

**NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT AND  
NOTICE OF PUBLIC HEARING**

**PROPOSED AMENDMENT TO THE WASTE DISCHARGE REQUIREMENTS FOR  
MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) DISCHARGES FROM THE CITY  
OF LONG BEACH  
(ORDER NO. R4-2014-0024; NPDES PERMIT NO. CAS004003)**

**NOTICE IS HEREBY GIVEN THAT** the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) will hold a public hearing to receive comments and evidence, and consider adoption of, a proposed amendment to the Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges from the City of Long Beach (NPDES No. CAS004003, Order No. R4-2014-0024) (Long Beach MS4 Permit) to incorporate modifications consistent with the recently revised Los Angeles River Watershed Trash Total Maximum Daily Load (TMDL) (“Revised Trash TMDL”).

On June 11, 2015, the Los Angeles Water Board adopted Resolution No. R15-006, which amended the Water Quality Control Plan for the Los Angeles Region to revise the Los Angeles River Watershed Trash TMDL<sup>1</sup>. The Revised Trash TMDL was subsequently approved by the State Water Resources Control Board by Resolution No. 2015-0068 on November 17, 2015; the Office of Administrative Law on May 4, 2016; and the U.S. Environmental Protection Agency (U.S. EPA) on June 30, 2016. The Revised Trash TMDL became effective upon approval by U.S. EPA.

Consistent with the Revised Trash TMDL, the Los Angeles Water Board proposes to amend the Long Beach MS4 Permit to include the following revisions:

- Alternative methods to demonstrate full compliance with final effluent limitations for trash in the Los Angeles River watershed;
- Plastic pellet monitoring and spill response requirements for the Los Angeles River watershed, consistent with existing provisions for the Ballona Creek watershed; and
- Requirements for receiving water monitoring for trash in the Los Angeles River watershed.

In addition, the proposed amendment includes minor revisions to Part I of the Long Beach MS4 Permit. These revisions include the addition of administrative information related to the proposed amendment in Table 4.

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<sup>1</sup> Resolution No. R15-006 also amended the Water Quality Control Plan for the Los Angeles Region to revise the Ballona Creek Watershed Trash TMDL. The City of Long Beach, however, is not subject to the Ballona Creek Trash TMDL. This proposed action is limited to the Los Angeles River Trash TMDL.

This notice sets forth the procedures and processes the Los Angeles Water Board will use at this hearing.

## **I. HEARING DATE AND LOCATION**

The Los Angeles Water Board is scheduled to hold a public hearing to consider this matter at its regularly scheduled board meeting on:

Date: September 8, 2016  
Time: 9:00 a.m.  
Place: Metropolitan Water District of Southern California  
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 hearing location as it is subject to change. If there should not be a quorum on the scheduled date of this hearing, 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 proposed amendment 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 – Long Beach MS4", and fill in the required information. The subscription form is at:

[http://www.waterboards.ca.gov/resources/email\\_subscriptions/reg4\\_subscribe.shtml](http://www.waterboards.ca.gov/resources/email_subscriptions/reg4_subscribe.shtml)

## **II. SCOPE OF HEARING**

The matter before the Los Angeles Water Board is a proposed amendment to the Long Beach MS4 Permit to incorporate modifications to select permit provisions to ensure consistency with the Revised Trash TMDL, as well as limited administrative information as described above. As such, oral and written comments in this matter are limited to the proposed permit modifications only. All other aspects of the Long Beach MS4 Permit, as well as the validity of the Revised Trash TMDL, are not issues before the Los Angeles Water Board in this proceeding. Any comments or evidence concerning matters not at issue in this proceeding will not be considered, responded to, or included in the administrative record for this matter. Comments and/or evidence concerning whether and how the Los Angeles Water Board incorporates modifications consistent with the Revised Trash TMDL in the Long Beach MS4 Permit is appropriate and within the scope of this proceeding.

## **III. NATURE OF HEARING**

This proceeding will be an adjudicative proceeding pursuant to section 648 *et seq.* of Title 23 of the California Code of Regulations. Chapter 5 of the California Administrative Procedure Act (commencing with section 11500 of the Government Code) relating to formal adjudicative hearings does not apply to adjudicative hearings before the Los Angeles Water Board, except as otherwise specified in the above-referenced regulations.

## **IV. AVAILABILITY OF DOCUMENTS**

The proposed amendment to the Long Beach MS4 Permit and other information and documents relied upon are posted on the Los Angeles Water Board's website at:

[http://www.waterboards.ca.gov/losangeles/water\\_issues/programs/stormwater/municipal/permit\\_amendments/index.shtml](http://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/permit_amendments/index.shtml)

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:

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

Arrangements for file review and/or obtaining copies of documents may be made by calling the Los Angeles Water Board at (213) 576-6600. Appointments are encouraged so the documents can be readily available upon arrival. Comments and responses to comments and other subsequent relevant documents will be available online as they are generated.

All materials related to this proposed amendment to the Long Beach MS4 Permit, including supporting material, will be included in the Administrative Record of this proceeding, irrespective of whether individual documents are specifically referenced during the hearing or contained in the Los Angeles Water Board's agenda binder. However, the entire Administrative Record may not be present at the hearing. Should any parties or interested persons desire Los Angeles Water Board staff to bring to the hearing any particular documents in the Administrative Record they must submit a written or electronic request to the Los Angeles Water Board staff member(s) identified in Section X. below no later than **5:00 p.m. on August 19, 2016**. The request must identify the documents with enough specificity for Los Angeles Water Board staff to locate them.

## **V. PARTICIPANTS TO THIS HEARING**

Participants in this proceeding are identified as either "parties" or "interested persons." Designation as a party is not necessary to participate in this proceeding. Both parties and interested persons will have the opportunity to present written and/or oral comments about the proposed amendment to the Long Beach MS4 Permit. Both parties and interested persons may be asked to respond to clarifying questions from the Los Angeles Water Board, staff or others, at the discretion of the Los Angeles Water Board.

### **A. Interested Persons**

Interested persons include any person or organization that is interested in the outcome of the hearing, but who has not been designated as a party. Interested persons may present written and/or oral comments, as provided in Section VI below, but they may not present evidence. Comments include policy statements and/or arguments about the appropriateness, wisdom, or utility of the proposal before the Los Angeles Water Board. Interested persons are not subject to cross-examination and may not cross-examine witnesses.

### **B. Parties**

Parties are those persons or organizations anticipated to have the greatest interest in the outcome of the hearing. They are generally expected to take a leadership role in presenting any

evidence or argument about the nature of the matter under consideration. Parties to the hearing may submit written evidence, summarize their evidence orally at the hearing, or cross-examine other parties' witnesses (if any are called). "Evidence" includes witness testimony, documents, and tangible objects that tend to prove or disprove the existence of an alleged fact. "Relevant evidence" is evidence that relates to any fact in dispute in the proceeding. Parties are subject to cross-examination about any evidence they present.

The following entity is a party to this proceeding, as they are the sole permittee of the Long Beach MS4 Permit:

1. City of Long Beach

Any other persons or organizations who wish to participate in the hearing as a party shall request party status by submitting a written or electronic request to the Los Angeles Water Board (as provided in Section X. below) no later than **5:00 p.m. on August 19, 2016**. All requests for designation as a party shall include the name, organization, phone number, and email address of the person who is designated to receive notices about this proceeding. The request shall also include a statement explaining the reasons for their request (e.g., how the issues to be addressed in the hearing and the potential actions by the Los Angeles Water Board affect the person/organization), and a statement explaining why the parties designated above do not adequately represent the person's/organization's interest. Determinations will be based on whether their participation as a party will further the development of the issues before the Los Angeles Water Board. Those submitting requests for party status will be notified before the hearing whether the request is granted or denied. All parties will be notified if other parties are designated.

**C. Los Angeles Water Board Staff**

Los Angeles Water Board staff is not a party to this proceeding. This is a proceeding to consider modification of a permit, which does not involve investigative, prosecutorial, or advocacy functions. Staff's proposals, recommendations, and their participation in this proceeding exist for the purpose of advising and assisting the Los Angeles Water Board. Likewise, attorneys for the Los Angeles Water Board will advise and assist the Los Angeles Water Board, which includes the board members and its entire staff. Given the nature of this proceeding and the limited facts in dispute, assigning a separate staff to "advocate" on behalf of a particular position would not further the development of the issues before the Los Angeles Water Board.

**VI. PUBLIC COMMENTS AND SUBMITTAL OF EVIDENCE**

Persons wishing to comment on the proposed amendment to the Long Beach MS4 Permit, or submit evidence for the Los Angeles Water Board to consider, are invited to submit them in writing. To be evaluated and responded to 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 hearing, all written comments and evidence must be submitted to the Los Angeles Water Board, as provided below, and received at the Los Angeles Water Board's office by **5:00 p.m. on August 12, 2016**.

Pursuant to section 648.4, Title 23 of the California Code of Regulations, untimely submittal of written comments or evidence will not be allowed or accepted into the Administrative Record without a showing of good cause for the delay, and in no event if any party or the Board would

be unduly prejudiced by the late submittal or if staff or the Los Angeles Water Board would not have an adequate opportunity to review, consider, and respond to the comments or evidence.

Interested persons and parties are encouraged to submit comments by email. Send comments by email to: [losangeles@waterboards.ca.gov](mailto:losangeles@waterboards.ca.gov) with a copy to [Chris.Lopez@waterboards.ca.gov](mailto:Chris.Lopez@waterboards.ca.gov). Please indicate in the subject line, "Comment Letter – Long Beach MS4 Permit, Trash TMDL Reopener." Written comments submitted through email are requested to be transmitted either in Microsoft Word format or PDF format with recognizable text.

California Regional Water Quality Control Board  
Los Angeles Region  
ATTN: Chris Lopez  
320 W. 4th Street, Suite 200  
Los Angeles, CA 90013

## **VII. EX PARTE COMMUNICATIONS PROHIBITED**

Parties and interested persons are forbidden from engaging in *ex parte* communications regarding this matter with members of the Los Angeles Water Board. An *ex parte* communication is a communication not authorized in the California Government Code, 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. The California Government Code generally prohibits the board members from engaging in *ex parte* communications during permitting, enforcement, or other "quasi-adjudicatory" matters. As a permitting proceeding, Los Angeles Water Board members may not discuss the subject of this hearing with any person, except during the public hearing itself, except in the limited circumstances and manner described in this notice.

## **VIII. HEARING PROCEDURES**

Adjudicative proceedings before the Los Angeles Water Board generally will be conducted in the following order:

- Administration of oath to persons who intend to testify
- Los Angeles Water Board staff presentation
- Designated parties' presentation
- Interested persons' comments
- Questions from the Los Angeles Water Board to parties
- Questions from the Los Angeles Water Board to Staff
- Deliberations
- Los Angeles Water Board decision

While this is an adjudicative proceeding, the Los Angeles Water Board does not generally require the cross examination of witnesses, or other procedures not specified in this notice, that might typically be expected of parties in a courtroom. Each party will be advised after the receipt of public comments, but prior to the date of the hearing, of the amount of time the party will be allocated for its presentations. That decision will be based upon the complexity and the number of issues under consideration, the extent to which the parties have coordinated, the number of parties and interested persons anticipated, and the time available for the hearing. Generally, parties may use their allocated time in any way they see fit, which could, for example, include witness testimony and/or cross examination. The parties should contact the Los Angeles Water

Board staff, as provided in Section X. below, no later than **5:00 p.m. on August 19, 2016** to state how much time they believe is necessary for their presentations. It is the Los Angeles Water Board's intent that reasonable requests be accommodated.

Interested persons are invited to attend the hearing and present oral comments. Oral comments are generally limited to 3 minutes each for their comments, but can vary at the discretion of the Chair, depending on the number of persons wishing to be heard. Parties and 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 to summarize their written comments. Repetitive comments are discouraged. The Los Angeles Water Board will include in the Administrative Record written transcriptions of oral testimony or comments that are made at the hearing.

#### **IX. OBJECTIONS TO MANNER OF HEARING**

Parties or interested persons with procedural requests different from or outside of the scope of this notice should contact the Los Angeles Water Board staff member identified in Section X. below no later than **5:00 pm on August 19, 2016**. The Los Angeles Water Board will endeavor to accommodate reasonable requests.

Objections to: (a) any procedure to be used or not used during the hearing, (b) any document or evidence in the administrative record, or (c) any other matter set forth in this notice, must be submitted in writing and received by the Los Angeles Water Board staff member identified in Section X. below no later than **5:00 p.m. on August 19, 2016**. Any objections related to the amount of time allocated for parties' presentations must be submitted within two business days of notice thereof.

**Untimely objections will be deemed waived. Procedural objections about the matters contained in this notice will be addressed prior to, and will not be entertained at, the hearing. Further, except as otherwise stipulated, any procedure not specified in this hearing notice will be deemed waived pursuant to section 648(d) of Title 23 of the California Code of Regulations, unless a timely objection is filed.**

#### **X. LOS ANGELES WATER BOARD STAFF CONTACTS**

Any communications with the Los Angeles Water Board prior to the hearing should be directed to:

Mr. Chris Lopez  
320 W. 4th Street, Suite 200  
Los Angeles, CA 90013  
(213) 576-6674  
[Chris.Lopez@waterboards.ca.gov](mailto:Chris.Lopez@waterboards.ca.gov)

Date: July 13, 2016