Los Angeles Regional Water Quality Control Board

Notice of Public Meeting
650th Regular Board Meeting

Thursday, February 10, 2022
9:00 a.m.

No Physical Meeting Location

(Authorized by Government Code section 11133 and Executive Order N-1-22)

Video and Teleconference Meeting Only During COVID-19 Emergency

As a result of the COVID-19 emergency and as authorized by Government Code section 11133 and Executive Order N-1-22, this meeting will occur solely by remote presence.

For those who only wish to watch the meeting the customary **English** webcast remains available at *https://cal-span.org and should be used UNLESS you intend to comment.*

For those who only wish to watch the meeting with Spanish translation *additional information about viewing the Spanish webcast via the remote meeting solution is available here:*
https://www.waterboards.ca.gov/losangeles/board_info/remote_meeting/SpanishWebcast.pdf

For those who wish to comment on an agenda item or are presenting to the Board, *additional information about participating telephonically or via the remote meeting solution is available here:*

https://us02web.zoom.us/webinar/register/WN_p7nSidQnR2-Sy2nXRsFsGg

For those who wish to follow the Board meeting agenda on Twitter. *The feed is available on the Board meeting day: https://twitter.com/RWQCB4*

AGENDA

The Los Angeles Regional Water Quality Control Board (Los Angeles Water Board or Board) strives to conduct an accessible, orderly, and fair meeting. The Chair of the Board will conduct the meeting and establish appropriate rules and time limitations for each agenda item. The Board will only act on items designated as action items. Action items on the agenda are staff proposals and may be modified by the Board as a result of public comment or Board member input. Additional information about Board meeting procedures is included after the last agenda item.

Generally, the Board accepts oral comments at the meeting on agenda items and accepts written materials regarding agenda items in advance of the meeting. For some items requiring public hearings, written materials and oral comments will be accepted only according to the procedures set forth in a previously issued public notice for the agenda item. To ensure a fair hearing and that the Board Members have an opportunity to fully study and consider written material, unless stated otherwise, written materials must be provided to the Executive Officer **not later than 5:00 p.m. on February 3, 2022. Please consult the agenda item description because certain items may have an earlier deadline for written submissions. If you are considering submitting written materials, please consult the notes at the end of the agenda. Failure to follow the required procedures may result in your materials being excluded from the administrative record; however, failure to timely submit written materials does not preclude a person from testifying before the Board.**

If a person intends to use a PowerPoint presentation or other visual aids, they must be received by the Los Angeles Water Board's IT Department, to the attention of Gerardo.Rabelo@waterboards.ca.gov at least 48 hours prior to the meeting, unless otherwise stated. Presentations submitted after the deadline **will not be accepted**.

Note that public comments on agenda items will be limited to 3 minutes unless directed otherwise by the Board Chair or previously approved by the Executive Officer in writing. Unless otherwise stated for a specific agenda item, persons requesting more than 3 minutes to speak on an agenda item must register to participate in the meeting not later than 5:00 pm, February 3, 2022 via the Zoom registration link https://us02web.zoom.us/webinar/register/WN_p7nSidQnR2-Sy2nXRsFsGg *and indicate in their registration the item they wish to speak on and the amount of time they are requesting. Time requests submitted via the Zoom registration will be evaluated by the Chair and time allocations will be communicated in advance of the meeting. Persons not requesting additional time to speak may register via the Zoom registration link at any time before or during the Board meeting.*

INTRODUCTORY ITEMS

1. **Roll Call**
2. **Order of Agenda** (Note that the agenda items are numbered for identification purposes only and may not necessarily be considered in this order.)

BOARD BUSINESS AND REPORTS

3. **Selection of 2022 Chair and Vice Chair**
4. **Approval of Draft Meeting Minutes for the December 9, 2021 Meeting** [Helen Rowe, (213) 576-6612]
5. **Board Member Communications**
   a. Ex Parte Disclosure (Board Members will identify any discussions they may have had requiring disclosure pursuant to Government Code section 11430.40.)

   b. Board Member Reports (The Board Members may discuss communications, correspondence, or other items of general interest relating to matters within the Board's jurisdiction.)

6. **Executive Officer's Report** [Renee Purdy, Renee.Purdy@waterboards.ca.gov]
7. **Enforcement Report** [Russ Colby, Russ.Colby@waterboards.ca.gov]
8. **Update from State Water Board** [Laurel Firestone]

PUBLIC FORUM

9. Any person may address the Board regarding any matter within the Board's jurisdiction provided the matter does not appear elsewhere on this agenda, has not been scheduled to appear on a future agenda, and is not expected to be imminently scheduled for the Board's consideration.

UNCONTESTED ITEMS

(Items marked with an asterisk are expected to be routine and noncontroversial. The Board will be asked to approve these items at one time without discussion. Any Board member or person may request that an item be removed from the uncontested calendar. ***If an item is removed from the uncontested calendar, it will only be voted on at this meeting if the Board accepts the staff recommendation for the item. Otherwise, the item will be continued to a future meeting to allow input by interested persons.****)*

Non-NPDES Waste Discharge Requirements

Termination

10. *Consideration of Termination of Individual Waste Discharge Requirements (WDRs) Order No. 01-005 and Time Schedule Order (TSO) No. 01-006 for Serra Canyon Company Limited, Malibu Beach Recreational Vehicle Park, File No. 73-073. (Comment submittal deadline was January 20, 2022) [Emily Wong, emily.wong@waterboards.ca.gov]

11. *Consideration of Termination of Individual Waste Discharge Requirements (WDRs) Order No. 97-028 for Vista Pacifica at Broad Beach, File No. 96-140. (Comment submittal deadline was January 20, 2022) [Woonhoe Kim, woonhoe.kim@waterboards.ca.gov]

Waste Discharge Requirements that Serve as an individual NPDES Permit

Renewal

12. *Consideration of tentative Waste Discharge Requirements for the Joint Outfall System, Long Beach Water Reclamation Plant, Long Beach, California NPDES Permit No. CA0054119 (Comment submittal deadline was January 10, 2022) [Don Tsai, Don.Tsai@waterboards.ca.gov]

CONTESTED ITEMS

Waste Discharge Requirements that Serve as an individual NPDES Permit

Renewal

13. Consideration of tentative Waste Discharge Requirements for the Boeing Company Santa Susana Field Laboratory, Canoga Park, CA. NPDES No. CA0001309, (Comment submittal deadline was January 18, 2022), [Duong Trinh, duong.trinh@waterboards.ca.gov]

Non-NPDES Waste Discharge Requirements

14. Consideration of a Tentative Waste Discharge Requirements for the Agua Dulce Residential Development Project; File No. 20-105 (Comment submittal deadline was January 21, 2021) [Céline Gallon, celine.gallon@waterboards.ca.gov]

Basin Plan

15. Consideration of a proposed Basin Plan amendment to adopt the Total Maximum Daily Load for Indicator Bacteria in Los Cerritos Channel and Estuary, Alamitos Bay, and Colorado Lagoon, and to Suspend the Recreational Uses in Los Cerritos Channel during Unsafe Wet Weather Conditions. (Comment submittal deadline was January 18, 2022 by 5 p.m. PST). [Dr. Kangshi Wang, kangshi.wang@waterboards.ca.gov]

CLOSED SESSION[1]

16. As authorized by Government Code section 11126, the Los Angeles Water Board will be meeting in closed session. Closed session items are not open to the public. Items the Board may discuss include the items below. [Tamarin Austin (TA) (916) 341-5161; Jennifer Fordyce (JF) (916) 324-6682; David Coupe (DC) (510) 622-2306; Sophie

[1] At any time during open session, the Los Angeles Water Board may adjourn to closed session to discuss pending litigation or personnel matters.

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).)

a) *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)

b) *Natural Resources Defense Council and Los Angeles Waterkeeper v. State Water Resources Control Board and Los Angeles Regional Water Quality Control Board*, Los Angeles County Superior Court, Case No. BS156962 [Challenging the Los Angeles County MS4 Permit, Order No. R4-2012-0175; remand on anti- degradation claim]. (JF)

c) *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)

d) *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)

e) *City of Torrance v. California Regional Water Quality Control Board, Los Angeles Region*, Los Angeles County Superior Court, Case No. 20STCP01992 [Challenging Order No. R4-2020-0003, issued pursuant to Water Code section 13267]. (TA)

f) *REV 973 v. Los Angeles Regional Water Quality Control Board,* Los Angeles Superior Court, Cas No. 20STCP02934 [Challenging Order R4-2014-0117, issued on September 19, 2014, pursuant to Water Code sections 13267 and 13304]. (SNF)

g) *OPI Products, Inc. and North Hollywood Properties, Inc. v. Los Angeles Regional Water Quality Control Board,* Los Angeles Superior Court, Case No. 20STCP02400 [Challenging Order R4-2019-0042-A, issued pursuant to Water Code section 13267]. (TA)

h) *City of Thousand Oaks et al. v. California Regional Water Quality Control Board – Los Angeles Region,* Ventura County Superior Court, Case No. 56-2021-00549601-CU-WM-VTA [Challenging certain provisions of three iterations of National Pollutant Discharge Elimination System (NPDES) permits for three wastewater treatment plants – City of Thousand Oaks, Camarillo Sanitary District, and City of Simi Valley. The challenged NPDES permits include: 1) Order Nos. R4- 2014-0064 (Thousand Oaks), R4-2014-0062 (Camarillo), and R4-2014-0066 (Simi Valley); 2) Order Nos. R4-2014-0064-A01 (Thousand Oaks), R4-2014-0062-A01 (Camarillo), and R4-2014-0066-A01 (Simi Valley); and 3) Orders Nos. R4-2019-0137 (Thousand Oaks), R4-2019-0136 (Camarillo), and R4-2019-0135 (Simi Valley)]. (TA/SNF)

i) *In the Matter of Balcom Ranch*, Ventura County Superior Court, Case No. 56-2017-00505151-CU-JR-VTA (appeal pending, California Court of Appeal, Second District, Case No. B311434) [Challenging attorney fees]. (DC)

j) *Quaker Chemical Corporation v. Los Angeles Regional Water Quality Control Board*, Los Angeles Superior Court, Case No. 21STCP02072 [Challenging investigative order issued pursuant to Water Code section 13267] (TA)

k) *State Water Resources Control Board v. Los Angeles Waterkeeper,* 2nd District Court of Appeal, Appellate Case No. B30951 [Cross-appeal challenging ruling on demurrer by Los Angeles Superior Court in favor of the Los Angeles Regional Water Quality Control Board] (DC)

l) *Eskenazi v. Los Angeles Regional Water Quality Control Board*, Los Angeles Superior Court, Case No. 21STCV44459 [Seeking return of money paid to Regional Board as a result of lien placed on property which was subsequently sold] (JF/SF)

m) *People of the State of California ex rel. Los Angeles Regional Water Quality Control Board v. The Boeing Company,* Ventura County Superior Court, Case No. 56-2010-00371686-CU-MC-SIM [consideration of whether to extend Consent Judgment] (SF)

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

n) California Regional Water Quality Control Board, Los Angeles Region v. Mitchell Investors, LLC, et al., Los Angeles County Superior Court, Case No. 21STCV10636 [seeking injunctive relief to require compliance with Cleanup and Abatement Order No. R4-2010-0095 and civil liability for violations of Water Code section 13304]. (TA)

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

o) 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)

p) 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)

Potential Litigation that may be filed by the Los Angeles Regional Water Quality Control Board against other parties (Gov. Code, § 11126, subd. (e)(2)(C)(1).)

q) Resolution 21-004 [referring enforcement of Order No. R4-2021-0038-A1 to the Attorney General]. (TA)

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).)

Other matters

r) Consultation with counsel about:

i. A matter which, based on existing facts and circumstances, presents significant exposure to litigation against the Los Angeles Water Board (Government Code section (Gov. Code, § 11126, subd. (e)(2)(B).); (TA/SF/AN) or

ii. A matter which, based on existing facts and circumstances, the Los Angeles Water Board is deciding whether to initiate litigation (Gov. Code, § 11126, subd. (e)(2)(C).) (TA/SF/AN)

iii. Consideration of the appointment, employment, or evaluation of performance about a public employee. (Gov Code § 11126, subd. (a).) (TA/SF/AN)

iv. To deliberate on a decision to be reached in a proceeding required to be conducted pursuant to Chapter 5 (commencing with Section 11500) or similar provisions of law. (Gov. Code § 11126, subd. (c)(3).) (TA/SF/AN)

17. **Adjournment of current meeting** (The next regular meeting of the Board will be held on March 10, 2022 beginning at 9:00 a.m. The location is to be determined.)

NOTES ON AGENDA

Ex Parte Communications

An ex parte communication is a communication to a board member from any person, about a pending matter, that occurs in the absence of other parties and without notice and opportunity for them to respond. The California Government Code prohibits the board members from engaging in ex parte communications during permitting, enforcement, and other "quasi-adjudicatory" matters. Ex parte communications are allowed on pending general orders (such as general waste discharge requirements, general waivers, and general Clean Water Act section 401 water quality certifications) subject to the disclosure requirements of Water Code section 13287 (for further information and disclosure forms, please visit http://www.waterboards.ca.gov/losangeles/laws_regulations/). The Los Angeles Water Board discourages ex parte communications during rulemaking and other "quasi-legislative" proceedings. The ex parte rules are intended to provide fairness, and to ensure that the board's decisions are transparent, based on the evidence in the administrative record, and that evidence is used only if stakeholders have had the opportunity to hear and respond to it. Ex parte rules do not prevent anyone from providing information to the water boards or requesting that the water boards take an action. They simply require that the information come into the record through proper channels during a duly noticed, public meeting. A board member who has engaged or been engaged in a prohibited ex parte communication will be required to publicly disclose the communication on the record and may be disqualified from participating in the proceeding. For more information, please look at the ex parte questions and answers document found at www.waterboards.ca.gov/laws_regulations/docs/exparte.pdf.

Procedures

The Los Angeles Water Board follows procedures established by the State Water Resources Control Board. These procedures are established in regulations commencing with section 647 of title 23 of the California Code of Regulations. The Chair may establish specific procedures for each item, and consistent with section 648, subdivision (d), of title 23 of the California Code of Regulations may waive non-statutory provisions of the regulations. Generally, all witnesses testifying before the Los Angeles Water Board must affirm the truth of their testimony and are subject to questioning by the Board Members. The Board does not, generally, require the designation of parties, the prior identification of witnesses, or the cross examination of witnesses. Generally, speakers are allowed three minutes for comments. Any requests for an alternate hearing process, such as requesting additional time to make a presentation, should be made to the Executive Officer in advance of the meeting, and under no circumstances later than 5:00 p.m. on the Thursday preceding the Board meeting. The provisions of this paragraph shall be deemed superseded to the extent that they are contradicted by a hearing notice specific to an agenda item.

Written Submissions

Written materials (whether hand-delivered, mailed, e-mailed, or facsimiled) ***must be received by the relevant deadline*** established in the agenda or public notice for an item. If the submitted material is more than 10 pages or contains foldouts, color graphics, maps,

or similar items, 12 copies must be submitted prior to the relevant deadline. Failure to comply with requirements for written submissions is grounds for the Chair to refuse to admit the proposed written comment or exhibit into evidence. (Cal. Code Regs., tit. 23, § 648.4, sub. (e).) The Chair may refuse to admit written testimony into evidence unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would otherwise create a hardship. In an adjudicatory matter, where there is a showing of prejudice to any party or the Board from admission of the written testimony, the Chair may refuse to admit it.

Administrative Record

Presentation materials used as part of testimony must be left with the Board. All Board files pertaining to the items on this Agenda are hereby made a part of the record submitted to the Los Angeles Water Board by staff for its consideration prior to action on the related items.

Accessibility

Individuals requiring special accommodations or language needs should contact Rosie Villar at (213) 576-6630 or Rosie.Villar@waterboards.ca.gov at least ten working days prior to the meeting. TTY/TDD Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

Availability of Complete Agenda Package

A copy of the complete agenda package is available for examination by appointment at the Los Angeles Water Board Office during regular working hours (8:00 a.m. to 5:00 p.m. Monday through Friday) beginning 10 days before the Board meeting. Questions about specific items on the agenda should be directed to the staff person whose name is listed with the item.

Continuance of Items

The Board will endeavor to consider all matters listed on this agenda. However, time may not allow the Board to hear all matters listed. Matters not heard at this meeting may be carried over to the next Board meeting or to a future Board meeting. Parties will be notified in writing of the rescheduling of their item. Please contact the Los Angeles Water Board staff to find out about rescheduled items.

Challenging Los Angeles Water Board Actions

Pursuant to Water Code section 13320, any aggrieved person may file a petition to seek review by the State Water Resources Control Board of most actions taken by the Los Angeles Water Board. A petition must be received by State Water Resources Control Board, Office of Chief Counsel, Attention: Adrianna Crowl, 1001 I Street, 22nd Floor, Sacramento, CA, 95814, within 30 days of the action. Instructions for filing water quality petitions are located on the State Water Resources Control website at https://www.waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_instr.shtml