



Los Angeles Regional Water Quality Control Board

NOTICE OF PUBLIC MEETING (Government Code section 11125)

Priority Setting Discussion
Thursday, January 25, 2024
9:00 a.m.

Los Angeles Regional Water Quality Control Board Office

**320 W. 4th Street
Los Angeles, CA 90013**

Carmel Room

The Los Angeles Regional Water Quality Control Board will meet on Thursday, January 25, 2024, at 9:00 a.m.. to discuss priorities for the 2024-25 fiscal year. The only voting that will take place during this meeting is on item 7.

In-person and Remote Options: *This meeting will occur with both a physical meeting location and an option for the public to participate from a remote location. A majority of the board members will be physically present at the noticed meeting location above, consistent with the requirements of the Bagley-Keene Open Meeting Act.*

For all Los Angeles Regional Water Quality Control Board meetings, there is no expectation of privacy regarding any communications. Meetings are recorded and names of participants are listed in the Zoom forum. Participation in a recorded meeting will be deemed consent to be recorded.

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

For those who wish to comment or present virtually, *please click the following link and complete the form to receive a link to join the Zoom meeting:*

https://us02web.zoom.us/webinar/register/WN_NBq57gzcT2qUoxEEFywSrW

When joining the Zoom meeting, please display your name or telephone number that matches the name or telephone number on your Zoom registration form so you can be identified by the Board when it is your turn to speak.

For those who wish to watch the meeting and/or comment on an agenda item with Spanish translation, *additional information about Spanish translation services 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 follow the Board meeting agenda on Twitter, *the feed is available on the Board meeting day at: <https://twitter.com/RWQCB4>*

NORMA CAMACHO, CHAIR | SUSANA ARREDONDO, EXECUTIVE OFFICER

AGENDA

1. Roll Call and Declaration of Quorum
2. Welcome and Meeting Kick-off
3. Board Member Recognition

BOARD BUSINESS AND REPORTS

4. Update from State Water Board [Board Member Laurel Firestone]
5. Executive Team Report *(Board members may ask questions of the Executive Officer Susana Arredondo and Assistant Executive Officers Hugh Marley and Jenny Newman regarding the items in the report.)*
6. Priority Setting Discussion for FY 2024-25. *(Each section manager will report on FY 2023-24 accomplishments to date and proposed priorities for FY 2024-25 based on resource and budget considerations and work plan commitments. Board members will discuss and provide input and direction on the proposed priorities. Discussion item only.)*
7. Selection of Subcommittees *(The Board will review and consider modifications to Board Subcommittees.)*

CLOSED SESSION¹

8. 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. [Jennifer Fordyce (JF) (916) 324-6682; David Coupe (DC) (510) 622-2306; Sophie Froelich (SNF) (916) 319-8557; Adriana Nuñez (AN) (916) 322-3313; Amelia Carder (AC) (916) 341-5153; Stephanie Yu (SY) (916) 341-5157]
- 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) *City of Torrance v. California Regional Water Quality Control Board, Los Angeles Region*, Orange County Superior Court, Case No. 30-2021-01187856-CU-WM-NJC [Challenging Order No. R4-2020-0003, issued pursuant to Water Code section 13267]. (SY)
 - c) *REV 973 v. Los Angeles Regional Water Quality Control Board*, Los Angeles Superior Court, Case No. 20STCP02934 [Challenging Order R4-2014-0117, issued on September 19, 2014, pursuant to Water Code sections 13267 and 13304]. (SNF/SY)
 - d) *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)]. (SNF)
 - e) *Benjamin Moore & Company, Inc. v. California Regional Water Quality Control Board, Los Angeles Region*, Los Angeles Superior Court, Case No. 22STCP00715 [Challenging investigative order issued pursuant to Water Code section 13267]. (AC)
 - f) *Parents Against Santa Susana Field Lab, Physicians for Social Responsibility-Los Angeles, and Public Employees for Environmental Responsibility (PEER) v. California*

¹ At any time during open session, the Los Angeles Water Board may adjourn to closed session to discuss any of the matters listed under Closed Session.

Department of Toxic Substances Control (DTSC), Lawrence Hafetz, in his official capacity as Chief Counsel for DTSC, and the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) [and The Boeing Company (Boeing), as Real Party in Interest] Ventura County Superior Court, Case No. 56-2022-00570675-CU-WM-VTA [Challenging DTSC's Settlement Agreement with Boeing and the Los Angeles Water Board's Memorandum of Understanding with Boeing under CEQA]. [SNF]

- g) *Liberty Property Limited Partnership v. Los Angeles Regional Water Quality Control Board*, Los Angeles County Superior Court (23STCP00052) [Public Records Act lawsuit]. [SNF]
- h) *Liberty Property Limited Partnership v. Los Angeles Regional Water Quality Control Board and California State Water Resources Control Board*, Los Angeles County Superior Court, Case No. 23STCP02667 [Challenging Cleanup and Abatement Order No. R4-2021-0141]. (AN)
- i) *Westchester Industrial Tract v. Los Angeles Regional Water Quality Control and Kitay Properties, et al as Defendants and Real Parties in Interest*, Los Angeles County Superior Court, Case No. 22STCP03736 [Challenging Cleanup and Abatement Order No. R4-2022-0065] (AN)

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

- j) *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]. (AC)
- k) *People of the State of California ex rel. California Regional Water Quality Control Board, Los Angeles Region v. Mouren-Laurens Oil Co., Inc.; Mireille Mouren-Laurens; Leach Oil Co., Inc.; Patricia Leach; Leach Property Management; REV 973, LLC; The Estate of Joseph Mouren-Laurens; The Estate of Emma Mouren-Laurens, and Does 1-10* (Los Angeles Superior Court, Case No. 23CMCV00126) [seeking injunctive relief to require compliance with Cleanup and Abatement Orders Nos. R4- 2014-0017 and R4-2014-0018 and civil liability for violations of Water Code section 13304]. (SNF/SY)

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

- l) 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)
- m) 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)

- n) In re: California Regional Water Quality Control Board, Los Angeles Region Order No. R4-2021-0105, Commission on State Mandates Test Claim No. 22-TC-01 [Regarding a test claim by the County of Los Angeles and Los Angeles County Flood Control District alleging that portions of Order No. R4-2021-0105 created unfunded state mandates]. (AN)

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).)

- o) Resolution 21-004 [referring enforcement of Cleanup and Abatement Order No. R4-2021-0038-A1, regarding the Garfield Express Site, to the Attorney General]. (AC)
- p) Resolution 23-003 [referring enforcement of Cleanup and Abatement Order No. R4-2021-0079, regarding the Sky Park Commercial Site, to the Attorney General]. (SY)
- q) Resolution 23-004 [referral to the Office of the Attorney General for Judicial Civil Enforcement against Day to Day Imports, Inc., Virgin Scent Inc. dba Artnaturals, Akiva Nourollah, Yosef Nourollah, Yehuda Nourollah, Yaakov Nourollah, Liberty Property Limited Partnership and Prologis, Inc.]. (AC)

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).)

- r) *Petition of Cynthia Grimes, John Brunot, Agua Dulce Neighbors, Susan Turner, and Marcy and Glen Winter for Review of Waste Discharge Requirements Order No. R4-2022-066, SWRCB/OCC File A-2799* [challenging Waste Discharge Requirements issued to the Agua Dulce Residential Development Project, Agua Dulce, Los Angeles County]. (SY)
- s) *Petition of Farm Bureau of Ventura County, California Farm Bureau Federation, Ventura County Agricultural Association, Ventura County Coalition of Labor, Agriculture and Business, and Western Growers Association for Review of Order No. R4-2023-0353, SWRCB/OCC File _____* [Challenging General Waste Discharge Requirements for Discharges from Irrigated Agricultural Lands within the Los Angeles Region] (AN)
- t) *Petition of The Wood-Claeyssens Foundation for Review of Order No. R4-2023-0353, SWRCB/OCC File _____* [Challenging General Waste Discharge Requirements for Discharges from Irrigated Agricultural Lands within the Los Angeles Region] (AN)
Other matters
- u) *Petition of the The Boeing Company for Review of Order of No. R4-2023-0359, SWRCB/OCC File _____* [Challenging the NPDES permit for stormwater runoff from the Santa Susana Field Laboratory] (AN)
- v) *Petition for Stay of Order No. R4-2023-0359 filed by The Boeing Company, SWRCB/OCC File _____* [Challenging the NPDES permit for stormwater runoff from the Santa Susana Field Laboratory] (AN)

Other matters

w) 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. (c)(2)(B).) (AC/AN/SY)
- 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).) (AC/AN/SY)
- iii. Consideration of the appointment, employment, or evaluation of performance about a public employee. (Gov Code § 11126, subd. (a).) (JF)
- 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. (e)(3).) (AC/AN/SY)

16. **Adjournment of current meeting** (The next regular meeting of the Board will be held on February 22, 2024, at the Los Angeles Regional Quality Control Board Office (Carmel Room), 320 W. 4th Street, Los Angeles, CA 90013 beginning at 9:00 a.m.).

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) 576-6611 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) prior to 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, including Public Forum. 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.s.html