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7 ASSOCIATED READY MIXED CONCRETE, INC.
8 and A&A READY MIXED CONCRETE, INC.

9 BEFORE THE
10 CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

11 In the Matter of the Petition of Associated
12 Ready Mixed Concrete, Inc. and A&A Ready
13 Mixed Concrete, Inc. for Review of Action and
14 Failure to Act by Los Angeles Regional Water
15 Quality Control Board

SWRCB/OCC File: _____

**ASSOCIATED READY MIXED
CONCRETE, INC. AND A&A READY
MIXED CONCRETE, INC.’S PETITION
FOR REVIEW OF THE LOS ANGELES
REGIONAL WATER QUALITY
CONTROL BOARD’S ORDER NO. R4-
2024-0188; PRELIMINARY POINTS
AND AUTHORITIES IN SUPPORT OF
PETITION [Wat. Code § 13320]**

*[Submitted Concurrently with Request for
Stay of Regional Board Order and
Declaration of Alex Nichols ISO Request for
Stay of Regional Board Order]*

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22 In accordance with Water Code section 13320 and California Code of Regulations (“CCR”),
23 title 23, section 2050, Petitioners ASSOCIATED READY MIXED CONCRETE, INC. and A&A
24 READY MIXED CONCRETE, INC. (individually, “Associated” and “A&A” and collectively,
25 “Petitioners”) hereby respectfully submit this Petition for Review and Statement of Points and
26 Authorities (“Petition”) to the State Water Resources Control Board (“State Board”). Petitioners
27 request that the State Board review the Los Angeles Regional Water Quality Control Board’s
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1 (“Regional Board”) actions and inactions related to its adoption of Order No. R4-2024-0188, *Order*
2 *to Submit Compliance Group Leader Yearly Inspection Reports and Sample and Analyze 4*
3 *Qualified Storm Events Each Year Pursuant to California Water Code Section 13383* (the “Order”).

4 This Petition satisfies the requirements set forth by law and regulation. Petitioners reserve
5 and request the right to file supplemental points and authorities in support of the Petition for Review
6 once the administrative record becomes available. Petitioners also reserve the right to submit
7 additional arguments and evidence responsive to the Regional Board’s or other interested parties’
8 responses to the Petition for Review, to be filed in accordance with CCR, title 23, section 2050.5.

9 **I. NAME, ADDRESS, TELEPHONE NUMBER, AND E-MAIL ADDRESS OF**
10 **PETITIONERS**

11 Petitioners are Associated Ready Mixed Concrete, Inc. and A&A Ready Mixed Concrete,
12 Inc. Petitioners addresses are as follows:

13 Mr. Alex Nichols
14 Associated Ready Mixed Concrete
15 A&A Ready Mixed Concrete
16 4621 Teller Avenue, Suite 130
17 Newport Beach, California 92660
18 Phone: (949) 253-2800
19 Email: anichols@bristolmsi.com

20 Petitioners request that all materials and documents generated in connection with this
21 Petition for Review and administrative record to be provided to Petitioners’ counsel:

22 Ryan R. Waterman
23 Paige E. Samblanet
24 Brownstein Hyatt Farber Schreck, LLP
25 225 Broadway, Suite 1670
26 San Diego, California 92101
27 Phone: (619) 702-7569
28 Email: rwaterman@bhfs.com; psamblanet@bhfs.com

29 **II. PETITIONERS**

30 Associated and A&A each own and operate facilities subject to the Order. Associated owns
31 and operates three facilities subject to the Order located at the following addresses: (1) 2730 East
32 Washington Boulevard in Los Angeles, California; (2) 8946 Bradley Avenue in Sun Valley,
33

1 California; and (3) 9645 Washburn Road in Downey, California. A&A owns and operates one
2 facility located at 100 East Redondo Beach Boulevard in Gardena, California. These four facilities
3 are known collectively as the “Facilities.”

4 Collectively, Petitioners’ Facilities are registered under and subject to the requirements of
5 National Pollutant Discharge Elimination System (“NPDES”) Order No. 2014-0057-DWQ,
6 CAS000001, as amended by Order WQ 2015-0122-DWQ & Order WQ 2018-0028-DWQ, General
7 Permit for Storm Water Discharges Associated with Industrial Activities (the “General Permit”).
8 The Facilities have also elected to join and are members of the BMI Ready Mixed Concrete Group
9 Compliance Group (the “BMI Compliance Group”), which is led by Compliance Group Leader
10 Mr. Joseph King (“BMI Compliance Group Leader”). Petitioners and the Facilities are directly
11 impacted by the Order issued by the Regional Board.

12 **III. SPECIFIC ACTION OF THE REGIONAL BOARD THAT THE STATE BOARD**
13 **IS REQUESTED TO REVIEW**

14 Petitioners request that the State Board review the Regional Board’s adoption of the Order.¹
15 The specific actions and inactions of the Regional Board, and requirements of the Order that
16 Petitioners request the State Board to review are:

17 1. Order, ¶ 1, in that it mandates the submittal of the individual inspection reports conducted
18 by the Compliance Group Leader for the past three (3) years at the Facilities when it is ambiguous
19 as to what the Regional Board will do with these prior inspection reports that would assist with
20 current and future compliance, and fails to consider whether the Compliance Group Leader
21 recommendations and findings are valid, representative, and accurate of the Facilities’ conditions;

22 2. Order, ¶ 1, in that it mandates additional reporting requirements and deadlines for future
23 annual inspection reports conducted by the Compliance Group Leader that exceed what is required
24 under the General Permit and without consideration of whether the Compliance Group Leader
25 recommendations and findings are valid, representative, and accurate of the Facilities’ conditions;

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28 ¹ As required by CCR, title 23, section 2050, subd. (a)(2), copies of the Order received by each of the Facilities are included in Attachment B to this Petition.

1 3. Order, ¶ 2, in that it mandates sampling two additional qualifying storm events (“QSEs”)²
2 annually, which eliminates and contradicts the Compliance Group requirements under the General
3 Permit and fails to consider whether the samples are representative and accurate of the Facilities’
4 conditions, and which are unlikely to provide any useful information for the Regional Board;

5 4. Order, ¶ 3, in that it mandates revisions and resubmittal of the Facilities’ Storm Water
6 Pollution Prevention Plans (“SWPPPs”) to account for additional required samples that contradicts
7 the provisions of the General Permit; and,

8 5. Order, ¶ 4, in that it mandates that all reports be electronically submitted to SMARTS
9 without consideration of whether the Compliance Group Leader recommendations and findings are
10 valid, representative, and accurate of the Facilities’ conditions.

11 **IV. THE DATE ON WHICH THE REGIONAL BOARD ACTED**

12 The Regional Board adopted the Order on July 9, 2024.

13 **V. STATEMENT OF REASONS WHY THE ACTION WAS INAPPROPRIATE OR**
14 **IMPROPER**

15 A full and complete statement of the reasons why the Regional Board’s actions were
16 inappropriate or improper is provided in the accompanying Statement of Points and Authorities.

17 **VI. THE MANNER IN WHICH PETITIONERS ARE AGGRIEVED**

18 Petitioners are filing this Petition on behalf of the Facilities that are subject to the terms and
19 conditions of the Order. Petitioners and the Facilities are aggrieved by the actions and inactions of
20 the Regional Board because they will be subject to and bear the costs of, economic impacts thereon,
21 and administrative burden arising from the Regional Board’s actions and inactions that are the
22 subjects of this Petition.

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27 ² A “Qualifying Storm Event” is a precipitation event that: a. Produces a discharge for at least one drainage area; and,
28 b. Is preceded by 48 hours with no discharge from any drainage area. See General Permit, Section XI.B.1, p. 43.
Sampling is only required if the QSE occurs “during scheduled facility operating hours and when sampling
conditions are safe in accordance with Section XI.C.6.a.ii.” *Id.*, Section XI.B.5.b, p. 44.

1 **VII. SPECIFIC ACTION REQUESTED BY PETITIONERS OF THE**
2 **STATE BOARD**

3 Petitioners request that the State Board review the record, the Order, and this Petition, and
4 that the State Board issue an order or orders accomplishing the following:

5 1. Upon finding the Order exceeds the Regional Board’s powers under the Water Code,
6 and/or State Water Board policies and California law, the State Water Board shall rescind the Order
7 and find that the Regional Board does not have authority under Water Code Section 13383 to
8 implement these modifications to the General Permit.

9 2. Make any other necessary conforming changes consistent with the above or the Statement
10 of Points and Authorities.

11 **VIII. STATEMENT OF POINTS AND AUTHORITIES IN SUPPORT OF LEGAL**
12 **ISSUES RAISED IN THE PETITION**

13 As required by CCR, title 23, section 2050, subd. (a)(7), Petitioners include a statement of
14 points and authorities in support of this Petition beginning on page 7.

15 **IX. STATEMENT THAT THIS PETITION HAS BEEN SENT TO THE REGIONAL**
16 **BOARD**

17 A true and correct copy of this Petition was sent electronically to the Regional Board at
18 susana.arredondo@waterboards.ca.gov and waterqualitypetitions@waterboards.ca.gov. Further, a
19 courtesy copy of this Petition was sent electronically to the attorney for the Regional Board at
20 adriana.nunez@waterboards.ca.gov.

21 Petitioners are filing this Petition on their own behalf and on behalf of the Facilities subject
22 to the terms and conditions of the Order.

23 **X. STATEMENT AS TO WHETHER PETITIONERS RAISED THE ISSUE OR**
24 **OBJECTION IN THIS PETITION TO THE REGIONAL BOARD**

25 The Regional Board provided no opportunity for the public to review or comment on the
26 Order, and therefore Petitioners were unable to submit any written or oral comments concerning
27 the Order.

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This Petition was timely submitted pursuant to Water Code section 13320 and CCR, title 23, section 2050, subd. (b) whereby the thirtieth (30th) day following the action or inaction of the Regional Board fell on Thursday, August 8, 2024, the final date for submittal of this Petition.

Dated: August 8, 2024

BROWNSTEIN HYATT FARBER
SCHRECK, LLP

By: Ryan R. Waterman (Petit)
Ryan R. Waterman
Paige E. Samblanet
Attorneys for Petitioners
ASSOCIATED READY MIXED
CONCRETE, INC. and A&A READY
MIXED CONCRETE, INC.

1 **STATEMENT OF POINTS AND AUTHORITIES**

2 Petitioners file this Statement of Points and Authorities in support of their Petition in
3 accordance with CCR, title 23, section 2050, subd. (a). Petitioners request the opportunity to file a
4 supplemental or reply memorandum after receipt of the administrative record and the Regional
5 Board’s and other interested parties’ response(s).

6 **I. INTRODUCTION**

7 On July 9, 2024, the Regional Board adopted the Order, which targets certain members of
8 the Compliance Groups by imposing new compliance requirements that rescind the benefits of
9 Compliance Group membership provided by the General Permit and turn the Compliance Group
10 Leader into a putative Regional Board inspector. The new requirements imposed by the Order are
11 not found in the General Permit, undermine the purpose for which Compliance Groups were
12 established in the General Permit, and are not supported by substantial evidence.³ The Regional
13 Board’s Order improperly modifies the compliance conditions of the State Board-issued General
14 Permit, undermining the purposes of the General Permit and eliminating the benefits of
15 participating in a Compliance Group under the General Permit.

16 Petitioners request that the State Board rescind the Order and find that it is unsupported by
17 substantial evidence and exceeds the Regional Board’s authority under the General Permit and
18 Water Code Section 13383.

19 **II. BACKGROUND**

20 **A. The General Permit**

21 In November 1990, United States Environmental Protection Agency (“EPA”) promulgated
22 Phase I storm water regulations in compliance with section 402(p) of the Clean Water Act.⁴ These

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24 ³ “Compliance Groups” are “groups of Dischargers (Compliance Group Participants) that share common types of
25 pollutant sources and industrial activity characteristics. Compliance Groups provide an opportunity for the
26 Compliance Group Participants to combine resources and develop consolidated Level 1 ERA Reports for Level 1
27 NAL/TNAL exceedances and appropriate BMPs for implementation in response to Level 2 status ERA requirements
28 that are representative of the entire Compliance Group. Compliance Groups also provide the Water Boards and the
public with valuable information as to how industrial storm water discharges are affected by non-industrial
background pollutant sources (including natural background) and geographic locations.” General Permit, Section I.O,
p. 15.

⁴ 55 Fed. Reg. 47990, codified at 40 C.F.R. § 122.26; General Permit, p. 1.

1 regulations require operators of facilities subject to storm water permitting that discharge storm
2 water associated with industrial activity obtain an National Pollutant Discharge Elimination System
3 (“NPDES”) permit.⁵ Section 402(p)(3)(A) of the Clean Water Act also requires that permits for
4 discharges associated with industrial activity include requirements necessary to meet water quality
5 standards. Phase II storm water regulations require permitting for storm water discharges from
6 facilities owned and operated by a municipality with a population of less than 100,000. The current
7 version of the General Permit took effect on July 1, 2020.

8 The General Permit provides that “[a]ny group of Dischargers of the same industry type . .
9 . may form a Compliance Group,” which “shall consist of Dischargers that operate facilities with
10 similar types of industrial activities, pollutant sources, and pollutant characteristics.”⁶ Compliance
11 Groups provide an opportunity for Compliance Group Participants to combine resources and
12 develop consolidated Level 1 Exceedance Response Action (“ERA”) Reports for Level 1 numeric
13 action levels (“NAL”) and TMDL NAL (“TNAL”) exceedances and appropriate best management
14 practices (“BMPs”) for implementation in response to Level 2 status ERA requirements that are
15 representative of the entire Compliance Group.

16 Compliance Groups also provide the Water Boards and the public with valuable information
17 as to how industrial storm water discharges are affected by non-industrial background pollutant
18 sources (including natural background) and geographic locations.⁷ The General Permit allows for
19 Compliance Groups to enable “industrial facilities to efficiently share knowledge, skills and
20 resources towards achieving General Permit compliance.”⁸ Each Compliance Group is also
21 required to have a Compliance Group Leader, who must register with the State Board and provide
22 training, assistance, prepare reports for and inspect each Compliance Group facility at least once
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26 ⁵ General Permit, p. 1.

27 ⁶ *Id.*, Section XIV.A, p. 62.

28 ⁷ *Id.*, Section I.O, p. 15.

⁸ General Permit, Fact Sheet, p. 9.

1 per year.⁹ Lastly, Compliance Group facilities are also provided the benefit of sampling twice per
2 year, rather than the four times per year required of non-Compliance Group facilities.¹⁰

3 The General Permit recognizes that Regional Boards “are primarily responsible for
4 enforcement of this General Permit” and “have the authority to protect the beneficial uses of
5 receiving waters and prevent degradation of water quality in their region.”¹¹ As such, the Regional
6 Boards “may modify monitoring requirements and review, comment, approve or disapprove certain
7 Discharger submittals required under this General Permit.”¹² Notably, however, the General Permit
8 does not give Regional Boards the authority to impose new **reporting** requirements, and any
9 actions by the Regional Boards must also comport with the requirements of the Water Code and
10 the Code of Civil Procedure, including but not limited to being supported by substantial evidence.

11 While the General Permit’s Fact Sheet identifies other statutory authorities the Regional
12 Boards may have with respect to TMDL-specific monitoring, including Water Code Section 13383,
13 it also states that “[t]his Fact Sheet does not contain any independently-enforceable requirements;
14 the General Permit contains all of the actual requirements applicable to Dischargers. In case of any
15 conflict between the Fact Sheet and the General Permit, the terms of the General Permit govern.”¹³
16 Moreover, the Regional Board’s authority to require TMDL-specific monitoring does not apply to
17 Petitioners, which do not monitor any TMDL-specific constituents at the Facilities.

18 **B. The BMI Compliance Group**

19 The BMI Compliance Group’s origins date back to 1992 under the requirements of the 1992
20 Industrial General Permit. The current BMI Compliance Group Leader began providing technical
21 support to the previous group leader in 2011 and became the BMI Compliance Group Leader in
22 2012. When the 2015 General Permit took effect, seven compliance groups were created to address
23 the requirements of the 2015 General Permit. Currently, there are nine Building Materials Industry
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25 ⁹ General Permit, Section XIV.B.9, p. 63.

26 ¹⁰ *Id.*, Section XI.B.3, p. 43; General Permit Fact Sheet, pp. 9, 172.

27 ¹¹ General Permit, Section I.R, p. 16.

28 ¹² *Id.*; *but see* General Permit, Section VIII.A.1 (additional requirements for facilities with discharges to ocean waters not relevant here).

¹³ General Permit, Fact Sheet, I.A., p. 1.

1 (“BMI”) Compliance Groups that comprise 217 facilities.

2 As a part of the General Permit’s ERA Level 1 and Level 2 process, many of the BMI Group
3 Participants have gone to Level 2.¹⁴ As a result, those facilities (including the Facilities discussed
4 in this Petition) designed and installed robust storm water capture and reuse systems. These systems
5 use BMPs (trench drains, tanks, basins, pumps, etc.) to capture and store storm water runoff onsite
6 which, at most of the facilities, is subsequently recycled for use in facility operations (e.g., to
7 produce concrete or for dust control). These systems greatly reduce the frequency of storm water
8 discharges as the runoff generated by most storms is captured on site. When storms large enough
9 to cause a discharge occur, these systems generally improve the quality of storm water discharges
10 by providing significant retention time for the captured storm water, which allows pollutants to
11 settle out prior to discharge. These systems have been proven effective across the BMI Compliance
12 Group, including at Petitioners’ Facilities. As a result of these systems, many of facilities in the
13 BMI Compliance Group have had few, if any, QSEs that result in discharge from the facilities.
14 When discharge does occur, the pollutant concentrations in the sampled discharges are less than
15 they were before the systems were installed.

16 **C. Petitioners’ Facilities Subject to the Order**

- 17 1. Associated Facility at 2730 East Washington Boulevard in Los Angeles,
18 California

19 The Associated facility at 2730 East Washington Boulevard in Los Angeles, California
20 (“Los Angeles Facility”) is currently at Level 2 for Iron and Level 1 for total suspended solids
21 (“TSS”) and Oil and Grease.¹⁵ During the 2015 -2016 reporting year, the Los Angeles Facility
22 exceeded the annual average Iron NAL, which increased the facility to Level 1 for Iron during the
23 2016-2017 reporting year.¹⁶ During the 2016 – 2017 reporting year, Los Angeles Facility, again
24 exceeded the NAL for Iron.¹⁷ This brought the Los Angeles Facility to Level 2 status for Iron, in

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26 ¹⁴ All Petitioners’ Facilities have submitted Level 2 Industrial Activity BMP demonstrations prepared in accordance
with Section XII.D.2.a.iv. Accordingly, **none** of Petitioners’ Facilities are eligible to return to Baseline status.

27 ¹⁵ See Attachment A to the Petition (“Attachment A”), p. 2.

28 ¹⁶ (*Id.*)

¹⁷ (*Id.*)

1 which it was required to create, identify, and implement demonstrations to achieve compliance.
2 The Los Angeles facility began this process in 2017 – 2018 reporting year, in which it exceeded
3 the annual average NALs for total suspended solids (“TSS”), Oil and Grease, and Iron.¹⁸ After
4 implementing its storm water capture system, however, it has not exceeded the NALs.¹⁹ In fact,
5 there have been no OSEs at the Los Angeles Facility since 2018 – 2019 reporting year as a result
6 of the storm water capture system implementation.²⁰

7 The General Permit includes “design storm” standards for treatment control BMPs
8 constructed after the implementation of the General Permit in 2015.²¹ This design storm standard
9 is based on retaining and/or treating the amount of storm water produced by an 85th percentile, 24-
10 hour storm event.²² The General Permit requires that the hydrological calculations for the design
11 storm standard be certified by a professional engineer. All of the design storm standards calculated
12 for Petitioners’ Facilities include a 10% Factor of Safety.

13 The design storm standard for the Los Angeles Facility is 51,103 gallons, however, the
14 Facility has a total storm water capture capacity of 65,731-gallons, approximately 28.6% above the
15 design storm standard. Images of the storm water capture system are included below in Figures 1
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¹⁸ (*Id.*)

26 ¹⁹ (*Id.*)

27 ²⁰ Attachment A, p. 2.

28 ²¹ General Permit, Section X.H.6.a.

²² *Id.*, Section X.H.6.a, n.15.

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Figure 1. Los Angeles Facility Storm Water Runoff Capture System



Figure 2. Los Angeles Facility Storm Water Runoff Capture System



1 **Figure 3. Los Angeles Facility Storm Water Runoff Capture System**



14 2. Associated Facility at 8946 Bradley Avenue in Sun Valley, California

15 The Associated facility at 8946 Bradley Avenue in Sun Valley, California (“Sun Valley
16 Facility”) is currently at Level 2 for Iron and Level 1 for Oil and Grease.²³ Its first NAL exceedance
17 was during the 2015 – 2016 reporting year for Oil and Grease.²⁴ This exceedance resulted in the
18 Sun Valley Facility being increased to Level 1 compliance requirements for Oil & Grease.²⁵ The
19 Iron NAL was exceeded during the 2016 – 2017 and 2017 – 2018 reporting years, resulting in the
20 Sun Valley Facility being increased to Level 2 compliance requirements for Iron.²⁶ To comply with
21 Level 2 requirements, the Sun Valley Facility implemented a storm water capture system. Notably,
22 since the implementation of the storm water capture system, there has only been one discharge
23 event at the Sun Valley Facility and all parameters analyzed were below the NALs.²⁷ In summary,
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25 _____
²³ See Attachment A, p. 3.

26 ²⁴ (*Id.*)

27 ²⁵ (*Id.*)

28 ²⁶ (*Id.*)

²⁷ (*Id.*)

1 in the last 6 years, the Sun Valley Facility has had only one (1) QSE.²⁸ That QSE resulted in no
2 exceedances of the NALs and noticeably lower levels of those constituents in the sample.²⁹

3 The design storm standard for the Sun Valley Facility is 57,578 gallons, however, the Sun
4 Valley Facility has a total storm water capture capacity of 69,451-gallons, approximately 20.6%
5 above the design storm standard.³⁰ Images of the storm water capture system are included below in
6 Figures 4 – 6.

7 **Figure 4. Sun Valley Storm Water Runoff Capture System**



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26 ²⁸ (*Id.*)

27 ²⁹ (*Id.*)

28 ³⁰ This includes a 10% Factor of Safety for the design system that incorporates a margin of error to ensure the system can handle more than the expected runoff volume.

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Figure 5. Sun Valley Storm Water Runoff Capture System



Figure 6. Sun Valley Storm Water Runoff Capture System



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3. Associated Facility at 9645 Washburn Road in Downey, California

The Associated facility at 9645 Washburn Road in Downey, California (“Downey Facility”) is currently at Level 2 for Iron and TSS.³¹ Its first exceedance was during the 2015 – 2016 reporting year for both TSS and Iron. (*Id.*) This exceedance resulted in the Downey Facility having to comply with Level 1 requirements for those parameters. (*Id.*) The TSS and Iron NALs were both exceeded again during the 2016 – 2017 reporting year, resulting in the Downey Facility being increased to Level 2 compliance requirements for those parameters. (*Id.*) In the 2017- 2018 reporting year, the Iron NAL was exceeded again. (*Id.*) Similar to the other Associated facilities, the Downey Facility implemented a robust storm water capture system to comply with Level 2 requirements. Remarkably, in the past 6 reporting years, the Downey Facility has not had a QSE. (*Id.*) Thus, there have been zero instances where the facility has been required to sample because *there have been no OSEs at the Downey Facility* since the 2018 – 2019 reporting year. (*Id.*)

The Downey Facility has three (3) separate drainage areas, each equipped with separate stormwater capture systems.³²

- First drainage area: The design storm standard for Downey’s first drainage area is 1,965 gallons, however, this drainage area has a total storm water capture capacity of 11,502-gallons, approximately 485% above the design storm standard.
- Second drainage area: The design storm standard for Downey’s second drainage area is 4,411 gallons, however, this drainage area has a total storm water capture capacity of 16,124-gallons, approximately 266% above the design storm standard.
- Third drainage area: The design storm standard for Downey’s third drainage area is 20,329 gallons, however, this drainage area has a total storm water capture capacity of 31,827-gallons, approximately 56.6% above the design storm standard.

Images of the storm water capture system are included below in Figures 7 – 8.

³¹ See Attachment A, p. 4.

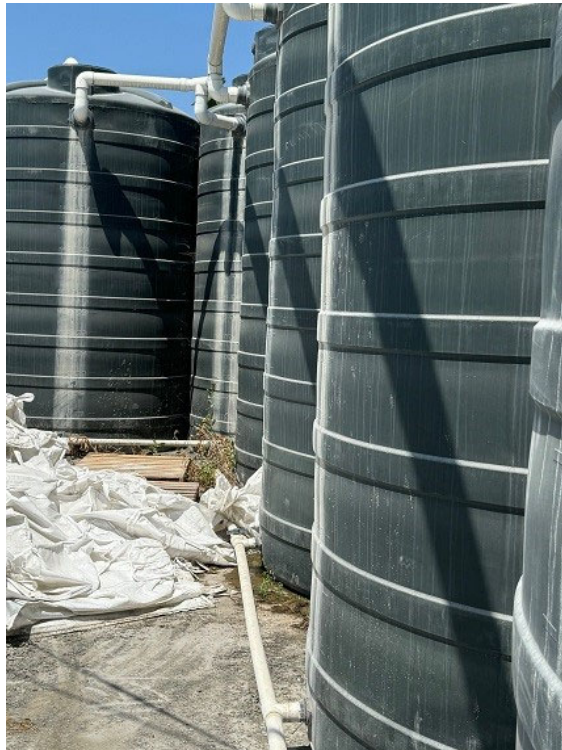
³² All drainage area calculations include a 10% Factor of Safety for the design system that incorporates a margin of error to ensure the system can handle more than the expected runoff volume.

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Figure 7. Downey Storm Water Runoff Capture System



Figure 8. Downey Storm Water Runoff Capture System



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4. A&A Facility at 100 East Redondo Beach Boulevard in Gardena, California

The A&A facility at 100 East Redondo Beach Boulevard in Gardena, California (“Gardena Facility”) is currently at Level 2 for Iron and Aluminum. (See Attachment A, p. 5.) Its first exceedance was during the 2015 – 2016 reporting year for both TSS and Iron, resulting in the compliance requirements for those parameters being increased to Level 1. (*Id.*) The next exceedances occurred during the 2017 – 2018 reporting year for Iron and Aluminum. (*Id.*) This brought the Gardena Facility to Level 2 compliance requirements for Iron. As a result, the Gardena Facility began implementing a storm water capture system. In the 2018 – 2019 reporting year, the Gardena Facility again had an exceedance for Aluminum but obtained four consecutive sampling results below the NAL for TSS. (*Id.*) In the 2019-20 reporting year, the Gardena Facility returned to baseline for TSS. Since the 2019-20 reporting year, however, there has only been one (1) QSE and all of the parameters analyzed were below the NALs. (*Id.*) Thus, in the last five reporting years, the Gardena Facility has *only had one QSE and all parameters were below the NALs.*

The design storm standard for the Gardena Facility is 60,690 gallons, however, the Gardena Facility has a total storm water capture capacity of 77,936-gallons, approximately 28.4% above the design storm standard.³³ Images of the storm water capture system are included below in Figures 9 – 10.

³³ This includes a 10% Factor of Safety for the design system that incorporates a margin of error to ensure the system can handle more than the expected runoff volume.

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Figure 9. Gardena Storm Water Runoff Capture System



Figure 10. Gardena Storm Water Runoff Capture System



1 **III. STANDARD OF REVIEW**

2 When reviewing whether a Regional Board Order properly implements state policies for
3 water quality control in the manner required by law, the State Board exercises its independent
4 judgment as to whether the action was reasonable.³⁴ A Regional Board’s actions must be supported
5 by substantial evidence.³⁵

6 The State Board has equated this standard of review to that which would be used by a
7 reviewing court under Code of Civil Procedure, section 1094.5.³⁶ That statute asks “whether the
8 respondent has proceeded without, or in excess of, jurisdiction; whether there was a fair trial; and
9 whether there was any prejudicial abuse of discretion.”³⁷ Abuse of discretion is established if the
10 respondent “has not proceeded in the manner required by law, the order or decision is not supported
11 by the findings, or the findings are not supported by the evidence.”³⁸

12 **IV. ARGUMENT**

13 The purpose of a Compliance Group under the General Permit is to “allow industrial
14 facilities to efficiently share knowledge, skills and resources towards achieving General Permit
15 compliance.”³⁹ A Compliance Group is meant to streamline General Permit compliance and “share
16 resources in a cost saving manner.”⁴⁰

17 The Order effectively eliminates key Compliance Group benefits for those Facilities subject
18 to the Order. It does so by requiring all facilities to sample four QSEs per year rather than two.
19 Further, the Order disincentivizes Compliance Group participation by deputizing the Compliance
20 Leader as a de facto Regional Board inspector and adding additional, unwarranted monitoring and
21 reporting requirements on Compliance Group Leaders, undermining the General Permit’s key
22 policy considerations supporting the Compliance Group concept without sufficient justification.

23 ³⁴ *In the Matter of the Petition of Exxon Company, USA*, Order No. 85-7 (SWRCB 1985), p. 10; *In the Matter of the*
24 *Petition of Stinnes-Western Chemical Corporation*, Order No. 86-16 (SWRCB 1986), p. 11.

25 ³⁵ *Stinnes-Western Chemical Corporation*, *supra*, p. 11.

26 ³⁶ *Id.*, p. 12 (citing *United States v. State Water Resources Control Bd.* (1986) 182 Cal.App.3d 82 and *Bank of America*
27 *v. State Water Resources Control Bd.* (1974) 42 Cal.App.3d 198, 208).

28 ³⁷ Code Civ. Proc., § 1094.5, subd. (b).

³⁸ *Id.*

³⁹ General Permit Fact Sheet, p. 9.

⁴⁰ *Id.*, p. 184.

1 The Regional Board’s stated rationale justifying this wholesale redrafting of the General
2 Permit’s Compliance Group program is the desire for more data on Facility discharges and their
3 compliance with Compliance Group Leader recommendations.⁴¹ These aims are unsupported by
4 substantial evidence and go beyond the Regional Board’s authority.

5 First, imposing new regulatory burdens on the Compliance Group Leader by requiring new
6 reporting obligations and making those reports public both (1) improperly rewrites the General
7 Permit and (2) lacks substantial evidence, as the Regional Board has provided no evidence or facts
8 to suggest Compliance Group Leader recommendations are not being followed or that the General
9 Permit is not being complied with by the Facilities. Increasing the regulatory burden on the
10 Facilities in this manner and under these circumstances lacks any reasonable factual basis, is
11 fundamentally unfair, and is not geared toward achieving compliance with applicable General
12 Permit requirements or state water quality goals. Instead, it punishes facilities by eliminating key
13 benefits of the state’s Compliance Group Leader program, ironically because of the Facilities’
14 costly efforts to comply with the General Permit have resulted in essentially no QSEs. Accordingly,
15 the Order exceeds the Regional Board’s authority, will not implement state policies for water
16 quality control in the manner required by law and the General Permit, and the Order’s material
17 findings are not supported by substantial evidence.

18 Second, the Regional Board’s criticisms regarding the lack of QSE data from the Facilities
19 is a direct function of the Facilities’ compliance with the General Permit’s requirements to invest
20 in and maintain robust storm water retention BMPs as part of their Level 2 Industrial Activity BMP
21 demonstrations. Accordingly, it should come as no surprise that these Facilities rarely, if ever,
22 experience QSEs.

23 Finally, in addition to exceeding the Regional Board’s authority to modify the State Board’s
24 General Permit, the proper forum to consider wholesale changes to the General Permit’s
25 Compliance Group provisions is not through the Regional Board’s one-off Order. Rather, changes
26 to the General Permit requirements must go through the robust public process that will occur during
27

28 ⁴¹ Order, pp. 1-2.

1 the forthcoming General Permit update cycle. The Order must be rescinded by the State Board to
2 ensure reasonable and proper implementation of the General Permit.

3 **A. The Order Contravenes the State Board’s General Permit and Exceeds**
4 **Regional Board Authority**

5 1. Water Code Section 13383 Does Not Allow A Regional Board To Rewrite
6 General Permit Reporting Requirements

7 The stated intent of the Compliance Groups is to provide similarly situated facilities with
8 the ability to combine resources, knowledge, and personnel to comply with the General Permit. As
9 an incentive, the General Permit offers streamlined compliance requirements for the Compliance
10 Group members, including but not limited to requiring member Facilities to sample twice per
11 year.⁴² In exchange, the General Permit requires the Compliance Group Leader to conduct
12 meaningful inspections that encourage dialogue between the Compliance Group Leader and its
13 members to better ensure compliance with the General Permit.⁴³

14 While the General Permit recognizes that a Regional Board may “modify monitoring
15 requirements” and “review, comment, approve or disapprove certain Discharger submittals,” Water
16 Code Section 13383 does not permit a Regional Board to undermine the State Board’s requirements
17 and rewrite key provisions of the General Permit, rendering certain elements of the General Permit
18 meaningless.⁴⁴

19 The Order violates the General Permit and exceeds Regional Board authority by adding
20 **reporting** requirements to the Compliance Group Leader that are found nowhere in the General
21 Permit⁴⁵, and by eliminating the General Permit’s allowance for reduced reporting of QSEs by
22 Compliance Group participants, all of which disincentivize membership in the Compliance Group.

23 ⁴² General Permit, Section XI.B.3, p. 43; General Permit Fact Sheet, pp. 9, 172.

24 ⁴³ See General Permit, Section XIV.B.9., p. 63.

25 ⁴⁴ *Id.*, I.R, p. 16.

26 ⁴⁵ While page 50 of the General Permit Fact Sheet provides that “Regional Boards . . . may issue an order pursuant to
27 Water Code section 13267 or section 13383 requiring the Responsible Discharger to conduct and report TMDL-
28 specific monitoring results,” the provision is inapplicable to Petitioners. As stated in Section II.A, *supra*, the
General Permit Fact Sheet explains that “[t]his Fact Sheet does not contain any independently-enforceable
requirements; the General Permit contains all of the actual requirements applicable to Dischargers. In case of any
conflict between the Fact Sheet and the General Permit, the terms of the General Permit govern.” General Permit,
Fact Sheet, I.A., p. 1. Furthermore, as previously stated, the Regional Board’s authority to require TMDL-specific
monitoring does not apply to Petitioners, which do not monitor any TMDL-specific constituents at the Facilities.

1 First, the Order seeks to disrupt the relationship between Compliance Group Participants
2 and the Leader by burdening Compliance Group Leaders with excessive reporting obligations not
3 required by the General Permit, and demanding public disclosure of reports the General Permit
4 intended to be solely for the benefit of the facilities. This type of requirement is antithetical to the
5 relationship between a Compliance Group Leader and its members, which is designed to encourage
6 frank engagement and cooperation to fix issues, not punish the members by reporting and
7 publicizing possible issues.

8 Indeed, such an expansion of Compliance Group Leader reporting requirements was
9 explicitly disavowed by the State Board in the General Permit's Fact Sheet:

10 After the initial Compliance Group registration, Compliance Group Leaders are
11 required to submit and maintain their list of Compliance Group Participants via
12 SMARTS. **There are no additional administrative documents required.** The
13 previous permit required group leaders to provide annual group evaluation reports
14 and a letter of intent to continue group monitoring. **The State Water Board found
15 these items to be resource intensive and placed an unnecessary administrative
16 burden on group leaders.** The Compliance Group requirements in this General
17 Permit reduces the administrative burden on both the Compliance Group Leaders
18 and Water Board staff.⁴⁶

19 There are no inconsistent or conflicting terms in the General Permit that contradict this
20 explanation in General Permit's Fact Sheet. The State Board has thus already determined that
21 imposing additional regulatory and reporting burdens on Compliance Group Leaders is
22 burdensome, unnecessary, and provides no value to compliance. Nevertheless, the Order would
23 ignore the State Board's carefully crafted Compliance Group Leader provisions by imposing the
24 very kind of regulatory and reporting requirements the State Board explicitly rejected as being
25 excessively burdensome and unnecessary.⁴⁷

26 Second, the Order provides no substantial evidence to support its findings that public
27 disclosure of Compliance Group Leader reports is required. As a general rule, a Regional Board's
28 findings must be supported by substantial evidence.⁴⁸ Essentially, the Regional Board's actions

⁴⁶ General Permit Fact Sheet, pp. 185 (emphasis added).

⁴⁷ Order, ¶¶ 1, 4, p. 3.

⁴⁸ *Stinnes-Western Chemical Corporation, supra*, p. 11.

1 must be tied to a legitimate goal or purpose under the General Permit. Here, the Order simply states
2 that employing the Compliance Group Leader’s recommendations help facilities comply with the
3 General Permit.⁴⁹ While this is undoubtedly true, it does not answer the relevant question of *why*
4 the Order is justified when (1) it contravenes the plain design set forth in the General Permit and
5 (2) there is no evidence that the Facilities are not implementing the Compliance Group Leader’s
6 recommendations.

7 The General Permit clearly omits this public disclosure requirement and the Order fails to
8 properly justify why now public disclosure is required. The Order claims that public disclosure of
9 Compliance Group Leader recommendations is necessary to “determine[e] the appropriateness of
10 Compliance Groups for any Compliance Group Participant.”⁵⁰ Yet the General Permit
11 unambiguously designates this role to the Executive Director of the State Board, who has the
12 responsibility to “review Compliance Group registrations and/or activities for compliance with the
13 requirements of this General Permit. The Executive Director may reject the Compliance Group, the
14 Compliance Group Leader, or individual Compliance Group Participants within the Compliance
15 Group.”⁵¹

16 Also, the Regional Board’s insistence that disclosure of the Compliance Group Leader
17 reports is required is unsubstantiated. First, there is no indication that the Facilities are violating the
18 General Permit. Additionally, the Order lacks any evidence that the Compliance Group Leader’s
19 recommendations are not being implemented, or that those recommendations are ineffective.
20 Without such evidence, it is undecipherable how submitting the reports will lead to any further
21 compliance with the General Permit.

22 Lacking any authority under the General Permit to support its Order, the Regional Board
23 instead attempts to rely generally on Water Code Section 13383. This statute was not intended to
24 enable the Regional Board to fundamentally alter the intent and purpose of the General Permit
25 without evidentiary support. As discussed in section IV.B, *post*, the General Permit is intended to

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27 ⁴⁹ Order, ¶ 7, p. 2.

⁵⁰ *Id.*

28 ⁵¹ General Permit, Section XIV.A.5, p. 62.

1 be a **general permit** crafted by the State Board to provide blanket requirements and guidance for
2 permittees statewide. If the State Board intended for Regional Boards to each craft their own region-
3 specific versions of the General Permit, it would have done so. Instead, the State Board drafted a
4 General Permit with meticulously constructed requirements, including diligently drafted conditions
5 for Compliance Groups.

6 2. The Order’s Requirement to Sample Four QSEs Instead of Two QSEs Is
7 Not Supported by Substantial Evidence

8 The State Board has made clear that a Regional Board’s findings must be supported by
9 substantial evidence.⁵² Therefore, for the Regional Board to impose additional requirements in
10 specific limited circumstances (those of which do not apply here), it must first provide substantial
11 evidence to support and justify its reasoning and demonstrate that the changes will meet some goal
12 or purpose in furtherance of the General Permit requirements.

13 The General Permit Fact Sheet explains that “a moderate reduction in sampling
14 requirements is included as an **incentive** for Compliance Group Participants while concurrently
15 requiring sufficient individual facility sampling data to determine compliance.”⁵³ The Order alleges
16 that “[s]ampling and analyzing stormwater samples from only 2 QSEs per year does not provide
17 the necessary data to determine appropriate compliance with NALs or TMDL numeric effluent
18 limitations.”⁵⁴ Therefore, the Order requires Compliance Group members to **double** the amount of
19 sampling required per year.⁵⁵ Accordingly, for the Order to stand it must be supported by substantial
20 evidence, which is wholly lacking with respect to the Facilities.

21 As noted in Section II.C, *supra*, the Facilities have not sampled even the required two QSEs
22 per year under Compliance Group standards because they rarely, if ever, experience QSEs due to
23 their robust storm water retention and reuse BMPs. Since the 2019-20 reporting year, not one of
24 the Facilities has sampled two QSEs in a storm water year because they simply do not discharge.⁵⁶

25 ⁵² *Stinnes-Western Chemical Corporation, supra*, p. 11.

26 ⁵³ General Permit Fact Sheet, pp. 184- 85 (emphasis added).

27 ⁵⁴ See Order, ¶ 12, p. 2.

28 ⁵⁵ *Id.*, ¶ 2, p. 3.

⁵⁶ See Attachment A.

1 Even more remarkably, since the 2019-20 reporting year, there have only been *two QSEs total* that
2 resulted in a sample from the Facilities: one sample taken at the Sun Valley Facility and one sample
3 taken at Gardena, both in the 2023-2024 reporting year.⁵⁷ Neither of those samples resulted in NAL
4 exceedances and there were notable decreases in the contamination levels for both samples as
5 compared to prior samples from before the time the Facilities' current suite of BMPs were
6 implemented.⁵⁸

7 In the six-year period from 2018-19 to 2023-24 for the Associated facilities, and five-year
8 period from 2019-20 to 2023-24 for the A&A facility, the state has experienced a wide range of
9 hydrologic conditions, from drought to historically large precipitation events. In fact, the two QSEs
10 that occurred since the 2019-20 reporting year among the four facilities both occurred in the 2023-
11 24 storm water year, which was an El Niño year. None of the Facilities, however, experienced a
12 QSE during the 2022-23 storm water year, which was an historically significant year with very high
13 rainfall totals.⁵⁹ From this extensive amount of data, it is reasonable to infer that it is unlikely the
14 Facilities will experience even the two QSEs they are currently required to sample, much less the
15 four QSEs the Order seeks to impose. Accordingly, the Order is not supported by substantial
16 evidence as applied to the Facilities because adding two additional sampling events is highly
17 unlikely to result in sampling more QSEs.

18 Moreover, the Regional Board does not allege or cite any evidence that suggests any of the
19 Facilities are in violation of the General Permit's monitoring or reporting requirements, failing to
20 provide any evidence or compelling rationale as to why more sampling is possible, necessary or
21 beneficial. There is also no evidence that indicates more sampling is required to determine the
22 Facility's compliance with NALS or TMDL numeric effluent limitations ("NEL"). In fact, the
23 evidence proves the opposite: the lack of QSEs demonstrates that compliance with existing General
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26 ⁵⁷ See Attachment A.

27 ⁵⁸ *Id.*

28 ⁵⁹ California's statewide precipitation totals were 141% of average, with the snowpack at 247% of average. See
California Water Watch, available at <https://cww.water.ca.gov/yearly-summary>.

1 Permit requirements *is working as intended*. The Facilities have had no recent NAL exceedances⁶⁰
2 and discharge infrequently (only during very large storms), making it extremely improbable that
3 any additional data would be collected. No legitimate goal or purpose would be achieved by
4 demanding more sampling contrary to the terms of the General Permit. Essentially, the Regional
5 Board’s Order has increased reporting and monitoring requirements *because* the Facilities are
6 *already* successfully complying with the General Permit requirements. This effort exceeds the
7 scope of its authority under the General Permit, unfairly punishes facilities for their successful
8 compliance activities, and lacks any substantial evidence in support.

9 **B. Policy Concerns Related to the Order**

10 The Order has additional negative policy implications that merit State Board consideration.
11 **First**, the General Permit does not allow a facility that has moved to Level 2 to return to “baseline”
12 status unless it has demonstrated four consecutive QSEs that do not exceed the applicable NAL.⁶¹
13 Regardless of the number of QSEs that do not exceed applicable NALs, however, the General
14 Permit **prohibits** a facility in Level 2 from returning to baseline status if it has prepared an Industrial
15 Activity BMP Demonstration under General Permit Section XII.D.2.a.iv, which occurs when a
16 Facility has adopted BMPs consistent with the General Permit’s technology-based effluent
17 limitations standards but such BMPs are not guaranteed to eliminate all NAL exceedances (a fact
18 of life for construction industry manufacturing facilities that must conduct significant portions of
19 their industrial operations outdoors).⁶²

20 All of Petitioners’ Facilities subject to the Order have selected an Industrial Activity BMP
21 Demonstration and have installed extensive storm water capture and reuse systems to avoid
22 discharging except in the most extreme hydrologic conditions. Accordingly, the Facilities will be
23 forevermore in Level 2, regardless of the number of QSEs they sample.

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26 ⁶⁰ It should be noted that “The NAL/TNAL exceedances defined in this General Permit are not, in and of themselves,
27 violations of this General Permit. A Discharger that does not fully comply with the Level 1 status and/or Level 2
28 status ERA requirements, when required by the terms of this General Permit, is in violation of this General Permit.”
General Permit, Section I.N.77, p. 14.

⁶¹ *Id.*, Section XII.D.4.a, p. 60.

⁶² *Id.*, Section XII.D.4.b, p. 60.

1 The Order appears to target facilities in Level 2, regardless of their circumstances. To the
2 extent the Order targets facilities in Level 2, the Regional Board must recognize the hurdles
3 preventing certain facilities from returning to baseline, whether that be its means of Level 2
4 compliance or the nature of storm water capture and reuse systems that have been deployed.
5 Perhaps the State Board may consider providing such facilities with alternative pathways to return
6 to baseline in the next General Permit, but that decision is not for the Regional Boards to decide.
7 In any event, the Regional Board’s effort here to ramp up monitoring and reporting requirements
8 for the Facilities is not reasonably engineered to facilitate a return to baseline status or improve
9 General Permit compliance or water quality; to the contrary, the Order undermines such efforts by
10 diverting resources away from valid General Permit compliance activities and fundamentally
11 altering the carefully fashioned role of Compliance Group Leaders under the General Permit.

12 **Second**, the State Board is already planning to modify the Compliance Group criteria based
13 upon the information it receives from the Compliance Groups. The General Permit makes clear that
14 “[t]he effluent data, BMP performance data and other information provided from Compliance
15 Groups’ consolidated reporting will further assist the State Water Board in addressing sector-
16 specific and watershed-based permitting alternatives.”⁶³ Thus, if amendments to the General Permit
17 are appropriate (which Petitioners would consider in due time if proposed by the State Board), they
18 should be addressed by the State Board through the forthcoming General Permit update cycle. None
19 of the Compliance Group Participants subject to the Order were given the chance to review or
20 comment on the Order. Therefore, Petitioners have resorted to filing this Petition to protect their
21 rights under the General Permit.

22 **Third**, if the Order is not rescinded, it will create a significant disincentive for facilities to
23 join a Compliance Group. As shown above, a primary incentive for participating would be
24 eliminated and exchanged with more onerous requirements that are above and beyond what is
25 required of General Permit registrants that do not belong to a Compliance Group. Thus, members
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28 ⁶³ General Permit, Section I.O, p. 15.

1 of the Compliance Group may be disincentivized from participating in the Compliance Group if
2 the Order remains in place.

3 **Fourth**, the Regional Board already has a vehicle to require more rigorous inspections and
4 enforcement action via municipal separate storm sewer system (“MS4”) permits. For example, the
5 Los Angeles Regional Phase I MS4 NPDES Permit, Order No. R4-2021-0105, NPDES Permit No.
6 CAS004004 (“LA MS4 Permit”) requires the Regional Board and its municipal permittees⁶⁴ to
7 monitor industrial facilities to ensure compliance with the LA MS4 Permit and General Permit.⁶⁵
8 Even if the Regional Board chooses not to devote its resources to conducting inspections, its
9 municipal permittees are already tasked with this responsibility on behalf of the Regional Board.
10 Accordingly, the Regional Board need not subvert the role of the Compliance Group Leader under
11 the General Permit, turning it into a de facto Regional Board inspector through the Order where the
12 General Permit and the LA MS4 Permit already provide ample authority to perform the role of
13 public facility inspector. Thus, if the Regional Board does not believe existing inspections are being
14 performed robustly, the Regional Board has a vehicle to enforce more inspections and enforcement
15 via the LA MS4 Permit and other MS4 permits.

16 **Finally**, allowing the Order to stand would open the door to Regional Board use of Water
17 Code Section 13383 to fundamentally alter and customize General Permit requirements on a region-
18 by-region basis, disrupting the consistent application of the General Permit across the state. Each
19 of the state’s nine Regional Boards could essentially rewrite the General Permit’s terms for its own
20 region, defeating the purpose of a statewide *General* Permit and creating different compliance
21 requirements for operators with facilities in multiple regions. It is essential for State Board general
22 permits to be uniformly interpreted and applied across the state to be effective and avoid excessive

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24 ⁶⁴ Under the LA MS4 Permit, “Permittees” include: The Los Angeles County Flood Control District, County of Los
25 Angeles, 85 incorporated cities within the coastal watersheds of Los Angeles County, Ventura County Watershed
26 Protection District, County of Ventura, and 10 incorporated cities within Ventura County. See LA MS4 Permit, p.
27 1.

28 ⁶⁵ See LA MS4 Permit, Section VIII.B; see also *id.*, Section VIII.B.1.e (“For those facilities or site operators in violation
of municipal stormwater ordinances and subject to the Industrial and/or Construction General Permits, Permittees
may escalate referral of such violations to the Los Angeles Water Board (promptly via telephone or electronically)
after one inspection and one written notice of violation (copied to the Los Angeles Water Board) to the facility or site
operator regarding the violation.”).

1 or confusing compliance obligations. By letting the Order stand, the State Board will be opening a
2 precedential door that could be difficult to close.

3 **V. CONCLUSION**

4 Though intended to further the Regional Board's goal of protecting water quality, in actual
5 practice the Order will hinder the marked improvements in reducing the impacts of industrial storm
6 water discharges made by the General Permit and the operators participating in the Compliance
7 Group targeted by the Order. Petitioners request that the State Board rescind the Order as not being
8 supported by substantial evidence and exceeding the Regional Board's authority under the General
9 Permit and Water Code Section 13383.

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Dated: August 8, 2024

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ATTACHMENT A
SAMPLE RESULT SPREADSHEETS

Associated - Los Angeles Facility

2730 E Washington Blvd Los Angeles, CA 90023

WDID: 4 19I007109

NAL	Parameter		TSS (mg/L)	O&G (mg/L)	Iron (mg/L)	pH (SU)
	Annual Average		100	15	1	--
	Instantaneous Average		400	25	--	6.0-9.0
2015-2016 Reporting Status			Baseline	Baseline	Baseline	Baseline
12/22/2015	SP-1		40.5	6.9	0.799	8
1/5/2016	SP-1		62.5	7.77	2.41	7
1/5/2016	SP-2		67.9	28	1.11	7
Annual Average=			57	14	1.4	Instantaneous Average
2016-2017 Reporting Status			Baseline	Baseline	Level 1	Baseline
1/5/2017	SP-1		76.5	15	3.33	7
Annual Average=			76.5	15	3.33	Instantaneous Average
2017-2018 Reporting Status			Baseline	Baseline	Level 2 AP	Baseline
1/9/2018	SP-1		825	46.9	28.5	7
Annual Average=			825.0	46.9	28.5	Instantaneous Average
2018-2019 Reporting Status			Level 1	Level 1	Level 2 TR	Baseline
NO SAMPLES COLLECTED in 2018-2019						
2019-2020 Reporting Status			Level 1	Level 1	Level 2	Baseline
NO SAMPLES COLLECTED in 2019-2020						
2020-2021 Reporting Status			Level 1	Level 1	Level 2	Baseline
NO SAMPLES COLLECTED in 2020-2021						
2021-2022 Reporting Status			Level 1	Level 1	Level 2	Baseline
NO SAMPLES COLLECTED in 2021-2022						
2022-2023 Reporting Status			Level 1	Level 1	Level 2	Baseline
NO SAMPLES COLLECTED in 2022-2023						
2023-2024 Reporting Status			Level 1	Level 1	Level 2	Baseline
NO SAMPLES COLLECTED in 2023-2024						
2024-2025 Reporting Status			Level 1	Level 1	Level 2	Baseline
NO SAMPLES COLLECTED TO DATE						

Associated - Sun Valley Facility

8946 Bradley Ave Sun Valley, CA 91352

WDID: 4 19I014517

NAL	Parameter		TSS (mg/L)	O&G (mg/L)	Iron (mg/L)	pH (SU)
	Annual Average		100	15	1	--
	Instantaneous Average		400	25	--	6.0-9.0
Sample Date	Sample Location	TSS (mg/L)	O&G (mg/L)	Iron (mg/L)	pH (SU)	
2015-2016 Reporting Status		Baseline	Baseline	Baseline	Baseline	
9/15/2015	SP-1	22.7	20	0.25	7	
Annual Average=		23	20	0.25	Instantaneous Average	
2016-2017 Reporting Status		Baseline	Level 1	Baseline	Baseline	
1/19/2017	SP-1	62.5	0	1.08	7	
Annual Average=		62.5	0	1.08	Instantaneous Average	
2017-2018 Reporting Status		Baseline	Level 1	Level 1	Baseline	
1/9/2018	SP-1	45.2	5.03	2.14	7	
1/9/2018	SP-2	84.3	0	3.38	7	
Annual Average=		64.8	2.5	2.8	Instantaneous Average	
2018-2019 Reporting Status		Baseline	Level 1	Level 2 AP	Baseline	
NO SAMPLES COLLECTED in 2018-2019						
2019-2020 Reporting Status		Baseline	Level 1	Level 2 TR	Baseline	
NO SAMPLES COLLECTED in 2019-2020						
2020-2021 Reporting Status		Baseline	Level 1	Level 2	Baseline	
NO SAMPLES COLLECTED in 2020-2021						
2021-2022 Reporting Status		Baseline	Level 1	Level 2	Baseline	
NO SAMPLES COLLECTED in 2021-2022						
2022-2023 Reporting Status		Baseline	Level 1	Level 2	Baseline	
NO SAMPLES COLLECTED in 2022-2023						
2023-2024 Reporting Status		Baseline	Level 1	Level 2	Baseline	
2/5/2024	SP-1	31.1	0	0.493	7.2	
Annual Average=		31.1	0	0.493	Instantaneous Average	
2024-2025 Reporting Status		Baseline	Level 1	Level 2	Baseline	
NO SAMPLES COLLECTED TO DATE						

Associated - Downey Facility

9645 Washburn Rd Downey, CA 90241

WDID: 4 19I007110

NAL	Parameter		TSS (mg/L)	O&G (mg/L)	Iron (mg/L)	pH (SU)
	Annual Average		100	15	1	--
	Instantaneous Average		400	25	--	6.0-9.0
2015-2016 Reporting Status			Baseline	Baseline	Baseline	Baseline
1/5/2016	SP-1	415	1.92	9.45	7	
Annual Average=		415	2	9.45	Instantaneous Average	
2016-2017 Reporting Status			Level 1	Baseline	Level 1	Baseline
2/17/2017	SP-1	101	10.4	3.43	7	
2/17/2017	SP-2	251	5.08	2.45	7	
Annual Average=		176.0	7.7	2.9	Instantaneous Average	
2017-2018 Reporting Status			Level 2 AP	Baseline	Level 2 AP	Baseline
1/9/2018	SP-1	72.1	7.34	1.54	7	
Annual Average=		72.1	7.3	1.5	Instantaneous Average	
2018-2019 Reporting Status			Level 2 TR	Baseline	Level 2 TR	Baseline
NO SAMPLES COLLECTED in 2018-2019						
2019-2020 Reporting Status			Level 2	Baseline	Level 2	Baseline
NO SAMPLES COLLECTED in 2019-2020						
2020-2021 Reporting Status			Level 2	Baseline	Level 2	Baseline
NO SAMPLES COLLECTED in 2020-2021						
2021-2022 Reporting Status			Level 2	Baseline	Level 2	Baseline
NO SAMPLES COLLECTED in 2021-2022						
2022-2023 Reporting Status			Level 2	Baseline	Level 2	Baseline
NO SAMPLES COLLECTED in 2022-2023						
2023-2024 Reporting Status			Level 2	Baseline	Level 2	Baseline
NO SAMPLES COLLECTED in 2023-2024						
2024-2025 Reporting Status			Level 2	Baseline	Level 2	Baseline
NO SAMPLES COLLECTED TO DATE						

A&A - Gardena (East Redondo) Facility

100 East Redondo Beach Blvd Gardena, CA 90248

WDID: 4 19I007120

NAL	Parameter	TSS (mg/L)	O&G (mg/L)	N+N (mg/L)	Iron (mg/L)	Copper (mg/L)	Lead (mg/L)	Zinc (mg/L)	Aluminum (mg/L)	pH (SU)
	Annual Average	100	15	0.68	1	0.0332	0.262	0.26	0.75	--
	Instantaneous Average	400	25	--	--	--	--	--	--	6.0-9.0
2015-2016 Reporting Status		Baseline	Baseline	Baseline	Baseline	Baseline	Baseline	Baseline	Baseline	Baseline
9/15/2015	SP-1	143	3	N/A	4.87	N/A	N/A	N/A	N/A	9
9/15/2015	SP-1	42.2	4.1	N/A	2.26	N/A	N/A	N/A	N/A	9
1/5/2016	SP-1	190	4.93	N/A	7.12	N/A	N/A	N/A	N/A	7
Annual Average=		125	4.01	N/A	4.75	N/A	N/A	N/A	N/A	Inst. Average
2016-2017 Reporting Status		Level 1	Baseline	N/A	Level 1	N/A	N/A	N/A	N/A	Baseline
2/6/2017	SP-1	34.4	0	N/A	0.952	N/A	N/A	N/A	N/A	7
Annual Average=		34.4	0	N/A	0.952	N/A	N/A	N/A	N/A	Inst. Average
2017-2018 Reporting Status		Level 1	Baseline	N/A	Level 1	N/A	N/A	N/A	N/A	Baseline
1/9/2018	SP-1	32.7	0	0	1.36	0.0233	0.0168	0.16	0.903	7.4
Annual Average=		32.7	0	0	1.36	0	0	0.160	0.903	Inst. Average
2018-2019 Reporting Status		Level 1	Baseline	Baseline	Level 2 AP	Baseline	Baseline	Baseline	Level 1	Baseline
12/6/2018	SP-1	58.5	0	0.51	0.417	0	0	0	0.286	8
2/14/2019	SP-1	48.2	0	0.414	1.390	0	0	0	1.58	8.2
Annual Average=		53.4	0	0.461	0.904	0	0	0	0.933	Inst. Average
2019-2020 Reporting Status		Returned to Baseline	Baseline	Baseline	Level 2 TR	Baseline	Baseline	Baseline	Level 2 AP	Baseline
NO SAMPLES COLLECTED DURING 2019-2020 REPORTING YEARS										
2020-2021 Reporting Status		Baseline	Baseline	Baseline	Level 2	Baseline	Baseline	Baseline	Level 2 TR	Baseline
NO SAMPLES COLLECTED DURING 2020-2021 REPORTING YEARS										
2021-2022 Reporting Status		Baseline	Baseline	Baseline	Level 2	Baseline	Baseline	Baseline	Level 2	Baseline
NO SAMPLES COLLECTED DURING 2021-2022 REPORTING YEARS										
2022-2023 Reporting Status		Baseline	Baseline	Baseline	Level 2	Baseline	Baseline	Baseline	Level 2	Baseline
NO SAMPLES COLLECTED DURING 2022-2023 REPORTING YEARS										
2023-2024 Reporting Status		Baseline	Baseline	Baseline	Level 2	Baseline	Baseline	Baseline	Level 2	Baseline
2/7/2024	SP-1	0	2.92	N/A	0.657	N/A	N/A	N/A	0.169	7.0
Annual Average=		0	2.92	N/A	0.657	N/A	N/A	N/A	0.169	Inst. Average
2024-2025 Reporting Status		Baseline	Baseline	Baseline	Level 2	Baseline	Baseline	Baseline	Level 2	Baseline
NO SAMPLES COLLECTED TO DATE										

ATTACHMENT B
REGIONAL BOARD ORDER
NO. R4-2024-0188 ORDERS



Los Angeles Regional Water Quality Control Board

July 9, 2024

Alex Nichols
Associated Ready Mixed Concrete
4621 Teller Avenue No. 130
Newport Beach, CA 92660

Certified Mail
Return Receipt Requested
Claim No. 9589 0710 5270 0590 4704 40

Kurt D. Caillier
Agent for Service for
Associated Ready Mixed Concrete
4621 Teller Avenue Suite 130
Newport Beach, CA 92660

Certified Mail
Return Receipt Requested
Claim No. 9589 0710 5270 0590 4716 38

SUBJECT: ORDER TO SUBMIT COMPLIANCE GROUP LEADER YEARLY INSPECTION REPORTS AND SAMPLE AND ANALYZE 4 QUALIFIED STORM EVENTS EACH YEAR PURSUANT TO CALIFORNIA WATER CODE SECTION 13383 ORDER NO. R4-2024-0188

FACILITY: ASSOCIATED READY MIXED CONCRETE, 2730 EAST WASHINGTON BOULEVARD, LOS ANGELES, CALIFORNIA 90023, WID 4 191007109

Dear Alex Nichols and Kurt D. Caillier:

Associated Ready Mixed Concrete (hereinafter "Permittee") operates a facility located at 2730 East Washington Boulevard, in Los Angeles, that is subject to the requirements of NPDES General Permit Order No. 2014-0057-DWQ, CAS000001, for Stormwater Discharges Associated with Industrial Activities (General Permit).

The Facility is a member of the BMI Ready Mixed Concrete Group Compliance Group, and the Compliance Group Leader is Joseph King.

Enclosed is a California Water Code section 13383 Order No. R4-2024-0188 (Order) requesting annual inspection report information and requiring the Permittee to annually collect and analyze storm water samples from two (2) QSEs within the first half of each reporting year (July 1 to December 31), and two (2) QSEs within the second half of each reporting year (January 1 to June 30).

NORMA CAMACHO, CHAIR | SUSANA ARREDONDO, EXECUTIVE OFFICER

320 West 4th Street, Suite 200, Los Angeles, CA 90013 | www.waterboards.ca.gov/losangeles

If you have any questions regarding this letter, please contact Enrique Loera at (213) 620-2111/enrique.loera@waterboards.ca.gov or Pavlova Vitale at (213) 305-2302/pavlova.vitale@waterboards.ca.gov.

Sincerely,



Russ Colby
Acting Assistant Executive Officer

Enclosure: Order No. R4-2024-0188

cc: (via email)

Abraham Abrahamian, Chief Environmental Inspector, City of Los Angeles
Joseph King, Compliance Group Leader, BMI Ready Mixed Concrete Group

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

WATER CODE SECTION 13383 ORDER NO. R4-2024-0188

**TO SUBMIT COMPLIANCE GROUP LEADER YEARLY INSPECTION REPORTS
FOR THE PAST THREE YEARS AND SAMPLE AND ANALYZE FOUR QUALIFIED
STORM EVENTS ANNUALLY**

The Permittee operates a Facility that is subject to the requirements of NPDES General Permit Order No. 2014-0057-DWQ, CAS000001, for Stormwater Discharges Associated with Industrial Activities (General Permit).

Based on Regional Water Board staff's review of the records in the electronic database Storm Water Multiple Application and Report Tracking System (SMARTS), the Los Angeles Water Board finds the following:

1. A Responsible Discharger is a Discharger with Notice of Intent (NOI) coverage under the General Permit who discharges stormwater associated with industrial activities (and authorized non stormwater discharges) either directly or through a municipal separate storm sewer system to impaired waterbodies identified in a U.S. EPA approved Total Maximum Daily Load (TMDL) with a waste load allocation assigned to industrial stormwater sources.
2. Responsible Dischargers shall compare all sampling and analytical results from each distinct sample (individual or combined as authorized by XI.C.5 of the General Permit) to the corresponding instantaneous maximum NEL values in the TMDL Compliance Table E-2 of the General Permit.
3. A Discharger's Level 1 status for any given parameter shall change to Level 2 status if sampling results indicate a Numeric Action Level (NAL)/TMDL NAL (TNAL) exceedance for that same parameter while the Discharger is in Level 1. Upon the effective date of the TMDL Requirements, Responsible Dischargers have Level 2 status for any applicable TNAL if the Discharger has Level 2 status for the NAL for the same parameter.
4. Compliance Groups are Groups of Dischargers that share common types of pollutant sources and industrial activity characteristics. Compliance Groups provide an opportunity for the Compliance Group Participants to combine resources and develop consolidated Level 1 ERA Reports for Level 1 NAL/TNAL exceedances and appropriate BMPs for implementation in response to Level 2 status ERA requirements that are representative of the entire Compliance Group. Compliance Groups also provide the Water Boards and the public with valuable information as to how industrial storm water discharges are affected by non-industrial background pollutant sources (including natural background) and geographic locations.

5. A Qualifying Storm Event (QSE) is a precipitation event that produces a discharge for at least one drainage area and is preceded by 48 hours with no discharge from any drainage area.
6. Industrial General Permit Section XIV.B.9., requires Compliance Group Participants facilities be inspected by Compliance Groups Leaders at a minimum of once per reporting year.
7. The implementation of the Compliance Group Leader's recommendations including addition or modifications of best management practices at these facilities and listed in these inspection reports is necessary to assist the Compliance Group Participants in complying with the General Permit requirements. Determination of the extent to which these recommendations are being implemented is important in determining the appropriateness of Compliance Groups for any Compliance Group Participant.
8. Section X.B.3. of the General Permit, allows Compliance Group Participants to collect and analyze storm water samples from one QSE within the first half of each reporting year (July 1 to December 31) and one QSE within the second half of the reporting year (January 1 to June 30).
9. The General Permit requires monitoring data from 4 QSEs demonstrating compliance with Numeric Action Levels to return to baseline.
10. The Permittee is a Compliance Group Participant.
11. The Permittee is in Level 2 Status and/or is a Responsible Discharger subject to Numeric Effluent Limit(s) (NELs), a numerical limit, an exceedance of which is a violation of the General Permit.
12. Sampling and analyzing stormwater samples from only 2 QSEs per year does not provide the necessary data to determine appropriate compliance with NALs or TMDL numeric effluent limitations.

This Order is issued to implement federal law.

California Water Code Section 13383(a) states the following:

"The state board or a regional board may establish monitoring, inspection, entry, reporting, and recordkeeping requirements, as authorized by Section 13160, 13376, or 13377 or by subdivisions (b) and (c) of this section, for any person who discharges, or proposes to discharge, to navigable waters, any person who introduces pollutants into a publicly owned treatment works, any person who owns or operates, or proposes to own or operate, a publicly owned treatment works or other treatment works treating domestic sewage, or any person who uses or disposes, or proposes to use or dispose, of sewage sludge."

This Order is necessary to ensure compliance with the requirements set forth in the Industrial General Permit. The Los Angeles Water Board has considered the cost of compliance with this Order, which primarily adds a submittal deadline of inspection reports to existing Industrial General Permit requirements of yearly inspections by your Compliance Group Leader and sampling of four storm events within each reporting year, and determined that it is minimal because yearly Compliance Group inspections and sampling of four storm events for each reporting year is required by the Industrial General Permit. Pursuant to California Water Code section 13383, and to comply with the Industrial General Permit, **it is hereby ordered** that the Discharger shall submit the following items:

1. 60 days after the date of this Order, submit the individual inspection reports conducted by your Compliance Group Leader for the past three (3) years at your Facility. In addition, the Compliance Group Leader inspection reports for inspections conducted going forward shall be submitted annually no later than July 15th of each reporting year. The reports shall include the following (but not limited to):
 - a. Inspection dates.
 - b. Inspection findings.
 - c. Compliance Group Leader recommendations.
 - d. Inspection photographs.
 - e. Date(s) when Compliance Group Leader's recommendations were implemented.
 - f. Justification for not implementing any of the given Compliance Group Leader's recommendations.
2. Conduct all visual inspections and annually collect and analyze storm water samples from two (2) QSEs within the first half of each reporting year (July 1 to December 31), and two (2) QSEs within the second half of each reporting year (January 1 to June 30) in accordance with General Permit Section XI. The monitoring data and laboratory reports shall be submitted electronically to SMARTS as ad hoc reports within 30 days of obtaining all results for each sampling event as specified in General Permit Section XI.B.11.
3. 60 days after the date of this Order, revise and resubmit electronically to SMARTS the Facility's Stormwater Pollution Prevention Plan to reflect annual sampling and analyses of 4 QSEs as described above.
4. The inspection reports in numbered paragraph 1 above shall be electronically submitted to SMARTS via the Attachment module. The SMARTS help guide for submitting the report may be found on the Internet at:

[SMARTS Help Guides Link](https://www.waterboards.ca.gov/water_issues/programs/stormwater/smarts/industrial/indst_help_guides.html)

(https://www.waterboards.ca.gov/water_issues/programs/stormwater/smarts/industrial/indst_help_guides.html).

Adoption of the Industrial General Permit was not subject to the California Environmental Quality Act, and to the extent this Order adds any additional requirements, this Order is categorically exempt from the provisions of the California Environmental Quality Act pursuant to title 14 of the California Code of Regulations, section 15308.

Any person aggrieved by this action of the Los Angeles Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday (including mandatory furlough days), the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: [Petition Information \(https://www.waterboards.ca.gov/public_notices/petitions/water_quality\)](https://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

Failure to comply with this Order, or falsifying any information provided pursuant to this Order, may result in enforcement action including civil liabilities for up to \$10,000 for each day of violation for late or inadequate reports, consistent with Water Code section 13385. To avoid this liability, you must submit the requested information by the date provided above.

Questions regarding this Order or any requests for assistance should be directed to Enrique Loera at (213) 620-2111/enrique.loera@waterboards.ca.gov or Pavlova Vitale at (213) 305-2302/pavlova.vitale@waterboards.ca.gov.

SO ORDERED.

 Digitally signed by Susana Arredondo
Date: 2024.07.09 08:46:21 -07'00'

Susana Arredondo, Executive Officer

07/09/2024 **Date**



Los Angeles Regional Water Quality Control Board

July 9, 2024

Alex Nichols
Associated Ready Mixed Concrete
4621 Teller Avenue No. 130
Newport Beach, CA 92660

Certified Mail
Return Receipt Requested
Claim No. 9589 0710 5270 0590 4704 26

Kurt D. Caillier
Agent for Service for
Associated Ready Mixed Concrete
4621 Teller Avenue Suite 130
Newport Beach, CA 92660

Certified Mail
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Claim No. 9589 0710 5270 0590 4716 14

SUBJECT: ORDER TO SUBMIT COMPLIANCE GROUP LEADER YEARLY INSPECTION REPORTS AND SAMPLE AND ANALYZE 4 QUALIFIED STORM EVENTS EACH YEAR PURSUANT TO CALIFORNIA WATER CODE SECTION 13383 ORDER NO. R4-2024-0188

FACILITY: ASSOCIATED READY MIXED CONCRETE, 8946 BRADLEY AVENUE, SUN VALLEY, CALIFORNIA 91352, WDID 4 19I014517

Dear Alex Nichols and Kurt D. Caillier:

Associated Ready Mixed Concrete (hereinafter "Permittee") operates a facility located at 8946 Bradley Avenue, in Sun Valley, that is subject to the requirements of NPDES General Permit Order No. 2014-0057-DWQ, CAS000001, for Stormwater Discharges Associated with Industrial Activities (General Permit).

The Facility is a member of the BMI Ready Mixed Concrete Group Compliance Group, and the Compliance Group Leader is Joseph King.


Enclosed is a California Water Code section 13383 Order No. R4-2024-0188 (Order) requesting annual inspection report information and requiring the Permittee to annually collect and analyze storm water samples from two (2) QSEs within the first half of each reporting year (July 1 to December 31), and two (2) QSEs within the second half of each reporting year (January 1 to June 30).

NORMA CAMACHO, CHAIR | SUSANA ARREDONDO, EXECUTIVE OFFICER

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Sincerely,



Russ Colby
Acting Assistant Executive Officer

Enclosure: Order No. R4-2024-0188

cc: (via email)

Abraham Abrahamian, Chief Environmental Inspector, City of Los Angeles
Joseph King, Compliance Group Leader, BMI Ready Mixed Concrete Group

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

WATER CODE SECTION 13383 ORDER NO. R4-2024-0188

**TO SUBMIT COMPLIANCE GROUP LEADER YEARLY INSPECTION REPORTS
FOR THE PAST THREE YEARS AND SAMPLE AND ANALYZE FOUR QUALIFIED
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SO ORDERED.

 Digitally signed by Susana Arredondo
Date: 2024.07.09 08:46:21 -07'00'

Susana Arredondo, Executive Officer

07/09/2024 **Date**



Los Angeles Regional Water Quality Control Board

July 9, 2024

Alex Nichols
Associated Ready Mixed Concrete
4621 Teller Avenue Suite 130
Newport Beach, CA 92660

Certified Mail
Return Receipt Requested
Claim No. 9589 0710 5270 0590 4704 33

Kurt D. Caillier
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SUBJECT: ORDER TO SUBMIT COMPLIANCE GROUP LEADER YEARLY INSPECTION REPORTS AND SAMPLE AND ANALYZE 4 QUALIFIED STORM EVENTS EACH YEAR PURSUANT TO CALIFORNIA WATER CODE SECTION 13383 ORDER NO. R4-2024-0188

FACILITY: ASSOCIATED READY MIXED CONCRETE, 9645 WASHBURN ROAD, DOWNEY, CALIFORNIA 90241, WIDID 4 19I007110

Dear Alex Nichols and Kurt D. Caillier:

Associated Ready Mixed Concrete (hereinafter "Permittee") operates a facility located at 9645 Washburn Road, in Downey, that is subject to the requirements of NPDES General Permit Order No. 2014-0057-DWQ, CAS000001, for Stormwater Discharges Associated with Industrial Activities (General Permit).

The Facility is a member of the BMI Ready Mixed Concrete Group Compliance Group, and the Compliance Group Leader is Joseph King.

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Sincerely,



Russ Colby
Acting Assistant Executive Officer

Enclosure: Order No. R4-2024-0188

cc: (via email)

Dan Mueller, Principal Engineer, City of Downey

Joseph King, Compliance Group Leader, BMI Ready Mixed Concrete Group

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

WATER CODE SECTION 13383 ORDER NO. R4-2024-0188

**TO SUBMIT COMPLIANCE GROUP LEADER YEARLY INSPECTION REPORTS
FOR THE PAST THREE YEARS AND SAMPLE AND ANALYZE FOUR QUALIFIED
STORM EVENTS ANNUALLY**

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This Order is issued to implement federal law.

California Water Code Section 13383(a) states the following:

"The state board or a regional board may establish monitoring, inspection, entry, reporting, and recordkeeping requirements, as authorized by Section 13160, 13376, or 13377 or by subdivisions (b) and (c) of this section, for any person who discharges, or proposes to discharge, to navigable waters, any person who introduces pollutants into a publicly owned treatment works, any person who owns or operates, or proposes to own or operate, a publicly owned treatment works or other treatment works treating domestic sewage, or any person who uses or disposes, or proposes to use or dispose, of sewage sludge."

This Order is necessary to ensure compliance with the requirements set forth in the Industrial General Permit. The Los Angeles Water Board has considered the cost of compliance with this Order, which primarily adds a submittal deadline of inspection reports to existing Industrial General Permit requirements of yearly inspections by your Compliance Group Leader and sampling of four storm events within each reporting year, and determined that it is minimal because yearly Compliance Group inspections and sampling of four storm events for each reporting year is required by the Industrial General Permit. Pursuant to California Water Code section 13383, and to comply with the Industrial General Permit, **it is hereby ordered** that the Discharger shall submit the following items:

1. 60 days after the date of this Order, submit the individual inspection reports conducted by your Compliance Group Leader for the past three (3) years at your Facility. In addition, the Compliance Group Leader inspection reports for inspections conducted going forward shall be submitted annually no later than July 15th of each reporting year. The reports shall include the following (but not limited to):
 - a. Inspection dates.
 - b. Inspection findings.
 - c. Compliance Group Leader recommendations.
 - d. Inspection photographs.
 - e. Date(s) when Compliance Group Leader's recommendations were implemented.
 - f. Justification for not implementing any of the given Compliance Group Leader's recommendations.
2. Conduct all visual inspections and annually collect and analyze storm water samples from two (2) QSEs within the first half of each reporting year (July 1 to December 31), and two (2) QSEs within the second half of each reporting year (January 1 to June 30) in accordance with General Permit Section XI. The monitoring data and laboratory reports shall be submitted electronically to SMARTS as ad hoc reports within 30 days of obtaining all results for each sampling event as specified in General Permit Section XI.B.11.
3. 60 days after the date of this Order, revise and resubmit electronically to SMARTS the Facility's Stormwater Pollution Prevention Plan to reflect annual sampling and analyses of 4 QSEs as described above.
4. The inspection reports in numbered paragraph 1 above shall be electronically submitted to SMARTS via the Attachment module. The SMARTS help guide for submitting the report may be found on the Internet at:

[SMARTS Help Guides Link](https://www.waterboards.ca.gov/water_issues/programs/stormwater/smarts/industrial/indst_help_guides.html)

(https://www.waterboards.ca.gov/water_issues/programs/stormwater/smarts/industrial/indst_help_guides.html).

Adoption of the Industrial General Permit was not subject to the California Environmental Quality Act, and to the extent this Order adds any additional requirements, this Order is categorically exempt from the provisions of the California Environmental Quality Act pursuant to title 14 of the California Code of Regulations, section 15308.

Any person aggrieved by this action of the Los Angeles Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday (including mandatory furlough days), the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: [Petition Information \(https://www.waterboards.ca.gov/public_notices/petitions/water_quality\)](https://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

Failure to comply with this Order, or falsifying any information provided pursuant to this Order, may result in enforcement action including civil liabilities for up to \$10,000 for each day of violation for late or inadequate reports, consistent with Water Code section 13385. To avoid this liability, you must submit the requested information by the date provided above.

Questions regarding this Order or any requests for assistance should be directed to Enrique Loera at (213) 620-2111/enrique.loera@waterboards.ca.gov or Pavlova Vitale at (213) 305-2302/pavlova.vitale@waterboards.ca.gov.

SO ORDERED.

 Digitally signed by Susana Arredondo
Date: 2024.07.09 08:46:21 -07'00'

Susana Arredondo, Executive Officer

07/09/2024 **Date**



Los Angeles Regional Water Quality Control Board

July 9, 2024

Alex Nichols
AA Ready Mixed Concrete
4621 Teller Avenue Suite 130
Newport Beach, CA 92660

Certified Mail
Return Receipt Requested
Claim No. 9589 0710 5270 0590 4703 41

Kurt D. Caillier
Agent for Service for
AA Ready Mixed Concrete
4621 Teller Avenue
Newport Beach, CA 92660

Certified Mail
Return Receipt Requested
Claim No. 9589 0710 5270 0590 4715 39

SUBJECT: ORDER TO SUBMIT COMPLIANCE GROUP LEADER YEARLY INSPECTION REPORTS AND SAMPLE AND ANALYZE 4 QUALIFIED STORM EVENTS EACH YEAR PURSUANT TO CALIFORNIA WATER CODE SECTION 13383 ORDER NO. R4-2024-0188

FACILITY: AA READY MIXED CONCRETE, 100 EAST REDONDO BEACH BOULEVARD, GARDENA, CALIFORNIA 90248, WDID 4 19I007120

Dear Alex Nichols and Kurt D. Caillier:

AA Ready Mixed Concrete (hereinafter "Permittee") operates a facility located at 100 East Redondo Beach Boulevard, in Gardena, that is subject to the requirements of NPDES General Permit Order No. 2014-0057-DWQ, CAS000001, for Stormwater Discharges Associated with Industrial Activities (General Permit).

The Facility is a member of the BMI Ready Mixed Concrete Group Compliance Group, and the Compliance Group Leader is Joseph King.

Enclosed is a California Water Code section 13383 Order No. R4-2024-0188 (Order) requesting annual inspection report information and requiring the Permittee to annually collect and analyze storm water samples from two (2) QSEs within the first half of each reporting year (July 1 to December 31), and two (2) QSEs within the second half of each reporting year (January 1 to June 30).

NORMA CAMACHO, CHAIR | SUSANA ARREDONDO, EXECUTIVE OFFICER

320 West 4th Street, Suite 200, Los Angeles, CA 90013 | www.waterboards.ca.gov/losangeles

If you have any questions regarding this letter, please contact Enrique Loera at (213) 620-2111/enrique.loera@waterboards.ca.gov or Pavlova Vitale at (213) 305-2302/pavlova.vitale@waterboards.ca.gov.

Sincerely,



Russ Colby
Acting Assistant Executive Officer

Enclosure: Order No. R4-2024-0188

cc: (via email)

Geremew Amenu, Los Angeles County Public Works
Joseph King, Compliance Group Leader, BMI Ready Mixed Concrete Group

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

WATER CODE SECTION 13383 ORDER NO. R4-2024-0188

**TO SUBMIT COMPLIANCE GROUP LEADER YEARLY INSPECTION REPORTS
FOR THE PAST THREE YEARS AND SAMPLE AND ANALYZE FOUR QUALIFIED
STORM EVENTS ANNUALLY**

The Permittee operates a Facility that is subject to the requirements of NPDES General Permit Order No. 2014-0057-DWQ, CAS000001, for Stormwater Discharges Associated with Industrial Activities (General Permit).

Based on Regional Water Board staff's review of the records in the electronic database Storm Water Multiple Application and Report Tracking System (SMARTS), the Los Angeles Water Board finds the following:

1. A Responsible Discharger is a Discharger with Notice of Intent (NOI) coverage under the General Permit who discharges stormwater associated with industrial activities (and authorized non stormwater discharges) either directly or through a municipal separate storm sewer system to impaired waterbodies identified in a U.S. EPA approved Total Maximum Daily Load (TMDL) with a waste load allocation assigned to industrial stormwater sources.
2. Responsible Dischargers shall compare all sampling and analytical results from each distinct sample (individual or combined as authorized by XI.C.5 of the General Permit) to the corresponding instantaneous maximum NEL values in the TMDL Compliance Table E-2 of the General Permit.
3. A Discharger's Level 1 status for any given parameter shall change to Level 2 status if sampling results indicate a Numeric Action Level (NAL)/TMDL NAL (TNAL) exceedance for that same parameter while the Discharger is in Level 1. Upon the effective date of the TMDL Requirements, Responsible Dischargers have Level 2 status for any applicable TNAL if the Discharger has Level 2 status for the NAL for the same parameter.
4. Compliance Groups are Groups of Dischargers that share common types of pollutant sources and industrial activity characteristics. Compliance Groups provide an opportunity for the Compliance Group Participants to combine resources and develop consolidated Level 1 ERA Reports for Level 1 NAL/TNAL exceedances and appropriate BMPs for implementation in response to Level 2 status ERA requirements that are representative of the entire Compliance Group. Compliance Groups also provide the Water Boards and the public with valuable information as to how industrial storm water discharges are affected by non-industrial background pollutant sources (including natural background) and geographic locations.

5. A Qualifying Storm Event (QSE) is a precipitation event that produces a discharge for at least one drainage area and is preceded by 48 hours with no discharge from any drainage area.
6. Industrial General Permit Section XIV.B.9., requires Compliance Group Participants facilities be inspected by Compliance Groups Leaders at a minimum of once per reporting year.
7. The implementation of the Compliance Group Leader's recommendations including addition or modifications of best management practices at these facilities and listed in these inspection reports is necessary to assist the Compliance Group Participants in complying with the General Permit requirements. Determination of the extent to which these recommendations are being implemented is important in determining the appropriateness of Compliance Groups for any Compliance Group Participant.
8. Section X.B.3. of the General Permit, allows Compliance Group Participants to collect and analyze storm water samples from one QSE within the first half of each reporting year (July 1 to December 31) and one QSE within the second half of the reporting year (January 1 to June 30).
9. The General Permit requires monitoring data from 4 QSEs demonstrating compliance with Numeric Action Levels to return to baseline.
10. The Permittee is a Compliance Group Participant.
11. The Permittee is in Level 2 Status and/or is a Responsible Discharger subject to Numeric Effluent Limit(s) (NELs), a numerical limit, an exceedance of which is a violation of the General Permit.
12. Sampling and analyzing stormwater samples from only 2 QSEs per year does not provide the necessary data to determine appropriate compliance with NALs or TMDL numeric effluent limitations.

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SO ORDERED.

 Digitally signed by Susana Arredondo
Date: 2024.07.09 08:46:21 -07'00'

Susana Arredondo, Executive Officer

07/09/2024 **Date**

PROOF OF SERVICE

I, Patricia Cormier Herron, declare:

I am a citizen of the United States and employed in San Diego County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 2049 Century Park East, Suite 3550, Los Angeles, California 90067-3007.

On August 8, 2024, I served a copy of the within document(s):

PETITION FOR REVIEW

REQUEST FOR STAY OF REGIONAL BOARD ORDER PENDING HEARING ON OTHER ACTION

DECLARATION OF ALEX NICHOLS IN SUPPORT OF REQUEST FOR STAY OF THE LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD'S ORDER NO. R4-2024-088

by transmitting via e-mail or electronic transmission the document(s) listed above to the person(s) at the e-mail address(es) set forth below.

State Water Resources Control Board
Office of Chief Counsel
Adrianna M. Crowl
P.O. Box 100
Sacramento, CA 95812-0100
Email: waterqualitypetitions@waterboards.ca.gov
Adrianna.crowl@waterboards.ca.gov

Ms. Adriana Nunez
Office of Chief Counsel
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100
Email: Adriana.nunez@waterboards.ca.gov

Ms. Susan Arredondo
Executive Officer
Los Angeles Regional Water Quality Control Board
320 W. 4th Street, Suite 200
Los Angeles, California 90013
Email: Susana.Arredondo@waterboards.ca.gov

Philip Wyels
Assistant Chief Counsel
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100
Email: Philip.wyels@waterboards.ca.gov

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on August 8, 2024, at Los Angeles, California.


Patricia Cormier Herron