

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

320 West 4th Street, Suite 200, Los Angeles, CA 90013
(213) 576-6600 • Fax (213) 576-6686
<http://www.waterboards.ca.gov/losangeles>

**ORDER NO. R4-2014-0024-A01
AMENDING**

**ORDER NO. R4-2014-0024
NPDES PERMIT NO. CAS004003**

**WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL SEPARATE
STORM SEWER SYSTEM (MS4) DISCHARGES FROM THE CITY OF LONG BEACH**

The California Regional Water Quality Control Board, Los Angeles Region (hereinafter Regional Water Board), finds:

1. On February 6, 2014, the Regional Water Board adopted Order No. R4-2014-0024, *Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges from the City of Long Beach* (hereinafter Long Beach MS4 Permit).
2. The Long Beach MS4 Permit includes Total Maximum Daily Load (TMDL) provisions designed to ensure that the City of Long Beach (Permittee) achieves waste load allocations (WLAs) and meets other requirements of TMDLs covering receiving waters impacted by the permittee's MS4 discharges.
3. Among the TMDL provisions in the Long Beach MS4 Permit are provisions pertaining to the Los Angeles River Watershed Trash TMDL, including applicable water quality-based effluent limitations for trash, compliance options that permittees may use to achieve compliance with the effluent limitations for trash, and monitoring and reporting requirements related to the effluent limitations for trash. For the Los Angeles River Watershed Trash TMDL, permittees must comply with the final water quality-based effluent limitation of zero trash discharged to the Los Angeles River by September 30, 2016 and every year thereafter.
4. On June 11, 2015, the Regional Water Board adopted Resolution No. R15-006, an amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan), to revise the Los Angeles River Watershed Trash TMDL and the Ballona Creek Watershed Trash TMDL. This resolution revised the trash TMDLs to ensure consistency between the two TMDLs where appropriate; provided additional alternatives for demonstrating full compliance with effluent limitations; provided greater specificity regarding the responsible entities assigned WLAs and load allocations; and expanded monitoring requirements. The Staff Report for Resolution No. R15-006 considered costs related to these expanded monitoring requirements. The revised trash TMDLs were approved by the State Water 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 TMDLs became effective upon approval by U.S. EPA.

5. Part VII.A.6 of the Long Beach MS4 Permit contains reopener and modification provisions that allow for the permit to be modified, revoked, reissued, or terminated under certain circumstances. Subpart a.iv. provides that a cause for taking such actions include:

To incorporate provisions as a result of future amendments to the Basin Plan, such as a new or revised water quality objective or the adoption or reconsideration of a TMDL, including the program of implementation. Within 18 months of the effective date of a revised TMDL or as soon as practicable thereafter, where the revisions warrant a change to the provisions of this Order, the Regional Water Board may modify this Order consistent with the assumptions and requirements of the revised WLA(s), including the program of implementation

6. The purpose of this amendment to the Long Beach MS4 Permit is to revise select permit provisions consistent with the revised Los Angeles River Watershed Trash TMDL. These revisions generally include: (a) alternative methods for the Permittee to demonstrate full compliance with final trash effluent limitations, (b) plastic pellet monitoring and spill response requirements for the Los Angeles River watershed, consistent with existing provisions for the Ballona Creek watershed; and (c) requirements for receiving water monitoring for trash in the Los Angeles River watershed. This amendment does not modify existing water quality-based effluent limitations for trash or any compliance deadlines for the Permittee.
7. Reopening and modifying the Long Beach MS4 Permit at this time to be consistent with the revised trash TMDLs is warranted as it would afford the Permittee additional options to comply with final water quality-based effluent imitations. Reopening the permit at this time will also result in commencement of important monitoring of plastic pellets and receiving water conditions. Waiting until permit reissuance would delay important monitoring and would not provide the Permittee with reasonable alternatives for demonstrating full compliance with final effluent limitations until at least March 2019, which would be over two and a half years after the date at which compliance with the final water quality-based effluent limitations for trash in the Los Angeles River watershed must be demonstrated.
8. This action to amend an NPDES permit is exempt from the provisions of Chapter 3 of the California Environmental Quality Act (CEQA) (Public Resources Code § 21100 et seq.) pursuant to California Water Code section 13389.
9. This amendment also includes minor revisions to Part I of the Long Beach MS4 Permit. These revisions include the addition of administrative information related to the amendment in Table 4, and revisions to Part VIII.O.2.b.i(4) to remove language that is not applicable to the Permittee's effluent limitations for trash pursuant to the LA River Trash TMDL.

10. The Regional Water Board has notified the Permittee and interested agencies and persons of its intent to adopt this Order to amend the Long Beach MS4 Permit, and has provided them with an opportunity to provide written and oral comments.
11. The Regional Water Board, in a public hearing, heard and considered all oral and written comments pertaining to this matter. The Regional Water Board has prepared written responses to all timely comments, which are incorporated by reference as part of this Order.
12. Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with California Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must *receive* the petition by 5:00 p.m., 30 days after the date of this Order. If the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

IT IS HEREBY ORDERED that Order No. R4-2014-0024, adopted by the Regional Water Board, on February 6, 2014, is amended by making the modifications identified in Attachment A of this Order. This Order shall become effective upon adoption.

I, Samuel Unger, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on September 8, 2016.

Samuel Unger, Executive Officer