

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION**

**320 W. 4th Street, Suite 200  
Los Angeles, California 90013  
(213) 576-6600**

**Order No. 01-182 (as amended)  
NPDES No. CAS004001**

**PROPOSED AMENDMENT TO THE COUNTY OF LOS ANGELES  
MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT**

**ORDER ON PARTY STATUS**

The Los Angeles Regional Water Quality Control Board designated the Los Angeles County Flood Control District as a party to this proceeding. The Regional Board received 22 additional requests for party status. Rulings on each are as follows:

- 1) The requests of co-permittees County of Los Angeles, and Cities of Arcadia, Carson, Hidden Hills, Irwindale, Monrovia, Monterey Park, Pasadena, San Fernando, San Marino, Signal Hill, South El Monte, South Gate, and Vernon were timely and are hereby granted. These jurisdictions are “persons” to whom this agency action is directed and are therefore entitled to be parties to this proceeding pursuant to subdivision (a) of section 648.1, title 23, California Code of Regulations (CCR).
- 2) The requests by the Cities of Bell and Los Angeles were untimely. The Notice of Public Hearing required requests to be submitted by 12:00 PM on October 19, 2009. Bell’s request was submitted at 4:00 PM on October 19, 2009, and Los Angeles’ request was submitted at 12:35 PM on October 20, 2009. Nevertheless, the delay was minimal. It has not prejudiced any other party or the Regional Board. The cities would otherwise have a right pursuant to 23 CCR 648.1(a) to participate as parties. Furthermore, with respect to the City of Los Angeles, its interest is exceptionally high in that it is the largest discharger of trash and must achieve the greatest trash reductions of all responsible jurisdictions, as determined by the Regional Board in the TMDL. Los Angeles’ participation will therefore be beneficial to the development of the issues in the proceeding. Accordingly, the requests of both Bell and Los Angeles are hereby granted. All parties are hereby notified that future noncompliance with the procedures set forth in the Notice of Public Hearing may result in their dismissal as parties from the proceeding. (23 CCR § 648.1(c).)
- 3) The Regional Board also received requests on behalf of co-permittees Bellflower, Gardena, La Verne, and West Hollywood. None of these co-permittees, however, are responsible jurisdictions for compliance with the L.A. River Trash TMDL. While the Notice of Public Hearing indicated that a request by any co-permittee would be granted, in drafting the Notice of Public Hearing staff did not contemplate that permittees that are not subject to the L.A. River Trash TMDL might request party status, and therefore neglected to distinguish

between permittees who are and who are not responsible jurisdictions. As noted above, the California Code of Regulations limits the ability to participate in a quasi-adjudicative proceeding as a matter of right to “persons to whom the agency action is directed.” (23 CCR §648.1(a).) Ordinarily, a modification to a permit affects all permittees, but this proceeding only imposes responsibilities upon a fraction of the permittees, and the others are not persons to whom this action is directed. Following receipt of their requests, these co-permittees were asked to submit a statement explaining the reason for their request, including how the issues to be addressed in the hearing affect them and an explanation as to why the jurisdictions subject to the L.A. River Trash TMDL do not adequately represent their interests.

- a. In response to the request, the Cities of La Verne and West Hollywood withdrew their requests for party status, recognizing that they are not directly impacted by the proposed amendments and that they may present any comments they have as interested persons in the manner specified in the Notice of Public Hearing.
  - b. The Regional Board did not receive a response on behalf of the Cities of Bellflower or Gardena. Based on the aforesaid, the Regional Board cannot conclude that these cities have any unique interest in this proceeding that would not be vindicated by the parties actually designated. Accordingly, their requests for party status are hereby denied. Should representatives of Bellflower or Gardena have any comments they wish to present, they are likewise entitled to do as interested persons, in the manner specified in the Notice of Public Hearing.
- 4) The Regional Board received one request for party status on behalf of an entity that is not a co-permittee under the L.A. MS4 Permit. That request was from Heal the Bay, and it is granted. In support of its request, Heal the Bay asserts its status as “a local environmental organization dedicated to making Southern California coastal waters and watersheds, including Santa Monica Bay, safe, healthy and clean.” Heal the Bay has been intimately involved in the development of the L.A. MS4 Permit and the L.A. River Trash TMDL. It has submitted numerous comments and provided oral testimony at all Regional Board and State Water Resources Control Board hearings on these two items. No other environmental organizations (or non-permittees) have requested party status, and is hereby determined that its perspective in this proceeding will further the development of the issues before the Regional Board.
- 5) The County of Los Angeles and the Los Angeles County Flood Control District asserted that the Notice of Public Hearing is unlawful in (1) establishing procedures and deadlines for affected permittees to assert their participation as parties, and (2) allege that all permittees have the right to be parties to the proceeding.<sup>1</sup> The County and County Flood lack standing to raise these claims on behalf of other co-permittees, and as to them the claims are moot since they are both designated parties. The claims are also incorrect. As to

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<sup>1</sup> Both letters were submitted over the signature of Assistant Deputy Director Gary Hildebrand, of the County of Los Angeles Department of Public Works.

the first issue, section 648.1(a) expressly authorizes the establishment of procedures for designating parties to a particular proceeding in the hearing notice. In this proceeding, 43 of the 84 co-permittees are “persons to whom the agency action is directed.” Nevertheless, given the number of permittees (and possible parties), and the fact that the permit modifications may pose varying degrees of obligations depending upon the situation of each (number of storm drains, location, etc.) and as a result not all may desire to participate, it is appropriate for the Regional Board to ascertain which affected permittees intend to participate as parties, so that pre-hearing and hearing processes may be tailored accordingly. The second issue was addressed in paragraph 3), above. The objections to the party-designation procedures are hereby overruled.

- 6) The designated parties to this proceeding, with their contact information, are set forth on Attachment A hereto. To the extent feasible, the parties that are co-permittees are requested (but not required) to coordinate their filings and presentations (to the extent their perspectives may be aligned) and to consider whether they can designate one or more of themselves as their lead point or points of contact. Each party is directed to copy all other parties on any submittals or filings that they may have.

**IT IS SO ORDERED.**

October 22, 2009



Madelyn Glickfeld  
Vice Chair

## Attachment A

Party	Contact Name	Contact Information
Los Angeles County Flood Control District	Mr. Hector Bordas, Principal Civil Engineer	County of Los Angeles Department of Public Works, Watershed Management Division P.O. Box 1460 Alhambra, CA 91802-1460 hbordas@dpw.lacounty.gov
County of Los Angeles	Mr. Hector Bordas, Principal Civil Engineer	County of Los Angeles Department of Public Works, Watershed Management Division P.O. Box 1460 Alhambra, CA 91802-1460 hbordas@dpw.lacounty.gov
Arcadia	Carmen Trujillo	Public Works Services Department PO Box 60021 Arcadia, CA 91066-6021 (626) 256-6551 ctrujillo@ci.arcadia.ca.us
Bell	Kevin J. Powers, Environmental Compliance Coordinator	2601 Airport Drive, Suite 110 Torrance, CA 90505 (310) 257-2000 kevinpowers@caaprofessionals.com
Bell	Carlos Alvarado, City Engineer	6330 Pine Avenue Bell, CA 90201 (323) 588-6211 rsccegr@aol.com
Bell	Edward W. Lee, City Attorney	Best Best & Krieger, LLP 300 South Grand, 25th Floor Los Angeles, CA 90071 (213) 617-8100 edward.lee@bbklaw.com
Carson	Ms. Patricia Elkins, Storm Water Quality Programs Manager	701 East Carson St. Carson, CA 90745 (310) 847-3529 pelkins@carson.ca.us
Hidden Hills	Cherie L. Paglia, City Manager	6165 Spring Valley Road, Hidden Hills, CA 91302, citymanager@hiddenhillscity.org
Hidden Hills	Kevin J. Powers, Environmental Compliance Coordinator	2601 Airport Drive, Suite 110 Torrance, CA 90505 (310) 257-2000 kevinpowers@caaprofessionals.com

**Attachment A (con't)**

Hidden Hills	Candice K. Lee, Asst. City Attorney	Richards Watson & Gershon 355 S. Grand Ave., 40th Floor Los Angeles, CA 90071-3101 (213) 626-8484 clee@rwglaw.com
Irwindale	Kwok Tam, Director of Public Works	5050 North Irwindale Ave. Irwindale, CA 91706 (626) 430-2212 ktam@ci.irwindale.ca.us
Los Angeles	Donna Chen, Assistant Division Manager	1149 South Broadway, 10th Floor Los Angeles, CA 90015 (213) 485-3928 donna.chen@lacity.org
Monrovia	Scott Ochoa, City Manager	415 South Ivy Ave. Monrovia, CA 91016 (626) 932-5550 sochoa@ci.monrovia.ca.us
Monrovia	Craig A. Steele, City Attorney	Richards Watson & Gershon 355 S. Grand Ave., 40th Floor Los Angeles, CA 90071-3101 (213) 626-8484 csteele@rwglaw.com
Monterey Park	Elias Saykali, Director of Public Works	320 West Newmark Avenue Monterey Park, California 91754-2896 (626) 307-1383 esaykali@montereypark.ca.gov
Pasadena	Martin Pastucha, Director of Public Works	100 North Garfield Ave. PO Box 7115 Pasadena, CA 91109-7215 (626) 744-4233 mpastucha@cityofpasadena.net
San Fernando	Ron Ruiz, Public Works Director	117 MacNeil St. San Fernando, CA 91340 (818) 898-1237 rruiz@sfcity.org
San Fernando	Candice K. Lee, Asst. City Attorney	Richards Watson & Gershon 355 S. Grand Ave., 40th Floor Los Angeles, CA 90071-3101 (213) 626-8484 clee@rwglaw.com
San Marino	Matt Ballantyne, City Manager	2200 Huntington Drive San Marino, CA 91108 (626) 300-0700 mballantyne@cityofsanmarino.org

**Attachment A (con't)**

San Marino	Norm Dupont	Richards Watson & Gershon 355 S. Grand Ave., 40th Floor Los Angeles, CA 90071-3101 (213) 626-8484 ndupont@rwglaw.com
Signal Hill	Kenneth C. Farfsing, City Manager	2175 Cherry Avenue Signal Hill, CA 90755 (562) 989-7307 kfarfsing@cityofsignalhill.org
South El Monte	Anthony R. Ybarra, City Manager	1415 Santa Anita Ave. South El Monte, CA 91733 (626) 579-6540 tybarra@soelmonte.org
South El Monte	Quinn Barrow	Richards Watson & Gershon 355 S. Grand Ave., 40th Floor Los Angeles, CA 90071-3101 (213) 626-8484 qbarrow@rwglaw.com
South Gate	Robert Dickey, Public Works Director	8650 California Ave. South Gate, CA 90280-3075 (323) 563-9512 rdickey@sogate.org
Vernon	Samuel K. Wilson, Director of Community Services & Water	4305 Santa Fe Ave. Vernon, CA 90058 (323) 583-8811 swilson@ci.vernon.ca.us
Vernon	Laurence S. Wiener, City Attorney	Richards Watson & Gershon 355 S. Grand Ave., 40th Floor Los Angeles, CA 90071-3101 (213) 626-8484 lwiener@rwglaw.com
Heal the Bay	Mark Gold, President	1444 9th Street Santa Monica, CA 90401 (310) 451-1500 mgold@healthebay.org