

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – OFFICE OF CHIEF COUNSEL
APRIL 1, 2014**

ITEM 5

SUBJECT

CONSIDERATION OF A PROPOSED ORDER FOR STATE WATER BOARD REVIEW ON ITS OWN MOTION OF WASTE DISCHARGE REQUIREMENTS ORDER NO. R4-2012-0175 [NPDES NO. CAS004001] FOR MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) DISCHARGES WITHIN THE COASTAL WATERSHEDS OF LOS ANGELES COUNTY, EXCEPT THOSE DISCHARGES ORIGINATING FROM THE CITY OF LONG BEACH MS4 (MS4 ORDER), LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD (LOS ANGELES WATER BOARD): SWRCB/OCC FILES A-2236(a) THROUGH (kk)

DISCUSSION

On November 8, 2012, the Los Angeles Water Board adopted the MS4 Order regulating MS4 discharges within the coastal watersheds of Los Angeles County. Thirty-seven MS4s and three environmental non-governmental organizations filed timely petitions seeking review of the MS4 Order with the State Water Resources Control Board (State Water Board). These petitions were deemed complete and consolidated for review on July 8, 2013.

State Water Board regulations generally require final disposition on petitions within 270 days of the date a petition is deemed complete (i.e., by April 4, 2014, in this case). Given the large number of petitions and even larger number of issues raised within those petitions, the State Water Board needs additional time to finalize a proposed draft order on the merits. The order proposed for adoption on April 1 is therefore an interim order through which the State Water Board decides to review the MS4 Order on its own motion.

POLICY ISSUE

Should the State Water Board adopt the proposed order to review the MS4 Order on its own motion?

FISCAL IMPACT

None.

REGIONAL BOARD IMPACT

If the proposed order is not adopted, the Los Angeles Water Board would be subject to potential litigation on the MS4 Order. Adoption of the proposed order delays the prospect of litigation until the State Water Board adopts the impending order on the merits.

STAFF RECOMMENDATION

Adopt the proposed order.

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
ORDER WQ 2014-

**CITY OF SAN MARINO; CITY OF RANCHO PALOS VERDES; CITY OF SOUTH EL MONTE;
CITY OF NORWALK; CITY OF ARTESIA; CITY OF TORRANCE; CITY OF BEVERLY HILLS;
CITY OF HIDDEN HILLS; CITY OF CLAREMONT; CITY OF ARCADIA; CITIES OF DUARTE
AND HUNTINGTON PARK; CITY OF GLENDORA; NATURAL RESOURCES DEFENSE
COUNCIL, INC., HEAL THE BAY, AND LOS ANGELES WATERKEEPER; CITY OF
GARDENA; CITY OF BRADBURY; CITY OF WESTLAKE VILLAGE; CITY OF LA MIRADA;
CITY OF MANHATTAN BEACH; CITY OF COVINA; CITY OF VERNON; CITY OF EL
MONTE; CITY OF MONROVIA; CITY OF AGOURA HILLS; CITY OF PICO RIVERA; CITY
OF CARSON; CITY OF LAWNSDALE; CITY OF COMMERCE; CITY OF POMONA; CITY OF
SIERRA MADRE; CITY OF DOWNEY; CITY OF INGLEWOOD; CITY OF LYNWOOD; CITY
OF IRWINDALE; CITY OF CULVER CITY; CITY OF SIGNAL HILL; CITY OF REDONDO
BEACH; AND CITY OF WEST COVINA**

For Review of
Waste Discharge Requirements Order No. R4-2012-0175
Municipal Separate Sewer System (MS4) Discharges within the Coastal Watersheds of Los
Angeles County, Except Those Discharges Originating from the City of Long Beach MS4

Issued by the
Los Angeles Regional Water Quality Control Board

SWRCB/OCC FILE A-2236(a) through (kk)

BY THE BOARD:

On November 8, 2012, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) adopted Waste Discharge Requirements [Order No. R4-2012-0175](#) (MS4 Order) regulating MS4 discharges within the coastal watersheds of Los Angeles County. The forty petitioners listed above filed timely petitions seeking review of the MS4 Order with the State Water Resources Control Board (State Water Board). These petitions were deemed complete and consolidated for review on July 8, 2013.¹

State Water Board regulations generally require final disposition on petitions within 270 days of the date a petition is deemed complete (i.e., by April 4, 2014 in this case).²

¹ Cal. Code Regs., tit. 23, § 2054.

² Cal. Code Regs., tit. 23, § 2050.5, subd. (a).

The State Water Board, however, needs additional time to review the large number of issues raised in the petitions.

When the State Water Board anticipates addressing a petition on the merits after the review period passes, it may indicate that it will review the matter on its own motion to avoid unnecessary or premature litigation. The State Water Board anticipates issuing an order addressing issues raised in the petitions, but not by April 4, 2014. Therefore, the State Water Board has decided to review the MS4 Order on its own motion.³

ORDER

IT IS HEREBY ORDERED that the State Water Board will review Order No. R4-2012-0175 on its own motion.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on April 1, 2014.

AYE:

NO:

ABSENT:

ABSTAIN:

DRAFT

Jeanine Townsend
Clerk to the Board

³ See Wat. Code, § 13320, subd. (a); Cal. Code Regs., tit. 23, § 2050.5, subd. (c).