
State Water Resources Control Board

July 8, 2013

VIA EMAIL ONLY

TO ALL PETITIONERS AND THEIR COUNSEL OF RECORD AND TO ALL INTERESTED PERSONS:

PETITIONS OF CITY OF SAN MARINO; CITY OF RANCHO PALOS VERDES; CITY OF SOUTH EL MONTE; CITY OF NORWALK; CITY OF ARTESIA; CITY OF TORRANCE; CITY OF BEVERLY HILLS; CITY OF HIDDEN HILLS; CITY OF CLAREMONT; CITY OF ARCADIA; CITIES OF DUARTE AND HUNTINGTON PARK; CITY OF GLENDORA; NATURAL RESOURCES DEFENSE COUNCIL, INC., HEAL THE BAY, AND LOS ANGELES WATERKEEPER; CITY OF GARDENA; CITY OF BRADBURY; CITY OF WESTLAKE VILLAGE; CITY OF LA MIRADA; CITY OF MANHATTAN BEACH; CITY OF COVINA; CITY OF VERNON; CITY OF EL MONTE; CITY OF MONROVIA; CITY OF AGOURA HILLS; CITY OF PICO RIVERA; CITY OF CARSON; CITY OF LAWNSDALE; CITY OF COMMERCE; CITY OF POMONA; CITY OF SIERRA MADRE; CITY OF DOWNEY; CITY OF INGLEWOOD; CITY OF LYNWOOD; CITY OF IRWINDALE; CITY OF CULVER CITY; CITY OF SIGNAL HILL; CITY OF REDONDO BEACH; AND CITY OF WEST COVINA (WASTE DISCHARGE REQUIREMENTS ORDER NO. R4-2012-0175 [NPDES NO. CAS004001] 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), LOS ANGELES WATER BOARD: COMPLETE PETITION (30-DAY RESPONSE)

SWRCB/OCC FILES A-2236(a) THROUGH (kk)

The above-referenced petitions are complete and the State Water Resources Control Board (State Water Board) will begin its review. The petitions will be consolidated for review since they are legally and factually related.¹

Response and Administrative Record:

The Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) and other interested persons may file a written response to the petitions. Responses are due within 30 days of the date of this letter, addressed to my attention. In addition, all responses must be sent to the Petitioners at the addresses listed on Exhibits A and B. Please also copy all persons listed on the cc list below which includes staff and counsel at the Los Angeles Water Board. Electronic submissions and copies are strongly encouraged.

¹ See Cal. Code Regs., tit. 23, § 2054. In future correspondence, the State Water Board will reference the petitions using the caption "In re Petitions Challenging 2012 Los Angeles Municipal Separate Storm Sewer System Permit (Order No. R4-2012-0175)" in lieu of a caption listing all petitioners.

Copies of the petition are available at the State Water Board web site at http://www.waterboards.ca.gov/public_notices/petitions/water_quality/a2236_la_ms4_order.shtml.

The Los Angeles Water Board is requested to file the administrative record (copied on both sides, if submitted in hard copy) within this 30-day period. The Los Angeles Water Board is encouraged to file the administrative record electronically if feasible.

The administrative record to be filed by the Los Angeles Water Board constitutes the evidentiary record for the State Water Board's review of the petitions. Any person requesting that the State Water Board consider evidence that was not part of the administrative record before the Los Angeles Water Board must do so in accordance with California Code of Regulations, title 23, section 2050.6.

State Water Board Workshop on Receiving Water Limitations

On November 20, 2012, the State Water Board held a workshop to take public comment on an issue paper discussing several alternatives to addressing receiving water limitations in National Pollutant Discharge Elimination System (NPDES) permits for Municipal Separate Storm Sewer Systems (MS4s). Information from that workshop is available at http://www.waterboards.ca.gov/water_issues/programs/stormwater/rwl.shtml.² The State Water Board expects now to schedule a workshop in early fall of 2013 to take input on the particular approach to receiving water limitations established in Order No. R4-2012-0175 (Los Angeles MS4 Permit).

The Los Angeles MS4 Permit appears to provide a compliance alternative to the State Water Board's precedential receiving water limitations for MS4s. Under the Los Angeles MS4 Permit, dischargers that are in compliance with the requirements and milestones of an approved watershed management program/enhanced watershed management program are also generally deemed to be in compliance with the Permit's receiving water limitations. All interested persons are invited to submit comments within 30 days of the date of this letter, addressing the following questions:

1. Is the watershed management program/enhanced watershed management program alternative contained in the Los Angeles MS4 Permit an appropriate approach to revising the receiving water limitations in MS4 permits?
2. If not, what revisions to the watershed management program/enhanced watershed management program alternative of the Los Angeles MS4 Permit would make the approach a viable alternative for receiving water limitations in MS4 permits?

Prohibition on Ex Parte Communications

The LA MS4 Permit is subject to the prohibition on ex parte communications.³ Interested persons, therefore, may not communicate with State Water Board members regarding the

² The reference to the State Water Board's workshop is provided for convenience. To the extent the materials from the workshop were submitted to the Los Angeles Water Board, they may also be in the administrative record for this proceeding.

³ Gov. Code, § 11430.10 et seq.

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above questions except through submission of timely written comments and through oral comments at the future workshop and subsequent meetings.

A public notice of the workshop date, time, and location will be issued in the near future.

Future Correspondence

**IN ALL FUTURE CORRESPONDENCE, PLEASE REFER TO:
SWRCB/OCC FILE A-2236(a) THROUGH (kk)
AND SUBMIT COPIES TO:
PETITIONERS & THE LOS ANGELES WATER BOARD**

Future correspondence from the State Water Board regarding this matter will be sent *via e-mail only* to the addressees of this letter and to those persons whose names and addresses appear on this letter as receiving copies. Interested persons will not receive future correspondence from the State Water Board unless they either (1) subscribe to the electronic mailing list named "A-2236(a thru kk)" on the internet at http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml to receive future correspondence via e-mail or (2) request to receive future correspondence in hard copy by writing to Gabrielle Kolitsos at the Office of Chief Counsel at the address in the letterhead above. You should act as soon as possible to ensure you receive all items of future correspondence.

If you have any questions regarding this letter, please contact me at (916) 322-3622 or at ewadhvani@waterboards.ca.gov.

Sincerely,



Emel G. Wadhvani
Senior Staff Counsel

cc: See next page

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cc: **[via email only]**
Exhibit A – Petitioners and Their
Counsel of Record

[via email only]
Exhibit B – MS4 Dischargers List

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cc: (Continued)

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Lyris List