

Los Angeles Regional Water Quality Control Board

**NOTICE OF OPPORTUNITY TO RESPOND TO PETITION  
AND NOTICE OF PUBLIC MEETING**

**CONSIDERATION OF PETITION FOR REVIEW OF THE LOS ANGELES REGIONAL WATER  
QUALITY CONTROL BOARD EXECUTIVE OFFICER'S ACTION TO APPROVE THE  
NORTH SANTA MONICA BAY ENHANCED WATERSHED MANAGEMENT PROGRAM  
PURSUANT TO THE LOS ANGELES COUNTY MUNICIPAL SEPARATE STORM SEWER  
SYSTEM (MS4) PERMIT  
(ORDER NO. R4-2012-0175; NPDES PERMIT NO. CAS004001)**

**NOTICE IS HEREBY GIVEN THAT** the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board or Board) will hold a public meeting to consider a petition for review of the Los Angeles Water Board Executive Officer's approval of the North Santa Monica Bay Enhanced Watershed Management Program (North Santa Monica Bay EWMP or NSMB EWMP) pursuant to the Los Angeles County MS4 Permit (Order No. R4-2012-0175). By this notice, the Los Angeles Water Board is also providing an opportunity for Permittees and interested persons to submit written responses to the petition prior to the meeting.

**I. BACKGROUND**

On November 8, 2012, the Los Angeles Water Board adopted Order No. R4-2012-0175, *Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County, except those Discharges Originating from the City of Long Beach MS4* (hereafter, Los Angeles County MS4 Permit or Permit). Part VI.C of the Permit allows Permittees the option to develop, either individually or as part of a group, either a Watershed Management Program (WMP) or an Enhanced Watershed Management Program (EWMP) to implement permit requirements on a watershed scale through customized strategies, control measures, and best management practices (BMPs). Development of a WMP or EWMP is voluntary and allows a Permittee to address the highest watershed priorities, including complying with the requirements of Part V.A (Receiving Water Limitations) and Part VI.E and Attachments L through R (Total Maximum Daily Load Provisions), by customizing the control measures in Parts III.A (Prohibitions – Non-Storm Water Discharges) and VI.D (Minimum Control Measures), except the Planning and Land Development Program.

Pursuant to Part VI.C.4.c.iv of the Los Angeles County MS4 Permit, the City of Malibu (Malibu), the County of Los Angeles (County), and the Los Angeles County Flood Control District (LACFCD) (collectively, Permittees) submitted a draft EWMP for the North Santa Monica Bay Coastal Watersheds to the Los Angeles Water Board on June 29, 2015 for review. The Board then provided a 61-day public review and written comment period on the draft EWMP. On July 9, 2015 and November 5, 2015, the Board held workshops at its regularly scheduled Board meetings and provided an opportunity for oral comments on the draft North Santa Monica Bay EWMP, along with the other draft EWMPs submitted to the Board. Thereafter, in consideration of written and oral comments made by interested persons, the Board sent a comment letter to

the Permittees providing comments on the draft North Santa Monica Bay EWMP, identified the revisions that needed to be addressed prior to the Board's approval of the EWMP, and directed the Permittees to submit a revised draft EWMP addressing the Board's comments by January 19, 2016 for Board review. Both before and after submittal of the revised draft EWMP, Board staff participated in meetings, phone calls, and email exchanges with Permittees and interested persons. The Board held a third public workshop on March 3, 2016 for Permittees and interested persons to discuss the revised draft North Santa Monica Bay EWMP, along with the other revised draft EWMPs, with the Board's Executive Officer, Board members, and staff. Part VI.C.4.c of the Permit required that the Board or the Board's Executive Officer on behalf of the Board approve or deny the revised draft EWMP within 3 months of its submittal. On April 19, 2016, the Los Angeles Water Board's Executive Officer, on behalf of the Board, approved the North Santa Monica Bay EWMP pursuant to the Los Angeles County MS4 Permit.

Part VI.A.6 of the Los Angeles County MS4 Permit provides that any Permittee or interested person may request review by the Los Angeles Water Board of any formal determination or approval made by the Executive Officer pursuant to the Permit. A Permittee or interested person may request such review by the Los Angeles Water Board upon petition within 30 days of the notification of such decision to the Permittee(s) and interested parties on file at the Board. It is at the Los Angeles Water Board's discretion whether to review a petition and, if so, how to resolve it.

On May 19, 2016, pursuant to Part VI.A.6 of the Los Angeles County MS4 Permit, Los Angeles Waterkeeper and Natural Resources Defense Council (NRDC) (collectively, Petitioners) submitted to the Los Angeles Water Board a "Petition for Review of Los Angeles Regional Water Quality Control Board Executive Officer's Action to Approve the North Santa Monica Bay EWMP Pursuant to the L.A. County MS4 Permit."<sup>1</sup> The Petitioners allege that the Executive Officer improperly approved the NSMB EWMP despite its failure to: 1) comply with the relevant terms of the Los Angeles County MS4 Permit; 2) comply with the conditions of State Water Resources Control Board (State Water Board) Resolution No. 2012-0012 pertaining to exceptions to the California Ocean Plan for discharges into the Laguna Point to Latigo Point Area of Special Biological Significance ("ASBS Exception")<sup>2</sup>; and 3) consider relevant available ASBS stormwater and non-stormwater data and to comply with the ASBS Exception's prohibition against non-stormwater discharges. The Petitioners request that the Los Angeles Water Board invalidate the Executive Officer's approval of the NSMB EWMP and direct its staff to revise the EWMP to comply with the Los Angeles County MS4 Permit and State Water Board Resolution No. 2012-0012.<sup>3</sup>

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<sup>1</sup> The petition filed by Los Angeles Waterkeeper and NRDC indicates that it also serves as a petition to the State Water Resources Control Board (State Water Board) pursuant to Water Code section 13320.

<sup>2</sup> The California Ocean Plan prohibits the discharge of waste to designated Areas of Special Biological Significance (ASBS). ASBSs are designated by the State Water Board as ocean areas requiring protection of species or biological communities to the extent that alteration of natural water quality is undesirable. One ASBS is the Laguna Point to Latigo Point ASBS (ASBS Index No. 24), which is the largest of the mainland ASBS in Southern California.

The Ocean Plan authorizes the State Water Board to grant an exception to Ocean Plan provisions where the State Water Board determines that the exception will not compromise protection of ocean waters for beneficial uses and the public interest will be served. In Resolution No. 2012-0012, the State Water Board approved, subject to specific conditions, certain exceptions to the California Ocean Plan's prohibition against waste discharges to ASBS, including discharges of stormwater by Malibu, the County, and LACFCD for the Laguna Point to Latigo Point ASBS.

<sup>3</sup> Absent such action by the Los Angeles Water Board, the Petitioners seek "an order by the State Board to invalidate the Regional Board Executive Officer's April 19, 2016 final approval of the NSMB EWMP, any approval by the Regional Board thereof, and an order remanding the matter to the Regional Board with instructions for staff to require compliance with Permit requirements."

The Los Angeles Water Board will hold a public meeting to consider the petition for review of the Executive Officer's action. Such consideration includes whether the Los Angeles Water Board will review the petition or not. The Los Angeles Water Board may either: 1) decide to review the petition on its merits or 2) decide not to review the petition. If the Los Angeles Water Board decides to review the petition on its merits, it will do so at a subsequent publicly-noticed meeting. If the Los Angeles Water Board decides not to review the petition, there will be no further Board proceedings on the petition.

## **II. DATE AND LOCATION OF MEETING**

The Los Angeles Water Board is scheduled to consider the petition at its regularly scheduled meeting on:

Date: September 8, 2016  
Time: 9:00 a.m.  
Place: Metropolitan Water District of Southern California (Board Room)  
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 meeting date and location as they are subject to change. If there is not a quorum on the scheduled date of the public meeting, 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 matter 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 – Los Angeles County MS4," and fill in the required information. The subscription form is available at:

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

## **III. AVAILABILITY OF DOCUMENTS**

The petition, as well as documents associated with the development and approval of the North Santa Monica Bay EWMP, is posted on the Los Angeles Water Board's website at:

[http://www.waterboards.ca.gov/losangeles/water\\_issues/programs/stormwater/municipal/watershed\\_management/index.shtml](http://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/watershed_management/index.shtml)

[http://www.waterboards.ca.gov/losangeles/water\\_issues/programs/stormwater/municipal/watershed\\_management/santa\\_monica/north\\_santamonica/index.shtml](http://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/watershed_management/santa_monica/north_santamonica/index.shtml).

Documents associated with the development and approval of the NSMB EWMP include the following: July 9, 2015 Draft Enhanced Watershed Management Program Presentation, draft Enhanced Watershed Management Program, Review of draft Enhanced Watershed Management Program, Revised Enhanced Watershed Management Program, Permittee Response to Comments, March 3, 2016 Public Workshop Revised EWMP Presentation, 2<sup>nd</sup> Revised Enhanced Watershed Management Program with Permittee Response to Comments, 3<sup>rd</sup> Revised Enhanced Watershed Management Program, and Approval of the Enhanced Watershed Management Program.

Public comments on the draft EWMP and responses to public comments are posted at: [http://www.waterboards.ca.gov/losangeles/water\\_issues/programs/stormwater/municipal/watershed\\_management/comments/9-3-2015/index.shtml](http://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/watershed_management/comments/9-3-2015/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 these documents may be made by calling the Los Angeles Water Board at (213) 576-6789. Appointments are encouraged so the documents can be readily available upon arrival. Responses to the petition and other subsequent relevant documents will be available online as they are generated.

#### **IV. OPPORTUNITY TO SUBMIT WRITTEN RESPONSE TO PETITION FOR REVIEW BY LOS ANGELES WATER BOARD**

Permittees and other interested persons may submit written responses to the petition for review by the Los Angeles Water Board. Responses may address the merits of the petition, as well as whether the Los Angeles Water Board should review the petition. Petitioners may not submit a response to their own petition.

To be evaluated 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 meeting, all written responses must be submitted to the Los Angeles Water Board, as provided in Section VII below, and received at the Los Angeles Water Board office by **5:00 pm on August 18, 2016**. Written comments should be submitted electronically, preferably as a PDF file with optical character recognition.

Permittees and interested persons should not include with their responses copies of documents that are already posted on the Los Angeles Water Board's website. The Los Angeles Water Board, however, does encourage reference and citation to such documents, including applicable sections.

#### **V. EX PARTE COMMUNICATIONS PROHIBITED**

This matter is subject to the prohibition on *ex parte* communications. An *ex parte* communication is a communication 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. Therefore, Petitioners, Permittees, and other interested persons may not communicate with Los Angeles Water Board members regarding the petition, or subject matter thereof, except through submission of timely written responses and during the meeting described in this notice.

#### **VI. MEETING PROCESS AND PROCEDURES**

The Los Angeles Water Board's consideration of the petition at its scheduled meeting will generally be conducted in the following order:

Administration of oath to persons who intend to testify  
Los Angeles Water Board staff presentation  
Petitioners' comments  
Permittees' and other interested persons' comments  
Petitioners' rebuttal  
Questions from the Los Angeles Water Board  
Deliberations  
Los Angeles Water Board decision

Petitioners, Permittees, and other interested persons are invited to attend the meeting and present oral comments. Oral commenters are generally limited to 3 minutes each, but time limits can vary at the discretion of the Chair, depending on the number of persons wishing to be heard. Those entities or persons seeking more than 3 minutes to present oral comments at the meeting must contact the Los Angeles Water Board staff, as provided in Section VII below, no later than **5:00 pm on August 18, 2016** to request additional time. It is the Los Angeles Water Board's intent that reasonable requests be accommodated. Permittees and interested persons with similar comments are encouraged to choose one representative to speak and coordinate their comments to avoid redundancy. Each entity or person will be advised after the receipt of written responses, but prior to the date of the Board meeting, of the amount of time the entity or person will be allocated for its comments.

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

Please email written responses to the petition for review, as well as additional requests for time to make oral comments, to [losangeles@waterboards.ca.gov](mailto:losangeles@waterboards.ca.gov) (with a copy to [Deborah.Brandes@waterboards.ca.gov](mailto:Deborah.Brandes@waterboards.ca.gov)) with the subject line "**LA County MS4 Permit – Response to Petition for Review of NSMB EWMP Approval.**"

Any other communications with the Los Angeles Water Board concerning this matter should be directed to:

Ms. Renee Purdy, Chief, Regional Programs Section  
Los Angeles Regional Water Quality Control Board  
320 West 4<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90013  
Phone: (213) 576-6622  
Email: [Renee.Purdy@waterboards.ca.gov](mailto:Renee.Purdy@waterboards.ca.gov)

Date: July 19, 2016