



Notice of
Availability of Draft Documents,
Public Comment Period,
and Public Hearing



For the

Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic
Pollutants Total Maximum Daily Load

December 17, 2010

Purpose of Notice

Notice is hereby given that the California Regional Water Quality Control Board, Los Angeles Region (Regional Water Board) and United States Environmental Protection Agency (EPA) Region 9 are making the following documents available for public review and comment: 1) the Regional Water Board's Draft Staff Report for the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants Total Maximum Daily Load (TMDL), 2) the Tentative Basin Plan Amendment to Incorporate the Total Maximum Daily Load for Toxic Pollutants in Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters, 3) the Tentative Regional Water Board Resolution No. R11-XXX to adopt the TMDL, 4) the Regional Water Board's Substitute Environmental Document (SED) for the Total Maximum Daily Load for Toxic Pollutants in Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters containing the CEQA checklist, and 5) Notice of Filing. Together these documents are referred to as the "December 2010 Public Review Drafts". Written comments should be submitted to the Regional Water Board, as described below, by January 31, 2011. After the public comment period, Regional Water Board staff will make revisions, as appropriate, and propose the TMDL to the Regional Water Board as an amendment to the *Water Quality Control Plan for the Los Angeles Region* (Basin Plan).

The Regional Water Board has been working collaboratively with EPA Region 9 on the development of this TMDL. The Toxic Pollutant TMDL for the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters is to be established by March 24, 2012 in accordance with the consent decree in *Heal the Bay v. Browner, C. 98-48 25 SBA*, as amended in September 2010 and filed in U.S. District Court for the Northern District of California.

Should the toxic pollutant TMDL for the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters not be adopted by California in time to be approved by EPA Region 9 by March 24, 2012, EPA Region 9 would be required to establish a federal TMDL for the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters by that date. EPA would not establish any implementation plan for this federal TMDL. To address the potential need for EPA to establish a federal TMDL for the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters, EPA is jointly issuing this notice to solicit public comment on the December 2010 Public Review Drafts and to announce the public hearing.

Background

The proposed amendment would incorporate into the Basin Plan a TMDL to establish waste load and load allocations and an implementation plan to attain water quality objectives for toxic pollutants in the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters. The Regional Water Board's goal in incorporating the above-mentioned TMDL is to protect the beneficial uses of these waterbodies and to restore overall water quality in these waters. The Regional Water Board has prepared this TMDL to address the documented impairments in these waters.

The Regional Water Board is charged with implementing the provisions of both the Porter Cologne Water Quality Control Act (California law) and the Federal Clean Water Act in the Los Angeles Region. One of the ways in which the Regional Water Board implements these laws is through the development and implementation of water quality standards for all of the waterbodies within the Region. Under the Federal Clean Water Act, water quality standards consist of beneficial use designations of water bodies and numeric or narrative water quality objectives that are protective of those beneficial uses as well as the State's anti-degradation policy. Section 303(d)(A)(1) of the Clean Water Act requires the State to identify those waters that are impaired by pollution (not meeting water quality standards), and establish TMDLs for the pollutants causing the impairments. A TMDL specifies the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and allocates the acceptable pollutant load to point and nonpoint sources.

The proposed TMDL sets numeric water quality targets for toxic pollutants based on numeric water quality objectives and the interpretation of narrative water quality objectives provided in the Basin Plan, the State's Water Quality Control Plan for Enclosed Bays and Estuaries of California – Part 1 Sediment Quality, and the California Toxics Rule (40 CFR 131.38). Permitted stormwater dischargers, other NPDES dischargers, and nonpoint source dischargers are assigned allocations for this TMDL.

The proposed TMDL would require the responsible parties to achieve the final waste load and load allocations within 20 years. The goal of the TMDL implementation plan is to attain the final TMDL allocations, demonstrate attainment of the TMDL numeric targets, and restore the beneficial uses of these waters.

Availability of the December 2010 Public Review Drafts

The complete December 2010 Public Review Drafts are available for review starting December 17, 2010. Copies of the December 2010 Public Review Drafts will be available at the following Regional Water Board and EPA web sites:

http://www.waterboards.ca.gov/losangeles/water_issues/programs/tmdl/tmdl_list.shtml

and

<http://www.epa.gov/region09/water/tmdl/progress.html>

Please contact Ms. Thanhloan Nguyen, Regional Water Board staff, at (213) 576-6689 or tnguyen@waterboards.ca.gov if you have any problems accessing the documents via the websites.

Solicitation of Comments on the December 2010 Public Review Drafts

The public comment period will start December 17, 2010, and continue for a period of 45 days. Written comments and any exhibits must be received by the Regional Water Board **no later than 5:00 PM on Monday, January 31, 2011**. Failure to comply with these requirements is grounds for the Board to refuse to admit the proposed written comment or exhibit into evidence (Cal. Code Regs., title 23, § 649.4).

This notice is being provided pursuant to state and federal regulation. See Cal. Code Regs., title 14, §§ 15087, 15105; Wat. Code, § 13244; Gov. Code, §§ 11125; 11125.9 and 40 CFR § 130.7(d)(2). Notice is also provided in newspapers of general circulation pursuant to Government Code §§ 6061 and 6061.3.

Please address and submit written comments to the attention of Ms. Thanhloan Nguyen, TMDL Unit, by January 31, 2011, via U.S. Postal Service, e-mail, fax, or delivery, to the following address:

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

FAX: (213) 576-6686

E-mail: tnguyen@waterboards.ca.gov

Public Hearing

After the close of the written public comment period on January 31, 2011, Regional Water Board and EPA staff will review the comments received on the December 2010 Public Review Drafts. Staff responses to the comments received on the December 2010 Public Review Drafts, as well as any proposed changes to the December 2010 Public Review Drafts, will be available from the Regional Water Board prior to the Regional Water Board hearing considering adoption of the Basin Plan amendment to incorporate the TMDL.

The Regional Water Board will consider the proposed amendment to the Basin Plan to incorporate the Total Maximum Daily Load (TMDL) to establish waste load and load allocations and an implementation plan to attain water quality objectives for toxic pollutants in the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters. Additional regulations 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 Water Board will act on the proposed amendment after hearing staff's presentation and public comments.

**A Public Hearing will be held on
Thursday, March 3, 2011
9:00 AM
Metropolitan Water District of Southern California
700 N. Alameda Street
Los Angeles, CA**

March 3, 2011 Public Hearing Procedures

All those who plan to testify at the Public Hearing are encouraged to submit written statements during the public comment period. All exhibits including charts, graphs and other testimony presented at the public hearing must be left with the Regional Water Board for inclusion in the Administrative Record. Please note that the Regional Water Board may impose time limits on oral testimony at the public hearing. Where speakers can be grouped by affiliation or interest, such groups are encouraged to select a spokesperson and not be repetitive.

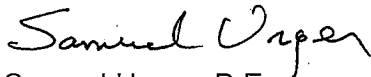
Accessibility

Anyone requiring reasonable accommodation to participate in the public meetings should contact Ms. Ronji Moffett, Regional Water Board Executive Assistant, at (213) 576-6612 at least five days prior to the scheduled meeting. The meeting locations are accessible to persons with disabilities. TTY users may contact the California Relay Service at 800-735-2929 or voice line at 800-735-2922.

Staff Contacts

If you have any questions on the Regional Water Board's Toxic Pollutants TMDL for the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters, please contact:

Ms. Thanhloan Nguyen at (213) 576-6689 or by e-mail at tnguyen@waterboards.ca.gov.



Samuel Unger, P.E.
Executive Officer
Los Angeles Regional Water Quality Control Board

December 17, 2010