



**San Gabriel Valley Council of Governments**  
**AGENDA AND NOTICE OF THE SPECIAL MEETING OF THE WATER**  
**TECHNICAL ADVISORY COMMITTEE (TAC)**

**Monday, June 21, 2021, 9:30 AM**

**Zoom Link: <https://zoom.us/j/95812887104>**

**Livestream Link: <https://youtu.be/THrLYGyWRFA>**

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Thank you for participating in today's meeting. The Water TAC encourages public participation and invites you to share your views on agenda items.

**MEETINGS:** *Regular Meetings of the Water TAC are held on the second Tuesday of each month at 10:00 AM at the Upper San Gabriel Valley Municipal Water District Offices (602 E. Huntington Drive, Suite B Monrovia, CA 91016).* The agenda packet is available at the San Gabriel Valley Council of Government's (SGVCOG) Office, 1000 South Fremont Avenue, Suite 10210, Alhambra, CA, and on the website, [www.sgvkog.org](http://www.sgvkog.org). Copies are available via email upon request ([sgv@sgvcog.org](mailto:sgv@sgvcog.org)). Documents distributed to a majority of the Committee after the posting will be available for review in the SGVCOG office and on the SGVCOG website. Your attendance at this public meeting may result in the recording of your voice.

**PUBLIC PARTICIPATION:** Your participation is welcomed and invited at all Water TAC meetings. Time is reserved at each regular meeting for those who wish to address the Committee. SGVCOG requests that persons addressing the Committee refrain from making personal, slanderous, profane or disruptive remarks.

**TO ADDRESS THE COMMITTEE:** At a regular meeting, the public may comment on any matter within the jurisdiction of the Committee during the public comment period and may also comment on any agenda item at the time it is discussed. At a special meeting, the public may only comment on items that are on the agenda. Members of the public wishing to speak are asked to complete a comment card or simply rise to be recognized when the Chair asks for public comments to speak. We ask that members of the public state their name for the record and keep their remarks brief. If several persons wish to address the Committee on a single item, the Chair may impose a time limit on individual remarks at the beginning of discussion. **The Water TAC may not discuss or vote on items not on the agenda.**

**AGENDA ITEMS:** The Agenda contains the regular order of business of the Water Committee and the Water TAC. Items on the Agenda have generally been reviewed and investigated by the staff in advance of the meeting so that the Committee/TAC can be fully informed about a matter before making its decision.

**CONSENT CALENDAR:** Items listed on the Consent Calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion on these items unless a Committee member or citizen so requests. In this event, the item will be removed from the Consent Calendar and considered after the Consent Calendar. If you would like an item on the Consent Calendar discussed, simply tell Staff or a member of the Committee.



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the SGVCOG office at (626) 457-1800. Notification 48 hours prior to the meeting will enable the SGVCOG to make reasonable arrangement to ensure accessibility to this meeting.



**MEETING MODIFICATIONS DUE TO THE STATE AND LOCAL STATE OF EMERGENCY RESULTING FROM THE THREAT OF COVID-19:**

On March 17, 2020, Governor Gavin Newsom issued Executive Order N-29-20 authorizing a local legislative body to hold public meetings via teleconferencing and allows for members of the public to observe and address the meeting telephonically or electronically to promote social distancing due to the state and local State of Emergency resulting from the threat of the Novel Coronavirus (COVID-19).

To follow the new Order issued by the Governor and ensure the safety of Committee Members and staff for the purpose of limiting the risk of COVID-19, in-person public participation at the Water Technical Advisory Committee (TAC) meeting scheduled for June 21, 2021 at 10:00 a.m. will not be allowed. To allow for public participation, the Water TAC will conduct its meeting through Zoom Video Communications. To participate in the meeting, download Zoom on any phone or computer device and copy and paste the following link into your browser to access the live meeting: <https://zoom.us/j/95812887104>. You may also access the meeting via the livestream link on the front of the agenda page.

Submission of Public Comments: For those wishing to make public comments on agenda and non-agenda items you may submit comments via email or by phone.

- Email: Please submit via email your public comment to Samantha Matthews at [smatthews@sgvcog.org](mailto:smatthews@sgvcog.org) at least 1 hour prior to the scheduled meeting time. Please indicate in the Subject Line of the email “FOR PUBLIC COMMENT.” Emailed public comments will be part of the recorded meeting minutes. Public comment may be summarized in the interest of time, however the full text will be provided to all members of the Committee prior to the meeting.
- Zoom: Through Zoom, you may speak by using the web interface “Raise Hand” feature. Wait to be called upon by staff, and then you may provide verbal comments for up to 3 minutes. Public comment is taken at the beginning of the meeting for items not on the agenda. Public comment is also accepted at the beginning of each agenda item.

Any member of the public requiring a reasonable accommodation to participate in this meeting should contact Samantha Matthews at least 48 hours prior to the meeting at (626) 457-1800 or email [smatthews@sgvcog.org](mailto:smatthews@sgvcog.org).

**PRELIMINARY BUSINESS**

1. Call to Order
2. Roll Call
3. Public Comment (*If necessary, the Chair may place reasonable time limits on all comments*).
4. Changes to Agenda Order: Identify emergency items arising after agenda posting and requiring action prior to next regular meeting.

**CONSENT CALENDAR** (*It is anticipated that the Water TAC may act on the following matters*)

**DISCUSSION ITEM** (*It is anticipated that the Water TAC may act on the following matters*)

5. Regional Phase I Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit – Page 1  
*Recommended Action: For discussion.*

**UPDATE ITEM** (*It is anticipated that the Water TAC may act on the following matters*)

6. E/WMP Updates  
*Recommended Action: For information only.*

**CHAIR'S REPORT**

**ANNOUNCEMENTS**

**ADJOURN**

# REPORT

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DATE: June 21, 2021  
TO: Water TAC  
FROM: Marisa Creter, Executive Director  
RE: **REGIONAL PHASE I MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT**

## **RECOMMENDED ACTION**

For discussion.

## **BACKGROUND**

In December 2019, the Los Angeles Regional Water Quality Control Board (Regional Board) released the “Working Proposal” of the Regional Phase 1 Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit. The SGVCOG Water Policy Committee and Water Technical Advisory Committee (TAC) reviewed that Working Proposal and, in February 2020, submitted a comment letter to the Regional Board. In August 2020, the Regional Board released the draft Tentative MS4 Permit (Tentative Permit).

In September 2020, the SGVCOG engaged a consultant to provide technical and negotiation support for the MS4 Permit. At the October 2020 Water Policy Committee/TAC meeting, the consultant team led by Craftwater Engineering reviewed and received feedback on the SGVCOG’s previously submitted comments on the Working Proposal, detailed comments and recommendations on the Tentative Permit, additional areas of concern around the State Water Resources Control Board Order on Watershed Management Programs (WMPs), and recommendations on how to better integrate the Safe Clean Water Program into the Permit.

On November 10, 2020, the Water Policy Committee and TAC discussed the final draft of a comment letter and voted to recommend the SGVCOG Governing Board direct staff to submit the comment letter to the Regional Board.

On November 19, 2020, the Governing Board met and held a robust discussion on the comment letter. The Board voted to submit the comment letter as approved by the Water Policy Committee and TAC with the removal of a reference to a 2002 University of Southern California study, “An Economic Impact Evaluation of Proposed Storm Water Treatment for Los Angeles County,” as it was considered outdated. SGVCOG staff submitted the comment letter, included as Attachment A, to Regional Board staff ahead of the December 7, 2020 public comment deadline.

## **DISCUSSION**

On June 4, the Regional Board released the Revised Tentative Permit and released a notice of public hearings for the proposed issuance of the Permit. That notice is included as Attachment B. The Permit and an overview of all comments received can be found [here](#).

[This link](#) also includes responses from the Regional Board on each comment. For each SGVCOG comment, the Regional Board has indicated whether a change was made in relation to that comment. Per these response to comments documents, changes were made in response to the SGVCOG's comments in the following categories: Discharge Prohibition, TMDLs, Monitoring and Reporting, Minimum Control Measures, Watershed Management Program, Compliance Determination, Unfunded State Mandates, and Other. Changes were not made in the Trash Provision category. Changes made may or may not include the actual SGVCOG-requested change. The change may have been to clarify intent or to update the Fact Sheet.

The SGVCOG comment letter included as Attachment A includes Appendix A, a table of detailed comments and recommendations. Staff has updated that appendix to include the Regional Board's response of whether a change was made in relation to that comment.

The Regional Board's responses to the SGVCOG's key areas of comments (included in the body of the comment letter) are copied below as follows:

- **Timing of Permit Adoption and State Board Order Implications: Change made.** Based on the expiration dates of the current 3 MS4 Permits, the 2010 Ventura County MS4 Permit is overdue for permit renewal by 6 years, the 2012 Los Angeles County MS4 Permit by 4 years, and the 2014 City of Long Beach MS4 Permit by 2 years. The adoption of the Regional MS4 Permit per the current schedule ensures that Permittees are subject to the most updated federal and state regulations in a timely manner. With regards to the revised TMDL Basin Plan Amendments adopted by the Los Angeles Water Board on March 11, 2021, which extend final compliance dates of select TMDLs, language has been added to Attachment O of the Tentative Order accordingly to incorporate the revised final compliance deadlines. With respect to the State Board Order which is now final, the Tentative Order has been revised in accordance. The *City of Duarte v. State Water Resources Control Board, et al.* case has been resolved at the Court of Appeal on January 28, 2021. The Tentative Fact Sheet has been revised accordingly.
- **Fiscal Resources: Change made to Fact Sheet.** Costs of implementing Minimum Control Measures and monitoring costs were accounted for in the estimation of Stormwater Management Program costs. All TMDL Staff Reports presented enough information to estimate costs. TMDL Staff Reports were written from 2002-2017. The annual expenditure data self-reported by Permittees to estimate Stormwater Management Program costs have limitations but are reliable and current. While this expenditure information has not been reported consistently across Permittees, staff has revised the analysis of Stormwater Management Program costs in response to other commenters to only include data from FY16/17-FY18/19 for Permittees in Los Angeles County, when the cost reporting format of Annual Reports was more consistent across Permittees than in earlier years. As for cost estimates from E/WMPs in Method 2, staff noted in the Economic Considerations where it was not possible to ascertain capital and O&M costs over 20 years due to insufficient information in the E/WMPs. While estimates from other parties have been higher, costs as presented in Method 2 are reported by the Permittees and are more recent than other studies, and therefore represent better estimates. As discussed in revised Part XIII.D.2.a in the Fact Sheet, Permittees need not incur land acquisition costs as assumed in EWMPs, which range

from about \$5-\$6 million per acre, if they engage in public-private partnerships when implementing BMPs on private land. In addition, these partnerships could also lead to more cost-effective implementation of BMPs, as discussed in Part XIII.D.2.d. Costs of implementing the adaptive management program were accounted for in the analysis of Permittees' Annual Reports for Stormwater Management Program costs. See revised Part XIII.D.3.f in the Fact Sheet regarding other sources of funding besides Measure W and incorporating stormwater BMPs into other projects to increase cost-effectiveness and opportunities for funding. Regarding the cost of the statewide trash amendments, the 2012 Los Angeles County MS4 Permit already included a requirement for additional trash management practices in areas not subject to a trash TMDL, which largely mirrors the statewide trash amendments by requiring that Permittees install trash excluders, or equivalent devices, on or in catch basins or outfalls to prevent the discharge of trash to the MS4 or receiving water no later than December 28, 2016 in areas defined as Priority A, i.e., catch basins that are designated as consistently generating the highest volumes of trash and/or debris. Additionally, as noted in Part XIII.D.1.a of the Fact Sheet, the sources of data on the costs of implementing the Order included the cost estimates developed by the State Water Board when adopted the Statewide Trash Amendments. While the Los Angeles Water Board is not obligated to use the Financial Capability Assessment developed by U.S. EPA, and using it would assume that costs as currently estimated would not decrease in the future as technologies and policies improve, it is a useful tool for assessing and communicating a community's financial capability to carry out Clean Water Act requirements. The Los Angeles Water Board notes that the final 2021 FCA Guidance explains that U.S. EPA's expectation is that communities will develop plans and schedules to achieve compliance with the Clean Water Act as soon as practicable, and that financial capability is only one of the factors considered when developing these schedules. In this regard, it should be noted that a regional board cannot use compliance costs to justify the failure to impose pollutant restrictions that it otherwise has found necessary and appropriate to restrict pollution, thereby evading federal Clean Water Act requirements. However, Permittees can request more time to comply with certain deadlines based in part on economic feasibility.

- **Integration of the Safe, Clean Water Program: Change made to Fact Sheet.** Revised Part XIII.D.3.f in the Fact Sheet regarding other sources of funding besides Measure W and incorporating stormwater BMPs into other projects to increase cost effectiveness and opportunities for funding. See Part XIII.D.2.d in the Fact Sheet regarding pursuing public-private partnerships to increase cost-effectiveness. While providing credit to municipalities for contributing funds to projects outside their jurisdictions may assist watershed groups in completing projects at the watershed level, a crediting program may also exacerbate inequities at the municipal level. Municipalities with fewer resources would be likelier to contribute funds to municipalities with more resources, who are likelier to secure funding and implement projects faster. This would subject residents in municipalities with fewer resources to longer periods of time with diminished water quality and fewer multi-benefit projects. As discussed in Part XIII.D.3.f in the Fact Sheet, there are a number funding sources that give preference to disadvantaged communities. In addition, although it is still early in the Biden administration, the President issued executive order 14008 on January 27, 2021, creating the Justice40 Initiative to deliver 40% of climate investment benefits to disadvantaged communities.

- **Better Define Compliance Attainment: No changes.** As an initial matter, compliance with final WQBELs and Receiving Water Limitations may be demonstrated in the receiving water or at an MS4 outfall, or by retaining all conditionally exempt, non-essential non-stormwater and all stormwater runoff up to and including the volume from the 85<sup>th</sup> percentile, 24-hour event for the drainage area. Permittee(s) that implements the retention approach, may still be deemed in compliance with final WQBELs and Receiving Water Limitations where retention of the prescribed volume does not achieve these limitations provided the Permittee(s) is implementing all actions and schedules in an approved Watershed Management Program (WMP), including but not limited to the ongoing monitoring and adaptive management requirements. Permittee(s) implementing other strategies in their WMP to attain final WQBELs and RWLs, generally, are not afforded deemed in compliance with final deadlines that have passed. However, the purpose of the Reasonable Assurance Analysis (RAA), which is a required element of a WMP, is to demonstrate the ability of the WMP to ensure that Permittees' MS4 discharges achieve applicable WQBELs and do not cause or contribute to exceedances of RWLs. The RAA must be revisited during the adaptive management process. This process is intended to ensure that Permittees regularly modify their WMPs based on new data, information, and modeling to achieve WQBELs and RWLs. Further, if through the adaptive management process, the Permittee(s) determines that the current WMP will not achieve the WQBELs and RWLs, the Permittee(s) may propose modifications, including new compliance deadlines, or request a TSO for final compliance deadlines established in a TMDL. Regarding the comment requesting a clear policy and guidelines for Permittees to demonstrate that all work associated with prior and current milestones was completed. No change is necessary. The Tentative Monitoring and Reporting Program (MRP) has been updated from the MRPs of the existing MS4 permits to include clearer requirements for reporting implementation of WMP milestones. Regarding the comment about the retention-based alternative compliance pathway and its efficacy in addressing certain pollutants/impairments, the commenter has non submitted evidence or proposed alternatives for the Board's consideration. It should be noted that stormwater retention is effective for many pollutants and is a good approach when there is a need to address multiple pollutants. Where this approach is not appropriate, the option of a direct demonstration of compliance also remains available. No change is made in response to this comment because there is not data or information to support alternative compliance pathways beyond that already included in the Tentative Permit at this time.
- **Reporting: No changes.** Many of the reporting requirements for this group of Permittees have not been changed substantively from the 2012 Los Angeles County MS4 Permit. With regard to the semi-annual monitoring report submittal, it is not a new requirement. The current 2012 Los Angeles County and the 2014 City of Long Beach MS4 Permits also require semi-annual monitoring data submittals. The same information is required for the most part, but it is required to be organized and reported differently on forms provided for Permittees' use. However, there are some additional reporting requirements pursuant to the State Water Board's Trash Policy, the Trash TMDLs, the State Auditor's March 2018 Report 2017-18, and the State Board's August 2020 "Guidance for Obtaining Phase I Municipal Separate Storm Sewer System (MS4) Permit Compliance Costs."

- **Monitoring: No changes.** The permit provides flexibility via development of the integrated monitoring programs (IMPs)/coordinated integrated monitoring programs (CIMPs). Each IMP/CIMP is designed for each watershed area specific to the water quality issues, including TMDLs, which may apply to that watershed area. Permittees can propose alternative monitoring frequencies and locations through phased approaches in IMP/CIMPs, which may be cost effective and better correlated with implementation status, as long as the monitoring is sufficient to address water quality issues and assess compliance with the WQBELs and receiving water limitations in the Regional MS4 Permit. In addition, as explained in the Fact Sheet, and as set forth in Attachments H and I, the monitoring and reporting requirements have in fact been streamlined and made consistent among all Permittees. (E.g., F-268.) While proxies for monitoring required in the Tentative Order are generally disallowed, Permittees have the ability to propose a reduced monitoring frequency and, in some cases, propose no monitoring for certain constituents, such as 303(d) listed pollutants and Table E-6 constituents, provided that the Permittees give adequate justification for the changes. (See Attachment E to Tentative Order.)
- **Compliance Schedules: Change made.** It is unclear whether the commenters are referring to the 2012 Permit requirement regarding the timing of extension requests, which is “at least 90 days prior to the deadline” (emphasis added), or the three-month period to submit a final WMP after receiving the Board’s comments on the draft WMP. Neither one of these provided 90 days to meet compliance deadlines as suggested by the commenters. Compliance deadlines for water quality-based effluent limitations are based on the TMDL-specific implementation schedules. As in the 2012 Permit, Tables 10 and 11 in Parts IX. F and G, respectively, of the Tentative Permit, allow Permittees up to three months to submit a final WMP in response to comments received from the Los Angeles Water Board. Part X.B.1.b.iii.a of the permit has also been revised to cross reference the provisions that allow Permittees to revise their WMP.
- **Consistency Across Permits: No change.** The Tentative Order was written to effectively regulate MS4 discharges in the Los Angeles region and the Watershed Management Program provisions effectively allow collaboration with non-MS4 Permittees and others. See also response to comments G.36 and G.39, and Tentative Order, Part X.D.1, regarding the comment on joint responsibility and liability.
- **Define Performance Metrics for Non-Structural Strategies and Concise, Useful Tracking: No change.** Each permittee has unique land uses and water quality issues and therefore should come up with the best metrics for effectiveness of non-structural strategies for its jurisdiction. Moreover, questions in the annual report form were framed to provide information about the effectiveness of the non-structural strategies. As a result of the unique water quality issues for each permittee, metrics for effectiveness would vary. Therefore, each permittee is required to propose its own metrics for effectiveness and report on them in its Annual Report.
- **Industrial General Permit (IGP) Training and Inspections: No change.** The requirement starts with “Each Permittee shall ensure that all staff whose primary job duties are related to implementing the industrial and commercial facilities program in Part VIII.E

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of this Order are adequately trained on an annual basis.” There is no ambiguity. Inspection is not the only activity in this program that requires basic knowledge of the IGP. There is also the Business Assistance Program. Additionally, while a Permittee may outsource inspection work, there will still need to be a responsible municipal staff person whose primary job duties include overseeing the contractor’s work.

- **Clear Language: Change made.** See response to comments on Discharge Prohibitions, Stormwater Management Program Minimum Control Measures, Watershed Management Programs, etc. for specific responses and information on where changes were made.

## NEXT STEPS

The Regional Board will hold a public workshop on Tuesday, June 22 to discuss Permittee and stakeholder comments. The notice for the workshop is included as Attachment C. The Regional Board will then consider adoption of the Permit during public hearings scheduled for July 8, 9, 16, and 23.

At this meeting, the Water TAC will discuss strategy for comments at the Regional Board public workshop and public hearings.

## ATTACHMENTS

Attachment A – Final Submitted MS4 Permit Comment Letter with Updated Appendix

Attachment B – Regional Board Notice of Revised Tentative Permit and Public Hearings

Attachment C – Regional Board Notice of a Public Workshop

Prepared by:   
Samantha Matthews  
Management Analyst

Approved by:   
Marisa Creter  
Executive Director



December 3, 2020

Renee Purdy, Executive Director  
Los Angeles Regional Water Quality Control Board  
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Los Angeles, CA 90013

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**RE: COMMENTS ON THE TENTATIVE ORDER OF THE REGIONAL PHASE 1 MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT (ORDER R4-2020-XXXX)**

Dear Ms. Renee Purdy and Regional Board Staff:

On December 10, 2019, the Executive Officer of the Los Angeles Regional Water Quality Control Board (LARWQCB) released a staff working proposal for the draft Regional Phase 1 MS4 NPDES Permit (*Staff Working Proposal of the Regional Phase 1 MS4 NPDES Permit Order No. <R4-2020-XXXX>, NPDES Permit No. <CASXXXXXX>, Waste Discharge Requirements and National Pollution Discharge Elimination System (NPDES) Permit for Municipal Separate Storm Sewer System (MS4) Discharges Within the Coastal Watersheds of Los Angeles and Ventura Counties*) (Working Proposal). After receiving many comments across stakeholders on the Working Proposal, including from the San Gabriel Valley Council of Governments (SGVCOG), the LARWQCB updated and released the Tentative Order for the Regional Phase 1 MS4 NPDES Permit (*Tentative Regional Phase 1 MS4 Permit Order No. <R4-20XX-XXXX>, NPDES Permit No. <CAS004004>, Waste Discharge Requirements and National Pollution Discharge Elimination System (NPDES) Permit for Municipal Separate Storm Sewer System (MS4) Discharges Within the Coastal Watersheds of Los Angeles and Ventura Counties*) (Tentative Permit) on August 24, 2020.

When finalized and adopted, this Permit will supersede the current 2012 MS4 Permit (subsequently amended) and will dictate the activities and requirements of the Permittees, including SGVCOG member agencies, over the next permit cycle. The SGVCOG member agencies include 30 incorporated cities, unincorporated communities in Los Angeles County Supervisorial Districts 1, 4, and 5, and three San Gabriel Valley Municipal Water Districts. The following summarizes the SGVCOG's comments in response to the *Tentative Regional Phase 1 MS4 Permit Order*, dated August 24, 2020.

The SGVCOG appreciates the opportunity to provide these comments and looks forward to continuing supporting the LARWQCB to develop a Final Permit that includes provisions that are technically and financially feasible, while achieving environmental benefits within our communities.

The following summarizes the SGVCOG's key areas of concern on the Tentative Permit. Detailed comments and recommendations regarding specific sections in the Tentative Permit are provided in Appendix A.

## Summary

The following discussion highlights the SGVCOG's key areas of concern and proposed recommendations, including comments that were previously submitted and were not addressed in the current Tentative Permit. The proposed recommendations are bolded within each area of concern. These comments support the overall goal to improve water quality conditions in the Los Angeles region following a cost-effective and efficient approach. This goal can be achieved through the development of regulations and permit requirements that are aligned with real-world circumstances faced by the Permittees.

### ***Timing of Permit Adoption and State Board Order Implications:***

Concurrent with the Permit reissuance effort, it is important to consider the related State Water Resources Control Board (State Water Board) Tentative Order (*State of California State Water Resources Control Board Tentative Order WQ 2020-XXXX In the Matter of Review of Approval of Watershed Management Programs and an Enhanced Watershed Management Program Submitted Pursuant to Los Angeles Regional Water Quality Control Board Order R4-2012-0175*) reviewing the LARWQCB's approval of various Watershed Management Programs (WMPs) and Enhanced WMPs (EWMPs) (State Water Board Order). The initial Order was released on December 6, 2019 and was revised based on comments received through early April and redistributed on September 4, 2020. This Order addresses specific requirements of the Permit that are important to consider as part of the Permit review. While some of the key issues identified by the State Water Board have already been integrated into the Tentative Permit, the State Water Board Order has not been finalized and further revisions of the Tentative Permit may be incorporated by the LARWQCB to comply with the State Water Board Order. The details of the State Water Board Order, which impact the Permit provisions and analyses Permittees will be required to complete, will not be finalized until its adoption.

Given the potential impacts of the State Water Board Order on the Permit and additional requirements for the Permittees implementing a WMP or EWMP, **it is assumed that the State Water Board Order will be finalized prior to the adoption of a new Permit.** This sequence is necessary to ensure the Permit would not have to be further revised to comply with the State Water Board Order, as well as to prevent a duplication of effort by the Permittees to address the new Permit and the State Water Board Order. For the same reason, **the new Permit should also delay adoption as needed to ensure the proposed Basin Plan Amendment(s) that will modify TMDL final deadlines can be included as the revised dates in the new Permit. In addition, sufficient time (recommend at least 6 months) will be needed once the new Permit is formally adopted to allow the Permittees to incorporate the required updates through the Reasonable Assurance Analysis (RAA) revisions. Depending on the timing of the State Water Board Order adoption and subsequent Permit adoption this may require extending the current deadline of June 30, 2021 for completion of the revised RAAs.** This extension is necessary to prevent an unnecessary and costly duplication of effort to ensure the appropriate analyses are included in the revised RAAs to satisfy regulatory requirements. The SGVCOG encourages the LARWQCB to support the sequence of events and the recommended time extension, as any other order or insufficient time between these regulatory adoptions and the required RAA revisions may result in inefficiencies and the need to go back and redo one of these efforts. The timing outlined above is to ensure the most appropriate policy is set in place and thorough, informative analyses, that fully satisfy the current tentative regulatory orders, are completed through the upcoming RAA revisions. The Permittees are already planning for the RAA revisions which are significant investments, ranging around \$75,000 to \$350,000 each. If the State Water Board Order and resulting additions to the Permit require additional analyses as part of the RAA revisions, this will potentially double the cost and further emphasizes the importance of having sufficient time from Permit adoption to conduct the technical updates and additions.

Furthermore, the Regional and State Boards' appeal of the decision in favor of the City of Duarte in the matter of *City of Duarte v. State Water Resources Control Board, et al.* (Case No. 30-2016-00833722) is still pending, with oral arguments having been conducted before the Court of Appeal on November 19, 2020. The findings and analysis associated with that final decision will further impact the Tentative Permit.

### ***Fiscal Resources:***

In general, the economic considerations included in the Tentative Permit are lacking in detail. This is an extremely important aspect to consider when assessing the Permittees ability to satisfy regulatory requirements. The Permittees will have the most success improving water quality conditions if we are able to focus the available resources on regulations with achievable goals, which requires a realistic discussion regarding the cost of compliance versus available funding.

Attachment F, the Fact Sheet in the Tentative Permit, includes economic considerations that estimate the 20-year cost of compliance at \$21.3 to \$31.4 Billion. The first method used to calculate this cost was based on TMDL Staff Reports that are now outdated and did not include the cost of implementing minimum control measures, monitoring costs, costs to address TMDLs if the Staff Report did not have a cost estimate, and only included the cost of addressing trash if there was a specific TMDL, not the overarching requirements of the statewide trash amendment. While the second method used the more recent cost estimates to fully implement the WMPs and EWMPs in the region, both methods still rely on the cost of stormwater management programs based on annual expenditures and budget data self-reported, which has not been consistent across the Permittees. Further, many of the cost estimates in the WMPs and EWMPs did not include additional costs such as acquiring property necessary for some structural BMPs, the full cost associated with operation and maintenance of BMPs, or the costs associated with implementation of the adaptive management program. Other cost estimates of compliance estimated in the past have been significantly higher. For example, the County of Los Angeles has recognized that the cost of complying could be as high as \$120 Billion. Likewise, a recent study on Stormwater Funding Options recognizes that the cost of complying could be as high as in the tens of Billions over the next 20 years.

The Fact Sheet also potentially overstates the available funding sources, with reference to Measures H, A, and M, that are not dedicated stormwater funds and Permittees have minimal or no access to use to address the requirements of the MS4 Permit. Other available funding sources are generally referenced, as well as a brief discussion on the potential impacts from COVID-19; however, a sufficient analysis to demonstrate that the cost of compliance is feasible based on available funding has not been completed. Even prior to completing a sufficient financial analysis, it is clear the cost estimates to fully implement the Permit are greater than the funding available. **The SGVCOG recommends that the Permit include a provision that allows Permittees to conduct a financial capability assessment that would be used to help determine an effective and feasible implementation schedule and associated compliance deadlines.**

In addition, it should be noted that the primary dedicated source of funding that most cities currently have for Permit compliance is through their upcoming Local Return through the Safe, Clean Water (SCW) Program. The SGVCOG member agencies do not anticipate any available funding beyond the SCW Program funds. In addition, the regional allocations to each watershed will be awarded competitively. The SGVCOG is concerned that the regional allocations coupled with the Local Return will not provide enough funding to complete all the projects required to comply with the Permit requirements, especially within the current designated timeframes. **Given that Measure W is the only dedicated stormwater funding source, we recommend that the Permit have more explicit integration with the SCW Program, as discussed further in the comments below.**

### ***Integration of the Safe, Clean Water Program:***

The SCW Program and passage of Measure W was a major success for the Los Angeles Region and should be further leveraged knowing the available funds that can be used towards meaningful implementation and compliance. The SCW Program is the primary source of dedicated funding for the LA County Permittees. The municipal and regional programs are expected to significantly support implementation of Permittees' WMPs and implementation of these infrastructure projects will be the primary factor in achieving TMDL compliance. The SCW Program establishes multiple goals, including in addition to water quality benefits also water supply, cost efficiency, nature-based solutions, and community investment benefits. Therefore, the funds will not be exclusively spent on compliance, though this will be a significant portion, and additional time is required to ensure optimization across these benefits. To improve the certainty that actions taken will ultimately result in attainment of beneficial uses, the Permit should provide flexibility such as alternative compliance pathways and extended time to implement appropriate actions utilizing scientific advancements and best available information/data. Given the success securing this funding measure, which helps enable the commitment towards implementation of approved WMPs, **we recommend that the Permit integrate the fundamental aspects of the program to help align regulatory compliance with realistic and achievable implementation.** Initial recommendations to integrate the program include the following:

- **Allow WMPs to incorporate schedule adjustments to projects based on the Local Return and regional program support identified in the Stormwater Investment Plans (SIPs) through the adaptive management process.**
- **Coordinate with the Los Angeles County Flood Control District and the Watershed Area Steering Committee to evaluate anticipated SCW Program funding in relation to planned and proposed infrastructure projects and TMDL deadlines.**
- **Provide credit to cities and agencies contributing funds through the regional program to projects outside their jurisdiction through extensions on their milestones. This recognizes the competitive aspect of the regional program, which should prioritize projects with the greatest watershed benefit but could result in certain jurisdictional projects being pushed to later fiscal years. This would not necessarily impact the number of projects to be implemented but provided flexibility to the schedule.**
- **Allow for extensions to compliance deadlines based on the available funding, with sufficient justification that the updated deadline can be met with the known funding.**
- **Tie permit compliance requirements to the availability of funding, and the Permittee's agreement that such requirements are appropriate.**
- **Align SCW Program reporting requirements in terms of format and schedule to satisfy the Permit required reporting.**

If these recommendations are incorporated in the Permit, this will also help facilitate the selection of projects under the SCW Program that are best aligned with Permit compliance.

### ***Better Define Compliance Attainment:***

The compliance pathway through approved WMPs should clarify receiving credit for local pollutant load reductions with pre- and post-implementation monitoring versus an observed response in receiving waters. This is related to final compliance attainment. **If an approved WMP is properly implemented and all project milestones are met, but final WQBELs or RWLs are still exceeded, we recommend that the Permit provide coverage for the Permittees through deemed compliance to address through the adaptive management process, rather than being at risk of an immediate violation.** The whole concept of the adaptive management process is to continue improving the program towards attainment of environmental objectives and this coverage will further encourage Permittees to fully embrace adaptive management. **In addition, we recommend establishing a clear policy and guidelines for Permittees to demonstrate that all work associated with prior and current milestones was completed.** This will help

assure all stakeholders that established milestones are being met and further justifies coverage under final compliance with the use of adaptive management as needed.

Regarding the alternative compliance pathway to address the 85<sup>th</sup> percentile, 24-hour event, it is important to recognize that volume capture may not provide a viable compliance strategy for certain pollutants (e.g., bacteria) and other types of water quality impairments (e.g., habitat-related impacts). **The Permit should allow flexibility in determining an alternative compliance pathway that can be used to demonstrate final compliance.** This flexibility will allow for greater compliance certainty and aligns with recent scientific studies and the development of innovative approaches and tools that can be used to enhance water quality improvement.

### ***Reporting:***

The Tentative Permit reporting requirements are expanded from the existing 2012 MS4 Permit (which the SGVCOG is concerned ignores the Court's findings with regards to the Cities of Duarte's and Gardena's lawsuits) and will take significant time and resources to complete. The following recommendations aim to streamline these efforts so the information gathered provides meaningful feedback and available funding can be better spent on implementation efforts. **Additional reporting requirements include the annual report forms that require significant additional financial reporting, but do not provide adequate guidance. Additional clarity is needed regarding the LARWQCB's expectations.** The additional requirement for Permittees participating in a Coordinated Integrated Monitoring Program (CIMP) to submit a Monitoring Report twice a year doubles the annual reporting effort. This additional reporting would result in additional reporting costs for Permittees, which could more effectively be used to support implementation.

**We recommend updating the reporting periods to better align with the schedules in program plans, to increase the utility of the data collected to help guide implementation. The Permit should provide flexibility for the LARWQCB to coordinate with the Permittees on a more appropriate reporting schedule. In addition, individual Permittee reporting requirements should be limited to avoid redundant efforts where the watershed reports provide the overall progress of the program.** Overall, the extensive cost to comply with the reporting requirements is not proportionate with the usefulness of these reports. Prior to much of the program's implementation (during planning and design phases), the reporting could be further spaced apart, then once implementation occurs an annual frequency may be more reasonable and useful.

Moreover, including the reporting forms in the Permit does not allow flexibility to modify the forms as may be necessary or desired in the future. To allow for the opportunity to adjust reporting to better meet the needs of all stakeholders, **the SGVCOG recommends that the reporting forms be removed from the Permit.** Instead, the Permit should allow for the LARWQCB to amend and adopt the annual report forms on a regular basis to make improvements to these forms and the annual reporting process.

Furthermore, the Permittees will be required to provide financial reporting to Los Angeles County regarding their use of SCW Program funds. **We encourage LARWQCB staff to closely coordinate with Los Angeles County in the development of financial forms to avoid redundant reporting.**

Overall, the SGVCOG and its member cities have significant concerns with the current and increased reporting responsibilities and the financial burden associated with the more stringent requirements that could be better prioritized.

***Monitoring:***

As stated above on the reporting requirements, the SGVCOGs recommendations aim to streamline the monitoring efforts so the data gathered still provides meaningful feedback and available funding can be better spent on implementation efforts. **The monitoring requirements could be better correlated with implementation status (e.g., monitor less frequently in the early stages of the program and then more frequently after watershed control measures have been more widely implemented).** Costs to Permittees to complete this monitoring in preliminary years where much of the program is still in the planning and design phases, could be better spent on implementation. **Monitoring could also be more strategically employed through a tiered approach that focuses first on downstream conditions, and only moves upstream if needed. Overall, given the extensive costs to comply and the disproportionate value in the data at this time, we are requesting a more critical look at these requirements.**

The additional aquatic toxicity monitoring requirements will require time to fully review. While the costs of monitoring these four freshwater species will be extremely high, without additional analysis, permittees will not be able to estimate the actual compliance costs. Since Permittees cannot evaluate the cost of compliance, the LARWQCB cannot evaluate the financial impacts of this new requirement. **We recommend that the Permit acknowledge this gap and provide a pathway for potential adaptations to the aquatic toxicity monitoring requirements once sufficient cost analyses are complete.**

**In addition, we recommend that the Permit provides flexibility to streamline monitoring efforts where appropriate.** The current monitoring requirements select a limited number of events to sample over the year for all identified pollutants, which is expensive for each sampling event. However, these are only a handful of events and only tell us so much about the overall conditions in the watershed. **A more streamlined and informative approach would be to sample more events but measure inexpensive proxies (supported by statistically significant data), such as sediment, in place of more expensive pollutant sampling and analysis.** This could be set up to be equivalent or less expensive than the current monitoring efforts and provide much more information to the Permittees and stakeholders on the state of the watershed. **Permittees should be able to justify reducing monitoring requirements for select constituents if they can demonstrate associated trends and progress in reducing pollutants.** The Permittee would measure these surrogate parameters, as appropriate, on a consistent basis, then include validation at selected times that would explicitly sample the specific pollutants of concern to further support the approach.

***Compliance Schedules:***

The Tentative Permit specifies that Permittees must comply with water-quality based effluent limitations immediately. Previously in the 2012 MS4 Permit, Permittees had 90 days to meet compliance deadlines. The SGVCOG has concerns that the requirement for immediate compliance ignores the Court's findings with regards to the Cities of Duarte's and Gardena's lawsuits. Regardless, as the LARWQCB develops the Permit, **a WMP being developed and implemented in good faith by the Permittees that is determined to be "inadequate" by the LARWQCB should be allowed a grace period to correct inadequacies.** This would still allow for the LARWQCB to address gross non-compliance while providing a path for WMPs with very minor and easily correctable flaws to continue addressing water quality goals.

Many of the original TMDLs have optimistic compliance schedules, which have previously been recognized as such by Board staff. There is flexibility in the Tentative Permit for Permittees to request extensions, in addition to the knowledge that the Board staff are currently working on a TMDL extension Basin Plan Amendment. **As an initial alternative, we recommend that the Board withhold adopting the new Permit until after the TMDL extension Basin Plan Amendment(s) have been approved and can be incorporated into the Permit. Alternatively, we recommend that the current schedules, at a**

**minimum, recognize the anticipated TMDL deadline extensions from the Basin Plan Amendment(s) and ultimately the revised schedules will automatically be incorporated in the Final Permit.** The amendment is currently focused on specific TMDLs identified with near term deadlines. **We recommend the TMDL extension Basin Plan Amendment effort be extended to include other TMDLs where appropriate, particularly those with final deadlines prior to 2030.** Even with these extensions, there are remaining recommendations for better integration of the SCW Program regarding alignment of compliance schedules, which is further detailed in the comments above.

The process of planning, designing, constructing, testing and operating projects to implement best management practices takes longer than five years. In addition, the SCW Program funding schedule could exceed this timeframe. Instead, **if compliance within five years is not feasible for a Permittee, then the Permittee should be able to demonstrate a plan towards compliance that it will implement as funding becomes available.**

In addition, regarding the Bacteria TMDLs, the current timeframe for compliance is particularly unreasonable given recent scientific studies that indicate the need to reduce sources of human waste in order to meet recreational beneficial uses. Implementation is shifting to provide greater focus on source control efforts rather than structural project implementation and volume control which can be ineffective in reducing pathogens and recreational health risks. A longer schedule is needed to adapt current implementation programs, as is currently underway in the Upper Los Angeles River watershed with the Load Reduction Strategy Adaptation Plan.

Overall, this area of concern emphasizes that it is more important to implement the right programs and strategies to achieve the environmental and water quality goals driving the Permit than meeting a set milestone to complete a specified action. We do not want to rush forward in order to meet a set deadline that is unreasonable and potentially sacrifice a more thoughtful and effective approach. Some of the critical water quality objectives in older TMDLs are no longer aligned with the best available science. Examples of this include the Bacteria objectives that should be adjusted to focus more directly on allowable risk and move away from the use of Fecal Indicator Bacteria, as well as shifting towards the use of site-specific methods for metals (e.g., Biotic Ligand Model, Water Effect Ratio studies) to identify potential impacts to aquatic life. Necessary updates to water quality objectives can be used to clearly identify where beneficial uses (e.g. recreational use in relation to bacteria and aquatic life in relation to metals) are impaired and require action. **The main recommendation is for flexibility in the Permit to incorporate new information and advancements and, when necessary, provide the appropriate additional time to successfully do so.**

### ***Consistency Across Permits:***

**We recommend eliminating redundancy or contradictions across permits and ensure requirements for Phase I, Phase II, Industrial General Permit, Agricultural Order, etc., encourage collaboration across responsible parties.** Water quality impairments are due to a number of influences which is why a watershed-wide approach is valuable to coordinate on the most cost-effective solutions. However, **the MS4 Permit should only contain requirements within the Permittees control and while collaboration is encouraged, compliance should not be reliant on it.** Permittees need only comply with permit conditions relating to discharges from the MS4 for which they are owners or operators. As currently drafted, the Tentative Permit purports to make the Phase I MS4 Permittees liable for the actions of other discharges, which is unlawful. **In addition, RAAs should be given flexibility to quantify Phase I MS4 responsibilities (e.g., load reductions) in order to encourage compliance as well as promote shared responsibility with other Permittees.**

***Define Performance Metrics for Non-Structural Strategies and Concise, Useful Tracking:***

The appropriate metrics for non-structural/non-modeled strategies still require further development to assess the effectiveness of these strategies and how to link to monitoring data. The assessments should be done in a clear and concise manner that provide meaningful feedback on progress and effectiveness to best support management decisions. **We recommend general guidelines be developed by a technical team, which will require time, to ensure consistency across Permittees.**

The current tracking requirements across Permittees programs for non-structural strategies are often time consuming and the data is not in a useful format to assess progress. **We recommend one consolidated tracking system that houses the information relevant to the Permit and helps succinctly assess effectiveness and streamlines Annual Reporting, providing more valuable information to the LARWQCB, as well as the Permittee to better manage its programs.**

***Industrial General Permit (IGP) Training and Inspections:***

The Tentative Permit clarified from the Working Proposal that training requirements can continue utilizing existing resources. However, **additional clarity is still requested on which employees are required to take the training, as the current language of “pertinent staff” is vague and would benefit from more specificity.** It is not clear whether Permittees would be exempt from this training if the inspection work is outsourced to contractors, a point which requires clarification. **The SGVCOG believes that the IGP training should only be required for those individuals who actually perform the inspections.**

***Permit Contradictions:***

**The Board should clarify with a statement (in the appropriate section of the Permit) as to why Permittees in Reach 2 and Reach 3 of the Rio Hondo river are included for the Los Angeles River Metals TMDL.** Permittees are listed within the approved TMDL and current MS4 permit; however, Reaches 2 and 3 are not included in the 303(d) lists. **The SGVCOG is requesting an explanation and justification for this apparent contradiction.**

***Clear Language:***

Tentative Permit language in places allows for multiple interpretations, in some cases out of line with the original intent. Specific comments are provided in Table A-1 where this has been identified. Overall, **recommend including additional clarity while maintaining flexibility to allow for scientific advancements and better information/data regarding protection of beneficial uses and MS4 responsibilities in the future.**

Sincerely,



Marisa Creter  
Executive Director  
San Gabriel Valley Council of Governments

## Appendix A: Detailed Comments and Recommendations (Updated)

In addition to the key areas of concern summarized in the comment letter, Table A-1 provides detailed comments on the Tentative Permit. Previous comments submitted by the SGVCOG on the Working Proposal that are still applicable in the updated Tentative Permit are included in Table A-1.

**Table A-1.** Comments on the Tentative Permit

Tentative Permit Section; Page	Comment	Regional Board Response
Table 4; Page 7	Consider setting the effective date as July 1, 2021 (rather than 50 days from adoption date) to align with the Reporting Period.	<b>No change.</b>
<b>III. Discharge Prohibitions</b>		
III.A; Page 12	Specify this prohibition should not apply to any invasive animal or plant life.	<b>Change made.</b>
III.B.3.a; Page 13	Recommend adding discharges from recycled water systems as a conditionally exempt discharge. Definition of recycled water discharge could be: "Discharges from recycled water systems includes sources of flows from recycled water storage, supply and distribution systems (including flows from system failures), pressure releases, system maintenance, distribution line testing, and flushing and dewatering of pipes, reservoirs, and vaults, and pump stations."	<b>No change.</b>
III.B.5.a.i; Page 14	The requirement for all conditionally exempt non-stormwater discharges to notify the Permittee in advance is excessive given the range of exempt discharges (includes landscape irrigation, car washing, etc.). Recommend distinguish this requirement for specific discharge categories relative to the potential impacts.	<b>Change made.</b>
III.B.5.b; Page 15	For discharges greater than 100,000 gallons, recommend continue to coordinate with County/Water Purveyors releases of this size for safety reasons downstream.	<b>No change.</b>
III.B.8; Page 16	Clarify if notifying the Board within 30 days is from the time when the discharge occurred or when the Permittee determines the discharge contributed to an exceedance.	<b>Change made.</b>
III.B.9; Page 16	Recommend modifying the end of this sentence to include: "...source of pollutants <b>to receiving waters</b> "	<b>No change.</b>
III.C.2.d.ii; Page 24	Consider not including limit of time schedules throughout. Any proposed timeframe can be denied by the Regional Board but there may be some exceptions that warrant an extended period.	<b>No change.</b>
III.D; Page 25	Please clarify why this prohibition for insecticides, fungicide and rodenticides are not applicable to products used for lawn and agricultural purposes.	<b>Change made.</b>
<b>IV. Effluent Limitations and Discharge Specifications</b>		

Tentative Permit Section; Page	Comment	Regional Board Response
IV.B.2.c.iv; Page 28	Recommend adding language that Permittees will have the opportunity to revise a Watershed Management Program if it is initially found to be inadequate. A grace period should be provided to correct any inadequacies.	<b>No change.</b>
IV.B.3; Page 28	Refer to area of concern regarding the zero trash effluent limitation for the Trash TMDLs.	<b>No change.</b>
<b>VI. Standard Provisions</b>		
VI.C; Page 38	Please clarify how the Regional Board will ensure that information collected in the Annual Reports will be utilized to complete fiscal analysis as required by the State Auditors. Will specific instructions be provided in the Annual Report to prevent any discrepancies between Permittees when financial data is provided. Please consider re-wording or expanding on this requirement. It can be interpreted that permittees must enumerate and describe all funds necessary to meet all requirements for implementation for the future year. There will undoubtedly be occasions when all funding sources anticipated for the upcoming year simply do not meet what is estimated for full implementation.	<b>No change.</b>
VI.G.4.b; Page 40	Requiring more frequent monitoring or reporting may not be considered a minor modification if it has significant implications to a Permittees cost of compliance and therefore likely impact a Permittees ability to comply with other requirements of the Permit.	<b>No change.</b>
<b>VIII. Storm Water Management Program Minimum Control Measures</b>		
VIII.A.3.b; Page 41	If any of the requirements of this section (VIII.A.3.b) are redundant with training held by the Department of Pesticide Regulation or other agencies, it would be good to have such training referenced in this section as qualifying for satisfying the training requirement.	<b>No change.</b>
VIII.B.1.d-e; Page 42-43	Regarding facilities/sites that require an NOI or NEC: Recommend allowing a Permittee to skip the process of one inspection and one written notice prior to referral. Once identified by the Permittee, it would seem efficacious to notify the Board. Versus waiting for a Permittee's attempts to compel IGP/CGP enrollment. So that Board staff can begin the process of compelling IGP/CGP coverage from the operator. In addition, for certain light industrial operations, IGP coverage can be a matter of interpretation of the SIC Manual. In these instance it would be best for the Regional Board to make the determination from the start. In addition, recommend setting up a recommended frequency for notification of potential IGP non-filers. Context: After the issuance of the 2012 LA/2014 LB MS4 Permits, the 2015 IGP added a large swath of light industries to its coverage. Many of these businesses are small in both size and operations and as such 1) are much more common than heavy industries, and 2) start and cease operations much more frequently than heavy industries. This means that Permittees may come across new potential non-filers on a regular basis, primarily through business license and MS4 NPDES inspections. Taking this into consideration, a regular frequency of notification may streamline the process for both Permittees and Regional	<b>No change.</b>

Tentative Permit Section; Page	Comment	Regional Board Response
	Board staff. (For example, under the North Orange County MS4 NPDES Permit, there is a quarterly notification process in place.)	
VIII.D.4.a; Page 45	Recommend providing additional guidance on the metrics for measuring effectiveness of public education efforts, which otherwise could take many forms and vary significantly across Permittees.	<b>No change.</b>
VIII.E.2.a.ii.(c); Page 46	Recommend providing a footnote that provides a hyperlink to the online database of such industrial facilities.	<b>Change made.</b>
VIII.E.2.a.iii; Page 46	Recommend listing the corresponding SIC codes for these facilities, and/or referring to the Attachment A definitions. Also for consistency with the industrial element of the Industrial/commercial Facilities Program, recommend defining these facilities in Attachment A using the SIC Code manual definition.	<b>No change.</b>
VIII.E.3; Page 47-48	This Tentative Permit updated the Working Proposal section on Requirements for Industrial Sources (VIII.E.4) to include in the Business Assistance Program that Permittees could refer businesses to the LA Regional Water Quality Control Board or State Board for further technical assistance and also updated the inspection frequency for sites that do not have exposure to stormwater to every 5 years. Recommend the same updates be made to the Requirements for Commercial Sources (VIII.E.3).	<b>No change.</b>
VIII.E.5; Page 49 VIII.G.5.a; Page 67 VIII.G.6.b.ii.(c); Page 69 VIII.H.3.a; Page 71	Recommend referencing a resource for Permittees to consider for applicable source control BMPs. (Such as the CASQA Handbooks.)	<b>No change.</b>
VIII.F.2.b; Page 54	In addition to the specific projects listed, exemptions to hydromodification controls should include an option for Permittees to prove no adverse hydromodification effects occur to beneficial uses in the Natural Drainage System.	<b>No change.</b>
VIII.F.4-5; Page 58-66	May consider integrating aspects of the Priority Development Project Structural BMP Performance Requirements for Ventura County Permittees (VIII.F.4) to integrate options for Los Angeles County Permittees (VIII.F.5) and vice-versa.	<b>Change made.</b>
VIII.G.4.b.ix; Page 67	Recommend removing the post-construction BMP description as it is already logged through the tracking requirements of VIII.F.3.c.i. Also, consider moving the "comparison of pre-storm water runoff volume to post-construction runoff volume" tracking to VIII.F.3.c.i.	<b>No change.</b>
VIII.G.5.b; Page 68	Currently construction sites are inspected once a month during rainy season, unless a follow-up inspection is required due to a deficiency. Please clarify what "inspect as needed" means.	<b>No change.</b>

Tentative Permit Section; Page	Comment	Regional Board Response
VIII.H.5.a; Page 74	If any of the requirements of VI.D.8.e.ii and VI.D.8.e.iii are equivalent to requirements of CCR Chapter 4, Subchapters 3, 4, and 5, recommend identifying them as such. So that it is clear which requirements are specific to the MS4 Permit.	<b>No change.</b>
VIII.H.5.b-c; Page 74-85	If any of the requirements of VIII.H.5.b and VIII.H.5.c are equivalent to requirements of CCR Chapter 4, Subchapters 3, 4, and 5, recommend identifying them as such. So that it is clear which requirements are specific to the MS4 Permit.	<b>No change.</b>
VIII.I.8.b; Page 80	Recommend exemption of tracking for discharges of negligible impact that do not enter a storm drain inlet. For example, the standard could be, "Tracking is not required for discharges of less than X gallons that do not reach a storm drain inlet." The reason for this requested exemption is that the administrative cost of this tracking outweighs the value of the data recorded. (The time could be better spent addressing other MS4 Permit requirements.)	<b>Change made.</b>
VIII; Page 40-80	For all minimum control measures note development of recommendations/guidance for appropriate metrics for measuring effectiveness will be needed.	<b>No change.</b>
<b>IX. Watershed Management Programs</b>		
IX.A; Page 81	Please consider if Safe, Clean Water Program Stormwater Investment Plans (SIPs) are to be included into the Permit as mentioned by the County at the first workshop, how will those projects that remain unfunded be able to achieve compliance through alternative funding?	<b>Change made.</b>
IX.A.4.d; Page 81	Recommend updating to reflect that modifications to the strategies, control measures, and BMPs may also be based on information gathered outside of the MRP.	<b>Change made.</b>
IX.A.4.e; Page 81	Recommend providing more detailed description on the “appropriate opportunity for meaningful stakeholder and community input”. This could potentially take many forms and would be helpful to understand what the Board deems as appropriate.	<b>No change.</b>
IX.A.4.k; Page 82	Strategies, control measures, and BMPs should be designed to achieve applicable WQBELs and RWLs, which can be demonstrated through an RAA. Reference to retaining the volume of the 85th percentile, 24-hour storm event should be reserved for later discussion that this option provides deemed-compliance for the associated drainage area without requiring an RAA. In many cases, building such control measures is infeasible in most areas and exceeds necessary controls to attain the water quality objectives, where costs could have been better spent in other areas to address the variable and spatial extent of WQBELs and RWLs. Increasing project size to capture the 85th percentile, 24-hour storm event may result in the misapplication of limited funding resources. Watershed Management is complex and requires optimum target investments and appropriate water quality standards.	<b>Change made.</b>

Tentative Permit Section; Page	Comment	Regional Board Response
IX.B.4.a; Page 83	Recommend also considering the severity of impaired beneficial uses and the relative level of exceedance of WQBELs and Receiving Water Limitations when sequencing the water quality priorities for TMDLs, rather than solely based on the compliance schedules.	<b>Change made.</b>
IX.B.5.b; Page 84	Recommend adding back in the retrofitting of existing developed areas to the list of potential control measures.	<b>No change.</b>
IX.B.5.b.i.(a); Page 84	Recommended removing “Vegetated” before nature-based solutions. There are nature-based solutions that aim to restore/promote natural processes that do not necessarily rely on vegetation.	<b>No change.</b>
IX.B.5.b.ii.(b); Page 84	Please clarify if Permittees are required to adopt plastic bag, straw and styrofoam bans as proposed as non-structural controls regarding human source management.	<b>No change.</b>
IX.B.7.a; Page 85	Requiring legal authority to implement the identified control measures could potentially limit beneficial collaboration across parties that are not direct Permittees.	<b>Change made.</b>
IX.B.7.g; Page 86	The RAA will be dependent upon the availability of data. Recommend some language that acknowledges this limitation.	<b>No change.</b>
IX.B.7.g.ii; Page 86	Recommend noting that the calibration of models should also be consistent with the applicable critical conditions for the pollutants of concern.	<b>No change.</b>
IX.B.7.g.iii; Page 86	Given the extent of available data, recommend noting that validation should be performed, if relevant independent data not required for calibration are available.	<b>No change.</b>
IX.B.7.g.iv; Page 86	Recommend providing additional guidance/recommendations on the quantitative reasoning required to demonstrate a WBPC being addressed by the limiting pollutant approach.	<b>Change made.</b>
IX.B.7.g.v; Page 86	Please clarify if the use of a modified WMMS model calibrated for a particular watershed still satisfies the QA/QC requirements.	<b>No change.</b>
IX.B.7.g.vi; Page 86	Recommend noting that the assessment of control measure performance will be an iterative process as more of this type of data is gathered in the WMA as control measures are implemented.	<b>No change.</b>
IX.C.3; Page 87	Permittees should be able to request an extension of final compliance deadlines with TMDLs.	<b>No change.</b>
IX.E.1.c; Page 88	Consideration of the achievement of requirements for storm water volume addressed in adaptive management should include an “as applicable”, given not all WMPs have set targets based on the volume addressed.	<b>Change made.</b>
IX.E.1.e; Page 88	Recommend reassessment of sources of pollutants not be limited to MS4 discharges, as modifications may also be warranted if significant sources outside of the MS4 are identified to be impacting receiving waters.	<b>No change.</b>

Tentative Permit Section; Page	Comment	Regional Board Response
IX.E.1; Page 87-88	Recommend including re-evaluation of identified control measures in the program and costs of implementation.	<b>Change made.</b>
IX.E.4.f; Page 88	Recommend adding a note that comparison of control measures completed to date with control measures projected to be completed to date pursuant to the WMP should include additional control measures implemented outside of the existing WMP	<b>No change.</b>
IX.E.5; Page 89	Please consider the impacts of additional costs incurred when implementing measures as part of adaptive management are considered and the time to secure such funding.	<b>Change made.</b>
<b>X. Compliance Determination for WQBELs and Receiving Water Limitations</b>		
X.B.1.b; Page 94	Necessary deviations from an approved WMP may justify adjustments to the final deadlines for project completion or program implementation, under approval of the Executive Officer and appropriately incorporated in the WMP through the adaptive management process. Recommend removing this circumstance from allowing minor deviations in an approved WMP.	<b>No change.</b>
<b>XI. Enforcement</b>		
XI.B.1; Page 99	Recommend where reference the zero trash effluent limitation to include a qualifying statement with the acceptable compliance pathways that result in attainment of this object.	<b>No change.</b>
<b>Attachment A - Definitions</b>		
Att.A - Illicit Discharge; Page A-9	Recommend clarifying definition to answer the question: Does an illicit discharge include a discharge of pollutants in storm water that has not been reduced to the maximum extent practicable?	<b>No change.</b>
Att.A - Non-Storm Water Discharge; Page A-13	Recommend clarifying definition to answer the question: Do non-storm water discharges include discharges of pollutants in storm water that have not been reduced to the maximum extent practicable?	<b>No change.</b>
Att.A – Restaurant; Page A-16	For consistency with the industrial element of the Industrial/commercial Facilities Program, recommend defining restaurants by the SIC Code manual: "Establishments primarily engaged in the retail sale of prepared food and drinks for on-premise or immediate consumption. Caterers and industrial and institutional food service establishments are also included in this industry."	<b>Change made.</b>
Att.A - Retail Gasoline Outlet; Page A-16	For consistency with the industrial element of the Industrial/commercial Facilities Program, recommend referring to Retail Gasoline Outlets as Gasoline Service Stations and defining by the SIC Code manual: "Establishments primarily engaged in selling gasoline and lubricating oils. These establishments frequently sell other merchandise, such as tires, batteries, and other automobile parts, or perform minor repair work. Gasoline stations combined with other activities, such as grocery stores, convenience stores, or carwashes, are classified according to the primary activity."	<b>No change.</b>

Tentative Permit Section; Page	Comment	Regional Board Response
Att.A – Vehicle Maintenance/Material Storage Facilities/Corporation Yards; Page A-20	Note Corporate Yards are referred to as a Public Works Yard in Section VI.D.8.b Table 11. Recommend using one term.	<b>No change.</b>
<b>Attachment E – Monitoring and Reporting Program</b>		
Att.E.II.H.8; Page E-5	Requiring to incorporate new MDLs in the monitoring program should also consider the financial burden of implementing (in addition to analytical methods improving and becoming more environmentally relevant)	<b>Change made.</b>
Att.E.V.A.2.a.ii; Page E-17	The new provision for subsequent wet weather events could be interpreted to modify the current provision to target wet weather events greater than 0.25 inches of rain to greater than 0.1 inches of rain. If this is the case, the new minimum wet weather target would increase the risk of a false start, decrease the amount of runoff represented in the sample, and cause other event pacing issues. Recommend that the minimum wet weather target remain the same.	<b>No change.</b>
Att.E.V.A.3; Page E-18	The new requirement to conduct receiving water wet weather monitoring within 6 hours of stormwater outfall-based monitoring may be infeasible for marine receiving water sites. Please provide guidance language for wet-weather monitoring at marine receiving water sites.	<b>Change made.</b>
Att.E.VI.A.5.b.i.(a); Page E-25	The new requirement for flow-weighted composite samples to have a minimum of 3 samples per hour that are separate by at least 15 minutes is infeasible due to rainfall variability. Generally, as flow increases, the sampling frequency increases. The beginning and ending of an event can sample at a rate less than three times per hour, and middle of an event can sample at a rate less than once every 15 minutes. Recommend that the minimum samples and rate serve more as guidelines and targets rates rather than requirements.	<b>No change.</b>
Att.E.IX.H.1-3; Page E-30 – E-31	The requirement to test four freshwater species will add substantial labor, cost and volume requirements for the first year of monitoring. Increased volume requirements will make it more difficult to collect sufficient volume of water through flow compositing. This will also likely result in adjacent watersheds evaluating different sensitive species and result in a lack of consistency with aquatic toxicity monitoring. Unclear how results of the test would be assessed if not consistent across test species. Please also consider the proposed Urban Pesticide Amendments' Statewide Coordinated Monitoring Program. Recommend including some language in the Permit to advise Permittees on the Board's stance on joining the Urban Pesticide Amendment and what the process would be for opting into this program. Please provide reasoning for the requirement to test four freshwater species.	<b>No change.</b>
Att.E.XIV.B; Page E-37	The new requirement for semi-annual monitoring reports doubles the annual reporting effort, which could potentially be better spent on implementation efforts.	<b>No change.</b>

Tentative Permit Section; Page	Comment	Regional Board Response
<b>Attachment F – Fact Sheet</b>		
Att.F.III.K; Page F-93	If Permittees were to consider climate change offsets in modeling or with BMPs, this would require changes to the WMPs through Adaptive Management. When would this be required by if included in the Permit? This would require Permittees to incur additional costs for analysis and modeling. Has the LARWQCB/SWB conducted a cost-benefit analysis to determine feasibility of considering climate change offsets?	<b>No change.</b>
Att.F.XIII; Page F-283	What is considered "appropriate"?	<b>No change.</b>
<b>Attachment H - Annual Report Forms</b>		
Att.H	Please clarify what is requested for cost for the Public Agency activities. This is where everyone reports differently with no clear format.	<b>No change.</b>
Att.H	Recommend that the Annual Report form not be included as an attachment. We anticipate continued improvements in the Annual Reporting process in the coming years, with a focus on reporting on key performance indicators and providing meaningful information. With an Annual Report form written into the Permit, this would prevent reporting improvements for a minimum of 5 years. (It seems unlikely that the Permit would be reopened for moderate improvements to the Annual Report forms.)	<b>No change.</b>
Att.H	Recommend considering any and all methods of avoiding redundancies. For example, consider maintaining WMP level reporting, enhanced by individual City-specific details.	<b>No change.</b>




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## 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 therein<sup>1</sup> (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.

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<sup>1</sup> 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](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](mailto:MS4StormwaterRB4@waterboards.ca.gov) with a copy to [Ivar.Ridgeway@waterboards.ca.gov](mailto: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](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](mailto:MS4StormwaterRB4@waterboards.ca.gov) with a copy to  
[Ivar.Ridgeway@waterboards.ca.gov](mailto: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](mailto:Gerardo.Rabelo@waterboards.ca.gov) with a copy to [Ivar.Ridgeway@waterboards.ca.gov](mailto: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](mailto:MS4StormwaterRB4@waterboards.ca.gov) with a copy to [lvar.Ridgeway@waterboards.ca.gov](mailto: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 Lyrus e-mail list for this matter. To sign up for the Lyrus 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/](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](mailto:Ivar.Ridgeway@waterboards.ca.gov) or (213) 620-2150.



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## Los Angeles Regional Water Quality Control Board

**TO:** MS4 Permittees in the Los Angeles Region and Interested Persons

**FROM:** Renee Purdy  
Executive Officer

**DATE:** June 10, 2021

**SUBJECT: NOTICE OF PUBLIC WORKSHOP ON THE REVISED TENTATIVE REGIONAL PHASE I MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT (NPDES PERMIT NO. CAS004004, ORDER NO. R4-20XX-XXXX)**

NOTICE IS HEREBY GIVEN that the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) will hold a public workshop to discuss Permittee and stakeholder comments about the Revised Tentative Regional Phase I MS4 National Pollutant Discharge Elimination System (NPDES) Permit (Revised Tentative Permit) for Permittees in Los Angeles and Ventura Counties. A quorum of the Los Angeles Water Board will be present. The Los Angeles Water Board may provide general feedback to staff; however, no action or voting will take place at this workshop. The public workshop will be held on:

**June 22, 2021, from 9:00 AM to 1:00 PM**

**via Video, Teleconference, and YouTube Livestreaming<sup>1</sup>**

Issuance of the Regional MS4 Permit is a pending adjudicative proceeding before the Los Angeles Water Board. During the workshop, Los Angeles Water Board members and workshop participants may discuss issues related to the pending proceeding. As stated above, the discussion will focus on Permittee and stakeholders comments and issues of concern.

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<sup>1</sup> As a result of the COVID-19 emergency and the Governor's Executive Orders to protect public health by limiting public gatherings and requiring social distancing, this meeting will occur solely via remote presence. As of the date this notice is published, the Los Angeles Water Board intends to conduct this meeting in a virtual/teleconference environment only. In the event orders from the Governor of California change prior to the scheduled date of the meeting, the format of the meeting may change to also allow for in-person attendance at a physical meeting location. If this were to occur, a revised agenda will be promptly issued reflecting the change to the format of the meeting. Persons desiring to receive notice about changes to the format of this meeting should sign up for the Lyris e-mail list by subscribing to our [Electronic Mailing List](#) (Select Region 4 Regional Phase I MS4 Permit).

LAWRENCE YEE, CHAIR | RENEE PURDY, EXECUTIVE OFFICER

## BACKGROUND

On June 4, 2021, the Los Angeles Water Board transmitted the Revised Tentative Regional Phase I MS4 NPDES Permit, including Attachment F (the Fact Sheet<sup>2</sup>) and all other attachments, to Permittees and other stakeholders for public review. The Revised Tentative Permit, the Fact Sheet, and all other associated attachments are available under “Regional Permit (in development)” on the Los Angeles Water Board’s website at:

[https://www.waterboards.ca.gov/losangeles/water\\_issues/programs/stormwater/municipal/index.html](https://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/index.html)

## OBJECTIVES

The objective of this MS4 workshop is to discuss region-specific comments and concerns of stakeholders and Permittees, and to potentially narrow such comments and concerns in advance of the public hearing on the Revised Tentative Permit

## WORKSHOP FORMAT

This workshop will be conducted in an active dialog format. The first part of the workshop will be dedicated to Ventura County Permittees’ and stakeholders’ comments on particular issues of concern and the Regional Board staff’s responses thereto. The second part of the workshop will be dedicated to Los Angeles County Permittees’ and stakeholders’ comments and the Regional Board staff’s responses thereto. Board members may ask questions throughout the workshop. Permittees and stakeholders who share similar comments/issues of concern are encouraged to present their comments/issues collaboratively at the workshop to allow adequate time to discuss shared concerns.

## HOW TO JOIN THE MEETING

**Zoom:** Please register for this workshop by June 18, 2021 via the Zoom registration link below:

[https://us02web.zoom.us/webinar/register/WN\\_D5skkZUyQL2b6ssl1K5jLA](https://us02web.zoom.us/webinar/register/WN_D5skkZUyQL2b6ssl1K5jLA)

After registering, you will receive a confirmation email containing information about joining the workshop. Please join the Zoom Meeting at least 15 minutes before the meeting start time to resolve any technical issues. The workshop will start promptly at 9:00 am and will conclude at 1:00 PM.

**YouTube:** This workshop is also available to watch live using the YouTube link below:

<https://youtu.be/us-IYytZp4>

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<sup>2</sup> The Fact Sheet (Attachment F) sets forth the principal facts and the significant factual, legal, methodological, and policy and technical rationale that serve as the basis for the requirements of the Order.

If unable to watch using the link above, you can find the live stream on the “Los Angeles Water Quality Control Board” YouTube Channel:

[https://www.youtube.com/channel/UCVV42bA6gFvxvn\\_byRVQ8-Q](https://www.youtube.com/channel/UCVV42bA6gFvxvn_byRVQ8-Q)

Please note participants viewing the workshop via live streaming will be unable to participate in the active discussion.

**Contact:** For additional information, contact Mr. Ivar Ridgeway by email at [Ivar.Ridgeway@waterboards.ca.gov](mailto:Ivar.Ridgeway@waterboards.ca.gov).