Los Angeles Regional Water Quality Control Board

July 2, 2026

Christina Monde, P.E.
Project Manager
City of Pasadena
Department of Public Works
100 North Garfield Avenue
Pasadena, CA 91101

Dear Ms. Monde:

RESPONSE TO THE DRAFT ENVIRONMENTAL IMPACT REPORT (SCH NUMBER 2023110605) FOR THE ARROYO SECO WATER REUSE PROJECT

Thank you for the opportunity to comment on the City of Pasadena's Draft Environmental Impact Report (DEIR) for the proposed Arroyo Seco Water Reuse Project (Project). The Project involves the construction of two regional water capture and treatment facilities near the Arroyo Seco.

Specifically, at the San Rafael site, a new diversion would be created in the San Rafael Creek that would redirect all dry-weather flow and a portion of wet-weather flow into a treatment wetland/infiltration basin. The portion not infiltrated would be discharged into the Arroyo Seco. At the San Pascual site, an existing diversion currently directs dry weather flow into a stream and wetland before it is stored and reused for irrigation of the nearby Arroyo Seco Golf Course. The Project would redesign the diversion and replace the existing stream and wetland with a new treatment wetland. Water exiting the wetland would be directed to the Golf Course for irrigation. The two treatment facilities would capture and infiltrate an annual average of 320 acre-feet (af) of water, with 258 af being used for groundwater recharge either in the Raymond Basin or the adjacent basin and 30 af being reused for irrigation at the Arroyo Seco Golf Course.

The goal of the Los Angeles Water Board is to protect beneficial uses within the Los Angeles Region consistent with the Federal Clean Water Act (CWA) and the State of California's Porter-Cologne Water Quality Control Act, which require careful consideration of projects which may result in adverse impacts to water quality and beneficial uses of waters of the State, including hydrogeomorphic changes.

In 2005, the Regional Board approved Resolution No. 2005-002, which outlines goals to address hydromodification of our region's water courses in order to prevent impacts to water quality. Hydromodification is considered the alteration away from a natural state of stream flows or the beds or banks of rivers, streams, or creeks, including ephemeral washes or drainages. The resolution sets forth a process to achieve one of the Regional Board's highest priorities, which is to maintain and restore, wherever feasible, the physical and biological integrity of the region's water courses.

In consideration of the Los Angeles Water Board's objectives, we have the following comments on the DEIR:

1. TMDL Compliance

   The Project is proposed to help compliance with the water quality based effluent limits and receiving water limits set forth in the Los Angeles Water Quality Control Board (Los Angeles Water Board)'s Municipal Separate Storm Sewer System (MS4) Permit (Order No. R4-2021-0105), which are based on the Waste Load Allocations in the Los Angeles River Bacteria Total Maximum Daily Load (TMDL). Several sections in the DEIR specifically state that the Project is required to meet the TMDL or that the Los Angeles Water Board has mandated the Project's implementation. The DEIR cites the Los Angeles Water Board's approval of the Upper Los Angeles River Watershed Management Group's Watershed Management Program (WMP) and embedded Load Reduction Strategy (LRS) to support these conclusions. However, approval of a WMP does not constitute approval of specific projects in the WMP or a mandate that those specific projects be implemented.

   Furthermore, the Project has evolved over time since the original approval of the WMP and LRS in 2015. The original project design included the capture of stormwater runoff from the 85th percentile design storm, but now the Project focuses on the diversion of dry-weather flows. The revised WMP approved by the Los Angeles Water Board in 2024 provided preliminary schematics for four proposed concepts but did not provide detailed designs for a final selected project, so the Project as defined in the DEIR was not included in the WMP approved by the Board. Regardless of the WMP approval implications, since the focus of the Project is now on dry-weather diversions from San Rafael Creek and the Arroyo Seco with minimal capture of stormwater runoff in San Rafael Creek, it will not assist in compliance with the TMDL in wet weather.

   Additionally, the diversion point in San Rafael Creek is at the downstream end of the creek above its confluence with the Arroyo Seco. Therefore, this diversion will not result in compliance with the TMDL in dry weather in the portion of the creek above the diversion point. In addition, the diversion in the Arroyo Seco is a redesign of an existing diversion and will not provide additional compliance with the TMDL in dry or wet weather.

   In conclusion, the Project is not required by the TMDL or the MS4 Permit, it will not help comply with the TMDL in wet weather, and it will only help comply with the TMDL in dry weather below the diversion point in San Rafael Creek.

2. Impacts to Waters of the State

   In general, the direct or indirect impacts of the Project on waters of the state have not been fully analyzed in the DEIR, as specified below.

   a. The new diversion of dry-weather and of some of the wet-weather flows at the San Raphael site would result in potentially significant impacts to beneficial uses within San Raphael Creek and in the downstream receiving waters in all but the highest flow conditions, which should be analyzed.

      Section 3. *Biological resources* (p. 3.3-37) of the DEIR incorrectly states that the diversion "would not affect flows to downstream waters other than a beneficial impact through improving the quality of the water flowing into the Arroyo Seco Channel from the San Rafael Creek drainage area". However, although the diversion of water would

prevent pollutants present in the water from reaching the Arroyo Seco, the removal of the water would effectively remove all beneficial uses in San Rafael Creek and potentially affect downstream beneficial uses.

The same section of the DEIR also states that "there is no habitat being supported by runoff downstream of the sites that would be adversely affected by the 320-acre feet average annual water capture for water supply resulting from Project implementation. Runoff from this watershed drains to over 50 linear miles of the Los Angeles River, which is largely channelized, and then to the Pacific Ocean". This is inaccurate, as demonstrated by the beneficial uses designated for the Arroyo Seco and the Los Angeles River below the diversion point, including Warm Freshwater Habitat (WARM), Wildlife Habitat (WILD), Rare, Threatened, or Endangered Species (RARE), Spawning, Reproduction, and/or Early Development (SPWN) and Migration of Aquatic Organisms (MIGR).

b. The DEIR should consider cumulative impacts of projects that would collectively contribute to water quality impacts, including beneficial uses. For example, there are currently several stormwater diversion projects planned along the Arroyo Seco that will decrease the amount of water in the stream (e.g., Arroyo Park Infiltration Gallery). The cumulative impact that these projects will have on beneficial uses in downstream waters should be evaluated. However, the proposed DEIR does not include such comprehensive analysis. Instead, section 3.6.7 Cumulative Impacts under *Hydrology and Water Quality* (p.3.6-20) limits its consideration of cumulative impacts to two residential projects. Section 3.3.7. Cumulative Impacts under *Biological Resources* (p. 3.3-45) mentions regional stormwater capture and infiltration projects that cumulatively influence the hydrology and habitat; however, it bases the determination of less than significant impacts solely on cumulative impacts related to vegetation removal during construction.

3. <u>Impacts to Water Quality Standards</u>

a. Under Threshold 3.6a: *Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?* (Section 3.6.6. *Environmental Impacts* under *Hydrology and Water Quality*; p. 3.6-16), the DEIR focusses on impacts to water quality objectives. Specifically, the document states that "Operation of the Project would not violate any water quality standards, as the Project would contribute to meeting the ULAR water quality targets and would not introduce new contaminants to the runoff from the site." Note that water quality standards include water quality objectives (targets), beneficial uses and antidegradation requirements. The DEIR should be revised to include consideration of all three components of water quality standards.

b. The Los Angeles Water Board disagrees with the finding of No Impacts related to the Project conflicting or obstructing the implementation of a Water Quality Control Plan (Section 3.6.6. *Environmental Impacts* under *Hydrology and Water Quality*; p. 3.6-19). The DEIR rightfully notes that the Los Angeles Water Board 's Water Quality Control Plan (Basin Plan) establishes beneficial uses, water quality objectives, and implementation programs for all surface and groundwater bodies within the region, and that it is designed to preserve and enhance water quality and protect beneficial uses. Because the project will result in impacts to beneficial uses through the diversion of San Rafael Creek and the removal of the unnamed stream and wetland at the San Pascual

site, the finding of No Impacts is inaccurate. The DEIR should be revised to consider these impacts.

4. Avoidance and Minimization Analysis

   a. The Los Angeles Water Board believes avoidance is the best strategy for managing potential water quality impacts and strongly discourages temporary or permanent impacts to waters of the state when avoidable. When impacts are unavoidable, they should be minimized to the maximum extent possible. In addition, as stated in a letter addressed to Los Angeles County on August 29, 2023, which was posted to the Los Angeles Water Board website, forwarded to MS4 permittees and read into the record at the November 2024 Los Angeles Water Board meeting, diversion projects intended to address upstream discharges should be undertaken as a last resort to comply with receiving water limitations. Permittees should address stormwater and non-stormwater flows prior to their discharge into receiving waters.

      Accordingly, the DEIR should consider alternatives that minimize impacts to waters of the state to the maximum extent possible and demonstrate how the chosen alternative is the Least Environmentally Damaging Practicable Alternative (LEDPA). In particular, the project proponent has not considered alternatives including the release of some or all of the dry-weather and wet-weather flow back to the stream after treatment. Note that issuance of a CWA Section 401 Water Quality Certification may be denied should the project not meet this criterion.

   b. In addition, we disagree that the No Project alternative would result in greater impacts to water quality because the improvements associated with the proposed project ("water quality improvements, enhanced habitat and park space, improved flood protection, improved waterway access, recreational opportunities, reduced heat island effects, and increased shade and trees") would not be implemented (p. 4-12). A no net positive impact does not equate to an adverse negative impact. In fact, the proposed project would degrade the existing ecological habitat and beneficial uses during dry-weather conditions through the removal of all flow. In addition, the proposed alternative would remove existing vegetation at the sites, which would temporarily increase the heat island effect and decrease shade and tree cover until new vegetation is established.

5. Mitigation

   To the extent impacts are not avoided, the DEIR should propose compensatory mitigation for the significant impacts to water quality and beneficial uses related to the permanent placement of an instream diversion and the complete elimination of flows in all but the highest precipitation events in addition to mitigation for the impacts to the existing unnamed stream and wetland. The compensatory mitigation must ensure that there is no net loss of the overall abundance, diversity, and condition of aquatic resources, based on the watershed profile. Final compensatory mitigation is subject to approval by the Los Angeles Water Board during the CWA Section 401 Water Quality Certification permitting process.

6. Water Rights

   The Proposed Project will divert water all dry-weather and some wet-weather flows. As such, the DEIR should include a discussion of the Cities' water rights to San Rafael Creek

and the Arroyo Seco Reach 1 and how the proposed diversion and use of the water will meet these rights.

7. Creek versus Storm Drain

The DEIR erroneously identifies San Rafael Creek as a storm drain (e.g., p. 2-13). San Rafael Creek is not a stormwater facility but a water of the state. The DEIR should be modified accordingly throughout.

Again, thank you for this chance to comment. We welcome the opportunity to work with you and the project proponent to make this project an example of environmental sustainability in California. If we may clarify any of our comments or be of further assistance, please contact Man Voong at (213) 576-6690 or at Man.Voong@waterboards.ca.gov, or Dr. Céline Gallon, at (213) 576-6784 or at Celine.Gallon@waterboards.ca.gov.

Sincerely,

Jenny Newman Digitally signed by Jenny Newman Date: 2026.07.02 15:54:48 -07'00'
Water Boards

Jenny Newman
Assistant Executive Officer

cc:

Victoria Tang, Environmental Program Manager
California Department of Fish and Wildlife

Wetlands Regulatory Office
U.S. Environmental Protection Agency, Region 9