

Los Angeles Regional Water Quality Control Board

**NOTICE OF OPPORTUNITY TO RESPOND TO PETITION
AND NOTICE OF PUBLIC MEETING**

CONSIDERATION OF PETITION FOR REVIEW OF THE LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD EXECUTIVE OFFICER'S ACTION TO APPROVE, WITH CONDITIONS, NINE WATERSHED MANAGEMENT PROGRAMS PURSUANT TO THE LOS ANGELES COUNTY MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT (ORDER NO. R4-2012-0175; NPDES PERMIT NO. CAS004001)

NOTICE IS HEREBY GIVEN THAT the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board or Board) will hold a public meeting to consider a petition for review of the Los Angeles Water Board Executive Officer's approval, with conditions, of nine Watershed Management Programs pursuant to the Los Angeles County MS4 Permit (Order No. R4-2012-0175). By this notice, the Los Angeles Water Board is also providing an opportunity for permittees and interested persons to submit written responses to the petition prior to the meeting.

I. BACKGROUND

On November 8, 2012, the Los Angeles Water Board adopted Order No. R4-2012-0175, *Waste Discharge Requirements 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* (hereafter, Los Angeles County MS4 Permit or Permit). Part VI.C of the Permit allows Permittees the option to develop, either individually or as part of a group, either a Watershed Management Program (WMP) or an Enhanced Watershed Management Program (EWMP) to implement permit requirements on a watershed scale through customized strategies, control measures, and best management practices (BMPs). Development of a WMP or EWMP is voluntary and allows a Permittee to address the highest watershed priorities, including complying with the requirements of Part V.A (Receiving Water Limitations) and Part VI.E and Attachments L through R (Total Maximum Daily Load Provisions), by customizing the control measures in Parts III.A (Prohibitions – Non-Storm Water Discharges) and VI.D (Minimum Control Measures), except the Planning and Land Development Program.

Pursuant to Part VI.C.4.c of the Los Angeles County MS4 Permit, several Permittees submitted draft WMPs to the Los Angeles Water Board by June 28, 2014 for review. The Board then provided a 46-day public review and written comment period on the draft WMPs. On October 9, 2014, the Board held a workshop at its regularly scheduled Board meeting and also provided an opportunity for oral comments on the draft WMPs. Thereafter, in consideration of written and oral comments made by interested persons, the Board sent letters to the Permittees providing comments on the draft WMPs, identified the revisions that needed to be addressed prior to the Board's approval of the WMPs, and directed the Permittees to submit revised draft WMPs addressing the Board's comments by approximately January 28, 2015 for Board review. Both before and after submittal of the revised draft WMPs, Board staff participated in meetings, phone calls, and email exchanges with Permittees and interested persons. The Board also held

a public meeting on April 13, 2015 for Permittees and interested persons to discuss the revised draft WMPs with the Board's Executive Officer and staff. Part VI.C.4.c of the Permit required that the Board or the Board's Executive Officer on behalf of the Board approve or deny the final WMPs within 3 months of submittal of the final WMPs.

On April 28, 2015, the Los Angeles Water Board's Executive Officer, on behalf of the Board, approved, with conditions, the following nine WMPs pursuant to the Los Angeles County MS4 Permit:

- Los Angeles River Upper Reach 2 Sub-watershed
- Lower Los Angeles River Watershed*
- East San Gabriel Valley Watershed Management Area
- Lower San Gabriel River*
- Los Cerritos Channel Watershed*
- Santa Monica Bay Watershed Jurisdiction 7
- Alamitos Bay/Los Cerritos Channel Group
- El Monte
- Walnut

The Executive Officer provided the Permittees with a short deadline to submit their final WMPs to the Board that satisfied all of the conditions outlined in the approval letter. The letter also indicated that the approval may be rescinded if all of the conditions were not satisfied within the timeframe provided in the letter.

Part VI.A.6 of the Los Angeles County MS4 Permit provides that any Permittee or interested person may request review by the Los Angeles Water Board of any formal determination or approval made by the Executive Officer pursuant to the Permit. A Permittee or interested person may request such review by the Los Angeles Water Board upon petition within 30 days of the notification of such decision to the Permittee(s) and interested parties on file at the Board.

On May 28, 2015, pursuant to Part VI.A.6 of the Los Angeles County MS4 Permit, the Natural Resources Defense Council (NRDC), Los Angeles Waterkeeper, and Heal the Bay (collectively, Petitioners) submitted to the Los Angeles Water Board a "Petition for Review of Los Angeles Regional Water Quality Control Board Executive Officer's Action to Conditionally Approve Nine WMPs Pursuant to the L.A. County MS4 Permit."¹ The Petitioners allege that the Executive Officer: 1) acted outside the scope of delegated authority in "conditionally" approving the WMPs because the only authority explicitly delegated to the Executive Officer by the Board was to approve or deny the WMPs; 2) improperly modified the Permit by failing to comply with the substantive and procedural requirements pursuant to state and federal law, and exceeded the statutory limits for delegation; and 3) improperly imposed conditions in the approvals that are inconsistent with Permit requirements and the federal Clean Water Act. The Petitioners request

* This WMP was also approved, with conditions, pursuant to the City of Long Beach MS4 Permit, Order No. R4-2014-0024.

¹ The petition filed by NRDC, Los Angeles Waterkeeper, and Heal the Bay indicates that it also serves as a petition to the State Water Resources Control Board (State Water Board) pursuant to Water Code section 13320. The Petitioners request that the State Water Board invalidate the Los Angeles Water Board Executive Officer's conditional approvals of the nine WMPs absent such action by the Los Angeles Water Board. The State Water Board may choose to conduct separate proceedings on the petition pursuant to Water Code section 13320.

that the Los Angeles Water Board invalidate the Executive Officer's approvals, with conditions, and deny all nine WMPs.

The Los Angeles Water Board will hold a public meeting to consider the petition for review of the Executive Officer's action. At the conclusion of its review, the Los Angeles Water Board may, for each of the nine WMPs, either: 1) ratify the Executive Officer's approval; 2) overturn the Executive Officer's approval; or 3) conduct further proceedings on the petition as determined by the Board.

II. DATE AND LOCATION OF MEETING

The Los Angeles Water Board is scheduled to consider the petition at its regularly scheduled meeting on:

Date: September 10, 2015
Time: 9:00 a.m.
Place: Metropolitan Water District of Southern California (Board Room)
700 North Alameda Street
Los Angeles, CA 90012

Please check the Board's website (<http://www.waterboards.ca.gov/losangeles/>) for the most up-to-date public meeting date and location as they are subject to change. If there is not a quorum on the scheduled date of the public meeting, all items will be automatically continued to the next scheduled meeting. A continuance of this item will not automatically extend any deadlines set forth herein.

Any person desiring to receive future public notices regarding this matter must sign up for the Lyris e-mail list. To sign up for the Lyris list, access the E-mail List Subscription form, check the box for "Storm Water – Los Angeles County MS4," and fill in the required information. The subscription form is available at:

http://www.waterboards.ca.gov/resources/email_subscriptions/reg4_subscribe.shtml

III. AVAILABILITY OF DOCUMENTS

The petition, as well as documents associated with the development and approval of the nine WMPs,² are posted on the Los Angeles Water Board's website at:

http://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/watershed_management/index.shtml. The documents associated with the development and approval of the nine WMPs are organized according to the WMP name, as listed above. These documents are also available for inspection and copying between the hours of 8:00 a.m. and 4:30 p.m. at the following address:

² These documents include the following for each Watershed Management Program: draft Watershed Management Program, October 9, 2014 Workshop Presentation (with the exception of Walnut, which did not have presentation slides), Review of draft Watershed Management Program, Revised Watershed Management Program, Watershed Management Program Approval, with Conditions, and Final Watershed Management Program as well as public comments on the draft WMPs, which are posted at: http://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/watershed_management/comments/index.shtml, and http://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/comments/NRDC_LAW_HT_B_LA_MS4_Revised_WMPComments_March%202015_FINAL.pdf.

California Regional Water Quality Control Board
Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Arrangements for file review and/or obtaining copies of these documents may be made by calling the Los Angeles Water Board at (213) 576-6789. Appointments are encouraged so the documents can be readily available upon arrival. Responses to the petition and other subsequent relevant documents will be available online as they are generated.

IV. OPPORTUNITY TO SUBMIT WRITTEN RESPONSE TO PETITION FOR REVIEW BY LOS ANGELES WATER BOARD

Permittees and other interested persons may submit written responses to the petition for review by the Los Angeles Water Board. Petitioners may not submit a response to their own petition.

To be evaluated by Los Angeles Water Board staff, included in the Los Angeles Water Board's agenda binder, and fully considered by the Los Angeles Water Board members in advance of the meeting, all written responses must be submitted to the Los Angeles Water Board, as provided in Section VII below, and received at the Los Angeles Water Board office by **5:00 pm on August 3, 2015**. Written comments should be submitted electronically, preferably as a PDF file, to: losangeles@waterboards.ca.gov with the subject line "**LA County MS4 Permit – Response to Petition for Review of WMP Approvals.**"

Permittees and interested persons should not include with their responses copies of documents that are already posted on the Los Angeles Water Board's website.

V. EX PARTE COMMUNICATIONS PROHIBITED

This matter is subject to the prohibition on *ex parte* communications. An *ex parte* communication is a communication to a Los Angeles Water Board member from any person, about a pending matter, that occurs in the absence of other parties and without notice and opportunity for the parties to respond. Therefore, Petitioners, Permittees, and other interested persons may not communicate with Los Angeles Water Board members regarding the petition, or subject matter thereof, except through submission of timely written responses and during the meeting described in this notice.

VI. MEETING PROCESS AND PROCEDURES

The Los Angeles Water Board's consideration of the petition at its scheduled meeting will generally be conducted in the following order:

- Administration of oath to persons who intend to testify
- Los Angeles Water Board staff presentation
- Petitioners' comments
- Permittees' and other interested persons' comments
- Petitioners' rebuttal
- Questions from the Los Angeles Water Board
- Deliberations
- Los Angeles Water Board decision

Petitioners, Permittees, and other interested persons are invited to attend the meeting and present oral comments. Oral commenters are generally limited to 3 minutes each, but time limits can vary at the discretion of the Chair, depending on the number of persons wishing to be heard. Those entities or persons seeking more than 3 minutes to present oral comments at the meeting must contact the Los Angeles Water Board staff, as provided in Section VII below, no later **than 5:00 pm on August 28, 2015** to request additional time. It is the Los Angeles Water Board's intent that reasonable requests be accommodated. Permittees and interested persons with similar comments are encouraged to choose one representative to speak and coordinate their comments to avoid redundancy. Each entity or person will be advised after the receipt of written responses, but prior to the date of the Board meeting, of the amount of time the entity or person will be allocated for its comments.

VII. LOS ANGELES WATER BOARD STAFF CONTACTS

Any communications with the Los Angeles Water Board concerning this matter should be directed to:

Ms. Renee Purdy, Chief, Regional Programs Section
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013
Phone: (213) 576-6622
Email: Renee.Purdy@waterboards.ca.gov

As stated above, please email written responses to the petition for review to: losangeles@waterboards.ca.gov with the subject line "**LA County MS4 Permit – Response to Petition for Review of WMP Approvals.**"

Date: July 3, 2015