



Linda S. Adams
Acting Secretary for
Environmental Protection

California Regional Water Quality Control Board Los Angeles Region

320 West Fourth Street, Suite 200, Los Angeles, California 90013
(213) 576-6600 • FAX (213) 576-6640
<http://www.waterboards.ca.gov/losangeles>



Edmund G. Brown Jr.
Governor

February 10, 2011

Public Notice No. 11-006

PUBLIC NOTICE

ACTION TO VOID AND SET ASIDE ORDER NO. R4-2006-0074 AMENDING LOS ANGELES COUNTY MS4 PERMIT, ORDER NO. 01-182 (NPDES PERMIT NO. CAS004001)

The Los Angeles County Flood Control District, the County of Los Angeles, and 84 incorporated cities contained therein (with the exception of the City of Long Beach) discharge waste from their municipal separate storm sewer system (MS4). These discharges are currently regulated under waste discharge requirements contained in Order No. 01-182 adopted by this Regional Board on December 13, 2001. Order No. 01-182 was subsequently amended by this Regional Board on September 14, 2006 by Order No. R4-2006-0074 to incorporate requirements to implement the Santa Monica Bay Beaches Summer Dry Weather Bacteria TMDL (SMB Bacteria TMDL), on August 9, 2007 by Order No. R4-2007-0042 to incorporate requirements to implement the Marina del Rey Harbor Mothers' Beach and Back Basins Bacteria TMDL, and December 10, 2009 by Order No. R4-2009-0130 to incorporate requirements to implement the Los Angeles River Watershed Trash TMDL.

As a result of a legal challenge to Order No. R4-2006-0074 by the County of Los Angeles and the Los Angeles County Flood Control District (collectively, "County"), the Los Angeles Superior Court issued a peremptory writ of mandate on July 23, 2010 requiring the Regional Board to void and set aside Order No. R4-2006-0074 amending Order No. 01-182 (Los Angeles Superior Court Case No. BS122724). On October 19, 2010, the Executive Officer, pursuant to his delegated authority, voided and set aside the operative requirements of Order No. R4-2006-0074 as they pertain to the SMB Bacteria TMDL. On October 20, 2010, the Regional Board filed a return to the writ showing what the Board did to comply with the writ. On November 18, 2010, Heal the Bay, Natural Resources Defense Council, and Santa Monica Baykeeper filed an administrative petition with the State Water Resources Control Board challenging the Executive Officer's action in removing the SMB Bacteria TMDL provisions from the permit. On December 1, 2010, the County filed with the Los Angeles Superior Court a motion to strike the Regional Board's return to the writ, arguing that additional provisions of the permit should have been voided and set aside. After a hearing held on January 6, 2011, the Court granted the County's motion to strike, finding that the Regional Board did not adequately void and set aside Order No. R4-2006-0074. The Regional Board was thereafter ordered to comply with the writ and file another return by May 31, 2011.

Accordingly, notice is hereby given that the Regional Board is scheduled to void and set aside Order No. R4-2006-0074 during its regularly scheduled board meeting on:

Date: April 7, 2011
Time: 9:00 a.m.
Place: Metropolitan Water District of Southern California
700 North Alameda Street, Los Angeles, CA 90012

California Environmental Protection Agency

Please check the Regional Board's website (<http://www.waterboards.ca.gov/losangeles/>) for the most up-to-date meeting location as it is subject to change. If there should not be a quorum on the scheduled date of this matter, this matter will be automatically continued to the next scheduled meeting. A continuance of this item will not automatically extend the comment deadline below.

The Tentative Order indicating the proposed stricken language is posted on the Regional Board's website at:

www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/index.shtml.

Persons wishing to comment on the Tentative Order are invited to submit them in writing. To be evaluated and responded to by Regional Board staff, included in the Regional Board's agenda binder, and fully considered by the Regional Board members in advance of the meeting, all written comments must be received at the Regional Board office no later than **5:00 p.m. on March 15, 2011**. Written comments submitted through email are requested to be transmitted in Microsoft Word format and should be emailed to: R4-2006-0074@waterboards.ca.gov. Untimely submittal of written comments will not be allowed or accepted.

Persons are also invited to attend the meeting and present oral comments on this matter. Oral comments may be limited to 3 minutes each. 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.

Any written comments and/or communications with the Regional Board should be directed to:

Ms. Renee Purdy, Chief
Regional Programs
Los Angeles Regional Water Quality Control Board
320 W. 4th Street, Suite 200
Los Angeles, CA 90013
(213) 576-6622
R4-2006-0074@waterboards.ca.gov