



California Regional Water Quality Control Board

Los Angeles Region



Linda S. Adams
Cal/EPA Secretary

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Arnold Schwarzenegger
Governor

June 22, 2007

Interested Parties

NOTICE OF PUBLIC HEARING FOR A PROPOSED AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR LOS ANGELES REGION TO RECONSIDER A TOTAL MAXIMUM DAILY LOAD TO REDUCE METALS IN BALLONA CREEK

Dear Interested Parties:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) will reconsider a proposed amendment to the *Water Quality Control Plan for the Los Angeles Region* (Basin Plan) to incorporate a Total Maximum Daily Load (TMDL) to reduce metals loadings to Ballona Creek and its tributaries. Additional regulatory provisions or policies, consistent with the general purpose of the proposed amendment and complementary to the proposal may be developed at the hearing as a logical outgrowth of discussions. The Regional Board will act on the proposed amendment after hearing staff's presentation and public comments.

HEARING DATE AND LOCATION

The Regional Board is scheduled to hold a public hearing at its board meeting on:

September 6, 2007 at 9:00 AM
City of San Buenaventura Council Chambers
501 Poli Street
San Buenaventura, CA 93001

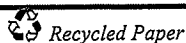
Please check the website address for the most up to date public hearing location as it is subject to change.

SCOPE OF HEARING

The purpose of the hearing is to reconsider the Metals TMDL for Ballona Creek and its tributaries, in light of the "Addendum to the CEQA Documentation", which is a proposed Alternatives Analysis that examines a variety of proposed alternatives to the TMDL. This action is necessary to comply with an anticipated writ of mandate in the matter of *Cities of Bellflower et al v. Los Angeles Regional Water Quality Control Board, et al*. In that pending proceeding, the Los Angeles Superior Court has indicated its intent to issue a writ of mandate determining that the Regional Board should have developed and circulated an alternatives analysis under the California Environmental Quality Act ("CEQA") prior to approving the TMDL.

NOTE: The appropriateness of any other aspect of the Ballona Creek Metals TMDL, including its prior CEQA documentation, is not before the Regional Water Board in this proceeding. Except as set forth below, any evidence or argument that does not relate to the Alternatives Analysis, or how that Analysis should affect the Regional Board's decision to approve the TMDL is not relevant and will not be entertained. The only other matter before the Board is the timing of the compliance schedule. The compliance schedule from the original TMDL was keyed off of "the effective date of the TMDL." The effective date of the TMDL was January 11, 2006. The basin plan amendment language under consideration maintains the timelines that were triggered by the January 11, 2006 date. Depending upon the ultimate language of the court order, doing so may or may not constitute a substantive modification to the TMDL. Comments will therefore also be accepted on that matter as well.

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After the public hearing and in view of the evidence and the record, the Regional Board may (1) approve, modify, or reject the Alternatives Analysis; (2) readopt or ratify its previous adoption of the TMDL; (3) adopt a modified TMDL; or (4) decline to readopt or ratify the TMDL and/or vacate the previously adopted TMDL

AVAILABILITY OF DOCUMENTS

The proposed language and other information and documents relied upon are available for inspection and copying between the hours of 8:00 a.m. and 4:30 p.m. by appointment at the following address:

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

Arrangements for file review and/or obtaining copies of the documents may be made by calling the Los Angeles Regional Board at (213) 576-6600. Additionally, the tentative resolution, proposed Basin Plan amendment, addendum to CEQA documentation, Notice of Filing, original CEQA checklist, original Basin Plan Amendment, original staff report with appendices and figures, and original responses to comments are available online at www.waterboards.ca.gov/losangeles/html/bpaRes/bpa.html. Response to comments will be available online at a later date.

The entire file will become a part of the administrative record of this proceeding, irrespective of whether individual documents are specifically referenced during the hearing or contained in the agenda packet. The entire file will not be present in the hearing room. In addition to the materials generated for this proceeding, the file includes the administrative record for Resolution Nos. 2005-007 and 2005-0078. Should any interested persons desire staff to bring to the hearing any particular documents that are not included in the agenda packet, they must submit a written or electronic request to staff during business hours, not later than five business days before the hearing. The request must identify the documents with enough specificity for staff to locate them.

PUBLIC COMMENTS AND SUBMITTAL OF EVIDENCE

Persons wishing to comment upon or object to the proposed action, or submit evidence for the Board to consider, are invited to submit them in writing to Rebecca Christmann at the above address, or send them electronically to rchristmann@waterboards.ca.gov. Comments that relate to matters outside of the Scope of the Hearing, as described above, will not be entertained. To be evaluated and responded to by Regional Board staff, included in the Board's agenda folder, and fully considered by the Board, written comments or testimony regarding the proposed action must be received at the Regional Board office no later than close of business on **August 6, 2007**. Failure to comply with these requirements is grounds for the Regional Water Board to refuse to admit the proposed written comment or exhibit into evidence pursuant to section 648.4, title 23 of the California Code of Regulations.

NATURE OF HEARING

This proceeding will be a formal rulemaking proceeding. For such proceedings, the Regional Board follows procedures established by the State Water Resources Control Board, which are set forth in regulations commencing with section 647 of title 23 of the California Code of Regulations, in particular, Article 3, commencing with section 649.

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HEARING PROCEDURE

The board meeting, of which this hearing is a part, will start at 9:00 a.m. Interested persons are invited to attend. When the agenda item is called, staff will present the matter under consideration, after which oral statements from interested persons will be heard. For accuracy of the record, all important testimony should be in writing. The Board will include in the administrative record written transcriptions of oral testimony that is actually presented at the hearing. Oral testimony may be limited to five minutes or less for each interested person, depending on the number of interested persons wishing to be heard. At the conclusion of testimony, the Board will deliberate and render a decision.

Interested persons with similar concerns or opinions are encouraged to choose one representative to speak, and are encouraged to coordinate their presentations with each other, and may be allowed additional time if they do so. Any interested persons requesting additional time are invited to contact staff not later than **August 23, 2007** to discuss how much time they believe is necessary for their presentations, and staff will endeavor to accommodate reasonable requests.

Persons with special procedural requests or requests for alternative hearing procedures should contact staff, who will endeavor to accommodate reasonable requests. Objections to any procedure to be used during this hearing must be submitted in writing no later than close of business 15 business days prior to the date of the hearing, or they will be deemed waived. Procedural objections will not be entertained at the hearing.

If there should not be a quorum on the scheduled date of this meeting, all cases will be automatically continued to the next scheduled meeting on October 4, 2007. A continuance will not extend any time set forth herein.

STAFF CONTACTS

If you have questions regarding this proposed action, please contact Rebecca Christmann via email at rchristmann@waterboards.ca.gov or at (213) 576-6757.

Sincerely,



Samuel Unger, P.E.
Section Chief, Regional Programs

California Environmental Protection Agency

