

Los Angeles Regional Water Quality Control Board

Revised
Notice of Public Meeting
Thursday, May 4, 2017
9:30 a.m.

Meeting Location:
City of Pasadena
Council Chambers
100 North Garfield Avenue
Pasadena, California 91101

Agenda

The Los Angeles Regional 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 particular 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 May 18, 2017. 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 hearing record; however, failure to timely submit written materials does not preclude a person from testifying before the Board.***

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.
3. **Approval of draft meeting Minutes for the May 4, 2017 meeting.** [Ronji Moffett, (213) 576-6612]

4. Board Member Communications.

- 4. a. Ex Parte Disclosure. Board Members will identify any discussions they may have had requiring disclosure pursuant to Government Code section 11430.40.
- 4. 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.

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. **Items removed from the Uncontested calendar may be heard at a future meeting.**)*

***5. Non-NPDES State Discharge Requirements Termination-**

Consideration of tentative termination of Waste Discharge Requirements for former Northrop Grumman Corporation, East Complex Facility, Hawthorne; File No. 06-089. (Comment submittal deadline was April 10, 2017) [Peter Raftery, (213) 620-6156]

BOARD BUSINESS REPORTS

- 6. **Executive Officer's Report.** [Samuel Unger, (213) 576-6605]
- 7. **Update from State Board.**

PUBLIC FORUM

- 8. 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. Remarks will be limited to three (3) minutes, unless otherwise directed by the Chair. If a person intends to use a PowerPoint presentation or other **visual aids, you must contact Ronji Moffett, (213) 576-6612, at the Regional Board at least 48 hours prior** to the meeting to arrange for equipment use and be prepared to load any PowerPoint presentation on the computer prior to the meeting to assure the orderly conduct of the meeting.

CONTESTED ACTION ITEMS**Basin Planning/TMDL**

- 9. Consideration of the proposed revisions to the Clean Water Act section 303(d) List of impaired waterbodies in the Los Angeles Region. (Comment submittal deadline was March 30, 2017. [Dr. Jun Zhu, (213) 576-6681; Dr. Kangshi Wang, (213) 576-6780; and Dr. L.B. Nye, (213) 576-6785])

Information Items

*(These items are for informational purposes only.
No voting will take place on these matters.)*

10. Update on recycled water projects associated with Publicly Owned Treatment Works (POTWs) [Cris Morris, (213) 620-2083]
11. Discussion of the Regional Board's process for Settlement of Enforcement Actions. [Paula Rasmussen, (213) 576-6607]
13. Update on groundwater cleanup at the National Aeronautics and Space Administration, Jet Propulsion Laboratory in Pasadena. [Samuel Unger, (213) 576-6605]

CLOSED SESSION

14. As authorized by Government Code section 11126, the Regional Board will be meeting in closed session. Closed session items are not open to the public. Items the Board may discuss include the following: [Jennifer Fordyce (JF) (916) 324-6682; Frances McChesney (FM) (916) 341-5174; David Coupe (DC) (510) 622-2306]

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- 14.13 *California Regional Water Quality Control Board, Los Angeles Region v. United States Army Corps of Engineers; Lieutenant General Thomas P. Bostick, In his Official Capacity*, United States District Court for the Central District of California, Case No. 2:16-cv-01091 [Alleging unauthorized discharges of dredge and fill materials and other pollutants into waters of the United States in violation of Clean Water Act sections 301, 401, and 404]. (JF)
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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)

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- 14.17 *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)*
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- 14.20 *In re: Petition of Lawyers for Clean Water, Inc., and Los Angeles Waterkeeper for Review of Los Angeles Regional Water Quality Control Board's Adoption of Waste Discharge Requirements and NPDES Permit for the City of Burbank, Burbank Water Reclamation Plan and its associated wastewater collection system and outfalls, discharging to the Burbank Western Channel; Order No. R4-2017-0064. (FM)*
- 14.21 *In re: Petition of Lawyers for Clean Water, Inc., and Los Angeles Waterkeeper for Review of Los Angeles Regional Water Quality Control Board's Adoption of Waste Discharge Requirements and NPDES Permit for the City of Los Angeles, Los Angeles-Glendale Water Reclamation Plan and its associated wastewater collection system and outfall discharge to the Los Angeles River; Order No. R4-2017-0063. (FM)*

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

- 14.22 *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)*
- 14.23 *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)

- 14.24 *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:

- 14.25 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).); 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).) (JF/FM/DC)

- 14.26 Consideration of the appointment, employment, or evaluation of performance about a public employee. (Gov. Code, § 11126, subd. (a).) (JF/FM/DC)

15. **Adjournment of current meeting.** (The next regular meeting of the Board will be held on June 1, 2017 at the Metropolitan Water District City of Southern California, Board Room, located at 700 North Alameda Street, Los Angeles, CA, 90012, and beginning at 9:00 a.m.)

**

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 Regional 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 a particular 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 Regional 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 nonstatutory provisions of the regulations. Generally,

all witnesses testifying before the Regional 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 a particular agenda item.

Written Submissions: Written materials (whether hand-delivered, mailed, e-mailed, or facsimiled) ***must be received prior to the relevant deadline*** established in the agenda and 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: Material presented to the Board as part of testimony that is to be made part of the record must be left with the Board. This includes photographs, slides, charts, diagrams, etc. All Board files pertaining to the items on this Agenda are hereby made a part of the record submitted to the Regional 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 rvillar@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 at the Regional 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 Regional Board staff to find out about rescheduled items.

Challenging Regional 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 Regional Board. A petition must be received within 30 days of the action.

Petitions must be sent to State Water Resources Control Board, Office of Chief Counsel; Attn: Phil Wyels, Assistant Chief Counsel; 1001 "I" Street, 22nd Floor; Sacramento, CA 95814.

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WORKSHOP**Basin Planning/TMDL**

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Information Items

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- 13.24 *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:

- 13.25 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).); 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).) (JF/FM/DC)

- 13.26 Consideration of the appointment, employment, or evaluation of performance about a public employee. (Gov. Code, § 11126, subd. (a).) (JF/FM/DC)

14. **Adjournment of current meeting.** (The next regular meeting of the Board will be held on June 1, 2017 at the Metropolitan Water District City of Southern California, Board Room, located at 700 North Alameda Street, Los Angeles, CA, 90012, and beginning at 9:00 a.m.)

**

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 Regional 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 a particular 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 Regional 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 nonstatutory provisions of the regulations. Generally,

all witnesses testifying before the Regional 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 a particular agenda item.

Written Submissions: Written materials (whether hand-delivered, mailed, e-mailed, or facsimiled) ***must be received prior to the relevant deadline*** established in the agenda and 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: Material presented to the Board as part of testimony that is to be made part of the record must be left with the Board. This includes photographs, slides, charts, diagrams, etc. All Board files pertaining to the items on this Agenda are hereby made a part of the record submitted to the Regional 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 rvillar@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 at the Regional 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 Regional Board staff to find out about rescheduled items.

Challenging Regional 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 Regional Board. A petition must be received within 30 days of the action.

Petitions must be sent to State Water Resources Control Board, Office of Chief Counsel; Attn: Phil Wyels, Assistant Chief Counsel; 1001 "I" Street, 22nd Floor; Sacramento, CA 95814.

Lyris Name: Short Form Agenda

4/27/17

DATEJOINED_	EMAILADDR_	FULLNAME_
8/16/2000 0:00	Ronji.Moffett@waterboards.ca.gov	Ronji Moffett
8/28/2000 0:00	jhuff@wpinc.com	John Huff
8/29/2000 0:00	rferber@ix.netcom.com	Robin Ferber
9/7/2000 0:00	Jack.Price@waterboards.ca.gov	Jack Price
9/7/2000 0:00	Rosie.Villar@waterboards.ca.gov	Rosie Villar
9/11/2000 0:00	jjl@procopio.com	John Lormon
10/17/2000 0:00	randy@wqa.com	Randy Schoellerman
10/20/2000 0:00	DavidJLennon@aol.com	David Lennon
12/15/2000 0:00	bbax@lacsds.org	Beth Bax
1/4/2001 0:00	tbooze@dtsc.ca.gov	Thomas F. Booze
1/11/2001 0:00	cardoza_angel@yahoo.com	Angel Cardoza Jr.
3/7/2001 0:00	leinbakj@apci.com	Keith J. Leinbach
4/18/2001 0:00	tgooff@calleguas.com	Tony Goff
5/29/2001 0:00	mbarminski@aol.com	Mike Barminski
7/29/2001 0:00	jdagdighian@waterstone-env.com	Jeffrey V. Dagdighian
10/1/2001 0:00	fbrown@inreach.com	Fred O Brown
1/10/2002 0:00	jim.steele@tetrattech.com	James R. Steele
1/18/2002 0:00	marym@water.ca.gov	Mary M. Miller
2/3/2002 0:00	javiergcardenas@hotmail.com	Javier G. Cardenas
2/20/2002 0:00	lgallardo@waterboards.ca.gov	Laura Gallardo
3/13/2002 0:00	dpoole@pooleshaffery.com	David Poole
3/19/2002 0:00	christy@usgvmwd.org	Christine Hawkins
3/26/2002 0:00	moillataguerre@ci.glendale.ca.us	Maurice Oillataguerre
4/3/2002 0:00	ekiepk@willdan.com	Elroy Kiepk
4/12/2002 0:00	paul.singarella@lw.com	Paul Singarella
4/16/2002 0:00	kruffell@lacsds.org	Kristen Ruffell
7/17/2002 0:00	negarnoushkam@yahoo.com	Negar Noushkam
7/17/2002 0:00	robert.wu@dot.ca.gov	Bob Wu
7/17/2002 0:00	smarquez@toaks.org	Santos Marquez
7/17/2002 0:00	smckae@wendel.com	Stephen Mckae
7/17/2002 0:00	steve@wspa.org	Steve Arita
7/22/2002 0:00	Citymanager@hiddenhillscity.org	City of Hidden Hills
7/22/2002 0:00	art_gallucci@ci.cerritos.ca.us	City of Cerritos
7/22/2002 0:00	citymanager@ci.el-monte.ca.us	City of El Monte
7/22/2002 0:00	cnclmanfox@aol.com	Andrew Fox
7/22/2002 0:00	eperrodin@comptoncity.org	City of Compton
7/22/2002 0:00	mlansdell@ci.gardena.ca.us	City of Gardena
7/22/2002 0:00	mrl@ci.la-verne.ca.us	City of La Verne
7/23/2002 0:00	Citymanager@toaks.org	City of Thousand Oaks
7/23/2002 0:00	Tcartagena@ci.walnut.ca.us	City of Walnut
7/23/2002 0:00	bmichaelis@ci.san-dimas.ca.us	City of San Dimas
7/23/2002 0:00	cmorris@ci.san-dimas.ca.us	City of San Dimas
7/23/2002 0:00	douglas_dunlap@ci.pomona.ca.us	City of Pomona
7/23/2002 0:00	msedell@simivalley.org	City of Simi Valley
7/23/2002 0:00	rtorres@cityofmontebello.com	City of Montebello
7/24/2002 0:00	ldarmiento2@yahoo.com	Laurence Darmiento

8/2/2002 0:00 aheil@lacsds.org	Ann Heil
8/15/2002 0:00 robert_wu@dot.ca.gov	Bob Wu
8/20/2002 0:00 sgood@parks.ca.gov	Suzanne Goode
10/6/2002 0:00 wtgrandin@aol.com	Wayne Grandin
11/22/2002 0:00 JKREJCI@LADPW.ORG	Joy Krejci
11/22/2002 0:00 MATT_LIAO@DOT.CA.GOV	Matt Liao
11/22/2002 0:00 dekermenjianh@cdm.com	Hampik Dekermenjian
11/22/2002 0:00 jgeever@surfrider.org	Joe Geever
11/22/2002 0:00 southlandreports@earthlink.net	Bill Kelly
11/26/2002 0:00 rromain@dpw.co.la.ca.us	Roland Romain
2/10/2003 0:00 jtorres@ci.vernon.ca.us	Jerrick Torres
2/20/2003 0:00 rhawkins@earthlink.net	Robert C. Hawkins
4/14/2003 0:00 jmiller3@ch2m.com	Judi Miller
4/16/2003 0:00 kae@jmbm.com	Ken Ehrlich
4/18/2003 0:00 mbgilmartin@earthlink.net	Mark B. Gilmartin
4/22/2003 0:00 vconway@lacsds.org	Victoria O. Conway
4/23/2003 0:00 pcurrie@ci.pasadena.ca.us	Phyllis E. Currie
4/24/2003 0:00 schroederdj@cdm.com	Donald Schroeder
6/11/2003 0:00 hmerenda@santa-clarita.com	Heather Merenda
7/14/2003 0:00 pvcwd.agwater@verizon.net	Michael L. Miller
8/18/2003 0:00 ocramer@santa-clarita.com	Oliver Cramer
9/7/2003 0:00 MikeMohajer@yahoo.com	Mike Mohajer
10/3/2003 0:00 chang@scag.ca.gov	Ping Chang
10/9/2003 0:00 ayb1@cox.net	Alison Brown
10/30/2003 0:00 kathleen.enve@verizon.net	Kathleen McGowan
3/12/2004 12:28 stuber.robbyn@epa.gov	Robyn Stuber
7/28/2004 14:39 dlippman@lvmwd.com	David Lippman
11/19/2004 10:52 srojas@newhall.com	Sam Rojas
12/2/2004 15:22 kwong@semprautilities.com	Karen Wong
12/30/2004 1:29 Joemamabush@netzero.com	Joe Bell
2/28/2005 9:05 earl.lapensee@rcslade.com	Earl LaPensee
2/28/2005 10:33 spaulsen@flowscience.com	Susan C. Paulsen Ph.D. P.E.
2/28/2005 12:53 trak@trakenviro.com	Bradford S. Newman
2/28/2005 20:07 chuckoconnell@prodigy.net	Charles J. O'Connell
3/1/2005 7:20 cinciong@ladpw.org	Carrie Inciong
3/1/2005 14:50 biniguez@bellflower.org	Bernardo Iniguez
3/1/2005 14:55 rob-vcaa@pacbell.net	Robert P. Roy
3/1/2005 15:07 jranells@ci.la-verne.ca.us	JR Ranells
3/2/2005 9:44 susanstark10@sbcglobal.net	Susan Stark
3/2/2005 9:47 Ronald.Sheets@OjaiSan.org	Ronald Sheets
3/2/2005 10:56 jdeakin@simivalley.org	Joe Deakin
3/2/2005 16:36 lbehjan@simiValley.org	Laura Behjan
3/3/2005 9:08 tsmith@bonterraconsulting.com	Thomas E Smith Jr
3/3/2005 11:08 jcruz@ladpw.org	Jemellee Cruz
3/3/2005 15:51 fleming.terrence@epa.gov	Terrence Fleming
3/5/2005 14:18 clarkjh@bv.com	James Clark
3/7/2005 13:11 barry.snyder@amec.com	Barry J. Snyder

3/8/2005 7:43 lance.baroldi@claytonindustries.com	Lance Baroldi
3/8/2005 10:51 jreinhardt@lvmwd.com	Jeff Reinhardt
3/10/2005 10:12 DLaff@ladpw.org	Daniel J. Lafferty
3/15/2005 10:54 lmcgovern@ci.camarillo.ca.us	Lucia McGovern
3/22/2005 12:07 fkrieger@msn.com	Fred Krieger
3/24/2005 14:57 ummorow127@yahoo.com	Andrew Amorao
4/4/2005 7:39 rorton@lvmwd.com	Randal Orton
4/5/2005 9:52 fchin@ladpw.org	Frank Chin
4/14/2005 12:52 jtruhan@mw2h.com	Joyce T. Clark
5/16/2005 7:40 jwoolf@rainforrent.com	Joel Woolf
6/1/2005 11:37 blizmo1@aol.com	Elizabeth Zlotnik
10/11/2005 15:34 ksusilo@geosyntec.com	Ken Susilo
11/15/2005 12:22 ashlic@lwa.com	Ashli Desai
1/4/2006 11:50 mbearzi@earthlink.net	Dr. Maddalena Bearzi
1/6/2006 14:08 hazem.gabr@sce.com	Hazem Gabr
1/24/2006 16:33 wetlandact@earthlink.net	Marcia Hanscom
1/25/2006 7:47 jgully@lacsdsd.org	Joseph R. Gully
1/25/2006 18:01 mpestrel@ladpw.org	Mark Pestrella
2/15/2006 16:17 kjames@healthebay.org	Kirsten James
2/24/2006 12:06 powerskj@yahoo.com	Kevin Powers
4/4/2006 16:22 ysim@ladpw.org	Youn Sim
4/11/2006 20:09 g.wolfberg@verizon.net	George Wolfberg
4/12/2006 12:46 tmoorhouse@cleanlake.com	Thomas Moorhouse
4/12/2006 14:14 jim.lamm@ballonacreek.org	Jim Lamm
4/14/2006 8:03 malibugrants@aol.com	Barbara A. Cameron
5/9/2006 13:52 pjenkin@sbcglobal.net	Paul Jenkin
5/15/2006 15:56 rovinco@aol.com	Corky Roche Roche Vineyard Consulting
5/25/2006 15:49 tgoss@aqmd.gov	Tracy A. Goss
6/1/2006 8:25 csaylan@earthlink.net	charles saylan
7/10/2006 15:14 ca3@imsinfo.com	Kimberly JOhnson
7/11/2006 7:25 zora.baharians@lacity.org	Zora Baharians
7/20/2006 15:30 charlie.yu@lacity.org	Charlie Yu
7/24/2006 11:31 kkatona@lacbos.org	Karly Katona
8/15/2006 15:07 cmitchell@mbcnet.net	Charles T. Mitchell
9/12/2006 14:36 ewu@waterboards.ca.gov	Eric Wu
9/14/2006 13:40 gmusejr@mw2h.com	George W. Muse Jr.
9/19/2006 16:26 kvivanti@lakewoodcity.org	Konya Vivanti
9/26/2006 13:49 rnf92679@yahoo.com	Raul N. Fernandez
10/6/2006 11:32 jbell@mw2h.com	Janet Bell
11/28/2006 13:07 koletty@usc.edu	Stephen Koletty PhD
12/4/2006 11:00 mzulauf@irisenv.com	Michelle Zulauf
1/12/2007 8:20 cm_consulting@comcast.net	Cliff Moriyama
4/2/2007 9:43 dlaff@dpw.lacounty.gov	Daniel J. Lafferty
4/4/2007 9:11 mpf@stateside.com	Melissa Patra Farmer
4/12/2007 11:02 sschales@ladpw.org	T Scott Schales
4/13/2007 16:56 jfordyce@waterboards.ca.gov	Jennifer Fordyce
4/30/2007 13:58 scamacho@waterboards.ca.gov	Steve Camacho

6/7/2007 15:03 league@usc.edu	Brian League
8/1/2007 12:09 kim.lesniak@shell.com	Kimberly Lesniak
8/23/2007 10:43 tgaur@smbaykeeper.org	Tatiana K. Gaur
8/29/2007 16:19 gamenu@dpw.lacounty.gov	Geremew G. Amenu
8/31/2007 16:17 lilysbaldwin@chevron.com	Lily S. Baldwin
9/5/2007 9:29 pmarkle@lacsds.org	Philip Markle
9/12/2007 11:09 FGuerro@lacsds.org	Francisco Guerrero
9/19/2007 22:15 arlene.hopkins@gmail.com	arlene hopkins
10/17/2007 14:21 blounsbury@nrdc.org	Bart Lounsbury
10/22/2007 7:34 geoff@brosseau.us	Geoff Brosseau
11/15/2007 16:31 gary@jagconsultinggroup.com	Gary Cronk
12/19/2007 11:15 Hassan.Rad@lacity.org	Hassan rad
1/23/2008 13:32 lindaestrin@gmail.com	LG estrin
2/26/2008 13:41 jsickenger@ka-pow.com	Jeff Sickenger
2/28/2008 17:33 dparkinson@geosyntec.com	David Parkinson
4/15/2008 16:20 jrodrig@dpw.lacounty.gov	Janet Rodriguez
4/29/2008 8:08 jcruz@dpw.lacounty.gov	Jemellee Cruz
5/9/2008 8:51 chrism@lwa.com	Chris Minton
6/9/2008 15:47 gamah@waterboards.ca.gov	Ginachi Amah
6/12/2008 4:40 GlennBaileySFV@yahoo.com	Glenn Bailey
6/13/2008 16:56 mray@wmspartners.com	Maya Ray
6/18/2008 12:23 hagop.bedikian@yahoo.com	Hagop Bedikian
7/3/2008 12:09 travis.peterson.solutions@gmail.com	Travis Peterson
7/5/2008 7:45 bflores007@msn.com	Bill Flores
7/10/2008 9:55 ysim@dpw.lacounty.gov	Youn Sim
7/14/2008 7:36 paul.cobian@lacity.org	Paul S. Cobian
7/14/2008 9:03 royallmichael@yahoo.com	Michael Royall
7/18/2008 10:38 brent.a.smith@amec.com	Brent Smith
8/13/2008 6:30 tmoon@dpw.lacounty.gov	TJ Moon
9/16/2008 17:08 jdougall@lvmwd.com	Jan Dougall
10/2/2008 3:14 ECOMOM2008@gmail.com	Christine L. Rowe
10/8/2008 11:31 fhutton@fionahuttonassoc.com	fiona hutton
10/9/2008 10:35 dleachman@lacsds.org	Debra Leachman
10/9/2008 19:42 ccash@paramountcity.com	Christopher S.Cash
10/24/2008 12:13 william.taylor@emcbc.doe.gov	William L. Taylor
10/29/2008 3:05 Johnrdarnell@yahoo.com	John R. Darnell II
11/5/2008 9:29 shawn.hagerty@bbklaw.com	Shawn Hagerty
12/2/2008 13:25 rmitchell@waterboards.ca.gov	Roger Mitchell
12/17/2008 15:24 jdreher@rinconconsultants.com	John Dreher
1/7/2009 14:08 jrp@astound.net	John Peterson
1/10/2009 11:09 wlaton@aol.com	William Laton
1/15/2009 13:07 chrlee@ucla.edu	Christine Lee
1/21/2009 9:33 fgonzal@dpw.lacounty.gov	Fred A. Gonzalez
1/26/2009 14:07 ajirik@portla.org	Andrew Jirik
1/27/2009 15:34 byee@waterboards.ca.gov	Betty Yee
2/5/2009 8:20 hubertus.cox@lacity.org	Hubertus H.J. Cox
2/25/2009 7:32 alasso@dpw.lacounty.gov	Aracely Lasso

3/2/2009 11:26 kbrophy@gswater.com	Katherine Brophy
3/6/2009 12:10 mmehta@nrdc.org	Michelle Mehta
3/10/2009 5:44 mpalmer@demaximis.com	Michael Palmer
3/11/2009 10:00 tweiland@lacsds.org	Thomas E. Weiland
3/11/2009 11:25 msullivan@lacsds.org	Michael Sullivan
4/6/2009 19:07 janswift@live.com	jan andrew swift
4/7/2009 6:53 bruceheyman@cox.net	Bruce Heyman
4/7/2009 11:22 geraldine.trivedi@redondo.org	Geraldine Trivedi
4/8/2009 9:39 agyork@malibutimes.com	Arnold G York
4/8/2009 15:48 michael.blum@gmail.com	Michael Blum
4/21/2009 21:02 jweiner.venturacoastkeeper@wishtoyo.org	Jason Weiner
5/11/2009 10:03 dpatrick@angelusblock.com	Dennis Patrick
5/12/2009 14:13 lbond@rwglaw.com	Lisa Bond
5/20/2009 11:51 peter.gutierrez@lw.com	Peter J. Gutierrez
5/28/2009 18:07 dboggs@craworld.com	Dave Boggs
6/2/2009 11:32 dave.a.rodriguez@gmail.com	David Rodriguez
6/3/2009 8:45 afarassati@cityofcalabasas.com	Alex Farassati
6/9/2009 10:25 rdalfarra@sespeconsulting.com	Rob DalFarra
6/21/2009 14:31 rljenk4979@earthlink.net	Richard L. Jenkins
7/2/2009 7:51 arleen.odonnell@erg.com	arleen odonnell
7/6/2009 11:29 Theresa.Rodgers@waterboards.ca.gov	Theresa Rodgers
7/28/2009 10:38 damon.wing@ventura.org	Damon Wing
7/31/2009 16:32 tstein@coxcastle.com	Tamar C. Stein
7/31/2009 21:17 cfcaspary@gmail.com	Charles Caspary
8/3/2009 6:17 sbarankiewicz@ohslegal.com	Stan M. Barankiewicz II
8/7/2009 13:15 creyes@lvmwd.com	Carlos G. Reyes
8/10/2009 5:14 emilionehme@hotmail.com	Emilio Nehme
8/24/2009 9:40 rfreeman@lawa.org	Robert Freeman
8/24/2009 14:23 pam.ryan@marriott.com	pam ryan
9/3/2009 14:01 msolorzano@mclam.com	Marcela Solorzano
9/9/2009 9:15 ldods@counsel.lacounty.gov	Lauren E. Dods
9/9/2009 11:20 jnfireball@yahoo.com	Jane E. Nelson
10/20/2009 16:24 1minidriver@gmail.com	Donna McWhirter
11/10/2009 15:03 JCLavine@aol.com	Joan Lavine
12/9/2009 16:37 hwalsh@sikand.com	Henry Walsh
12/11/2009 8:43 Alfred.Mata@lacity.org	Alfred Mata
12/15/2009 10:51 tony.barboza@latimes.com	Tony Barboza
12/15/2009 10:59 john.r.madden@usace.army.mil	John Madden
12/30/2009 9:39 jcrooks@schmitzandassociates.net	Julie Crooks
1/4/2010 16:20 dxjones@sempra.com	Debran Reed
1/7/2010 11:24 collins-6666@msn.com	J. Roger Collins
1/12/2010 8:06 pcmsusa@hotmail.com	Raymond Wells PhD
1/13/2010 15:26 jan@mlagreen.com	Jan Dyer
1/18/2010 9:55 alfonso.nunez@erm.com	Alfonso Nunez
1/19/2010 11:06 Jeremy.Bock@Kiewit.com	Jeremy Bock
1/20/2010 8:49 jnelson@cc-eng.com	Joshua Nelson
2/4/2010 12:24 miriam.ejcw@gmail.com	Miriam Torres

2/17/2010 11:15 cwhite1@wm.com	Chuck White
3/9/2010 9:38 mkinsler@wheelerandgray.com	Mary Kinsler
3/16/2010 12:47 clopez@dpw.lacounty.gov	Christopher Lopez
3/16/2010 13:45 Chien_pei_yu@dot.ca.gov	Chien-pei M. Yu
3/22/2010 15:01 Hamid.Tadayon@lacity.org	Hamid Tadayon
4/1/2010 10:47 jzane@padreinc.com	Jeffrey Zane
4/8/2010 10:14 ewelina.mutkowska@ventura.org	Ewelina Mutkowska
4/28/2010 13:58 msclimenti@mw2h.com	Mike Scimenti
4/29/2010 7:28 hanslaetz@gmail.com	Hans Laetz
5/3/2010 17:44 selimeren@gmail.com	SELIM EREN
5/6/2010 8:17 jsvensson@dpw.lacounty.gov	Josh Svensson
5/10/2010 16:18 lnye@waterboards.ca.gov	LB Nye
5/11/2010 10:52 olympicautopart@aol.com	Chong Wol Han
5/13/2010 8:57 alecmu@aol.com	Alec Uzemeck
5/27/2010 11:33 symeon.finch@orco.com	Symeon Finch
6/20/2010 10:36 pmglick@gmail.com	Peter Glick
6/28/2010 9:14 dmurray@healthebay.org	Dana Murray
6/28/2010 13:58 liz@smbaykeeper.org	Liz Crosson
7/8/2010 10:07 dn@davidnahai.com	David Nahai
7/20/2010 16:08 jdettle@TorranceCA.gov	John Dettle
7/21/2010 13:21 jagjiwan_grewal@dot.ca.gov	Jagjiwan Grewal
7/22/2010 11:18 amy.grant@erm.com	Amy Grant
9/3/2010 12:22 hjgarcia@farmerjohn.com	Hector J. Garcia
9/9/2010 15:25 acruz@ci.burbank.ca.us	Alvin Cruz
9/13/2010 7:53 einnes@dpw.lacounty.gov	Emiko Innes
9/23/2010 7:17 rabbott5@toromail.csudh.edu	Rodney Abbott
10/12/2010 14:27 quangtran59@gmail.com	Quang Tran
10/19/2010 17:14 hgest@burhenngest.com	Howard Gest
10/28/2010 12:38 vsalazar@ldcla.com	Victor Salazar PE
11/9/2010 15:33 ecamster@yahoo.com	Camie Pickett
11/9/2010 15:47 martinagarnier@gmail.com	Martin Garnier
11/9/2010 17:11 leo.raab@wecklabs.com	Leo Raab
11/9/2010 17:50 landtrust@ballona.org	Michele Bigelow
11/10/2010 5:47 wlaton@earthforensics.com	Richard Laton
11/10/2010 8:28 bsteets@geosyntec.com	Brandon Steets
11/10/2010 15:17 kchapman@spweather.net	Ken Chapman
11/12/2010 12:57 martin@sod.com	Martin Gramckow
11/14/2010 8:00 hipshotspl@gmail.com	Spencer Leafdale
11/15/2010 7:46 CaliforniaWaterTechnologies@gmail.com	Carlos Aguilar
11/15/2010 9:11 bdingman@lvmwd.com	Brett Dingman
11/18/2010 11:41 ben@sbck.org	Ben Pitterle
11/19/2010 10:55 bthrupp@thesourcegroup.net	Bruce Thrupp
11/28/2010 20:36 lmckenney@sawpa.org	Larry McKenney
1/5/2011 14:32 kens@sccwrp.org	Ken Schiff
1/7/2011 17:50 ira.brown@longbeach.gov	Ira Brown
1/13/2011 11:49 bmorales@depintomorales.com	Bob Morales
1/19/2011 12:54 tara@nurserygrowers.org	Tara Herrera

1/26/2011 9:47	grace.kato@slc.ca.gov	Grace Kato
1/27/2011 10:46	vhevener@ci.arcadia.ca.us	Vanessa Hevener
1/31/2011 12:11	anu.b.garg@boeing.com	Anu Garg
2/8/2011 0:50	sjsassoc@msn.com	Sandy Popoff
2/8/2011 14:00	matzrubber@sbcglobal.net	Phillip Jensen
2/15/2011 10:36	s.guldimann@gmail.com	Suzanne Guldimann
4/3/2011 19:01	uhdenr@metro.net	Roger Uhden
4/8/2011 12:39	jandkkracke@yahoo.com	John W. Kracke
4/8/2011 13:18	rwatson@rwaplanning.com	Richard A. Watson
4/21/2011 14:56	fdelorenzo@lacs.org	Frank DeLorenzo
4/25/2011 15:19	Robert.Vega@lacity.org	Robert Vega
5/2/2011 6:54	Debbie.Neev@gmail.com	Deborah Neev
5/12/2011 22:58	cyanda@gmail.com	Catherine Yanda
5/23/2011 11:02	wendy.wang@bbklaw.com	Wendy Wang
5/31/2011 16:33	suhles@delanegroup.com	Scott Uhles
6/7/2011 20:38	jfries@counsel.lacounty.gov	Judith Fries
6/11/2011 22:08	humanhealthrisk@gmail.com	Daniel K. Lee
6/11/2011 22:09	Daniel.Lee@Arcadis-us.com	Daniel K. Lee
6/15/2011 17:04	jholtz@quinncompany.com	James Holtz
6/17/2011 9:47	brian.campbell@rpv.com	Brian Campbell
7/1/2011 13:19	edwardc@westbasin.org	Edward Caldwell
8/4/2011 8:42	jbrown@malibucity.org	Jennifer Brown
8/22/2011 11:54	jsayre@brwnald.com	Jaime Sayre
8/23/2011 8:51	zoe.carlson@ventura.org	Zoe Carlson
8/25/2011 13:44	marisayrodriguez@gmail.com	Marisa Rodriguez
8/29/2011 14:09	Julie_Carver@ci.pomona.ca.us	Julie Carver
9/1/2011 5:14	etostado@essociated.com	Exequiel Tostado
9/15/2011 16:34	russ.baggerly65@gmail.com	Russ Basggerly
9/21/2011 14:00	apcarlos@sbcglobal.net	Alex Carlos
10/17/2011 16:22	kkunysz@mwdh2o.com	Kathy Kunysz
10/26/2011 13:37	heathercollinsh2o@gmail.com	Heather Collins
10/31/2011 10:33	ashlid@lwa.com	Ashli Desai
11/2/2011 10:36	mcarpenter@newhall.com	Matt Carpenter
11/4/2011 13:29	gilbert_ogaz@dot.ca.gov	Gilbert Ogaz
11/7/2011 11:35	gary@parkwater.com	Gary R. Lynch
11/7/2011 13:43	Tom.Anderson@bodycote.com	
11/7/2011 14:06	kirk.c.brus@usace.army.mil	Kirk Charles Brus
11/7/2011 16:06	brenda.krout@ojaisan.org	Brenda Krout
11/7/2011 21:01	donholly@aol.com	Don Hollingsworth
11/8/2011 8:23	marty.melvin@vcrd.org	Marty Melvin
11/9/2011 10:17	bburgess6410@yahoo.com	Brandon Burgess
11/9/2011 11:54	nrccgcm@gmail.com	J. Ryan Bentley
11/10/2011 9:40	tajenkins@sgvwater.com	Thomas A. Jenkins
11/10/2011 10:16	epi@riouisa.com	David Light
11/11/2011 7:40	hawthornenursery@yahoo.com	Kei Nakai
11/14/2011 15:20	scott@fireconsult.net	SCOTT E. FRANKLIN SR.
11/15/2011 15:20	srigg@ci.vernon.ca.us	Scott Rigg

11/18/2011 16:45 gcramer@cramertynan.com	Gary M. Cramer
11/21/2011 7:03 jbaiocco@dpw.lacounty.gov	Joseph Baiocco
11/21/2011 7:50 gderas@pico-rivera.org	Gladis Deras
11/22/2011 12:00 jhunter@jlha.net	John Hunter
11/25/2011 12:08 richard@coloramanursery.com	Richard Wilson
12/1/2011 10:29 athomas@dpw.lacounty.gov	Anthein Thomas
12/1/2011 15:36 danielle.sakai@bbklaw.com	Danielle Sakai
12/6/2011 21:20 michael.mooradian@ecobilitycorp.com	Michael Mooradian
12/8/2011 10:56 gwang@waterboards.ca.gov	Guangyu Wang
12/12/2011 10:54 adanortega@me.com	Adan Ortega
12/15/2011 14:30 kathy.knight@verizon.net	Kathy Knight
12/16/2011 11:27 guiliano.dave@epa.gov	David Guiliano
12/18/2011 9:59 dodger93277@yahoo.com	Daniel Galbraith
12/27/2011 9:08 johnnym@agrx.com	John Morse
12/29/2011 11:05 Ppeuron@forestlawn.com	Peter Peuron
12/29/2011 15:29 smulligan@calleguas.com	Susan Mulligan
1/12/2012 14:50 kgraves@schmitzandassociates.net	Kris Graves
1/17/2012 14:58 srapoport@waterboards.ca.gov	Shana Rapoport
1/26/2012 9:38 econard@petrodiamond.com	Eric Conard
2/16/2012 14:41 mgrey@biasec.org	Mark Grey
2/20/2012 13:01 tracy@egoscuelaw.com	Tracy Egoscue
2/22/2012 16:20 kaying_lee@ci.pomona.ca.us	Kaying Lee
2/27/2012 12:37 saucerman.suesan@epa.gov	Suesan Saucerman
2/28/2012 8:46 bdouglas@naturalsystemsutilities.com	Bruce Douglas
3/13/2012 16:12 billlamarr@msn.com	Bill La Marr
3/15/2012 17:00 jpereira@cwecorp.com	Jason Pereira
3/16/2012 0:41 miguel@urbansemillas.com	Miguel Luna
3/20/2012 10:39 taylor@tidalinfluence.com	Taylor Parker
3/20/2012 16:23 jewel.johnson@mrca.ca.gov	Jewel Johnson
3/22/2012 11:56 jbellomo@willdan.com	Joe Bellomo
3/22/2012 15:22 BryantA@lwa.com	Bryant Alvarado
3/27/2012 13:25 Berry.Ueoka@EverestConsultants.com	Berry Ueoka
3/30/2012 10:48 ankitavyas@rbf.com	Ankita Vyas
4/9/2012 9:31 sweetgrass.environmental@gmail.com	Julie Clark De Blasio
4/10/2012 12:43 emka_researcher@yahoo.com	godly e thankgod
4/23/2012 9:49 ghildeb@dpw.lacounty.gov	Gary Hildebrand
4/23/2012 9:50 fwu@dpw.lacounty.gov	Frank Wu
4/23/2012 10:26 lhm28843@sbcglobal.net	Lisa H. Mador
5/2/2012 8:42 jeff.palmer@ojaisan.org	Jeff Palmer
5/8/2012 8:21 michael.wochnick@calrecycle.ca.gov	Michael Wochnick
5/9/2012 8:28 dgould@stormwaterusa.com	Derek A. Gould
5/27/2012 12:38 suzi_youssef@ymail.com	Suzi Youssef
5/29/2012 10:22 carellano@ci.vernon.ca.us	Claudia Arellano
6/4/2012 13:11 Valerie.Aguirre@waterboards.ca.gov	Valerie Aguirre
6/6/2012 23:06 egkim@berkeley.edu	Esther G. Kim
6/8/2012 15:29 tattnlaw@gmail.com	JOHNTOMMY ROSAS
6/18/2012 15:42 jrohrer@rouxinc.com	Jon Rohrer

6/24/2012 7:12	filkins@impulse.net	Barbara Filkins
6/26/2012 11:30	ctregulations@gmail.com	Jennifer Claassen
7/3/2012 12:51	swaterman@wsc-inc.com	Spencer Waterman
7/4/2012 11:03	razzip1@aol.com	Paul V. Ferrazzi
7/4/2012 13:20	justin.dutmers@honeywell.com	Justin Dutmers
7/24/2012 9:27	bbarry@waterboards.ca.gov	Barbara Barry
7/24/2012 14:44	prasmussen@waterboards.ca.gov	Paula Rasmussen
7/24/2012 19:24	naomistone@mugenkioku.com	Naomi Stone
7/27/2012 11:11	thammond@haleyaldrich.com	Travis Hammond
7/31/2012 15:34	veronica.shannon@erm.com	Veronica Shannon
8/13/2012 19:23	fmcchesney@waterboards.ca.gov	Frances McChesney
8/13/2012 19:24	njohnson@waterboards.ca.gov	Nicole Johnson
8/29/2012 8:24	ggreene@cwecorp.com	Gerald Greene
8/30/2012 13:16	cgallon@waterboards.ca.gov	Celine Gallon
9/5/2012 7:52	Buzbonsall@gmail.com	Shull Bonsall Jr.
9/14/2012 12:10	dburhenn@burhenngest.com	David Burhenn
9/26/2012 11:15	mmcmeechan@environcorp.com	Melissa McMeechan
9/27/2012 12:21	frank.brommen@verizon.net	Frank Brommenschenkel
10/5/2012 15:01	dillardjoyce@yahoo.com	Joyce Dillard
10/17/2012 12:06	dmcalister@eaglereef.net	David McAlister
10/20/2012 22:20	RossS.Heckmann@gmail.com	Ross S. Heckmann
10/24/2012 13:27	rebecca.veiga@ag.ok.gov	Rebecca Veiga Nascimento
10/30/2012 12:51	rpiamonte@dpw.lacounty.gov	Rafael Piamonte
11/13/2012 12:16	betsye@lwa.com	Betsy Elzufon
11/27/2012 13:08	vickere.murphy@sen.ca.gov	Vickere Murphy
12/11/2012 15:01	editorial@malibutimes.com	Carly Erickson
1/3/2013 7:48	atwater.richard@gmail.com	Richard Atwater
1/3/2013 12:06	rnamvar@rmcwater.com	Reza Namvar
1/8/2013 15:53	John.capoccia@gmail.com	John Capoccia
1/11/2013 15:04	george.watland@sierraclub.org	George Watland
1/12/2013 15:27	davert85@hotmail.com	David Boyer
1/21/2013 18:02	melissa@malibutimes.com	Melissa Caskey
1/26/2013 11:00	pooprintswest@gmail.com	Kevin Sharpton
1/30/2013 17:53	zack@waterqualityconsultinggroup.com	Zack Moran
2/11/2013 11:41	generalmanager@lvmwd.com	Kimmey Conklin
2/11/2013 20:06	aridlands@woodbury.edu	Peter Arnold
2/14/2013 12:09	odlingj@pipeline.com	Jim Odling
2/20/2013 21:03	SSanten@socal.rr.com	Steve Santen
3/3/2013 20:06	jwolfe@limno.com	John Wolfe
3/13/2013 14:01	jennfeinberg.nrdc@gmail.com	Jenn Eckerle
3/20/2013 17:01	llee@dpw.lacounty.gov	Linda Lee Miller
3/29/2013 16:02	randerson@rjreng.com	Robert W. Anderson
4/3/2013 12:59	hmarley@waterboards.ca.gov	hugh marley
4/10/2013 7:30	gvazquez@waterboards.ca.gov	Gil Vazquez
4/29/2013 11:53	jguerrer@dpw.lacounty.gov	Jolene Guerrero
5/17/2013 11:49	dpedersen@lvmwd.com	David W. Pedersen
6/3/2013 15:26	Cy.Oggins@slc.ca.gov	Cy Oggins

6/3/2013 15:26 Jennifer.Lucchesi@slc.ca.gov	Jennifer Lucchesi
6/25/2013 12:59 ccebrian@coxcastle.com	Christian Cebrian
6/26/2013 9:32 kkwan@semprautilities.com	Karen Kwan
7/1/2013 10:29 bnewton@newtongh.com	Brad Newton
7/2/2013 12:25 blake@watershedhealth.org	Blake Whittington
7/19/2013 11:49 o-namba@msn.com	Rex Namba
7/27/2013 17:02 Dpmtnhiker@comcast.net	David M. Purdy
7/31/2013 12:23 dbachelder@infiltratorsystems.net	dick bachelder
8/13/2013 10:52 myoung@awattorneys.com	
8/19/2013 11:33 mrenaud@lawa.org	Matthew Renaud
8/20/2013 12:58 sshirzadegan@dpw.lacounty.gov	Saeid Shirzadegan
8/30/2013 13:13 bmoreno@e-hii.com	Bernardo Moreno
9/10/2013 9:49 ehorn@kcmgroup.net	Erika Horn
9/22/2013 9:50 RCB@jmbm.com	Rebecca Couch Barnhardt
9/24/2013 8:06 chowing@rkagroup.com	Cody Howing
10/14/2013 15:27 vbrar@cerritos.us	vince brar
11/12/2013 15:42 Khalid.Abdullah@waterboards.ca.gov	Khalid Abdullah
11/19/2013 13:42 Katheryn.Landau@waterboards.ca.gov	Katheryn Landau
11/19/2013 13:44 Dorena.Goding@waterboards.ca.gov	Dorena Goding
12/4/2013 9:21 msimon@counsel.lacounty.gov	Michael Simon
12/12/2013 17:00 lstomback@aol.com	Lawrence Tomback
12/26/2013 9:55 antonia.graham@polb.com	Antonia Castro-Graham
1/10/2014 19:35 genelucero213@gmail.com	Gene Lucero
1/14/2014 15:57 amonterrosa@dpw.lacounty.gov	Antonino Monterrosa
1/21/2014 15:08 websupport@waterboards.ca.gov	WebSupport
1/27/2014 18:18 richard@haimann.com	Richard Haimann
2/7/2014 11:11 larrykoch0516@yahoo.com	Larry Koch
2/10/2014 9:01 gatkinson@mansonconstruction.com	George Atkinson
2/12/2014 8:48 ssanchez@newhall.com	Sandy Sanchez
2/12/2014 22:46 douglaspfay@aol.com	Douglas Fay
3/14/2014 16:29 fred@soundpathtech.com	Fred C. DeMetz Sr.
3/19/2014 14:08 simon@windwardyachtcenter.com	Simon Landt
3/27/2014 18:03 sgeorge@stefangeorge.com	Sande George
3/27/2014 18:04 lauren@stefangeorge.com	Lauren De Valencia
4/2/2014 17:59 tiffany.haskins@lmco.com	Tiffany Haskins
4/4/2014 14:44 Roger.Mitchell@waterboards.ca.gov	Roger Mitchell
4/9/2014 21:16 david.renfrew@altaenviron.com	David Renfrew
4/22/2014 16:32 gperson@ccp.csus.edu	Grace Person
5/21/2014 15:34 richroman@live.com	Richard Roman
5/21/2014 16:08 hafezghafari@yahoo.com	Hafez Ghafari
5/23/2014 10:46 kboyer@crimsonbak.com	Kristine Boyer
5/27/2014 16:54 rcaldwell@goldcoasttransit.org	Reed Caldwell
5/30/2014 12:48 anne.callotdavis@mbakerintl.com	Anne Callot Davis
6/11/2014 9:26 cmeeker@ci.arcadia.ca.us	Claudine Meeker
6/20/2014 0:06 shouston45@hotmail.com	Scott Houston
6/24/2014 17:40 cfierro@burbankca.gov	Claudia Fierro
6/25/2014 11:28 Melanie.Tory@ladwp.com	Melanie Tory

7/3/2014 15:22 TonyE@unitedwater.org	Anthony A. Emmert
7/9/2014 7:12 ana.deanda@longbeach.gov	Ana DeAnda
7/15/2014 7:15 rchavez@ci.monrovia.ca.us	Ruth Chavez
7/24/2014 14:22 Akrieger@simivalley.org	Alan Lee Krieger
7/24/2014 18:10 ryandavyes@gmail.com	Ryan Davyes Troughton
8/11/2014 12:57 rbeltran@glendaleca.gov	Rick Bletran
8/24/2014 17:39 sarah.randle@yale.edu	Sarah Randle
8/27/2014 15:54 mbao@lacsds.org	Matt Bao
9/22/2014 14:47 nghirelli@rwglaw.com	Nicholas Ghirelli
10/8/2014 16:37 eugeneungermann@gmail.com	Eugene Ungermann
10/13/2014 7:50 calrmanews@gmail.com	Cal RMA
10/16/2014 13:39 apaxton@resourceslegacyfund.org	Alexandra Paxton
11/18/2014 7:06 bob.sun@ladwp.com	Bob Sun
11/21/2014 13:52 palva@dpw.lacounty.gov	paul alva
11/21/2014 17:18 dustin.bambic@paradigmh2o.com	Dustin Bambic
11/24/2014 11:43 kmika@ioes.ucla.edu	Katie Mika
11/24/2014 13:32 Man.Voong@waterboards.ca.gov	Man Voong
12/17/2014 14:09 Jerngeorge@yahoo.com	Jeremiah George
12/18/2014 16:13 justin@mcadvise.com	Justin Mahramas
1/5/2015 15:51 gilesp@lwa.com	Giles Pettifor
1/6/2015 20:11 susan.damron@ca.rr.com	Susan Damron
1/19/2015 9:44 croncw@cdmsmith.com	charles cron
1/26/2015 15:26 Spencer.Joplin@WaterBoards.CA.Gov	Spencer Joplin
1/28/2015 11:28 katherine.rubin@ladwp.com	Katherine Rubin
1/29/2015 11:32 Isalinger@counsel.lacounty.gov	Lillian Salinger
2/2/2015 12:48 samick@rma.org	Sarah Amick
2/4/2015 12:58 jlaudencia@rsrcorp.com	Jun Laudencia
2/5/2015 9:02 michelle.mattson@westonsolutions.com	Michelle Mattson
2/12/2015 8:15 Erum.Razzak@waterboards.ca.gov	Erum Razzak
2/13/2015 12:23 rbye@scwater.org	Ryan Bye
3/3/2015 17:04 adangelo@dpw.lacounty.gov	Armando D'Angelo
3/9/2015 13:27 lara@lawaterkeeper.org	Lara Meeker
3/16/2015 16:00 mbelen.bernal@gmail.com	Belen Bernal
3/24/2015 12:12 pglenn@bh.lacounty.gov	Paul Glenn
3/25/2015 11:35 wqcb.la@gmail.com	Justin Morgan
3/27/2015 12:51 suzanneb@lwa.com	Suzanne Brown
4/3/2015 19:44 ADLN.MTEKLLCcf@gmail.com	Project Coordinator
4/6/2015 14:47 jntrotter@burnsmcd.com	Jennifer Trotter
4/10/2015 9:50 mitschele.becky@epa.gov	Becky Mitschele
4/16/2015 18:09 simon.wick@matchpointinc.us	Simon Wick
4/17/2015 11:24 m.chris.hsu@gmail.com	Chris Hsu
4/18/2015 16:37 cindyzhang@singtaola.com	Cindy Zhang
4/21/2015 21:28 rkampalath@healthebay.org	Rita Kampalath
4/28/2015 10:29 vivian.marquez@lacity.org	Vivian Marquez
4/29/2015 12:23 kmarkarian@lcf.ca.gov	Kris Markarian
5/21/2015 12:15 alexanderlopezt5@gmail.com	Alexander Lopez
5/21/2015 19:40 j333bass@gmail.com	Justin Bass

5/25/2015 13:13 sue@wspa.org	Sue Gornick
6/6/2015 20:22 wharris@biocleanenvironmental.com	Will Harris
6/10/2015 9:46 Ching-Yin.To@waterboards.ca.gov	Ching To
6/17/2015 6:43 qiong.lei@lacity.org	Qiong Lei
6/17/2015 21:33 plauzoles@me.com	Lucien (Lu) Plauzoles
6/29/2015 8:09 epa.wrcb.losang@ec.grassrootsoncall.com	justin morgan
6/30/2015 10:59 linty@cdmsmith.com	Tiffany Lin
6/30/2015 13:55 deborah.brandes@waterboards.ca.gov	Deborah Brandes
7/2/2015 10:07 chris.speelman@gerdau.com	Chris Speelman
7/6/2015 16:41 thunguyen@dpw.lacounty.gov	Thuan Nguyen
7/7/2015 12:19 mtremblay@lacs.d.org	Martha Tremblay
7/7/2015 14:38 rubin.laura@gmail.com	Laura Rubin
7/10/2015 12:50 kerisman@willdan.com	Kelsey Erisman
7/21/2015 8:31 lara.meeker@ventura.org	Lara Meeker
7/24/2015 10:26 raconte@aol.com	Geneviève M. Clavreul
7/31/2015 3:46 michaelgarabedian@earthlink.net	Michael Garabediann
8/13/2015 11:56 alex@stormwaterca.com	Alexander Sotelo
8/18/2015 17:11 jacqueline.mcmillen@altaenviron.com	Jacqueline McMillen
8/31/2015 16:29 ali.poosti@lacity.org	Ali Poosti
9/1/2015 8:48 kryan@capcoenv.com	Karen Ryan
9/3/2015 7:18 essi.esmaili@noreasinc.com	E Essi Esmaili
9/9/2015 14:15 ldow@falconwaterfree.com	Liam Dow
9/18/2015 14:39 patrick@jonesenv.com	Patrick Jones
9/24/2015 11:17 airy@lwa.com	Airy Krich-Brinton
10/7/2015 10:45 brandon.eisen@aquilogic.com	Brandon Eisen
10/9/2015 15:41 sseivright@calcima.org	Suzanne Seivright
10/19/2015 10:49 bmardian@pienvironmental.com	Brent Mardian
11/2/2015 10:16 rexfrankel@yahoo.com	Rex Frankel
11/4/2015 14:07 mazhar.ali@waterboards.ca.gov	Mazhar Ali
11/4/2015 15:42 cjeffers@ci.glendora.ca.us	Chris Jeffers
11/10/2015 18:05 ply@wr.d.org	Phuong Ly
11/10/2015 20:31 evan.arnold@gmail.com	Evan Arnold
11/11/2015 13:10 arthur@lawwaterkeeper.org	Arthur Pugsley
11/16/2015 10:45 manofheart58@gmail.com	Thaddeus Smith
11/18/2015 8:37 edith.hannigan@bof.ca.gov	Edith Hannigan
11/18/2015 17:40 melissa@lawwaterkeeper.org	Melissa Lynn Kelly
11/19/2015 11:16 rbutter@dpw.lacounty.gov	Ryan Butler
11/19/2015 15:49 jbryson@soundearthinc.com	James Bryson
11/28/2015 16:14 pete-smbrc.waterboards.ca.gov@peterbenjamin	Peter Benjamin
12/8/2015 16:27 sjohnson@healthebay.org	Steven Johnson
12/9/2015 9:46 erica.wolski@waterboards.ca.gov	Erica Wolski
12/29/2015 7:14 cunguyen@dpw.lacounty.gov	Cung Nguyen
12/30/2015 7:59 mlombos@dpw.lacounty.gov	Mark Lombos
1/4/2016 11:41 brussak@libertyhill.org	Ben Russak
1/6/2016 15:02 rmoreno3@semprautilities.com	Ricardo Moreno
1/6/2016 21:29 Marianneratcliff@yahoo.com	Marianne Ratcliff
1/9/2016 16:40 jenna.latt@arb.ca.gov	

1/21/2016 16:31 chuckwhiteconsulting@gmail.com	Chuck White
1/22/2016 14:56 e_suher@cascinc.com	Ed Suher
2/5/2016 15:31 elizabeth.payne@waterboards.ca.gov	Elizabeth Payne
2/6/2016 5:31 sabina_sullivan@verizon.net	Sabina Sullivan
2/19/2016 9:50 anthony.brown@aquilogic.com	anthony brown
2/23/2016 11:34 cziegler303@gmail.com	Chris Ziegler
2/25/2016 7:51 kevin@kjservices.net	kevin sales
2/25/2016 8:08 sgeschwind@ci.san-dimas.ca.us	Sasha Geschwind
2/25/2016 8:36 stevec@paradigmh2o.com	Stephen Carter
2/25/2016 9:58 Pflores@ci.azusa.ca.us	Phillip A. Flores
2/25/2016 11:00 charles.herbertson@culvercity.org	Charles D. Herbertson
2/26/2016 12:19 rduboux@malibucity.org	Rob DuBoux
2/27/2016 11:36 ochi@ci.monrovia.ca.us	Oliver Chi
2/27/2016 15:24 tcherry@ci.monrovia.ca.us	Tina Cherry
2/29/2016 8:57 lgorecki@bellflower.org	Len Gorecki
3/4/2016 14:45 domingo.orosco@lacity.org	Domingo Orosco
3/18/2016 14:13 frivera@elsegundo.org	Floriza Rivera
3/21/2016 7:09 croltan@elmonteca.gov	Cesar Roldan
3/24/2016 16:54 mtalent@malibucity.org	Melinda Talent
3/30/2016 9:23 mhogan@ci.ventura.ca.us	Miles Hogan
3/30/2016 11:04 Steven.Sander@calrecycle.ca.gov	Steven P Sander
4/7/2016 15:54 susan.fears@dtsc.ca.gov	susan fears
4/29/2016 11:35 laura@houstonmagnani.com	Laura Cottrell
5/3/2016 11:00 fsmithjourn@gmail.com	Fiona Smith
5/5/2016 16:44 Gerhard@sslocsd.us	Gerhardt Hubner
5/9/2016 12:55 sandilp@centralbasin.org	Sandi Linares-Plimpton
5/9/2016 13:51 amy.kauba@waterboards.ca.gov	Amy Kauba
5/10/2016 16:16 rebecca.christmann@waterboards.ca.gov	Rebecca Christmann
5/10/2016 17:10 114rockwell@gmail.com	A. J. Ursic Jr.
5/12/2016 16:16 ibravo@cityofwhittier.org	Isaac Bravo
5/18/2016 6:28 aguzmanperez@dpw.lacounty.gov	Amanda Guzman-Perez
5/19/2016 6:23 hmeshar@aol.com	Helyne Meshar
5/24/2016 15:16 spam@pistonsandrods.com	JetFuel
5/30/2016 16:52 Paulcyanez@icloud.com	Paul Yanez
5/31/2016 7:07 jskinner@bh.lacounty.gov	John Skinner
6/1/2016 11:34 nmunakata@lacsds.org	Naoko Munakata
6/6/2016 13:28 eguerin@scpr.org	Emily Guerin
6/22/2016 15:12 DianaE@lwa.com	Diana Engle
6/24/2016 13:45 peggy.nguyen@lacity.org	Peggy Nguyen
6/29/2016 9:59 acarlos@waterboards.ca.gov	Alex P Carlos
7/5/2016 16:04 woonhoek@usc.edu	Woonhoe Kim
7/13/2016 6:54 atachiki@ci.monrovia.ca.us	Alex Tachiki
7/14/2016 15:44 WCSolutionsLLC@yahoo.com	Cathy Chang
7/18/2016 10:53 paul.j.costa@boeing.com	Paul Costa
7/19/2016 17:32 asheldon@malibucity.org	Andrew Sheldon
7/20/2016 10:40 edlegarreta@gmail.com	Ed Legarreta
7/28/2016 15:42 robsusakiwi@msn.com	Robin Kennard

8/4/2016 13:27 simoneevett@lacsds.org	Simone Evett
8/4/2016 14:05 kelly.henderson@sce.com	Kelly Henderson
8/17/2016 21:57 LouisaStephen@yahoo.com	Louisa Stephen
8/25/2016 12:03 lwarren@brwnclad.com	Laura Warren
8/25/2016 15:06 wwinter@dpw.lacounty.gov	Bill Winter
8/29/2016 9:54 asweet@cityofglendora.org	Alison Sweet
8/30/2016 10:54 scott.kasper@clarkconstruction.com	Scott kasper
9/6/2016 16:51 algrajeda@dpw.lacounty.gov	Alberto Grajeda
9/8/2016 14:42 fettke.kimi@gmail.com	Kim Fettke
9/9/2016 10:55 liz.dubrin@ojaisan.org	Liz Dubrin
9/13/2016 9:56 jmacias@ci.azusa.ca.us	Jared Macias
9/26/2016 8:53 brenda.panuco@siderah2o.com	Brenda Pancuo
9/28/2016 9:27 swong@avibank.com	Sam Wong
9/28/2016 15:09 MSzekely@rsrcorp.com	M Szekely
9/30/2016 8:43 faraz.asad@waterboards.ca.gov	faraz asad
9/30/2016 14:36 glen.osterhage@waterboards.ca.gov	Glen Osterhage
10/6/2016 9:46 francis.sysu@ladwp.com	Francis Sy Su
10/6/2016 10:50 jsoohoo@dpw.lacounty.gov	Justin Soo Hoo
10/10/2016 9:23 ochun@orionenv.com	Onamia Chun
10/13/2016 8:29 Joann@Sunstarlabs.com	Joann Marroquin
10/14/2016 8:52 Jennifer.Marion@waterboards.ca.gov	Jennifer Marion
10/19/2016 13:26 monishabrown@lacsds.org	Monisha Brown
10/25/2016 15:05 Xuan.Lieu@waterboards.ca.gov	Xuan Lieu
10/27/2016 11:25 jhallman@astropak.com	Josh Hallman
11/2/2016 10:44 tstorrer@lssh-law.com	Thomas Storrer
11/4/2016 12:05 ryan.baron@bbklaw.com	Ryan Baron
11/23/2016 14:44 celliott@ci.la-verne.ca.us	Clark Elliott
12/19/2016 17:10 cdalessandro@geosyntec.com	Chris D'Alessandro
12/20/2016 10:03 vmarchetti@lbschools.net	Vince Marchetti
12/30/2016 13:49 angineh.shahnazarian@waterboards.ca.gov	Angineh Shahnazarian
12/31/2016 17:06 woonhoe.kim@waterboards.ca.gov	Woonhoe Kim
1/3/2017 16:23 ewolf@sgvcog.org	Eric Wolf
1/4/2017 10:34 sadrpour@usc.edu	nick sadrpour
1/11/2017 15:16 zoutan@ucla.edu	Tan Zou
1/11/2017 17:00 nils.nehrenheim@gmail.com	nils nehrenheim
1/16/2017 9:27 sbeck@mbcnet.net	Shane Beck
1/23/2017 16:12 adriell@lwa.com	Adriel Leon
1/27/2017 8:30 edward.othmer@mwhglobal.com	Ed Othmer
1/27/2017 11:08 jlarsen@geosyntec.com	Julie Larson
1/27/2017 16:50 barbara.bradley@advancedonsitewater.ca	Barbara Bradley
2/9/2017 17:00 kathleen@mcgowan.consulting	Kathleen McGowan
2/13/2017 13:25 jhakele@socalworks.org	John Hakele
2/14/2017 14:34 daniellep@lwa.com	Danielle Potocek
2/15/2017 12:28 jbreitling@lewisandco.net	James Breitling
2/15/2017 16:04 Saeedreza.Hafeznezhani@Waterboards.ca	Saeedreza Hafeznezhani
2/16/2017 20:33 edm@malibuonline.com	EUGENE DONALD MICHAEL
2/17/2017 8:27 mathewwatson@lacsds.org	Mathew Watson

3/7/2017 7:37 jwestfall@lacsds.org	Josh Westfall
3/7/2017 15:27 Tachiki.Nicole@epa.gov	Nicole Tachiki
3/20/2017 8:39 lasswell@lasswellassociates.com	Thomas Lasswell
4/1/2017 15:48 ben.stanphill@arcadis.com	Ben STanphill
4/4/2017 15:32 ago@renewablegroup.com	Alyssa Go
4/4/2017 18:31 neotecuv@neotecuv.net	Sunny Kim
4/6/2017 8:32 info@cleanwatertechnologies.net	Michael Omary
4/6/2017 11:01 Jelena.Hartman@waterboards.ca.gov	Jelena Hartman
4/17/2017 13:04 Marji.Popour@waterboards.ca.gov	Marji Popour
4/24/2017 6:43 jjsalomon@armstrongflooring.com	Jonathon Salomon