

State Water Resources Control Board

December 6, 2019

|  |  |  |  |
| --- | --- | --- | --- |
| Steven Fleischli, Esq.Natural Resources Defense Council, Inc.1314 Second StreetSanta Monica, CA 90401sfleischli@nrdc.org  | Daniel Cooper, Esq.Cooper & Lewand-Martin1004B O’Reilly AvenueSan Francisco, CA 94129daniel@cooperlewand-martin.com   | Arthur PugsleyLos Angeles Waterkeeper120 Broadway, Suite 105Santa Monica, CA 90401arthur@lawaterkeeper.org  |  |

All Parties and Interested Persons:

OWN MOTION REVIEW OF APPROVAL OF NINE WATERSHED MANAGEMENT PROGRAMS AND ONE ENHANCED WATERSHED MANAGEMENT PROGRAM PURSUANT TO LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD ORDER R4-2012-0175: TRANSMITTAL OF PROPOSED ORDER AND NOTICE OF WRITTEN PUBLIC COMMENT PERIOD

**SWRCB/OCC FILES A-2386, A-2477, A-2508**

The State Water Resources Control Board (State Water Board) staff is hereby releasing a staff-proposed order in the above-entitled matter. The State Water Board is soliciting written comments on the proposed order. Written comments must be received by **12:00 noon, Monday, January 20, 2020.** Please indicate in the subject line, "Comments on A-2386, A-2477, A-2508 Proposed Order." Electronic submission of written comments is encouraged. Written comments must be addressed to:

Ms. Jeanine Townsend

Clerk to the Board

State Water Resources Control Board

1001 I Street, 24th Floor

P.O. Box 100

Sacramento, CA 95812-0100

(tel) 916-341-5600

(fax) 916-341-5620

(email) commentletters@waterboards.ca.gov

After the written comment period, the State Water Board will schedule one or more State Water Board meetings to receive oral comments and consider adoption of the proposed order.

**PROPOSED CONSOLIDATION**

The proposed order would consolidate the three petitions identified above. SWRCB File A-2386 challenges the approval of nine watershed management programs by the Los Angeles Water Board’s Executive Officer and the subsequent ratification of that approval by the Los Angeles Water Board. SWRCB Files A-2477 and A-2508 challenge the approval of an enhanced watershed management program by the Los Angeles Water Board’s Executive Officer and the Los Angeles Water Board’s subsequent decision to take no further action to review that approval. National Resources Defense Council, Inc., and Los Angeles Waterkeeper are parties to all three petitions; Lawyers for Clean Water, Inc., is a party to the first petition.

**SPECIFIC COMMENTS SOLICITED AND PROCEDURAL MATTERS**

The petition raises a set of complex and challenging issues that are considered in the proposed order. The State Water Board invites comment on both the policy direction expressed in the proposed order and the proposed revisions to Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) Order No. R4-2012-0175 (Los Angeles MS4 Order). The version of the Los Angeles MS4 Order has been amended twice, on June 16, 2016, and September 8, 2016. The proposed order refers to, and includes proposed revisions to, the June 16, 2016 version of the Los Angeles MS4 Order.

The State Water Board particularly encourages comments on the proposed order’s discussion of “limiting pollutants,“ a term for pollutants used as modeling and planning surrogates for other pollutants, as well as its treatment of Los Angeles MS4 Order Permittees’ “deemed compliance” status, through which Permittees are deemed to be in compliance with the Los Angeles MS4 Order’s receiving water limitations and water quality-based effluent limitations and other TMDL-specific limitations even when not actually in compliance with those limitations. The State Water Board has a mandate to protect water quality; to do so, it must ensure that programs that provide substantial compliance benefits for implementing Permittees, such as those in the Los Angeles MS4 Order, also ensure water quality goals will be achieved in a timely and transparent way.

The State Water Board will review the comments it receives carefully and may make revisions to the proposed order prior to considering adoption.

All comments shall be based solely upon evidence contained in the record or upon legal argument. Supplemental evidence will not be permitted except under the limited circumstances described in California Code of Regulations, title 23, section 2050.6.

Additional information regarding this matter, including instructions to join an email distribution list to receive correspondence from the State Water Board regarding this matter, is available at <https://www.waterboards.ca.gov/public_notices/petitions/water_quality/a2386_losangeles_wmp.shtml>. If you have any questions regarding this letter, please contact Mr. Mallory-Jones at (916) 341-5173 or at Ryan.Mallory-Jones@waterboards.ca.gov.

Sincerely,

Original signed by:

Philip Wyels

Assistant Chief Counsel

Enclosure

|  |  |  |
| --- | --- | --- |
| cc:bc: | Renee Purdy **[via email only]**Executive OfficerLos Angeles Regional Water Quality  Control Board320 West 4th Street, Suite 200Los Angeles, CA 90013Renee.Purdy@waterboards.ca.govDeborah Smith **[via email only]**Executive OfficerLos Angeles Regional Water Quality Control Board320 West 4th Street, Suite 200Los Angeles, CA 90013Deborah.Smith@waterboards.ca.gov Samuel Unger **[via email only]**Executive OfficerLos Angeles Regional Water Quality Control Board320 West 4th Street, Suite 200Los Angeles, CA 90013Samuel.Unger@waterboards.ca.gov Jenny Newman **[via email only]**Environmental Program ManagerLos Angeles Regional Water Quality Control Board320 West 4th Street, Suite 200Los Angeles, CA 90013Jenny.Newman@waterboards.ca.gov Ivar Ridgeway **[via email only]**Senior Environmental ScientistLos Angeles Regional Water Quality Control Board320 West 4th Street, Suite 200Los Angeles, CA 90013Ivar.Ridgeway@waterboards.ca.govJennifer L. Fordyce, Esq. **[via email only]**Office of Chief CounselState Water Resources Control Board1001 I Street, 22nd FloorSacramento, CA 95814Jennifer.Fordyce@waterboards.ca.gov Eileen Sobeck **[via email only]**Executive DirectorState Water Resources Control Board1001 I Street, 25th FloorSacramento, CA 95814Eileen.Sobeck@waterboards.ca.gov Karen Mogus **[via email only]**Deputy DirectorState Water Resources Control Board1001 I Street, 15th FloorSacramento, CA 95814Karen.Mogus@waterboards.ca.govElizabeth Sablad, Manager **[via email**  **only]**Permits OfficeU.S. EPA, Region 975 Hawthorne StreetSan Francisco, CA 94105sablad.elizabeth@epa.gov Lyris ListRyan Mallory-Jones, OCC (w/ip list)Philip G. Wyels, OCC (w/ip list)Jeanine Townsend, EXEC **[via email only]**Adrianna M. Crowl, OCC **[via email only]**Petition file (w/ip list) | Emel G. Wadhwani, Esq. **[via email only]**Office of Chief CounselState Water Resources Control Board1001 I Street, 22nd FloorSacramento, CA 95814Emel.Wadhwani@waterboards.ca.govSophie Froelich, Esq. **[via email only]**Office of Chief CounselState Water Resources Control Board1001 I Street, 22nd FloorSacramento, CA 95814Sophie.Froelich@waterboards.ca.gov  Adriana Nunez, Esq. **[via email only]**Office of Chief CounselState Water Resources Control Board1001 I Street, 22nd FloorSacramento, CA 95814Adriana.Nunez@waterboards.ca.gov Tamarin Austin, Esq.Office of Chief CounselState Water Resources Control Board1001 I Street, 22nd FloorSacramento, CA 95814Tamarin.Austin@waterboards.ca.govMichael Lauffer, Esq. **[via email only]**Office of Chief CounselState Water Resources Control Board1001 I Street, 22nd FloorSacramento, CA 95814Michael.Lauffer@waterboards.ca.gov Philip G. Wyels, Esq. **[via email only]**Office of Chief CounselState Water Resources Control Board1001 I Street, 22nd FloorSacramento, CA 95814Philip.Wyels@waterboards.ca.gov Ryan Mallory-Jones, Esq. **[via email only]**Office of Chief CounselState Water Resources Control Board1001 I Street, 22nd FloorSacramento, CA 95814Ryan.Mallory-Jones@waterboards.ca.gov Jonathan Bishop **[via email only]**Chief Deputy DirectorState Water Resources Control Board1001 I Street, 24th FloorSacramento, CA 95814Jonathan.bishop@waterboards.ca.gov Ali Dunn **[via email only]**Office of Information Management and  AnalysisState Water Resources Control Board1001 I StreetSacramento, CA 95814Ali.Dunn@waterboards.ca.gov |