



Los Angeles Regional Water Quality Control Board

REVISED NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT AND PUBLIC HEARING TO CORRECT INADVERTENT TYPOGRAPHICAL ERRORS IN CLEAN COPY OF REVISED DRAFT PERMIT AND TO EXTEND COMMENT PERIOD

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

NOTICE IS HEREBY GIVEN that the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) will consider a revised tentative General National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Commercial, Industrial, and Institutional (CII) 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).

HEARING DATE AND LOCATION

The Los Angeles Water Board will hold a public hearing to consider issuance of the revised Draft CII Permit on:

**Thursday, February 22, 2024
9:00 a.m.
320 West 4th Street, Los Angeles, California, 90013
Carmel Room**

And via Video and Teleconference

In-person and Remote Options: The meeting is currently scheduled to take place in-person with an option for remote participation.

NORMA CAMACHO, CHAIR | SUSANA ARREDONDO, EXECUTIVE OFFICER

320 West 4th Street, Suite 200, Los Angeles, CA 90013 | www.waterboards.ca.gov/losangeles

- For members of the public who only wish to watch the meeting, the English webcast will be available at <https://cal-span.org/static.index.php> and should be used UNLESS you intend to comment.
- For members of the public who wish to comment on an agenda item or are presenting to the Regional Water Board, additional information about participating will be available 10 days before the hearing at https://www.waterboards.ca.gov/losangeles/board_info/agenda/.

DOCUMENT AVAILABILITY

The 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

Persons wishing to comment on the revised Draft CII Permit are invited to submit comments in writing. **All written comments must be received by the Los Angeles Water Board no later than 5:00 p.m. on Monday, December 4-18, 2023**. Please address written comments to:

Andrew Choi
Los Angeles Regional Water Quality Control Board
320 W. 4th Street. Suite 200
Los Angeles, CA 90013-2343

Comment letters may be submitted electronically, in *.pdf text format via e-mail to: andrew.choi@waterboards.ca.gov with the subject line: "Comment Letter – Draft CII Permit."

BACKGROUND

Sections 402(p)(2)(E) and 402(p)(6) of the 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 United States Environmental Protection Agency (USEPA) Regional Administrator or authorized states may designate additional stormwater discharges as requiring 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 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 sites in the Alamitos Bay/Los Cerritos Channel watershed and the Dominguez Channel and Inner and Outer Los Angeles/Long Beach Harbor watershed. For more information, see USEPA's website:

<https://www.epa.gov/npdes-permits/residual-designation-authority-address-stormwater-quality-problems-epas-pacific>.

On July 22, 2022, concurrent with USEPA's release of its preliminary residual designation, the Los Angeles Water Board requested public comments on the draft CII General Permit. On August 16, 2022 the Los Angeles Water Board extended the comment period through October 24, 2022. The Los Angeles Water Board received written comments from 33 agencies, entities, or individuals providing information to consider during the development of the CII Permit.

After consideration of the comments received and concurrent with USEPA's release of the revised preliminary residual designation, the Los Angeles Water Board is releasing for public review a revised draft CII Permit that addresses issues identified by the commenters during the comment period. **Comments on the revised Draft CII Permit should focus only on the revised portions of the revised draft CII Permit.** A version of the revised Draft CII Permit showing the changes from the initial draft is available in addition to a clean document, which has been prepared to facilitate public review. A summary of comments and responses is presented in the Response to Comments document.

An updated clean version of the revised draft CII Permit has been posted to correct the inadvertent typographical omission of footnotes 5, 6 and 7. However, the footnotes are correctly shown in the track changes version of the revised draft CII Permit, which, for purposes of this public comment period, is the controlling document since comments should be limited only to the revised portions of the draft CII Permit. Regardless, the comment period is extended for another two weeks to December 18, 2023.

The revised Draft CII Permit would apply to stormwater discharges and authorized non-stormwater discharges from unpermitted CII sites with five (5) or more acres of impervious cover and permitted and certain unpermitted 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.

The 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 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.

Following are some of the main changes contained in the revised Draft CII Permit:

1. The option for facilities currently enrolled under the General Permit for Stormwater Discharges Associated with Industrial Activities (IGP) with unpermitted CII areas to have one permit under the revised Draft CII Permit has been removed. IGP facilities with a total facility acreage of 5 acres or more must obtain separate coverage under the revised Draft CII permit for the unpermitted impervious portions of the facility.
2. The revised Draft CII Permit applicability has been re-aligned consistent with USEPA's revised preliminary residual designation.
3. Clarification has been added regarding a CII facility's eligibility to fund regional stormwater projects under Compliance Option 1.
4. The definitions for "Discharger" has been revised to clarify responsibility for enrollment under the revised Draft CII Permit.
5. An alternative procedure for sampling and analysis of sediment based effluent limitations has been added.
6. The effluent limitations for the Los Angeles River Estuary and San Pedro Bay Near/Off Shore Zones in Section 7.2, Table 2 of the Order have been deleted because they are not part of the USEPA residual designation.

EX PARTE DISCLOSURE REQUIREMENTS FOR THE PROPOSED GENERAL ORDER

An ex parte communication is a 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/

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