



Los Angeles Regional Water Quality Control Board

June 4, 2021

NOTICE OF PUBLIC HEARING FOR PROPOSED ISSUANCE OF REGIONAL PHASE I MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT FOR THE LOS ANGELES REGION (NPDES PERMIT NO. CAS004004)

NOTICE IS HEREBY GIVEN that the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board or Board) will hold a public hearing to receive public comments, and consider issuance of, the proposed Regional Phase I MS4 NPDES Permit for the Los Angeles Region (Revised Tentative Regional MS4 Permit). This notice also sets forth the procedures and processes the Los Angeles Water Board will use at this hearing and contains important deadlines.

The public hearing is scheduled as follows:

DATE: July 8, 9, 16, and 23, 2021
TIME: 9:00 a.m. each day
PLACE: No Physical Meeting Location - Video and Teleconference Meeting Only
Authorized by and in furtherance of Executive Orders N-29-20 and N-33-20
Live video and audio webcast: <https://cal-span.org> (for those that are solely interested in watching and not participating in the hearing)

If there is not a quorum on the scheduled date of this hearing, this matter will be automatically continued to the next scheduled hearing date. A continuance of this item will not automatically extend any deadlines set forth herein.

For those who wish to provide oral comments to the Los Angeles Water Board at the public hearing, please see Section VI.B. below for important information and instructions for participating remotely via the online platform. Advanced Zoom registration is required to participate telephonically or by computer.

As of the date of this public notice, the Los Angeles Water Board intends to hold this hearing in a virtual/teleconference environment only. In the event orders from the Governor of California change prior to the scheduled date of the hearing, the format of this meeting may change to also allow for in-person attendance at a physical meeting location (300 South Spring Street, Los Angeles, CA 90013). If this were to occur, an amended public notice will be promptly issued reflecting the change to the format of the meeting. Persons desiring to receive notice about changes to the date, time, location, or format of the public hearing should sign up for the Lyris e-mail list, as described in Section X. below.

LAWRENCE YEE, CHAIR | RENEE PURDY, EXECUTIVE OFFICER

I. BACKGROUND

The federal Clean Water Act requires discharges of pollutants from MS4s (also called storm drain systems) to waters of the United States to be regulated by an NPDES permit.

The Los Angeles County Flood Control District, Ventura County Watershed Protection District, Counties of Los Angeles and Ventura, and 95 incorporated cities therein¹ (Permittees) discharge pollutants from their MS4s to waters of the United States. Stormwater and non-stormwater enter and are conveyed through the MS4 and discharge to surface water bodies within the Los Angeles Region. These discharges are currently regulated by the following NPDES permits - Order Nos. R4-2010-0108 (for the Ventura County Watershed Protection District, Ventura County, and incorporated cities therein), R4-2012-0175 (for the Los Angeles County Flood Control District, Los Angeles County, and incorporated cities therein except the City of Long Beach), and R4-2014-0024 (for the City of Long Beach). Each of these existing permits has expired but has been administratively extended until the effective date of a new permit regulating the MS4 discharges. The Los Angeles Water Board proposes to issue a single Regional MS4 Permit for 99 Permittees within the Los Angeles Region, which would supersede (except for enforcement purposes) the three existing MS4 permits. The proposed Regional MS4 Permit would continue to include requirements to effectively prohibit non-stormwater discharges through the MS4s, receiving water limitations, provisions implementing waste load allocations assigned to MS4 discharges in existing total maximum daily loads (TMDLs) established for impaired waterbodies in the Los Angeles Region, stormwater management programs, including “minimum control measures,” and monitoring and reporting requirements. The proposed Regional MS4 Permit would also extend the existing watershed management program framework currently in Order Nos. R4-2012-0175 and R4-2014-0024 to permittees in Ventura County.

The Los Angeles Water Board notified all Permittees in the Los Angeles Region that it intended to issue a region-wide Phase I MS4 permit in the Fall of 2017. In December 2019, Board staff released a staff working proposal of the draft permit to Permittees and key stakeholders for discussion purposes and allowed informal written comments.

The Board has held eight public workshops to consider and respond to Permittee and stakeholder comments and concerns and has also provided specific opportunities at eighteen other Board meetings and a number of Listening Sessions for Permittees and stakeholders to provide comments and feedback on permit development. Board staff has also held numerous focused meetings with Permittees and interested persons. In August 2020, Board staff released a Tentative Regional MS4 Permit for public review and comment. Permittees and interested persons were provided 105 days (from August 24, 2020 to December 7, 2020) to submit written comments. Board staff has considered all informal and formal comments in the development of the proposed permit.

¹ Excluding Lancaster, Palmdale, and Avalon.

II. DOCUMENT AVAILABILITY

The Revised Tentative Regional MS4 Permit and responses to timely written comments received are available on the Los Angeles Water Board's website:

https://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/index.html

Written comments received on the Tentative Regional MS4 Permit are available on the Los Angeles Water Board's FTP site using the following address and log-in credentials:

<https://ftp.waterboards.ca.gov/>

Username: rb4_ms4

Password: a9u1sN

III. NATURE OF HEARING

This proceeding will be a formal adjudicatory 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. SCOPE OF HEARING

As this matter concerns issuance of a Regional MS4 Permit, parties and interested persons may comment on any portion of the Revised Tentative Regional MS4 Permit (i.e., Order and Attachments A through S).

As previously noted, the proposed Regional MS4 Permit continues to incorporate provisions implementing numerous TMDLs. These TMDLs are either duly adopted regulations of the Los Angeles Water Board or TMDLs established by the United States Environmental Protection Agency. The validity of these TMDLs are not an issue before the Los Angeles Water Board in this proceeding. As such, any comments or evidence attempting to challenge the validity of these TMDLs are outside the scope of this hearing and will not be considered. Comments and/or evidence concerning whether and how the Los Angeles Water Board incorporates the TMDL provisions into the proposed permit are appropriate and within the scope of this proceeding.

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 Interested Persons and Parties will have the opportunity to present oral comments about the issuance of the Regional MS4 Permit. Both Interested Persons and Parties may be asked to respond to clarifying questions from the Los Angeles Water Board members, counsel, or staff, or others, at the discretion of the 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 oral comments at the hearing, but they may not present evidence. Oral 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 present evidence, or cross-examine other parties' witnesses (if any are called). Parties are subject to cross-examination about any evidence they present.

The following entities are parties to this proceeding:

1. Ventura County Watershed Protection District
2. County of Ventura
3. Cities of Camarillo, Fillmore, Moorpark, Ojai, Oxnard, Port Hueneme, Santa Paula, Simi Valley, Thousand Oaks, and Ventura.
4. Los Angeles County Flood Control District
5. County of Los Angeles
6. Cities of Agoura Hills, Alhambra, Arcadia, Artesia, Azusa, Baldwin Park, Bell, Bell Gardens, Bellflower, Beverly Hills, Bradbury, Burbank, Calabasas, Carson, Cerritos, Claremont, Commerce, Compton, Covina, Cudahy, Culver City, Diamond Bar, Downey, Duarte, El Monte, El Segundo, Gardena, Glendale, Glendora, Hawaiian Gardens, Hawthorne, Hermosa Beach, Hidden Hills, Huntington Park, Industry, Inglewood, Irwindale, La Cañada Flintridge, La Habra Heights, La Mirada, La Puente, La Verne, Lakewood, Lawndale, Lomita, Long Beach, Los Angeles, Lynwood, Malibu, Manhattan Beach, Maywood, Monrovia, Montebello, Monterey Park, Norwalk, Palos Verdes Estates, Paramount, Pasadena, Pico Rivera, Pomona, Rancho Palos Verdes, Redondo Beach, Rolling Hills, Rolling Hills Estates, Rosemead, San Dimas, San Fernando, San Gabriel, San Marino, Santa Clarita, Santa Fe Springs, Santa Monica, Sierra Madre, Signal Hill, South El Monte, South Gate, South Pasadena, Temple City, Torrance, Vernon, Walnut, West Covina, West Hollywood, Westlake Village, and Whittier.

Any other persons or organizations who wish to participate in the hearing as a party shall request party status by submitting a written request to the Los Angeles Water Board via

email to MS4StormwaterRB4@waterboards.ca.gov with a copy to Ivar.Ridgeway@waterboards.ca.gov no later than **5:00 pm on June 21, 2021**. All requests for designation as a party shall include the name, 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 or organization), and a statement explaining why the parties designated above do not adequately represent their 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 adoption 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 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

A. Written Comments

The written public comment period closed at 5:00 p.m. on December 7, 2020. The Los Angeles Water Board is not accepting any additional written comments or evidence after the written comment deadline.

B. Oral Comments

Parties and interested persons are invited to present oral comments at the public hearing for the Los Angeles Water Board to consider. All persons who want to speak at the public hearing must register to participate in the public hearing no later than **5:00 p.m. on July 1, 2021** via the following Zoom registration link:

https://us02web.zoom.us/webinar/register/WN_XS33odi_QOOXSCLpSkN6Kw

To ensure a productive and efficient hearing in which all participants have an opportunity to participate, time limits will be imposed. Oral comments may be limited to **3 minutes** for each Party or interested person, depending on the number of persons wishing to speak. Parties and interested persons seeking more than 3 minutes to present oral comments must submit a request in writing and received by email to

MS4StormwaterRB4@waterboards.ca.gov with a copy to
Ivar.Ridgeway@waterboards.ca.gov no later than **5:00 pm on June 25, 2021**.

Parties and interested persons will be notified in writing prior to the date of the hearing of the amount of time they have been allocated for their oral comments. 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, the opportunity to submit written comments that are part of the administrative record, the extent to which the parties and interested persons have identified unique interests, and the time available for the hearing. It is the Los Angeles Water Board's intent that reasonable requests be accommodated. 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. Repetitive comments are discouraged. At the conclusion of oral comments, the Los Angeles Water Board will close public comments.

Participants intending to use a PowerPoint presentation during the public hearing must email the file, in .ppt format, to Gerardo.Rabelo@waterboards.ca.gov with a copy to Ivar.Ridgeway@waterboards.ca.gov, and be received no later than **12:00 p.m. (Noon) on July 6, 2021**. Please indicate in the subject line "PowerPoint Presentation – Regional MS4 Permit Public Hearing."

VII. ORDER OF PROCEEDINGS

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

1. Opening statement by the Chair summarizing the subject matter and purpose of the hearing
2. Administration of oath to persons who intend to testify
3. Los Angeles Water Board staff presentation
4. Designated parties' presentations
5. Interested persons' comments
6. Questions from the Los Angeles Water Board members, counsel, or staff to designated parties or interested persons
7. Questions from the Los Angeles Water Board members to staff or counsel
8. Deliberations
9. Los Angeles Water Board decision

While this is a formal adjudicatory 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. Parties may use their allocated time in any way they see fit, which could, for example, include witness testimony and/or cross examination of other parties.

Questions from the Los Angeles Water Board members, counsel, or staff and the time to answer them will not be charged against the party or interested person's allocated time.

The Chair of the Los Angeles Water Board will issue an Order of Proceedings on or before July 2, 2021, specifying the time allocated to each party and interested person, as well as the order of speakers.

VIII. OBJECTIONS TO MANNER OF HEARING

Objections to: (a) any procedure to be used or not used during the hearing, (b) any document or evidence referenced in the Revised Tentative Regional MS4 Permit, a written comment, or response to comment, or (c) any other matter set forth in this notice, must be submitted in writing and received by email to MS4StormwaterRB4@waterboards.ca.gov with a copy to lvar.Ridgeway@waterboards.ca.gov no later than **5:00 pm on June 21, 2021**.

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.

IX. 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 or other publicly noticed workshops or meetings.

X. FUTURE NOTICES

Any person desiring to receive future notices regarding the proposed Regional MS4 Permit issuance, including any changes to the date, time, format, or location of the public hearing, must sign up for the Lyris e-mail list for this matter. To sign up for the Lyris e-mail list, access the E-mail List Subscription form, check the box for "Region 4 SW Regional Phase I MS4 Permit", fill in the required information, and press the "Subscribe" button. The E-mail List Subscription Form is located at: https://www.waterboards.ca.gov/losangeles/resources/email_subscriptions/

XI. LOS ANGELES WATER BOARD STAFF CONTACT

Please direct questions to Mr. Ivar Ridgeway, Municipal Stormwater Permitting - Unit Chief, at Ivar.Ridgeway@waterboards.ca.gov or (213) 620-2150.