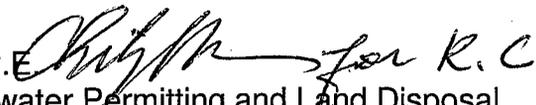


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**Los Angeles Regional Water Quality Control Board**

To: Interested Persons

From: Rebecca Chou, Ph.D., P.E.   
Section Chief of Groundwater Permitting and Land Disposal

Date: November 15, 2013

Subject: Notice of Public Hearing of Regional Board Reconsideration of Table 4-zz of Resolution No. R4-2009-007, Amendment to Chapter 4 of the *Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties* Prohibiting On-site Wastewater Disposal Systems in the Malibu Civic Center Area

**BACKGROUND**

On November 5, 2009 the Regional Water Quality Control Board, Los Angeles Region (Regional Board) adopted, by Resolution No. R4-2009-007, an amendment to Chapter 4 of the *Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties* (Basin Plan) prohibiting on-site wastewater disposal systems (OWDSs) in the Malibu Civic Center Area (2009 Basin Plan Amendment or 2009 BPA). On September 21, 2010, the State Water Resources Control Board (State Water Board) adopted Resolution No. 2010-0045 approving the 2009 Basin Plan Amendment. On December 23, 2010, the Office of Administrative Law approved the regulatory provisions of the 2009 BPA. The 2009 Basin Plan Amendment became effective on December 23, 2010.

The 2009 Basin Plan Amendment prohibits all new discharges from OWDSs in the Malibu Civic Center Area, with the exception of certain specific projects identified in Table 4-zz, which were deemed by the Regional Board to be existing OWDSs. The 2009 BPA prohibits discharges from existing OWDSs, including those projects identified on Table 4-zz, in accordance with a phased schedule. Phase I (commercial areas) existing OWDSs must cease discharges by November 5, 2015 and Phase II (residential areas) existing OWDSs must cease discharges by November 5, 2019.

Table 4-zz was incorporated into the 2009 BPA based on comments from the City of Malibu (City), the County of Los Angeles (County), and affected property owners regarding the hardship the immediate prohibition of new OWDSs discharges would impose on property owners who had expended considerable funds to apply for City or County permits and had, as of November 5, 2009, progressed through the City or County's entitlement process. Immediately following the Regional Board's action to adopt the 2009 Basin Plan Amendment, Regional Board staff learned that ten residential properties and three commercial properties that had applied for new or

upgraded OWDSs and had progressed through the entitlement process were inadvertently not included on Table 4-zz. Thereafter, consistent with the Regional Board's intentions and criteria for inclusion on Table 4-zz, Regional Board staff added those thirteen properties to Table 4-zz. The version of Table 4-zz with the newly added thirteen properties was provided to the State Water Board for consideration in its approval of the 2009 Basin Plan Amendment. The State Water Board approved the 2009 Basin Plan Amendment, including Table 4-zz, as submitted by the Regional Board. Subsequently, the Office of Administrative Law approved the 2009 Basin Plan Amendment.

The Regional Board proposes to reconsider Table 4-zz to address perceived concerns related to the projects identified on Table 4-zz. As such, the scope of this hearing is narrow and the Regional Board will accept only limited comments and evidence as described below under Scope of Hearing.

This notice sets forth the procedures and processes the Regional Board will use at this hearing.

### **HEARING DATE AND LOCATION**

The Regional Board will hold a public hearing to consider adoption of Resolution No. R4-2013-XXXX, amending the Basin Plan to incorporate a modified version of Table 4-zz. The Regional Board is expected to take formal action. The Regional Board is scheduled to consider this matter at its regularly scheduled board meeting on:

Date: Thursday, February 6, 2014  
Time: 9:00 a.m.  
Place: Metropolitan Water District of Southern California  
700 North Alameda Street  
Los Angeles, CA 90012

Please check the Regional Board's website (<http://www.waterboards.ca.gov/losangeles/>) for the most up-to-date public hearing location as it is subject to change.

### **SCOPE OF HEARING**

The scope of the hearing is limited to reconsideration of Table 4-zz. At the hearing, the Regional Board will reconsider Table 4-zz:

1. To clarify the Regional Board's intent regarding the criteria for including properties identified on Table 4-zz by specifying the meaning of the phrase "progressed through the entitlement process" as set forth in Resolve 1 of Resolution No. R4-2009-007;
2. To modify Table 4-zz by deleting four duplicate listings with incorrect assessor parcel numbers;
3. To officially ratify Table 4-zz as modified by Regional Board staff following adoption of the 2009 Basin Plan Amendment by the Regional Board and

subsequently approved by the State Water Board and the Office of Administrative Law; and

4. To consider adding to Table 4-zz any additional properties where there is sufficient evidence that the project had progressed through the appropriate agency's entitlement process as of November 5, 2009.

Interested persons may comment and submit evidence only on Table 4-zz. Interested persons may request inclusion on Table 4-zz if they provide sufficient evidence that their project had progressed through the appropriate agency's entitlement process as of November 5, 2009.

Any comments related to other portions of the 2009 Basin Plan Amendment will not be accepted into the Administrative Record for this matter nor responded to.

### **AVAILABILITY OF DOCUMENTS**

The Tentative Resolution, proposed Table 4-zz, and Staff Report are available on the Regional Board's website at: [www.waterboards.ca.gov/losangeles/board\\_decisions/tentative\\_orders/#WDR](http://www.waterboards.ca.gov/losangeles/board_decisions/tentative_orders/#WDR)

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 W. 4<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90013

Arrangements for file review and/or obtaining copies of documents in the Administrative Record may be made by calling the Regional Board at (213) 576-6600. Comments and responses to comments and other subsequent relevant documents will be available online as they are generated.

### **PUBLIC COMMENTS AND SUBMITTAL OF EVIDENCE**

Persons wishing to comment on the Tentative Resolution, proposed Table 4-zz, and Staff Report, or submit evidence for the Regional Board to consider, are invited to submit them in writing. Oral presentations should be summarized in writing to the extent possible.

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 hearing, all written comments and evidence must be received by the Regional Board no later than 5:00 p.m. on **December 30, 2013**. Untimely submittal of written comments will not be accepted or responded to by the Regional Board. Failure to comply with these requirements is grounds for the Regional Board to refuse to admit the proposed written comment or evidence into the administrative record.

Interested persons are encouraged to submit comments electronically. Please send comments by e-mail to: Dr. Don Tsai at [Don.Tsai@waterboards.ca.gov](mailto:Don.Tsai@waterboards.ca.gov). Please indicate in the subject line, "Comment Letter – Table 4-zz." Written comments submitted through email are requested to be transmitted in Microsoft Word format. Written comments can also be sent via facsimile to (213) 576-5777 or by mail addressed to:

Dr. Don Tsai  
California Regional Water Quality Control Board  
Los Angeles Region  
320 W. 4<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90013

Interested persons are also invited to attend the hearing and present oral comments. At the discretion of the Regional Board Chair, three minute time limitations on presentations may be imposed, depending on the number of persons wishing to be heard. Interested persons requesting more than three minutes should contact Dr. Don Tsai at [Don.Tsai@waterboards.ca.gov](mailto:Don.Tsai@waterboards.ca.gov) or 213-620-2264, no later than 5:00 pm on December 30, 2013 to state how much time they believe is necessary for their presentations.

The State Water Board, when considering approval of a regional board's adoption of a Basin Plan amendment, may refuse to accept any comments that were not timely raised before the regional board. Therefore, interested persons are strongly encouraged to make all comments on this proposed action to the Regional Board during the written comment period or during the public hearing.