

Los Angeles Regional Water Quality Control Board

NOTICE OF POSTPONEMENT OF PUBLIC HEARING

PROPOSED ISSUANCE OF WASTE DISCHARGE REQUIREMENTS AND NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT FOR COMMERCIAL, INDUSTRIAL, AND INSTITUTIONAL FACILITIES IN THE DOMINGUEZ CHANNEL/INNER AND OUTER LOS ANGELES AND LONG BEACH HARBOR WATERSHED AND THE LOS CERRITOS CHANNEL/ALAMITOS BAY WATERSHED (REVISED DRAFT CII PERMIT)

NOTICE IS HEREBY GIVEN that the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) has postponed the Public Hearing date for the revised Draft CII Permit described in the [November 15, 2023 Revised Notice of Opportunity for Public Comment and Public Hearing](https://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/Commercial_Industrial_and_Institutional/index.html) (https://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/Commercial_Industrial_and_Institutional/index.html). The comment period for the revised Draft CII Permit closed on December 18, 2023. The Public Hearing will not occur on March 28, 2024.

The Los Angeles Water Board will not hold a public hearing to consider issuance of the revised Draft CII Permit until the United States Environmental Protection Agency (USEPA) issues a final designation of the stormwater discharges from commercial, industrial and institutional (CII) facilities for NPDES permitting. The purpose of this sequencing is to provide discharge authorization for CII facilities once the USEPA action is final.

Details regarding the Public Hearing will be provided in a future notice. Any interested parties desiring to receive future notices about changes to the date, time, location or format of public meetings should sign up for the e-mail subscription list, as detailed below in the Future Notices section.

DOCUMENT AVAILABILITY

The revised Draft CII Permit documents are available on the [Los Angeles Regional Water Quality Control Board CII Stormwater Program Page](https://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/Commercial_Industrial_and_Institutional/index.html): (https://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/Commercial_Industrial_and_Institutional/index.html) and the [Los Angeles Regional Water Quality Control Board Tentative Orders Page](https://www.waterboards.ca.gov/losangeles/board_decisions/tentative_orders/index.html#6) (https://www.waterboards.ca.gov/losangeles/board_decisions/tentative_orders/index.html#6)

BACKGROUND

Sections 402(p)(2)(E) and 402(p)(6) of the Clean Water Act (CWA), and sections 122.26(a)(9)(i)(C) and (D) of title 40 of the Code of Federal Regulations (40 CFR) provide that the USEPA Regional Administrator or authorized states may designate additional stormwater discharges as requiring national pollution discharge elimination system (NPDES) permits where it is determined that stormwater controls are needed for the discharge based on wasteload allocations that are part of total maximum daily loads (TMDLs) that address the pollutants of

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concern; or the discharge, or category of discharges within a geographic area, contributes to a violation of a water quality standard or is a significant contributor of pollutants to waters of the United States. This authority is commonly referred to as Residual Designation Authority (RDA).

USEPA is exercising its RDA pursuant to 40 CFR section 122.26(a)(9)(i)(D) for certain CII facilities in the Alamitos Bay/Los Cerritos Channel watershed and the Dominguez Channel and Inner and Outer Los Angeles and Long Beach Harbor watershed. For more information, see USEPA's website: [EPA Region 9 Residual Designation Authority](https://www.epa.gov/npdes-permits/residual-designation-authority-address-stormwater-quality-problems-epas-pacific) (https://www.epa.gov/npdes-permits/residual-designation-authority-address-stormwater-quality-problems-epas-pacific).

CII facilities contain significant amounts of impervious areas, such as parking lots and rooftops, that are exposed to a variety of pollutants. Because impervious surfaces allow for little or no infiltration, pollutants can build up and run off CII facilities during rain events and as a result of unauthorized non-stormwater discharges. Pollutants can come from tire and brake pad wear, leaking automotive fluids, litter, and air deposition, among others; and the pollutants can include metals, indicator bacteria, nutrients, pH, trash, legacy pesticides, and other organic chemicals. The runoff then enters the MS4 or discharges directly to receiving waters in the Dominguez Channel/Inner and Outer Los Angeles and Long Beach Harbor Watershed and the Los Cerritos Channel/Alamitos Bay Watershed. The receiving waters in these watersheds are impaired by bacteria, metals, nutrients, historic pesticides, PCBs, PAHs, low dissolved oxygen, toxicity, and trash.

The revised Draft CII Permit would apply to stormwater discharges and authorized non-stormwater discharges from privately owned¹ unpermitted CII sites with five (5) or more acres of impervious cover and permitted CII sites with five (5) or more acres of total area in the Dominguez Channel/inner and Outer Los Angeles and Long Beach Harbor Watershed and the Los Cerritos Channel/Alamitos Bay Watershed.

Part of USEPA's residual designation includes industrial facilities with five or more acres of total area that are already covered under the General Permit for Stormwater Discharges Associated with Industrial Activities (NPDES No. CAS000001; Order 2014-0057-DWQ amended by Order 2015-0122-DWQ as amended in 2015 and 2018) (IGP). The U.S. EPA designation covers the non-industrial portions of the facilities (e.g., parking lots, rooftops) that are not covered by the IGP. Additionally, facilities that have submitted a no exposure certification (NEC) under the IGP must obtain coverage under the CII Permit for the acreage covered by the NEC. Facilities that have submitted a notice of non-applicability (NONA) under the IGP must obtain coverage under the CII Permit for the acreage not covered by the NONA.

The revised Draft CII Permit contains technology-based effluent limitations, as well as water-quality-based effluent limitations, for which there are three compliance options: (1) Agreement with Local Watershed Management Group to Fund Regional Project, (2) Facility-Specific Design Standard to Reduce Stormwater Runoff, and (3) Direct Demonstration of Compliance with Effluent Limitations. Compliance Option 1 incentivizes watershed-based approaches to address multiple contaminants through green infrastructure, multi-benefit projects, and the capture, infiltration, and reuse of stormwater to support a sustainable local water supply. Compliance Option 2 also supports the capture, infiltration, and reuse of stormwater, and provides regulatory certainty for

¹ In addition, the revised Draft CII Permit is applicable to publicly owned (and privately operated) CII sites with five (5) or more acres of total area at the Ports of Los Angeles and Long Beach.

CII facilities. Compliance Option 3 is intended to allow CII facilities flexibility if they do not wish to participate in Compliance Options 1 or 2.

EX PARTE DISCLOSURE REQUIREMENTS FOR THE PROPOSED GENERAL ORDER

An ex parte communication is communication to a board member from any person, about a pending matter, that occurs in the absence of other parties and without notice and opportunity for them to respond. The California Government Code prohibits the board members from engaging in ex parte communications during permitting, enforcement, and other “quasi-adjudicatory” matters. Ex parte communications are allowed on pending general orders subject to the disclosure requirements of Water Code section 13287. For further information and disclosure forms, please visit https://www.waterboards.ca.gov/losangeles/laws_regulations/. The ex parte prohibition on communications with Los Angeles Water Board members will commence two weeks prior to the hearing.

FUTURE NOTICES

Any interested parties desiring to receive future notices concerning the revised Draft CII Permit, including any changes to the format, location, date or time of the public meeting or public workshop, should sign up for the e-mail subscription list as follows:

- (1) Access the [Regional Water Board email subscription web page](https://www.waterboards.ca.gov/resources/email_subscriptions/reg4_subscribe.html)
(https://www.waterboards.ca.gov/resources/email_subscriptions/reg4_subscribe.html)
- (2) Check the box for “Storm Water – CII Permit (Commercial, Industrial, and Institutional)”
- (3) Fill in the required signup details
- (4) Press the “Subscribe” button

All future notices will only be sent to the CII Permit e-mail subscription list.

ADDITIONAL INFORMATION

Please direct questions regarding this notice to Andrew Choi, CII Unit Supervisor, at andrew.choi@waterboards.ca.gov or Milasol Gaslan, CII Section Manager, at milasol.gaslan@waterboards.ca.gov.

Date

Jenny Newman
Assistant Executive Officer