April 2014
Submit final CIMP and final EWMP Work Plan	June 2014
Complete initial RAA based on selected watershed control measures	December 2015
Complete internal draft of EWMP	April 2015
Submit draft EWMP to Regional Water Board	June 2015
Submit Final EWMP to Regional Water Board (revised based on the Regional Water Board comments)	January 2016

## SECTION 7

### COST ESTIMATE

It is estimated that the cost for the development of the CIMP and WMP will be approximately \$650,000. In addition, each Permittee will contribute undefined administrative costs and other in-kind services.

## SECTION 8

### PERMITTEE MEMORANDA OF UNDERSTANDING

All Permittees to the WMP are committed to the completion of the program development.

A copy of each city's existing MOA is attached to city Letters of Intent. A new MOA is under development. It will be signed by all permittees participating in development of the WMP and CIMP. A copy of the current draft is in Attachment B of this NOI.

## SECTION 9

### COMMITMENT TO IMPLEMENT A STRUCTURAL BMP OR SUITE OF BMPS

The Permittees listed in Table 8 will implement the identified structural BMP to fulfill the obligations under Part VI.C.b.iii.(5) if the WMP is converted to an EWMP.

**Table 8. Structural BMP or Suite of BMPs to be Implemented in the EWMP Watershed.**

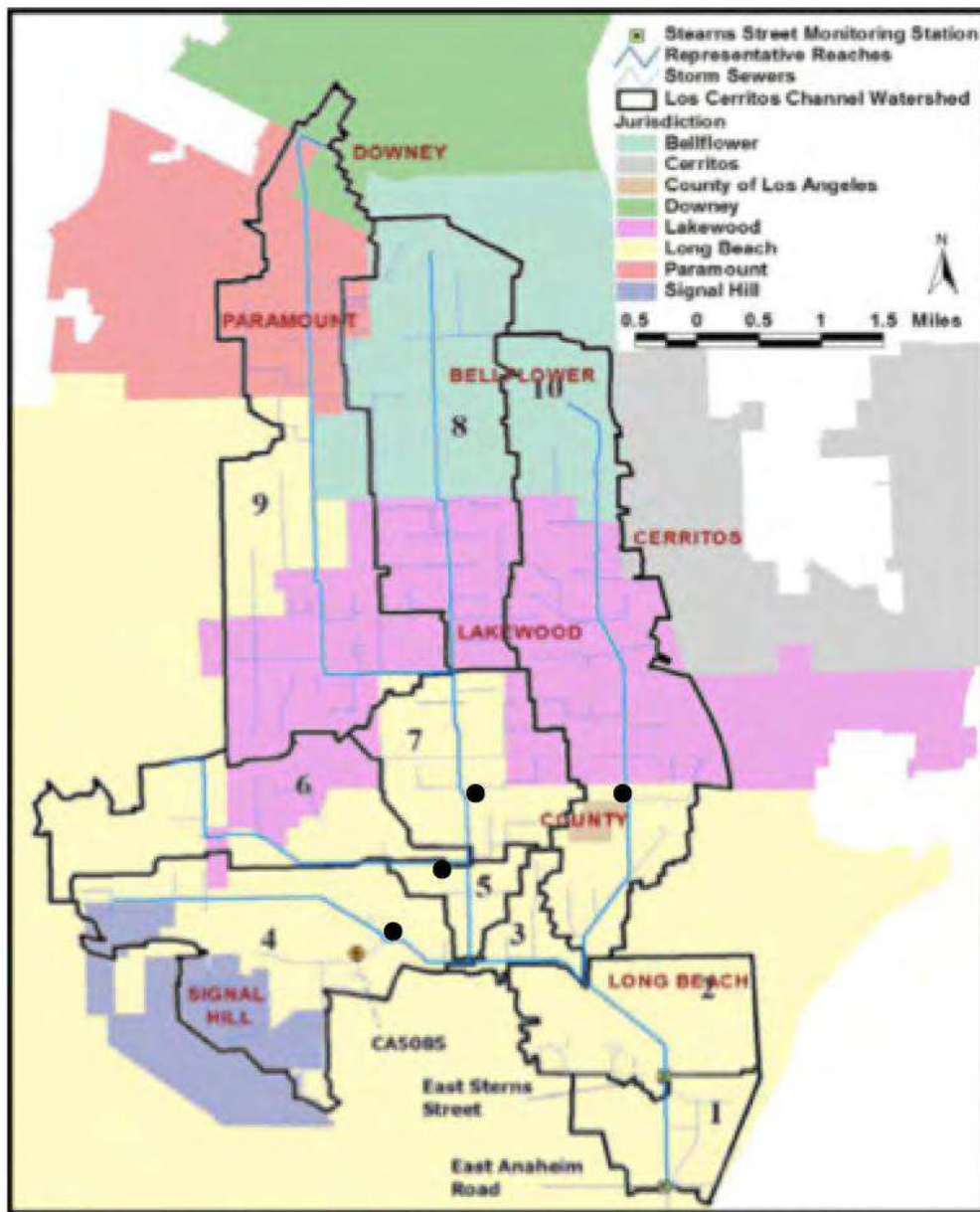
<b>Watershed</b>	<b>Permittee</b>	<b>Structural BMP or Suite of BMPs to be Implemented</b>	<b>Planned Implementation Date</b>
<b>Los Cerritos Channel</b>	All listed on Table 1	The Permittees are evaluating potential sites within the watershed for installation of a CDS unit, preferably in a location where it could serve as pre-treatment for a future stormwater capture facility. <sup>1,2</sup>	To Be Determined <sup>3</sup>

<sup>1</sup> The Los Cerritos Channel Watershed Group has selected a CDS unit as its potential initial structural BMP because these units capture sediment to which metals adhere, as well as trash and debris to address the 303(d) listing of Los Cerritos Channel for Trash.

<sup>2</sup> In addition, five cities in the watershed have applied for a Proposition 84 Integrated Regional Water Management (IRWM) grant for several hundred full-capture inserts for catch basins within the watershed. If this grant application is funded, this suite of BMPs may be implemented instead of a single CDS unit.

<sup>3</sup> Within thirty months of the effective date of this Order R4-2012-0175.

Figure 1: Los Cerritos Channel Watershed <sup>1,2</sup>



● Potential locations for installation of a CDS unit before June 28, 2015.

<sup>1</sup> A 5.05-acre area in the City of Downey drains to the Los Angeles River Watershed. While this area is included in this and other maps related to the TMDL, it has been excluded from TMDL calculations, allocations, and other tables and text (except those presenting model results) for the Los Cerritos Channel Metals TMDLs.

<sup>2</sup> Does not include 95-acre unincorporated County area being addressed separately.

<sup>3</sup> The reference monitoring station for the watershed is located at East Stearns Street.

<sup>4</sup> The reference weather station (CA5085) for the watershed is located at the Long Beach airport.

DECLARATION OF JENNIFER E. VASQUEZ

CITY OF SOUTH EL MONTE

I, Jennifer E. Vasquez, hereby declare and state as follows:

1. I am Interim City Manager for the City of South El Monte (“City”). In that capacity, I share responsibility for the compliance of the City with regard to the requirements of California Regional Water Quality Control Board, Los Angeles Region (“LARWQCB”) Order No. R4-2012-0175 (“the Permit”) as they apply to the City.

2. I have reviewed sections of the Permit and its attachments as set forth herein and am familiar with those provisions. I am also familiar with how the Permit changed requirements that were previously imposed on the City by the prior permit that had issued to the City by the LARWQCB in 2001 (“2001 Permit”).

3. I have an understanding of the City’s sources of funding for programs and activities required to comply with the Permit.

4. I make this declaration based on my own personal knowledge, except for matters set forth herein based on information and belief, and as to those matters I believe them to be true. If called upon to testify, I could and would competently to the matters set forth herein.

5. In Section 5 and Section 7 of this Test Claim, which contains exhibits to the test claim filed by the City and other permittees under the Permit, the specific sections of the Permit at issue in the test claim have been set forth. I hereby incorporate such provisions of Sections 5 and 7 into this declaration as though fully set forth herein.

6. The City originally elected to develop an individual Watershed Management Plan (“WMP”) in accordance with the terms of the Permit. Thereafter, the City modified its election, choosing to participate along with other cities in the Enhanced Watershed Management Plan



(“EWMP”) for the Upper Los Angeles River Watershed that is designed to address, in whole or in part, the “Total Maximum Daily Load (TMDL)” provisions of the Permit as well other requirements of the Permit, including those set forth in this Declaration.

7. Based on my understanding of the Permit, I believe that the Permit requires the City to undertake the following programs either directly or through the mechanism of a WMP/EWMP, which represent new programs and/or higher levels of service or the shifting of state responsibilities to the City, which activities were not required by the 2001 Permit and which are unique to local government entities:

8. **Implementation of TMDLs:**

(a) Part VI.E.1.c requires the permittees to “comply with the applicable water quality-based effluent limitations and/or receiving water limitations contained in Attachments L through R, consistent with the assumptions and requirements of the WLAs established in the TMDLs, including implementation plans and schedules, where provided for in the State adoption and approval of the TMDL (40 CFR 122.44(d)(1)(vii)(B); Cal. Wat. Code § 13263(a)).”

(b) Attachment K to the Permit sets forth the TMDLs with which the City must comply.

(c) Attachments L through R of the Permit set forth the requirements of each TMDL and its “waste load allocations” with which the City must comply.

(d) Part VI.B of the Permit requires the City “to comply with the [Monitoring and Reporting Program] and future revisions thereto, in Attachment E of this Order or may, in coordination with an approved Watershed Management Program per Part VI.C, implement a customized monitoring program that achieves the five Primary Objectives set forth in Part II.A of Attachment E and includes the elements set forth in Part II.E of Attachment E.”

(e) Attachment E to the Permit requires the monitoring program to include monitoring at “TMDL receiving water compliance points” and other “TMDL monitoring requirements specified in approved TMDL Monitoring Plans.” (Permit, Attachment E, Parts II.E.1 through 3 and Part V; *see also* Attachment E, Parts VI.A.1.b.(iii) and (iv), VI.B.2, VI.C.1.a, VI.D.1.a, VIII.B.1.b(ii), IX.A.5, IX.C.1.a, IX.E.1.a and b, IX.G.1.b, and IX.G.2.)

(f) Based on City records, the cost to the City to comply with these TMDL requirements in Fiscal Year (FY) 2012-2013, including costs in participating in the EWMP process, was \$11,250. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP and an integrated monitoring program (“IMP”) or Coordinated Integrated Monitoring Program (“CIMP”). These efforts resulted in the City originally sending a Notice of Intent to prepare a WMP and participate in a CIMP. The Notice of Intent was sent to the LARWQCB on June 27, 2013; costs were incurred on and leading up to that date. Attached as Exhibit 1 is a copy of the City’s Notice of Intent.

(g) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$125,000.

9. **Requirements Related to Discharge Prohibitions for Non-Stormwater:**

(a) Permit Part III.A.1 prohibits certain non-stormwater discharges through the municipal separate storm sewer system (“MS4”) to receiving waters. I have been advised that this requirement exceeds the requirements of the Clean Water Act (“CWA”).

(b) Part III.A.2 requires the City to employ best management practices (“BMPs”) for discharges from essential non-emergency firefighting activities and, with regard to unpermitted

discharges by drinking water suppliers, to work with those suppliers on the conditions of their discharges.

(c) Part III.A.4.a requires the City to develop and implement procedures covering non-permitted discharges of non-stormwater to the City's MS4 in compliance with the requirements of Part III.A.4.a.i-vi of the Permit.

(d) Part III.A.4.b requires the City to develop and implement procedures to minimize the discharge of landscape irrigation water into the MS4, including to coordinate with local water purveyors to promote water use efficiency, use of drought tolerant vegetation and use of less toxic options for pest control and landscape management and to develop and implement an outreach and education program to minimize the discharge of irrigation water and associated pollutants.

(e) Part III.A.4.c requires the City to evaluate monitoring data collected pursuant to the Permit's Monitoring and Reporting Program (Permit Attachment E) and other associated data and information to determine, among other things, if authorized or conditionally authorized non-stormwater discharges are a source of pollutants that may be causing or contributing to an exceedance of receiving water limitations and/or water quality based effluent limitations.

(f) Part III.A.4.d requires the City to take action to address such non-stormwater discharges if they are found to be such a source of pollutants, through effective prohibition, conditions, diversions or treatment. These tasks involve, among other things, meeting with non-stormwater dischargers, identifying and analyzing the nature of non-stormwater discharges, the development and implementation of discharge procedures, conducting public education efforts and evaluating monitoring data.

(g) Based on City records, the cost to the City to comply with these non-stormwater prohibition requirements in FY 2012-2013, including costs in participating in the WMP/EWMP process, was \$1,000. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. Those costs included costs for staff time in analyzing and deciding whether to implement an WMP, which resulted in the City originally submitting to the LARWQCB a Letter of Intent, dated June 27, 2013 (Exhibit 1 attached hereto), to prepare a WMP; costs were incurred on and leading up to that date.

(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$1,000.

10. **Public Information Program Requirements:**

(a) Permit Part VI.D.5.a requires the City to “measurably increase” the knowledge of target audiences about the MS4, the adverse impacts of stormwater pollution on receiving waters and potential solutions to mitigate impacts, to “measurably change” waste disposal and stormwater pollution generation behavior by developing and encouraging implementation of “appropriate alternatives” and to “involve and engage a diversity of socio-economic groups and ethnic communities” to participate in stormwater pollution impact mitigation.

(b) Permit Part VI.D.5.b requires the City to implement Public Information and Participation Program activities by participating in either a County-wide, Watershed Group-sponsored or individual effort.

(c) Permit Part VI.D.5.c requires the City to provide a means for public reporting of clogged catch basin inlets and illicit discharges/dumping, faded or missing catch basin labels and general stormwater and non-stormwater pollution prevention information through a telephone

hotline or in public information or government pages of the telephone book, identify staff or departments serving as contact persons and providing current, updated hotline information. The City is also required to organize events targeted to residents and population subgroups to “educate and involve the community in storm water and non-storm water pollution prevent and clean-up (e.g., education seminars, clean-ups, and community catch basin stenciling).”

(d) Permit Part VI.D.5.d requires the City to conduct stormwater pollution prevention public service announcements and advertising campaigns and provide public education materials on the proper handling of vehicle waste fluids, house, and construction waste, pesticides and fertilizers (including the use of integrated pest management practices), green waste and animal wastes. This Part further requires the City (a) to distribute public education materials at automotive parts stores, home improvement centers, lumber yards and hardware and paint stores, landscaping and gardening centers and pet shops and feed stores, and (b) to maintain stormwater websites or provide links to stormwater websites via the City’s website, which must include educational material and opportunities for public participation in stormwater pollution and cleanup activities and provide schools within the City’s jurisdiction with materials to education K-12 students on stormwater pollution. In each of these requirements, Permit Part VID.5.d requires the City to “use effective strategies to educate and involve ethnic communities in storm water pollution prevention through culturally effective methods.”

(e) Based on City records, the cost to the City to comply with these public information program requirements in FY 2012-2013, including costs in participating in the WMP/EWMP process, was \$23,500. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. Those costs included costs for staff time in analyzing

and deciding whether to implement an WMP, which resulted in the City originally submitting to the LARWQCB a Letter of Intent, dated June 27, 2013 (Exhibit 1 attached hereto), to prepare a WMP; costs were incurred on and leading up to that date.

(f) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$25,000.

11. **Inventory and Inspections of Industrial/Commercial Sources:**

(a) Permit Part VI.D.6.b requires the City to track nurseries and nursery centers and to include various information for each facility on the inventory, including the industrial classification code, the status of exposure of materials to stormwater, the name of the receiving water, whether the facility is tributary to a waterbody listed as impaired under CWA section 303(d) where the facility generates pollutants for which the waterbody is impaired, and whether the facility has filed a “No Exposure Certification” (“NEC”) with the State Water Resources Control Board (“State Board”). The City is required to update the inventory at least annually, through collection of information through field activities over from other means.

(b) Permit Part VI.D.6.d requires the City to inspect restaurants, automotive service facilities, retail gasoline outlets and nurseries and nursery centers twice during the Permit term, including an inspection within two years after the Permit’s effective date. In such inspection, the City is required, among other things, to evaluate whether the source is implementing effective source control BMPs for each corresponding activity and to require implementation of additional BMPs where stormwater from the facility discharged to the MS4 discharges to a Significant Ecological Area (“SEA”), a water body subject to TMDL provisions or a CWA section 303(d) listed waterbody.

(c) Permit Part VI.D.6.e requires the City to inspect industrial facilities, including those identified in 40 C.F.R. section 122.26(b)(14)(i-xi) and facilities identified in 40 C.F.R. section 122.26(d)(12)(iv)(C). In such inspections, the City is required to confirm that each facility has a current Waste Discharge Identification number for coverage under the State Board-issued General Industrial Activities Stormwater Permit or has applied for and received a no exposure certification, and to require implementation of additional BMPs where stormwater from the MS4 discharges to a waterbody subject to a TMDL or is a CWA section 303(d) listed impaired waterbodies. Additionally, for facilities discharging to MS4s that discharge to an SEA, the permittees, including the City, are required to require operators to implement additional pollutant-specific controls to reduce pollutants that are causing or contributing to exceedances of water quality standards.

(d) Based on City records, the cost to the City to comply with these inventory and inspection requirements in FY 2012-2013, including costs in participating in the WMP/EWMP process, was \$7,500. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. Those costs included costs for staff time in analyzing and deciding whether to implement an WMP, which resulted in the City originally submitting to the LARWQCB a Letter of Intent, dated June 27, 2013 (Exhibit 1 attached hereto), to prepare a WMP; costs were incurred on and leading up to that date.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$0.

12. **Post-Construction BMP Requirements:**

(a) Permit Part VI.D.7.d.iv(1)(a) requires the City to implement a GIS or other electronic system for tracking projects that are required to have post-construction BMPs, including project identification, acreage, BMP type and description, BMP locations, dates of acceptance and maintenance agreements, inspection dates and summaries and corrective action.

(b) Permit Part VI.D.7.d.iv(1)(b) requires the City to inspect all development sites upon completion of construction and before issuance of an occupancy certificate to ensure “proper installation” of Low Impact Development (“LID”) measures, structural BMPs, treatment control BMPs and hydromodification control BMPs.

(c) Permit Part VI.D.7.d.iv (1) (c) requires the City to develop a post-construction BMP checklist and to inspect at an interval of at least once every two years, City-operated post-construction BMPs to assess operations condition.

(d) Based on City records, the cost to the City to comply with these post-construction BMP requirements in FY 2012-2013, including costs in participating in the WMP/EWMP process, was \$5,000. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. Those costs included costs for staff time in analyzing and deciding whether to implement an WMP, which resulted in the City originally submitting to the LARWQCB a Letter of Intent, dated June 27, 2013 (Exhibit 1 attached hereto), to prepare a WMP; costs were incurred on and leading up to that date.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$10,000.

13. **Construction Site Requirements:**



(a) Permit Part VI.D.8.g.i requires the City to develop an electronic system to inventory grading, encroachment, demolition, building or construction permits (or other municipal authorizations to move soil and/or construct or destruct that involves land disturbance).

(b) Permit Part VI.D.8.g.ii requires the City to complete and update an inventory containing, among other items, contact information for a project, basic site information, the proximity of all water bodies, significant threats to water quality status, current construction phase where feasible, required inspection frequency, start and anticipated completion dates, whether the project has submitted a Notice of Intent to be covered under the State Board-issued General Construction Activities Stormwater Permit (“GCASP”), whether it has obtained GCASP coverage, the date the Erosion and Sediment Control Plan (“ESCP”) was approved and post-construction structural BMPs subject to operation and maintenance requirements.

(c) Permit Part VI.D.8.h requires the City to develop and implement review procedures for construction plan documents, including preparation and submittal of an appropriate ESCP, verification of GCASP or other permit coverage and other items. The Part further requires permittees, including the City, to develop and implement a checklist to conduct and document the review of each ESCP.

(d) Permit Part VI.D.8.i.i requires the City to develop and implement technical standards for the selection, installation and maintenance of construction BMPs for all such sites within the City.

(e) Permit Part VI.D.8.i.ii requires that such BMPs be tailored to the risks posed by the project, as well as in minimum conformance with standards set forth in Permit Table 15, use of BMPs meeting the requirements of Permit Tables 14 and 16 for construction sites equal or

greater than one acre or paving projects, detailed installation designs and cut sheets for use in ESCPs and maintenance expectations for each BMP or category of BMPs.

(f) Permit Part VI.D.8.i.iv further requires that such technical standards must be “readily available” to the development community and must be “clearly referenced” within the City’s stormwater or development services website, ordinance, permit approval process and/or ESCP review forms.

(g) Permit Part VI.D.8.i.v requires local BMP technical standards to cover all items set forth in Tables 13, 14, 15 and 16 of the Permit.

(h) Permit Part VI.D.8.j requires the City to inspect all construction sites of one acre or greater in size on the frequencies set forth in the Permit, which requires inspections prior to land disturbance activities, during active construction and at the conclusion of the project and as a condition to approving and/or issuing a Certificate of Occupancy. The frequency of inspections is set in addition in Table 17 of the Permit. As part of the inspection obligations, the permittees, including the City, must develop, implement and revise as necessary standard operating procedures that identify the inspection procedures to be followed by each permittee. Additionally, during inspections, the City must verify “active coverage” under the GCASP for specified projects; review the ESCP; inspect the site to determine whether all BMPs have been selected, installed, implemented and maintained; assess the appropriateness of planned and installed BMPs, and their effectiveness; visually observe and record non-stormwater discharge, potential illicit discharges and connections and potential discharge of pollutants in stormwater runoff; develop a written or electronic inspection report generated from a field inspection

checklist; and track the number of inspections for the site to ensure that it meets the minimum requirements of Permit Table 17.

(i) Permit Part VI.D.8.1.i and ii requires the City to ensure training for “all staff whose primary job duties are related to implementing the construction storm water program,” including plan reviewers and permitting staff with regard to the “technical review of local erosion and sediment control ordinance, local BMP technical standards, ESCP requirements, and the key objectives of the State Water Board QSD program, erosion sediment control/storm water inspectors in inspection procedures consistent with various standards. Additionally, if outside parties conduct inspections or review plans, the City is required to ensure that such staff are trained under the same requirements.

(j) Based on City records, the cost to the City to comply with these construction site requirements in FY 2012-2013, including costs in participating in the WMP/EWMP process, was \$5,000. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. Those costs included costs for staff time in analyzing and deciding whether to implement an WMP, which resulted in the City originally submitting to the LARWQCB a Letter of Intent, dated June 27, 2013 (Exhibit 1 attached hereto), to prepare a WMP; costs were incurred on and leading up to that date.

(k) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$10,000.

14. **Public Agency Requirements:**

(a) Permit Part VI.D.9.c requires the City to maintain an “updated inventory” of all permittee-owned or operated facilities that are potential sources of stormwater pollution,

including 24 separate categories of facilities that are required to be in the inventory. The inventory must include the name and address of the facility, contact information, a narrative description of activities performed and potential pollution sources, coverage under any individual or general NPDES permits or waivers. The inventory must be updated at least once during the five-year term of the Permit with information collected through field activities or other means.

(b) Permit Part VI.D.9.d.i requires the City to develop an inventory of “retrofitting opportunities” in areas of existing development.

(c) Permit Part VI.D.9.d.ii and iii requires the City to screen existing areas of development “to identify candidate areas for retrofitting using watershed models or other screening level tools” and then evaluate and rank areas of existing development to prioritize retrofitting candidates.

(d) Permit Part VI.D.9.d.iv requires the City to consider the results of the evaluation by giving “highly feasible” projects a “high priority” to implement source control and treatment control BMPs in their Storm Water Management Plan (“SWMP”) and consider high priority retrofit projects as candidates for off-site mitigation for new development and redevelopment projects.

(e) Permit Part VI.D.9.d.v requires the City to cooperate with private landowners to “encourage site specific retrofitting projects.” In such cooperation, demonstration retrofit projects, retrofits on public lands and easements, education and outreach, subsidies for retrofit projects, requiring retrofit projects as enforcement, mitigation or ordinance compliance, public and private partnerships, fees for existing discharges to the MS4 and reduction of such fees for retrofit implementation must be considered.

(f) Permit Part VI.D.9.g.ii requires the City to implement an Integrated Pest Management (“IPM”) program, including restrictions on the use of pesticides, restricting treatments only to remove the target organism, selection of pest controls that minimize risks to human health, “beneficial non-target organisms” and the environment, partnering with other agencies and organizations to “encourage” the use of IPM and adopt and “verifiably implement” policies, procedures and/or ordinances requiring the minimization of pesticide use and encouraging the use of IPM techniques for public agency facilities and activities. Additionally, the City must commit and schedule to reduce the use of pesticides that cause impairments of surface waters by preparing and updating annually an inventory of pesticides, quantify pesticide use by staff and contractors and demonstrate implementation of IPM alternatives where feasible to reduce pesticide use.

(g) Permit Part VI.D.9.h.vii requires permittees in areas not subject to a Trash TMDL, to install trash excluders, or equivalent devices, on or in catch basins or outfalls, except where such installation would cause flooding, unless lack of maintenance that causes the flooding. Permittees, including the City, may also employ alternative or enhanced BMPs that “provide substantially equivalent removal of trash.” If alternative means are employed, the City must demonstrate that such BMPs “provide equivalent trash removal performance as excluders.”

(h) Permit Part VI.D.9.k.ii requires the City to train all employees and contractors “who use or have the potential to use pesticides or fertilizers” that address the potential for pesticide-related surface water toxicity, in the proper use, handling, and disposal of pesticides, least toxic methods of pest prevention and control, including IPM and the reduction of pesticide use.

(i) Based on City records, the cost to the City to comply with these construction site requirements in FY 2012-2013, including costs in participating in the WMP/EWMP process, was \$28,750. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. Those costs included costs for staff time in analyzing and deciding whether to implement an WMP, which resulted in the City originally submitting to the LARWQCB a Letter of Intent, dated June 27, 2013 (Exhibit 1 attached hereto), to prepare a WMP; costs were incurred on and leading up to that date.

(j) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$85,000.

15. **Illicit Connection and Discharge Requirements:**

(a) Permit Part VI.D.10.d.iii requires the City to “ensure that signage adjacent to open channels . . . include information regarding dumping prohibitions and public reporting of illicit discharges.”

(b) Permit Part VI.D.10.d.iv requires the City to develop and maintain written procedures that document how complaint calls are received, documented and tracked “to ensure that all complaints are adequately addressed.” Such procedures must be “evaluated to determine whether changes or updates are needed to ensure that the procedures adequately document the methods employed by the Permittee.”

(c) Permit Part VI.D.10.d.v requires the City to maintain documentation of complaint calls and to record the location of the reported spill or illicit discharge and the action undertaken in response.

(d) Permit Part VI.D.10.e.i requires, in pertinent part, that the City implement a “spill response plan” for all sewage and other spills that may discharge into its MS4.

(e) Permit Part VI.D.10.e.i(1) requires that the plan must identify agencies responsible for spill response and cleanup, phone numbers and e-mail addresses for contacts and shall further address coordination with spill response teams “throughout all appropriate departments, programs and agencies so that maximum water quality protection is provided.”

(f) Permit Part VI.D.10.e.i(3) and (4) requires the City to respond to spills for containment within four hours of become aware of the spill, or if on private property, within two hours of gaining legal access to the property and reporting of spills that may endanger health or the environment to appropriate public health agencies and the Office of Emergency Services (“OES”).

(g) Based on City records, the cost to the City to comply with these illicit connection and discharge requirements in FY 2012-2013, including costs in participating in the WMP/EWMP process, was \$7,500. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. Those costs included costs for staff time in analyzing and deciding whether to implement an WMP, which resulted in the City originally submitting to the LARWQCB a Letter of Intent, dated June 27, 2013 (Exhibit 1 attached hereto), to prepare a WMP; costs were incurred on and leading up to that date.

(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$14,000.

16. I am informed and believe that there are no dedicated state, federal or regional funds that are or will be available to pay for any of the new and/or upgraded programs and

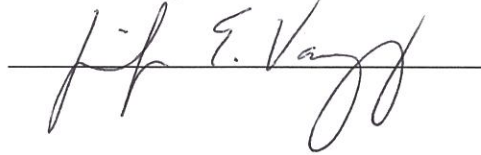
Section 6: Declarations in Support of Joint Test Claim of Los Angeles County Local Agencies  
Concerning Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No. CAS 004001)

activities set forth in this Declaration. I am not aware of any other fee or tax that the City would have the discretion to impose under California law to recover any portion of the cost of these programs and activities.

17. The City has filed a joint test claim with 22 other cities. The Cities agree on all issues of the test claim.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 16<sup>th</sup> day of October, 2017, at South El Monte, California.

  
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## EXHIBIT 1



## CITY OF SOUTH EL MONTE

1415 N. SANTA ANITA AVENUE  
SOUTH EL MONTE, CALIFORNIA 91733  
(626) 579-6540 • FAX (626) 579-2107



### VIA ELECTRONIC MAIL

June 27, 2013

Samuel Unger, Executive Director  
Regional Water Quality Control Board, Los Angeles Region  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013  
losangeles@waterboards.ca.gov

Subject: Notice of Intent to Develop an Individual Watershed Management Plan

Dear Mr. Unger:

The City of South El Monte is pleased to submit its Notice of Intent ("NOI") to the Los Angeles Regional Water Quality Control Board ("Regional Board") to:

1. Develop an Individual Watershed Management Plan ("I-WMP") in accordance with Los Angeles Regional Water Quality Control Board Order No. R4-2012-0175, NPDES Permit No., CAS0040, adopted on November 8, 2012 ("Permit") and became effective on December 28, 2012, and
2. Participate in a Coordinated Integrated Monitoring Plan ("CIMP");
3. Deliver drafts of the I-WMP and CIMP to the Regional Board on or before June 28, 2014.

The NOI requires the completion of the following tasks under VI.C.4.B.ii:

1. Identify applicable interim and final trash water quality based effluent limitations (WQBELs);
2. Identify all other interim and final WQBELs;
3. Identify interim and final receiving water limitations; and

4. Identify watershed control measures (where possible) based on existing TMDL implementation plans to be implemented by the City, concurrently with the development of a WMP (an I-WMP in this case).

In addition to the foregoing, NOI also requires the following tasks to be performed if a permittee chooses to implement an I-WMP:

1. Demonstrate that a draft Low Impact Development (LID) Ordinance is in place;
2. Demonstrate that a draft Green Street Policy is in place.

The Attachment provides a complete discussion of the NOI-related tasks. The City hereby reserves all its legal and equitable rights to challenge the Permit and the associated TMDLs, and nothing herein should be construed as acceptance or acquiescence to any terms or requirements of the Permit or TMDLs the City believes to be legally or technically deficient.

Should you have any questions please feel free to call me at (626) 579-6540 or email me at [aybarra@soelmonte.org](mailto:aybarra@soelmonte.org).

Sincerely,



Anthony R. Ybarra  
City Manager  
City of South El Monte

Enclosure(s)

cc:

Renee Purdy, California Regional Water Quality Control Board, Los Angeles Region (via electronic mail);

Rebecca Christmann, California Regional Water Quality Control Board, Los Angeles Region (via electronic mail);

Quinn M. Barrow (via electronic mail);

Ray Tahir (via electronic mail);

Andrew J. Brady (via electronic mail).

Attachment #1: City of South El Monte I-WMP/CIMP Notice of Intent Letter

i. *Notice of Intent to Develop I-WMP and CIMP*

The **City of South El Monte** ("City") has chosen to develop its own Individual Watershed Management Plan ("I-WMP") to meet TMDL and non-water quality standards (referred to collectively as "WQSS") for several reasons including but not limited to the following:

1. The I-WMP allows the City to determine to what extent its existing stormwater quality management program (SQMP), which has been in effect since 2002, is meeting TMDLs and non-TMDL WQSS, based outfall monitoring against ambient WQSS. It is possible that the City has been meeting some or even most WQSS. If outfall monitoring shows persistent exceedances, the I-WMP will contain a mechanism for addressing it.
2. If persistent exceedances of WQSS are detected from outfall discharges the permittee shall report them to the Regional Board along with a plan for improving BMPs to address the exceedances. This constitutes an "iterative process."
3. The City will submit its I-WMP on or before June 28, 2014.

The City declares its preference for participation in a Coordinated Integrated Monitoring Plan ("CIMP"). The CIMP will include participation with other MS4 permittees according to watersheds as mentioned above. The CIMP will address all of the monitoring requirements specified in the MS4 permit's Monitoring and Reporting Program ("MRP") element. The purpose of the CIMP is to: (1) characterize watersheds/sub-watersheds relative to WQSS; (2) determine to what extent MS4 permittees are meeting or not meeting WQSS; and (3) achieve monitoring cost savings through collective participation with other permittees sharing common watershed location. The City's CIMP will be submitted at the same time as its I-WMP, on or before June 28, 2014.

Although **South El Monte** is opting for an I-WMP and CIMP, it will work in cooperation with the following permittees on a watershed basis:

Watershed/Sub-watershed	Participating MS4s
<ul style="list-style-type: none"> <li>• Reach 2, Rio Hondo (tributary to Los Angeles River)</li> </ul>	<ul style="list-style-type: none"> <li>• El Monte</li> <li>• Irwindale</li> </ul>

Watershed/Sub-watershed	Participating MS4s
<ul style="list-style-type: none"> <li>• San Gabriel River</li> </ul>	<ul style="list-style-type: none"> <li>• El Monte (reach 3)</li> <li>• Glendora (reach 5 and Walnut Creek)</li> <li>• Irwindale (reach 4 and 5)</li> <li>• West Covina (Walnut Creek and San Jose Creek, Reach 1)</li> <li>• Walnut (Walnut Creek and San Jose)</li> </ul>

Attachment #1: City of South El Monte I-WMP/CIMP Notice of Intent Letter

	Creek, Reach 1)
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Each of these cities will be responsible for preparing its own individual WMP and conducting its own monitoring. However, because each of these permittees shares the same consultant, cost-sharing of I-WMP and CIMP development will likely result in common terms.

- ii. *Dry and Wet Weather Interim and Final WQBELs for Los Angeles River Metals TMDLs (includes Reach 2 of the Rio Hondo and Legg Lake)*

Los Angeles River Watershed TMDLs

Wet Weather WLAs				
Water Body	Copper	Lead	Zinc	Trash
Reach 2 Rio Hondo <sup>1</sup>	17 ug/l	62 ug/l	159 ug/l	See Attachment #2
Water Body	Bacteria	-	-	-
Reach 2 Rio Hondo	235 MPN/100 ml	-	-	-
Water Body	Nutrients <sup>2</sup>	-	-	-
Reach 2 Rio Hondo	7.2 mg/l	-	-	-
Water Body	Nutrients Total Nitrogen	Nutrients Total Phosphate	-	-
Legg Lake	1394.8 lb/yr	498.7 lb/yr	-	See Attachment #2
Dry Weather WLAs				
Water Body	Copper	Lead	Zinc	Trash
Reach 2 Rio Hondo	13 ug/l	5 ug/l	131 ug/l	Same As Wet Weather
Water Body	Bacteria (Interim)	Bacteria (Final)	-	-
Reach 2 Rio Hondo	2 MPN/day	235 MPN/100 ml	-	-
Water Body	Nutrients Total Nitrogen	Nutrients Total Phosphate	-	-
Legg Lake	1394.8 lb/yr	498.7 lb/yr		See Attachment #2

<sup>1</sup>The State's 303(d) list does not show Reach 2 of the Rio Hondo as being impaired for metal or trash.

Attachment #1: City of South El Monte I-WMP/CIMP Notice of Intent Letter

iii. *Dry and Wet Weather Interim and Final Receiving Water Limitations for Los Angeles River Metals TMDLs (includes Reach 2 of the Rio Hondo and Legg Lake)*

As is the case for dry and wet weather interim and final WQBELs, there is no reference to dry and wet weather interim and final receiving water limitations (RWLs) in federal law or USEPA guidance. And, there is no definition of an interim or final wet or dry weather RWL in attachment "A" of the Order. However, the Order here does define a RWL to mean:

*Any applicable numeric or narrative water quality objective or criterion, or limitation to implement the applicable water quality objective or criterion, for the receiving water as contained in Chapter 3 or 7 of the Water Quality Control Plan for the Los Angeles Region (Basin Plan), water quality control plans or policies adopted by the State Water Board, or federal regulations, including but not limited to, 40 CFR § 131.38.*

The foregoing definition is incorrect to the extent that is limited only to water quality objectives (WQOs), which are State standards. The definition should have only referenced WQSs, which are federal standards and according to the Los Angeles Region Basin Plan also includes WQOs. Or it should have just added WQSs in the sentence, thereby making it clear that both WQSs and WQOs are RWLs. This is an important distinction because a WQO cannot be interpreted to mean or apply to a TMDL because it is a federal construct.

Beyond this, if the Regional Board intended interim and final RWLs to mean WLAs that require compliance in receiving waters, based on in-stream monitoring, it is mistaken. As RWL language in the Order at V.A.1 explains: *Discharges from the MS4 that cause or contribute to the violation of receiving water limitations are prohibited.* From this, it would be unreasonable to conclude that an RWL can be expressed in interim or final terms. It has been suggested that the RWL is merely a compliance standard, expressed as a WLA, applied to the receiving water that must be complied through in-stream measurements. However, it is a clear from Order section V.A.1 that determining violations of RWLs can only be determined by measuring discharges from the MS4 (viz., an outfall or end-of-pipe).

iv. *Dry and Wet Weather Interim and Final WQBELs for San Gabriel River-Related TMDLs*

The City cannot identify wet weather interim and final WQBELs because of the uncertainty of what a WQBEL means. There is no definition of a wet weather or dry weather WQBEL anywhere in federal law or USEPA guidance. There is also no definition in Attachment A of the Order. It only explains it as acronym, which stands for a "water quality based effluent limitation." It has been suggested that a WQBEL is the same as a WLA. The City disagrees with this interpretation. A WQBEL is a means of attaining a WLA, generally expressed as BMPs. Complicating matters is that the SGR M-TMDL is a USEPA TMDL, which only

Attachment #1: City of South El Monte I-WMP/CIMP Notice of Intent Letter

requires WQBEL-BMPs to achieve compliance with TMDL WLAs. WQBELs, within the context of this TMDL, translate WLAs into BMPs, rendering a clear definition that does not exist in the Order.

Further complicating matters is that USEPA TMDLs do not define WQBELs to mean the same as WLAs. Instead, as noted in the current MS4 permit, USEPA TMDLs interpret WQBELs to mean BMPs. Until the SGR M-TMDL is adopted as State TMDL, which must go through a basin plan amendment process, the City will rely on USEPA's definition of a WQBEL.

In any case, dry and wet WLAs are numeric targets established for USEPA's SGR M-TMDLs. They are listed in the table below.

San Gabriel River Watershed TMDLs

Wet Weather WLA			
Water Body	Copper	Lead	Zinc
San Gabriel River Reach 2	N/A	81.34 mg/l x daily storm volume (L)	N/A
Coyote Creek	24.71 mg/l x daily storm volume (L)	96.99 mg/l x daily storm volume (L)	144.57 mg/l x daily storm volume (L)
Dry Weather			
Water Body	Copper	Selenium	
San Gabriel Reach 1	18 mg/l	N/A	N/A
Coyote Creek	20 mg/l	N/A	N/A
San Gabriel Estuary	3.7 mg/l	N/A	N/A
San Jose Creek Reach 1	NA	5 mg/l	N/A

The compliance schedule for attaining the above dry and wet weather WLAs is shown in the table below.

Date	Dry Weather WLA	Wet weather WLA
June 30, 2017	30% (MS4's drainage area)	10% (MS4's drainage area)
June 30, 2020	70% (MS4's drainage area)	35% (MS4's drainage area)
June 30, 2023	100% (MS4's drainage area)	65% (MS4's drainage area)
June 30, 2026	100% (MS4's drainage area)	100%(MS4's drainage area)

According to the San Gabriel River Metals TMDL (SGR-MTMDL), which is currently a USEPA TMDL, all permittees located in the San Gabriel River watershed are subject to waste load allocations (WLAs) for copper, zinc, lead, and selenium as following excerpt from it indicates:

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Wet-weather allocations will be developed for all upstream reaches and tributaries in the watershed that drain to impaired reaches during wet weather.<sup>3</sup> Discharges to these upstream reaches can cause or contribute to exceedances of water quality standards in San Gabriel River Reach 2 and Coyote Creek and thus contribute to impairments.

However, the City is of the view that it should not be subject to any of the SGR M-TMDLs. Table 7-1 of the TMDL lists **South El Monte** as being located in Reach 3 of the SGR, which is not impaired.

In spite of this, Regional Board staff has concluded that the City is subject to all of the M-TMDLs because of the tributary rule. The tributary rule does not apply here, however. It only operates to extend a beneficial use within a reach to an unidentified water body such as a stream or a lake. It cannot extend a beneficial use to an outside reach for which that same use does not exist. For example, the beneficial use of Reach 2 of the Rio Hondo is ground water recharge. It obviously cannot apply the same use to an upstream or downstream reach, even though the reaches are tributary to it. And, in any case, a beneficial use and a water quality standard are two separate issues. A water quality standard is intended to protect a beneficial use. If that standard is not sufficient, based on monitoring, then a TMDL would be required.

v. *Dry and Wet Weather Interim and Final Receiving Water Limitations for San Gabriel River-Related TMDLs*

See paragraph (iv) above.

v. *Watershed Control Measures Implemented During Development of I-WMP*

It is not possible to identify Watershed Control Measures (WCM) at this time because none of the cities in Reach 2 of the Rio Hondo have implemented a TMDL Implementation Plan containing watershed-scale control measures. The only control measures that have been implemented by the City are localized BMPs contained in the SQMP.

If the Regional Board would like the City to provide a list of the localized BMPs implemented pursuant to the applicable TMDLs, the City would be happy to provide such a list. The City will develop WCMs in its WMP geared toward meeting the applicable benchmarks.

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<sup>3</sup>This assertion contradicts State Board Water Quality Order 2001-15, which held: *There is no provision in state or federal law that mandates the adoption of separate water quality standards for wet weather conditions (see page 10).*



Attachment #1: City of South El Monte I-WMP/CIMP Notice of Intent Letter

x. *Demonstration of an Low Impact Development Ordinance*

The City has begun development of the LID order to the extent that it: (1) has reviewed the City and County of Los Angeles' versions; (2) has made an initial draft version based on the City and County of Los Angeles' versions; and (3) is developing a more abbreviated ordinance of its own based thereon.

xi. *Demonstration of Green Street Policy Development*

The City is developing a Green Streets Policy and has developed an initial draft. The City's Green Street Policy is based on the requirements of the Order which applies to the **Land Use Development Program**, which is subject to new development and redevelopment projects as the following indicates:

*Street and road construction of 10,000 square feet or more of impervious surface area shall follow USEPA guidance regarding Managing Wet Weather with Green Infrastructure: Green Streets (December 2008 EPA-833-F-08-009) to the maximum extent practicable. Street and road construction applies to standalone streets, roads, highways, and freeway projects, and also applies to streets within larger projects.*

This provision clearly directs permittees to follow USEPA guidance to the maximum extent practicable<sup>4</sup> and is applicable to 10,000 square feet or more of impervious surface. The City will apply it to new transportation corridors in areas of new development which are defined as *standalone streets, roads, highways, and freeway projects, and also applies to streets within larger projects.*

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<sup>4</sup>MEP will be based on, among other factors, cost and infiltration rates and shall allow for infiltration of street runoff through other media such as porous concrete.

Attachment #2: Los Angeles River Trash TMDLs All Reaches

Table 6. Los Angeles River Trash TMDL: Implementation Schedule.<sup>45</sup>  
 (Required percent reductions based on initial baseline wasteload allocation of each city)

Year	Implementation	Waste Load Allocation	Compliance Point
1 Sept 2008	Implementation: Year 1	60% of Baseline Waste Load Allocations for the Municipal permittees; and Caltrans	Compliance is 60% of the baseline load
2 Sept 2009	Implementation: Year 2	50% of Baseline Waste Load Allocations for the Municipal permittees; and Caltrans	Compliance is 55% of the baseline load calculated as a 2-year annual average
3 Sept 2010	Implementation: Year 3 <sup>46</sup>	40% of Baseline Waste Load Allocations for the Municipal permittees; and Caltrans	Compliance is 50% of the baseline load calculated as a rolling 3-year annual average
4 Sept 2011	Implementation: Year 4	30% of Baseline Waste Load Allocations for the Municipal permittees; and Caltrans	Compliance is 40% of the baseline load calculated as a rolling 3-year annual average
5 Sept 2012	Implementation: Year 5	20% of Baseline Waste Load Allocations for the Municipal permittees; and Caltrans	Compliance is 30% of the baseline load calculated as a rolling 3-year annual average
6 Sept 2013	Implementation: Year 6	10% of Baseline Waste Load Allocations for the Municipal permittees; and Caltrans	Compliance is 20% of the baseline load calculated as a rolling 3-year annual average
7 Sept 2014	Implementation: Year 7	0% of Baseline Waste Load Allocations for the Municipal permittees; and Caltrans	Compliance is 10% of the baseline load calculated as a rolling 3-year annual average
8 Sept 2015	Implementation: Year 8	0% of Baseline Waste Load Allocations for the Municipal permittees; and Caltrans	Compliance is 3.3% of the baseline load calculated as a rolling 3-year annual average
9 Sept 2016	Implementation: Year 9	0% of Baseline Waste Load Allocations for the Municipal permittees; and Caltrans	Compliance is 0% of the baseline load calculated as a rolling 3-year annual average

Attachment #3: Legg Lake Trash TMDL

Task	Impacted Permittees	Deadline
Installation of Full Capture Systems to achieve 20% reduction of trash from Baseline WLA*.	Los Angeles County, Los Angeles County Flood Control Districts, the Cities of El Monte and South El Monte, and Caltrans	March 6, 2012
Installation of Full Capture Systems to achieve 40% reduction of trash from Baseline WLA*.	Los Angeles County, Los Angeles County Flood Control Districts, the Cities of El Monte and South El Monte, and Caltrans	March 6, 2013
Evaluate the effectiveness of Full Capture Systems, and reconsider the WLA.	Regional Board	March 6, 2013
Installation of Full Capture Systems to achieve 60% reduction of trash from Baseline WLA*.	Los Angeles County, Los Angeles County Flood Control Districts, the Cities of El Monte and South El Monte, and Caltrans	March 6, 2014
Installation of Full Capture Systems to achieve 80% reduction of trash from Baseline WLA*.	Los Angeles County, Los Angeles County Flood Control Districts, the Cities of El Monte and South El Monte, and Caltrans	March 6, 2015
Installation of Full Capture Systems to achieve 100% reduction of trash from Baseline WLA*.	Los Angeles County, Los Angeles County Flood Control Districts, the Cities of El Monte and South El Monte, and Caltrans	March 6 <sup>th</sup> , 2016

\* Compliance with percent reductions from the Baseline WLA will be assumed wherever full capture systems are installed in corresponding percentages of the conveyance discharging to the water body. Installation will be prioritized based on the greatest point source loadings.

DECLARATION OF CARLOS R. FANDINO, JR.

CITY OF VERNON

I, Carlos R. Fandino, Jr., hereby declare and state as follows:

1. I am an employee of the City of Vernon ("City") in the City Administration Department. In that capacity, I share responsibility for the compliance of the City with regard to the requirements of California Regional Water Quality Control Board, Los Angeles Region ("LARWQCB") Order No. R4-2012-0175 ("the Permit") as they apply to the City.

2. I have reviewed sections of the Permit and its attachments as set forth herein and am familiar with those provisions. I am also familiar with how the Permit changed requirements that were previously imposed on the City by the prior permit that had issued to the City by the LARWQCB in 2001 ("2001 Permit").

3. I have an understanding of the City's sources of funding for programs and activities required to comply with the Permit.

4. I make this declaration based on my own personal knowledge, except for matters set forth herein based on information and belief, and as to those matters I believe them to be true. If called upon to testify, I could and would competently to the matters set forth herein.

5. In Section 5 and Section 7 of this Test Claim, which contains exhibits to the test claim filed by the City and other permittees under the Permit, the specific sections of the Permit at issue in the test claim have been set forth. I hereby incorporate such provisions of Sections 5 and 7 into this declaration as though fully set forth herein.

6. The City has elected to participate in a Watershed Management Plan ("WMP") that is designed to address, in whole or in part, the "Total Maximum Daily Load (TMDL)" provisions of the Permit as well other requirements of the Permit, including those set forth in this Declaration.

DECLARED AND SIGNED:  
CARLOS R. FANDINO, JR.

7. Based on my understanding of the Permit, I believe that the Permit requires the City to undertake the following programs either directly or through the mechanism of a WMP, which represents new programs and/or higher levels of service or the shifting of state responsibilities to the City, which activities were not required by the 2001 Permit and which are unique to local government entities:

8. **Implementation of TMDLs:**

(a) Part VI.E.1.c requires the permittees to “comply with the applicable water quality-based effluent limitations and/or receiving water limitations contained in Attachments L through R, consistent with the assumptions and requirements of the WLAs established in the TMDLs, including implementation plans and schedules, where provided for in the State adoption and approval of the TMDL (40 CFR 122.44(d)(1)(vii)(B); Cal. Wat. Code § 13263(a)).”

(b) Attachment K to the Permit sets forth the TMDLs with which the City must comply.

(c) Attachments L through R of the Permit set forth the requirements of each TMDL and its “waste load allocations” with which the City must comply.

(d) Part VI.B of the Permit requires the City “to comply with the [Monitoring and Reporting Program] and future revisions thereto, in Attachment E of this Order or may, in coordination with an approved Watershed Management Program per Part VI.C, implement a customized monitoring program that achieves the five Primary Objectives set forth in Part II.A of Attachment E and includes the elements set forth in Part II.E of Attachment E.”

(e) Attachment E to the Permit requires the monitoring program to include monitoring at “TMDL receiving water compliance points” and other “TMDL monitoring requirements specified in approved TMDL Monitoring Plans.” (Permit, Attachment E, Parts II.E.1 through 3 and Part V;

*see also* Attachment E, Parts VI.A.1.b(iii) and (iv), VI.B.2, VI.C.1.a, VI.D.1.a, VIII.B.1.b(ii), IX.A.5, IX.C.1.a, IX.E.1.a and b, IX.G.1.b, and IX.G.2.)

(f) Based on City records, the cost to the City to comply with these TMDL requirements in Fiscal Year (FY) 2012-2013, including costs in participating in the WMP process, was \$99,741.77. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP and an integrated monitoring program (“IMP”) or Coordinated Integrated Monitoring Program (“CIMP”) which resulted in a Notice of Intent to participate in a WMP and CIMP. The Notice of Intent was sent to the LARWQCB on June 27, 2013; costs were incurred on and leading up to that date. A copy of the Notice of Intent Letter is attached as Exhibit 1.

(g) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$255,417.53.

9. **Requirements Related to Discharge Prohibitions for Non-Stormwater:**

(a) Permit Part III.A.1 prohibits certain non-stormwater discharges through the municipal separate storm sewer system (“MS4”) to receiving waters. I have been advised that this requirement exceeds the requirements of the Clean Water Act (“CWA”).

(b) Part III.A.2 requires the City to employ best management practices (“BMPs”) for discharges from essential non-emergency firefighting activities and, with regard to unpermitted discharges by drinking water suppliers, to work with those suppliers on the conditions of their discharges.

(c) Part III.A.4.a requires the City to develop and implement procedures covering non-permitted discharges of non-stormwater to the City's MS4 in compliance with the requirements of Part III.A.4.a.i-vi of the Permit.

(d) Part III.A.4.b requires the City to develop and implement procedures to minimize the discharge of landscape irrigation water into the MS4, including to coordinate with local water purveyors to promote water use efficiency, use of drought tolerant vegetation and use of less toxic options for pest control and landscape management and to develop and implement an outreach and education program to minimize the discharge of irrigation water and associated pollutants.

(e) Part III.A.4.c requires the City to evaluate monitoring data collected pursuant to the Permit's Monitoring and Reporting Program (Permit Attachment E) and other associated data and information to determine, among other things, if authorized or conditionally authorized non-stormwater discharges are a source of pollutants that may be causing or contributing to an exceedance of receiving water limitations and/or water quality based effluent limitations.

(f) Part III.A.4.d requires the City to take action to address such non-stormwater discharges if they are found to be such a source of pollutants, through effective prohibition, conditions, diversions or treatment. These tasks involve, among other things, meeting with non-stormwater dischargers, identifying and analyzing the nature of non-stormwater discharges, the development and implementation of discharge procedures, conducting public education efforts and evaluating monitoring data.

(g) Based on City records, the cost to the City to comply with these non-stormwater prohibition requirements in FY 2012-2013, including costs in participating in the WMP process, was \$23,221.19. These costs were first incurred by the City in January 2013, upon or shortly after

the Permit became effective. As discussed above, those costs included costs for staff time in analyzing and deciding whether to implement a WMP, which resulted in a Notice of Intent to participate in a WMP sent to the LARWQCB on June 27, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$25,942.00.

10. **Public Information Program Requirements:**

(a) Permit Part VI.D.5.a requires the City to “measurably increase” the knowledge of target audiences about the MS4, the adverse impacts of stormwater pollution on receiving waters and potential solutions to mitigate impacts, to “measurably change” waste disposal and stormwater pollution generation behavior by developing and encouraging implementation of “appropriate alternatives” and to “involve and engage a diversity of socio-economic groups and ethnic communities” to participate in stormwater pollution impact mitigation.

(b) Permit Part VI.D.5.b requires the City to implement Public Information and Participation Program activities by participating in either a County-wide, Watershed Group-sponsored or individual effort.

(c) Permit Part VI.D.5.c requires the City to provide a means for public reporting of clogged catch basin inlets and illicit discharges/dumping, faded or missing catch basin labels and general stormwater and non-stormwater pollution prevention information through a telephone hotline or in public information or government pages of the telephone book, identify staff or departments serving as contact persons and providing current, updated hotline information. The City is also required to organize events targeted to residents and population subgroups to “educate and involve



the community in storm water and non-storm water pollution prevent and clean-up (e.g., education seminars, clean-ups, and community catch basin stenciling).”

(d) Permit Part VI.D.5.d requires the City to conduct stormwater pollution prevention public service announcements and advertising campaigns and provide public education materials on the proper handling of vehicle waste fluids, house, and construction waste, pesticides and fertilizers (including the use of integrated pest management practices), green waste and animal wastes. This Part further requires the City (a) to distribute public education materials at automotive parts stores, home improvement centers, lumber yards and hardware and paint stores, landscaping and gardening centers and pet shops and feed stores, and (b) to maintain stormwater websites or provide links to stormwater websites via the City’s website, which must include educational material and opportunities for public participation in stormwater pollution and cleanup activities and provide schools within the City’s jurisdiction with materials to education K-12 students on stormwater pollution. In each of these requirements, Permit Part VID.5.d. requires the City to “use effective strategies to educate and involve ethnic communities in storm water pollution prevention through culturally effective methods.”

(e) Based on City records, the cost to the City to comply with these public information program requirements in FY 2012-2013, including costs in participating in the WMP process, was \$5,286.79. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. As discussed above, those costs included costs for staff time in analyzing and deciding whether to implement a WMP, which include an analysis and customization of the public information program. This staff time resulted in a Notice of Intent to participate in a WMP

sent to the LARWQCB on June 27, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(f) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$1,404.01.

11. **Inventory and Inspections of Industrial/Commercial Sources:**

(a) Permit Part VI.D.6.b requires the City to track nurseries and nursery centers and to include various information for each facility on the inventory, including the industrial classification code, the status of exposure of materials to stormwater, the name of the receiving water, whether the facility is tributary to a waterbody listed as impaired under CWA section 303(d) where the facility generates pollutants for which the waterbody is impaired, and whether the facility has filed a "No Exposure Certification" ("NEC") with the State Water Resources Control Board ("State Board"). The City is required to update the inventory at least annually, through collection of information through field activities over from other means.

(b) Permit Part VI.D.6.d requires the City to inspect restaurants, automotive service facilities, retail gasoline outlets and nurseries and nursery centers twice during the Permit term, including an inspection within two years after the Permit's effective date. In such inspection, the City is required, among other things, to evaluate whether the source is implementing effective source control BMPs for each corresponding activity and to require implementation of additional BMPs where stormwater from the facility discharged to the MS4 discharges to a Significant Ecological Area ("SEA"), a water body subject to TMDL provisions or a CWA section 303(d) listed waterbody.

Section 6: Declarations in Support of Joint Test Claim of Los Angeles County Local Agencies  
Concerning Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No. CAS 004001)

(c) Permit Part VI.D.6.e requires the City to inspect industrial facilities, including those identified in 40 C.F.R. section 122.26(b)(14)(i-xi) and facilities identified in 40 C.F.R. section 122.26(d)(12)(iv)(C). In such inspections, the City is required to confirm that each facility has a current Waste Discharge Identification number for coverage under the State Board-issued General Industrial Activities Stormwater Permit or has applied for and received a no exposure certification, and to require implementation of additional BMPs where stormwater from the MS4 discharges to a waterbody subject to a TMDL or is a CWA section 303(d) listed impaired waterbodies. Additionally, for facilities discharging to MS4s that discharge to an SEA, the permittees, including the City, are required to require operators to implement additional pollutant-specific controls to reduce pollutants that are causing or contributing to exceedances of water quality standards.

(d) Based on City records, the cost to the City to comply with these inventory and inspection requirements in FY 2012-2013, including costs in participating in the WMP process, was \$10,698.73. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. As discussed above, those costs included costs for staff time in analyzing and deciding whether to implement a WMP, which includes an analysis and customization of education and inspection of industrial and commercial sources. This staff time resulted in a Notice of Intent to participate in a WMP sent to the LARWQCB on June 27, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$8,936.27.

12. **Post-Construction BMP Requirements:**

Section 6: Declarations in Support of Joint Test Claim of Los Angeles County Local Agencies  
Concerning Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No. CAS 004001)

(a) Permit Part VI.D.7.d.iv(1)(a) requires the City to implement a GIS or other electronic system for tracking projects that are required to have post-construction BMPs, including project identification, acreage, BMP type and description, BMP locations, dates of acceptance and maintenance agreements, inspection dates and summaries and corrective action.

(b) Permit Part VI.D.7.d.iv(1)(b) requires the City to inspect all development sites upon completion of construction and before issuance of an occupancy certificate to ensure “proper installation” of Low Impact Development (“LID”) measures, structural BMPs, treatment control BMPs and hydromodification control BMPs.

(c) Permit Part VI.D.7.d.iv(1)(c) requires the City to develop a post-construction BMP checklist and to inspect at an interval of at least once every two years, City-operated post-construction BMPs to assess operations condition.

(d) Based on City records, the cost to the City to comply with these post-construction BMP requirements in Fiscal Year (FY) 2012-2013, including costs in participating in the WMP process, was \$17,811.94. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. As discussed above, those costs included costs for staff time in analyzing and deciding whether to implement a WMP, which includes an analysis of the planning and development program. This staff time resulted in a Notice of Intent to participate in a WMP sent to the LARWQCB on June 27, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$19,683.01.

13. **Construction Site Requirements:**

Section 6: Declarations in Support of Joint Test Claim of Los Angeles County Local Agencies Concerning Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No. CAS 004001)

(a) Permit Part VI.D.8.g.i requires the City to develop an electronic system to inventory grading, encroachment, demolition, building or construction permits (or other municipal authorizations to move soil and/or construct or destruct that involves land disturbance).

(b) Permit Part VI.D.8.g.ii requires the City to complete and update an inventory containing, among other items, contact information for a project, basic site information, the proximity of all water bodies, significant threats to water quality status, current construction phase where feasible, required inspection frequency, start and anticipated completion dates, whether the project has submitted a Notice of Intent to be covered under the State Board-issued General Construction Activities Stormwater Permit (“GCASP”), whether it has obtained GCASP coverage, the date the Erosion and Sediment Control Plan (“ESCP”) was approved and post-construction structural BMPs subject to operation and maintenance requirements.

(c) Permit Part VI.D.8.h requires the City to develop and implement review procedures for construction plan documents, including preparation and submittal of an appropriate ESCP, verification of GCASP or other permit coverage and other items. The Part further requires permittees, including the City, to develop and implement a checklist to conduct and document the review of each ESCP.

(d) Permit Part VI.D.8.i.i requires the City to develop and implement technical standards for the selection, installation and maintenance of construction BMPs for all such sites within the City.

(e) Permit Part VI.D.8.i.ii requires that such BMPs be tailored to the risks posed by the project, as well as in minimum conformance with standards set forth in Permit Table 15, use of BMPs meeting the requirements of Permit Tables 14 and 16 for constructions sites equal or greater

than one acre or paving projects, detailed installation designs and cut sheets for use in ESCPs and maintenance expectations for each BMP or category of BMPs.

(f) Permit Part VI.D.8.i.iv further requires that such technical standards must be “readily available” to the development community and must be “clearly referenced” within the City’s stormwater or development services website, ordinance, permit approval process and/or ESCP review forms.

(g) Permit Part VI.D.8.i.v requires local BMP technical standards to cover all items set forth in Tables 13, 14, 15 and 16 of the Permit.

(h) Permit Part VI.D.8.j requires the City to inspect all construction sites of one acre or greater in size on the frequencies set forth in the Permit, which requires inspections prior to land disturbance activities, during active construction and at the conclusion of the project and as a condition to approving and/or issuing a Certificate of Occupancy. The frequency of inspections is set in addition in Table 17 of the Permit. As part of the inspection obligations, the permittees, including the City, must develop, implement and revise as necessary standard operating procedures that identify the inspection procedures to be followed by each permittee. Additionally, during inspections, the City must verify “active coverage” under the GCASP for specified projects; review the ESCP; inspect the site to determine whether all BMPs have been selected, installed, implemented and maintained; assess the appropriateness of planned and installed BMPs, and their effectiveness; visually observe and record non-stormwater discharge, potential illicit discharges and connections and potential discharge of pollutants in stormwater runoff; develop a written or electronic inspection report generated from a field inspection checklist; and track the number of inspections for the site to ensure that it meets the minimum requirements of Permit Table 17.

(i) Permit Part VI.D.8.1.i and ii requires the City to ensure training for “all staff whose primary job duties are related to implementing the construction storm water program,” including plan reviewers and permitting staff with regard to the “technical review of local erosion and sediment control ordinance, local BMP technical standards, ESCP requirements, and the key objectives of the State Water Board QSD program, erosion sediment control/storm water inspectors in inspection procedures consistent with various standards. Additionally, if outside parties conduct inspections or review plans, the City is required to ensure that such staff are trained under the same requirements.

(j) Based on City records, the cost to the City to comply with these construction site requirements in FY 2012-2013, including costs in participating in the WMP process, was \$11,605.44. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. As discussed above, those costs included costs for staff time in analyzing and deciding whether to implement a WMP, which included an analysis of construction site requirements. This resulted in a Notice of Intent sent to the LARWQCB on June 27, 2013 to participate in a WMP (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(k) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$7,216.00.

14. **Public Agency Requirements:**

(a) Permit Part VI.D.9.c requires the City to maintain an “updated inventory” of all permittee-owned or operated facilities that are potential sources of stormwater pollution, including 24 separate categories of facilities that are required to be in the inventory. The inventory must

include the name and address of the facility, contact information, a narrative description of activities performed and potential pollution sources, coverage under any individual or general NPDES permits or waivers. The inventory must be updated at least once during the five-year term of the Permit with information collected through field activities or other means.

(b) Permit Part VI.D.9.d.i requires the City to develop an inventory of “retrofitting opportunities” in areas of existing development.

(c) Permit Part VI.D.9.d.ii and iii requires the City to screen existing areas of development “to identify candidate areas for retrofitting using watershed models or other screening level tools” and then evaluate and rank areas of existing development to prioritize retrofitting candidates.

(d) Permit Part VI.D.9.d.iv requires the City to consider the results of the evaluation by giving “highly feasible” projects a “high priority” to implement source control and treatment control BMPs in the their Storm Water Management Plan (“SWMP”) and consider high priority retrofit projects as candidates for off-site mitigation for new development and redevelopment projects.

(e) Permit Part VI.D.9.d.v requires the City to cooperate with private landowners to “encourage site specific retrofitting projects.” In such cooperation, demonstration retrofit projects, retrofits on public lands and easements, education and outreach, subsidies for retrofit projects, requiring retrofit projects as enforcement, mitigation or ordinance compliance, public and private partnerships, fees for existing discharges to the MS4 and reduction of such fees for retrofit implementation must be considered.

(f) Permit Part VI.D.9.g.ii requires the City to implement an Integrated Pest Management (“IPM”) program, including restrictions on the use of pesticides, restricting treatments only to



Section 6: Declarations in Support of Joint Test Claim of Los Angeles County Local Agencies  
Concerning Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No. CAS 004001)

remove the target organism, selection of pest controls that minimize risks to human health, “beneficial non-target organisms” and the environment, partnering with other agencies and organizations to “encourage” the use of IPM and adopt and “verifiably implement” policies, procedures and/or ordinances requiring the minimization of pesticide use and encouraging the use of IPM techniques for public agency facilities and activities. Additionally, the City must commit and schedule to reduce the use of pesticides that cause impairments of surface waters by preparing and updating annually an inventory of pesticides, quantify pesticide use by staff and contractors and demonstrate implementation of IPM alternatives where feasible to reduce pesticide use.

(g) Permit Part VI.D.9.k.ii requires the City to train all employees and contractors “who use or have the potential to use pesticides or fertilizers” that address the potential for pesticide-related surface water toxicity, in the proper use, handling, and disposal of pesticides, least toxic methods of pest prevention and control, including IPM and the reduction of pesticide use.

(h) Based on City records, the cost to the City to comply with these public agency requirements in FY 2012-2013, including costs in participating in the WMP process, was \$2,416.00. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. As discussed above, those costs included costs for staff time in analyzing and deciding whether to implement a WMP, which included an analysis and customization of these public agency activities. This resulted in a Notice of Intent sent to the LARWQCB on June 27, 2013 to participate in a WMP (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(i) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$3,226.00.

15. **Illicit Connection and Discharge Requirements:**

(a) Permit Part VI.D.10.d.iii requires the City to “ensure that signage adjacent to open channels . . . include information regarding dumping prohibitions and public reporting of illicit discharges.”

(b) Permit Part VI.D.10.d.iv requires the City to develop and maintain written procedures that document how complaint calls are received, documented and tracked “to ensure that all complaints are adequately addressed.” Such procedures must be “evaluated to determine whether changes or updates are needed to ensure that the procedures adequately document the methods employed by the Permittee.”

(c) Permit Part VI.D.10.d.v requires the City to maintain documentation of complaint calls and to record the location of the reported spill or illicit discharge and the action undertaken in response.

(d) Permit Part VI.D.10.e.i requires, in pertinent part, that the City implement a “spill response plan” for all sewage and other spills that may discharge into its MS4.

(e) Permit Part VI.D.10.e.i(1) requires that the plan must identify agencies responsible for spill response and cleanup, phone numbers and e-mail addresses for contacts and shall further address coordination with spill response teams “throughout all appropriate departments, programs and agencies so that maximum water quality protection is provided.”

(f) Permit Part VI.D.10.e.i(3) and (4) requires the City to respond to spills for containment within four hours of become aware of the spill, or if on private property, within two hours of gaining legal access to the property and reporting of spills that may endanger health or the environment to appropriate public health agencies and the Office of Emergency Services (“OES”).

Section 6: Declarations in Support of Joint Test Claim of Los Angeles County Local Agencies  
Concerning Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No. CAS 004001)

(g) Based on City records, the cost to the City to comply with these illicit connection and discharge requirements in FY 2012-2013, including costs in participating in the WMP process, was \$31,055.26. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. As discussed above, those costs included costs for staff time in analyzing and deciding whether to implement a WMP, which included an analysis and customization of these illicit connection and discharge requirements. This resulted in a Notice of Intent sent to the LARWQCB on June 27, 2013 to participate in a WMP (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$26,124.44.

16. I am informed and believe that there are no dedicated state, federal or regional funds that are or will be available to pay for any of the new and/or upgraded programs and activities set forth in this Declaration. I am not aware of any other fee or tax that the City would have the discretion to impose under California law to recover any portion of the cost of these programs and activities.

17. The City has filed a joint test claim with 22 other cities. The Cities agree on all issues of the test claim.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 25 day of October, 2017, at Vernon, California.

  
\_\_\_\_\_  
Carlos R. Fandino, Jr.  
City Administrator

## EXHIBIT 1



# City of Commerce

Office of the  
City Administrator

June 27, 2013

Mr. Sam Unger  
Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region, Suite 200  
320 W. Fourth St., Suite 200  
Los Angeles, CA 90013

RE: Notice of Intent for a Watershed Management Program and Coordinated Integrated Monitoring Program for the Los Angeles River Upper Reach 2 Gateway Sub Watershed.

Dear Mr. Unger:

The Permittees listed in Table 1 below that are party to this Notice of Intent (NOI) hereby notify the Los Angeles Regional Water Quality Control Board (Regional Water Board) of their intent to develop a Watershed Management Program (WMP) for the Los Angeles River Upper Reach 2 Sub Watershed (LAR UR2 Sub Watershed) which includes the Cities of Bell, Bell Gardens, Cudahy, Commerce, Huntington Park, Maywood, Vernon, and the Los Angeles County Flood Control District. This NOI is hereby submitted in accordance with Part VI.C.4.b.i of Order R4-2012-0175. Permittees meet the LID and Green Streets conditions and will submit the Draft WMP within 18 months of the effective date of Order R4-2012-0175 (June 28, 2014).

In addition, the same permittees listed in Table 1 hereby notify the Regional Water Board of their intent to develop a Coordinated Integrated Monitoring Program (CIMP) as part of their WMP. The Permittees intend to follow a CIMP approach for each of the required monitoring plan elements including Receiving Water Monitoring, Storm Water Outfall Based Monitoring, Non-Storm Water Outfall Based Monitoring, New Development/Re-Development Effectiveness Tracking, and Regional Studies and will submit the CIMP within 18 months of the effective date of Order R4-2012-0175 (June 28, 2014) with the WMP.

*“Where Quality Service Is Our Tradition”*

**SECTION 1. PROGRAM TYPE AND PERMITTEES**

**Table 1** lists the permittees who have agreed to work cooperatively and to jointly develop a WMP and CIMP under a Memorandum of Understanding (MOU) with the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority for administration and cost sharing.

**Table 1. Watershed Management Program Permittees**

City of Bell
City of Bell Gardens
City of Commerce
City of Cudahy
City of Huntington Park
City of Maywood
City of Vernon
Los Angeles County Flood Control District (LACFCD)

**SECTION 2. TOTAL MAXIMUM DAILY LOADS ESTABLISHED WATER QUALITY BASED EFFLUENT LIMITATIONS:**

**Table 2** lists applicable interim and final Water Quality Based Effluent Limitations (WQBELs) and receiving water limitations established by Total Maximum Daily Loads (TMDLs) and identified by Section VI.C.4.B.ii of the Order that occur prior to the anticipated approval of the WMP.

**Table 2. Applicable Interim and Final Trash WQBELs and all other Final WQBELs and Receiving Water Limitations Occurring Before Watershed Management Program Approval**

<b>TMDL Order</b>	<b>WQBEL</b>	<b>Interim or Final</b>	<b>Compliance Date</b>
Los Angeles River Trash	80% reduction of baseline	Interim	09/30/2013
	90% reduction of baseline	Interim	09/30/2014
	96.7% reduction of baseline	Interim	09/30/2015
	100% reduction of baseline	Final	09/30/2016

Los Angeles River Nitrogen Compounds and Related Effects TMDL	100% of MS4 drainage area complies with waste load allocations	Final	03/23/2004
Los Angeles River Bacteria Implementation Schedule for Dry Weather – upper and middle reach 2 (Figueroa St. to Rosecrans Ave.) R4-2012-0175	Submit a Load Reduction Strategy (LRS) for Segment B (or submit an alternative compliance plan)	Interim	09/23/2014

### SECTION 3. IDENTIFY TMDL CONTROL MEASURES:

**Table 3** identifies the control measures being implemented by each Permittee for each TMDL that have interim and final WQBELs that occur prior to the anticipated approval of the WMP. The Permittees will continue to implement these measures during the development of the WMP.

**Table 3. Control Measures that will be Implemented Concurrently with WMP Development for TMDLs**

TMDL	Permittees	Implementation Plan and Control Measures	Status of Implementation
Los Angeles River Trash R4-2012-0175	Cities of: Bell	Install Full Capture Systems or other BMPs to reduce baseline by 80%	Completed
	Bell Gardens Commerce Cudahy	Install Full Capture Systems or other BMPs to reduce baseline by 90%	Completed
	Huntington Park Maywood Vernon	Install Full Capture Systems or other BMPs to reduce baseline by 96.7%	Completed
Los Angeles River Bacteria Implementation Schedule for Dry Weather – upper and middle reach 2 (Figueroa St. to Rosecrans Ave.) R4-2012-0175	Cities of: Bell Bell Gardens Commerce Cudahy Huntington Park Maywood Vernon	Developed a Coordinated Monitoring Plan (CMP) for the Los Angeles River Watershed.	Submitted the CMP to the LA Regional Water Quality Control Board on March 23, 2013 with the expressed intention of integrating the CMP with a future CIMP.

**SECTION 4. DEMONSTRATION OF MEETING LID ORDINANCE AND GREEN STREETS POLICY REQUIREMENTS:**

The Permittees that are party to this NOI developed LID Ordinances and Green Streets Policies that are in the process of being adopted by their governing board. **Table 4** summarizes the status of the Permittees' LID ordinances and Green Streets policies. More than 50% of the MS4 watershed area that will be addressed by the WMP is covered by LID Ordinances and Green Streets Policies.

**Table 4. Status of LID Ordinance and Green Streets Policy Coverage of the MS4 Watershed Area Addressed by the WMP**

<b>Permittee</b>	<b>Land Area (mi<sup>2</sup>)</b>	<b>LID Ordinance Status</b>	<b>Green Streets Policy Status</b>
City of Bell	2.64	Developed	Developed
City of Bell Gardens	2.49	Adopted	Adopted
City of Commerce	6.57	Adopted	Adopted
City of Cudahy	1.12	Developed	Adopted
City of Huntington Park	3.03	Developed	Adopted
City of Maywood	1.18	Developed	Adopted
City of Vernon	5.16	Developed	Developed
LACFCD	0	N/A	N/A
<b>Total MS4 Watershed Area</b>	<b>22.19</b>		

The listed permittees are diligently working together and making progress towards compliance with Order R4-2012-0175. Please contact the individual permittees should you have questions pertaining to their jurisdiction's compliance measures. A list of contact information is enclosed. Please direct all inquiries regarding the LAR UR2 Sub Watershed's WMP/CIMP development to Ms. Claudia Arellano at [carellano@ci.vernon.ca.us](mailto:carellano@ci.vernon.ca.us) or (323) 583-8811, ext. 258. Thank you.

Sincerely,

The LAR UR2 Sub Watershed Permittees  
 (Individual signatures enclosed)

cc: Ms. Renee Purdy, California Regional Water Quality Control Board  
 Mr. Ivar Ridgeway, California Regional Water Quality Control Board



Violeta Alvarez - *Mayor*  
Ana Maria Quintana - *Mayor Pro Tem*  
Alicia Romero - *Councilmember*  
Ali Saleh - *Councilmember*  
Nestor Enrique Valencia - *Councilmember*



6330 Pine Avenue  
Bell, California 90201  
(323) 588-6211  
(323) 771-9473 fax

## CITY OF BELL

June 12, 2013

Mr. Samuel Unger, P.E., Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West Fourth Street, Suite 200  
Los Angeles, CA 90013

Attention: Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – LOS ANGELES COUNTY FLOOD CONTROL DISTRICT  
LOS ANGELES RIVER UPPER REACH 2 SUB WATERSHED  
WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The City of Bell submits this Letter of Intent to participate in and share the cost of the development of a Watershed Management Program (WMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Los Angeles River Upper Reach 2 Sub Watershed Group. This Letter of Intent serves to satisfy the WMP notification requirements of Section VI.C.4.b. of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Los Angeles River Upper Reach 2 Sub Watershed Group consists of the following agencies: the cities of Bell, Bell Gardens, Commerce, Cudahy, Huntington Park, Maywood, Vernon and the LACFCD. The City of Bell intends to submit a final Memorandum of Understanding to the City Council for approval on July 17<sup>th</sup>, 2013.

If you have any questions, please contact Mr. Terry Rodrigue at (323)588-6211 or [trodrigue@cityofbell.org](mailto:trodrigue@cityofbell.org).

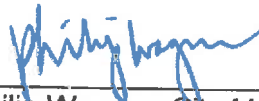
Sincerely,

Doug Wilmore  
City Manager

The Watershed Permittees, described as the LAR UR2 Sub Watershed, made and entered into an MOU by and between the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority (GWMA), a California Joint Powers Authority, and the Cities of Bell, Bell Gardens, Commerce, Cudahy, Huntington Park, Maywood, Vernon and the Los Angeles County Flood Control District (LACFCD). In said MOU and pursuant to Section V.C.4.b of the MS4 Permit Order R4-2012-0175, the Watershed Permittees agreed to jointly draft, execute and submit to the Los Angeles Regional Water Quality Control Board, a Notice of Intent (NOI) letter by June 28, 2013 that complies with all applicable MS4 Permit provisions for development of a joint Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) and execute such joint NOI as follows:

DATE: 6/19/13

CITY OF BELL GARDENS  
Mr. Philip Wagner  
City Manager  
7100 Garfield Avenue  
Bell Gardens, CA 90201



\_\_\_\_\_  
Philip Wagner, City Manager

The Watershed Permittees, described as the LAR UR2 Sub Watershed, made and entered into an MOU by and between the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority (GWMA), a California Joint Powers Authority, and the Cities of Bell, Bell Gardens, Commerce, Cudahy, Huntington Park, Maywood, Vernon and the Los Angeles County Flood Control District (LACFCD). In said MOU and pursuant to Section V.C.4.b of the MS4 Permit Order R4-2012-0175, the Watershed Permittees agreed to jointly draft, execute and submit to the Los Angeles Regional Water Quality Control Board, a Notice of Intent (NOI) letter by June 28, 2013 that complies with all applicable MS4 Permit provisions for development of a joint Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) and execute such joint NOI as follows:

DATE: 06.13/2013

CITY OF COMMERCE  
Mr. Jorge Rifa  
City Administrator  
2535 Commerce Way  
Commerce, CA 90040

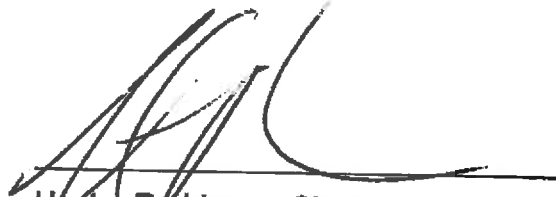


Jorge Rifa, City Administrator

The Watershed Permittees, described as the LAR UR2 Sub Watershed, made and entered into an MOU by and between the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority (GWMA), a California Joint Powers Authority, and the Cities of Bell, Bell Gardens, Commerce, Cudahy, Huntington Park, Maywood, Vernon and the Los Angeles County Flood Control District (LACFCD). In said MOU and pursuant to Section V.C.4.b of the MS4 Permit Order R4-2012-0175, the Watershed Permittees agreed to jointly draft, execute and submit to the Los Angeles Regional Water Quality Control Board, a Notice of Intent (NOI) letter by June 28, 2013 that complies with all applicable MS4 Permit provisions for development of a joint Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) and execute such joint NOI as follows:

DATE: 6/19/13

CITY OF CUDAHY  
Mr. Hector Rodriguez  
City Manager  
5220 Santa Ana Street  
Cudahy, CA 90201



Hector Rodriguez, City Manager

The Watershed Permittees, described as the LAR UR2 Sub Watershed, made and entered into an MOU by and between the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority (GWMA), a California Joint Powers Authority, and the Cities of Bell, Bell Gardens, Commerce, Cudahy, Huntington Park, Maywood, Vernon and the Los Angeles County Flood Control District (LACFCD). In said MOU and pursuant to Section V.C.4.b of the MS4 Permit Order R4-2012-0175, the Watershed Permittees agreed to jointly draft, execute and submit to the Los Angeles Regional Water Quality Control Board, a Notice of Intent (NOI) letter by June 28, 2013 that complies with all applicable MS4 Permit provisions for development of a joint Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) and execute such joint NOI as follows:

DATE: 6/24/13

CITY OF HUNTINGTON PARK  
Mr. Rene Bobadilla, P.E.  
City Manager  
6550 Miles Avenue  
Huntington Park, CA 90255

  
\_\_\_\_\_  
Rene Bobadilla, City Manager

The Watershed Permittees, described as the LAR UR2 Sub Watershed, made and entered into an MOU by and between the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority (GWMA), a California Joint Powers Authority, and the Cities of Bell, Bell Gardens, Commerce, Cudahy, Huntington Park, Maywood, Vernon and the Los Angeles County Flood Control District (LACFCD). In said MOU and pursuant to Section V.C.4.b of the MS4 Permit Order R4-2012-0175, the Watershed Permittees agreed to jointly draft, execute and submit to the Los Angeles Regional Water Quality Control Board, a Notice of Intent (NOI) letter by June 28, 2013 that complies with all applicable MS4 Permit provisions for development of a joint Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) and execute such joint NOI as follows:

DATE: 6-25-13

CITY OF MAYWOOD  
Ms. Lillian Myers  
City Manager  
4319 East Slauson Avenue  
Maywood, CA 90270

  
\_\_\_\_\_  
Lillian Myers, City Manager

The Watershed Permittees, described as the LAR UR2 Sub Watershed, made and entered into an MOU by and between the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority (GWMA), a California Joint Powers Authority, and the Cities of Bell, Bell Gardens, Commerce, Cudahy, Huntington Park, Maywood, Vernon and the Los Angeles County Flood Control District (LACFCD). In said MOU and pursuant to Section V.C.4.b of the MS4 Permit Order R4-2012-0175, the Watershed Permittees agreed to jointly draft, execute and submit to the Los Angeles Regional Water Quality Control Board, a Notice of Intent (NOI) letter by June 28, 2013 that complies with all applicable MS4 Permit provisions for development of a joint Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) and execute such joint NOI as follows:

DATE: 6-20-13

CITY OF VERNON  
Mr. Samuel Kevin Wilson, P.E.  
Director of Community Services & Water  
4305 Santa Fe Avenue  
Vernon, CA 90058

  
\_\_\_\_\_  
Samuel Kevin Wilson, Director of  
Community Services & Water



GAIL FARBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE

REFER TO FILE: **WM-7**

June 24, 2013

Mr. Samuel Unger, P.E.  
Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – LOS ANGELES COUNTY FLOOD CONTROL DISTRICT  
LOS ANGELES RIVER UPPER REACH 2 SUB WATERSHED  
WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The Los Angeles County Flood Control District (LACFCD) submits this Letter of Intent to participate in and share the cost of the development of a Watershed Management Program (WMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Los Angeles River Upper Reach 2 Sub Watershed Group. This Letter of Intent serves to satisfy the WMP notification requirements of Section VI.C.4.b. of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Los Angeles River Upper Reach 2 Sub Watershed Group consists of the following agencies: LACFCD and cities of Bell, Bell Gardens, Commerce, Cudahy, Huntington Park, Maywood, and Vernon. The LACFCD intends to submit a final Memorandum of Understanding to the County of Los Angeles Board of Supervisors (which is the LACFCD's governing body) for approval prior to December 28, 2013.



Mr. Samuel Unger  
June 24, 2013  
Page 2

If you have any questions, please contact Ms. Terri Grant at (626) 458-4309 or tgrant@dpw.lacounty.gov.

Very truly yours,



*for* GAIL FARBER

Chief Engineer of the Los Angeles County Flood Control District

TA:jht

P:\wmpub\Secretarial\2013 Documents\Letter\LOI LAR UR2 LACFCD.doc\C13230

cc: City of Bell  
City of Bell Gardens  
City of Commerce  
City of Cudahy  
City of Huntington Park  
City of Maywood  
City of Vernon

## Watershed Permittee Contact List

<b>Permittee</b>	<b>Contact</b>	<b>Contact Mailing Address</b>	<b>Contact Telephone and Email Address</b>
City of Bell	Young Park Terry Rodrigue	6330 Pine Ave. Bell, CA 90201	(323) 588-6211 Ext 228 <a href="mailto:ypark@cityofbell.org">ypark@cityofbell.org</a> <a href="mailto:trodrigue@cityofbell.org">trodrigue@cityofbell.org</a>
City of Bell Gardens	Chau Vu	7100 Garfield Ave. Bell Gardens, CA 90201	(562) 334-1790 <a href="mailto:cvu@bellgardens.org">cvu@bellgardens.org</a>
City of Commerce	Gina Nila Environmental Services Manager	2535 Commerce Way Commerce, CA 90040	(323) 722-4805, ext. 2839 <a href="mailto:ginan@ci.commerce.ca.us">ginan@ci.commerce.ca.us</a>
City of Cudahy	Aaron Hernandez-Torres Assistant City Engineer	5220 Santa Ana St. Cudahy, CA 90201	(323) 773-5143 <a href="mailto:ahernandez@cityofcudayca.gov">ahernandez@cityofcudayca.gov</a>
City of Huntington Park	James A. Enriquez Director of Public Works/City Engineer	6550 Miles Ave. Huntington Park, CA 90255	(323) 584-6253 <a href="mailto:jenriquez@huntingtonpark.org">jenriquez@huntingtonpark.org</a>
City of Maywood	Andre Dupret	4319 E. Slauson Ave. Maywood, CA 90270	(323) 562-5700 <a href="mailto:andre.dupret@cityofmaywood.org">andre.dupret@cityofmaywood.org</a>
City of Vernon	Samuel Kevin Wilson, P.E. Director of Community Services & Water	4305 Santa Fe Ave. Vernon, CA 90058	(323) 583-8811, ext. 245 <a href="mailto:kwilson@ci.vernon.ca.us">kwilson@ci.vernon.ca.us</a>
LACFCD	Gary Hildebrand	900 S. Fremont Ave. Alhambra, CA 91803	(323) 583-8811, ext. 258 <a href="mailto:carellano@ci.vernon.ca.us">carellano@ci.vernon.ca.us</a> (626) 458-4300 <a href="mailto:ghildeb@dpw.lacounty.gov">ghildeb@dpw.lacounty.gov</a>

DECLARATION OF RAY TAYLOR

CITY OF WESTLAKE VILLAGE

I, Ray Taylor, hereby declare and state as follows:

1. I am City Manager for the City of Westlake Village (“City”). In that capacity, I share responsibility for the compliance of the City with regard to the requirements of California Regional Water Quality Control Board, Los Angeles Region (“LARWQCB”) Order No. R4-2012-0175 (“the Permit”) as they apply to the City.

2. I have reviewed sections of the Permit and its attachments as set forth herein and am familiar with those provisions. I am also familiar with how the Permit changed requirements that were previously imposed on the City by the prior permit that had issued to the City by the LARWQCB in 2001 (“2001 Permit”).

3. I have an understanding of the City’s sources of funding for programs and activities required to comply with the Permit.

4. I make this declaration based on my own personal knowledge, except for matters set forth herein based on information and belief, and as to those matters I believe them to be true. If called upon to testify, I could and would competently to the matters set forth herein.

5. In Section 5 and Section 7 of this Test Claim, which contains exhibits to the test claim filed by the City and other permittees under the Permit, the specific sections of the Permit at issue in the test claim have been set forth. I hereby incorporate such provisions of Sections 5 and 7 into this declaration as though fully set forth herein.

6. The City has elected to participate in an Enhanced Watershed Management Plan (“EWMP”) that is designed to address, in whole or in part, the “Total Maximum Daily Load

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(TMDL”)” provisions of the Permit as well other requirements of the Permit, including those set forth in this Declaration.

7. Based on my understanding of the Permit, I believe that the Permit requires the City to undertake the following programs either directly or through the mechanism of an EWMP, which represent new programs and/or higher levels of service or the shifting of state responsibilities to the City, which activities were not required by the 2001 Permit and which are unique to local government entities:

8. **Implementation of TMDLs:**

(a) Part VI.E.1.c requires the permittees to “comply with the applicable water quality-based effluent limitations and/or receiving water limitations contained in Attachments L through R, consistent with the assumptions and requirements of the WLAs established in the TMDLs, including implementation plans and schedules, where provided for in the State adoption and approval of the TMDL (40 CFR 122.44(d)(1)(vii)(B); Cal. Wat. Code § 13263(a)).”

(b) Attachment K to the Permit sets forth the TMDLs with which the City must comply.

(c) Attachments L through R of the Permit set forth the requirements of each TMDL and its “waste load allocations” with which the City must comply.

(d) Part VI.B of the Permit requires the City “to comply with the [Monitoring and Reporting Program] and future revisions thereto, in Attachment E of this Order or may, in coordination with an approved Watershed Management Program per Part VI.C, implement a customized monitoring program that achieves the five Primary Objectives set forth in Part II.A of Attachment E and includes the elements set forth in Part II.E of Attachment E.”

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(e) Attachment E to the Permit requires the monitoring program to include monitoring at “TMDL receiving water compliance points” and other “TMDL monitoring requirements specified in approved TMDL Monitoring Plans.” (Permit, Attachment E, Parts II.E.1 through 3 and Part V; *see also* Attachment E, Parts VI.A.1.b(iii) and (iv), VI.B.2, VI.C.1.a, VI.D.1.a, VIII.B.1.b(ii), IX.A.5, IX.C.1.a, IX.E.1.a and b, IX.G.1.b, and IX.G.2.)

(f) Based on City records, the cost to the City to comply with these TMDL requirements in Fiscal Year (FY) 2012-2013, including costs in participating in the EWMP process, was \$33,500. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement an EWMP and an integrated monitoring program (“IMP”) or Coordinated Integrated Monitoring Program (“CIMP”) which resulted in a Letter of Intent to participate in an EWMP and CIMP. The Letter of Intent is dated June 28, 2013; costs were incurred on and leading up to that date. A copy of the City’s letter is attached as Exhibit 1.

(g) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$50,000.

9. **Requirements Related to Discharge Prohibitions for Non-Stormwater:**

(a) Permit Part III.A.1 prohibits certain non-stormwater discharges through the municipal separate storm sewer system (“MS4”) to receiving waters. I have been advised that this requirement exceeds the requirements of the Clean Water Act (“CWA”).

(b) Part III.A.2 requires the City to employ best management practices (“BMPs”) for discharges from essential non-emergency firefighting activities and, with regard to unpermitted

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discharges by drinking water suppliers, to work with those suppliers on the conditions of their discharges.

(c) Part III.A.4.a requires the City to develop and implement procedures covering non-permitted discharges of non-stormwater to the City's MS4 in compliance with the requirements of Part III.A.4.a.i-vi of the Permit.

(d) Part III.A.4.b requires the City to develop and implement procedures to minimize the discharge of landscape irrigation water into the MS4, including to coordinate with local water purveyors to promote water use efficiency, use of drought tolerant vegetation and use of less toxic options for pest control and landscape management and to develop and implement an outreach and education program to minimize the discharge of irrigation water and associated pollutants.

(e) Part III.A.4.c requires the City to evaluate monitoring data collected pursuant to the Permit's Monitoring and Reporting Program (Permit Attachment E) and other associated data and information to determine, among other things, if authorized or conditionally authorized non-stormwater discharges are a source of pollutants that may be causing or contributing to an exceedance of receiving water limitations and/or water quality based effluent limitations.

(f) Part III.A.4.d requires the City to take action to address such non-stormwater discharges if they are found to be such a source of pollutants, through effective prohibition, conditions, diversions or treatment. These tasks involve, among other things, meeting with non-stormwater dischargers, identifying and analyzing the nature of non-stormwater discharges, the development and implementation of discharge procedures, conducting public education efforts and evaluating monitoring data.

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(g) Based on City records, the cost to the City to comply with these non-stormwater prohibition requirements in FY 2012-2013, including costs in participating in the EWMP process, was \$100,500. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement an EWMP, which includes an analysis of the non-stormwater discharge program. This staff time resulted in a Letter of Intent to participate in a EWMP sent to the LARWQCB dated June 28, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$150,000.

10. **Public Information Program Requirements:**

(a) Permit Part VI.D.5.a requires the City to “measurably increase” the knowledge of target audiences about the MS4, the adverse impacts of stormwater pollution on receiving waters and potential solutions to mitigate impacts, to “measurably change” waste disposal and stormwater pollution generation behavior by developing and encouraging implementation of “appropriate alternatives” and to “involve and engage a diversity of socio-economic groups and ethnic communities” to participate in stormwater pollution impact mitigation.

(b) Permit Part VI.D.5.b requires the City to implement Public Information and Participation Program activities by participating in either a County-wide, Watershed Group-sponsored or individual effort.

(c) Permit Part VI.D.5.c requires the City to provide a means for public reporting of clogged catch basin inlets and illicit discharges/dumping, faded or missing catch basin labels and general

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stormwater and non-stormwater pollution prevention information through a telephone hotline or in public information or government pages of the telephone book, identify staff or departments serving as contact persons and providing current, updated hotline information. The City is also required to organize events targeted to residents and population subgroups to “educate and involve the community in storm water and non-storm water pollution prevent and clean-up (e.g., education seminars, clean-ups, and community catch basin stenciling).”

(d) Permit Part VI.D.5.d requires the City to conduct stormwater pollution prevention public service announcements and advertising campaigns and provide public education materials on the proper handling of vehicle waste fluids, house, and construction waste, pesticides and fertilizers (including the use of integrated pest management practices), green waste and animal wastes. This Part further requires the City (a) to distribute public education materials at automotive parts stores, home improvement centers, lumber yards and hardware and paint stores, landscaping and gardening centers and pet shops and feed stores, and (b) to maintain stormwater websites or provide links to stormwater websites via the City’s website, which must include educational material and opportunities for public participation in stormwater pollution and cleanup activities and provide schools within the City’s jurisdiction with materials to educate K-12 students on stormwater pollution. In each of these requirements, Permit Part VID.5.d requires the City to “use effective strategies to educate and involve ethnic communities in storm water pollution prevention through culturally effective methods.”

(e) Based on City records, the cost to the City to comply with these public information program requirements in FY 2012-2013, including costs in participating in the EWMP process, was \$5,000. These costs were first incurred by the City in January 2013, upon or shortly after the



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Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement an EWMP, which includes public information. This staff time resulted in a Letter of Intent to participate in an EWMP sent to the LARWQCB dated June 28, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(f) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$7,500.

11. **Inventory and Inspections of Industrial/Commercial Sources:**

(a) Permit Part VI.D.6.b requires the City to track nurseries and nursery centers and to include various information for each facility on the inventory, including the industrial classification code, the status of exposure of materials to stormwater, the name of the receiving water, whether the facility is tributary to a waterbody listed as impaired under CWA section 303(d) where the facility generates pollutants for which the waterbody is impaired, and whether the facility has filed a “No Exposure Certification” (“NEC”) with the State Water Resources Control Board (“State Board”). The City is required to update the inventory at least annually, through collection of information through field activities over from other means.

(b) Permit Part VI.D.6.d requires the City to inspect restaurants, automotive service facilities, retail gasoline outlets and nurseries and nursery centers twice during the Permit term, including an inspection within two years after the Permit’s effective date. In such inspection, the City is required, among other things, to evaluate whether the source is implementing effective source control BMPs for each corresponding activity and to require implementation of additional BMPs where stormwater from the facility discharged to the MS4 discharges to a Significant

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Ecological Area (“SEA”), a water body subject to TMDL provisions or a CWA section 303(d) listed waterbody.

(c) Permit Part VI.D.6.e requires the City to inspect industrial facilities, including those identified in 40 C.F.R. section 122.26(b)(14)(i-xi) and facilities identified in 40 C.F.R. section 122.26(d)(12)(iv)(C). In such inspections, the City is required to confirm that each facility has a current Waste Discharge Identification number for coverage under the State Board-issued General Industrial Activities Stormwater Permit or has applied for and received a no exposure certification, and to require implementation of additional BMPs where stormwater from the MS4 discharges to a waterbody subject to a TMDL or is a CWA section 303(d) listed impaired waterbody. Additionally, for facilities discharging to MS4s that discharge to an SEA, the permittees, including the City, are required to require operators to implement additional pollutant-specific controls to reduce pollutants that are causing or contributing to exceedances of water quality standards.

(d) Based on City records, the cost to the City to comply with these inventory and inspection requirements in FY 2012-2013, including costs in participating in the EWMP process, was \$12,000. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement an EWMP, which includes the inspection of industrial and commercial sources. This staff time resulted in a Letter of Intent to participate in an EWMP sent to the LARWQCB dated June 28, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$18,000.

12. **Post-Construction BMP Requirements:**

(a) Permit Part VI.D.7.d.iv(1)(a) requires the City to implement a GIS or other electronic system for tracking projects that are required to have post-construction BMPs, including project identification, acreage, BMP type and description, BMP locations, dates of acceptance and maintenance agreements, inspection dates and summaries and corrective action.

(b) Permit Part VI.D.7.d.iv(1)(b) requires the City to inspect all development sites upon completion of construction and before issuance of an occupancy certificate to ensure “proper installation” of Low Impact Development (“LID”) measures, structural BMPs, treatment control BMPs and hydromodification control BMPs.

(c) Permit Part VI.D.7.d.iv(1)(c) requires the City to develop a post-construction BMP checklist and to inspect at an interval of at least once every two years, City-operated post-construction BMPs to assess operations condition.

(d) Based on City records, the cost to the City to comply with these post-construction BMP requirements in FY 2012-2013, including costs in participating in the EWMP process, was \$17,670. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement an EWMP, which includes a planning and development program. This staff time resulted in a Letter of Intent to participate in an EWMP sent to the LARWQCB dated June 28, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$26,370.

13. **Construction Site Requirements:**

(a) Permit Part VI.D.8.g.i requires the City to develop an electronic system to inventory grading, encroachment, demolition, building or construction permits (or other municipal authorizations to move soil and/or construct or destruct that involves land disturbance).

(b) Permit Part VI.D.8.g.ii requires the City to complete and update an inventory containing, among other items, contact information for a project, basic site information, the proximity of all water bodies, significant threats to water quality status, current construction phase where feasible, required inspection frequency, start and anticipated completion dates, whether the project has submitted a Notice of Intent to be covered under the State Board-issued General Construction Activities Stormwater Permit (“GCASP”), whether it has obtained GCASP coverage, the date the Erosion and Sediment Control Plan (“ESCP”) was approved and post-construction structural BMPs subject to operation and maintenance requirements.

(c) Permit Part VI.D.8.h requires the City to develop and implement review procedures for construction plan documents, including preparation and submittal of an appropriate ESCP, verification of GCASP or other permit coverage and other items. The Part further requires permittees, including the City, to develop and implement a checklist to conduct and document the review of each ESCP.

(d) Permit Part VI.D.8.i.i requires the City to develop and implement technical standards for the selection, installation and maintenance of construction BMPs for all such sites within the City.

(e) Permit Part VI.D.8.i.ii requires that such BMPs be tailored to the risks posed by the project, as well as in minimum conformance with standards set forth in Permit Table 15, use of

BMPs meeting the requirements of Permit Tables 14 and 16 for construction sites equal or greater than one acre or paving projects, detailed installation designs and cut sheets for use in ESCPs and maintenance expectations for each BMP or category of BMPs.

(f) Permit Part VI.D.8.i.iv further requires that such technical standards must be “readily available” to the development community and must be “clearly referenced” within the City’s stormwater or development services website, ordinance, permit approval process and/or ESCP review forms.

(g) Permit Part VI.D.8.i.v requires local BMP technical standards to cover all items set forth in Tables 13, 14, 15 and 16 of the Permit.

(h) Permit Part VI.D.8.j requires the City to inspect all construction sites of one acre or greater in size on the frequencies set forth in the Permit, which requires inspections prior to land disturbance activities, during active construction and at the conclusion of the project and as a condition to approving and/or issuing a Certificate of Occupancy. The frequency of inspections is set in addition in Table 17 of the Permit. As part of the inspection obligations, the permittees, including the City, must develop, implement and revise as necessary standard operating procedures that identify the inspection procedures to be followed by each permittee. Additionally, during inspections, the City must verify “active coverage” under the GCASP for specified projects; review the ESCP; inspect the site to determine whether all BMPs have been selected, installed, implemented and maintained; assess the appropriateness of planned and installed BMPs, and their effectiveness; visually observe and record non-stormwater discharge, potential illicit discharges and connections and potential discharge of pollutants in stormwater runoff; develop a written or

electronic inspection report generated from a field inspection checklist; and track the number of inspections for the site to ensure that it meets the minimum requirements of Permit Table 17.

(i) Permit Part VI.D.8.1.i and ii requires the City to ensure training for “all staff whose primary job duties are related to implementing the construction storm water program,” including plan reviewers and permitting staff with regard to the “technical review of local erosion and sediment control ordinance, local BMP technical standards, ESCP requirements, and the key objectives of the State Water Board QSD program, erosion sediment control/storm water inspectors in inspection procedures consistent with various standards. Additionally, if outside parties conduct inspections or review plans, the City is required to ensure that such staff are trained under the same requirements.

(j) Based on City records, the cost to the City to comply with these construction site requirements in FY 2012-2013, including costs in participating in the EWMP process, was \$6,000. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement an EWMP, which includes construction site requirements. This staff time resulted in a Letter of Intent to participate in an EWMP sent to the LARWQCB dated June 28, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(k) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$9,000.

14. **Public Agency Requirements:**

(a) Permit Part VI.D.9.c requires the City to maintain an “updated inventory” of all permittee-owned or operated facilities that are potential sources of stormwater pollution, including

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24 separate categories of facilities that are required to be in the inventory. The inventory must include the name and address of the facility, contact information, a narrative description of activities performed and potential pollution sources, coverage under any individual or general NPDES permits or waivers. The inventory must be updated at least once during the five-year term of the Permit with information collected through field activities or other means.

(b) Permit Part VI.D.9.d.i requires the City to develop an inventory of “retrofitting opportunities” in areas of existing development.

(c) Permit Part VI.D.9.d.ii and iii requires the City to screen existing areas of development “to identify candidate areas for retrofitting using watershed models or other screening level tools” and then evaluate and rank areas of existing development to prioritize retrofitting candidates.

(d) Permit Part VI.D.9.d.iv requires the City to consider the results of the evaluation by giving “highly feasible” projects a “high priority” to implement source control and treatment control BMPs in the their Storm Water Management Plan (“SWMP”) and consider high priority retrofit projects as candidates for off-site mitigation for new development and redevelopment projects.

(e) Permit Part VI.D.9.d.v requires the City to cooperate with private landowners to “encourage site specific retrofitting projects.” In such cooperation, demonstration retrofit projects, retrofits on public lands and easements, education and outreach, subsidies for retrofit projects, requiring retrofit projects as enforcement, mitigation or ordinance compliance, public and private partnerships, fees for existing discharges to the MS4 and reduction of such fees for retrofit implementation must be considered.

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(f) Permit Part VI.D.9.g.ii requires the City to implement an Integrated Pest Management (“IPM”) program, including restrictions on the use of pesticides, restricting treatments only to remove the target organism, selection of pest controls that minimize risks to human health, “beneficial non-target organisms” and the environment, partnering with other agencies and organizations to “encourage” the use of IPM and adopt and “verifiably implement” policies, procedures and/or ordinances requiring the minimization of pesticide use and encouraging the use of IPM techniques for public agency facilities and activities. Additionally, the City must commit and schedule to reduce the use of pesticides that cause impairments of surface waters by preparing and updating annually an inventory of pesticides, quantify pesticide use by staff and contractors and demonstrate implementation of IPM alternatives where feasible to reduce pesticide use.

(g) Permit Part VI.D.9.h.vii requires permittees in areas not subject to a Trash TMDL, to install trash excluders, or equivalent devices, on or in catch basins or outfalls, except where such installation would cause flooding, unless lack of maintenance causes the flooding. Permittees, including the City, may also employ alternative or enhanced BMPs that “provide substantially equivalent removal of trash.” If alternative means are employed, the City must demonstrate that such BMPs “provide equivalent trash removal performance as excluders.”

(h) Permit Part VI.D.9.k.ii requires the City to train all employees and contractors “who use or have the potential to use pesticides or fertilizers” that address the potential for pesticide-related surface water toxicity, in the proper use, handling, and disposal of pesticides, least toxic methods of pest prevention and control, including IPM and the reduction of pesticide use.

(i) Based on City records, the cost to the City to comply with these public agency requirements in FY 2012-2013, including costs in participating in the EWMP process, was



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\$127,300. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement an EWMP, which includes public agency activities. This staff time resulted in a Letter of Intent to participate in an EWMP sent to the LARWQCB dated June 28, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(j) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$190,000.

15. **Illicit Connection and Discharge Requirements:**

(a) Permit Part VI.D.10.d.iii requires the City to “ensure that signage adjacent to open channels . . . include information regarding dumping prohibitions and public reporting of illicit discharges.”

(b) Permit Part VI.D.10.d.iv requires the City to develop and maintain written procedures that document how complaint calls are received, documented and tracked “to ensure that all complaints are adequately addressed.” Such procedures must be “evaluated to determine whether changes or updates are needed to ensure that the procedures adequately document the methods employed by the Permittee.”

(c) Permit Part VI.D.10.d.v requires the City to maintain documentation of complaint calls and to record the location of the reported spill or illicit discharge and the action undertaken in response.

(d) Permit Part VI.D.10.e.i requires, in pertinent part, that the City implement a “spill response plan” for all sewage and other spills that may discharge into its MS4.

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(e) Permit Part VI.D.10.e.i(1) requires that the plan must identify agencies responsible for spill response and cleanup, phone numbers and e-mail addresses for contacts and shall further address coordination with spill response teams “throughout all appropriate departments, programs and agencies so that maximum water quality protection is provided.”

(f) Permit Part VI.D.10.e.i(3) and (4) requires the City to respond to spills for containment within four hours of becoming aware of the spill, or if on private property, within two hours of gaining legal access to the property and reporting of spills that may endanger health or the environment to appropriate public health agencies and the Office of Emergency Services (“OES”).

(g) Based on City records, the cost to the City to comply with these illicit connection and discharge requirements in Fiscal Year (FY) 2012-2013, including costs in participating in the EWMP process, was \$2,350. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement an EWMP, which includes illicit connection and discharge requirements. This staff time resulted in a Letter of Intent to participate in an EWMP sent to the LARWQCB dated June 28, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$3,500.

16. I am informed and believe that there are no dedicated state, federal or regional funds that are or will be available to pay for any of the new and/or upgraded programs and activities set forth in this Declaration. I am not aware of any other fee or tax that the City would have the

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discretion to impose under California law to recover any portion of the cost of these programs and activities.

17. The City has filed a joint test claim with 22 other cities. The Cities agree on all issues of the test claim.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 14<sup>th</sup> day of November, 2017, at Westlake Village, California.



Ray Taylor  
City Manager  
City of Westlake Village

## EXHIBIT 1



PHILIPPA KLESSIG  
Mayor

ROBERT SLAVIN  
Mayor Pro Tem

MARK RUTHERFORD  
Councilmember

NED E DAVIS  
Councilmember

SUSAN McSWEENEY  
Councilmember

June 28, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

**SUBJECT: LETTER OF INTENT PLEDGING COMMITMENT IN THE DEVELOPMENT OF AN ENHANCED WATERSHED MANAGEMENT PROGRAM AND COORDINATED INTEGRATED MONITORING PROGRAM IN COLLABORATION WITH THE MALIBU CREEK WATERSHED GROUP**

Dear Mr. Unger;

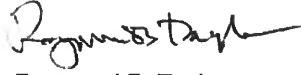
The City of Westlake Village, with this letter, will participate with the Malibu Creek Watershed Group (Group) in the development of an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) in accordance with the new MS4 Permit by Order No. R4-2012-0175 for submission to your Board.

The Malibu Creek Watershed Group includes the following agencies: the City of Agoura Hills, City of Calabasas, City of Hidden Hills, City of Westlake Village, County of Los Angeles and the Los Angeles County Flood Control District.

The City of Westlake Village further pledges to share in the development cost of both the Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP). A cost sharing formula has been agreed to by all participating members of the Group as to the equitable distribution of costs.

Should you have any questions, please contact Joe Bellomo at (805) 279-6856 or at [jbello@willdan.com](mailto:jbello@willdan.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Raymond B. Taylor". The signature is fluid and cursive, with a long horizontal stroke at the end.

Raymond B. Taylor  
City Manager

cc: Renee Purdy, California Regional Water Quality Control Board,  
Los Angeles Region  
Ivar Ridgeway, California Regional Water Quality Control Board,  
Los Angeles Region  
Alex Farassati, Malibu Creek Watershed EWMP & CIMP Coordinator

DECLARATION OF JEFF COLLIER

CITY OF WHITTIER

I, Jeff Collier, hereby declare and state as follows:

1. I am City Manager for the City of Whittier ("City"). In that capacity, I share responsibility for the compliance of the City with regard to the requirements of California Regional Water Quality Control Board, Los Angeles Region ("LARWQCB") Order No. R4-2012-0175 ("the Permit") as they apply to the City.

2. I have reviewed sections of the Permit and its attachments as set forth herein and am familiar with those provisions. I am also familiar with how the Permit changed requirements that were previously imposed on the City by the prior permit that had issued to the City by the LARWQCB in 2001 ("2001 Permit").

3. I have an understanding of the City's sources of funding for programs and activities required to comply with the Permit.

4. I make this declaration based on my own personal knowledge, except for matters set forth herein based on information and belief, and as to those matters I believe them to be true. If called upon to testify, I could and would competently to the matters set forth herein.

5. In Section 5 and Section 7 of this Test Claim, which contains exhibits to the test claim filed by the City and other permittees under the Permit, the specific sections of the Permit at issue in the test claim have been set forth. I hereby incorporate such provisions of Sections 5 and 7 into this declaration as though fully set forth herein.

6. The City has elected to participate in a Watershed Management Plan ("WMP") that is designed to address, in whole or in part, the "Total Maximum Daily Load (TMDL)"

provisions of the Permit as well other requirements of the Permit, including those set forth in this Declaration.

7. Based on my understanding of the Permit, I believe that the Permit requires the City to undertake the following programs either directly or through the mechanism of a WMP, which represent new programs and/or higher levels of service or the shifting of state responsibilities to the City, which activities were not required by the 2001 Permit and which are unique to local government entities:

8. **Implementation of TMDLs:**

(a) Part VI.E.1.c requires the permittees to “comply with the applicable water quality-based effluent limitations and/or receiving water limitations contained in Attachments L through R, consistent with the assumptions and requirements of the WLAs established in the TMDLs, including implementation plans and schedules, where provided for in the State adoption and approval of the TMDL (40 CFR 122.44(d)(1)(vii)(B); Cal. Wat. Code § 13263(a)).”

(b) Attachment K to the Permit sets forth the TMDLs with which the City must comply.

(c) Attachments L through R of the Permit set forth the requirements of each TMDL and its “waste load allocations” with which the City must comply.

(d) Part VI.B of the Permit requires the City “to comply with the [Monitoring and Reporting Program] and future revisions thereto, in Attachment E of this Order or may, in coordination with an approved Watershed Management Program per Part VI.C, implement a customized monitoring program that achieves the five Primary Objectives set forth in Part II.A of Attachment E and includes the elements set forth in Part II.E of Attachment E.”



(e) Attachment E to the Permit requires the monitoring program to include monitoring at “TMDL receiving water compliance points” and other “TMDL monitoring requirements specified in approved TMDL Monitoring Plans.” (Permit, Attachment E, Parts II.E.1 through 3 and Part V; *see also* Attachment E, Parts VI.A.1.b(iii) and (iv), VI.B.2, VI.C.1.a, VI.D.1.a, VIII.B.1.b(ii), IX.A.5, IX.C.1.a, IX.E.1.a and b, IX.G.1.b, and IX.G.2.)

(f) Based on City records, the cost to the City to comply with these TMDL requirements in Fiscal Year (FY) 2012-2013, including costs in participating in the WMP process, was \$99,634. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP and an integrated monitoring program (“IMP”) or Coordinated Integrated Monitoring Program (“CIMP”) which resulted in a Letter of Intent to participate in a WMP and CIMP. The Letter of Intent was sent to the LARWQCB dated June 21, 2013; costs were incurred on and leading up to that date. A copy of the City’s Letter of Intent is attached as Exhibit 1.

(g) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$84,900.

9. **Requirements Related to Discharge Prohibitions for Non-Stormwater:**

(a) Permit Part III.A.1 prohibits certain non-stormwater discharges through the municipal separate storm sewer system (“MS4”) to receiving waters. I have been advised that this requirement exceeds the requirements of the Clean Water Act (“CWA”).

(b) Part III.A.2 requires the City to employ best management practices (“BMPs”) for discharges from essential non-emergency firefighting activities and, with regard to unpermitted

discharges by drinking water suppliers, to work with those suppliers on the conditions of their discharges.

(c) Part III.A.4.a requires the City to develop and implement procedures covering non-permitted discharges of non-stormwater to the City's MS4 in compliance with the requirements of Part III.A.4.a.i-vi of the Permit.

(d) Part III.A.4.b requires the City to develop and implement procedures to minimize the discharge of landscape irrigation water into the MS4, including to coordinate with local water purveyors to promote water use efficiency, use of drought tolerant vegetation and use of less toxic options for pest control and landscape management and to develop and implement an outreach and education program to minimize the discharge of irrigation water and associated pollutants.

(e) Part III.A.4.c requires the City to evaluate monitoring data collected pursuant to the Permit's Monitoring and Reporting Program (Permit Attachment E) and other associated data and information to determine, among other things, if authorized or conditionally authorized non-stormwater discharges are a source of pollutants that may be causing or contributing to an exceedance of receiving water limitations and/or water quality based effluent limitations.

(f) Part III.A.4.d requires the City to take action to address such non-stormwater discharges if they are found to be such a source of pollutants, through effective prohibition, conditions, diversions or treatment. These tasks involve, among other things, meeting with non-stormwater dischargers, identifying and analyzing the nature of non-stormwater discharges, the development and implementation of discharge procedures, conducting public education efforts and evaluating monitoring data.

(g) The City incurred costs for staff time in analyzing and deciding whether to implement a WMP, which includes an analysis of the non-stormwater discharge program. This staff time resulted in a Letter of Intent to participate in a WMP sent to the LARWQCB dated June 21, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was N/A.

10. **Public Information Program Requirements:**

(a) Permit Part VI.D.5.a requires the City to “measurably increase” the knowledge of target audiences about the MS4, the adverse impacts of stormwater pollution on receiving waters and potential solutions to mitigate impacts, to “measurably change” waste disposal and stormwater pollution generation behavior by developing and encouraging implementation of “appropriate alternatives” and to “involve and engage a diversity of socio-economic groups and ethnic communities” to participate in stormwater pollution impact mitigation.

(b) Permit Part VI.D.5.b requires the City to implement Public Information and Participation Program activities by participating in either a County-wide, Watershed Group-sponsored or individual effort.

(c) Permit Part VI.D.5.c requires the City to provide a means for public reporting of clogged catch basin inlets and illicit discharges/dumping, faded or missing catch basin labels and general stormwater and non-stormwater pollution prevention information through a telephone hotline or in public information or government pages of the telephone book, identify staff or departments serving as contact persons and providing current, updated hotline information. The City is also required to organize events targeted to residents and population subgroups to

“educate and involve the community in storm water and non-storm water pollution prevent and clean-up (e.g., education seminars, clean-ups, and community catch basin stenciling).”

(d) Permit Part VI.D.5.d requires the City to conduct stormwater pollution prevention public service announcements and advertising campaigns and provide public education materials on the proper handling of vehicle waste fluids, house, and construction waste, pesticides and fertilizers (including the use of integrated pest management practices), green waste and animal wastes. This Part further requires the City (a) to distribute public education materials at automotive parts stores, home improvement centers, lumber yards and hardware and paint stores, landscaping and gardening centers and pet shops and feed stores, and (b) to maintain stormwater websites or provide links to stormwater websites via the City’s website, which must include educational material and opportunities for public participation in stormwater pollution and cleanup activities and provide schools within the City’s jurisdiction with materials to education K-12 students on stormwater pollution. In each of these requirements, Permit Part VID.5.d requires the City to “use effective strategies to educate and involve ethnic communities in storm water pollution prevention through culturally effective methods.”

(e) The City incurred costs for staff time in analyzing and deciding whether to implement a WMP, which includes an analysis of the public information program. This staff time resulted in a Letter of Intent to participate in a WMP sent to the LARWQCB dated June 21, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(f) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$4,888.

11. **Inventory and Inspections of Industrial/Commercial Sources:**

Section 6: Declarations in Support of Joint Test Claim of Los Angeles County Local Agencies  
Concerning Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No. CAS 004001)

(a) Permit Part VI.D.6.b requires the City to track nurseries and nursery centers and to include various information for each facility on the inventory, including the industrial classification code, the status of exposure of materials to stormwater, the name of the receiving water, whether the facility is tributary to a waterbody listed as impaired under CWA section 303(d) where the facility generates pollutants for which the waterbody is impaired, and whether the facility has filed a “No Exposure Certification” (“NEC”) with the State Water Resources Control Board (“State Board”). The City is required to update the inventory at least annually, through collection of information through field activities over from other means.

(b) Permit Part VI.D.6.d requires the City to inspect restaurants, automotive service facilities, retail gasoline outlets and nurseries and nursery centers twice during the Permit term, including an inspection within two years after the Permit’s effective date. In such inspection, the City is required, among other things, to evaluate whether the source is implementing effective source control BMPs for each corresponding activity and to require implementation of additional BMPs where stormwater from the facility discharged to the MS4 discharges to a Significant Ecological Area (“SEA”), a water body subject to TMDL provisions or a CWA section 303(d) listed waterbody.

(c) Permit Part VI.D.6.e requires the City to inspect industrial facilities, including those identified in 40 C.F.R. section 122.26(b)(14)(i-xi) and facilities identified in 40 C.F.R. section 122.26(d)(12)(iv)(C). In such inspections, the City is required to confirm that each facility has a current Waste Discharge Identification number for coverage under the State Board-issued General Industrial Activities Stormwater Permit or has applied for and received a no exposure certification, and to require implementation of additional BMPs where stormwater from the MS4

discharges to a waterbody subject to a TMDL or is a CWA section 303(d) listed impaired waterbodies. Additionally, for facilities discharging to MS4s that discharge to an SEA, the permittees, including the City, are required to require operators to implement additional pollutant-specific controls to reduce pollutants that are causing or contributing to exceedances of water quality standards.

(d) The City incurred costs for staff time in analyzing and deciding whether to implement a WMP, which includes an analysis of the industrial and commercial inspection program. This staff time resulted in a Letter of Intent to participate in a WMP sent to the LARWQCB dated June 21, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$5,656.

12. **Post-Construction BMP Requirements:**

(a) Permit Part VI.D.7.d.iv(1)(a) requires the City to implement a GIS or other electronic system for tracking projects that are required to have post-construction BMPs, including project identification, acreage, BMP type and description, BMP locations, dates of acceptance and maintenance agreements, inspection dates and summaries and corrective action.

(b) Permit Part VI.D.7.d.iv(1)(b) requires the City to inspect all development sites upon completion of construction and before issuance of an occupancy certificate to ensure “proper installation” of Low Impact Development (“LID”) measures, structural BMPs, treatment control BMPs and hydromodification control BMPs.

(c) Permit Part VI.D.7.d.iv(1)(c) requires the City to develop a post-construction BMP checklist and to inspect at an interval of at least once every two years, City-operated post-construction BMPs to assess operations condition.

(d) The City incurred costs for staff time in analyzing and deciding whether to implement a WMP, which includes an analysis of the planning and development program. This staff time resulted in a Letter of Intent to participate in a WMP sent to the LARWQCB dated June 21, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was N/A.

13. **Construction Site Requirements:**

(a) Permit Part VI.D.8.g.i requires the City to develop an electronic system to inventory grading, encroachment, demolition, building or construction permits (or other municipal authorizations to move soil and/or construct or destruct that involves land disturbance).

(b) Permit Part VI.D.8.g.ii requires the City to complete and update an inventory containing, among other items, contact information for a project, basic site information, the proximity of all water bodies, significant threats to water quality status, current construction phase where feasible, required inspection frequency, start and anticipated completion dates, whether the project has submitted a Notice of Intent to be covered under the State Board-issued General Construction Activities Stormwater Permit (“GCASP”), whether it has obtained GCASP coverage, the date the Erosion and Sediment Control Plan (“ESCP”) was approved and post-construction structural BMPs subject to operation and maintenance requirements.

(c) Permit Part VI.D.8.h requires the City to develop and implement review procedures for construction plan documents, including preparation and submittal of an appropriate ESCP, verification of GCASP or other permit coverage and other items. The Part further requires permittees, including the City, to develop and implement a checklist to conduct and document the review of each ESCP.

(d) Permit Part VI.D.8.i.i requires the City to develop and implement technical standards for the selection, installation and maintenance of construction BMPs for all such sites within the City.

(e) Permit Part VI.D.8.i.ii requires that such BMPs be tailored to the risks posed by the project, as well as in minimum conformance with standards set forth in Permit Table 15, use of BMPs meeting the requirements of Permit Tables 14 and 16 for construction sites equal or greater than one acre or paving projects, detailed installation designs and cut sheets for use in ESCPs and maintenance expectations for each BMP or category of BMPs.

(f) Permit Part VI.D.8.i.iv further requires that such technical standards must be “readily available” to the development community and must be “clearly referenced” within the City’s stormwater or development services website, ordinance, permit approval process and/or ESCP review forms.

(g) Permit Part VI.D.8.i.v requires local BMP technical standards to cover all items set forth in Tables 13, 14, 15 and 16 of the Permit.

(h) Permit Part VI.D.8.j requires the City to inspect all construction sites of one acre or greater in size on the frequencies set forth in the Permit, which requires inspections prior to land disturbance activities, during active construction and at the conclusion of the project and as a



condition to approving and/or issuing a Certificate of Occupancy. The frequency of inspections is set in addition in Table 17 of the Permit. As part of the inspection obligations, the permittees, including the City, must develop, implement and revise as necessary standard operating procedures that identify the inspection procedures to be followed by each permittee. Additionally, during inspections, the City must verify “active coverage” under the GCASP for specified projects; review the ESCP; inspect the site to determine whether all BMPs have been selected, installed, implemented and maintained; assess the appropriateness of planned and installed BMPs, and their effectiveness; visually observe and record non-stormwater discharge, potential illicit discharges and connections and potential discharge of pollutants in stormwater runoff; develop a written or electronic inspection report generated from a field inspection checklist; and track the number of inspections for the site to ensure that it meets the minimum requirements of Permit Table 17.

(i) Permit Part VI.D.8.1.i and ii requires the City to ensure training for “all staff whose primary job duties are related to implementing the construction storm water program,” including plan reviewers and permitting staff with regard to the “technical review of local erosion and sediment control ordinance, local BMP technical standards, ESCP requirements, and the key objectives of the State Water Board QSD program, erosion sediment control/storm water inspectors in inspection procedures consistent with various standards. Additionally, if outside parties conduct inspections or review plans, the City is required to ensure that such staff are trained under the same requirements.

(j) The City incurred costs for staff time in analyzing and deciding whether to implement a WMP, which includes an analysis of the construction inspection program. This staff time

resulted in a Letter of Intent to participate in a WMP sent to the LARWQCB dated June 21, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(k) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was N/A.

14. **Public Agency Requirements:**

(a) Permit Part VI.D.9.c requires the City to maintain an “updated inventory” of all permittee-owned or operated facilities that are potential sources of stormwater pollution, including 24 separate categories of facilities that are required to be in the inventory. The inventory must include the name and address of the facility, contact information, a narrative description of activities performed and potential pollution sources, coverage under any individual or general NPDES permits or waivers. The inventory must be updated at least once during the five-year term of the Permit with information collected through field activities or other means.

(b) Permit Part VI.D.9.d.i requires the City to develop an inventory of “retrofitting opportunities” in areas of existing development.

(c) Permit Part VI.D.9.d.ii and iii requires the City to screen existing areas of development “to identify candidate areas for retrofitting using watershed models or other screening level tools” and then evaluate and rank areas of existing development to prioritize retrofitting candidates.

(d) Permit Part VI.D.9.d.iv requires the City to consider the results of the evaluation by giving “highly feasible” projects a “high priority” to implement source control and treatment control BMPs in the their Storm Water Management Plan (“SWMP”) and consider high priority

retrofit projects as candidates for off-site mitigation for new development and redevelopment projects.

(e) Permit Part VI.D.9.d.v requires the City to cooperate with private landowners to “encourage site specific retrofitting projects.” In such cooperation, demonstration retrofit projects, retrofits on public lands and easements, education and outreach, subsidies for retrofit projects, requiring retrofit projects as enforcement, mitigation or ordinance compliance, public and private partnerships, fees for existing discharges to the MS4 and reduction of such fees for retrofit implementation must be considered.

(f) Permit Part VI.D.9.g.ii requires the City to implement an Integrated Pest Management (“IPM”) program, including restrictions on the use of pesticides, restricting treatments only to remove the target organism, selection of pest controls that minimize risks to human health, “beneficial non-target organisms” and the environment, partnering with other agencies and organizations to “encourage” the use of IPM and adopt and “verifiably implement” policies, procedures and/or ordinances requiring the minimization of pesticide use and encouraging the use of IPM techniques for public agency facilities and activities. Additionally, the City must commit and schedule to reduce the use of pesticides that cause impairments of surface waters by preparing and updating annually an inventory of pesticides, quantify pesticide use by staff and contractors and demonstrate implementation of IPM alternatives where feasible to reduce pesticide use.

(g) Permit Part VI.D.9.h.vii requires permittees in areas not subject to a Trash TMDL, to install trash excluders, or equivalent devices, on or in catch basins or outfalls, except where such installation would cause flooding, unless lack of maintenance that causes the flooding.

Permittees, including the City, may also employ alternative or enhanced BMPs that “provide substantially equivalent removal of trash.” If alternative means are employed, the City must demonstrate that such BMPs “provide equivalent trash removal performance as excluders.”

(h) Permit Part VI.D.9.k.ii requires the City to train all employees and contractors “who use or have the potential to use pesticides or fertilizers” that address the potential for pesticide-related surface water toxicity, in the proper use, handling, and disposal of pesticides, least toxic methods of pest prevention and control, including IPM and the reduction of pesticide use.

(i) Based on City records, the cost to the City to comply with these public agency requirements in FY 2012-2013, including costs in participating in the WMP process, was \$27,000. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, which included an analysis of these public agency activities. This staff time resulted in a Letter of Intent sent to the LARWQCB dated June 21, 2013 to participate in a WMP (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(j) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$28,400.

15. **Illicit Connection and Discharge Requirements:**

(a) Permit Part VI.D.10.d.iii requires the City to “ensure that signage adjacent to open channels . . . include information regarding dumping prohibitions and public reporting of illicit discharges.”

(b) Permit Part VI.D.10.d.iv requires the City to develop and maintain written procedures that document how complaint calls are received, documented and tracked “to ensure that all complaints are adequately addressed.” Such procedures must be “evaluated to determine whether changes or updates are needed to ensure that the procedures adequately document the methods employed by the Permittee.”

(c) Permit Part VI.D.10.d.v requires the City to maintain documentation of complaint calls and to record the location of the reported spill or illicit discharge and the action undertaken in response.

(d) Permit Part VI.D.10.e.i requires, in pertinent part, that the City implement a “spill response plan” for all sewage and other spills that may discharge into its MS4.

(e) Permit Part VI.D.10.e.i(1) requires that the plan must identify agencies responsible for spill response and cleanup, phone numbers and e-mail addresses for contacts and shall further address coordination with spill response teams “throughout all appropriate departments, programs and agencies so that maximum water quality protection is provided.”

(f) Permit Part VI.D.10.e.i(3) and (4) requires the City to respond to spills for containment within four hours of become aware of the spill, or if on private property, within two hours of gaining legal access to the property and reporting of spills that may endanger health or the environment to appropriate public health agencies and the Office of Emergency Services (“OES”).

(g) The City incurred costs for staff time in analyzing and deciding whether to implement a WMP, which includes an analysis of the illicit connection and discharge program. This staff time

Section 6: Declarations in Support of Joint Test Claim of Los Angeles County Local Agencies Concerning Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No. CAS 004001)

resulted in a Letter of Intent to participate in a WMP sent to the LARWQCB dated June 21, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

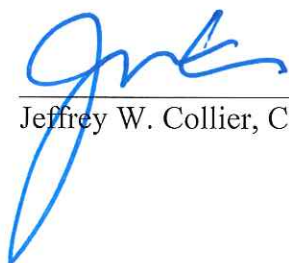
(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was N/A.

16. I am informed and believe that there are no dedicated state, federal or regional funds that are or will be available to pay for any of the new and/or upgraded programs and activities set forth in this Declaration. I am not aware of any other fee or tax that the City would have the discretion to impose under California law to recover any portion of the cost of these programs and activities.

17. The City has filed a joint test claim with 22 other cities. The Cities agree on all issues of the test claim.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 6th day of November, 2017, at Whittier, California.

  
\_\_\_\_\_  
Jeffrey W. Collier, City Manager

## EXHIBIT 1



# City of Whittier

13230 Penn Street, Whittier, California 90602-1772  
(562) 567-9999

June 21, 2013

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

**LETTER OF INTENT TO PARTICIPATE IN THE DEVELOPMENT OF A WATERSHED MANAGEMENT PROGRAM (WMP) AND COORDINATED INTEGRATED MONITORING PROGRAM (CIMP) IN COOPERATION WITH THE LOWER SAN GABRIEL RIVER WATERSHED GROUP**

Dear Mr. Unger:

The City of Whittier submits this Letter of Intent as our written notification to participate and share the cost for the development of a Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) for the Lower San Gabriel River Watershed and to satisfy the CIMP notification requirement of Section IV.C.1 of Attachment E of Order No. R4-2012-0175 (MS4 Permit). The Lower San Gabriel River Watershed Group is comprised of the following permittees: Artesia, Bellflower, Cerritos, Diamond Bar, Downey, Hawaiian Gardens, La Mirada, Lakewood, Long Beach, Norwalk, Pico Rivera, Santa Fe Springs, Whittier and the Los Angeles County Flood Control District.

While maintaining the 18-month schedule for development of the WMP, the Lower San Gabriel River Watershed Group intends to continue to evaluate and consider the Enhanced-WMP (EWMP) option. If the group decides to develop an EWMP prior to the December 28, 2013 deadline, your office will be notified in a separate letter prior to any such change.

Please note the City of Whittier's participation in the Lower San Gabriel River Watershed Group WMP and CIMP is for the entirety of the incorporated City including two (2) very small areas within the City limits that drain into the Reach 3 San Gabriel River watershed. These two (2) areas combined are approximately 80 acres. One of these areas is an "island" of incorporated Whittier in the Whittier Narrows area north of the Whittier Narrows Dam and consists of the well field for our groundwater supply. The other is a small area in the northeast corner of Whittier adjacent to unincorporated County area on the north and the City of La Habra Heights on the east. At their



June 20, 2013 meeting, the Lower San Gabriel River Watershed Committee approved incorporating these areas into their WMP.

The City Council received my report (attached) on June 11, 2013 and specifically authorized the submittal of this letter. In addition, the Council approved a Draft Whittier Green Streets Policy Manual and Draft Low Impact Development Ordinance with the intent of adopting final versions by December 15, 2013.

If you have any questions, please contact me at (562) 567-9500.

Sincerely,

A handwritten signature in blue ink, appearing to read "David A. Pelsner", with a long horizontal flourish extending to the right.

---

David A. Pelsner, PE, BCEE  
Director of Public Works

Attachment:           Staff Report to the Whittier City Council June 11, 2013  
                              Draft Whittier Green Streets Policy Manual  
                              Draft Whittier LID Ordinance

DECLARATION OF RENE BOBADILLA

CITY OF PICO RIVERA

I, Rene Bobadilla, hereby declare and state as follows:

1. I am the City Manager for the City of Pico Rivera (“City”). In that capacity, I share responsibility for the compliance of the City with regard to the requirements of California Regional Water Quality Control Board, Los Angeles Region (“LARWQCB”) Order No. R4-2012-0175 (“the Permit”) as they apply to the City.

2. I have reviewed sections of the Permit and its attachments as set forth herein and am familiar with those provisions. I am also familiar with how the Permit changed requirements that were previously imposed on the City by the prior permit that had issued to the City by the LARWQCB in 2001 (“2001 Permit”).

3. I have an understanding of the City’s sources of funding for programs and activities required to comply with the Permit.

4. I make this declaration based on my own personal knowledge, except for matters set forth herein based on information and belief, and as to those matters I believe them to be true. If called upon to testify, I could and would competently to the matters set forth herein.

5. In Section 5 and Section 7 of this Test Claim, which contains exhibits to the test claim filed by the City and other permittees under the Permit, the specific sections of the Permit at issue in the test claim have been set forth. I hereby incorporate such provisions of Sections 5 and 7 into this declaration as though fully set forth herein.

6. The City has elected to participate in two Watershed Management Plans (“WMPs”), one for the Lower Los Angeles River and one for the Lower San Gabriel River, that are designed to

address, in whole or in part, the “Total Maximum Daily Load (TMDL)” provisions of the Permit as well other requirements of the Permit, including those set forth in this Declaration.

7. Based on my understanding of the Permit, I believe that the Permit requires the City to undertake the following programs either directly or through the mechanism of a WMP, which represent new programs and/or higher levels of service or the shifting of state responsibilities to the City, which activities were not required by the 2001 Permit and which are unique to local government entities:

8. **Implementation of TMDLs:**

(a) Part VI.E.1.c requires the permittees to “comply with the applicable water quality-based effluent limitations and/or receiving water limitations contained in Attachments L through R, consistent with the assumptions and requirements of the WLAs established in the TMDLs, including implementation plans and schedules, where provided for in the State adoption and approval of the TMDL (40 CFR 122.44(d)(1)(vii)(B); Cal. Wat. Code § 13263(a)).”

(b) Attachment K to the Permit sets forth the TMDLs with which the City must comply.

(c) Attachments L through R of the Permit set forth the requirements of each TMDL and its “waste load allocations” with which the City must comply.

(d) Part VI.B of the Permit requires the City “to comply with the [Monitoring and Reporting Program] and future revisions thereto, in Attachment E of this Order or may, in coordination with an approved Watershed Management Program per Part VI.C, implement a customized monitoring program that achieves the five Primary Objectives set forth in Part II.A of Attachment E and includes the elements set forth in Part II.E of Attachment E.”

(e) Attachment E to the Permit requires the monitoring program to include monitoring at “TMDL receiving water compliance points” and other “TMDL monitoring requirements specified in approved TMDL Monitoring Plans.” (Permit, Attachment E, Parts II.E.1 through 3 and Part V; *see also* Attachment E, Parts VI.A.1.b(iii) and (iv), VI.B.2, VI.C.1.a, VI.D.1.a, VIII.B.1.b(ii), IX.A.5, IX.C.1.a, IX.E.1.a and b, IX.G.1.b, and IX.G.2.)

(f) Based on City records, the cost to the City to comply with these TMDL requirements in Fiscal Year (FY) 2012-2013, including costs in participating in the WMP process, was \$92,000. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP and an integrated monitoring program (“IMP”) or Coordinated Integrated Monitoring Program (“CIMP”) which resulted in Notices of Intent to participate in WMPs and CIMPs. The Notices of Intent were sent to the LARWQCB dated June 24, 2013; costs were incurred on and leading up to that date. Copies of the City’s Notices are attached as Exhibit 1.

(g) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$159,200.

9. **Requirements Related to Discharge Prohibitions for Non-Stormwater:**

(a) Permit Part III.A.1 prohibits certain non-stormwater discharges through the municipal separate storm sewer system (“MS4”) to receiving waters. I have been advised that this requirement exceeds the requirements of the Clean Water Act (“CWA”).

(b) Part III.A.2 requires the City to employ best management practices (“BMPs”) for discharges from essential non-emergency firefighting activities and, with regard to unpermitted

discharges by drinking water suppliers, to work with those suppliers on the conditions of their discharges.

(c) Part III.A.4.a requires the City to develop and implement procedures covering non-permitted discharges of non-stormwater to the City's MS4 in compliance with the requirements of Part III.A.4.a.i-vi of the Permit.

(d) Part III.A.4.b requires the City to develop and implement procedures to minimize the discharge of landscape irrigation water into the MS4, including to coordinate with local water purveyors to promote water use efficiency, use of drought tolerant vegetation and use of less toxic options for pest control and landscape management and to develop and implement an outreach and education program to minimize the discharge of irrigation water and associated pollutants.

(e) Part III.A.4.c requires the City to evaluate monitoring data collected pursuant to the Permit's Monitoring and Reporting Program (Permit Attachment E) and other associated data and information to determine, among other things, if authorized or conditionally authorized non-stormwater discharges are a source of pollutants that may be causing or contributing to an exceedance of receiving water limitations and/or water quality based effluent limitations.

(f) Part III.A.4.d requires the City to take action to address such non-stormwater discharges if they are found to be such a source of pollutants, through effective prohibition, conditions, diversions or treatment. These tasks involve, among other things, meeting with non-stormwater dischargers, identifying and analyzing the nature of non-stormwater discharges, the development and implementation of discharge procedures, conducting public education efforts and evaluating monitoring data.

(g) Based on City records, the cost to the City to comply with these non-stormwater prohibition requirements in FY 2012-2013, including costs in participating in the WMP process, was \$1,000. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, which resulted in Notices of Intent dated June 24, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$1,000.

10. **Public Information Program Requirements:**

(a) Permit Part VI.D.5.a requires the City to “measurably increase” the knowledge of target audiences about the MS4, the adverse impacts of stormwater pollution on receiving waters and potential solutions to mitigate impacts, to “measurably change” waste disposal and stormwater pollution generation behavior by developing and encouraging implementation of “appropriate alternatives” and to “involve and engage a diversity of socio-economic groups and ethnic communities” to participate in stormwater pollution impact mitigation.

(b) Permit Part VI.D.5.b requires the City to implement Public Information and Participation Program activities by participating in either a County-wide, Watershed Group-sponsored or individual effort.

(c) Permit Part VI.D.5.c requires the City to provide a means for public reporting of clogged catch basin inlets and illicit discharges/dumping, faded or missing catch basin labels and general stormwater and non-stormwater pollution prevention information through a telephone hotline or in public information or government pages of the telephone book, identify staff or departments serving

as contact persons and providing current, updated hotline information. The City is also required to organize events targeted to residents and population subgroups to “educate and involve the community in storm water and non-storm water pollution prevent and clean-up (e.g., education seminars, clean-ups, and community catch basin stenciling).”

(d) Permit Part VI.D.5.d requires the City to conduct stormwater pollution prevention public service announcements and advertising campaigns and provide public education materials on the proper handling of vehicle waste fluids, house, and construction waste, pesticides and fertilizers (including the use of integrated pest management practices), green waste and animal wastes. This Part further requires the City (a) to distribute public education materials at automotive parts stores, home improvement centers, lumber yards and hardware and paint stores, landscaping and gardening centers and pet shops and feed stores, and (b) to maintain stormwater websites or provide links to stormwater websites via the City’s website, which must include educational material and opportunities for public participation in stormwater pollution and cleanup activities and provide schools within the City’s jurisdiction with materials to education K-12 students on stormwater pollution. In each of these requirements, Permit Part VID.5.d requires the City to “use effective strategies to educate and involve ethnic communities in storm water pollution prevention through culturally effective methods.”

(e) Based on City records, the cost to the City to comply with these public information program requirements in FY 2012-2013, including costs in participating in the WMP process, was \$2,500. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, which includes an analysis of the public information program. This staff time

resulted in Notices of Intent to participate in WMPs sent to the LARWQCB dated June 24, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(f) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$2,500.

11. **Inventory and Inspections of Industrial/Commercial Sources:**

(a) Permit Part VI.D.6.b requires the City to track nurseries and nursery centers and to include various information for each facility on the inventory, including the industrial classification code, the status of exposure of materials to stormwater, the name of the receiving water, whether the facility is tributary to a waterbody listed as impaired under CWA section 303(d) where the facility generates pollutants for which the waterbody is impaired, and whether the facility has filed a “No Exposure Certification” (“NEC”) with the State Water Resources Control Board (“State Board”). The City is required to update the inventory at least annually, through collection of information through field activities over from other means.

(b) Permit Part VI.D.6.d requires the City to inspect restaurants, automotive service facilities, retail gasoline outlets and nurseries and nursery centers twice during the Permit term, including an inspection within two years after the Permit’s effective date. In such inspection, the City is required, among other things, to evaluate whether the source is implementing effective source control BMPs for each corresponding activity and to require implementation of additional BMPs where stormwater from the facility discharged to the MS4 discharges to a Significant Ecological Area (“SEA”), a water body subject to TMDL provisions or a CWA section 303(d) listed waterbody.

(c) Permit Part VI.D.6.e requires the City to inspect industrial facilities, including those identified in 40 C.F.R. section 122.26(b)(14)(i-xi) and facilities identified in 40 C.F.R. section



122.26(d)(12)(iv)(C). In such inspections, the City is required to confirm that each facility has a current Waste Discharge Identification number for coverage under the State Board-issued General Industrial Activities Stormwater Permit or has applied for and received a no exposure certification, and to require implementation of additional BMPs where stormwater from the MS4 discharges to a waterbody subject to a TMDL or is a CWA section 303(d) listed impaired waterbodies. Additionally, for facilities discharging to MS4s that discharge to an SEA, the permittees, including the City, are required to require operators to implement additional pollutant-specific controls to reduce pollutants that are causing or contributing to exceedances of water quality standards.

(d) The City incurred costs for staff time in analyzing and deciding whether to implement a WMP, which includes an analysis of the industrial inspection program. Those efforts resulted in the City submitting to the LARWQCB Notices of Intent, dated June 24, 2013 (Exhibit 1 attached hereto), to participate in WMPs; costs for staff time were incurred on and leading up to that date.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$0.

12. **Post-Construction BMP Requirements:**

(a) Permit Part VI.D.7.d.iv(1)(a) requires the City to implement a GIS or other electronic system for tracking projects that are required to have post-construction BMPs, including project identification, acreage, BMP type and description, BMP locations, dates of acceptance and maintenance agreements, inspection dates and summaries and corrective action.

(b) Permit Part VI.D.7.d.iv(1)(b) requires the City to inspect all development sites upon completion of construction and before issuance of an occupancy certificate to ensure “proper

installation” of Low Impact Development (“LID”) measures, structural BMPs, treatment control BMPs and hydromodification control BMPs.

(c) Permit Part VI.D.7.d.iv(1)(c) requires the City to develop a post-construction BMP checklist and to inspect at an interval of at least once every two years, City-operated post-construction BMPs to assess operations condition.

(d) Based on City records, the cost to the City to comply with these post-construction BMP requirements in FY 2012-2013, including costs in participating in the WMP process, was \$7,000. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, which includes an analysis of the planning and development program. This staff time resulted in Notices of Intent to participate in WMPs sent to the LARWQCB dated June 24, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$10,000.

13. **Construction Site Requirements:**

(a) Permit Part VI.D.8.g.i requires the City to develop an electronic system to inventory grading, encroachment, demolition, building or construction permits (or other municipal authorizations to move soil and/or construct or destruct that involves land disturbance).

(b) Permit Part VI.D.8.g.ii requires the City to complete and update an inventory containing, among other items, contact information for a project, basic site information, the proximity of all water bodies, significant threats to water quality status, current construction phase where feasible, required inspection frequency, start and anticipated completion dates, whether the project has

submitted a Notice of Intent to be covered under the State Board-issued General Construction Activities Stormwater Permit (“GCASP”), whether it has obtained GCASP coverage, the date the Erosion and Sediment Control Plan (“ESCP”) was approved and post-construction structural BMPs subject to operation and maintenance requirements.

(c) Permit Part VI.D.8.h requires the City to develop and implement review procedures for construction plan documents, including preparation and submittal of an appropriate ESCP, verification of GCASP or other permit coverage and other items. The Part further requires permittees, including the City, to develop and implement a checklist to conduct and document the review of each ESCP.

(d) Permit Part VI.D.8.i.i requires the City to develop and implement technical standards for the selection, installation and maintenance of construction BMPs for all such sites within the City.

(e) Permit Part VI.D.8.i.ii requires that such BMPs be tailored to the risks posed by the project, as well as in minimum conformance with standards set forth in Permit Table 15, use of BMPs meeting the requirements of Permit Tables 14 and 16 for construction sites equal or greater than one acre or paving projects, detailed installation designs and cut sheets for use in ESCPs and maintenance expectations for each BMP or category of BMPs.

(f) Permit Part VI.D.8.i.iv further requires that such technical standards must be “readily available” to the development community and must be “clearly referenced” within the City’s stormwater or development services website, ordinance, permit approval process and/or ESCP review forms.

(g) Permit Part VI.D.8.i.v requires local BMP technical standards to cover all items set forth in Tables 13, 14, 15 and 16 of the Permit.

(h) Permit Part VI.D.8.j requires the City to inspect all construction sites of one acre or greater in size on the frequencies set forth in the Permit, which requires inspections prior to land disturbance activities, during active construction and at the conclusion of the project and as a condition to approving and/or issuing a Certificate of Occupancy. The frequency of inspections is set in addition in Table 17 of the Permit. As part of the inspection obligations, the permittees, including the City, must develop, implement and revise as necessary standard operating procedures that identify the inspection procedures to be followed by each permittee. Additionally, during inspections, the City must verify “active coverage” under the GCASP for specified projects; review the ESCP; inspect the site to determine whether all BMPs have been selected, installed, implemented and maintained; assess the appropriateness of planned and installed BMPs, and their effectiveness; visually observe and record non-stormwater discharge, potential illicit discharges and connections and potential discharge of pollutants in stormwater runoff; develop a written or electronic inspection report generated from a field inspection checklist; and track the number of inspections for the site to ensure that it meets the minimum requirements of Permit Table 17.

(i) Permit Part VI.D.8.l.i and ii requires the City to ensure training for “all staff whose primary job duties are related to implementing the construction storm water program,” including plan reviewers and permitting staff with regard to the “technical review of local erosion and sediment control ordinance, local BMP technical standards, ESCP requirements, and the key objectives of the State Water Board QSD program, erosion sediment control/storm water inspectors in inspection procedures consistent with various standards. Additionally, if outside parties conduct inspections or review plans, the City is required to ensure that such staff are trained under the same requirements.

(j) Based on City records, the cost to the City to comply with these construction site requirements in FY 2012-2013, including costs in participating in the WMP process, was \$7,000. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, which included an analysis of construction site requirements. This staff time resulted in Notices of Intent to participate in WMPs sent to the LARWQCB dated June 24, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(k) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$30,000.

14. **Public Agency Requirements:**

(a) Permit Part VI.D.9.c requires the City to maintain an “updated inventory” of all permittee-owned or operated facilities that are potential sources of stormwater pollution, including 24 separate categories of facilities that are required to be in the inventory. The inventory must include the name and address of the facility, contact information, a narrative description of activities performed and potential pollution sources, coverage under any individual or general NPDES permits or waivers. The inventory must be updated at least once during the five-year term of the Permit with information collected through field activities or other means.

(b) Permit Part VI.D.9.d.i requires the City to develop an inventory of “retrofitting opportunities” in areas of existing development.

(c) Permit Part VI.D.9.d.ii and iii requires the City to screen existing areas of development “to identify candidate areas for retrofitting using watershed models or other screening level tools” and then evaluate and rank areas of existing development to prioritize retrofitting candidates.

(d) Permit Part VI.D.9.d.iv requires the City to consider the results of the evaluation by giving “highly feasible” projects a “high priority” to implement source control and treatment control BMPs in their Storm Water Management Plan (“SWMP”) and consider high priority retrofit projects as candidates for off-site mitigation for new development and redevelopment projects.

(e) Permit Part VI.D.9.d.v requires the City to cooperate with private landowners to “encourage site specific retrofitting projects.” In such cooperation, demonstration retrofit projects, retrofits on public lands and easements, education and outreach, subsidies for retrofit projects, requiring retrofit projects as enforcement, mitigation or ordinance compliance, public and private partnerships, fees for existing discharges to the MS4 and reduction of such fees for retrofit implementation must be considered.

(f) Permit Part VI.D.9.g.ii requires the City to implement an Integrated Pest Management (“IPM”) program, including restrictions on the use of pesticides, restricting treatments only to remove the target organism, selection of pest controls that minimize risks to human health, “beneficial non-target organisms” and the environment, partnering with other agencies and organizations to “encourage” the use of IPM and adopt and “verifiably implement” policies, procedures and/or ordinances requiring the minimization of pesticide use and encouraging the use of IPM techniques for public agency facilities and activities. Additionally, the City must commit and schedule to reduce the use of pesticides that cause impairments of surface waters by preparing and updating annually an inventory of pesticides, quantify pesticide use by staff and contractors and demonstrate implementation of IPM alternatives where feasible to reduce pesticide use.

(g) Permit Part VI.D.9.h.vii requires permittees in areas not subject to a Trash TMDL, to install trash excluders, or equivalent devices, on or in catch basins or outfalls, except where such

installation would cause flooding, unless lack of maintenance that causes the flooding. Permittees, including the City, may also employ alternative or enhanced BMPs that “provide substantially equivalent removal of trash.” If alternative means are employed, the City must demonstrate that such BMPs “provide equivalent trash removal performance as excluders.”

(h) Permit Part VI.D.9.k.ii requires the City to train all employees and contractors “who use or have the potential to use pesticides or fertilizers” that address the potential for pesticide-related surface water toxicity, in the proper use, handling, and disposal of pesticides, least toxic methods of pest prevention and control, including IPM and the reduction of pesticide use.

(i) Based on City records, the cost to the City to comply with these public agency requirements in FY 2012-2013, including costs in participating in the WMP process, was \$6,500. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP, which included an analysis of construction site requirements. This staff time resulted in Notices of Intent to participate in WMPs sent to the LARWQCB dated June 24, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(j) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$13,000.

15. **Illicit Connection and Discharge Requirements:**

(a) Permit Part VI.D.10.d.iii requires the City to “ensure that signage adjacent to open channels . . . include information regarding dumping prohibitions and public reporting of illicit discharges.”

(b) Permit Part VI.D.10.d.iv requires the City to develop and maintain written procedures that document how complaint calls are received, documented and tracked “to ensure that all complaints are adequately addressed.” Such procedures must be “evaluated to determine whether changes or updates are needed to ensure that the procedures adequately document the methods employed by the Permittee.”

(c) Permit Part VI.D.10.d.v requires the City to maintain documentation of complaint calls and to record the location of the reported spill or illicit discharge and the action undertaken in response.

(d) Permit Part VI.D.10.e.i requires, in pertinent part, that the City implement a “spill response plan” for all sewage and other spills that may discharge into its MS4.

(e) Permit Part VI.D.10.e.i(1) requires that the plan must identify agencies responsible for spill response and cleanup, phone numbers and e-mail addresses for contacts and shall further address coordination with spill response teams “throughout all appropriate departments, programs and agencies so that maximum water quality protection is provided.”

(f) Permit Part VI.D.10.e.i(3) and (4) requires the City to respond to spills for containment within four hours of become aware of the spill, or if on private property, within two hours of gaining legal access to the property and reporting of spills that may endanger health or the environment to appropriate public health agencies and the Office of Emergency Services (“OES”).

(g) Based on City records, the cost to the City to comply with these illicit connection and discharge requirements in FY 2012-2013, including costs in participating in the WMP process, was \$21,000. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to



implement a WMP, which included an analysis of construction site requirements. This staff time resulted in Notices of Intent to participate in WMPs sent to the LARWQCB dated June 24, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

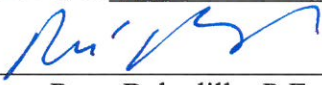
(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$21,800.

16. I am informed and believe that there are no dedicated state, federal or regional funds that are or will be available to pay for any of the new and/or upgraded programs and activities set forth in this Declaration. Except for a plan check construction fee to assure compliance with city codes, I am not aware of any other fee or tax that the City would have the discretion to impose under California law to recover any portion of the cost of these programs and activities.

17. The City has filed a joint test claim with 22 other cities. The Cities agree on all issues of the test claim.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 20 day of November, 2017, at Pico Rivera, California.

  
\_\_\_\_\_  
Rene Bobadilla, P.E.  
City Manager

## EXHIBIT 1



City of Pico Rivera  
**OFFICE OF THE CITY MANAGER**

6615 Passons Boulevard · Pico Rivera, California 90660  
(562) 801-4379

Web: [www.pico-rivera.org](http://www.pico-rivera.org) · e-mail: [rbates@pico-rivera.org](mailto:rbates@pico-rivera.org)

**Ronald Bates, Ph. D.**  
City Manager

June 24, 2013

**City Council**  
Gustavo V. Camacho  
*Mayor*  
Brent A. Tercero  
*Mayor Pro Tem*  
Bob J. Archuleta  
*Councilmember*  
David W. Armenta  
*Councilmember*  
Gregory Salcido  
*Councilmember*

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

**SUBJECT: LETTER OF INTENT TO PARTICIPATE IN THE DEVELOPMENT OF  
A WATERSHED MANAGEMENT PROGRAM (WMP) AND  
COORDINATED INTEGRATED MONITORING PROGRAM (CIMP) IN  
COOPERATION WITH THE LOWER LOS ANGELES RIVER  
WATERSHED GROUP**

Dear Mr. Unger:

The City of Pico Rivera submits this Letter of Intent as our written notification to participate and share the cost for the development of a Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) for the Lower Los Angeles River Watershed and to satisfy the CIMP notification requirement of Section IV.C.1 of Attachment E of Order No. R4-2012-0175 (MS4 Permit). The Lower Los Angeles River Watershed Group is comprised of the following Permittees: Downey, Lakewood, Long Beach, Lynwood, Paramount, Pico Rivera, Signal Hill, South Gate and the Los Angeles Flood Control District. The WMP and CIMP will be drafted to meet the requirements by the MS4 Permit for the aforementioned permittee's respective watersheds.

While maintaining the 18-month schedule for development of the WMP, the Lower Los Angeles River Watershed Group intends to continue to evaluate and consider the Enhanced-WMP (EWMP) option. If the group decides to develop an EWMP prior to the December 28, 2013 deadline, your office will be notified in a separate letter prior to any such change.

If you have any questions, please contact Arturo Cervantes, Director of Public Works/City Engineer at 562-801-4425.

Very truly yours,

Ronald Bates, Ph.D.  
City Manager

cc: Mayor and City Council  
Director of Public Works/City Engineer



City of Pico Rivera  
**OFFICE OF THE CITY MANAGER**

6615 Passons Boulevard · Pico Rivera, California 90660  
(562) 801-4379

Web: [www.pico-rivera.org](http://www.pico-rivera.org) · e-mail: [rbates@pico-rivera.org](mailto:rbates@pico-rivera.org)

**Ronald Bates, Ph.D.**  
City Manager

June 24, 2013

**City Council**  
Gustavo V. Camacho  
*Mayor*  
Brent A. Tercero  
*Mayor Pro Tem*  
Bob J. Archuleta  
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*Councilmember*  
Gregory Salcido  
*Councilmember*

Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Attention: Renee Purdy

**SUBJECT: LETTER OF INTENT TO PARTICIPATE IN THE DEVELOPMENT OF  
A WATERSHED MANAGEMENT PROGRAM (WMP) AND  
COORDINATED INTEGRATED MONITORING PROGRAM (CIMP) IN  
COOPERATION WITH THE LOWER SAN GABRIEL RIVER  
WATERSHED GROUP**

Dear Mr. Unger:

The City of Pico Rivera submits this Letter of Intent as our written notification to participate and share the cost for the development of a Watershed Management Program (WMP) and Coordinated Integrated Monitoring Program (CIMP) for the Lower San Gabriel River Watershed and to satisfy the CIMP notification requirement of Section IV.C.1 of Attachment E of Order No. R4-2012-0175 (MS4 Permit). The Lower San Gabriel River Watershed Group is comprised of the following permittees: Artesia, Bellflower, Cerritos, Diamond Bar, Downey, Hawaiian Gardens, La Mirada, Lakewood, Long Beach, Norwalk, Pico Rivera, Santa Fe Springs, Whittier and the Los Angeles County Flood Control District . The WMP and CIMP will be drafted to meet the requirements by the MS4 Permit for the aforementioned permittee's respective watersheds. .

While maintaining the 18-month schedule for development of the WMP, the Lower San Gabriel River Watershed Group intends to continue to evaluate and consider the Enhanced-WMP (EWMP) option. If the group decides to develop an EWMP prior to the December 28, 2013 deadline, your office will be notified in a separate letter prior to any such change.

If you have any questions, please contact Arturo Cervantes, Director of Public Works/ City Engineer at (562) 801-4225.

Very truly yours,

Ronald Bates, Ph.D.  
City Manager

cc: Mayor and City Council  
Director of Public Works/ City Engineer

DECLARATION OF KENNETH W. STRIPLIN

CITY OF SANTA CLARITA

I, Kenneth W. Striplin, hereby declare and state as follows:

1. I am City Manager for the City of Santa Clarita ("City"). In that capacity, I share responsibility for the compliance of the City with regard to the requirements of California Regional Water Quality Control Board, Los Angeles Region ("LARWQCB") Order No. R4-2012-0175 ("the Permit") as they apply to the City.

2. I have reviewed sections of the Permit and its attachments as set forth herein and am familiar with those provisions. I am also familiar with how the Permit changed requirements that were previously imposed on the City by the prior permit that had issued to the City by the LARWQCB in 2001 ("2001 Permit").

3. I have an understanding of the City's sources of funding for programs and activities required to comply with the Permit.

4. I make this declaration based on my own personal knowledge, except for matters set forth herein based on information and belief, and as to those matters I believe them to be true. If called upon to testify, I could and would competently to the matters set forth herein.

5. In Section 5 and Section 7 of this Test Claim, which contains exhibits to the test claim filed by the City and other permittees under the Permit, the specific sections of the Permit at issue in the test claim have been set forth. I hereby incorporate such provisions of Sections 5 and 7 into this declaration as though fully set forth herein.

6. The City has elected to participate in a Watershed Management Plan or Enhanced Watershed Management Plan ("WMP/EWMP") that is designed to address, in whole or in part,

the “Total Maximum Daily Load (TMDL)” provisions of the Permit as well other requirements of the Permit, including those set forth in this Declaration.

7. Based on my understanding of the Permit, I believe that the Permit requires the City to undertake the following programs either directly or through the mechanism of a WMP/EWMP, which represent new programs and/or higher levels of service or the shifting of state responsibilities to the City, which activities were not required by the 2001 Permit and which are unique to local government entities:

8. **Implementation of TMDLs:**

(a) Part VI.E.1.c requires the permittees to “comply with the applicable water quality-based effluent limitations and/or receiving water limitations contained in Attachments L through R, consistent with the assumptions and requirements of the WLAs established in the TMDLs, including implementation plans and schedules, where provided for in the State adoption and approval of the TMDL (40 CFR 122.44(d)(1)(vii)(B); Cal. Wat. Code § 13263(a)).”

(b) Attachment K to the Permit sets forth the TMDLs with which the City must comply.

(c) Attachments L through R of the Permit set forth the requirements of each TMDL and its “waste load allocations” with which the City must comply.

(d) Part VI.B of the Permit requires the City “to comply with the [Monitoring and Reporting Program] and future revisions thereto, in Attachment E of this Order or may, in coordination with an approved Watershed Management Program per Part VI.C, implement a customized monitoring program that achieves the five Primary Objectives set forth in Part II.A of Attachment E and includes the elements set forth in Part II.E of Attachment E.”

(e) Attachment E to the Permit requires the monitoring program to include monitoring at “TMDL receiving water compliance points” and other “TMDL monitoring requirements specified in approved TMDL Monitoring Plans.” (Permit, Attachment E, Parts II.E.1 through 3 and Part V; *see also* Attachment E, Parts VI.A.1.b(iii) and (iv), VI.B.2, VI.C.1.a, VI.D.1.a, VIII.B.1.b(ii), IX.A.5, IX.C.1.a, IX.E.1.a and b, IX.G.1.b, and IX.G.2.)

(f) Based on City records, the cost to the City to comply with these TMDL requirements in Fiscal Year (FY) 2012-2013, including costs in participating in the WMP/EWMP process, was \$61,578.36. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP or EWMP and an integrated monitoring program (“IMP”) or Coordinated Integrated Monitoring Program (“CIMP”) which resulted in a Notice of Intent to participate in an EWMP and CIMP. The Notice of Intent was sent to the LARWQCB on June 28, 2013; costs were incurred on and leading up to that date. A copy of the Notice of Intent Letter is attached as Exhibit 1.

(g) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$305,047.00. Based on City records, the cost to the City to comply with these requirements in FY 2014-2015 was \$428,864.86.

9. **Requirements Related to Discharge Prohibitions for Non-Stormwater:**

(a) Permit Part III.A.1 prohibits certain non-stormwater discharges through the municipal separate storm sewer system (“MS4”) to receiving waters. I have been advised that this requirement exceeds the requirements of the Clean Water Act (“CWA”).

(b) Part III.A.2 requires the City to employ best management practices (“BMPs”) for discharges from essential non-emergency firefighting activities and, with regard to unpermitted discharges by drinking water suppliers, to work with those suppliers on the conditions of their discharges.

(c) Part III.A.4.a requires the City to develop and implement procedures covering non-permitted discharges of non-stormwater to the City’s MS4 in compliance with the requirements of Part III.A.4.a.i-vi of the Permit.

(d) Part III.A.4.b requires the City to develop and implement procedures to minimize the discharge of landscape irrigation water into the MS4, including to coordinate with local water purveyors to promote water use efficiency, use of drought tolerant vegetation and use of less toxic options for pest control and landscape management and to develop and implement an outreach and education program to minimize the discharge of irrigation water and associated pollutants.

(e) Part III.A.4.c requires the City to evaluate monitoring data collected pursuant to the Permit’s Monitoring and Reporting Program (Permit Attachment E) and other associated data and information to determine, among other things, if authorized or conditionally authorized non-stormwater discharges are a source of pollutants that may be causing or contributing to an exceedance of receiving water limitations and/or water quality based effluent limitations.

(f) Part III.A.4.d requires the City to take action to address such non-stormwater discharges if they are found to be such a source of pollutants, through effective prohibition, conditions, diversions or treatment. These tasks involve, among other things, meeting with non-stormwater dischargers, identifying and analyzing the nature of non-stormwater discharges, the



development and implementation of discharge procedures, conducting public education efforts and evaluating monitoring data.

(g) Based on City records, the cost to the City to comply with these non-stormwater prohibition requirements in FY 2012-2013, including costs in participating in the WMP/EWMP process, was \$48,556.49. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. As discussed above, those costs included costs for staff time in analyzing and deciding whether to implement a WMP or EWMP, which resulted in a Notice of Intent sent to the LARWQCB on June 28, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$97,112.98.

10. **Public Information Program Requirements:**

(a) Permit Part VI.D.5.a requires the City to “measurably increase” the knowledge of target audiences about the MS4, the adverse impacts of stormwater pollution on receiving waters and potential solutions to mitigate impacts, to “measurably change” waste disposal and stormwater pollution generation behavior by developing and encouraging implementation of “appropriate alternatives” and to “involve and engage a diversity of socio-economic groups and ethnic communities” to participate in stormwater pollution impact mitigation.

(b) Permit Part VI.D.5.b requires the City to implement Public Information and Participation Program activities by participating in either a County-wide, Watershed Group-sponsored or individual effort.

Section 6: Declarations in Support of Joint Test Claim of Los Angeles County Local Agencies  
Concerning Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No. CAS 004001)

(c) Permit Part VI.D.5.c requires the City to provide a means for public reporting of clogged catch basin inlets and illicit discharges/dumping, faded or missing catch basin labels and general stormwater and non-stormwater pollution prevention information through a telephone hotline or in public information or government pages of the telephone book, identify staff or departments serving as contact persons and providing current, updated hotline information. The City is also required to organize events targeted to residents and population subgroups to “educate and involve the community in storm water and non-storm water pollution prevent and clean-up (e.g., education seminars, clean-ups, and community catch basin stenciling).”

(d) Permit Part VI.D.5.d requires the City to conduct stormwater pollution prevention public service announcements and advertising campaigns and provide public education materials on the proper handling of vehicle waste fluids, house, and construction waste, pesticides and fertilizers (including the use of integrated pest management practices), green waste and animal wastes. This Part further requires the City (a) to distribute public education materials at automotive parts stores, home improvement centers, lumber yards and hardware and paint stores, landscaping and gardening centers and pet shops and feed stores, and (b) to maintain stormwater websites or provide links to stormwater websites via the City’s website, which must include educational material and opportunities for public participation in stormwater pollution and cleanup activities and provide schools within the City’s jurisdiction with materials to education K-12 students on stormwater pollution. In each of these requirements, Permit Part VID.5.d requires the City to “use effective strategies to educate and involve ethnic communities in storm water pollution prevention through culturally effective methods.”

Section 6: Declarations in Support of Joint Test Claim of Los Angeles County Local Agencies Concerning Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No. CAS 004001)

(e) Based on City records, the cost to the City to comply with these public information program requirements in FY 2012-2013, including costs in participating in the WMP/EWMP process, was \$706.50. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. As discussed above, those costs included costs for staff time in analyzing and deciding whether to implement a WMP or EWMP, which include an analysis and customization of the public information program. This staff time resulted in a Notice of Intent sent to the LARWQCB on June 28, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(f) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$4,849.00.

11. **Inventory and Inspections of Industrial/Commercial Sources:**

(a) Permit Part VI.D.6.b requires the City to track nurseries and nursery centers and to include various information for each facility on the inventory, including the industrial classification code, the status of exposure of materials to stormwater, the name of the receiving water, whether the facility is tributary to a waterbody listed as impaired under CWA section 303(d) where the facility generates pollutants for which the waterbody is impaired, and whether the facility has filed a "No Exposure Certification" ("NEC") with the State Water Resources Control Board ("State Board"). The City is required to update the inventory at least annually, through collection of information through field activities over from other means.

(b) Permit Part VI.D.6.d requires the City to inspect restaurants, automotive service facilities, retail gasoline outlets and nurseries and nursery centers twice during the Permit term, including an inspection within two years after the Permit's effective date. In such inspection, the

Section 6: Declarations in Support of Joint Test Claim of Los Angeles County Local Agencies  
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City is required, among other things, to evaluate whether the source is implementing effective source control BMPs for each corresponding activity and to require implementation of additional BMPs where stormwater from the facility discharged to the MS4 discharges to a Significant Ecological Area (“SEA”), a water body subject to TMDL provisions or a CWA section 303(d) listed waterbody.

(c) Permit Part VI.D.6.e requires the City to inspect industrial facilities, including those identified in 40 C.F.R. section 122.26(b)(14)(i-xi) and facilities identified in 40 C.F.R. section 122.26(d)(12)(iv)(C). In such inspections, the City is required to confirm that each facility has a current Waste Discharge Identification number for coverage under the State Board-issued General Industrial Activities Stormwater Permit or has applied for and received a no exposure certification, and to require implementation of additional BMPs where stormwater from the MS4 discharges to a waterbody subject to a TMDL or is a CWA section 303(d) listed impaired waterbodies. Additionally, for facilities discharging to MS4s that discharge to an SEA, the permittees, including the City, are required to require operators to implement additional pollutant-specific controls to reduce pollutants that are causing or contributing to exceedances of water quality standards.

(d) Based on City records, the cost to the City to comply with these inventory and inspection requirements in FY 2012-2013, including costs in participating in the WMP/EWMP process, was \$47,109.50. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. As discussed above, those costs included costs for staff time in analyzing and deciding whether to implement a WMP or EWMP, which includes an analysis and customization of education and inspection of industrial and commercial sources. A

Notice of Intent with respect to participating in an EWMP was sent to the LARWQCB on June 28, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(e) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$47,585.36. Based on City records, the cost to the City to comply with these requirements in FY 2014-2015 was \$97,112.98.

12. **Post-Construction BMP Requirements:**

(a) Permit Part VI.D.7.d.iv(1)(a) requires the City to implement a GIS or other electronic system for tracking projects that are required to have post-construction BMPs, including project identification, acreage, BMP type and description, BMP locations, dates of acceptance and maintenance agreements, inspection dates and summaries and corrective action.

(b) Permit Part VI.D.7.d.iv(1)(b) requires the City to inspect all development sites upon completion of construction and before issuance of an occupancy certificate to ensure “proper installation” of Low Impact Development (“LID”) measures, structural BMPs, treatment control BMPs and hydromodification control BMPs.

(c) Permit Part VI.D.7.d.iv(1)(c) requires the City to develop a post-construction BMP checklist and to inspect at an interval of at least once every two years, City-operated post-construction BMPs to assess operations condition.

13. **Construction Site Requirements:**

(a) Permit Part VI.D.8.g.i requires the City to develop an electronic system to inventory grading, encroachment, demolition, building or construction permits (or other municipal authorizations to move soil and/or construct or destruct that involves land disturbance).

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(b) Permit Part VI.D.8.g.ii requires the City to complete and update an inventory containing, among other items, contact information for a project, basic site information, the proximity of all water bodies, significant threats to water quality status, current construction phase where feasible, required inspection frequency, start and anticipated completion dates, whether the project has submitted a Notice of Intent to be covered under the State Board-issued General Construction Activities Stormwater Permit (“GCASP”), whether it has obtained GCASP coverage, the date the Erosion and Sediment Control Plan (“ESCP”) was approved and post-construction structural BMPs subject to operation and maintenance requirements.

(c) Permit Part VI.D.8.h requires the City to develop and implement review procedures for construction plan documents, including preparation and submittal of an appropriate ESCP, verification of GCASP or other permit coverage and other items. The Part further requires permittees, including the City, to develop and implement a checklist to conduct and document the review of each ESCP.

(d) Permit Part VI.D.8.i.i requires the City to develop and implement technical standards for the selection, installation and maintenance of construction BMPs for all such sites within the City.

(e) Permit Part VI.D.8.i.ii requires that such BMPs be tailored to the risks posed by the project, as well as in minimum conformance with standards set forth in Permit Table 15, use of BMPs meeting the requirements of Permit Tables 14 and 16 for construction sites equal or greater than one acre or paving projects, detailed installation designs and cut sheets for use in ESCPs and maintenance expectations for each BMP or category of BMPs.

Section 6: Declarations in Support of Joint Test Claim of Los Angeles County Local Agencies Concerning Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No. CAS 004001)

(f) Permit Part VI.D.8.i.iv further requires that such technical standards must be “readily available” to the development community and must be “clearly referenced” within the City’s stormwater or development services website, ordinance, permit approval process and/or ESCP review forms.

(g) Permit Part VI.D.8.i.v requires local BMP technical standards to cover all items set forth in Tables 13, 14, 15 and 16 of the Permit.

(h) Permit Part VI.D.8.j requires the City to inspect all construction sites of one acre or greater in size on the frequencies set forth in the Permit, which requires inspections prior to land disturbance activities, during active construction and at the conclusion of the project and as a condition to approving and/or issuing a Certificate of Occupancy. The frequency of inspections is set in addition in Table 17 of the Permit. As part of the inspection obligations, the permittees, including the City, must develop, implement and revise as necessary standard operating procedures that identify the inspection procedures to be followed by each permittee. Additionally, during inspections, the City must verify “active coverage” under the GCASP for specified projects; review the ESCP; inspect the site to determine whether all BMPs have been selected, installed, implemented and maintained; assess the appropriateness of planned and installed BMPs, and their effectiveness; visually observe and record non-stormwater discharge, potential illicit discharges and connections and potential discharge of pollutants in stormwater runoff; develop a written or electronic inspection report generated from a field inspection checklist; and track the number of inspections for the site to ensure that it meets the minimum requirements of Permit Table 17.

(i) Permit Part VI.D.8.1.i and ii requires the City to ensure training for “all staff whose primary job duties are related to implementing the construction storm water program,” including plan reviewers and permitting staff with regard to the “technical review of local erosion and sediment control ordinance, local BMP technical standards, ESCP requirements, and the key objectives of the State Water Board QSD program, erosion sediment control/storm water inspectors in inspection procedures consistent with various standards. Additionally, if outside parties conduct inspections or review plans, the City is required to ensure that such staff are trained under the same requirements.

(j) As discussed above, costs were incurred for staff time in analyzing and deciding whether to implement a WMP or EWMP, which included an analysis and customization of construction site requirements. This resulted in a Notice of Intent sent to the LARWQCB on June 28, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

14. **Public Agency Requirements:**

(a) Permit Part VI.D.9.c requires the City to maintain an “updated inventory” of all permittee-owned or operated facilities that are potential sources of stormwater pollution, including 24 separate categories of facilities that are required to be in the inventory. The inventory must include the name and address of the facility, contact information, a narrative description of activities performed and potential pollution sources, coverage under any individual or general NPDES permits or waivers. The inventory must be updated at least once during the five-year term of the Permit with information collected through field activities or other means.

(b) Permit Part VI.D.9.d.i requires the City to develop an inventory of “retrofitting opportunities” in areas of existing development.



(c) Permit Part VI.D.9.d.ii and iii requires the City to screen existing areas of development “to identify candidate areas for retrofitting using watershed models or other screening level tools” and then evaluate and rank areas of existing development to prioritize retrofitting candidates.

(d) Permit Part VI.D.9.d.iv requires the City to consider the results of the evaluation by giving “highly feasible” projects a “high priority” to implement source control and treatment control BMPs in the their Storm Water Management Plan (“SWMP”) and consider high priority retrofit projects as candidates for off-site mitigation for new development and redevelopment projects.

(e) Permit Part VI.D.9.d.v requires the City to cooperate with private landowners to “encourage site specific retrofitting projects.” In such cooperation, demonstration retrofit projects, retrofits on public lands and easements, education and outreach, subsidies for retrofit projects, requiring retrofit projects as enforcement, mitigation or ordinance compliance, public and private partnerships, fees for existing discharges to the MS4 and reduction of such fees for retrofit implementation must be considered.

(f) Permit Part VI.D.9.g.ii requires the City to implement an Integrated Pest Management (“IPM”) program, including restrictions on the use of pesticides, restricting treatments only to remove the target organism, selection of pest controls that minimize risks to human health, “beneficial non-target organisms” and the environment, partnering with other agencies and organizations to “encourage” the use of IPM and adopt and “verifiably implement” policies, procedures and/or ordinances requiring the minimization of pesticide use and encouraging the use of IPM techniques for public agency facilities and activities. Additionally, the City must

Section 6: Declarations in Support of Joint Test Claim of Los Angeles County Local Agencies  
Concerning Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No. CAS 004001)

commit and schedule to reduce the use of pesticides that cause impairments of surface waters by preparing and updating annually an inventory of pesticides, quantify pesticide use by staff and contractors and demonstrate implementation of IPM alternatives where feasible to reduce pesticide use.

(g) Permit Part VI.D.9.h.vii requires permittees in areas not subject to a Trash TMDL, to install trash excluders, or equivalent devices, on or in catch basins or outfalls, except where such installation would cause flooding, unless lack of maintenance that causes the flooding. Permittees, including the City, may also employ alternative or enhanced BMPs that “provide substantially equivalent removal of trash.” If alternative means are employed, the City must demonstrate that such BMPs “provide equivalent trash removal performance as excluders.”

(h) Permit Part VI.D.9.k.ii requires the City to train all employees and contractors “who use or have the potential to use pesticides or fertilizers” that address the potential for pesticide-related surface water toxicity, in the proper use, handling, and disposal of pesticides, least toxic methods of pest prevention and control, including IPM and the reduction of pesticide use.

(i) Based on City records, the cost to the City to comply with these public agency requirements in FY 2012-2013, including costs in participating in the WMP/EWMP process, was \$600,444.00. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. As discussed above, those costs included costs for staff time in analyzing and deciding whether to implement a WMP or EWMP, which included an analysis and customization of these public agency activities. This resulted in a Notice of Intent sent to the LARWQCB on June 28, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(j) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$688,647.96. Based on City records, the cost to the City to comply with these requirements in FY 2014-2015 was \$765,209.48.

15. **Illicit Connection and Discharge Requirements:**

(a) Permit Part VI.D.10.d.iii requires the City to “ensure that signage adjacent to open channels . . . include information regarding dumping prohibitions and public reporting of illicit discharges.”

(b) Permit Part VI.D.10.d.iv requires the City to develop and maintain written procedures that document how complaint calls are received, documented and tracked “to ensure that all complaints are adequately addressed.” Such procedures must be “evaluated to determine whether changes or updates are needed to ensure that the procedures adequately document the methods employed by the Permittee.”

(c) Permit Part VI.D.10.d.v the City to maintain documentation of complaint calls and to record the location of the reported spill or illicit discharge and the action undertaken in response.

(d) Permit Part VI.D.10.e.i requires, in pertinent part, that the City implement a “spill response plan” for all sewage and other spills that may discharge into its MS4.

(e) Permit Part VI.D.10.e.i(1) requires that the plan must identify agencies responsible for spill response and cleanup, phone numbers and e-mail addresses for contacts and shall further address coordination with spill response teams “throughout all appropriate departments, programs and agencies so that maximum water quality protection is provided.”

(f) Permit Part VI.D.10.e.i(3) and (4) requires the City to respond to spills for containment within four hours of become aware of the spill, or if on private property, within two

hours of gaining legal access to the property and reporting of spills that may endanger health or the environment to appropriate public health agencies and the Office of Emergency Services (“OES”).

(g) Based on City records, the cost to the City to comply with these illicit connection and discharge requirements in FY 2012-2013, including costs in participating in the WMP/EWMP process, was \$47,109.50. These costs were first incurred by the City in January 2013, upon or shortly after the Permit became effective. As discussed above, those costs included costs for staff time in analyzing and deciding whether to implement a WMP or EWMP, which included an analysis and customization of these illicit connection and discharge requirements. This resulted in a Notice of Intent sent to the LARWQCB on June 28, 2013 (Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(h) Based on City records, the cost to the City to comply with these requirements in FY 2013-2014 was \$97,112.98.

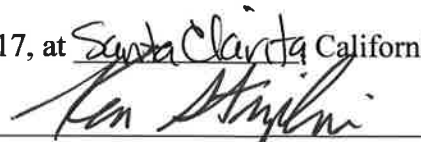
16. The City has a stormwater utility tax designed to cover costs for existing levels of minimum control measures, but would not be able to cover the full costs of the TMDLs or the other portions of the Permit. I am informed and believe that there are no dedicated state, federal or regional funds that are or will be available to pay for any of the new and/or upgraded programs and activities set forth in this Declaration.

17. The City has filed a joint test claim with 22 other cities. The Cities agree on all issues of the test claim.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Section 6: Declarations in Support of Joint Test Claim of Los Angeles County Local Agencies  
Concerning Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No. CAS 004001)

Executed this 20<sup>th</sup> day of October, 2017, at Santa Clara California.

  
\_\_\_\_\_  
Kenneth W. Striplin



## EXHIBIT 1



City of  
**SANTA CLARITA**

23920 Valencia Boulevard • Suite 300 • Santa Clarita, California 91355-2196  
Phone: (661) 259-2489 • FAX: (661) 259-8125  
[www.santa-clarita.com](http://www.santa-clarita.com)

June 28, 2013

Mr. Samuel Unger, P.E., Executive Officer  
California Regional Water Quality Control Board - Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Dear Mr. Unger:

**Subject: Letter of Intent City of Santa Clarita Upper Santa Clara River Watershed Enhanced Watershed Management Plan and Coordinated Integrated Monitoring Plan**

The City of Santa Clarita (City) submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Upper Santa Clara River Watershed stakeholders. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4, b.iii(3) of Order No R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Upper Santa Clara River Watershed Group consists of the following agencies: City of Santa Clarita as coordinating agency for the EWMP and CIMP development, County of Los Angeles, and Los Angeles County Flood Control District. The Upper Santa Clara River Watershed Group has included a final draft Memorandum of Understanding as Attachment A of the Notice of Intent. The County and the City intend to submit a final Memorandum of Understanding to its Board of Supervisors and City Council for approval prior to December 28, 2013.

If you have any questions or need additional information, please contact me at (661) 255-4337.

Sincerely,

Kenneth W. Striplin  
City Manager

KS:HM:eg  
S:\ENVS\RVCS\NPDES2\2012 Permit\NOI\Santa Clarita Notice of Intent Ltr.doc

Enclosures

cc: Robert Newman, Director of Public Works  
Travis Lange, Environmental Services Manager  
Joe Montes, City Attorney





RESOLUTION NO. 17-118

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE  
AUTHORIZING THE INTERIM CITY ADMINISTRATOR TO SIGN AND SUBMIT  
DOCUMENTATION IN SUPPORT OF THE CITY OF COMMERCE'S TEST CLAIM  
RELATED TO THE 2012 LOS ANGELES COUNTY MUNICIPAL STORMWATER PERMIT

WHEREAS, the City of Commerce and several other cities filed a Test Claim following the Los Angeles Regional Water Quality Control Board's adoption of the 2001 Los Angeles County Municipal Stormwater Permit for unfunded mandate costs related to the Total Maximum Daily Loads for trash; and

WHEREAS, the California Supreme Court ruled in favor of the cities which allows for cities to seek reimbursement for trash receptacles and inspection obligations imposed under the Permit; and

WHEREAS, the purpose of the litigation was to set the precedent that the cities are entitled to reimbursement for unfunded state mandates imposed by the Regional Water Quality Control Board (the "Board") under municipal stormwater permits; and

WHEREAS, the cities are jointly represented by the Law Firm of Burhenn & Gest and share the costs equally; and

WHEREAS, the 2012 Los Angeles County Municipal Stormwater Permit is considered a new order and thus a new test claim was submitted for the obligations imposed by the new Permit; and

WHEREAS, the City of Commerce also retained the Law Firm of Burhenn & Gest to represent the City before the Commission on State Mandates; and

WHEREAS, the Commission on State Mandates recently requested additional information in the cities' declarations regarding the date of the first incurrence of costs in support of the Test Claims filed to obtain reimbursement; and

WHEREAS, specifically, for Commerce, the Commission did not accept an Interim City Administrator's signature since "interim" does not meet the requirement of being a City Manager and requested the City to adopt a resolution authorizing the Interim City Administrator to submit the claim for reimbursement to the Commission.

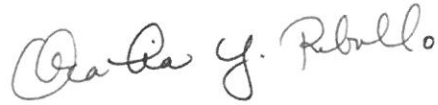
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMMERCE DOES  
HEREBY ORDAIN AS FOLLOWS:

SECTION 1: The recitals set forth above are true and correct and are incorporated by reference herein.

SECTION 2: The Interim City Administrator is hereby authorized to execute and submit the Test Claim and all related documentation in support of the Test Claim for and on behalf of the City of Commerce.

PASSED, APPROVED AND ADOPTED this 7<sup>th</sup> day of November, 2017.

CITY OF COMMERCE



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Oralía Rebollo, Mayor

ATTEST:



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Lena Shumway  
City Clerk

**DECLARATION OF SERVICE BY EMAIL**

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On December 14, 2017, I served the:

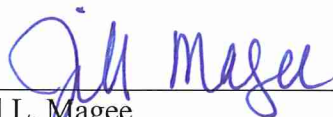
- **Notice of Complete Test Claim, Removal from Inactive Status, Consolidation with 13-TC-02, Renaming of Matter, Schedule for Comments, and Tentative Hearing Date issued December 14, 2017**
- **City of Vernon Ordinance Regarding City Administrator's Duties filed December 4, 2017**
- **Claimants' Response to Second Notice of Incomplete Joint Test Claim filed November 20, 2017**
- **City of Downey Revised Test Claim Form filed August 21, 2017**
- **Test Claim filed by Cities of Agoura Hills, Bellflower, Beverly Hills, Carson, Cerritos, Commerce, Downey, Huntington Park, Lakewood, Manhattan Beach, Norwalk, Pico Rivera, Rancho Palos Verdes, Redondo Beach, San Marino, Santa Clarita, Santa Fe Springs, Signal Hill, South El Monte, Vernon, Westlake Village, and Whittier (Claimants) on June 30, 2014, revised on August 10, 2017, August 21, 2017, November 20, 2017, and December 4, 2017**

*California Regional Water Quality Control Board, Los Angeles Region, Order No. R4-2012-0175, 13-TC-01 and 13-TC-02*

Cities of Agoura Hills, Bellflower, Beverly Hills, Carson, Cerritos, Commerce, Downey, Huntington Park, Lakewood, Manhattan Beach, Norwalk, Pico Rivera, Rancho Palos Verdes, Redondo Beach, San Marino, Santa Clarita, Santa Fe Springs, Signal Hill, South El Monte, Vernon, Westlake Village, and Whittier, County of Los Angeles, and Los Angeles County Flood Control District, Claimants

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on December 14, 2017 at Sacramento, California.



Jill L. Magee  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814  
(916) 323-3562

# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 12/12/17

**Claim Number:** 13-TC-01 and 13-TC-02

**Matter:** California Regional Water Quality Control Board, Los Angeles Region, Order No. R4-2012-0175

**Claimants:** City of Agoura Hills  
City of Bellflower  
City of Beverly Hills  
City of Carson  
City of Cerritos  
City of Commerce  
City of Downey  
City of Huntington Park  
City of Lakewood  
City of Manhattan Beach  
City of Norwalk  
City of Pico Rivera  
City of Rancho Palos Verdes  
City of Redondo Beach  
City of San Marino  
City of Santa Clarita  
City of Santa Fe Springs  
City of Signal Hill  
City of South El Monte  
City of Vernon  
City of Westlake Village  
City of Whittier  
County of Los Angeles  
Los Angeles County Flood Control District

### TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

**Mahdi Aluzri**, City Manager, *City of Beverly Hills*  
455 North Rexford Drive, Beverly Hills, CA 90210  
Phone: (310) 285-1014  
maluzri@beverlyhills.org

**Socorro Aquino, State Controller's Office**

Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 322-7522

SAquino@sco.ca.gov

**Maryam Babaki, Director of Public Works and Development Services, City of Commerce**

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Phone: (323) 722-4805

mbabaki@ci.commerce.ca.us

**Harmeet Barkschat, Mandate Resource Services, LLC**

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**Lacey Baysinger, State Controller's Office**

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lbaysinger@sco.ca.gov

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Phone: (707) 968-2742

cityclerk@cityofstheleena.org

**Rene Bobadilla, City Manager, City of Pico Rivera**

Administration, 6615 Passons Boulevard, Pico Rivera, CA 90660

Phone: (562) 801-4368

rbobadilla@pico-rivera.org

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**J. Bradley Burgess, MGT of America**

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Bburgess@mgtamer.com

**Ben Cardenas, Assistant City Manager, City of Pico Rivera**

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gcarlos@sco.ca.gov

**Daniel Carrigg, Deputy Executive Director/Legislative Director, League of California Cities**

1400 K Street, Suite 400, Sacramento, CA 95814

Phone: (916) 658-8222

Dcarrigg@cacities.org

**Annette Chinn, Cost Recovery Systems, Inc.**

705-2 East Bidwell Street, #294, Folsom, CA 95630

Phone: (916) 939-7901  
achinnrcs@aol.com

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Phone: (916) 319-8326  
Carolyn.Chu@lao.ca.gov

**Edgar Cisneros**, City Manager, *City of Huntington Park*  
6550 Miles Ave, Huntington Park, CA 90255  
Phone: (323) 584-6223  
ecisneros@hpca.gov

**Michael Coleman**, *Coleman Advisory Services*  
2217 Isle Royale Lane, Davis, CA 95616  
Phone: (530) 758-3952  
coleman@muni1.com

**Jeffrey W. Collier**, City Manager, *City of Whittier*  
13230 Penn Street, Whittier, CA 90602  
Phone: (562) 567-9301  
jcollier@cityofwhittier.org

**Cindy Collins**, Interim City Manager, *City of San Marino*  
2200 Huntington Drive, San Marino, CA 91108  
Phone: (626) 300-0700  
ccollins@cityofsanmarino.org

**Anita Dagan**, Manager, Local Reimbursement Section, *State Controller's Office*  
Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740,  
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