
Los Angeles Regional Water Quality Control Board

NOTICE OF MEETING (Government Code section 11125)

*Priority and Budget Discussion
Wednesday, January 16, 2019*

California Endowment Center
(Sierra Room)
1000 North Alameda Street
Los Angeles, California 90012
Beginning at 9:00 a.m.

The Los Angeles Regional Water Quality Control Board (Los Angeles Water Board or Board) will meet on Wednesday, January 16, 2019 from approximately 9:00 a.m. to 4:00 p.m. to discuss priority planning and budget issues for the 2019 calendar year. The only voting that will take place during this meeting is on items 5 and 7.

AGENDA

1. Roll Call
2. Welcome and Retreat Kick-off

BOARD BUSINESS AND REPORTS

3. Executive Team Report (*The Regional Board members may ask questions of the Acting EO and AEO regarding the items in the report.*)
4. Priority Planning and Budget Issues for 2019 (*The Board members and Management team will discuss priorities in small groups and then report out to the full group. Discussion item only.*)
5. Selection of Subcommittees (*The Board will review and consider modifications to Board Subcommittees.*)
6. Review of Select Legal Authorities Applicable to Board Member Communications, Meetings and Decisions
7. Election of 2019 Chair and Vice Chair

CLOSED SESSION

8. Adjournment to Closed Session. *As authorized by Government Code section 11126, the Regional Board may meet in closed session. Closed session items are not open to the public. Items the Regional Board may discuss include the items below. [Tamarin Austin (TA) (916) 341-5171; David Coupe (DC) (510) 622-2306; Jennifer Fordyce (JF) (916) 324-6682; Sophie Froelich (SNF) (916) 319-8557; Adriana Nuñez (AN) (916) 322-3313]*

Litigation filed against the Los Angeles Regional Water Quality Control Board (Gov. Code, § 11126, subd. (e)(2)(A).):

- 8.1 *Balcom Ranch v. State Water Resources Control Board and Los Angeles Regional Water Quality Control Board*, Ventura County Superior Court, Case No. 56-2012-00419048-CU-MC-VTA [Challenging assessment of administrative civil liability in Order on Complaint No. R4-2010-0023]. (DC)
- 8.2 *City of Duarte v. State Water Resources Control Board and Los Angeles Regional Water Quality Control Board*, Orange County Superior Court, Case No.30-2016-00833614-CU-WM-CJC [Challenging the Los Angeles County MS4 Permit, Order No. R4-2012-0175]. (JF)
- 8.3 *Natural Resources Defense Council and Los Angeles Waterkeeper v. State Water Resources Control Board and Los Angeles Regional Water Quality Control Board*, California Court of Appeal, Second District, Case No. B282016 [Challenging the Los Angeles County MS4 Permit, Order No. R4-2012-0175]. (JF)
- 8.4 *City of Gardena v. Los Angeles Regional Water Quality Control Board and State Water Resources Control Board*, Orange County Superior Court, Case No. 30-2016-00833722-CU-WM-CJC [Challenging the Los Angeles County MS4 Permit, Order No. R4-2012-0175]. (JF)
- 8.5 *Wayne Fishback v. Michael D. Antonovich et al.*, United States District Court for the Central District of California, Case No. 2:15-cv-05719 [Seeking preliminary injunction, alleging violations of procedural and substantive due process and other claims for relief]. (DC)
- 8.6 *Tesoro Refining & Marketing Company LLC and Tesoro SoCal Pipeline Company LLC v. Los Angeles Regional Water Quality Control Board*, California Court of Appeal, Second District, Case No. B288889 [Challenging issuance of Cleanup and Abatement Order No. R4-2013-0064]. (JF)
- 8.7 *Fishback et al. v. County of Los Angeles et al.*, Los Angeles County Superior Court, Case No. PC056481 [Alleging violations of procedural and substantive due process, violations of the state and federal takings clauses, and other claims for relief]. (DC)
- 8.8 *Los Angeles Waterkeeper v. California State Water Resources Control Board and Los Angeles Regional Water Quality Control Board*, Los Angeles County Superior Court, Case Number BS171009 [Challenging issuance of NPDES Permit Order No. R4-2017-0064 (Burbank Water Reclamation Plant)]. (DC)
- 8.9 *Los Angeles Waterkeeper v. California State Water Resources Control Board and Los Angeles Regional Water Quality Control Board*, Los Angeles County Superior Court, Case Number BS171010 [Challenging issuance of NPDES Permit Order No. R4-2017-0063 (Los Angeles-Glendale Water Reclamation Plant)]. (DC)

- 8.10 *Los Angeles Waterkeeper v. California State Water Resources Control Board and Los Angeles Regional Water Quality Control Board*, Los Angeles County Superior Court, Case Number BS171011 [Challenging issuance of NPDES Permit Order No. R4-2017-0062 (Donald C. Tillman Water Reclamation Plant)]. (DC)
- 8.11 *Los Angeles Waterkeeper v. California State Water Resources Control Board*, Los Angeles Superior Court, Case Number BS171012 [Challenging issuance of NPDES Permit No. R4-2017-0045 (Hyperion Treatment Plant)]. (DC)
- 8.12 *Barclay Hollander Corporation v. California State Water Resources Control Board, Los Angeles Region*, California Court of Appeal, Second District, Case No. B284182 [Challenging issuance of Cleanup and Abatement Order No. R4-2011-046]. (DC)
- 8.13 *Wishtoyo Foundation v. State Water Resources Control Board et. al.*, California Court of Appeal, Second District, Case No. 285271 [Challenging issuance of waste discharge requirements/water reclamation requirements, Order No. R4-2011-0079-A01 (City of Oxnard)]. (DC)
- 8.14 *H.K. Malt, LLC v. Los Angeles Regional Water Quality Control Board, Samuel Unger, Executive Officer, and DOES 1-25, inclusive*, Los Angeles County Superior Court, Case No. BS172040 [Challenging issuance of Cleanup and Abatement Order No. R4-2017-0080]. (SNF)
- 8.15 *CraneVeyor Corporation v. California Regional Water Quality Control Board, Los Angeles Region*, Los Angeles County Superior Court, Case No. 18STCP02611 [Challenging Order No. R4-2018-0032 issued pursuant to Water Code section 13267]. (AN)

Litigation filed by the Los Angeles Regional Water Quality Control Board against other parties (Gov. Code, § 11126, subd. (e)(2)(A).):

- 8.16 *State Department of Finance, State Water Resources Control Board and Los Angeles Regional Water Quality Control Board v. Commission on State Mandates*, Los Angeles County Superior Court, Case No. BS13070 [Challenging the Commission's decision that portions of the 2001 Los Angeles County MS4 permit created unfunded state mandates]. (JF)
- 8.17 *California Regional Water Quality Control Board, Los Angeles Region v. San-Cheng Lai; Lai Circuits, Inc.; John Doe, Personal Representative of San-Cheng Lai's Estate; The Estate of San-Cheng Lai; Coast United Advertising, Inc., Doing Business as Coast United Property Management; and Does 2-20*, Los Angeles Superior Court, Case No. BC707671 and related actions [seeking injunctive relief to enforce compliance with Cleanup and Abatement Order No. R4-2015-0129 and civil liability for violations of California Water Code section 13304]. (SNF)

Petitions for Review of Los Angeles Regional Water Quality Control Board actions filed with the State Water Resources Control Board (Gov. Code, § 11126, subd. (e)(2)(A).):

- 8.18 *In re: Petition of Natural Resources Defense Council, Los Angeles Waterkeeper, and Heal the Bay for Review of Executive Officer's Action to Conditionally Approve nine WMPs Pursuant to the 2012 MS4 Permit*, SWRCB/OCC File A-2386 [Challenging the Executive Officer's approval, with conditions, of nine Watershed Management Programs (WMPs) pursuant to the Los Angeles County MS4 Permit, Order No. R4-2012-0175]. (JF)

- 8.19 *In re: Petition of Los Angeles Waterkeeper and NRDC for Review of Executive Officer's Action to Approve the North Santa Monica Bay EWMP*, SWRCB/OCC File A-2477 [Challenging the Executive Officer's approval of the North Santa Monica Bay EWMP pursuant to the Los Angeles County MS4 Permit, Order No. R4-2012-0175]. (JF)
- 8.20 *In re: Petition of Natural Resources Defense Council and Los Angeles Waterkeeper for Review of Los Angeles Regional Water Quality Control Board's September 7 Vote to Take No Further Action to Review Executive Officer's Approval of the North Santa Monica Bay Enhanced Watershed Management Program Pursuant to the L.A. County MS4 Permit*, SWRCB/OCC File A-2508 [Challenging the Regional Board's decision to not review the Executive Officer's approval of the North Santa Monica Bay EWMP pursuant to the Los Angeles County MS4 Permit Order No. R4-2012-0175]. (JF)

Test Claims filed with the Commission on State Mandates (Gov. Code, § 11126, subd. (e)(2)(A).):

- 8.21 *In re: Los Angeles Region Water Permit – Ventura County*, Commission on State Mandate Test Claim No. 110-TC-01 [Regarding a test claim filed by Ventura County Watershed Protection District and the County of Ventura alleging that portions of Order No. R4-2010-0108 created unfunded state mandates]. (JF)
- 8.22 *In re: Los Angeles Region Water Permit – Cities of Los Angeles County*, Commission on State Mandate Test Claim No. 13-TC-01 [Regarding a test claim filed by several cities within Los Angeles County alleging that portions of Order No. R4-2012-0175 created unfunded state mandates]. (JF)
- 8.23 *In re: Los Angeles Region Water Permit – County of Los Angeles*, Commission on State Mandate Test Claim No. 13-TC-02 [Regarding a test claim by the County of Los Angeles and Los Angeles County Flood Control District alleging that portions of Order No. R4-2012-0175 created unfunded state mandates]. (JF)

Other matters:

- 8.24 Consultation with counsel about:
- (a) A matter which, based on existing facts and circumstances, presents significant exposure to litigation against the Regional Board (Government Code section (Gov. Code, § 11126, subd. (e)(2)(B).) (TA/SNF/AN); or
 - (b) A matter which, based on existing facts and circumstances, the Regional Board is deciding whether to initiate litigation (Gov. Code, § 11126, subd. (e)(2)(C).) (TA/SNF/AN)
 - (b.1) *In re City of Maywood* [to consider matters pertaining to whether to initiate litigation and seek relief for alleged violations of State Water Resources Control Board Order No. 2006-0003-DWQ, following referral to the California Attorney General's Office on March 8, 2018, Resolution R18-001]. (SNF)
- 8.25 Consideration of the appointment, employment, or evaluation of performance about a public employee. (Gov. Code, § 11126, subd. (a).) (TA/SNF/AN)