

Los Angeles Regional Water Quality Control Board

August 7, 2014

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320 West Temple Street, Room 1356
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LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE LOS ANGELES COUNTY GENERAL PLAN UPDATE

Dear Ms. Chung:

Thank you for this opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Los Angeles County General Plan update. We have two types of comments: general comments relating to relevant sections of the DEIR and specific comments on suggested changes in text to clarify or correct information.

General Comments – Hydrology/Water Quality

We are very concerned that the DEIR concludes the environmental impact from the project to hydrology/water quality is less than significant before mitigation and thus requires no mitigation. With regards to water quality, this conclusion appears to be based on assumed compliance with all stormwater and wastewater permits by businesses and municipalities. Water quality is already impaired in Los Angeles County at multiple locations for multiple pollutants as is acknowledged in the DEIR. Both point and nonpoint sources are contributors to the pollution. A number of Total Maximum Daily Loads (TMDLs) have been developed to address the needed reductions in pollutant loading from those sources. Others are still to be developed. Many TMDLs have implementation timelines of up to twenty years; impacts to beneficial uses will likely continue until full implementation occurs. Implementation of point source waste load reductions is occurring through requirements in various permits.

A review of annual performance reports on enforcement actions and penalties can be found on the State Water Board's website at http://www.waterboards.ca.gov/about_us/performance_report_1213/enforce/. It shows that when just considering compliance with National Pollutant Discharge Elimination System (NPDES) wastewater permits (dry weather flows, in essence), there is on average a 25% rate for violations that threaten water quality. Most of these permits are for discharges from facilities and businesses needed to support the large urban population of the County. Discharges occur

throughout the County, some in cities and some in unincorporated areas. Rivers flow across city and county boundaries. Cities may affect water quality in the County and the reverse is also true. More growth will result in more permitted facilities or larger discharge volumes from existing facilities (affecting dry and wet weather flows) and more impervious surfaces resulting in more runoff during wet weather, particularly during larger storms. If the trend continues of a 25% violation rate, and particularly starting from a point where waters are already impaired, extra actions would need to be taken to bring water quality to an unimpaired status. The DEIR identifies less than significant impacts to water quality from this additional development. Mitigation would likely be needed that is not currently required by any permit. While it may be true that projects in the future that follow from this General Plan update will have their own DEIRs with recommendations for mitigation at a project-specific level, the DEIR should identify at a program level the impacts to water quality from this additional development and begin to identify mitigation measures in order to avoid potential deferred mitigation. Additionally, the significant impact from the cumulative development impact to water quality is not acknowledged in this DEIR and will likely not be addressed in future project-by-project DEIRs.

As more vacant land is developed, the less opportunity municipalities will have to infiltrate water in a dispersed fashion to improve water quality in surface waters. Existing regional infiltration basins or spreading grounds can effectively recharge large volumes of water but dispersed areas set aside for infiltration in each watershed will help serve the needs of cities and the County in current efforts to comply with the Municipal Separate Storm Sewer System (MS4) permit and potentially help offset the pollutant load generated by activities of an increased population. Please closely collaborate with your Department of Public Works and the Los Angeles County Flood Control District to identify and preserve undeveloped areas that represent opportunity sites for regional stormwater capture and infiltration within each watershed in the County.

Although a significant portion of Los Angeles County has already undergone development, there still remain several large undeveloped areas within Los Angeles County. The DEIR references New Development requirements within the 2012 Los Angeles County MS4 Permit as “a mechanism to maintain a level of acceptable runoff conditions through the implementation of Best Management Practices (BMPs) that mitigate storm water quality problems.” In areas where significant development has already occurred, redevelopment projects implementing Low Impact Development BMPs may result in acceptable storm water runoff quality relative to preconstruction runoff quality. While appropriate for “built out areas”, the implementation of Low Impact Development BMPs may not be sufficient for new development in open space portions of Los Angeles County. The County should prescribe “Smart Growth” practices for areas that are just beginning to be developed. The USEPA webpage, *Environmental Benefits of Smart Growth* <http://www.epa.gov/smartgrowth/topics/eb.htm> states, The built environment — the places where we live, work, shop, and play — has both direct and indirect effects on the natural environment. Where and how we develop directly affects natural areas and wildlife habitat and replaces natural cover with impervious surfaces such as concrete or asphalt. Development patterns and practices also indirectly affect environmental quality since they influence how people get around. Separating land uses, spreading development out, and providing little or no public transportation or safe walking and biking routes foster greater reliance on motor vehicles. As development grows more dispersed, people must drive further to reach their destinations, leading to more and longer vehicle trips. These increased trips create

more air emissions and greenhouse gases that contribute to global climate change. Ultimately, air pollution and climate change can also harm water quality and wildlife habitat. USEPA goes on to further state, *Smart growth practices can lessen the environmental impacts of development with techniques that include compact development, reduced impervious surfaces and improved water detention, safeguarding of environmentally sensitive areas, mixing of land uses (e.g., homes, offices, and shops), transit accessibility, and better pedestrian and bicycle amenities.* Utilizing compact development practices and central transportation hubs have been shown in studies to significantly improve storm water runoff quality. Compact development and open space preservation can help protect water quality by reducing the amount of paved surfaces and by allowing natural lands to filter rainwater and runoff before it reaches drinking water supplies. Runoff from developed areas often contains toxic chemicals, phosphorus, and nitrogen; nationwide, it is the second most common source of water pollution for estuaries, the third most common for lakes, and the fourth most common for rivers. (USEPA, *The National Water Quality Inventory: 2000 Report to Congress.*)

General Comments – Tables and Figures

The DEIR makes reference to approximately 40,000 acres of private in-holding parcels which exist within the National Forests' boundaries. However, none of the maps show where these parcels are located. Since some portion of these parcels may eventually be developed, it will be important to know in which watersheds they are located and their distance to the nearest surface waterbody in order to assess potential impacts to water quality.

A number of tables (for example, Table 1-2) show proposed project buildout projections by land use for each planning area. It is unclear whether the projected acres for open space include all of the area currently designated as Significant Ecological Areas (SEAs) or minus some estimated acreage that is assumed will eventually be developed within the SEAs.

None of the maps depicting watersheds within Los Angeles County (or associated text) show the Los Cerritos/Alamitos Bay Watershed Management Area (Los Cerritos Watershed). Due to extensive hydromodification in the southern part of the county, Los Cerritos Channel drains to Alamitos Bay (and thence to the ocean) separately from the San Gabriel and Los Angeles Rivers. While small, the Los Cerritos Watershed has its own water quality impairments and TMDLs.

Specific Comments

On Page 4-3, in the third paragraph of the section titled: "South Coast Air Quality Management District (SCAQMD), Antelope Valley Air Quality Management District (AVAQMD), and Mojave Desert Air Quality Management District (MDAQMD)", the document refers to the Los Angeles Regional Board's two Basin Plans adopted in 1975 but fails to mention the more recent 1994 version, which combines the two into a single Basin Plan. We suggest adding the following language for clarification: "In 1975, the Los Angeles Regional Board adopted two Basin Plans -- one for the Santa Clara Basin and another for the Los Angeles Basin. In 1994, these plans were updated and consolidated into the current Water Quality Control Plan for the Los Angeles Region (Basin Plan). Since 1994, numerous amendments have been made to the 1994 Basin Plan. The Basin Plan is currently undergoing another comprehensive update to reflect these amendments and to provide more current information on the Los Angeles Regional Board's programs. Los Angeles County is in the..." This clarification should be repeated on page 4-20, in the second paragraph under the section titled: "Hydrology and Water Quality."

We also recommend including a discussion of waste discharge requirements for groundwater quality protection under the section titled: "Hydrology and Water Quality" on page 4-20, following the discussion of the NPDES permitting program. This discussion should also be included in "5.9.1.1 Regulatory Setting" as part of the "Porter Cologne Water Quality Act" section, where it could be expanded to include the Salt and Nutrient Management Plan requirements of the State Water Board's Recycled Water Policy.

Consider including a discussion of the State Water Board's Recycled Water Policy in the "Regulatory Background" section of "5.17.2. Water Supply and Distribution Systems." This policy promotes water recycling, conservation, and increased reliance on local water supplies and is pertinent to the issue of water supply in the state and in Los Angeles County.

In Section 7.4.9 which discusses Hydrology and Water Quality impacts with the No Project/Existing General Plan Alternative (Page 7-13), there is a statement that "In terms of water quality, this alternative would have a less than significant impact, similar to the Proposed Project." As stated earlier in this letter, there are currently many impaired waterbodies in the County that are on a lengthy timeline to be addressed fully. For this reason, it cannot be concluded that the No Project/Existing General Plan alternative has a less than significant impact on water quality.

In conclusion, we want to be clear that water quality is currently impaired in many waterbodies in the County, both within cities and within the unincorporated area. Even with no additional development, a considerable amount of effort and resources will be needed to resolve these existing problems. Many actions are underway by the Regional Water Board, such as development of TMDLs, new permit requirements to implement these TMDLs, and increased enforcement of permit requirements, in order to attain fully supported beneficial uses as required by the Clean Water Act. Many other entities are involved with either complying with requirements issued by the Board and/or working collaboratively in such forums as the Integrated Regional Water Management (IRWM) planning process and the Watershed

Management Program and Enhanced Watershed Management Program permittee groups that have formed under the 2012 LA County MS4 Permit toward the same end. Many of the existing impairments are related directly or indirectly to activities or infrastructure needed to support the County's population at its current level of development. Additional proposed development on a timeline that coincides with implementation of actions that are geared to address the current water quality problems is highly likely to result in additional impairments that require additional mitigation. Pollutants also can interact synergistically and result in impacts to beneficial uses beyond what might be expected from individual pollutant loads. Please consider taking the time to re-evaluate your approach to this discussion in the appropriate sections of the DEIR.

Thank you for the consideration of our comments. Please contact Shirley Birosik at 213-576-6679 or at Shirley.Birosik@waterboards.ca.gov should there be any questions.

Sincerely,



CDEO
for

Renee A. Purdy
Chief, Regional Programs Section

cc: Frances McChesney, Office of Chief Counsel, State
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