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18 UNITED STATES DISTRICT COURT
19 CENTRAL DISTRICT OF CALIFORNIA

20 NATURAL RESOURCES DEFENSE)
21 COUNCIL, INC. and SANTA)
22 MONICA BAYKEEPER,)
23)
24) Plaintiffs,
25)
26) v.
27)
28) COUNTY OF LOS ANGELES; LOS)
ANGELES COUNTY FLOOD)
CONTROL DISTRICT; MICHAEL)
ANTONOVICH, in his official capacity)
as Supervisor; YVONNE B. BURKE,)
in her official capacity as Supervisor;)
DON KNABE, in his official capacity)
as Supervisor; GLORIA MOLINA, in)
her official capacity as Supervisor; ZEV)
YAROSLAVSKY, in his official)
capacity as Supervisor; and DEAN)
EFSTATHIOU, in his official capacity)
as Director of Los Angeles County)
Department of Public Works,

Defendants.

Case No. CV 08-1467 BRO (PLAx)
DEFENDANT COUNTY OF LOS ANGELES' RESPONSE TO PLAINTIFF SANTA MONICA BAYKEEPER'S INTERROGATORY NOS. 24-25

1 PROPOUNDING PARTY: Plaintiff Santa Monica Baykeeper

2 RESPONDING PARTIES: Defendant County of Los Angeles ("County")

3 **GENERAL OBJECTIONS**

4 1. The County objects to each and every Interrogatory propounded by
5 plaintiff to the extent that they are beyond the permitted or required scope of discovery
6 under the Federal Rules, including F. R. Civ. Pro. 26 and 33.

7 2. The County objects to each and every Interrogatory propounded by
8 plaintiff to the extent that they seek information other than with respect to the Los
9 Angeles River Watershed, the San Gabriel Watershed, or the Laguna Point to Latigo
10 Point ASBS ("ASBS 24") as defined in plaintiffs' First Amended Complaint, on the
11 grounds that such information is neither relevant or reasonably calculated to lead to the
12 discovery of admissible evidence.

13 3. The County objects to each and every Interrogatory propounded by
14 plaintiff to the extent that they seek information with respect to the 2012 Municipal
15 Stormwater Permit for discharges within the coastal watersheds of Los Angeles County
16 (Los Angeles Regional Water Quality Control Board Order No. R4-2012-0175) (the
17 "2012 Permit") on the grounds that such information is neither relevant nor reasonably
18 calculated to lead to the discovery of admissible evidence.

19 4. The County objects to each and every Interrogatory propounded by
20 plaintiff to the extent that they purport to require the disclosure of information and/or
21 communications protected from disclosure by the attorney-client privilege, the work-
22 product doctrine and/or any other applicable privilege or immunity from disclosure,
23 regardless of whether such privilege or immunity from disclosure is specifically
24 identified in the response(s) to which it applies. Any inadvertent disclosure of
25 privileged or otherwise protected information shall not be deemed to be a waiver by the
26 County of any applicable privilege or immunity from disclosure.

1 5. The County objects to each and every Interrogatory propounded by
2 plaintiff to the extent that they require the disclosure of trade secret, trade sensitive, or
3 otherwise confidential business information, including, without limitation, information
4 protected by the right to privacy embodied in article I, section 1 of the California
5 Constitution.

6 6. The County objects to each and every Interrogatory propounded by
7 plaintiff to the extent that they purport to require the County to provide information that
8 is equally available to plaintiff, its agents, and/or its representatives.

9 7. The County objects to each and every Interrogatory propounded by
10 plaintiff to the extent that they are vague, ambiguous, overly broad, overly burdensome,
11 and/or otherwise fail to specifically describe the information sought.

12 8. The County objects to each and every Interrogatory propounded by
13 plaintiff to the extent that they are neither relevant nor reasonably calculated to lead to
14 the discovery of admissible evidence.

15 9. The County responds to these Interrogatories based on the information
16 currently available to it. These responses are at all times subject to such additional or
17 different information that discovery or further investigation may disclose and, while
18 based on the present state of recollection, are subject to refreshing recollection and such
19 additional knowledge of facts and information as may result from the County's
20 discovery or investigation. Discovery in this action is continuing and nothing contained
21 in these responses shall in any way limit the County's ability to make any use of and to
22 introduce at any hearing or trial, discovered information, evidence, and/or documents,
23 whether or not referred to herein, or facts, documents or tangible things not known or
24 identified at the time of these responses.

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1 **RESPONSE TO INTERROGATORIES**

2 Subject to and without waiving the general objections above, which are
3 incorporated by reference into each response to each interrogatory, the County responds
4 to the Interrogatories as follows:

5 **INTERROGATORY NO. 24:**

6 What have you done to comply with Part V.A.1 of the 2012 Permit, which states,
7 “Discharges from the MS4 that cause or contribute to the violation of receiving water
8 limitations are prohibited”?

9 **RESPONSE TO INTERROGATORY NO. 24:**

10 Defendant objects to this interrogatory on the grounds that it is neither relevant
11 nor reasonably calculated to lead to admissible evidence.

12 Subject to and without waiving this objection or the general objections above,
13 which are incorporated by reference herein, defendant states that, with respect to the
14 Los Angeles and San Gabriel Rivers, Defendant is complying with all programs
15 required by the 2012 Permit. Those programs include but are not limited to public
16 information and participation, industrial and commercial inspections, development
17 planning, development construction, public agency activities, illicit connection and
18 discharge, effectively prohibiting non-stormwater discharges, TMDLs, the submission
19 of Watershed Management and Enhanced Watershed Management Programs, and other
20 programs as set forth in the 2012 Permit, which is incorporated by reference herein.
21 Defendant further is preparing and implementing TMDL implementation plans, has
22 constructed multi-benefit projects that reduce stormwater runoff, and has adopted a Low
23 Impact Development ordinance.

24 With respect to the ASBS, Defendant states that the activities described in its
25 draft Compliance and draft Pollution Prevention plans, copies of which were provided
26 to plaintiffs and which are incorporated by reference herein, will further work to assure
27 that there will be no exceedances of ocean water quality standards.

1 **INTERROGATORY NO. 25:**

2 How do you monitor whether you are complying with Part V.A.1. of the 2012
3 Permit, which states, “Discharges from the MS4 that cause or contribute to the violation
4 of receiving water limitations are prohibited”?

5 **RESPONSE TO INTERROGATORY NO. 25:**

6 Defendant objects to this interrogatory on the grounds that it is neither relevant
7 nor reasonably calculated to lead to admissible evidence.

8 Subject to and without waiving this objection or the general objections above,
9 which are incorporated by reference herein, defendant states that the 2012 Permit, Part
10 VI.B. provides that permittees shall comply with the monitoring requirements in
11 Attachment E to the 2012 Permit or may, in coordination with an approved Watershed
12 Management Program, implement a customized monitoring program that achieves the
13 five Primary Objectives set forth in Part II.A. of Attachment E and includes the elements
14 set forth in Part II.E. of Attachment E.

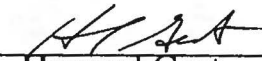
15 Attachment E, Part IV, provides that each permittee may develop an Integrated
16 Monitoring Program (“IMP”) or a Coordinated Monitoring Program (“CIMP”).
17 Attachment E, Part IV.C.3 provides that permittees that elect to develop a Watershed
18 Management program (“WMP”) shall submit an IMP or CIMP with their draft WMP.
19 Attachment E, Part IV.C.4 provides that permittees that elect to develop an enhanced Watershed
20 Management Program (“EWMP”) shall submit an IMP or CIMP within 18 months after
21 the effective date of the 2012 Permit. Attachment E, Part IV.C.6 provides that
22 monitoring shall commence within 30 days after approval of the IMP, or within 90 days
23 after approval of the CIMP, by the Executive Officer of the Regional Board. The
24 County is participating in CIMPs. The Executive Officer has not yet approved a CIMP
25 in which the County is participating and therefore monitoring relating to Part V.A.1 of
26 the 2012 Permit has not yet commenced.

1 Moreover, under the 2012 permit, a permittee is in compliance with Part V.A.1
2 as long as it is participating in a WMP or EWMP or is in compliance with the permit's
3 TMDL provisions. See Parts VI.C.2.b and 3, and Part VI.E.2.c. No monitoring is
4 needed to determine whether a permittee is in compliance by reason of these permit
5 provisions.

6 Dated: January 5, 2015

MARK J. SALADINO, County Counsel
JUDITH A. FRIES, Principal Deputy

BURHENN & GEST LLP
HOWARD GEST
DAVID W. BURHENN

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10 By: 
11 Howard Gest
12 Attorneys for Defendants
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1 **VERIFICATION**

2 I have read the foregoing response to Plaintiff Santa Monica Baykeeper's
3 Interrogatory Nos. 24-25. I am the Assistant Deputy Director, Watershed Management
4 Division, of the Los Angeles County Department of Public Works, a department of the
5 County of Los Angeles, a party to this action, and am authorized to make this
6 verification for and on its behalf, and I make this verification for that reason. I am
7 informed and believe and on that basis allege that the matters stated in the foregoing
8 document are true.

9 I declare under the penalty of perjury under the laws of the United States that the
10 foregoing is true and correct.

11 Executed this __ day of January, 2015, at Alhambra, California.

12 _____
13 Angela George, P.E.
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1 **PROOF OF SERVICE**

2 I am employed in Los Angeles County. I am over the age of 18 and not a party to this
3 action. My business address is 624 S. Grand Avenue, 22nd Floor, Los Angeles, California 90017.

4 On January 5, 2015, I served the foregoing document, described as

5 **DEFENDANT COUNTY OF LOS ANGELES' RESPONSE TO PLAINTIFF
6 SANTA MONICA BAYKEEPER'S INTERROGATORY NOS. 24-25**

- 6 the original of the document
7 true copies of the document

8 in separate sealed envelopes addressed as follows:

9 See Attached Service List

10 **BY U.S. MAIL:** I sealed and placed such envelope for collection and mailing to be
11 deposited on the same day at Los Angeles, California. The envelopes were mailed with postage
12 thereon fully prepaid. I am readily familiar with Burhenn & Gest LLP's practice of collection and
13 processing corresponding for mailing. Under this practice, documents are deposited with the U.S.
14 Postal Service on the same day that is stated in the proof of service, with postage fully prepaid at
15 Los Angeles, California in the ordinary course of business.

16 **BY FEDERAL EXPRESS:** I am familiar with the firm's practice of collecting and
17 processing correspondence for delivery via Federal Express. Under that practice, it would be picked
18 up by Federal Express on that same day at Los Angeles, California and delivered to the parties as
19 listed on this Proof of Service the following business morning.

20 **BY FACSIMILE:** I caused the above referenced document to be transmitted via facsimile
21 to the parties as listed on this Proof of Service.

22 **BY PERSONAL SERVICE:** I caused such envelope to be delivered by messenger to the
23 office or home of the addressee(s).

24 **STATE:** I declare under penalty of perjury under the laws of the state of California that the
25 above is true and correct.

26 **FEDERAL:** I declare that I am employed in the office of a member of the bar of this court at
27 whose direction the service was made.

28 Executed on January 5, 2015 at Los Angeles, California.

29 
30 Danette Armstead

SERVICE LIST

***Natural Resources Defense Council v. County of Los Angeles
Case No. CV 08-1467 (BRO)***

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