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*Commission on  
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# SECTION FIVE

## NARRATIVE STATEMENT

In Support of Joint Test Claim of Los Angeles County and the  
Los Angeles County Flood Control District Concerning  
Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No.  
CAS 004001), Test Claim No. 13-TC-02

**NARRATIVE STATEMENT IN SUPPORT OF JOINT TEST CLAIM OF THE COUNTY  
OF LOS ANGELES AND THE LOS ANGELES COUNTY FLOOD CONTROL  
DISTRICT**

**I. INTRODUCTION**

The County of Los Angeles (“County”) and the Los Angeles County Flood Control District (“District”) (collectively, the “Claimants”) bring this Joint Test Claim with respect to various requirements in a stormwater permit issued by the California Regional Water Quality Control Board, Los Angeles Region (“LARWQCB”). Such requirements are unfunded state mandates for which a subvention of funds is required.

**A. Adoption of Executive Order**

On November 8, 2012, the LARWQCB adopted a new storm water permit, Order No. R4-2012-0175 (NPDES No. CAS 004001) (“Permit”), regulating discharges from the municipal separate storm sewer systems (“MS4s”) operated by a number of municipal entities in portions of Los Angeles County.<sup>1</sup>

The County and the District are dedicated to fully implementing the Permit requirements. The full implementation of the Permit, however, will be quite costly. Therefore, as contemplated by article XIII B, section 6, of the California Constitution, Claimants here request reimbursement for the numerous new provisions of the Permit that exceed the requirements of federal law, which either were not included in the previous MS4 permit issued by the LARWQCB on December 13, 2001, Order No. 01-182 (“2001 Permit”) or which already have been considered to be state mandates by the Commission on State Mandates (“Commission”).<sup>2</sup>

This Section 5 of the Test Claim, which is filed on behalf of the County and the District only, identifies the activities that are unfunded mandates and sets forth the basis for reimbursement for such activities. The County and the District seek a subvention of funds for the following mandates:

1. Requirements to comply with Total Maximum Daily Load (“TMDL”) programs set forth in Permit Part VI.E and Attachments L through Q and in the Permit’s Monitoring and Reporting Program;
2. Requirements involving the prohibition of non-stormwater discharges into and through the permittees’ MS4s, contained in Permit Part III;

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<sup>1</sup> A copy of the Permit and all attachments are included as Exhibit A in Section 7, filed herewith. The permittees regulated under the Permit are the District, the County and 84 cities in the County. A full list of the permittees can be found on pages 1-8 of Exhibit A.

<sup>2</sup> A copy of the 2001 Permit is included as Exhibit B in Section 7.

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3. Requirements relating to public agencies in Permit Part VI.D.4 (relating to the District) and Part VI.D.9 (relating to the County); and

4. Requirements relating to public information on illicit discharges and the preparation of spill response plans, set forth in Permit Part VI.D.4.d (relating to the District) and Part VI.D.10 (relating to the County).

On its own behalf, the County seeks a subvention of funds for the following mandates:

1. Requirements relating to public information programs in Permit Part VI.D.5;
2. Requirements to inventory and inspect commercial and industrial facilities in Permit Part VI.D.6;
3. Requirements for a planning and development program in Permit Part VI.D.7, and
4. Requirements in Permit Parts VI.D.8 relating to construction site activities.

Claimants are committed to achieving clean water and working together with the LARWQCB and other stakeholders to achieve the goals set forth in the Permit. Claimants submit this Test Claim solely for the purpose of obtaining the funds necessary to reach those goals.

**B. Statement of Interest of Claimants**

Claimants file this test claim jointly and, pursuant to 2 Cal. Code Reg. § 1183.1(g), attest to the following:

1. The County and District allege state-mandated costs resulting from the same Executive Order, *i.e.*, the Permit;
2. The County and District agree on all issues of the Joint Test Claim; and
3. The County and District have designated one contact person to act as a resource for information regarding the test claim in Section 3 of their Test Claim forms.<sup>3</sup>

**C. Statement of Actual and/or Estimated Costs Exceeding \$1,000**

The County and District further state that, as set forth below and in the attached Section 6 Declarations in support, the actual and/or estimated costs from the state mandates set forth in this Joint Test Claim exceed \$1,000 for each of them. This Narrative Statement sets forth specific and estimated amounts expended by the County and District as determined from the review of pertinent records and as disclosed in the Section 6 Declarations filed herewith. Such amounts reflect, in many cases, costs associated with the development of programs and not their later implementation by the County and District. Claimants respectfully reserve the right to modify such amounts when

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<sup>3</sup> See Section 6 Declarations of Claimants, filed herewith.

or if additional information is received and to adduce additional evidence of costs if required in the course of the Joint Test Claim.

#### **D. The Joint Test Claim is Timely Filed**

A test claim must be filed with the Commission “not later than 12 months following the effective date of a statute or executive order, or within 12 months of first incurring increased costs as a result of a statute or executive order, whichever is later. For purposes of claiming based on the date of first incurring costs, ‘within 12 months’ means by June 30 of the fiscal year following the fiscal year in which increased costs were first incurred by the test claimant.”<sup>4</sup> The Commission is bound by this regulation. *Bonn v. California State University, Chico* (1979) 88 Cal.App.3d 985, 990.

The Permit became effective on December 28, 2012. Claimants first incurred costs to implement the Permit during fiscal year (“FY”) 2012-2013, which ended on June 30, 2013. Examples of these costs include staff meetings held in January and February 2013 to implement several of the new mandates and staff time analyzing and deciding whether to implement Watershed Management Programs or Enhanced Watershed Management Programs, which address each of the new mandates. The staff time expended on the Watershed Management and Enhanced Watershed Management Programs resulted in Letters of Intent sent to the LARWQCB dated June 24, 2013.<sup>5</sup> This Test Claim was filed on June 30, 2014, i.e., by June 30 of the fiscal year following the fiscal year in which the increased costs were first incurred. It is thus timely.<sup>6</sup>

## **II. THE STATUTORY AND REGULATORY FRAMEWORK**

The Permit was issued as both a “waste discharge requirement” under the Porter-Cologne Water Quality Control Act, Water Code § 13000 *et seq.*, and as a National Pollutant Discharge Elimination System (“NPDES”) permit under the federal Clean Water Act (“CWA”), 42 U.S.C. § 1342. *See* Permit Part II.H. In 1969, three years before Congress enacted the CWA, the California Legislature enacted the Porter-Cologne Act, which established the State Board and nine regional control boards as the agencies responsible for the coordination and control of water quality in California. Water Code § 13001.<sup>7</sup> Under Porter-Cologne, any person who discharges or proposes to discharge “waste” that could affect the quality of the “waters of the state” is required to obtain a waste discharge requirement permit. Water Code §§ 13260 and 13263.

In 1972 Congress adopted what later became known as the CWA. In so doing, Congress expressly preserved the right of any state to adopt or enforce standards or limitations respecting discharges of pollutants or the control or abatement of pollutants, so long as such provisions were not “less stringent” than federal law. 33 U.S.C. § 1370. *See also* 40 C.F.R. § 123.1(i) (“Nothing in this part precludes a State from: (1) Adopting or enforcing requirements which are more

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<sup>4</sup> 2 Cal. Code Regs. § 1183.1(c).

<sup>5</sup> County Section 6 Declaration, ¶¶ 8-15; District Section 6 Declaration, ¶¶ 8-11.

<sup>6</sup> 2 Cal. Code Regs. § 1183.1(c).

<sup>7</sup> Copies of relevant California statutes are contained in Section 7, Exhibit C.

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stringent or more extensive than those required under this part; (2) Operating a program with a greater scope of coverage than that required under this part.”).

Under the CWA, the discharge of a pollutant to a navigable water of the United States is prohibited unless the discharge is in accordance with one of the statutory provisions of the Act. 33 U.S.C. § 1311(a).<sup>8</sup> One of those provisions is the NPDES permit program. 33 U.S.C. § 1342. The CWA provides that states may administer their own NPDES permit programs in lieu of the federal program. 33 U.S.C. § 1342(b); 40 C.F.R. § 123.22. A state’s decision to do so is entirely voluntary, and if the state chooses not to administer this program, NPDES permits for that state are issued by USEPA. *See* 33 U.S.C. § 1342(a).

To effectuate California’s issuance of NPDES permits, the Legislature in 1972 added Chapter 5.5 to the Porter-Cologne Act, Water Code §§ 13370-13389. *Building Industry Ass’n of San Diego County v. State Water Resources Control Board* (2004) 124 Cal.App.4<sup>th</sup> 866, 875.<sup>9</sup> In so doing, the Legislature ensured that California law would mirror the CWA’s savings clause by authorizing the State Board and regional boards to not only issue permits that complied with the CWA’s requirements, but also to include in them “any more stringent effluent standards or limitations necessary to implement water quality control plans, or the protection of beneficial uses, or to prevent nuisance.” Water Code § 13377.

In California, NPDES permits are issued by the State Board and the nine regional boards. Water Code § 13377. Such permits can include both federal requirements and any other state provisions that are more stringent than the federal requirements. *Id.* As the California Supreme Court held in *City of Burbank v. State Water Resources Control Board* (2005) 35 Cal. 4<sup>th</sup> 613, 627-28, the latter requirements are state-imposed and subject to the requirements of state law.

The CWA was amended in 1987 to regulate discharges of stormwater from both industrial and municipal sources. 33 U.S.C. § 1342(p). Permits for discharges from municipal separate storm sewer systems:

- (i) may be issued on a system or jurisdiction-wide basis;
- (ii) shall include a requirement to effectively prohibit non-stormwater discharges into the storm sewers; and
- (iii) shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants.

33 U.S.C. § 1342(p)(3)(B).

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<sup>8</sup> Copies of federal statutes and regulations are contained in Section 7, Exhibit D.

<sup>9</sup> Copies of cited federal and state cases are contained in Section 7, Exhibit E.

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The CWA requirements imposed on municipal stormwater dischargers are less stringent than those imposed on industrial dischargers. Industrial dischargers, including industrial stormwater dischargers, must assure that their discharges meet “water quality standards.” 33 U.S.C. §§ 1342(a), 1311(b)(1)(C) and 1342(p)(3)(A). The CWA does not impose this requirement on municipal stormwater dischargers. 33 U.S.C. § 1342(p)(3)(B); *Defenders of Wildlife v. Browner* (9<sup>th</sup> Cir. 1999) 191 F.3d 1159, 1164-65. In *Defenders*, the Ninth Circuit specifically held that MS4 permits were not required to include requirements to meet water quality standards. The court found that EPA or a state may have the *discretion* to include such requirements in a MS4 permit, but such inclusion was solely discretionary. It is not required by the CWA. *Id.* at 1166.

Under the CWA, a state administers “*its own permit program* for discharges into navigable waters,” which program is established and administered “*under State law.*” 33 U.S.C. § 1342(b) (emphasis added.) *See also* 40 C.F.R. §123.22 (“Any State that seeks to administer a program . . . shall submit a description of the program it proposes to administer in lieu of the Federal program *under State law.* . . .”) (emphasis added).

When administering an NPDES program, the state is not acting as an arm of the United States Environmental Protection Agency (“EPA”), but is acting *in lieu* of the federal program. 40 C.F.R. § 123.22; *State of California v. United States Department of the Navy* (9<sup>th</sup> Cir. 1988) 845 F.2d 222, 225 (CWA legislative history “clearly states that the state permit programs are ‘not a delegation of Federal Authority’ but instead are state programs which ‘function . . . in lieu of the Federal program.’”); *Voices of the Wetlands v. State Water Resources Control Bd.* (2011) 52 Cal.4<sup>th</sup> 499, 522 (“It is true, as these parties observe, that the Clean Water Act does not directly delegate a state agency the authority to administer the federal clean water program; instead, it allows the EPA director to ‘suspend’ operation of the federal permit program in individual states in favor of EPA-approved permit systems that operate under those state’s own laws in lieu of the federal framework.”).

The Permit is a “Phase I” permit issued to MS4s serving large urban populations. In 1990, EPA issued regulations to implement Phase I of the MS4 permit program. 55 Fed. Reg. 47990 (November 16, 1990). The requirements of those regulations, as they apply to the provisions of the Permit relevant to this Test Claim, are discussed in further depth below.

This Commission previously has found, in a test claim brought regarding the 2001 Los Angeles MS4 permit (“2001 Permit”) and in a test claim brought regarding a 2007 San Diego MS4 permit, that those permits contained requirements that exceeded federal law and constituted unfunded state mandates. *In re Test Claim on: Los Angeles Regional Quality Control Board Order No. 01-192*, Case Nos.: 03-TC-04, 03-TC-19, 03-TC-20, 03-TC-21 (“Los Angeles County Test Claim”); *In re Test Claim on: San Diego Regional Water Quality Control Board Order No. R9-2007-0001*, Case No. 07-TC-09 (“San Diego County Test Claim”). The Supreme Court affirmed the Commission’s findings in the Los Angeles County Test Claim in *Dept. of Finance v. Commission on State Mandates* (2016) 1 Cal. 5<sup>th</sup> 749 (“*Dept. of Finance*”), a case which is discussed in detail in Section III.B below. Review of the Commission’s decision in the San Diego County Test Claim is pending in the California Court of Appeal.

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The State Board has issued two state-wide general NPDES stormwater permits covering construction sites (SWRCB Order 2009-0009 DWQ, as amended by Order 2010-0014 DWQ) (“GCASP”) and certain industrial facilities (SWRCB Order 97-03 DWQ, superseded by Order No. 2014-0057-DWQ (effective July 1, 2015)) (“GIASP”). The responsibility to enforce these permits has been delegated by the State Board to the regional boards. *See* Order 2009-0009 DWQ, paragraph 8; Order 97-03 DWQ, paragraph 13; Order 2014-0057, paragraphs I.A.7, I.Q, and XIX.B.<sup>10</sup> In addition, permittees covered by the GCASP and GIASP are required to pay fees to the State Board, fees which are authorized under Water Code § 13260(d)(2)(B)(i)-(iii).

As will be discussed below, however, notwithstanding these State Board Orders the Permit requires the permittees to inspect industrial and construction sites and to conduct enforcement activities with respect to these general permits, which represents a transfer of these state obligations to local agencies. The Commission itself has already found, in the Los Angeles County Test Claim, that similar obligations under the 2001 Permit represented state mandates. Los Angeles County Test Claim, Statement of Decision at 40-48.

### III. STATE MANDATE LAW

#### A. Introduction

Article XIII B, section 6, of the California Constitution requires that the Legislature provide a subvention of funds to reimburse local agencies any time that the Legislature or a state agency “mandates a new program or higher level of service on any local government.” The purpose of section 6 “is to preclude the State from shifting financial responsibility for carrying out governmental functions to local agencies, which are ‘ill equipped’ to assume increased financial responsibilities because of the taxing and spending limitations that articles XIII A and XIII B impose.” *County of San Diego v. State of California* (1991) 15 Cal.4<sup>th</sup> 68, 81. The Legislature implemented section 6 by enacting a comprehensive administrative scheme to establish and pay mandate claims. Govt. Code § 17500 *et seq.*; *Kinlaw v. State of California* (1991) 54 Cal.3d 326, 331, 333 (statute establishes “procedure by which to implement and enforce section 6”).

“Costs mandated by the state” include “any increased costs which a local agency ... is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.” Govt. Code § 17514.

Govt. Code § 17516 defines “executive order” to mean “any order, plan, requirement, rule or regulation issued by the Governor, any officer or official serving at the pleasure of the Governor, or any agency, department, board, or commission of state government.”

Govt. Code § 17556 identifies seven exceptions to the reimbursement requirement for state mandated costs. The exceptions are as follows:

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<sup>10</sup> See Section 7, Exhibit F and Supplemental Authorities filed herewith.

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(a) The claim is submitted by a local agency . . . that requested legislative authority for that local agency . . . to implement the program specified in the statute, and that statute imposes costs upon that local agency or school district requesting the legislative authority. . . .

(b) The statute or executive order affirmed for the state a mandate that had been declared existing law or regulation by action of the courts.

(c) The statute or executive order imposes a requirement that is mandated by a federal law or regulation and results in costs mandated by the federal government, unless the statute or executive order mandates costs that exceed the mandate in that federal law or regulation. . . .

(d) The local agency . . . has the authority to levy service charges, fees, or assessments sufficient to pay for the mandated program or increased level of service.

(e) The statute, executive order, or an appropriation in a Budget Act or other bill provides for offsetting savings to local agencies . . . that result in no net costs to the local agencies or . . . includes additional revenue that was specifically intended to fund the costs of the state mandate in an amount sufficient to fund the cost of the state mandate.

(f) The statute or executive order imposes duties that are necessary to implement, reasonably within the scope of, or expressly included in, a ballot measure approved by the voters in a statewide or local election. . . .

(g) The statute created a new crime or infraction, eliminated a crime or infraction, or changed the penalty for a crime or infraction, but only for that portion of the statute relating directly to the enforcement of the crime or infraction.

Of these exceptions, only (c) and (d) are relevant to the determination of this Test Claim.

**B. The Supreme Court’s Holdings in *Dept. of Finance Control this Case***

In *Dept. of Finance*, the Supreme Court addressed a challenge to the Commission’s finding that the inspection and trash receptacle provisions of the 2001 Permit constituted state, as opposed to federal, mandates. Three holdings from that case are pertinent here:

1. The first is the holding that sets forth the test to determine if a mandate is federal versus state: “If federal law compels the state to impose, or itself imposes, a requirement, that requirement is a federal mandate. On the other hand, if federal law gives the state discretion whether to impose a particular implementing requirement, and the state exercises its discretion to impose the requirement by virtue of a “true choice,” the requirement is not federally mandated.” 1 Cal. 5<sup>th</sup> at 765.



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2. The second is the holding that addresses the lack of deference to Regional Board findings: In determining whether a mandate is state or federal, the Commission does not defer to the Regional Board. Instead, the Commission makes its own, independent finding. *Id.* at 768-769.

3. The third holding addresses the burden of proof: The State has the burden of proving that one of Government Code section 17756 exceptions applies, including that a mandate is federal as opposed state. *Id.* at 769.

The manner in which the Supreme Court reached its conclusion that the inspection and trash receptacle requirements were state mandates is also pertinent here. The Supreme Court's analysis included (a) examination of federal and state statutory and regulatory authority, (b) evidence from the permit development process, and (c) evidence of other permits issued by the federal and state governments. In affirming the Commission's decision, the Court explicitly rejected the State's argument that the inspection and trash requirements were implementation of the maximum extent practicable ("MEP") standard required of stormwater permittees by 33 U.S.C. § 1342(p)(3)(B)(iii), and that the existence of this MEP provision alone was sufficient to establish that federal law compelled these requirements. 1 Cal. 5<sup>th</sup> at 759-760, 767-768. Instead the Court undertook an analysis of whether federal law specifically compelled the inspection and trash receptacle requirements at issue. 1 Cal. 5<sup>th</sup> at 770-772. The Court also rejected the State's argument that the Commission should defer to Regional Board findings that the permit requirements were federal versus state. 1 Cal. 5<sup>th</sup> at 768-769.

The Supreme Court's holdings were based on the public policies underlying article XIII B, section 6, and the reasoning in four principal cases, *City of Sacramento v. State of California* (1990) 50 Cal. 3d 51, *County of Los Angeles v. Commission on State Mandates* (1995) 32 Cal. App. 4<sup>th</sup> 805, *Hayes v. Commission on State Mandates* (1992) 11 Cal.App.4<sup>th</sup> 1564, and *Division of Occupational Safety & Health v. State Bd. Of Control* (1987) 189 Cal.App.3<sup>d</sup> 794. *See Dept. of Finance*, 1 Cal. 5<sup>th</sup> at 762-769.

These public policies, the holdings in *Dept. of Finance*, and the holdings in the four cases the Supreme Court relied on, all apply here. As set forth below, the mandates at issue in this Test Claim carry out the governmental function of providing services to the public and impose unique requirements on Claimants. The mandates are new or impose a higher level of service. Each requirement is the result of a "true choice" by the Regional Board to impose the conditions at issue or to specify the means of compliance. Nowhere in the Permit is there any case-specific Regional Board finding that the requirements at issue are the *only* way in which the MEP standard could be achieved. Finally, Claimants do not have the authority to levy service charges, fees or assessments sufficient to pay for these mandates.

**IV. THE MANDATES IN THIS TEST CLAIM ARE STATE MANDATES FOR WHICH CLAIMANTS ARE ENTITLED TO A SUBVENTION OF FUNDS**

As noted, Calif. Const. article XIII B, section 6, requires a subvention of funds whenever the Legislature or any state agency imposes a new program or higher level of service on any local government. A "program" within the meaning of article XIII B, section 6, is a program that carries

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out a governmental function of providing services to the public, or laws which, to implement a state policy, impose unique requirements on local governments. *County of Los Angeles v. State of California* (1987) 43 Cal.3d, 46, 56.

The Permit requirements at issue here are “programs” within the meaning of article XIII B, section 6, in that they require the County and District to provide certain services to the public. The Permit requirements here are unique because they arise from the operation of an MS4 NPDES permit, which is issued only to municipalities and which requires activities that are not required of private, non-governmental dischargers. These requirements include the adoption of ordinances, the development and amendment of government planning documents and electronic databases, the inspection of facilities, the enforcement of statutes and ordinances and other governmental functions.

Under the Permit, the County and District can comply directly with its specific provisions or comply through a Watershed Management Program (“WMP”) or Enhanced Watershed Management Program (“EWMP”), as set forth in Part VI.C of the Permit. The WMP and EWMP are intended to allow permittees, individually or collectively, to develop a coordinated plan to implement the requirements of the Permit. Permit Part VI.C.1.a. For example, permittees that prepare a WMP or EWMP can prepare a customized program to comply with the “Storm Water Management Program Minimum Control Measures” (“MCM”) set forth in Permit Part VI.D. Part VI.C.5.b(iv). However, the control measures set forth in the WMP or EWMP must be consistent with those MCM control measures set forth in Permit Part VI.D, which are “incorporated” as part of the WMP or EWMP pursuant to Part VI.C.5.b(iv).

Permittees that participate in a WMP or EWMP must assess the MCMs for the Development Construction Program (Part VI.D.8), the Industrial/Commercial Facilities Program (Part VI.D.6), the Illicit Connection and Illicit Discharges Detection and Elimination Program (Part VI.D.10), the Public Agency Activities Program (Part VI.D.9) and the Public Information and Participation Program (Part VI.D.5) and identify “potential modifications that will address watershed priorities.” Part VI.C.5.b(iv)(1)(a). The discretion of permittees participating in a WMP or EWMP is thus constrained by the requirements of the MCMs. Permit Part VI.C.5.b(iv)(1)(c) further requires that if a permittee (including both the District and the County) “elects to eliminate a control measure identified in Parts VI.D.4 [relating to the District], VI.D.5, VI.D.6 and VI.D.8 to VI.D.10 because that specific control measure is not applicable to the Permittee(s), the Permittee(s) shall provide a justification for its elimination.” Control measures set forth in the Permit’s Planning and Land Development Program (Permit Part VI.D.7) are “not eligible for elimination.” *Id.*

Permittees participate in a WMP or EWMP also must, with regard to non-stormwater discharge measures, include “strategies, control measures, and/or BMPs that must be implemented to effectively eliminate the source of pollutants consistent with Parts III.A [which addresses non-stormwater discharges] and VI.D.10 [the MCM concerning illicit connection and illicit discharges detection and elimination].” Permit Part VI.C.5.b(iv)(2). Additionally, as discussed in Section IV.A below, permittees can also comply with Total Maximum Daily Load (“TMDL”) programs through participation in a WMP or EWMP.

Thus, the specific requirements of the Permit as to MCMs, non-stormwater discharges, and TMDL and RWL compliance drive the scope and ultimate expense of the development and implementation of the WMP or EWMP. The WMP or EWMP is one means of complying with the mandates imposed by the Permit. Permittees participate in a WMP/EWMP (which must be generally consistent with the Permit's requirements) or otherwise comply directly with the Permit's requirements. Permit Part VI.C.4.e. If a permittee does not have an approved WMP or EWMP within the time deadlines set forth in the Permit, it "shall be subject to the baseline requirements in Part VI.D [the MCM] and shall demonstrate compliance with receiving water limitations pursuant to Part V.A and with applicable interim water quality-based effluent limitations in Part VI.E . . ." *Id.*

### ***Requirements Applicable to Both the County and District***

#### **A. TMDL Requirements**

The Permit requires the County and District to comply with TMDLs in various watersheds, either directly, or through the preparation of a WMP or EWMP. The requirements of the Permit with respect to TMDLs are set forth below.

##### **1. Mandate Requirements in the Permit**

The Permit requires the County and District to comply with applicable water quality-based effluent limitations and receiving water limitations contained in the Total Maximum Daily Loads ("TMDLs") set forth in the Permit's attachments L through R. The County and District must comply with the implementation plans and schedules in state adopted TMDLs, and can comply with interim limits and EPA-adopted TMDLs through a WMP or EWMP, as discussed above. Permit Parts VI.E.1.c, VI.E.2.d, and VI.E.3.

As part of this compliance, permittees, such as the County and District, must sample and analyze water samples at TMDL "receiving water compliance points" and at storm water and non stormwater outfalls as designated in TMDL Monitoring Plans. Permit Part VI.B and Attachment E, Parts II.E.1-3, and Part V. This monitoring can be part of an Integrated or Coordinated Integrated Monitoring Program. The monitoring programs can be developed in conjunction with any watershed management program or enhanced watershed management program for a particular water body. Permit Part VI.C.7.

The County is required to comply with all of the TMDLs identified in the Permit with the exception of the Long Beach City Beaches and Los Angeles River Estuary Bacteria TMDL, the Colorado Lagoon Pesticides, PCBs, Toxics and Metals TMDL, and the Middle Santa Ana River Bacteria TMDL. Permit Attachment K.

The District must comply with all TMDLs except the Lakes Elizabeth, Munz and Hughes Trash TMDL, the Los Angeles Harbor Bacteria TMDL, and the Middle Santa Ana River Bacteria TMDL. Permit Attachment K.

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The Permit's specific mandates are as follows:

- a. Part VI.E.1.c requires the County and District to “comply with the applicable water quality-based effluent limitations and/or receiving water limitations contained in Attachments L through R, consistent with the assumptions and requirements of the WLAs established in the TMDLs, including implementation plans and schedules, where provided for in the State adoption and approval of the TMDL (40 CFR 122.44(d)(1)(vii)(B); Cal. Wat. Code § 13263(a)).”
- b. Permit Attachment K sets forth the TMDLs with which the County and District must comply.
- c. Permit Attachments L through Q set forth the requirements of each TMDL and its “waste load allocations (“WLAs”)” with which the County and District must comply.
- d. Permit Part VI.B requires the County and District “to comply with the [Monitoring and Reporting Program] and future revisions thereto, in Attachment E of this Order or may, in coordination with an approved Watershed Management Program per Part VI.C, implement a customized monitoring program that achieves the five Primary Objectives set forth in Part II.A of Attachment E and includes the elements set forth in Part II.E of Attachment E.”
- e. Permit Attachment E requires that in the performance of the monitoring program, the County and District must include monitoring at “TMDL receiving water compliance points” and other “TMDL monitoring requirements specified in approved TMDL Monitoring Plans.” Permit Attachment E, Parts II.E.1-3 and Part V; *see also* Permit Attachment E, Parts VI.A.1.b(iii-iv), VI.B.2, VI.C.1.a, VI.D.1.a, VIII.B.1.b(ii), IX.A.5, IX.C.1.a, IX.E.1.a-b, IX.G.1.b, and IX.G.2.

The County and District can meet their TMDL compliance requirements through participation in a WMP or EWMP that addresses the TMDL. Permit Part VI.E.2.a.

## **2. These Permit Requirements are New Programs or Higher Levels of Service**

As adopted, the 2001 Permit included no TMDL provisions or associated required monitoring. On August 9, 2007, the Regional Board amended the 2001 Permit to include provisions relating to the Marina del Rey Bacteria TMDL. 2001 Permit, Part 2.6. On December 10, 2009, the permit was amended to incorporate provisions of the Los Angeles River Watershed Trash TMDL.<sup>11</sup> 2001 Permit, Appendix 7.

With respect to the Marina del Rey Bacteria TMDL, under the 2001 Permit, permittees were required to be in compliance with only the summer dry weather provisions. 2001 Permit, Part 2.6. The 2012 Permit has different, additional requirements. Under the Permit, the County and District are now required to comply with the Marina del Rey Bacteria wet weather TMDL

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<sup>11</sup> The 2001 Permit was also amended to add a TMDL covering Santa Monica Bay Beaches Bacteria, but those requirements were removed by order of the Los Angeles County Superior Court.

requirements in addition to dry weather. Permit Attachment M, Part F.1. These new requirements are new programs or higher levels of service.

With respect to the Los Angeles River Trash TMDL, under the 2001 Permit, permittees were required to be in compliance with the applicable interim or final effluent limitations for that TMDL as identified in 2001 Permit, Part 7.1.B.2. Those interim or final effluent limitations required a reduction of trash to 30 percent of the baseline load calculated as a rolling 3-year annual average. *See* LARWQCB Resolution No. 2007-012, Attachment A, Table 7.2.3.<sup>12</sup> The 2012 Permit has different requirements; permittees must now reduce trash to zero percent of the baseline allocation. Permit Attachment O, Part A.3.

Accordingly, with the exception of the dry weather requirements of the Marina del Rey Bacteria TMDL, all TMDL requirements in the Permit, including monitoring requirements with respect thereto, are new programs or higher levels of service. These TMDL and monitoring requirements were not imposed on Claimants until the Permit was adopted.

### **3. These Permit Requirements are State Mandates**

The Permit's TMDL requirements, including monitoring, are state mandates. The LARWQCB was not compelled to include these provisions in the Permit, but instead included them as a matter of discretion.

TMDLs are adapted pursuant to the CWA. 33 U.S.C. § 1313(d) provides that states must identify those waters for which effluent limitations required by 33 U.S.C. §§ 1311(d)(1)(A) and (B) are not stringent enough to implement any "water quality standard" applicable to such waters. 33 U.S.C. § 1313(d)(1)(A).

"Water quality standards" are adopted by the state. These standards consist of the designated uses of a navigable water and the water quality criteria required to support such uses. 33 U.S.C. § 1313(c)(2)(A).

A state must establish a TMDL for those waters where the effluent limitations are not stringent enough to implement any water quality standard. 33 U.S.C. § 1313(d)(1)(A). The TMDL must be established at a level necessary to implement the applicable water quality standards with seasonal variations and a margin of safety and which takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality. 33 U.S.C. § 1313(d)(1)(C).

Under the federal CWA regulations, a TMDL is composed of both "Wasteload Allocations" ("WLAs") and Load Allocations ("LAs"). 40 C.F.R. § 130.2(g)-(h). The TMDL is the sum of the individual WLAs for point sources and LAs for non-point sources and natural background. 40 C.F.R. § 130.2(i).

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<sup>12</sup> See Section 7, Exhibit F.

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The Permit requires the permittees to comply with the TMDLs referenced in the Permit and their associated WLAs. These WLAs are numeric limitations on the permittees' discharges; the permittees must develop programs to limit the pollutants in their discharges to these WLAs. Permit Part VI.E.1.c; Permit Attachments L through R.

The LARWQCB was not required to include TMDL provisions in the Permit. As set forth above, TMDL provisions are solely for the purpose of meeting water quality standards. Federal law, however, does not require municipal stormwater permits to contain provisions to meet water quality standards. *Defenders, supra*, 191 F.3d at 1164-65. Instead, municipal permits must only contain controls "to reduce the discharge of pollutants to the maximum extent practicable . . . ." 33 U.S.C. § 1342(p)(3)(B)(iii). EPA or a state has the *discretion* to require compliance with water quality standards pursuant to 33 U.S.C. § 1342(p)(3)(B)(iii), which provides that municipal stormwater permits shall contain "such other provisions as the Administrator or the State *determines appropriate* for the control of such pollutants." (Emphasis added.) Because requiring compliance is discretionary, it is not a federal mandate. *Defenders of Wildlife*, 191 F.3d at 1166-67; *Dept. of Finance*, 1 Cal. 5<sup>th</sup> at 765 (where "the state exercises its discretion to impose the requirement by virtue of a 'true choice,' the requirement is not federally mandated").

Similarly, the federal stormwater regulations do not require municipal stormwater permits to contain TMDL provisions. 40 C.F.R. § 122.44(d)(1)(vii)(B) addresses the interrelationship between TMDLs and NPDES permits. This regulation provides that NPDES permits are to include conditions consistent with the assumptions and requirements of TMDL waste load allocations "when applicable." 40 C.F.R. § 122.44. Because MS4 permits are not required to contain provisions to comply with water quality standards, TMDL wasteload allocations intended to achieve such standards are not "applicable."

The Fact Sheet adopted by the LARWQCB in support of the Permit recognized that the LARWQCB's inclusion of the TMDL provisions was not mandated but was adopted pursuant to the discretionary portion of 33 U.S.C. § 1342(p)(3)(B)(iii). (Permit Attachment F, p. F-84.) The Fact Sheet also cited two California statutes as support for the incorporation of the TMDLs, Water Code §§ 13263 and 13377, which provide that permits shall include more stringent effluent standards or limitations to implement water quality control plans. *Id.* These facts demonstrate that the LARWQCB's inclusion of the TMDL provisions was a state agency decision, and thus a state, not a federal, mandate. A subvention of funds is appropriate not only for the cost of the structural controls and non-structural programs to achieve the WLAs but also the monitoring required by the TMDL implementation plans.

The CWA also does not compel the inclusion of numeric effluent limitations. As set forth above, 42 U.S.C. § 1342(p)(3)(B)(iii) provides that MS4 permits "shall require controls to reduce the pollutants to the maximum extent practicable . . . and such other provisions as the Administrator or the state determines appropriate for the control of such pollutants." *Defenders* held that this provision did not require the inclusion of numeric effluent limits to meet water quality standards in MS4 permits, but that EPA or a state had the discretion to include them. 191 F.3d at 1165-66. *See also Building Industry Ass'n, supra*, 124 Cal.App.4<sup>th</sup> at 874 ("With respect to municipal stormwater discharges, Congress clarified that the EPA has the authority to fashion NPDES permit

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requirements to meet water quality standards without specific numeric effluent limits and instead to impose ‘controls to reduce a discharge of pollutants to the maximum extent practicable’’).

On November 22, 2002, EPA issued a guidance memorandum on “Establishing Total Maximum Daily Load (TMDL) Wasteload Allocations (WLAs) for Storm Water Sources and NPDES Permit Requirements based on Those WLAs.” In this memorandum,<sup>13</sup> EPA noted that because stormwater discharges are due to storm events, which are highly variable in frequency and duration and are not easily characterized, only in rare cases will it be feasible or appropriate to establish numeric limits for municipal stormwater discharges. *Id.* p. 4. EPA concluded that, in light of 33 U.S.C. § 1342(p)(3)(B)(iii), “for NPDES-regulated municipal and small construction discharges effluent limits should be expressed as best management practices (BMPs) or other similar requirements, rather than as numeric effluent limits.” *Id.*

The LARWQCB was therefore not compelled by the CWA or its implementing regulations to incorporate TMDLs and their WLAs into the Permit. Even if it was so required, it was not required to reflect TMDL requirements as numeric effluent limits. Because federal law did not compel the LARWQCB to include the TMDLs, the monitoring program to implement those TMDLs was also not required. These requirements are state mandated requirements imposed by the LARWQCB itself.

#### **4. Increased Costs of Mandate**

As set forth in the Declarations in Section 6, the County incurred \$1,653,000 in FY 2012-2013 and \$6,937,000 in FY 2013-2014 in increased costs with respect to the above requirements. The District incurred \$361,000 in FY 2012-2013 and \$1,173,000 in FY 2013-14 in increased costs. *See* County Declaration, ¶ 8(f); District Declaration ¶ 8(f).

#### **B. Requirements Related to Discharge Prohibitions For Non-Stormwater**

Part III.A.1 of the Permit requires the County and District to prohibit certain non-stormwater discharges “through the MS4 to receiving waters.” For non-exempted non-stormwater flows, the permittees, including Claimants, are required to develop and implement various procedures relating to such flows. Such requirements either exceed the requirements of the CWA and federal stormwater regulations or specify the means of compliance with the Act and the regulations, and consequently are state mandates.

As noted above, Claimants can prepare a WMP or EWMP that would incorporate provisions regarding non-stormwater discharges. However, the Permit requires that any such WMP or EWMP provisions must include “strategies, control measures, and/or BMPs that must be implemented to effectively eliminate the source of pollutants consistent with Parts III.A . . . .” Part VI.C.5.b(iv)(2). Thus, the provisions of Part III.A discussed below represent state-mandated requirements for new programs or higher levels of service that will, in whole or in part, be part of a WMP or EWMP.

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<sup>13</sup> See Section 7, Exhibit F.

## **1. Mandate Requirements in the Permit**

Permit Part III.A.1 of the Permit requires the County and District to prohibit certain non-stormwater discharges “through the MS4 to receiving waters.”

Parts III.A.2 and VI.D.9.f, relating to conditional exemptions from the non-stormwater discharge prohibition, require the County (but not the District) to assure that appropriate BMPs are employed for discharges from essential non-emergency firefighting activities. With regard to unpermitted discharges by drinking water suppliers, both the County and the District are required to work with those suppliers on the conditions of their discharges.

Part III.A.4.a requires both the County and District to “develop and implement procedures” to require non-stormwater dischargers to fulfill requirements set forth in Part III.A.4.a(i-vi).

Part III.A.4.b requires the County (but not the District) to “develop and implement procedures that minimize the discharge of landscape irrigation water into the MS4 by promoting water conservation programs.” The County is required to coordinate with local water purveyors, where applicable, to promote landscape water use efficiency requirements, use of drought tolerant native vegetation and the use of less toxic options for pest control and landscape management. The County is required to develop and implement a “coordinated outreach and education program” to minimize the discharge of irrigation water and pollutants associated with such discharge as part of the Public Information and Participation in Part VI.D.4.c of the Permit.

Part III.A.4.c requires both the County and District to evaluate monitoring data collected pursuant to the Permit’s Monitoring and Reporting Program (Attachment E) and “any other associated data or information” to determine if any authorized or conditionally exempt non-stormwater discharges identified in Permit Parts III.A.1, A.2 and A.3 are a source of pollutants that may be causing or contributing to an exceedance of a receiving water limitation in Part V or water quality-based effluent limitation in Part VI.E.

Part III.A.4.d. requires that if these data show that the non-stormwater discharges are such a source of pollutants, the County and District are required to take further action to determine whether the discharge is causing or contributing to exceedances of receiving water limitations, report those findings to the LARWQCB, and take steps to effectively prohibit, condition, require diversion or require treatment of the discharge.

## **2. The Permit Requirements are New Programs or Higher Levels of Service**

The Permit requirements set forth above are new programs or higher levels of service that have not been imposed on Claimants before. This can be seen by a comparison of these activities to the 2001 Permit.

The 2001 Permit required that permittees “effectively prohibit non-storm water discharges into the MS4 and watercourses” unless the non-stormwater discharge fell into one of several categories. 2001 Permit Part 1.A. The LARWQCB reserved to itself the obligation to add or remove categories of exempt non-stormwater discharges. *Id.*



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The 2001 Permit did not require permittees to:

- (a) police, through the establishment of procedures and standards, the categories of the “conditionally exempt” discharges to the MS4;
- (b) assure that appropriate BMPs were employed for discharges from essential non-emergency firefighting activities or drinking water supply systems;
- (c) implement procedures that minimized the discharge of landscape irrigation water into the MS4 or to coordinate with local water purveyors to promote landscape water use efficiency requirements;
- (d) evaluate monitoring data to determine if any authorized or conditionally exempt non-stormwater discharges were a source of pollutants that may be causing or contributing to an exceedance of a receiving water limitation. (This previously was an obligation of the LARWQCB.); and
- (e) “develop and implement procedures” to require non-stormwater dischargers to fulfill requirements set forth in Part III.A.4.a(i-vi).

The above-described requirements of the Permit are therefore new programs or higher levels of service.

### **3. The Permit Requirements are State Mandates**

The CWA requires MS4 NPDES permits to “include a requirement to effectively prohibit non-stormwater discharges *into* the storm sewers.” 33 U.S.C. § 1342(p)(3)(B)(ii) (emphasis added). The CWA does not, however, require regulation of non-stormwater discharges from storm sewers. The federal CWA regulations, in 40 C.F.R. § 122.26(d)(2)(iv)(B)(1):

- (1) do not require a municipality to address certain specified categories of non-stormwater discharges into the MS4 unless the municipality determines that such discharges are sources of pollutants to “waters of the United States”;
- (2) do not require a municipality *to affirmatively evaluate* those discharges to determine if they are such a source of pollutants, as required by Section III.A of the Permit; and
- (3) refer to the discharges as sources of pollutants to “waters of the United States,” not to MS4 systems.

Here, the non-stormwater Permit requirements go beyond the requirements set forth in the federal CWA regulations, which do not mandate these particular implementing requirements. *Dept. of Finance*, 1 Cal. 5<sup>th</sup> at 765. Nor do the federal regulations require their scope and detail. *Id.* at 771. Additionally, by specifying the steps to be taken by the Claimants with regard to the evaluation of non-stormwater discharges, including the development and implementation of procedures, the evaluation of monitoring data, reporting to the LARWQCB, and coordination with local water purveyors and other requirements, the LARWQCB in the Permit has specified the

means of compliance with the non-stormwater discharge requirements. *Long Beach Unified School Dist. v State of California* (1990) 225 Cal.App.3d 155, 172-73. Thus, even if these requirements were federal in origin, the LARWQCB' specification of compliance, usurping the County and District's ability to design their own program, renders these Permit provisions state mandates. *Id.*; *Dept. of Finance*, 1 Cal. 5<sup>th</sup> at 771.

Finally, to the extent that these were previously performed by the LARWQCB, such as the responsibility to evaluate monitoring data to determine if authorized or conditionally exempt discharges were a source of pollutants, the LARWQCB in the Permit freely chose to impose these requirements on permittees rather than perform them itself. As such, a state mandate was imposed. *Id.*; *Hayes, supra*, 11 Cal.App.4<sup>th</sup> at 1593-94.

#### **4. Increased Costs of Mandate**

As set forth in the Declarations in Section 6, the County incurred \$100,000 in FY 2012-2013 and \$106,000 in FY 2013-2014 in increased costs with respect to the above requirements. The District incurred \$24,000 in FY 2012-2013 and \$5,000 in FY 2013-14 in increased costs. *See* County Declaration, ¶ 9(g); District Declaration ¶ 9(f).

### **C. Public Agency Requirements**

Parts VI.D.4 and VI.D.9 of the Permit require Claimants to undertake numerous tasks with respect to their properties and operations.

As discussed above, the County or District can prepare a WMP or EWMP that would incorporate public agency program control measures in a customized watershed-specific fashion. However, since such WMP or EWMP must assess the requirements of Part VI.D.4 and Part VI.D.9 and incorporate or customize all public agency control measures set forth therein, unless their elimination is justified by the County or District as not applicable (Part VI.C.5.b(iv)(c)), the provisions set forth below establishing new programs and/or a higher level of service are state mandates.

#### **1. Mandate Requirements in the Permit**

##### **a. Applicable to the District**

Permit Part VI.D.4.c(iii) requires the District to maintain an "updated inventory" of all District-owned or operated facilities that are potential sources of stormwater pollution, including 8 separate categories of facilities that are required to be in the inventory. The inventory must include the name and address of the facility, contact information, a narrative description of activities performed and potential pollution sources, and coverage under any individual or general NPDES permits or waivers. The inventory must be updated at least once during the five-year term of the Permit with information collected through field activities or other means.

Part VI.D.4.c(vi) requires the District to implement an Integrated Pest Management ("IPM") program, including restrictions on the use of pesticides, restricting treatments only to

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remove the target organism, selection of pest controls that minimize risks to human health, “beneficial non-target organisms” and the environment, partnering with other agencies and organizations to “encourage” the use of IPM and adopt and “verifiably implement” policies, procedures and/or ordinances requiring the minimization of pesticide use and encouraging the use of IPM techniques for public agency facilities and activities. Additionally, the District must commit and schedule to reduce the use of pesticides that cause impairments of surface waters by preparing and updating annually an inventory of pesticides, quantify pesticide use by staff and contractors and demonstrate implementation of IPM alternatives where feasible to reduce pesticide use.

Part VI.D.4.c(x)(2) requires the District to train all employees and contractors “who use or have the potential to use pesticides or fertilizers” in the potential for pesticide-related surface water toxicity, the proper use, handling, and disposal of pesticides, least toxic methods of pest prevention and control, including IPM and the reduction of pesticide use.

**b. Applicable to the County**

Permit Part VI.D.9.c requires the County to maintain an “updated inventory” of all permittee-owned or operated facilities that are potential sources of stormwater pollution, including 24 separate categories of facilities that are required to be in the inventory. The inventory must include the name and address of the facility, contact information, a narrative description of activities performed and potential pollution sources, and coverage under any individual or general NPDES permits or waivers. The inventory must be updated at least once during the five-year term of the Permit with information collected through field activities or other means.

Part VI.D.9.d(i) requires the County to develop an inventory of “retrofitting opportunities” in existing development.

Part VI.D.9.d(ii) requires the County to screen existing areas of development “to identify candidate areas for retrofitting using watershed models or other screening level tools.” They must then evaluate and rank areas of existing development to prioritize retrofitting candidates.

Part VI.D.9.d(iv) requires the County to consider the results of the evaluation by giving “highly feasible” projects a “high priority” to implement source control and treatment control BMPs in the permittee’s Storm Water Management Plan (“SWMP”) and considering high priority retrofit projects as candidates for off-site mitigation for new development and redevelopment projects.

Part VI.D.9.d(v) requires the County to cooperate with private landowners to “encourage site specific retrofitting projects.” The County must consider demonstration retrofit projects, retrofits on public lands and easements, education and outreach, subsidies for retrofit projects, requiring retrofit projects as enforcement, mitigation or ordinance compliance, public and private partnerships, fees for existing discharges to the MS4 and reduction of such fees for retrofit implementation.

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Part VI.D.9.g(ii) requires the County to implement an IPM program, including restrictions on the use of pesticides, restricting treatments only to remove the target organism, selection of pest controls that minimize risks to human health, “beneficial non-target organisms” and the environment, partnering with other agencies and organizations to “encourage” the use of IPM and adopt and “verifiably implement” policies, procedures and/or ordinances requiring the minimization of pesticide use and encouraging the use of IPM techniques for public agency facilities and activities. Additionally, in such policies, the County must commit and schedule to reduce the use of pesticides that cause impairments of surface waters by preparing and updating annually an inventory of pesticides, quantify pesticide use by staff and contractors and demonstrate implementation of IPM alternatives where feasible to reduce pesticide use.

Part VI.D.9.h(vii) requires the County, in areas not subject to a Trash TMDL, to install trash excluders, or equivalent devices, on or in catch basins or outfalls, except where such installation would cause flooding, unless lack of maintenance causes the flooding. The County may also employ alternative or enhanced BMPs that “provide substantially equivalent removal of trash.” If alternative means are employed, the County must demonstrate that such BMPs “provide equivalent trash removal performance as excluders.”

Part VI.D.9.k(ii) requires the County to train all employees and contractors “who use or have the potential to use pesticides or fertilizers” that address the potential for pesticide-related surface water toxicity, in the proper use, handling, and disposal of pesticides, least toxic methods of pest prevention and control, including IPM and the reduction of pesticide use.

## **2. The Requirements are New Programs or Higher Levels of Service**

The public agency requirements in the Permit represent a significantly enhanced set of requirements over those set forth in the 2001 Permit, and thus represent new programs or higher levels of service required of the County and District.

The 2001 Permit contained no requirements for permittees to inventory their public facilities or to inventory areas of existing development for retrofitting, to evaluate such areas or to encourage private landowners with respect to retrofitting. The 2001 Permit contained no requirements with respect to development and implementation of an IPM program or for the training of employees or contractors with respect to such a program.

The 2001 Permit contained a requirement that municipalities not covered by a Trash TMDL must place trash receptacles at transit stops. This requirement was determined to be a state mandate by the Commission in the Los Angeles County Test Claim, Statement of Decision at 1-2. The 2001 Permit did not contain a requirement for trash excluders or other equivalent BMPs.

## **3. These Permit Requirements are State Mandates**

Nothing in the CWA or the stormwater regulations requires MS4 permittees to maintain an inventory of their public facilities. Similarly, nothing in the CWA or the regulations requires permittees to develop an inventory of existing development as candidates for retrofitting, or to evaluate and rank such candidates, or to include such projects as part of stormwater plans or off-

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site mitigation projects or to cooperate with private landowners to encourage site specific retrofitting projects.

Similarly, nothing in the CWA or regulations requires the retrofitting of existing developed areas. The only retrofitting requirement in the CWA regulations is one which requires MS4 permits to include “[a] description of procedures to assure that flood management projects assess the impacts on the water quality of receiving water bodies and that existing structural flood control devices have been evaluated to determine if retrofitting the device to provide additional pollutant removal from storm water is feasible.” 40 CFR § 122.26(d)(2)(iv)(A)(4). This requirement however applies only to structural flood control devices and does not compel the type of comprehensive program required of the County in Part VI.D.9 of the Permit.

Nothing in the CWA or regulations requires the County or District to develop and implement an IPM program, or to train employees or contractors regarding such requirements.

Finally, nothing in the CWA or regulations requires the County to install trash excluders or other devices in areas where a Trash TMDL is not in effect. The California Supreme Court already has affirmed the Commission’s determination in the Los Angeles County Test Claim that a requirement in the 2001 Permit for the placement of trash receptacles was a state mandate, not justified by any provision of the stormwater regulations. *Dept. of Finance*, 1 Cal. 5<sup>th</sup> at 771-72. That holding applies here.

The requirements of Permit Parts VI.D.4 and VI.D.9 outlined above exceed the requirements of the CWA and implementing federal regulations, and are thus state mandates. Since federal law (here the CWA) has given the LARWQCB discretion to impose these requirements, and the Board has exercised “its discretion to impose [the requirements] by virtue of a ‘true choice,’ the [requirements are] not federally mandated.” *Dept. of Finance*, 1 Cal. 5<sup>th</sup> at 765.

#### **4. Increased Costs of Mandate**

As set forth in the Declarations in Section 6, the County incurred \$35,000 in FY 2012-2013 and \$82,000 in FY 2013-2014 in increased costs with respect to the above requirements. The District incurred \$17,000 in FY 2012-2013 and \$27,000 in FY 2013-14 in increased costs. *See* County Declaration, ¶ 14(i); District Declaration ¶ 10(d).

#### **D. Illicit Connection and Discharge Program**

Permit Parts VI.D.4 (for the District) and VI.D.10 (for the County) require the District and County to undertake requirements related to the investigation and reporting of illegal discharges (“ID”) and spills, and mandates specific requirements for ID and spill response plans.

As discussed above, the County or District can prepare a WMP or EWMP that would incorporate illicit connection and discharge detection program control measures in a customized watershed-specific fashion. However, since such WMP or EWMP must assess the requirements of Parts VI.D.4 and VI.D.10 and incorporate all control measures set forth therein, unless their

elimination is justified by the County or District as not applicable (Part VI.C.5.b.(iv)(c)), the provisions set forth below establishing new programs and/or a higher level of service are state mandates.

**1. Mandate Requirements in the Permit**

**a. Applicable to the District**

Permit Part VI.D.4.d(v)(2) requires the District to “include information regarding public reporting of illicit discharges or improper disposal on the signage adjacent to open channels,” as required in Permit Part VI.D.9.h(vi)(4).

Part VI.D.4.d(v)(3) requires the District to develop and maintain written procedures that document how complaint calls are received, documented and tracked “to ensure that all complaints are adequately addressed.” Such procedures must be “evaluated to determine whether changes or updates are needed to ensure that the procedures adequately document the methods employed by the LACFCD.”

Part VI.D.4.d(v)(4) requires the District to maintain documentation of complaint calls and internet submissions and to record the location of the reported spill or illicit discharge and the action undertaken in response, including referrals to other agencies.

Part VI.D.4.d(vi)(1) requires, in pertinent part, that the District implement an “ID and spill response plan” for all sewage and other spills that may discharge into its MS4, which, at a minimum, must (a) require coordination with spill response teams “throughout all appropriate departments, programs and agencies so that maximum water quality protection is provided;” (b) respond to IDs and spills within four hours of become aware of the ID or spill, or if on private property, within two hours of gaining legal access to the property and (c) report spills that may endanger health or the environment to appropriate public health agencies and the Office of Emergency Services (“OES”).

**b. Applicable to the County**

Permit Part VI.D.10.d(iv) requires the County to develop and maintain written procedures that document how complaint calls are received, documented and tracked “to ensure that all complaints are adequately addressed.” Such procedures must be “evaluated to determine whether changes or updates are needed to ensure that the procedures adequately document the methods employed by the Permittee.”

Part VI.D.10.d(v) requires the County to maintain documentation of complaint calls and record the location of the reported spill or illicit discharge and the action undertaken in response.

Permit Part VI.D.10.e(i) requires, in pertinent part, that the County implement a “spill response plan” for all sewage and other spills that may discharge into its MS4.

Permit Part VI.D.10.e(i)(1) requires that the spill response plan must identify agencies responsible for spill response and cleanup, phone numbers and e-mail addresses for contacts and shall further address coordination with spill response teams “throughout all appropriate departments, programs and agencies so that maximum water quality protection is provided.”

Permit Part VI.D.10.e(i)(3-4) requires the County to respond to spills for containment within four hours of becoming aware of the spill, or if on private property, within two hours of gaining legal access to the property and reporting of spills that may endanger health or the environment to appropriate public health agencies and the OES. This requires the County to assemble and have available sufficient staff and equipment to meet these requirements.

## **2. The Requirements are New Programs or Higher Levels of Service**

The 2001 Permit contained none of the above-cited requirements of Parts VI.D.4.d or VI.D.10(d)-(e). Part 4.B.1.a of the 2001 Permit required only that “signs with prohibitive language discouraging illegal dumping must be posted at designated public access points to creeks, other relevant water bodies, and channels . . . .” Thus, the above-cited requirements are new programs or required higher levels of service established by the LARWQCB in the Permit.

## **3. The Requirements are State Mandates**

The Fact Sheet for the Permit (Appendix F) identifies only the general requirement in the CWA that MS4 permittees must “effectively prohibit non-stormwater discharges into the storm sewers.” Fact Sheet at F-81 (citing 33 U.S.C. § 1342(p)(3)(B)(ii). The Fact Sheet also cites 40 C.F.R. § 122.26(d)(2)(iv)(B), which requires the permittees’ management program to include “a program, including a schedule, to detect and remove (or require the discharger to the municipal storm sewer to obtain a separate NPDES permit for) illicit discharges and improper disposal into the storm sewer. *Id.* at F-80. The Fact Sheet also cites 40 C.F.R. § 122.26(d)(2)(iv)(B)(1), which requires the permittees’ management program to include “[a] description of a program, including inspections, to implement and enforce an ordinance, orders or similar means to prevent illicit discharges to the [MS4] . . . .” *Id.* None of these statutory and regulatory provisions requires the actions set forth in Parts VI.D.4.d or VI.D.10.d or e.

The stormwater regulations also require that the management program include a “description of procedures to prevent, contain, and respond to spills that may discharge into the [MS4]” and a “description of a program to promote, publicize, and facilitate public reporting of the presence of illicit discharges or water quality impacts associated with discharges from [MS4].” 40 C.F.R. §122.26(d)(iv)(B)(4-5).

These regulations do not require the specific actions set forth in Parts VI.D.4.d or VI.D.10.d and e. First, with respect to the public reporting provisions in Parts VI.D.4.d and VI.D.10.d, the Permit requires specific, detailed steps to be taken, including establishing a central contact point, revising signage adjacent to open channels and developing and maintaining written procedures regarding complaint calls. Because the regulations do not require the “scope and detail” that is mandated by these Permit’s requirements, the requirements are not federal. *Dept. of Finance*, 1

Cal. 5<sup>th</sup> at 771. Even assuming that the stormwater regulations required a program to publicize public reporting, in the Permit the LARWQCB has gone farther and dictated the means of compliance with these regulatory requirements. For this reason also, these requirements constitute a state mandate. *Long Beach Unified School Dist. supra*, 225 Cal.App.3d at 172-73.

Similarly, the LARWQCB has dictated the means of compliance regarding spill responses, through requirements in Parts VI.D.4.d and Part VI.D.10.e regarding the manner of responding to a spill, including as to coordination, timing and reporting. As such, these requirements constitute a state mandate. *Long Beach Unified School Dist.*, 225 Cal.App.3d at 172-73.

#### **4. Increased Costs of Mandate**

As set forth in the Declarations in Section 6, the County incurred \$49,000 in FY 2012-2013 and \$45,000 in FY 2013-2014 in increased costs with respect to the above requirements. The District incurred \$39,000 in FY 2012-2013 and \$37,000 in FY 2013-14 in increased costs. See County Declaration, ¶ 15(f); District Declaration ¶ 11(e).

#### ***Requirements Applicable to the County***

##### **E. Public Information Program Requirements**

Permit Part VI.D.5 requires the County to undertake specific Public Information and Participation Program (“PIPP”) activities, including either individually or as part of a County-wide or Watershed Group-sponsored PIPP.

As discussed above, the County can prepare a WMP or EWMP that would incorporate PIPP measures in a customized watershed-specific fashion. However, since such WMP or EWMP must assess the requirements of Part VI.D.5 and incorporate or customize all control measures set forth therein, unless their elimination is justified by the County as not applicable (Part VI.C.5.b.(iv)(c)), the provisions set forth below establishing new programs and/or a higher level of service are state mandates.

##### **1. Mandate Requirements in the Permit**

Permit Part VI.D.5.a requires the County to “measurably increase” the knowledge of target audiences about the MS4, the adverse impacts of stormwater pollution on receiving waters and potential solutions to mitigate impacts, to “measurably change” waste disposal and stormwater pollution generation behavior by developing and encouraging implementation of “appropriate alternatives and to “involve and engage a diversity of socio-economic groups and ethnic communities” in Los Angeles County to participate in stormwater pollution impact mitigation.

Part VI.D.5.b requires the County to implement the PIPP activities by participating in a County-wide or Watershed Group-sponsored PIPP or individually.

Part VI.D.5.c requires the County to provide a means for public reporting of clogged catch basin inlets and illicit discharges/dumping, faded or missing catch basin labels and “general storm



water and non-storm water pollution prevention information” through a telephone hotline, in public information or government pages of the telephone book. Part VI.D.5.c also requires the County to identify staff or departments serving as contact persons and provide current, updated hotline information. This part also requires permittees to organize events “targeted to residents and population subgroups” to “educate and involve the community in storm water and non-storm water pollution prevention and clean-up (e.g., education seminars, clean-ups, and community catch basin stenciling).”

Part VI.D.5.d requires the County to conduct stormwater pollution prevention public service announcements and advertising campaigns, provide public education materials on the proper handling of vehicle waste fluids, household waste materials, construction waste materials, pesticides and fertilizers (including IPM practices), green waste and animal wastes; distribute “activity specific” stormwater pollution prevention public education materials at, but not limited to, automotive parts stores, home improvement centers, lumber yards and hardware and paint stores, landscaping and gardening centers and pet shops and feed stores; maintain stormwater websites or provide links to stormwater websites via the County website, which must include educational material and opportunities for public participation in stormwater pollution and cleanup activities; and provide schools within each permittee’s jurisdiction with materials to educate K-12 students on stormwater pollution.

In each of the VI.D.5.d requirements, the County is required to “use effective strategies to educate and involve ethnic communities in storm water pollution prevention through culturally effective methods.” *Id.* This requires the permittees, including the County, to identify such ethnic communities as well as appropriate culturally effective methods.

## **2. The Permit Requirements are New Programs or Higher Levels of Service**

The above-described requirements in the Permit are new programs or higher levels of service, as demonstrated by a comparison with the requirements of the 2001 Permit.

The 2001 Permit contained no requirements for permittees other than the District, the Principal Permittee under that permit, to undertake these PIPP obligations. Thus, the PIPP obligations in the Permit applicable to the County are new obligations.

## **3. The Permit Requirements are State Mandates**

The federal stormwater regulations require that a permittee must include in its management program “[a] description of a program to promote, publicize, and facilitate public reporting of the presence of illicit discharges or water quality impacts associated with discharges from municipal separate storm sewers” and a “description of educational activities, public information activities, and other appropriate activities to facilitate the proper management and disposal of used oil and toxic materials.” 40 C.F.R. § 122.26(d)(2)(iv)(B)(5-6).

Additionally, 40 C.F.R. § 122.26(d)(2)(iv)(A)(6) requires that the management program include a “description of a program to reduce to the maximum extent practicable, pollutants in discharges from MS4s associated with the application of pesticides, herbicides, and fertilizer

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which will include, as appropriate, controls such as educational activities, permits, certifications, and other measures for commercial applicators and distributors, and controls for application in public right-of-ways and at municipal facilities.” While this regulation was cited in the Permit Fact Sheet (F-56), the requirements in Part VI.D.5 apply to the general public, not solely to commercial applicators and distributors of pesticides, herbicides and fertilizer.

The requirements set forth in Part VI.D.5 of the Permit both go beyond the requirements of the federal regulations and specify methods of compliance, which lead to the conclusion that the requirements are a state, not federal, mandate. *Dept. of Finance*, 1 Cal. 5<sup>th</sup> at 765, 771; *Long Beach Unified School Dist.*, *supra*, 225 Cal.App.3d at 172-73. The Permit requirements exceed the federal requirements in several ways, including the requirements related to public information activities relating to materials other than used and oil and toxic materials, requirements to target educational and public information programs at ethnic communities and to organize events targeted to residents and population subgroups.

With regard to the specification of the means of compliance, a comparison of the detailed and mandatory requirements of Part VI.D.5 with the general and flexible requirements of the federal stormwater regulations demonstrates that the LARWQCB intended in the Permit to direct the specific compliance of the permittees, including the County, with regard to its PIPP efforts. These Permit requirements far exceed the “scope and detail” of the federal requirements and thus are state, not federal, mandates. *Dept. of Finance*, 1 Cal. 5<sup>th</sup> at 771.

#### **4. Increased Costs of Mandate**

As set forth in its Declaration in Section 6, the County incurred \$100,000 in FY 2012-2013 and \$193,000 in FY 2013-2014 in increased costs with respect to the above requirements. *See* County Declaration, ¶ 10(e).

#### **F. Inventory and Inspections of Industrial/Commercial Sources**

Part VI.D.6 of the Permit requires the permittees, including the County, to track various “critical” industrial and commercial sources, including the creation and updating of an electronic database containing information regarding such sources and to inspect such sources.

As discussed above, the County may elect to prepare a WMP or EWMP that would incorporate industrial/commercial source control measures in a customized watershed-specific fashion. However, since such WMP or EWMP must assess the requirements of Part VI.D.6 and incorporate or customize all control measures set forth therein, unless their elimination is justified by the County as not applicable (Permit Part VI.C.5.b.(iv)(c)), the provisions set forth below establishing new programs and/or a higher level of service are state mandates.

## **1. Mandate Requirements in the Permit**

Permit Part VI.D.6 requires that the County develop and implement an industrial/commercial source program following, at minimum, the requirements set forth in that part.

Part VI.D.6.b requires the tracking of nurseries and nursery centers in addition to other sources and the inclusion of information regarding the source, including the North American Industry Classification System code, the status of exposure of materials to stormwater, the name of the receiving water, identification of whether the facility is tributary to a waterbody listed as impaired under CWA § 303(d) where the facility generates pollutants for which the waterbody is impaired, and whether the facility has filed a “No Exposure Certification” with the State Board. This provision requires the County to conduct field work to identify facilities and to collect information sufficient to fill the tracking database. Additionally, the County must update the inventory at least annually, through collection of information through field activities or through other readily available inter- and intra-agency informational databases.

Permit Part VI.D.6.d requires that commercial facilities (restaurants, automotive service facilities (including automotive dealerships), retail gasoline outlets and nurseries and nursery centers be inspected twice during the term of the Permit, with the first inspection to occur within 2 years after the effective date of the Permit. In the inspection the permittees are required, among other things, to evaluate whether the source is implementing “effective source control BMPs for each corresponding activity” and to require implementation of additional BMPs where “storm water from the MS4 discharges to a significant ecological area . . . , a water body subject to TMDL provisions . . . or a CWA § 303(d) listed impaired water body.” In addition to basic inspection obligations, this provision requires the County to identify waterbodies into which the facilities discharge and to evaluate the effectiveness of BMPs at the facilities.

Permit Part VI.D.6.e requires the County to inspect industrial facilities, including the categories of facilities identified in 40 C.F.R. § 122.26(b)(14)(i-xi) (the “Phase I facilities”), and facilities specified in 40 C.F.R. § 122.26(d)(2)(iv)(C) (the “Specified Facilities”). Included among the inspection requirements are to confirm that each facility has a current Waste Discharge Identification (“WDID”) number for coverage under the GIASP or has applied for and received a current No Exposure Certification, and to require implementation of additional BMPs where “storm water from the MS4 discharges to a water body subject to TMDL Provisions . . . or a CWA § 303(d) listed impaired water body.” For facilities that discharge to MS4s that discharge to a Significant Ecological Area (“SEA”), the permit requires that the County “shall require operators to implement additional pollutant-specific controls to reduce pollutants in storm water runoff that are causing or contributing to exceedances of water quality standards.” In addition to basic inspection obligations, this provision requires the County to identify waterbodies into which the facilities discharge and to evaluate the effectiveness of BMPs at the facilities.

## **2. The Requirements are New Programs or Higher Levels of Service**

The requirements described above are new requirements or represent a higher level of service. This is evident from a comparison with the requirements of the 2001 Permit. First, while some tracking and inspection requirements were carried over from the 2001 Permit, those requirements were determined by the Commission to represent a new program and/or higher level of service in the Los Angeles County Test Claim. Thus, such requirements in the Permit continue this new program and/or higher level of service.

Second, whereas the 2001 Permit required tracking of commercial facilities (but not nurseries and nursery centers), Phase I facilities and Specified Facilities (2001 Permit, Part 4.C.1(a)), the information required in such tracking was not as extensive as the Permit now requires. The 2001 Permit included only the facility name and address, the name of the owner/operator, whether it was covered under the GIASP or other individual or general NPDES permit and a narrative description “including SIC codes that best reflects the industrial activities at and principal products of each facility.” 2001 Permit, Part 4.C.1(b). Also, the 2001 Permit did not require permittees to maintain the tracking in an electronic database.

Third, although the 2001 Permit Part 4.C.2 required inspections of the same types of facilities as in the Permit (inspections that the Commission determined were a state mandate), the 2001 Permit did not require the inspectors to evaluate the effectiveness of the BMPs at the facilities, a significant new requirement.

## **3. The Requirements are State Mandates**

The federal stormwater regulations require that a permittee’s management program include a “description of a program to monitor and control pollutants in storm water discharges to municipal systems from municipal landfills, hazardous waste treatment, disposal and recovery facilities, industrial facilities that are subject to section 313 of title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA), and industrial facilities that the municipal permit applicant determines are contributing a substantial pollutant loading to the municipal storm sewer system.” 40 C.F.R. § 122.26(d)(2)(iv)(C). Included in this program must be an identification of “priorities and procedures for inspections . . . .” 40 C.F.R. § 122.26(d)(2)(iv)(C)(i). These regulations are cited in the Permit Fact Sheet as legal authority for the inspection requirements. Permit Attachment F, pp. F-58-59.

This regulation only requires inspections of municipal landfills, hazardous waste treatment, disposal and recovery facilities, industrial facilities that are subject to section 313 of title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA), and industrial facilities that the municipal permit applicant determines are contributing a substantial pollutant loading to the municipal storm sewer system.” 40 C.F.R. § 122.26(d)(2)(iv)(C). The regulation does not require inspections of the commercial facilities or the Phase I facilities identified in Part VI.D.6 of the Permit. These inspections are therefore state, not federal mandates.

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Indeed, as discussed in Section III.B, the Supreme Court affirmed the Commission's determination in the Los Angeles County Test Claim that similar inspection requirements constitute state mandates. *Dept. of Finance*, 1 Cal. 5<sup>th</sup> at 770. As set forth in *Dept. of Finance*, the requirement to inspect Phase I facilities represents a shifting of state responsibility to inspect GIASP permittees to local agencies, a shifting which itself creates a state mandate. *Id.* at 771; *Hayes*, 11 Cal.App.4<sup>th</sup> at 1593-94.

Moreover, nothing in the federal regulations requires the County to confirm that an industrial facility maintains a WDID or No Exposure Certificate (requirements of the state-enforced GIASP) or to require additional BMPs for discharges into an SEA, a waterbody subject to TMDL provisions or a CWA § 303(d) listed waterbody. Because these facilities must obtain an independent NPDES permit through issuance of a state WDR (pursuant to Water Code § 13260), it is the responsibility of the State Board or a regional board, such as the LARWQCB, to ensure that the permit requires adequate BMPs to ensure compliance with discharge requirements. The Permit shifts that state responsibility to the local permittees, a shifting that, again, constitutes a state mandate. *Dept. of Finance*, 1 Cal. 5<sup>th</sup> at 770-771; *Hayes*, 11 Cal.App.4<sup>th</sup> at 1593-94.

#### **4. Increased Costs of Mandate**

As set forth in its Declaration in Section 6, the County incurred \$161,000 in FY 2012-2013 and \$592,000 in FY 2013-2014 in increased costs with respect to the above requirements. *See* County Declaration, ¶ 11(d).

#### **G. Requirements Relating to Post-Construction BMPs**

Part VI.D.7.d(iv) requires the County to implement a tracking system and inspection and enforcement program for new development and redevelopment post-construction BMPs.

As discussed above, the County can prepare a WMP or EWMP that would incorporate planning and land development provisions in a customized watershed-specific fashion. However, since such WMP or EWMP must assess the requirements of Part VI.D.7 and incorporate/customize all control measures set forth therein (Part VI.C.5.b(iv)(c)), the provisions set forth below establishing new programs and/or a higher level of service are state mandates.

##### **1. Mandate Requirements in the Permit**

Permit Part VI.D.7.d(iv)(1)(a) and Attachment E, Part X, require the County to implement a GIS or other electronic system for tracking projects that have been conditioned for post-construction BMPs, including such information as project identification, acreage, BMP type and description, BMP locations, dates of acceptance and maintenance agreement, inspection dates and summaries and corrective action.

Part VI.D.7.d(iv)(1)(b) requires the County to inspect all development sites upon completion of construction and before issuance of an occupancy certificate to “ensure proper installation” of LID measures, structural BMPs, treatment control BMPs and hydromodification control BMPs.

Part VI.D.7.d(iv)(1)(c) requires the County to develop a post-construction BMP maintenance inspection checklist and inspect at an interval of at least once every two years County-operated post-construction BMPs to assess operation conditions.

## **2. The Requirements are New Programs or Higher Levels of Service**

The above-described requirements in the Permit represent new programs or a required higher level of service. This is demonstrated by comparing these requirements with the 2001 Permit, which had no requirement that the County establish a database for tracking projects with conditions for post-construction BMPs, had no requirement that permittees inspect development sites upon completion of construction to determine the proper installation of LID measures or BMPs and had no requirements to establish a post-construction BMP maintenance inspection checklists or to inspect permittee-operated post-construction BMPs.

## **3. The Requirements are State Mandates**

The above-described requirements are state, not federal mandates, as they represent mandates not required by either the CWA or its regulations. Additionally, even were the requirements considered to be required under federal law, the LARWQCB's specification of how to comply with such requirements is itself a state mandate.

The federal CWA regulations require that MS4 permits include a:

description of planning procedures including a comprehensive master plan to develop, implement and enforce controls to reduce the discharge of pollutants from municipal separate storm sewers which receive discharges from areas of new development and significant new redevelopment. Such plan shall address controls to reduce pollutants in discharges from municipal separate storm sewers after construction is completed.

40 CFR § 122.26(d)(2)(iv)(A)(2). Nothing in this regulation requires that permittees develop a tracking system for post-construction BMPs or to inspect construction site BMPs for compliance with stormwater requirements. Similarly, nothing in the regulation requires routine inspections of post-construction BMPs operated by the permittees. Both in the exceedance of federal requirements, and in the specification of compliance set forth in the Permit that goes beyond federal requirements, state mandates have been created. *Dept. of Finance*, 1 Cal. 5<sup>th</sup> at 765, 771; *Long Beach Unified School Dist.*, *supra*, 225 Cal.App.3d at 172-73.

## **4. Increased Costs of Mandate**

As set forth in its Declaration in Section 6, the County incurred \$314,000 in FY 2012-2013 and \$754,000 in FY 2013-2014 in increased costs with respect to the above requirements. *See* County Declaration, ¶ 12(d).

## **H. Construction Site Requirements**

Part VI.D.8 of the Permit contains requirements applicable to construction sites, including inspection of construction sites of one acre or more in size, creation of a construction site inventory and electronic tracking system, the development of technical standards for Erosion and Sediment Control Plans (“ESCP”) and for the review of those plans, the development of procedures to review and approve construction site plan documents, and the training of permittee employees. These requirements are applicable to the County.

As discussed above, the County can prepare a WMP or EWMP that would incorporate development construction program control measures in a customized watershed-specific fashion. However, since such WMP or EWMP must assess the requirements of Part VI.D.8 and incorporate/customize all control measures set forth therein, unless their elimination is justified by the County as not applicable (Part VI.C.5.b(iv)(c)), the provisions set forth below establishing new programs and/or a higher level of service are state mandates.

### **1. Mandate Requirements in the Permit**

Permit Part VI.D.8.g(i) requires the County to develop an electronic system to inventory grading, encroachment, demolition, building, and construction permits (or any other municipal authorization to move soil and/or construct or destruct that involves land disturbance).

Part VI.D.8.g(ii) requires that the County complete an inventory of development projects, which must be continuously updated as new sites are permitted and completed. This inventory/tracking system must contain, among other items, contact information for the project, basic site information, the proximity of all water bodies, significant threats to water quality status, current construction phase where feasible, required inspection frequency, start and anticipated completion dates, whether the project has submitted a Notice of Intent to be covered under the GCASP and whether it has obtain GCASP coverage, the date the ESCP was approved and post-construction structural BMPs subject to operation and maintenance requirements.

Part VI.D.8.h requires the County to develop and implement review procedures for construction plan documents, including preparation and submittal of an ESCP meeting multiple minimum requirements, verification of GCASP or other permit coverage and other items. In addition, the County must develop and implement a checklist to conduct and document review of each ESCP.

Part VI.D.8.i(i) requires the County to develop and implement technical standards for the selection, installation and maintenance of construction BMPs for all sites within its jurisdiction.

Part VI.D.8.i(ii) requires that such construction BMPs must be tailored by the County to the risks posed by the project, as well as be in minimum conformance with standards in Permit Table 15, and the use of BMPs meeting the requirements of Permit Tables 14 and 16 for constructions sites of one or more acres or for paving projects, provision of detailed installation designs and cut sheets for use in ESCPs and provision of maintenance expectations for each BMP or category of BMPs.

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Part VI.D.8.i(iv) requires that the County make technical standards “readily available” to the development community and that such standards must be “clearly referenced” within the County’s stormwater or development services website, ordinance, permit approval process and/or ESCP review forms.

Part VI.D.8.i(v) requires local BMP technical standards to cover all items set forth in Tables 13, 14, 15 and 16 of the Permit.

Part VI.D.8.j requires the County to inspect all construction sites of one acre or greater in size on the frequencies set forth in the Permit, which requires inspections prior to land disturbance activities, during active construction and at the conclusion of the project and as a condition to approve and/or issuing a Certificate of Occupancy. The frequency of inspections is also set in Table 17 of the Permit. As part of its inspection obligations, the County must develop, implement and revise as necessary standard operating procedures that identify the inspection procedures to be followed by each permittee. Additionally, during inspections, the County must verify “active coverage” under the GCASP for specified projects; review the Erosion and Sediment Control Plan (“ESCP”); inspect the site to determine whether all BMPs have been selected, installed, implemented and maintained; assess the appropriateness of planned and installed BMPs, and their effectiveness; visually observe and record non-stormwater discharge, potential illicit discharges and connections and potential discharge of pollutants in stormwater runoff; develop a written or electronic inspection report generated from a field inspection checklist; and track the number of inspections for the site to ensure that it meets the minimum requirements of Permit Table 17.

Part VI.D.8.l(i-ii) requires the County to ensure training for “all staff whose primary job duties are related to implementing the construction storm water program,” including plan reviewers and permitting staff with regard to the “technical review of local erosion and sediment control ordinance, local BMP technical standards, ESCP requirements, and the key objectives of the State Water Board Qualified SWPPP Development (“QSD”) program, and erosion sediment control/storm water inspectors in inspection procedures consistent with various standards. Additionally, if outside parties conduct inspections or review plans, each permittee is required to ensure that such staff is trained under the same requirements.

## **2. The Requirements are New Programs or Higher Levels of Service**

The requirements described above are new programs and/or a higher level of service in that either they were not included as part of the County’s obligations under the 2001 Permit or, if so, were determined by the Commission to represent a state mandate under the 2001 Permit. To the extent such latter requirements are carried forward in the Permit, they still represent state mandates.

The 2001 Permit did not require the County to develop a tracking system to track anything except grading permits. The 2001 Permit did not require the tracking system to be updated or to be populated with the items set forth in the Permit. The 2001 Permit did not require the County to develop and implement procedures for reviewing construction plan documents, or to develop a checklist to conduct and document the review of the ESCP (which itself was not required under the 2001 Permit.)



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The 2001 Permit did not require the County to develop and implement technical standards for construction BMPs, did not specify the nature of such BMPs as set forth in the Permit, and did not require detailed installation designs or cut sheets or devising maintenance expectations.

The 2001 permit did not require that technical standards be made readily available to the development community or be referenced on the County's website, ordinance, permit approval or ESCP review forms.

Part 4.E.1 of the 2001 Permit required the permittees to implement a program to control runoff from construction activity at construction sites within their jurisdiction, including sediment, construction-related materials, waste spills and residues, non-stormwater runoff from equipment and vehicle washing and erosion from slopes and channels. Part 4.E.2 of the 2001 Permit required that for construction sites of one acre or greater, permittees must require preparation and submittal of a Local Storm Water Pollution Prevention Plan ("SWPPP") for approval prior to a grading permit, inspect such sites at least once during the wet season, and, prior to issuing the site a grading permit, require proof that the site had filed for coverage under the GCASP. Part 4.E.3 of the 2001 Permit required construction sites of five acres or greater to meet the requirements of Parts 4.E.1 and 2 and further that permittees require proof of coverage under the GCASP, proof of coverage and a copy of the SWPPP if ownership transferred and use of "an effective system to track grading permits issued by each Permittee." Part 4.E.4 required referrals of violations of the state-issued GCASP and Part 4.E.5 required permittees to "train employees in target positions (whose jobs or activities are engaged in construction activities including construction inspection staff) concerning the requirements of the stormwater program.

The Commission determined that these requirements constituted a state mandate. Los Angeles County Test Claim, Statement of Decision at 46-48. The new Permit now greatly enhances the requirements for inspection of construction sites. While the 2001 Permit required only one inspection during the wet season, the new Permit requires inspections at least monthly for most construction sites and during wet weather events and at least once bi-weekly for construction sites that discharge to a tributary listed as an impaired waterbody for sediment or turbidity or which are determined to be a "significant threat" to water quality. Additionally, permittees, including the County, are required to inspect prior to land disturbance, during construction and prior to issuing a Certificate of Occupancy. None of these requirements is contained in the 2001 Permit.

Similarly, the 2001 Permit did not require permittees to develop, implement and revise as necessary standard operating procedures for inspection procedures. The 2001 Permit also did not require permittees to review the applicable ESCP (which was not required under the 2001 Permit) or determine whether all BMPs were selected, installed, implemented and maintained according to the ESCP; did not require an assessment of the appropriateness of planned and installed BMPs and their effectiveness; did not require that permittees make visual observations and keep records of non-stormwater water discharges, potential illicit discharges and connections and potential discharge of stormwater runoff; or require permittees to develop a written or electronic inspection report generated from an inspection checklist used in the field.

Finally, while the 2001 Permit required permittees to train employees regarding requirements of the stormwater management program, it did not require training of employees with regard to the “technical review of local erosion and sediment control ordinance, local BMP technical standards, ESCP requirements, and the key objectives of the State Water Board QSD program,” nor did it require that inspectors be knowledgeable in inspection procedures consistent with the QSD program, to designate a staff person trained in the objectives of the QSD program or the Qualified SWPPP Practitioner program, or that each inspector be knowledgeable regarding local BMP technical standards and ESCP requirements. Finally, the 2001 Permit did not require that if outside parties conducted inspections or review plans, each permittee was required to ensure that such staff was trained under the same requirements.

### **3. The Requirements are State Mandates**

The federal stormwater regulations applicable to Phase I MS4s, such as that operated by the County, provide that a permittee’s management program must contain:

“(1) A description of procedures for site planning which incorporate consideration of potential water quality impacts;

(2) A description of requirements for nonstructural and structural best management practices;

(3) A description of procedures for identifying priorities for inspecting sites and enforcing control measures which consider the nature of the construction activity, topography, and the characteristics of soils and receiving water quality; and

(4) A description of appropriate educational and training measures for construction site operators.”

40 C.F.R. §122.26(d)(2)(iv)(D)(1-4).

Nothing in this regulation specifies the requirements set forth in Permit Part VI.D.8, outlined above. The Permit requires specific, detailed actions by the permittees that are required by them in order to be in compliance with the requirements of the Permit, the “scope and detail” of which are not compelled by federal regulations. *Dept. of Finance*, 1 Cal. 5<sup>th</sup> at 771.

Additionally, the Permit requires the development and maintenance of an inventory of construction sites, which is not required by the regulations. As such, the requirements of Part VI.D.8 both exceed the requirements of the federal regulations and specify the means for permittees to comply with those regulations. The requirements therefore constitute state mandates. *Dept. of Finance*, 1 Cal. 5<sup>th</sup> at 771; *Long Beach Unified School Dist.*, *supra*, 225 Cal.App.3d at 172-73.

Moreover, the Supreme Court has affirmed the Commission’s determination in the Los Angeles County Test Claim that less stringent, but comparable, requirements in the 2001 Permit

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for the permittees to inspect construction sites constituted a state mandate. *Dept. of Finance*, 1 Cal. 5<sup>th</sup> at 770.

The Fact Sheet for the Permit does not cite 40 C.F.R. § 122.26(d)(2)(iv)(D)(1-4) as authority for these construction site requirements, even though it is the only applicable regulation for Phase I permits. Instead, the Fact Sheet cites 40 C.F.R. § 122.34(b)(4), which is applicable not to the Phase I MS4s, but to the smaller “Phase II” MS4s. Permit Attachment F at F-72 to F-73. This latter regulation does not apply to Claimants and was adopted under a different regulatory scheme which sets forth various “minimum control measures” for Phase II municipalities to adopt.

#### **4. Claimants’ Increased Costs**

As set forth in its Declaration in Section 6, the County incurred \$359,000 in FY 2012-2013 and \$741,000 in FY 2013-2014 in increased costs with respect to the above requirements. *See* County Declaration, ¶ 13(i).

### **V. STATEWIDE COST ESTIMATE**

This Joint Test Claim involves a permit issued to the County, the District and 84 cities in the urbanized areas of Los Angeles County south of the San Gabriel Mountains and within the jurisdiction of the LARWQCB. The County and District are only two of the permittees, and thus are not in a position to be able to verify costs incurred by other permittees. The County and District estimate that they incurred costs of \$3,212,000 in FY 2012-13 and \$10,692,000 in FY 2013-14. *See* Section 6, County Declaration, ¶¶ 8-15 and District Declaration, ¶¶ 8-11. In making a statewide estimate, the costs estimated by the Cities in Test Claim 13-TC-01 should be added to the County and District costs estimated here.

### **VI. FUNDING SOURCES**

The County and District are not aware of any designated State, federal or non-local agency funds that are or will be available to fund the mandated activities set forth in this Test Claim.

The County and District are also restricted by the California Constitution with respect to their ability to assess fees or assessments sufficient to pay for the Permit’s mandates.

First, in providing services or conferring benefits, the County and District cannot assess fees that cover more than the reasonable cost of providing the benefit, privilege, service or product and the manner in which those costs are allocated to a payor must bear a fair and reasonable relationship to the payor’s burdens or benefits received from the governmental activity. Otherwise the fee would be considered a tax subject to the requirements of article XIII C of the California Constitution. Cal. Const., Article XIII C § 1(e). *See Jacks v. City of Santa Barbara* (2017) 3 Cal. 5<sup>th</sup> 248, 261. In this regard, the County and District bear the burden of proving by a preponderance of the evidence that the amount is no more than necessary to cover the reasonable costs of the governmental activity, and that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor's burdens on, or benefits received from, the governmental activity. Cal. Const., Article XIII C § 1(e).

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The mandates at issue in this test claim are not the types of programs for which the County or District can assess a fee. The TMDL, non-stormwater discharge, information on illicit discharges, spill response plan, and public information programs, described in Sections IV.A, B, D, and E of this Narrative Statement, all are programs intended to improve the overall water quality in the basin, which benefits all persons within the jurisdiction. It is not possible to identify benefits that any individual resident, business or property owner within the jurisdiction is receiving that is distinct from benefits that all other persons within the jurisdiction are receiving.

The Permit's requirements relating to public agencies, described in Section IV.C of this Narrative Statement, address requirements of the Claimants themselves. Again, therefore, there is no individual resident, business or property owner upon whom a fee can be assessed to pay for these requirements.

Likewise, no fee can be assessed for inspection of industrial or construction sites, at least to the extent those sites hold general industrial or general construction stormwater permits for which the State Water Resources Control Board already assesses a fee which includes a fee to pay for inspections. Water Code §13260(d)(2)(B). Because the State is already assessing a fee for these inspections, the County and the District are unlikely to be successful in demonstrating that their fees would bear a fair and reasonable relationship to the payor's burdens or benefits; the State has already collected a fee for that activity. Likewise, there is no party on which to assess the cost of creating the inventory and databases of industrial and commercial sites or to pay for the inspection of post-construction BMP requirements every two years into the future.

Second, any assessment would be considered to be a "special tax," and, as such, could not be imposed without a vote of the electorate. Under the Constitution a tax is defined to be "any levy, charge, or exaction of any kind imposed by a local government . . ." Cal. Const., Article XIII C § 1(e). A "special tax" is defined to be "any tax imposed for specific purposes, including a tax imposed for specific purposes, which is placed into a general fund." *Id.*, Article XIII C § 1(d). Under the Constitution, "No local government may impose, extend, or increase any special tax unless and until that tax is submitted to the electorate and approved by a two-thirds vote." Cal. Const. Article XIII C § 2(d).

Article XIII C, section 1(e), sets forth certain charges that are excepted from the definition of a tax. Those exceptions are:

- (1) A charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege.
- (2) A charge imposed for a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the service or product.

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- (3) A charge imposed for the reasonable regulatory costs to a local government for issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, and the administrative enforcement and adjudication thereof.
- (4) A charge imposed for entrance to or use of local government property, or the purchase, rental, or lease of local government property.
- (5) A fine, penalty, or other monetary charge imposed by the judicial branch of government or a local government, as a result of a violation of law.
- (6) A charge imposed as a condition of property development.
- (7) Assessments and property-related fees imposed in accordance with the provisions of Article XIII D.

Cal. Const., Article XIII C § 1(e).

None of these exceptions arguably apply here. As discussed above, any fee or assessment to pay for the TMDL non-stormwater discharge, information on illicit discharges, spill response plan, and public information programs would be a fee or assessment to pay for the costs of a general program, not one directed towards a specific benefit, privilege, service or product. As for the other mandates, such as discharges from commercial, industrial or construction sites, the State is already regulating or has the authority to regulate those activities.

Article XIII D of the California Constitution also restricts the County and District's ability to assess property-related fees. Under article XIII D, section 3(a), no tax, assessment, fee, or charge shall be assessed by any agency upon any parcel of property or upon any person as an incident of property ownership, unless it is for "property-related services"<sup>14</sup> or certain other exceptions, except upon a two-thirds vote of the electorate. Under article XIII D, section 6(c), except for fees or charges for sewer, water, and refuse collection services, no property related fee or charge shall be imposed unless approved by a majority vote of property owners of the property subject to the fee or charge or by two-thirds vote of the electorate residing the affected area. In *Howard Jarvis Taxpayers Association v. City of Salinas* (2002) 98 Cal.App.4th 1351, 1354 the Court of Appeal held that a general stormwater fee is a property-related fee that is not excepted as a charge for water or sewer services, but instead is a property-related fee subject to the two-thirds electoral vote requirement. *Id.* at 1354-1355, 1357-1359.

Accordingly, the County and the District do not have the authority to levy fees or assessments to pay for the mandates that are the subject of this Test Claim. Such fees or assessments can be levied only upon the vote of the electorate.

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<sup>14</sup> "Property-related services" means "a public service having a direct relationship to property ownership." Article XIII D, § 2(h).

## **VII. PRIOR MANDATE DETERMINATIONS**

### **A. Los Angeles County Test Claim**

In 2003 and 2007, the County of Los Angeles and 14 cities within the county (“Los Angeles County claimants”) submitted test claims 03-TC-04, 03-TC-19, 03-TC-19, 03-TC-20 and 03-TC-21. These test claims asserted that provisions of the 2001 Permit, LARWQCB Order No. 01-182, constituted unfunded state mandates. The 2001 Permit, like the 2012 Permit at issue in this Test Claim, was a renewal of an existing MS4 permit. The provisions challenged in these test claims concerned the requirement for the Los Angeles County claimants to install and maintain trash receptacles at transit stops and to inspect certain industrial, construction and commercial facilities for compliance with local and/or state storm water requirements.

The Commission, in a final decision issued on September 3, 2009, determined that the trash receptacle requirement was a reimbursable state mandate. *In re Test Claim on: Los Angeles Regional Quality Control Board Order No. 01-192*, Case Nos.: 03-TC-04, 03-TC-19, 03-TC-20, 03-TC-21. The Commission found that the portion of the test claims relating to the inspection requirement was a state mandate, but that the Los Angeles County claimants had fee authority sufficient to fund such inspections. In *Dept. of Finance*, the Supreme Court affirmed the Commission’s findings that both the trash receptacle and inspection requirements were state mandates. 1 Cal. 5<sup>th</sup> at 770-772. The issue of whether the claimants can impose a fee to fund the inspections is still pending before the Superior Court.

The Commission approved parameters and guidelines for the trash receptacle mandate, and the State Controller’s Office issued Claiming Instructions to the affected local agencies.

### **B. San Diego County Test Claim**

In 2007, the County of San Diego and 21 cities within the county (the “San Diego County claimants”) submitted test claim 07-TC-09. This test claim asserted that several provisions of San Diego RWQCB Order No. R9-2007-0001 constituted reimbursable state mandates. This order was the renewal of the existing MS4 permit for the San Diego County claimants.

On March 30, 2010, the Commission issued a final decision entitled *In re Test Claim on: San Diego Regional Water Quality Control Board Order No. R9-2007-0001*, Case No. 07-TC-09. In that decision, the Commission found the following requirements to be reimbursable state mandates:

1. A requirement to conduct and report on street sweeping activities;
2. A requirement to conduct and report on storm sewer cleaning;
3. A requirement to conduct public education with respect to specific target communities and on specific topics;

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4. A requirement to conduct mandatory watershed activities and collaborate in a Watershed Urban Management Program;
5. A requirement to conduct program effectiveness assessments;
6. A requirement to conduct long-term effectiveness assessments; and
7. A requirement for permittee collaboration.

The Commission also found requirements for hydromodification and low impact development programs to be state mandates, but determined that because local agencies could charge fees to pay for these programs, they were not reimbursable state mandates.

On January 5, 2012, the Commission's decision was overturned by the Sacramento County Superior Court and remanded to the Commission as the result of an action for writ of mandate brought by the State Department of Finance, the State Board and the San Diego RWQCB. The San Diego County Claimants appealed that decision to the California Court of Appeal, which has not yet heard argument on the appeal.

## **VIII. CONCLUSION**

As noted in the Introduction, the County and District support the Permit and are working to implement its requirements. Claimants maintain a good working relationship with the LARWQCB and its staff and are committed to working together with the LARWQCB and other stakeholders to achieve the clean water goals set forth in the Permit.

Nonetheless, important elements of the Permit represent significant and expensive mandates at a time when the budgets of all local agencies, including those of Claimants, have been dramatically constrained. The Claimants submit that the mandates set forth in this Test Claim represent state mandates for which a subvention of funds is required, pursuant to article XIII B, section 6 of the California Constitution. The County and District respectfully request that the Commission make this finding as to each of the programs and activities set forth herein.

# COUNTY OF LOS ANGELES

## DECLARATION

In Support of Joint Test Claim of Los Angeles County and the  
Los Angeles County Flood Control District Concerning  
Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No.  
CAS 004001), Test Claim No. 13-TC-02



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**DECLARATION OF PAUL ALVA, P.E.**

**COUNTY OF LOS ANGELES**

I, Paul Alva, P.E., hereby declare and state as follows:

1. I am a Principal Engineer for the Watershed Management Division of the County of Los Angeles Department of Public Works. In that capacity, I share responsibility for the compliance of the County of Los Angeles ("County") with regard to the requirements of California Regional Water Quality Control Board, Los Angeles Region ("LARWQCB") Order No. R4-2012-0175 ("the Permit") as they apply to the County.

2. I have reviewed sections of the Permit and its attachments as set forth herein and am familiar with those provisions. I am also familiar with how the Permit changed requirements that were previously imposed on the County by the prior permit that had issued to the County by the LARWQCB in 2001 ("2001 Permit").

3. I have an understanding of the County's sources of funding for programs and activities required to comply with the Permit.

4. I make this declaration based on my own personal knowledge, except for matters set forth herein based on information and belief, and as to those matters I believe them to be true. If called upon to testify, I could and would competently to the matters set forth herein.

5. In Section 5 and Section 7 of the Test Claim filed by the County and the Los Angeles County Flood Control District, which contains exhibits to the Test Claim, the

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specific sections of the Permit at issue in the Test Claim have been set forth. I hereby incorporate such provisions of Sections 5 and 7 into this declaration as though fully set forth herein.

6. The County has elected to participate in 1 Watershed Management Plan ("WMP) and 11 Enhanced Watershed Management Plans ("EWMPs") that are designed to address, in whole or in part, the Total Maximum Daily Load ("TMDL") provisions of the Permit as well other requirements of the Permit, including those set forth in this Declaration.

7. Based on my understanding of the Permit, I believe that the Permit requires the County to undertake the following programs either directly or through the mechanism of a WMP or EWMP, which represent new programs and/or higher levels of service or the shifting of State responsibilities to the County, which activities were not required by the 2001 Permit and which are unique to local government entities.

8. **Implementation of TMDLs:**

(a) Part VI.E.1.c. requires the permittees, including the County, to "comply with the applicable water quality-based effluent limitations and/or receiving water limitations contained in Attachments L through R, consistent with the assumptions and requirements of the WLAs established in the TMDLs, including implementation plans and schedules, where provided for in the State adoption and approval of the TMDL (40 CFR 122.44(d)(1)(vii)(B); Cal. Wat. Code § 13263(a))."

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(b) Attachment K to the Permit sets forth the TMDLs with which the County must comply.

(c) Attachments L through Q of the Permit set forth the requirements of each TMDL and its associated "waste load allocations" with which the County must comply.

(d) Part VI.B of the Permit requires the County "to comply with the [Monitoring and Reporting Program] and future revisions thereto, in Attachment E of this Order or may, in coordination with an approved Watershed Management Program per Part VI.C, implement a customized monitoring program that achieves the five Primary Objectives set forth in Part II.A of Attachment E and includes the elements set forth in Part II.E of Attachment E."

(e) Attachment E to the Permit requires the monitoring program to include monitoring at "TMDL receiving water compliance points" and other "TMDL monitoring requirements specified in approved TMDL Monitoring Plans." (Permit, Attachment E, Parts II.E.1 through 3 and Part V; see *also* Attachment E. Parts VI.A.1.b.(iii) and (iv), VI.B.2, VI.C.1.a, VI.D.1.a, VIII.B.1.b.(ii), IX.A.5, IX.C.1.a, IX.E.1.a and b, IX.G.1.b., and IX.G.2.)

(f) Based on County records, the cost to the County to comply with these TMDL requirements in Fiscal Year (FY) 2012-2013, including costs in participating in the WMP/EWMP process, was approximately \$1,653,000. These costs were first incurred by the County in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP

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or EWMP and an integrated monitoring program ("IMP") or Coordinated Integrated Monitoring Program ("CIMP"). The County elected to participate in 1 WMP and 11 EWMPs in 12 separate watersheds. For the WMP and each EWMP, the County sent a Letter of Intent to the LARWQCB, dated June 24, 2013, indicating its intent to participate in the WMP or EWMP and CIMP; costs were incurred on and leading up to that date. Copies of the County's letters are attached as Exhibit 1.

(g) Based on County records, the cost to the County to comply with these requirements in FY 2013-2014 was approximately \$6,937,000.

9. **Requirements Related to Discharge Prohibitions for Non-Stormwater:**

(a) Permit Part III.A.1 prohibits certain non-stormwater discharges through the municipal separate storm sewer system ("MS4") to receiving waters. I have been advised that this requirement exceeds the requirements of the Clean Water Act ("CWA").

(b) Parts III.A.2 and VI.D.9.f requires the County to employ best management practices ("BMPs") for discharges from essential non-emergency firefighting activities and, with regard to unpermitted discharges by drinking water suppliers, to work with those suppliers on the conditions of their discharges.

(c) Part III.A.4.a requires the County to develop and implement procedures covering non-permitted discharges of non-stormwater to the County's MS4 in compliance with the requirements of Part III.A.4.a.(i-vi) of the Permit.

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(d) Part III.A.4.b. requires the County to develop and implement procedures to minimize the discharge of landscape irrigation water into the MS4, including to coordinate with local water purveyors to promote water use efficiency, use of drought tolerant vegetation and use of less toxic options for pest control and landscape management and to develop and implement an outreach and education program to minimize the discharge of irrigation water and associated pollutants.

(e) Part III.A.4.c. requires the County to evaluate monitoring data collected pursuant to the Permit's Monitoring and Reporting Program (Permit Attachment E) and other associated data and information to determine, among other things, if authorized or conditionally authorized non-stormwater discharges are a source of pollutants that may be causing or contributing to an exceedance of receiving water limitations and/or water quality based effluent limitations.

(f) Part III.A.4.d. requires the County to take action to address such non-stormwater discharges if they are found to be such a source of pollutants, through effective prohibition, conditions, diversions or treatment. These tasks involve, among other things, meeting with non-stormwater dischargers, identifying and analyzing the nature of non-stormwater discharges, the development and implementation of discharge procedures, conducting public education efforts and evaluating monitoring data.

(g) Based on County records, the cost to the County to comply with these non-stormwater prohibitions in FY 2012-2013, was approximately \$100,000. These costs were first incurred by the County in January 2013, upon or shortly after the Permit became

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effective. On February 12, 2013, a staff meeting was held to address implementation of the Permit's new illicit connection and illicit discharge requirements, which also address part of the non-stormwater discharge program requirements. Attached as Exhibit 2 is a copy of the meeting minutes. These costs also included costs for staff time in analyzing and deciding whether to implement the WMP and EWMPs, each of which includes an analysis of the non-stormwater discharge program. This staff time resulted in Letters of Intent to participate in the WMP and EWMPs sent to the LARWQCB dated June 24, 2013 (e.g., Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(h) Based on County records, the cost to the County to comply with these requirements in FY 2013-2014 was approximately \$106,000.

10. **Public Information Program Requirements:**

(a) Permit Part VI.D.5.a. requires the County to "measurably increase" the knowledge of target audiences about the MS4, the adverse impacts of stormwater pollution on receiving waters and potential solutions to mitigate impacts, to "measurably change" waste disposal and stormwater pollution generation behavior by developing and encouraging implementation of "appropriate alternatives" and to "involve and engage a diversity of socio-economic groups and ethnic communities" to participate in stormwater pollution impact mitigation.

(b) Part VI.D.5.b. requires the County to implement Public Information and Participation Program activities by participating in either a County-wide, Watershed Group-sponsored or individual effort.

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(c) Part VI.D.5.c. requires the County to provide a means for public reporting of clogged catch basin inlets and illicit discharges/dumping, faded or missing catch basin labels and general stormwater and non-stormwater pollution prevention information through a telephone hotline or in public information or government pages of the telephone book, identify staff or departments serving as contact persons and providing current, updated hotline information. The County is also required to organize events targeted to residents and population subgroups to "educate and involve the community in storm water and non-storm water pollution prevent and clean-up (e.g., education seminars, clean-ups, and community catch basin stenciling)."

(d) Part VI.D.5.d. requires the County to conduct stormwater pollution prevention public service announcements and advertising campaigns and provide public education materials on the proper handling of vehicle waste fluids, house and construction waste, pesticides and fertilizers (including the use of integrated pest management practices), green waste and animal wastes. This Part further requires the County (a) to distribute public education materials at automotive parts stores, home improvement centers, lumber yards and hardware and paint stores, landscaping and gardening centers and pet shops and feed stores, and (b) to maintain stormwater websites or provide links to stormwater websites via the County's website, which must include educational material and opportunities for public participation in stormwater pollution and cleanup activities and provide schools within the County's jurisdiction with materials to education K-12 students on stormwater pollution. In each of these requirements, Permit Part VI.D.5.d. requires

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the County to "use effective strategies to educate and involve ethnic communities in storm water pollution prevention through culturally effective methods."

(e) Based on County records, the cost to the County to comply with these public information program requirements in FY 2012-2013 was approximately \$100,000. These costs were first incurred by the County in January 2013, upon or shortly after the Permit became effective. On January 29, 2013, staff expended time addressing the website that is a part of the public information requirements. (Attached as Exhibit 3 is an email chain regarding this meeting.) These costs also included costs for staff time in analyzing and deciding whether to implement the WMP and EWMPs, each of which includes public information. This staff time resulted in Letters of Intent to participate in the WMP and EWMPs sent to the LARWQCB dated June 24, 2013 (e.g., Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(f) Based on County records, the cost to the County to comply with these requirements in FY 2013-2014 was approximately \$193,000.

11. **Inventory and Inspections of Industrial/Commercial Sources:**

(a) Permit Parts VI.D.6.b. and c require the County to track nurseries and nursery centers and to include various information for each facility on the inventory, including the industrial classification code, the status of exposure of materials to stormwater, the name of the receiving water, whether the facility is tributary to a waterbody listed as impaired under CWA section 303(d) where the facility generates pollutants for which the waterbody is impaired, and whether the facility has filed a "No Exposure Certification" ("NEC") with



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the State Water Resources Control Board ("State Board"). The County is required to update the inventory at least annually, through collection of information, through field activities or from other means.

(b) Part VI.D.6.d. requires the County to inspect restaurants, automotive service facilities, retail gasoline outlets and nurseries and nursery centers twice during the Permit term, including an inspection within two years after the Permit's effective date. In such inspection, the County is required, among other things, to evaluate whether the source is implementing effective source control BMPs for each corresponding activity and to require implementation of additional BMPs where stormwater from the facility discharged to the MS4 then discharges to a Significant Ecological Area ("SEA"), a water body subject to TMDL provisions or a CWA section 303(d) listed waterbody.

(c) Part VI.D.6.e. requires the County to inspect industrial facilities, including those identified in 40 C.F.R. section 122.26(b)(14)(i-xi) and facilities identified in 40 C.F.R. section 122.26(d)(12)(iv)(C). In such inspections, the County is required to confirm that each facility has a current Waste Discharge Identification number for coverage under the State Board-issued General Industrial Activities Stormwater Permit or has applied for and received a no exposure certification, and to require implementation of additional BMPs where stormwater from the MS4 discharges to a waterbody subject to a TMDL or is a CWA section 303(d) listed impaired waterbodies. Additionally, for facilities discharging to MS4s that discharge to an SEA, the permittees, including the County, are required to

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require operators to implement additional pollutant-specific controls to reduce pollutants that are causing or contributing to exceedances of water quality standards.

(d) Based on County records, the cost to the County to comply with these inventory and inspection requirements in FY 2012-2013 was approximately \$161,000. These costs were first incurred by the County in January 2013, upon or shortly after the Permit became effective. On January 7, 2013, staff expended time to address the Permit's new industrial inspection requirements. Attached as Exhibit 4 is an email chain regarding these staff communications. These costs also included costs for staff time in analyzing and deciding whether to implement the WMP and EWMPs, each of which includes industrial inspections. This staff time resulted in Letters of Intent to participate in the WMP and EWMPs sent to the LARWQCB dated June 24, 2013 (e.g., Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(e) Based on County records, the cost to the County to comply with these requirements in FY 2013-2014 was approximately \$592,000.

12. **Post-Construction BMP Requirements:**

(a) Permit Parts VI.D.7.d.(iv)(1)(a) and Attachment E, Part X require the County to implement a GIS or other electronic system for tracking projects that are required to have post-construction BMPs, including project identification, acreage, BMP type and description, BMP locations, dates of acceptance and maintenance agreements, inspection dates and summaries and corrective action.

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(b) Part VI.D.7.d.(iv)(1)(b) requires the County to inspect all development sites upon completion of construction and before issuance of an occupancy certificate to ensure "proper installation" of Low Impact Development ("LID") measures, structural BMPs, treatment control BMPs and hydromodification control BMPs.

(c) Part VI.D.7.d.(iv)(1)(c) requires the County to develop a post-construction BMP checklist and to inspect at an interval of at least once every two years, County-operated post-construction BMPs to assess operations condition.

(d) Based on County records, the cost to the County to comply with these post-construction BMP requirements in FY 2012-2013, including costs in participating in the WMP/EWMP process, was approximately \$314,000. These costs were first incurred by the County in January 2013, upon or shortly after the Permit became effective. On January 7, 2013, a staff meeting was held to address implementation of the Permit's new post construction BMP requirements. Attached as Exhibit 5 is a copy of the agenda for that meeting. These costs also included costs for staff time in analyzing and deciding whether to implement the WMP and EWMPs, each of which includes post construction BMP and planning and development components. This staff time resulted in Letters of Intent to participate in the WMP and EWMPs sent to the LARWQCB dated June 24, 2013 (e.g., Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(e) Based on County records, the cost to the County to comply with these requirements in FY 2013-2014 was approximately \$754,000.

13. **Construction Site Requirements:**

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(a) Permit Part VI.D.8.g.(i) requires the County to develop an electronic system to inventory grading, encroachment, demolition, building or construction permits (or other municipal authorizations to move soil and/or construct or destruct that involves land disturbance).

(b) Part VI.D.8.g.(ii) requires the County to complete and update an inventory containing, among other items, contact information for a project, basic site information, the proximity of all water bodies, significant threats to water quality status, current construction phase where feasible, required inspection frequency, start and anticipated completion dates, whether the project has submitted a Notice of Intent to be covered under the State Board-issued General Construction Activities Stormwater Permit ("GCASP"), whether it has obtained GCASP coverage, the date the Erosion and Sediment Control Plan ("ESCP") was approved and post-construction structural BMPs subject to operation and maintenance requirements.

(c) Part VI.D.8.h requires the County to develop and implement review procedures for construction plan documents, including preparation and submittal of an appropriate ESCP, verification of GCASP or other permit coverage and other items. The Part further requires permittees, including the County, to develop and implement a checklist to conduct and document the review of each ESCP.

(d) Part VI.D.8.i.(i) requires the County to develop and implement technical standards for the selection, installation and maintenance of construction BMPs for all such sites within the County.

Section 6: Declarations in Support of Joint Test Claim of the County of Los Angeles and the Los Angeles County Flood Control District Concerning Los Angeles Regional Water Quality Control Board Order No. R4-2012-0175 (NPDES No. CAS 004001)

(e) Part VI.D.8.i.(ii) requires that such BMPs be tailored to the risks posed by the project, as well as in minimum conformance with standards set forth in Permit Table 15, use of BMPs meeting the requirements of Permit Tables 14 and 16 for construction sites equal or greater than one acre or paving projects, detailed installation designs and cut sheets for use in ESCPs and maintenance expectations for each BMP or category of BMPs.

(f) Part VI.D.8.i.(iv) further requires that such technical standards must be "readily available" to the development community and must be "clearly referenced" within the County's stormwater or development services website, ordinance, permit approval process and/or ESCP review forms.

(g) Part VI.D.8.i.(v) requires local BMP technical standards to cover all items set forth in Tables 13, 14, 15 and 16 of the Permit.

(h) Part VI.D.8.j requires the County to inspect all construction sites of one acre or greater in size on the frequencies set forth in the Permit, which requires inspections prior to land disturbance activities, during active construction and at the conclusion of the project and as a condition to approving and/or issuing a Certificate of Occupancy. The frequency of inspections is set in addition in Table 17 of the Permit. As part of the inspection obligations, the permittees, including the County, must develop, implement and revise as necessary standard operating procedures that identify the inspection procedures to be followed by each permittee. Additionally, during inspections, the County must verify "active coverage" under the GCASP for specified projects; review the ESCP;

Section 6: Declarations in Support of Joint Test Claim of the County of Los Angeles and the Los Angeles County Flood Control District Concerning Los Angeles Regional Water Quality Control Board Order No. R4-2012-0175 (NPDES No. CAS 004001)

inspect the site to determine whether all BMPs have been selected, installed, implemented and maintained; assess the appropriateness of planned and installed BMPs, and their effectiveness; visually observe and record non-stormwater discharge, potential illicit discharges and connections and potential discharge of pollutants in stormwater runoff; develop a written or electronic inspection report generated from a field inspection checklist; and track the number of inspections for the site to ensure that it meets the minimum requirements of Permit Table 17.

(i) Part VI.D.8.I.(i-ii) requires the County to ensure training for "all staff whose primary job duties are related to implementing the construction storm water program," including plan reviewers and permitting staff with regard to the "technical review of local erosion and sediment control ordinance, local BMP technical standards, ESCP requirements, and the key objectives of the State Water Board QSD program, erosion sediment control/storm water inspectors in inspection procedures consistent with various standards. Additionally, if outside parties conduct inspections or review plans, the County is required to ensure that such staff are trained under the same requirements.

(j) Based on County records, the cost to the County to comply with these construction site requirements in FY 2012-2013, including costs in participating in the WMP/EWMP process, was approximately \$359,000. These costs were first incurred by the County in January 2013, upon or shortly after the Permit became effective. On April 16, 2013, staff expended time to address new permit requirements, including those regarding construction sites. Attached as Exhibit 6 is an email chain regarding staff

Section 6: Declarations in Support of Joint Test Claim of the County of Los Angeles and the Los Angeles County Flood Control District Concerning Los Angeles Regional Water Quality Control Board Order No. R4-2012-0175 (NPDES No. CAS 004001)

communications. These costs also included costs for staff time in analyzing and deciding whether to implement the WMP and EWMPs, each of which includes construction inspections. This staff time resulted in Letters of Intent to participate in the WMP and EWMPs sent to the LARWQCB dated June 24, 2013 (e.g., Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(k) Based on County records, the cost to the County to comply with these requirements in FY 2013-2014 was approximately \$741,000.

14. **Public Agency Requirements:**

(a) Permit Part VI.D.9.c. requires the County to maintain an "updated inventory" of all permittee-owned or operated facilities that are potential sources of stormwater pollution, including 24 separate categories of facilities that are required to be in the inventory. The inventory must include the name and address of the facility, contact information, a narrative description of activities performed and potential pollution sources, coverage under any individual or general NPDES permits or waivers. The inventory must be updated at least once during the five-year term of the Permit with information collected through field activities or other means.

(b) Part VI.D.9.d.(i) requires the County to develop an inventory of "retrofitting opportunities" in areas of existing development.

(c) Part VI.D.9.d.(ii-iii) requires the County to screen existing areas of development "to identify candidate areas for retrofitting using watershed models or other screening

Section 6: Declarations in Support of Joint Test Claim of the County of Los Angeles and the Los Angeles County Flood Control District Concerning Los Angeles Regional Water Quality Control Board Order No. R4-2012-0175 (NPDES No. CAS 004001)

level tools" and then evaluate and rank areas of existing development to prioritize retrofitting candidates.

(d) Part VI.D.9.d.(iv) requires the County to consider the results of the evaluation by giving "highly feasible" projects a "high priority" to implement source control and treatment control BMPs in the Storm Water Management Plan ("SWMP") and consider high priority retrofit projects as candidates for off-site mitigation for new development and redevelopment projects.

(e) Part VI.D.9.d.(v) requires the County to cooperate with private landowners to "encourage site specific retrofitting projects." In such cooperation, demonstration retrofit projects, retrofits on public lands and easements, education and outreach, subsidies for retrofit projects, requiring retrofit projects as enforcement, mitigation or ordinance compliance, public and private partnerships, fees for existing discharges to the MS4 and reduction of such fees for retrofit implementation must be considered.

(f) Part VI.D.9.g.(ii) requires the County to implement an Integrated Pest Management ("IPM") program, including restrictions on the use of pesticides, restricting treatments only to remove the target organism, selection of pest controls that minimize risks to human health, "beneficial non-target organisms" and the environment, partnering with other agencies and organizations to "encourage" the use of IPM and adopt and "verifiably implement" policies, procedures and/or ordinances requiring the minimization of pesticide use and encouraging the use of IPM techniques for public agency facilities and activities. Additionally, the County must commit and schedule to reduce the use of



Section 6: Declarations in Support of Joint Test Claim of the County of Los Angeles and the Los Angeles County Flood Control District Concerning Los Angeles Regional Water Quality Control Board Order No. R4-2012-0175 (NPDES No. CAS 004001)

pesticides that cause impairments of surface waters by preparing and updating annually an inventory of pesticides, quantify pesticide use by staff and contractors and demonstrate implementation of IPM alternatives where feasible to reduce pesticide use.

(g) Part VI.D.9.h.(vii) requires permittees in areas not subject to a Trash TMDL, to install trash excluders, or equivalent devices, on or in catch basins or outfalls, except where such installation would cause flooding. Permittees, including the County, may also employ alternative or enhanced BMPs that "provide substantially equivalent removal of trash." If alternative means are employed, the County must demonstrate that such BMPs "provide equivalent trash removal performance as excluders."

(h) Part VI.D.9.k.(ii) requires the County to train all employees and contractors "who use or have the potential to use pesticides or fertilizers" that address the potential for pesticide-related surface water toxicity, in the proper use, handling, and disposal of pesticides, least toxic methods of pest prevention and control, including IPM and the reduction of pesticide use.

(i) Based on County records, the cost to the County to comply with these public agency requirements in FY 2012-2013, including costs in participating in the WMP/EWMP process, was approximately \$35,000. These costs were first incurred by the County in January 2013, upon or shortly after the Permit became effective. On April 16, 2013, staff expended time to address new permit requirements, including those in the public agency activities program. Attached as Exhibit 6 is an email chain regarding staff communications. These costs also included costs for staff time in analyzing and deciding whether to

Section 6: Declarations in Support of Joint Test Claim of the County of Los Angeles and the Los Angeles County Flood Control District Concerning Los Angeles Regional Water Quality Control Board Order No. R4-2012-0175 (NPDES No. CAS 004001)

implement the WMP and EWMPs, each of which includes public agency activities. This staff time resulted in Letters of Intent to participate in the WMP and EWMPs sent to the LARWQCB dated June 24, 2013 (e.g., Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(j) Based on County records, the cost to the County to comply with these requirements in FY 2013-2014 was approximately \$82,000.

15. **Illicit Connection and Discharge Requirements:**

(a) Part VI.D.10.d.(iv) requires the County to develop and maintain written procedures that document how complaint calls are received, documented and tracked "to ensure that all complaints are adequately addressed." Such procedures must be "evaluated to determine whether changes or updates are needed to ensure that the procedures adequately document the methods employed by the Permittee."

(b) Part VI.D.10.d.(v) the County to maintain documentation of complaint calls and to record the location of the reported spill or illicit discharge and the action undertaken in response.

(c) Part VI.D.10.e.(i) requires, in pertinent part, that the County implement a "spill response plan" for all sewage and other spills that may discharge into its MS4.

(d) Part VI.D.10.e.(i)(1) requires that the plan must identify agencies responsible for spill response and cleanup, phone numbers and e-mail addresses for contacts and shall further address coordination with spill response teams "throughout all appropriate

Section 6: Declarations in Support of Joint Test Claim of the County of Los Angeles and the Los Angeles County Flood Control District Concerning Los Angeles Regional Water Quality Control Board Order No. R4-2012-0175 (NPDES No. CAS 004001)

departments, programs and agencies so that maximum water quality protection is provided."

(e) Part VI.D.10.e.(i)(3-4) requires the County to respond to spills for containment within four hours of become aware of the spill, or if on private property, within two hours of gaining legal access to the property and reporting of spills that may endanger health or the environment to appropriate public health agencies and the Office of Emergency Services ("OES").

(f) Based on County records, the cost to the County to comply with these illicit connection and discharge requirements in FY 2012-2013 was approximately \$49,000. These costs were first incurred by the County in January 2013, upon or shortly after the Permit became effective. On February 12, 2013, a staff meeting was held to address implementation of the Permit's new illicit connection and illicit discharge requirements. Attached as Exhibit 2 is a copy of the program minutes. These costs also included costs for staff time in analyzing and deciding whether to implement the WMP and EWMPs, each of which includes an analysis of the illicit connection and discharge program. This staff time resulted in Letters of Intent to participate in the WMP and EWMPs sent to the LARWQCB dated June 24, 2013 (e.g., Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(g) Based on County records, the cost to the County to comply with these requirements in FY 2013-2014 was approximately \$45,000.

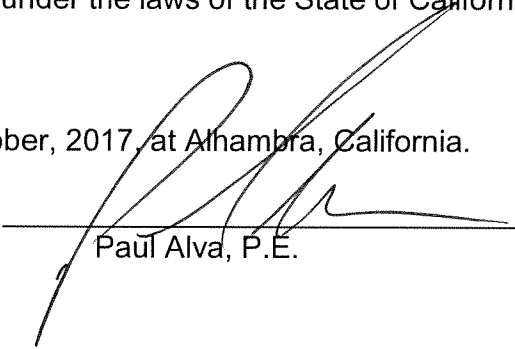
Section 6: Declarations in Support of Joint Test Claim of the County of Los Angeles and the Los Angeles County Flood Control District Concerning Los Angeles Regional Water Quality Control Board Order No. R4-2012-0175 (NPDES No. CAS 004001)

16. I am informed and believe that there are no dedicated State, Federal or Regional funds that are or will be available to pay for any of the new and/or upgraded programs and activities set forth in this Declaration.

17. The County has filed a joint test claim with the Los Angeles County Flood Control District. The County and the Flood Control District agree on all issues of the test claim.

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

Executed this 17 day of October, 2017, at Alhambra, California.

  
\_\_\_\_\_  
Paul Alva, P.E.

# COUNTY OF LOS ANGELES

## EXHIBIT 1

In Support of Joint Test Claim of Los Angeles County and the  
Los Angeles County Flood Control District Concerning  
Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No.  
CAS 004001), Test Claim No. 13-TC-02



EXHIBIT 1  
**COUNTY OF LOS ANGELES**

**DEPARTMENT OF PUBLIC WORKS**

*"To Enrich Lives Through Effective and Caring Service"*

GAIL FARBER, Director

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

June 24, 2013

IN REPLY PLEASE  
REFER TO FILE: **WM-7**

Mr. Samuel Unger, P.E., Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – COUNTY OF LOS ANGELES  
UPPER SANTA CLARA RIVER WATERSHED  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The County of Los Angeles (County) submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Upper Santa Clara River Watershed Group. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Upper Santa Clara River Watershed Group consists of the following agencies: City of Santa Clarita as the coordinating agency for EWMP and CIMP development, County, and Los Angeles County Flood Control District. The Upper Santa Clara River Watershed Group has included a final draft Memorandum of Understanding as Attachment A of the Notice of Intent. The County intends to submit a final Memorandum of Understanding to its Board of Supervisors for approval prior to December 28, 2013.

If you have any questions, please contact Ms. Angela George at (626) 458-4325 or [ageorge@dpw.lacounty.gov](mailto:ageorge@dpw.lacounty.gov).

Very truly yours,

*for* GAIL FARBER  
Director of Public Works

GC:jht  
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cc: City of Santa Clarita

EXHIBIT 1



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

GAIL FARBER, Director

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE  
REFER TO FILE: WM-7

June 24, 2013

Mr. Samuel Unger, P.E.  
Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – COUNTY OF LOS ANGELES  
UPPER LOS ANGELES RIVER WATERSHED  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The County of Los Angeles (County) submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Upper Los Angeles River Watershed Group. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Upper Los Angeles River Watershed Group consists of the following agencies: City of Los Angeles as the coordinating agency for EWMP and CIMP development, County, Los Angeles County Flood Control District, and cities of Alhambra, Burbank, Calabasas, Glendale, Hidden Hills, La Canada Flintridge, Montebello, Monterey Park, Pasadena, Rosemead, San Gabriel, San Marino, South Pasadena, and Temple City. The Upper Los Angeles River Group has included a final draft Memorandum of Understanding as Attachment 2 of the Notice of Intent. The County intends to submit a final Memorandum of Understanding to its Board of Supervisors for approval prior to December 28, 2013.

EXHIBIT 1

Mr. Samuel Unger  
June 24, 2013  
Page 2

If you have any questions, please contact Ms. Angela George at (626) 458-4325 or  
ageorge@dpw.lacounty.gov.

Very truly yours,



*For* GAIL FARBER  
Director of Public Works

TA:jht

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- cc: City of Alhambra  
City of Burbank  
City of Calabasas  
City of Glendale  
City of Hidden Hills  
City of La Canada Flintridge  
City of Los Angeles  
City of Montebello  
City of Monterey Park  
City of Pasadena  
City of Rosemead  
City of San Gabriel  
City of San Marino  
City of South Pasadena  
City of Temple City





GAIL FARBER, Director

EXHIBIT 1  
**COUNTY OF LOS ANGELES**  
**DEPARTMENT OF PUBLIC WORKS**

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P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE  
REFER TO FILE: **WM-7**

June 24, 2013

Mr. Samuel Unger, P.E.  
Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – COUNTY OF LOS ANGELES  
RIO HONDO/SAN GABRIEL RIVER WATER QUALITY GROUP WATERSHED  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The County of Los Angeles (County) submits this Letter of Intent to participate in and share the cost to develop an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Rio Hondo/San Gabriel River Water Quality Group. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

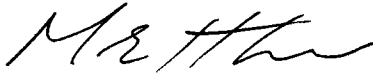
The Rio Hondo/San Gabriel River Water Quality Group consists of the following agencies: City of Sierra Madre as the coordinating agency for EWMP and CIMP development, County, Los Angeles County Flood Control District, and cities of Arcadia, Azusa, Bradbury, Duarte, and Monrovia. The Rio Hondo/San Gabriel River Water Quality Group has included a final draft Memorandum of Understanding in Appendix 2 of the Notice of Intent. The County intends to submit a final Memorandum of Understanding to its Board of Supervisors for approval prior to December 28, 2013.

EXHIBIT 1

Mr. Samuel Unger  
June 24, 2013  
Page 2

If you have any questions, please contact Ms. Angela George at (626) 458-4325 or  
ageorge@dpw.lacounty.gov.

Very truly yours,



<sup>for</sup>  
GAIL FARBER  
Director of Public Works

LP:jht

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cc: City of Arcadia  
City of Azusa  
City of Bradbury  
City of Duarte  
City of Monrovia  
City of Sierra Madre

EXHIBIT 1

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

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GAIL FARBER, Director

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June 24, 2013

Mr. Samuel Unger, P.E.  
Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – COUNTY OF LOS ANGELES  
UPPER SAN GABRIEL RIVER WATERSHED  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The County of Los Angeles (County) submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Upper San Gabriel River EWMP Group. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

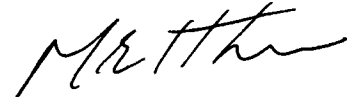
The Upper San Gabriel River EWMP Group consists of the following agencies: County as the coordinating agency for EWMP and CIMP development, Los Angeles County Flood Control District, and cities of Baldwin Park, Covina, Glendora, Industry, and La Puente. The Upper San Gabriel River EWMP Group has included a final draft Memorandum of Understanding as Enclosure C of the Notice of Intent. The County intends to submit a final Memorandum of Understanding to its Board of Supervisors for approval prior to December 28, 2013.

EXHIBIT 1

Mr. Samuel Unger  
June 24, 2013  
Page 2

If you have any questions, please contact Ms. Angela George at (626) 458-4325 or  
ageorge@dpw.lacounty.gov.

Very truly yours,



*for* GAIL FARBER  
Director of Public Works

LM:jht

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cc: City of Baldwin Park  
City of Covina  
City of Glendora  
City of Industry  
City of La Puente



GAIL FARBER, Director

## COUNTY OF LOS ANGELES

### DEPARTMENT OF PUBLIC WORKS

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IN REPLY PLEASE  
REFER TO FILE: **WM-7**

June 24, 2013

Mr. Samuel Unger, P.E., Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – COUNTY OF LOS ANGELES  
MALIBU CREEK WATERSHED GROUP  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The County of Los Angeles (County) submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Malibu Creek Watershed Group. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Malibu Creek Watershed Group consists of the following agencies: City of Calabasas as the coordinating agency for EWMP and CIMP development, County, Los Angeles County Flood Control District, and cities of Agoura Hills, Hidden Hills, and Westlake Village. The Malibu Creek Watershed Group has included a final draft Memorandum of Understanding as Attachment 2 of the Notice of Intent. The County intends to submit a final Memorandum of Understanding to its Board of Supervisors for approval prior to December 28, 2013.

Mr. Samuel Unger  
June 24, 2013  
Page 2

If you have any questions, please contact Ms. Angela George at (626) 458-4325 or  
ageorge@dpw.lacounty.gov.

Very truly yours,



*for* GAIL FARBER  
Director of Public Works

GC:jht

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cc: City of Agoura Hills  
City of Calabasas  
City of Hidden Hills  
City of Westlake Village



EXHIBIT 1  
**COUNTY OF LOS ANGELES**

**DEPARTMENT OF PUBLIC WORKS**

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GAIL FARBER, Director

June 24, 2013

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE

REFER TO FILE: **WM-7**

Mr. Samuel Unger, P.E., Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – COUNTY OF LOS ANGELES  
MARINA DEL REY WATERSHED  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The County of Los Angeles (County) submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) for the Marina del Rey Watershed. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Marina del Rey EWMP agencies consist of the following: County as the coordinating agency for EWMP and CIMP development, Los Angeles County Flood Control District, and cities of Culver City and Los Angeles. The Marina del Rey EWMP agencies have included a final draft Memorandum of Understanding as Enclosure C of the Notice of Intent. The County intends to submit a final Memorandum of Understanding to its Board of Supervisors for approval prior to December 28, 2013.

If you have any questions, please contact Ms. Angela George at (626) 458-4325 or [ageorge@dpw.lacounty.gov](mailto:ageorge@dpw.lacounty.gov).

Very truly yours,

*Ar* GAIL FARBER  
Director of Public Works

RP:jht

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cc: City of Culver City  
City of Los Angeles



EXHIBIT 1  
**COUNTY OF LOS ANGELES**

**DEPARTMENT OF PUBLIC WORKS**

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GAIL FARBER, Director

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ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

June 24, 2013

IN REPLY PLEASE  
REFER TO FILE: **WM-7**

Mr. Samuel Unger, P.E., Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – COUNTY OF LOS ANGELES  
NORTH SANTA MONICA BAY COASTAL WATERSHEDS  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The County of Los Angeles (County) submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) with the North Santa Monica Bay Coastal Watersheds Group. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The North Santa Monica Bay Coastal Watersheds Group consists of the following agencies: City of Malibu as coordinating agency for EWMP and CIMP development, County, and Los Angeles County Flood Control District. The North Santa Monica Bay Coastal Watersheds Group has included a final draft Memorandum of Understanding as Attachment A of the Notice of Intent. The County intends to submit a final Memorandum of Understanding to its Board of Supervisors for approval prior to December 28, 2013.

If you have any questions, please contact Ms. Angela George at (626) 458-4325 or [ageorge@dpw.lacounty.gov](mailto:ageorge@dpw.lacounty.gov).

Very truly yours,

GAIL FARBER  
Director of Public Works

MB:jht

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cc: City of Malibu (Jennifer Brown, Rob DuBoux)





GAIL FARRER, Director

## COUNTY OF LOS ANGELES

### DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE  
REFER TO FILE: **WM-7**

June 24, 2013

Mr. Samuel Unger, P.E.  
Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – COUNTY OF LOS ANGELES  
SANTA MONICA BAY WATERSHED JURISDICTIONAL GROUPS 2 AND 3  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The County of Los Angeles (County) submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) for Jurisdictional Groups 2 and 3 of the Santa Monica Bay Watershed. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Santa Monica Bay Watershed Jurisdictional Groups 2 and 3 EWMP agencies consist of the following: City of Los Angeles as the coordinating agency for EWMP and CIMP development, County, Los Angeles County Flood Control District, and cities of El Segundo and Santa Monica. The Santa Monica Bay Watershed Jurisdictional Groups 2 and 3 EWMP agencies have included a final draft Memorandum of Understanding as Attachment A.3 of the Notice of Intent. The County intends to submit a final Memorandum of Understanding to its Board of Supervisors for approval prior to December 28, 2013.

Mr. Samuel Unger  
June 24, 2013  
Page 2

If you have any questions, please contact Ms. Angela George at (626) 458-4325 or  
ageorge@dpw.lacounty.gov.

Very truly yours,

  
GAIL FARBER  
Director of Public Works

RP:jht  
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cc: City of El Segundo  
City of Los Angeles  
City of Santa Monica



EXHIBIT 1  
**COUNTY OF LOS ANGELES**  
**DEPARTMENT OF PUBLIC WORKS**

*"To Enrich Lives Through Effective and Caring Service"*

GAIL FARBER, Director

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE  
REFER TO FILE: **WM-7**

June 24, 2013

Mr. Samuel Unger, P.E., Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – COUNTY OF LOS ANGELES  
PALOS VERDES PENINSULA  
ENHANCED WATERSHED MANAGEMENT PROGRAM**

The County of Los Angeles (County) submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) with the Peninsula EWMP Agencies. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175.

The Peninsula EWMP Agencies consist of the following agencies: City of Rancho Palos Verdes as the coordinating agency for EWMP development, County, Los Angeles County Flood Control District, and cities of Palos Verdes Estates and Rolling Hills Estates. The Peninsula EWMP Agencies have included a final draft Memorandum of Understanding as Attachment A of the Notice of Intent. The County intends to submit a final Memorandum of Understanding to its Board of Supervisors for approval prior to December 28, 2013.

If you have any questions, please contact Ms. Angela George at (626) 458-4325 or [ageorge@dpw.lacounty.gov](mailto:ageorge@dpw.lacounty.gov).

Very truly yours,

**GAIL FARBER**  
Director of Public Works

JD:jht

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cc: City of Palos Verdes Estates  
City of Rancho Palos Verdes  
City of Rolling Hills Estates



GAIL FARBER, Director

## COUNTY OF LOS ANGELES

### DEPARTMENT OF PUBLIC WORKS

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900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE  
REFER TO FILE: **WM-7**

June 24, 2013

Mr. Samuel Unger, P.E., Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – COUNTY OF LOS ANGELES  
BALLONA CREEK WATERSHED  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

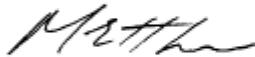
The County of Los Angeles (County) submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) for the Ballona Creek Watershed. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Ballona Creek EWMP agencies consist of the following: City of Los Angeles as the coordinating agency for EWMP and CIMP development, County, Los Angeles County Flood Control District, and cities of Beverly Hills, Culver City, Inglewood, Santa Monica, and West Hollywood. The Ballona Creek EWMP agencies have included a final draft Memorandum of Understanding as Attachment 5 of the Notice of Intent. The County intends to submit a final Memorandum of Understanding to its Board of Supervisors for approval prior to December 28, 2013.

Mr. Samuel Unger  
June 24, 2013  
Page 2

If you have any questions, please contact Ms. Angela George at (626) 458-4325 or  
ageorge@dpw.lacounty.gov.

Very truly yours,



*RF*  
GAIL FARBER  
Director of Public Works

RP:jht

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cc: City of Beverly Hills  
City of Culver City  
City of Inglewood  
City of Los Angeles  
City of Santa Monica  
City of West Hollywood



GAIL FARBER, Director

EXHIBIT 1  
**COUNTY OF LOS ANGELES**

**DEPARTMENT OF PUBLIC WORKS**

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE  
REFER TO FILE: **WM-7**

June 24, 2013

Mr. Samuel Unger, P.E.  
Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – COUNTY OF LOS ANGELES  
DOMINGUEZ CHANNEL WATERSHED MANAGEMENT AREA  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The County of Los Angeles (County) submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Dominguez Channel Watershed Management Area Group. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

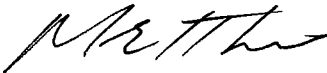
The Dominguez Channel Watershed Management Area Group consists of the following agencies: City of Los Angeles as the coordinating agency for EWMP and CIMP development, County, Los Angeles County Flood Control District, and cities of El Segundo, Hawthorne, and Inglewood. The Dominguez Channel Watershed Management Area Group has included a final draft Memorandum of Understanding as Attachment 2 of the Notice of Intent. The County intends to submit a final Memorandum of Understanding to its Board of Supervisors for approval prior to December 28, 2013.

EXHIBIT 1

Mr. Samuel Unger  
June 24, 2013  
Page 2

If you have any questions, please contact Ms. Angela George at (626) 458-4325 or  
ageorge@dpw.lacounty.gov.

Very truly yours,



*GF* GAIL FARBER  
Director of Public Works

WJ:jht

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cc: City of El Segundo  
City of Hawthorne  
City of Inglewood  
City of Los Angeles

EXHIBIT 1

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*



GAIL FARBER, Director

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

June 24, 2013

IN REPLY PLEASE

REFER TO FILE: **WM-7**

Mr. Samuel Unger, P.E., Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – COUNTY OF LOS ANGELES  
ALAMITOS BAY/LOS CERRITOS CHANNEL WATERSHED MANAGEMENT AREA  
WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The County of Los Angeles submits this Letter of Intent to participate in and share the cost of the development of a Watershed Management Program (WMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Alamitos Bay/Los Cerritos Channel Group. This Letter of Intent serves to satisfy the WMP notification requirements of Section VI.C.4.b of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Alamitos Bay/Los Cerritos Channel Group consists of the following agencies: County of Los Angeles as the coordinating agency for WMP and CIMP development and Los Angeles County Flood Control District.

If you have any questions, please contact Ms. Angela George at (626) 458-4325 or [ageorge@dpw.lacounty.gov](mailto:ageorge@dpw.lacounty.gov).

Very truly yours,

GAIL FARBER  
Director of Public Works

 JD:jht

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# COUNTY OF LOS ANGELES

## EXHIBIT 2

In Support of Joint Test Claim of Los Angeles County and the  
Los Angeles County Flood Control District Concerning  
Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No.  
CAS 004001), Test Claim No. 13-TC-02

**ILLICIT CONNECTION/ILLICIT DISCHARGE ELIMINATION PROGRAM  
PROGRAM MEETING MINUTES  
February 12, 2013, 9 am – 11 am  
Conference Room D**

Present: Bill Bird/Ray Salehpour (RMD-HQ), Shawn Sheldon /Keith Hala / Samia Hourany (RMD-MD1), Joe Young (RMD-MD3), Bill Swindle (RMD-MD4), Jemelle Cruz (FMD-HQ), Amr Ahmed (FMD- Hansen Yard), George Papik /Greg Graham (LDD), Tim Smith/Elvira Delgadillo/Joe Baiocco (EPD), Aracely Lasso/Ruby Wang/Jolanta Sowinska (WMD-Water Quality Section)

Absent: FMD Imperial/Longden Yards, SMD, Dispatch

- A. Ruby Wang – Responsibilities' Matrix & upcoming deadlines**
- Signage
  - Training-staff & contractors
  - GIS map
  - Spill response plan
  - Hotline
- B. WMD (Jolanta Sowinska) - Summary of Discharge Prohibitions chapter of 2012 NPDES MS4 Permit pages 27-37.**
- C. WMD (Ruby Wang) – Upper Rio Hondo pilot program for planned and unplanned potable water discharges.**
- D. WMD (Ruby Wang) – Non-stormwater Outfall Screening & Monitoring Program**

*Action Items*

- 1. FMD, SMD, RMD to provide WMD with a copy of all manuals and guidelines related to spill response plan for all spills that may enter the MS4 (including SSOs).*
- 2. WMD to update existing Spill Response Plan.*
- 3. WMD to meet with Dispatch to discuss maintenance of the 888-CLEAN-LA hotline.*

4. *WMD to meet with PRG to discuss internet site for public reporting of illicit discharges.*
5. *WMD to provide Divisions with link to existing IC/ID model program file.*

#### *Open Items*

1. *Roles & Responsibilities for Non-stormwater Outfall Screening & Monitoring Program need to be decided.*
2. *Training of contractors – will need to continue discussion on how to do it. Also it requires clarification from RB.*
3. *Signage – FCD ordinance.*
4. *Mapping – requires clarification from RB.*

# COUNTY OF LOS ANGELES

## EXHIBIT 3

In Support of Joint Test Claim of Los Angeles County and the  
Los Angeles County Flood Control District Concerning  
Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No.  
CAS 004001), Test Claim No. 13-TC-02

**Aracely Lasso**

---

**From:** Emiko Innes  
**Sent:** Monday, January 28, 2013 10:56 AM  
**To:** Anthein Thomas; Jolanta Sowinska  
**Subject:** RE: Website

Maybe it's a good idea to have a laptop so that we can see some example sites together?

*Emiko K. Innes*

626-458-7174

-----Original Appointment-----

**From:** Thomas, Anthein  
**Sent:** Thursday, January 24, 2013 2:46 PM  
**To:** Thomas, Anthein; Innes, Emiko; Sowinska, Jolanta  
**Subject:** Website  
**When:** Tuesday, January 29, 2013 1:30 PM-2:30 PM (GMT-08:00) Pacific Time (US & Canada).  
**Where:** WMD Conference Room

Here are the 4 items Frank wants completed:

1. Background
  - a. Become familiar with our current websites
    - i. <http://dpw.lacounty.gov/index.cfm>
    - ii. <http://dpw.lacounty.gov/wmd/npdes/>
  - b. Look at other sites for inspiration (some examples below)
    - i. <http://green.lacounty.gov/wps/portal/green>
    - ii. <http://www.lastormwater.org/>
    - iii. <http://vcstormwater.org/>
2. Schematic/Breakdown of what the website should include
  - a. Only for 1.a.i above
3. Schedule
  - a. Deadline: 6 months
4. Any cool ideas
  - a. Prezi
  - b. Video
  - c. Etc.

So take some time to complete item 1, and start thinking about items 2-4 for our meeting. I will put something together for each item, and we can go from there. I will probably try to set our next meeting with Frank for Monday, 2/4/13.

Thanks!

# COUNTY OF LOS ANGELES

## EXHIBIT 4

In Support of Joint Test Claim of Los Angeles County and the  
Los Angeles County Flood Control District Concerning  
Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No.  
CAS 004001), Test Claim No. 13-TC-02

## EXHIBIT 4

### Aracely Lasso

---

**From:** Lasso, Aracely  
**Sent:** Monday, January 07, 2013 2:44 PM  
**To:** Lei, Patrick  
**Cc:** Smith, Tim; Rodriguez, Janet (Livesey)  
**Subject:** RE: GIASP Inspections

<b>Tracking:</b>	<b>Recipient</b>	<b>Delivery</b>	<b>Read</b>
	Lei, Patrick	Delivered: 01/07/2013 2:44 PM	
	Smith, Tim	Delivered: 01/07/2013 2:44 PM	Read: 01/07/2013 2:51 PM
	Rodriguez, Janet (Livesey)	Delivered: 01/07/2013 2:44 PM	Read: 01/07/2013 2:44 PM

Hello Patrick,

As we mentioned, for FY 12-13, we acquired \$100,000 from the County CEO (County General Fund) for EPD to conduct those inspections. Please use PCA F21812N01 for this task. If it appears that you may exceed this budget, please let me know in advance so we can discuss our options. Thank you.

---

#### **Aracely C. Lasso, P.E.**

Watershed Management Division  
Water Quality Section, NPDES Unit  
626.458.7146

-----Original Message-----

**From:** Lei, Patrick  
**Sent:** Monday, January 07, 2013 1:58 PM  
**To:** Lasso, Aracely; Rodriguez, Janet (Livesey)  
**Subject:** GIASP Inspections

Aracely & Janet:

We are currently holding off the state's GIASP inspections until the funding is available. In the meeting last week, you agreed to follow-up this issue for us? Do you have the PCA# for the inspections now?

I tried to telephone you, but both of you were away from the desk. Thanks.

Patrick Lei  
County of Los Angeles  
Department of Public Works  
Environmental Programs Division  
626.458.3513 | 626.458.3569 (Fax)  
www.cleanla.com

# COUNTY OF LOS ANGELES

## EXHIBIT 5

In Support of Joint Test Claim of Los Angeles County and the  
Los Angeles County Flood Control District Concerning  
Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No.  
CAS 004001), Test Claim No. 13-TC-02



**Meeting Agenda for January 7, 2013**

Meeting with Land Development Division, B&S Division and WMD to discuss.

- Implementation of the New NPDES Permit.  
Email from Toan on Jan. 7, 2013
- Matrix for the Next 18 months
- Question and Answers

# COUNTY OF LOS ANGELES

## EXHIBIT 6

In Support of Joint Test Claim of Los Angeles County and the  
Los Angeles County Flood Control District Concerning  
Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No.  
CAS 004001), Test Claim No. 13-TC-02

## EXHIBIT 6

### Aracely Lasso

---

**From:** Rodriguez, Janet (Livesey)  
**Sent:** Tuesday, April 16, 2013 12:46 PM  
**To:** Tang, Shawn  
**Subject:** FW: MS4 Permit Requirements and Responsibilities

fyi

---

**From:** Lasso, Aracely  
**Sent:** Tuesday, April 16, 2013 9:15 AM  
**To:** Alfonso, Lani; Araiza, Martin; Atashzay, Zahid; Attia, Fady; Baiocco, Joe; Berhan, Eden (Mulu); Chang, Simon; Chen, Tim; Cholakian, Mike; Chou, Te-Ling; Cruz, Jemellee; Dileva, Patrick; Dubois, Anabel; Enriquez, Oscar; Eskridge, Kari; Estrada, Elizabeth; Gaydosh, Joe; Gist, Shirley; Harkins, Jeff; Ibrahim, Amir; Ignatius, Michael; Jeanson, Denise; Jeffers, Marianne; Johnson, Greg; Khayat, Zaim Albert; Kim, TJ; Lee, Keith; Lei, Patrick; Lyman, Kimberly; Martirosyan, Ara; Miller, Mitch; Moynihan, Niall; Najera, Carlos; Naslund, Lisa; Peer, Chuck; Ramirez, Luis; Reoch, William; Robles, Javier; Rohrer, Patty; Ross, Andrew; Ross, Steven; Ruh, Dennis; Salehpour, Ray; Sandoval, Art; Scharf, Robert; Schleikorn, Letty; Smith, Tim; Walsh, Aaron; Weyermuller, Richard; Wong, Fredrick (PDD); Yan, William  
**Cc:** Wu, Frank; Said, Nazem; Rodriguez, Janet (Livesey); Soliman, Maged; Wang, Ruby; Thomas, Anthein; Guerrero, Jolene; Hamamoto, Bruce; De La O, George; Ghazarian, Armond; Tang, Hoan; Adkins, John; Ayala, Emma; Bordas, Hector; Caddick, Mark; Chandhok, Arti; Daly, Jim; Huang, John; Malacon, Yolanda; Nasser, Iraj; Pilker, David; Sanchez, Michael; Sheridan, Steve; Swartz, Robert; Tang, Keith; Teran, Ed; Updyke, Erik; Vander Vis, Art; White, Mark; Yi, Hu; Youssef, Kamel  
**Subject:** MS4 Permit Requirements and Responsibilities

As you may know, a new municipal stormwater NPDES permit (MS4 Permit) became effective on December 28, 2012. Like before, the Flood Control District and the County are separate permittees under the MS4 Permit, and many divisions within Public Works play a role in implementing its requirements. We have worked with many of you in the last several months to begin implementing key new requirements. During that time, we also have worked with ITD to develop an intranet application intended to help each division be aware of the requirements that apply to it. The application is now operational and can be accessed at:

<http://dpw.lacounty.gov/wmd/npdesrsa/rm/default.aspx>

The application includes a searchable database of summarized Permit requirements. Please read the instructions on the home page on how to use the application. Should you have any questions or suggestions regarding this application or the Permit requirements, please contact me at x7146, or you may contact the appropriate program manager in WMD.

If you are not the correct contact person from your Division for stormwater issues, please let me know so that we may update our records. Thank you.

---

#### Aracely C. Lasso, P.E.

Watershed Management Division  
Water Quality Section, NPDES Unit  
626.458.7146

# SECTION SIX

## DECLARATIONS

In Support of Joint Test Claim of Los Angeles County and the  
Los Angeles County Flood Control District Concerning  
Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No.  
CAS 004001), Test Claim No. 13-TC-02

**LOS ANGELES COUNTY FLOOD  
CONTROL DISTRICT  
DECLARATION**

In Support of Joint Test Claim of Los Angeles County and the  
Los Angeles County Flood Control District Concerning  
Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No.  
CAS 004001), Test Claim No. 13-TC-02

Section 6: Declarations in Support of Joint Test Claim of the County of Los Angeles and the Los Angeles County Flood Control District Concerning Los Angeles Regional Water Quality Control Board (Order No. R4-2012-0175 (NPDES No. CAS 004001))

**DECLARATION OF PAUL ALVA, P.E.**

**LOS ANGELES COUNTY FLOOD CONTROL DISTRICT**

I, Paul Alva, P.E. hereby declare and state as follows:

1. I am a Principal Engineer for the Watershed Management Division of the County of Los Angeles Department of Public Works. In that capacity, I share responsibility for the compliance of the Los Angeles County Flood Control District ("District") with regard to the requirements of California Regional Water Quality Control Board, Los Angeles Region ("LARWQCB") Order No. R4-2012-0175 ("the Permit") as they apply to the District.

2. I have reviewed sections of the Permit and its attachments as set forth herein and am familiar with those provisions. I am also familiar with how the Permit changed requirements that were previously imposed on the District by the prior permit that had been issued to the District by the LARWQCB in 2001 ("2001 Permit").

3. I have an understanding of the District's sources of funding for programs and activities required to comply with the Permit.

4. I make this declaration based on my own personal knowledge, except for matters set forth herein based on information and belief, and as to those matters I believe them to be true. If called upon to testify, I could and would competently to the matters set forth herein.

Section 6: Declarations in Support of Joint Test Claim of the County of Los Angeles and the Los Angeles County Flood Control District Concerning Los Angeles Regional Water Quality Control Board (Order No. R4-2012-0175 (NPDES No. CAS 004001)

5. In Section 5 and Section 7 of the Test Claim filed by the District and the County of Los Angeles, which contains exhibits to the Test Claim, the specific sections of the Permit at issue in the Test Claim have been set forth. I hereby incorporate such provisions of Sections 5 and 7 into this declaration as though fully set forth herein.

6. The District has elected to participate in 5 Watershed Management Plans ("WMPs") and 12 Enhanced Watershed Management Plans ("EWMPs") that are designed to address, in whole or in part, the Total Maximum Daily Load ("TMDL") provisions of the Permit as well other requirements of the Permit, including those set forth in this Declaration.

7. Based on my understanding of the Permit, I believe that the Permit requires the District to undertake the following programs either directly or through the mechanism of a WMP or EWMP, which represent new programs and/or higher levels of service or the shifting of State responsibilities to the District, which activities were not required by the 2001 Permit and which are unique to local government entities:

8. **Implementation of TMDLs:**

(a) Part VI.E.1.c. requires the permittees, including the District, to "comply with the applicable water quality-based effluent limitations and/or receiving water limitations contained in Attachments L through R, consistent with the assumptions and requirements of the WLAs established in the TMDLs, including implementation plans and schedules, where provided for in the State adoption and approval of the TMDL (40 CFR 122.44(d)(1)(vii)(B); Cal. Wat. Code § 13263(a))."

Section 6: Declarations in Support of Joint Test Claim of the County of Los Angeles and the Los Angeles County Flood Control District Concerning Los Angeles Regional Water Quality Control Board (Order No. R4-2012-0175 (NPDES No. CAS 004001)

(b) Attachment K to the Permit sets forth the TMDLs with which the District must comply.

(c) Attachments L through Q of the Permit set forth the requirements of each TMDL and its associated "waste load allocations" with which the District must comply.

(d) Part VI.B of the Permit requires the District "to comply with the [Monitoring and Reporting Program] and future revisions thereto, in Attachment E of this Order or may, in coordination with an approved Watershed Management Program per Part VI.C, implement a customized monitoring program that achieves the five Primary Objectives set forth in Part II.A of Attachment E and includes the elements set forth in Part II.E of Attachment E."

(e) Attachment E to the Permit requires the monitoring program to include monitoring at "TMDL receiving water compliance points" and other "TMDL monitoring requirements specified in approved TMDL Monitoring Plans." (Permit, Attachment E, Parts II.E.1 through 3 and Part V; see *also* Attachment E. Parts VI.A.1.b.(iii) and (iv), VI.B.2, VI.C.1.a, VI.D.1.a, VIII.B.1.b.(ii), IX.A.5, IX.C.1.a, IX.E.1.a and b, IX.G.1.b., and IX.G.2.)

(f) Based on District records, the cost to the District to comply with these TMDL requirements in Fiscal Year (FY) 2012-2013, including costs in participating in the WMP/EWMP process, was approximately \$361,000. These costs were first incurred by the District in January 2013, upon or shortly after the Permit became effective. These costs included costs for staff time in analyzing and deciding whether to implement a WMP



Section 6: Declarations in Support of Joint Test Claim of the County of Los Angeles and the Los Angeles County Flood Control District Concerning Los Angeles Regional Water Quality Control Board (Order No. R4-2012-0175 (NPDES No. CAS 004001))

or EWMP and an integrated monitoring program ("IMP") or Coordinated Integrated Monitoring Program ("CIMP"). The District elected to participate in 5 WMPs and 12 EWMPs in 17 separate watersheds. For each WMP and EWMP, the District sent a Letter of Intent to the LARWQCB, dated June 24, 2013, indicating its intent to participate in the WMP or EWMP and CIMP; costs were incurred on and leading up to that date. Copies of the District's letters are attached as Exhibit 1.

(g) Based on District records, the cost to the District to comply with these requirements in FY 2013-2014 was approximately \$1,173,000.

9. **Requirements Related to Discharge Prohibitions for Non-Stormwater:**

(a) Permit Part III.A.1 prohibits certain non-stormwater discharges through the municipal separate storm sewer system ("MS4") to receiving waters. I have been advised that this requirement exceeds the requirements of the Clean Water Act ("CWA").

(b) Part III.A.2 requires the District, with regard to unpermitted discharges by drinking water suppliers, to work with those suppliers on the conditions of their discharges.

(c) Part III.A.4.a requires the District to develop and implement procedures covering non-permitted discharges of non-stormwater to the District's MS4 in compliance with the requirements of Part III.A.4.a.(i-vi) of the Permit.

(d) Part III.A.4.c. requires the District to evaluate monitoring data collected pursuant to the Permit's Monitoring and Reporting Program (Permit Attachment E) and other associated data and information to determine, among other things, if authorized or

Section 6: Declarations in Support of Joint Test Claim of the County of Los Angeles and the Los Angeles County Flood Control District Concerning Los Angeles Regional Water Quality Control Board (Order No. R4-2012-0175 (NPDES No. CAS 004001))

conditionally authorized non-stormwater discharges are a source of pollutants that may be causing or contributing to an exceedance of receiving water limitations and/or water quality based effluent limitations.

(e) Part III.A.4.d. requires the District to take action to address such non-stormwater discharges if they are found to be such a source of pollutants, through effective prohibition, conditions, diversions or treatment. These tasks involve, among other things, meeting with non-stormwater dischargers, identifying and analyzing the nature of non-stormwater discharges, the development and implementation of discharge procedures, conducting public education efforts and evaluating monitoring data.

(f) Based on District records, the cost to the District to comply with these non-stormwater prohibitions in FY 2012-2013 was approximately \$24,000. These costs were first incurred by the District in January 2013, upon or shortly after the Permit became effective. On February 12, 2013, a staff meeting was held to address implementation of the Permit's new illicit connection and illicit discharge requirements, which also address part of the non-stormwater discharge program requirements. Attached as Exhibit 2 is a copy of the meeting minutes. These costs also included costs for staff time in analyzing and deciding whether to implement the WMPs and EWMPs, each of which includes an analysis of the non-stormwater discharge program. This staff time resulted in Letters of Intent to participate in the WMPs and EWMPs sent to the LARWQCB dated June 24, 2013 (e.g., Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

Section 6: Declarations in Support of Joint Test Claim of the County of Los Angeles and the Los Angeles County Flood Control District Concerning Los Angeles Regional Water Quality Control Board (Order No. R4-2012-0175 (NPDES No. CAS 004001))

(g) Based on District records, the cost to the District to comply with these requirements in FY 2013-2014 was approximately \$5,000.

10.. **Public Agency Requirements:**

(a) Permit Part VI.D.4.c.(iii) requires the District to maintain an "updated inventory" of all District-owned or operated facilities that are potential sources of stormwater pollution, including 8 separate categories of facilities that are required to be in the inventory. The inventory must include the name and address of the facility, contact information, a narrative description of activities performed and potential pollution sources, coverage under any individual or general NPDES permits or waivers. The inventory must be updated at least once during the five-year term of the Permit with information collected through field activities or other means.

(b) Part VI.D.4.c.(vi) requires the District to implement an Integrated Pest Management ("IPM") program, including restrictions on the use of pesticides, restricting treatments only to remove the target organism, selection of pest controls that minimize risks to human health, "beneficial non-target organisms" and the environment, partnering with other agencies and organizations to "encourage" the use of IPM and adopt and "verifiably implement" policies, procedures and/or ordinances requiring the minimization of pesticide use and encouraging the use of IPM techniques for public agency facilities and activities. Additionally, the District must commit and schedule to reduce the use of pesticides that cause impairments of surface waters by preparing and updating annually

Section 6: Declarations in Support of Joint Test Claim of the County of Los Angeles and the Los Angeles County Flood Control District Concerning Los Angeles Regional Water Quality Control Board (Order No. R4-2012-0175 (NPDES No. CAS 004001))

an inventory of pesticides, quantify pesticide use by staff and contractors and demonstrate implementation of IPM alternatives where feasible to reduce pesticide use.

(c) Part VI.D.4.c.(x)(2) requires the District to train all employees and contractors "who use or have the potential to use pesticides or fertilizers" in the potential for pesticide-related surface water toxicity, the proper use, handling, and disposal of pesticides, least toxic methods of pest prevention and control, including IPM and the reduction of pesticide use.

(d) Based on District records, the cost to the District to comply with these public agency activities in FY 2012-2013 was approximately \$17,000. These costs were first incurred by the District in January 2013, upon or shortly after the Permit became effective. On January 15, 2013, a staff meeting was held to address implementation of the new public agency activities program requirements. (Attached as Exhibit 3 is an email chain regarding this meeting.) These costs also included costs for staff time in analyzing and deciding whether to implement the WMPs and EWMPs, each of which includes public information. This staff time resulted in Letters of Intent to participate in the WMPs and EWMPs sent to the LARWQCB dated June 24, 2013 (e.g., Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(e) Based on District records, the cost to the District to comply with these requirements in FY 2013-2014 was approximately \$27,000.

Section 6: Declarations in Support of Joint Test Claim of the County of Los Angeles and the Los Angeles County Flood Control District Concerning Los Angeles Regional Water Quality Control Board (Order No. R4-2012-0175 (NPDES No. CAS 004001))

11. **Illicit Connection and Discharge Requirements:**

(a) Permit Part VI.D.4.d.(v)(2) requires the District to "include information regarding public reporting of illicit discharges or improper disposal on the signage adjacent to open channels," as required in Permit Part VI.D.9.h.(vi)(4).

(b) Part VI.D.4.d.(v)(3) requires the District to develop and maintain written procedures that document how complaint calls are received, documented and tracked "to ensure that all complaints are adequately addressed." Such procedures must be "evaluated to determine whether changes or updates are needed to ensure that the procedures adequately document the methods employed by the LACFCD."

(c) Part VI.D.4.d.(v)(4) requires the District to maintain documentation of complaint calls and internet submissions and to record the location of the reported spill or illicit discharge and the action undertaken in response, including referrals to other agencies.

(d) Part VI.D.4.d.(vi)(1) requires, in pertinent part, that the District implement an "ID and spill response plan" for all sewage and other spills that may discharge into its MS4, which, at a minimum, must (a) require coordination with spill response teams "throughout all appropriate departments, programs and agencies so that maximum water quality protection is provided;" (b) respond to illicit discharges ("ID") and spills within four hours of become aware of the ID or spill, or if on private property, within two hours of gaining legal access to the property and (c) to report spills that may endanger health or the environment to appropriate public health agencies and the Office of Emergency Services.

Section 6: Declarations in Support of Joint Test Claim of the County of Los Angeles and the Los Angeles County Flood Control District Concerning Los Angeles Regional Water Quality Control Board (Order No. R4-2012-0175 (NPDES No. CAS 004001))

(e) Based on District records, the cost to the District to comply with these illicit connection and discharge requirements in FY 2012-2013 was approximately \$39,000. These costs were first incurred by the District in January 2013, upon or shortly after the Permit became effective. On February 12, 2013, a staff meeting was held to address implementation of the Permit's new illicit connection and illicit discharge requirements. Attached as Exhibit 2 is a copy of the program minutes. These costs also included costs for staff time in analyzing and deciding whether to implement the WMP and EWMPs, each of which includes an analysis of the illicit connection and discharge program. This staff time resulted in Letters of Intent to participate in the WMP and EWMPs sent to the LARWQCB dated June 24, 2013 (e.g., Exhibit 1 attached hereto); costs were incurred on and leading up to that date.

(f) Based on District records, the cost to the District to comply with these requirements in FY 2013-2014 was approximately \$37,000.

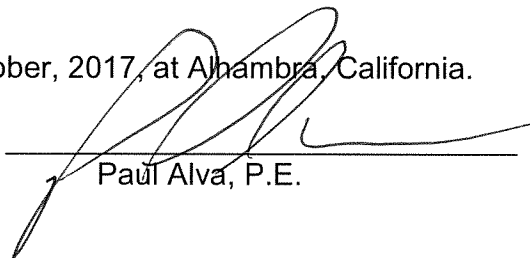
12. I am informed and believe that there are no dedicated State, Federal or Regional funds that are or will be available to pay for any of the new and/or upgraded programs and activities set forth in this Declaration. I am not aware of any other fee or tax that the District would have the discretion to impose under California law to recover any portion of the cost of these programs and activities.

13. The District has filed a joint test claim with the County of Los Angeles. The District and the County agree on all issues of the test claim.

Section 6: Declarations in Support of Joint Test Claim of the County of Los Angeles and the Los Angeles County Flood Control District Concerning Los Angeles Regional Water Quality Control Board (Order No. R4-2012-0175 (NPDES No. CAS 004001))

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

Executed this 17 day of October, 2017, at Alhambra, California.



Paul Alva, P.E.

# LOS ANGELES COUNTY FLOOD CONTROL DISTRICT

## EXHIBIT 1

In Support of Joint Test Claim of Los Angeles County and the  
Los Angeles County Flood Control District Concerning  
Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No.  
CAS 004001), Test Claim No. 13-TC-02





EXHIBIT 1  
COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

GAIL FARBER, Director

900 SOUTH FREMONT AVENUE  
ALHAMBRA CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

June 24, 2013

IN REPLY PLEASE

REFER TO FILE: **WM-7**

Mr. Samuel Unger, P.E., Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – LOS ANGELES COUNTY FLOOD CONTROL DISTRICT  
UPPER SANTA CLARA RIVER WATERSHED  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The Los Angeles County Flood Control District (LACFCD) submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Upper Santa Clara River Watershed Group. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Upper Santa Clara River Watershed Group consists of the following agencies: City of Santa Clarita as the coordinating agency for EWMP and CIMP development, County of Los Angeles, and LACFCD. The Upper Santa Clara River Watershed Group has included a final draft Memorandum of Understanding as Attachment A of the Notice of Intent. The LACFCD intends to submit a final Memorandum of Understanding to the County of Los Angeles Board of Supervisors (which is the LACFCD's governing body) for approval prior to December 28, 2013.

If you have any questions, please contact Ms. Terri Grant at (626) 458-4309 or [tgrant@dpw.lacounty.gov](mailto:tgrant@dpw.lacounty.gov).

Very truly yours,

GAIL FARBER  
Chief Engineer of the Los Angeles County Flood Control District

GC:jht

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cc: City of Santa Clarita



GAIL FARBER, Director

EXHIBIT 1  
**COUNTY OF LOS ANGELES**

**DEPARTMENT OF PUBLIC WORKS**

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

June 24, 2013

IN REPLY PLEASE  
REFER TO FILE: **WM-7**

Mr. Samuel Unger, P.E.  
Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – LOS ANGELES COUNTY FLOOD CONTROL DISTRICT  
UPPER LOS ANGELES RIVER WATERSHED  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The Los Angeles County Flood Control District (LACFCD) submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Upper Los Angeles River Watershed Group. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Upper Los Angeles River Watershed Group consists of the following agencies: City of Los Angeles as the coordinating agency for EWMP and CIMP development, LACFCD, County of Los Angeles, and cities of Alhambra, Burbank, Calabasas, Glendale, Hidden Hills, La Canada Flintridge, Montebello, Monterey Park, Pasadena, Rosemead, San Gabriel, San Marino, South Pasadena, and Temple City. The Upper Los Angeles River Watershed Group has included a final draft Memorandum of Understanding as Attachment 2 of the Notice of Intent. The LACFCD intends to submit a final Memorandum of Understanding to the County of Los Angeles Board of Supervisors (which is the LACFCD's governing body) for approval prior to December 28, 2013.

EXHIBIT 1

Mr. Samuel Unger  
June 24, 2013  
Page 2

If you have any questions, please contact Ms. Terri Grant at (626) 458-4309 or tgrant@dpw.lacounty.gov.

Very truly yours,



*for* GAIL FARBER  
Chief Engineer of the Los Angeles County Flood Control District

TA:jht

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cc: City of Alhambra  
City of Burbank  
City of Calabasas  
City of Glendale  
City of Hidden Hills  
City of La Canada Flintridge  
City of Los Angeles  
City of Montebello  
City of Monterey Park  
City of Pasadena  
City of Rosemead  
City of San Gabriel  
City of San Marino  
City of South Pasadena  
City of Temple City

EXHIBIT 1



GAIL FARBER, Director

**COUNTY OF LOS ANGELES**

**DEPARTMENT OF PUBLIC WORKS**

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IN REPLY PLEASE

REFER TO FILE: **WM-7**

June 24, 2013

Mr. Samuel Unger, P.E.  
Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – LOS ANGELES COUNTY FLOOD CONTROL DISTRICT  
LOS ANGELES RIVER UPPER REACH 2 SUB WATERSHED  
WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The Los Angeles County Flood Control District (LACFCD) submits this Letter of Intent to participate in and share the cost of the development of a Watershed Management Program (WMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Los Angeles River Upper Reach 2 Sub Watershed Group. This Letter of Intent serves to satisfy the WMP notification requirements of Section VI.C.4.b. of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Los Angeles River Upper Reach 2 Sub Watershed Group consists of the following agencies: LACFCD and cities of Bell, Bell Gardens, Commerce, Cudahy, Huntington Park, Maywood, and Vernon. The LACFCD intends to submit a final Memorandum of Understanding to the County of Los Angeles Board of Supervisors (which is the LACFCD's governing body) for approval prior to December 28, 2013.

EXHIBIT 1

Mr. Samuel Unger  
June 24, 2013  
Page 2

If you have any questions, please contact Ms. Terri Grant at (626) 458-4309 or tgrant@dpw.lacounty.gov.

Very truly yours,



*for* GAIL FARBER

Chief Engineer of the Los Angeles County Flood Control District

TA:jht

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cc: City of Bell  
City of Bell Gardens  
City of Commerce  
City of Cudahy  
City of Huntington Park  
City of Maywood  
City of Vernon



GAIL FARBER, Director

EXHIBIT 1  
**COUNTY OF LOS ANGELES**

**DEPARTMENT OF PUBLIC WORKS**

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June 24, 2013

Mr. Samuel Unger, P.E.  
Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – LOS ANGELES COUNTY FLOOD CONTROL DISTRICT  
LOWER LOS ANGELES RIVER WATERSHED  
WATERSHED MANAGEMENT PROGRAM AND  
COORDINATED INTEGRATED MONITORING PROGRAM**

The Los Angeles County Flood Control District (LACFCD) submits this Letter of Intent to participate in and share the cost of the development of a Watershed Management Program (WMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Lower Los Angeles River Watershed Committee. This Letter of Intent serves to satisfy the WMP/EWMP notification requirements of Section VI.C.4.b of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

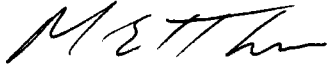
The Lower Los Angeles River Watershed Committee consists of the following agencies: LACFCD and cities of Downey, Lakewood, Long Beach, Lynwood, Paramount, Pico Rivera, Signal Hill, and South Gate. The Lower Los Angeles River Watershed Committee has included a final draft Memorandum of Understanding in the Notice of Intent. The LACFCD intends to submit a final Memorandum of Understanding to the County of Los Angeles Board of Supervisors (which is the LACFCD's governing body) for approval prior to December 28, 2013.

EXHIBIT 1

Mr. Samuel Unger  
June 24, 2013  
Page 2

If you have any questions, please contact Ms. Terri Grant at (626) 458-4309 or tgrant@dpw.lacounty.gov.

Very truly yours,



*For* GAIL FARBER  
Chief Engineer of the Los Angeles County Flood Control District

LP:jht

P:\wmpubl\Secretarial\2013 Documents\Letter\LOI Lower LAR LACFCD.doc\C13222

cc: City of Downey (John Oskoui)  
City of Lakewood (Konya Vivanti)  
City of Long Beach (Anthony Arevalo)  
City of Lynwood (Josef Kekula)  
City of Paramount (Christopher Cash)  
City of Pico Rivera (Art Cervantes)  
City of Signal Hill (Steve Myrter)  
City of South Gate (Mohammad Mostahkami)



GAIL FARBER, Director

EXHIBIT 1  
**COUNTY OF LOS ANGELES**

**DEPARTMENT OF PUBLIC WORKS**

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REFER TO FILE: **WM-7**

June 24, 2013

Mr. Samuel Unger, P.E.  
Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – LOS ANGELES COUNTY FLOOD CONTROL DISTRICT  
RIO HONDO/SAN GABRIEL RIVER WATER QUALITY GROUP WATERSHED  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The Los Angeles County Flood Control District (LACFCD) submits this Letter of Intent to participate in and share the cost to develop an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Rio Hondo/San Gabriel River Water Quality Group. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Rio Hondo/San Gabriel River Water Quality Group consists of the following agencies: City of Sierra Madre as the coordinating agency for EWMP and CIMP development, County of Los Angeles, LACFCD, and cities of Arcadia, Azusa, Bradbury, Duarte, and Monrovia. The Rio Hondo/San Gabriel River Water Quality Group has included a final draft Memorandum of Understanding in Appendix 2 of the Notice of Intent. The LACFCD intends to submit a final Memorandum of Understanding to the County of Los Angeles Board of Supervisors (which is the LACFCD's governing body) for approval prior to December 28, 2013.



EXHIBIT 1

Mr. Samuel Unger  
June 24, 2013  
Page 2

If you have any questions, please contact Ms. Terri Grant at (626) 458-4309 or tgrant@dpw.lacounty.gov.

Very truly yours,



*for*

GAIL FARBER  
Chief Engineer of the Los Angeles County Flood Control District

LP:jht

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cc: City of Arcadia  
City of Azusa  
City of Bradbury  
City of Duarte  
City of Monrovia  
City of Sierra Madre



GAIL FARBER, Director

EXHIBIT 1  
COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

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ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE

REFER TO FILE: **WM-7**

June 24, 2013

Mr. Samuel Unger, P.E.  
Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – LOS ANGELES COUNTY FLOOD CONTROL DISTRICT  
UPPER SAN GABRIEL RIVER WATERSHED  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The Los Angeles County Flood Control District (LACFCD) submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Upper San Gabriel River EWMP Group. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

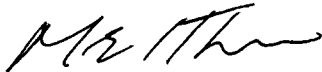
The Upper San Gabriel River EWMP Group consists of the following agencies: County of Los Angeles as the coordinating agency for the EWMP and CIMP development, LACFCD, and cities of Baldwin Park, Covina, Glendora, Industry, and La Puente. The Upper San Gabriel River EWMP Group has included a final draft Memorandum of Understanding as Enclosure C of the Notice of Intent. The LACFCD intends to submit a final Memorandum of Understanding to the County of Los Angeles Board of Supervisors (which is the LACFCD's governing body) for approval prior to December 28, 2013.

EXHIBIT 1

Mr. Samuel Unger  
June 24, 2013  
Page 2

If you have any questions, please contact Ms. Terri Grant at (626) 458-4309 or tgrant@dpw.lacounty.gov.

Very truly yours,



*for* GAIL FARBER  
Chief Engineer of the Los Angeles County Flood Control District

LM:jht

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cc: City of Baldwin Park  
City of Covina  
City of Glendora  
City of Industry  
City of La Puente



GAIL FARBER, Director

EXHIBIT 1  
**COUNTY OF LOS ANGELES**

**DEPARTMENT OF PUBLIC WORKS**

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Mr. Samuel Unger, P.E.,  
Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – LOS ANGELES COUNTY FLOOD CONTROL DISTRICT  
LOWER SAN GABRIEL RIVER WATERSHED  
WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The Los Angeles County Flood Control District (LACFCD) submits this Letter of Intent to participate in and share the cost of the development of a Watershed Management Program (WMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Lower San Gabriel River Watershed Group. This Letter of Intent serves to satisfy the WMP/EWMP notification requirements of Section VI.C.4.b of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Lower San Gabriel River Watershed Group is comprised of the following agencies: LACFCD and cities of Artesia, Bellflower, Cerritos, Diamond Bar, Downey, Hawaiian Gardens, La Mirada, Lakewood, Long Beach, Norwalk, Pico Rivera, Santa Fe Springs, and Whittier. The Lower San Gabriel River Watershed Group has included a final draft Memorandum of Understanding in the Notice of Intent. The LACFCD intends to submit a final Memorandum of Understanding to the County of Los Angeles Board of Supervisors (which is the LACFCD's governing body) for approval prior to December 28, 2013.

EXHIBIT 1

Mr. Samuel Unger  
June 24, 2013  
Page 2

If you have any questions, please contact Ms. Terri Grant at (626) 458-4309 or  
tgrant@dpw.lacounty.gov.

Very truly yours,



*af* GAIL FARBER  
Chief Engineer of the Los Angeles County Flood Control District

LM:jht

P:\wmpubl\Secretarial\2013 Documents\Letter\LOI - Lower SGR LACFCD.doc\C13203

cc: City of Artesia (Carlos Alba)  
City of Bellflower (Bernardo Iniguez)  
City of Cerritos (Mike O'Grady)  
City of Diamond Bar (David Liu)  
City of Downey (Jason Wen)  
City of Hawaiian Gardens (Ismile Noorbaksh)  
City of La Mirada (Marlin Munoz)  
City of Lakewood (Konya Vivanti)  
City of Long Beach (Anthony Arevalo)  
City of Norwalk (Adriana Figueroa)  
City of Pico Rivera (Gladis Deras)  
City of Santa Fe Springs (Frank Beach)  
City of Whittier (David Pelsler)



GAIL FARBER, Director

**EXHIBIT 1**  
**COUNTY OF LOS ANGELES**

**DEPARTMENT OF PUBLIC WORKS**

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE  
REFER TO FILE: **WM-7**

June 24, 2013

Mr. Samuel Unger, P.E.  
Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – LOS ANGELES COUNTY FLOOD CONTROL DISTRICT  
LOS CERRITOS CHANNEL WATERSHED  
WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The Los Angeles County Flood Control District (LACFCD) submits this Letter of Intent to participate in and share the cost of the development of a Watershed Management Program (WMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Los Cerritos Channel watershed permittees. This Letter of Intent serves to satisfy the WMP/EWMP notification requirements of Section VI.C.4.b of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The participating permittees in the Los Cerritos Channel watershed consists of the following agencies: City of Long Beach as the coordinating agency for the WMP and CIMP development, LACFCD, and cities of Bellflower, Cerritos, Downey, Lakewood, Paramount, and Signal Hill. Attachment A illustrates the LACFCD territory that will be included in this WMP and CIMP. The LACFCD intends to submit a final Memorandum of Understanding to the County of Los Angeles Board of Supervisors (which is the LACFCD's governing body) for approval prior to December 28, 2013.

EXHIBIT 1

Mr. Samuel Unger  
June 24, 2013  
Page 2

If you have any questions, please contact Ms. Terri Grant at (626) 458-4309 or tgrant@dpw.lacounty.gov.

Very truly yours,



*For* GAIL FARBER  
Chief Engineer of the Los Angeles County Flood Control District

JD:jht

P:\wmpubl\Secretarial\2013 Documents\Letter\LOI - Los Cerritos Channel LACFCD.doc\C13208

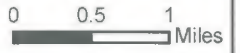
Attach.

cc: City of Bellflower  
City of Cerritos  
City of Downey  
City of Lakewood  
City of Long Beach  
City of Paramount  
City of Signal Hill



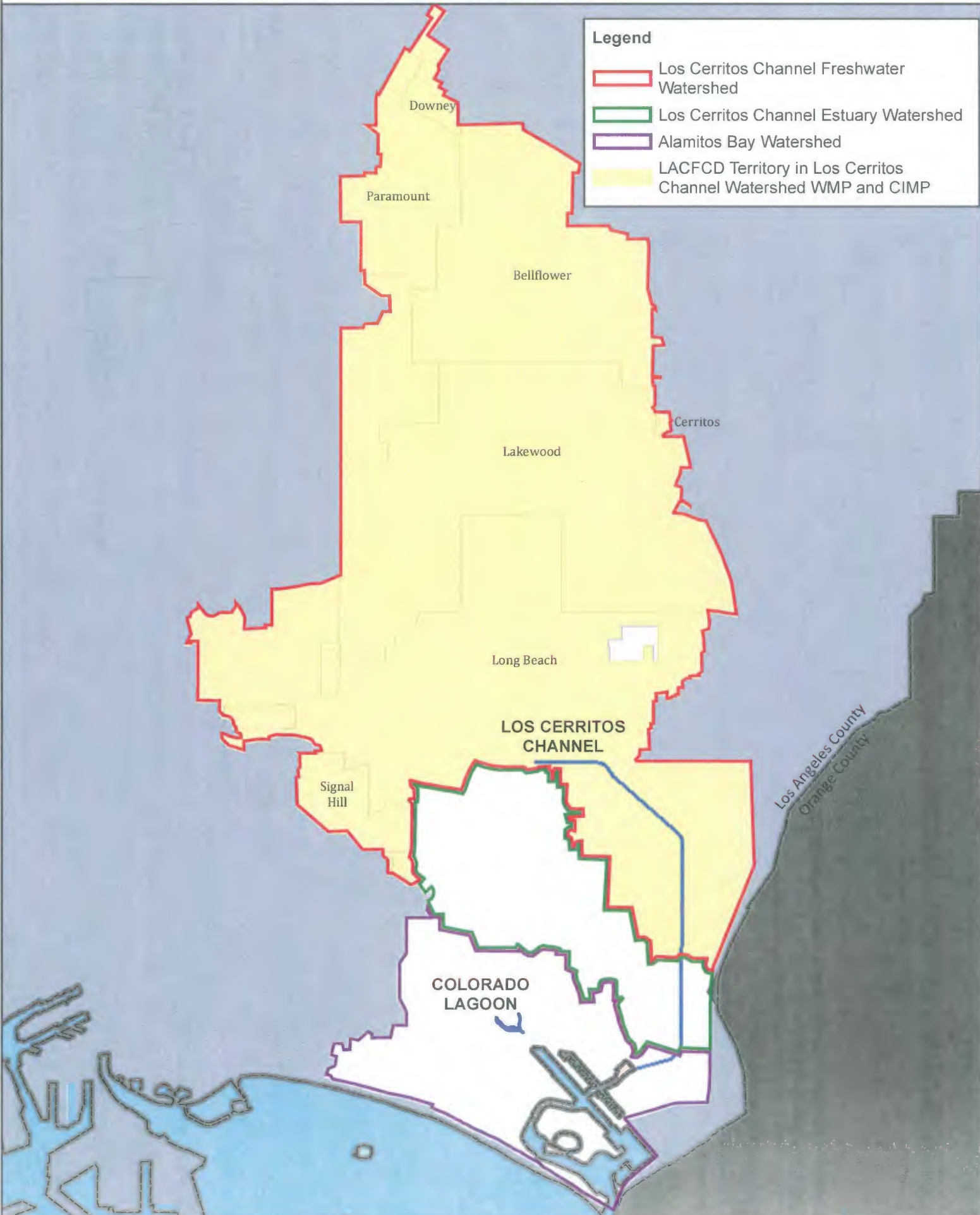
**EXHIBIT 1**

**Attachment A**  
**LACFCD Territory in Los Cerritos Channel Watershed**  
**WMP and CIMP**



**Legend**

-  Los Cerritos Channel Freshwater Watershed
-  Los Cerritos Channel Estuary Watershed
-  Alamitos Bay Watershed
-  LACFCD Territory in Los Cerritos Channel Watershed WMP and CIMP







GAIL FARBER, Director

## COUNTY OF LOS ANGELES

### DEPARTMENT OF PUBLIC WORKS

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900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
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<http://dpw.lacounty.gov>

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ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE  
REFER TO FILE: WM-7

June 24, 2013

Mr. Samuel Unger, P.E.  
Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, California 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – LOS ANGELES COUNTY FLOOD CONTROL DISTRICT  
MALIBU CREEK WATERSHED GROUP  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

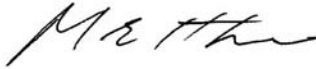
The Los Angeles County Flood Control District (LACFCD) submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Malibu Creek Watershed Group. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Malibu Creek Watershed Group consists of the following agencies: City of Calabasas as the coordinating agency for EWMP and CIMP development, County of Los Angeles, LACFCD, and cities of Agoura Hills, Hidden Hills, and Westlake Village. The Malibu Creek Watershed Group has included a final draft Memorandum of Understanding as Attachment 2 of the Notice of Intent. The LACFCD intends to submit a final Memorandum of Understanding to the County of Los Angeles Board of Supervisors (which is the LACFCD's governing body) for approval prior to December 28, 2013.

Mr. Samuel Unger  
June 24, 2013  
Page 2

If you have any questions, please contact Ms. Terri Grant at (626)458-4309 or  
tgrant@dpw.lacounty.gov.

Very truly yours,



*for* GAIL FARBER  
Chief Engineer of the Los Angeles County Flood Control District

GC:jht  
P:\wmpub\Secretarial\2013 Documents\Letter\LOI MCW LACFCD.doc\C13227

cc: City of Agoura Hills  
City of Calabasas  
City of Hidden Hills  
City of Westlake Village



EXHIBIT 1  
**COUNTY OF LOS ANGELES**

**DEPARTMENT OF PUBLIC WORKS**

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GAIL FARBER, Director

June 24, 2013

ADDRESS ALL CORRESPONDENCE TO:  
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ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE  
REFER TO FILE: **WM-7**

Mr. Samuel Unger, P.E., Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – LOS ANGELES COUNTY FLOOD CONTROL DISTRICT  
MARINA DEL REY WATERSHED  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The Los Angeles County Flood Control District (LACFCD) submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) for the Marina del Rey Watershed. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Marina del Rey EWMP agencies consist of the following: County of Los Angeles as the coordinating agency for EWMP and CIMP development, LACFCD, and cities of Culver City and Los Angeles. The Marina del Rey EWMP agencies have included a final draft Memorandum of Understanding as Enclosure C of the Notice of Intent. The LACFCD intends to submit a final Memorandum of Understanding to the County of Los Angeles Board of Supervisors (which is the LACFCD's governing body) for approval prior to December 28, 2013.

If you have any questions, please contact Ms. Terri Grant at (626) 458-4309 or [tgrant@dpw.lacounty.gov](mailto:tgrant@dpw.lacounty.gov).

Very truly yours,

**GAIL FARBER**

Chief Engineer of the Los Angeles County Flood Control District

RP:jht

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cc: City of Culver City  
City of Los Angeles



GAIL FARBER, Director

EXHIBIT 1  
**COUNTY OF LOS ANGELES**

**DEPARTMENT OF PUBLIC WORKS**

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ADDRESS ALL CORRESPONDENCE TO:  
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ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE  
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June 24, 2013

Mr. Samuel Unger, P.E.  
Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – LOS ANGELES COUNTY FLOOD CONTROL DISTRICT  
NORTH SANTA MONICA BAY COASTAL WATERSHEDS  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The Los Angeles County Flood Control District (LACFCD) submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) with the North Santa Monica Bay Coastal Watersheds Group. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The North Santa Monica Bay Coastal Watersheds Group consists of the following agencies: City of Malibu as coordinating agency for EWMP and CIMP development, County of Los Angeles, and LACFCD. The North Santa Monica Bay Coastal Watersheds Group has included a final draft Memorandum of Understanding as Attachment A of the Notice of Intent. The LACFCD intends to submit a final Memorandum of Understanding to the County of Los Angeles Board of Supervisors (which is the LACFCD's governing body) for approval prior to December 28, 2013.

EXHIBIT 1

Mr. Samuel Unger  
June 24, 2013  
Page 2

If you have any questions, please contact Ms. Terri Grant at (626) 458-4309 or  
tgrant@dpw.lacounty.gov.

Very truly yours,

  
A handwritten signature in black ink, appearing to read "Gail Farber".

<sup>W</sup>GAIL FARBER

Chief Engineer of the Los Angeles County Flood Control District

MB:jht

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cc: City of Malibu (Jennifer Brown, Rob DuBoux)



GAIL FARBER, Director

EXHIBIT 1  
COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

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June 24, 2013

IN REPLY PLEASE  
REFER TO FILE: WM-7

Mr. Samuel Unger, P.E.  
Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – LOS ANGELES COUNTY FLOOD CONTROL DISTRICT  
SANTA MONICA BAY WATERSHED JURISDICTIONAL GROUPS 2 AND 3  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The Los Angeles County Flood Control District (LACFCD) submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) for Jurisdictional Groups 2 and 3 of the Santa Monica Bay Watershed. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Santa Monica Bay Watershed Jurisdictional Groups 2 and 3 EWMP agencies consist of the following: City of Los Angeles as the coordinating agency for EWMP and CIMP development, County of Los Angeles, LACFCD, and cities of El Segundo and Santa Monica. The Santa Monica Bay Watershed Jurisdictional Groups 2 and 3 agencies have included a final draft Memorandum of Understanding as Attachment A.3 of the Notice of Intent. The LACFCD intends to submit a final Memorandum of Understanding to the County of Los Angeles Board of Supervisors (which is the LACFCD's governing body) for approval prior to December 28, 2013.

EXHIBIT 1

Mr. Samuel Unger  
June 24, 2013  
Page 2

If you have any questions, please contact Ms. Terri Grant at (626) 458-4309 or  
tgrant@dpw.lacounty.gov.

Very truly yours,



*ff* GAIL FARBER  
Chief Engineer of the Los Angeles County Flood Control District

RP:jht

P:\wmpub\Secretarial\2013 Documents\Letter\LOI Santa Monica Bay J 2&3 LACFCD.doc\C13237

cc: City of El Segundo  
City of Los Angeles  
City of Santa Monica



GAIL FARBER, Director

EXHIBIT 1  
COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

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ALHAMBRA, CALIFORNIA 91803-1331  
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ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

June 24, 2013

IN REPLY PLEASE  
REFER TO FILE: WM-7

Mr. Samuel Unger, P.E., Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – LOS ANGELES COUNTY FLOOD CONTROL DISTRICT  
SANTA MONICA BAY WATERSHED JURISDICTIONAL GROUPS 5 AND 6 AND  
THE DOMINGUEZ CHANNEL WATERSHED WITHIN THE CITIES OF  
MANHATTAN BEACH, REDONDO BEACH, AND TORRANCE  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The Los Angeles County Flood Control District (LACFCD) submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) for Jurisdictional Groups 5 and 6 within the Santa Monica Bay Watershed and the Dominguez Channel Watershed within cities of Manhattan Beach, Redondo Beach, and Torrance, collectively the Beach Cities Watershed Management Group. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Beach Cities Watershed Management Group consists of the following agencies: City of Redondo Beach as the coordinating agency for EWMP and CIMP development, LACFCD, and cities of Hermosa Beach, Manhattan Beach, and Torrance. The Beach Cities Watershed Management Group has included a final draft Memorandum of Understanding as Attachment 2 of the Notice of Intent. The LACFCD intends to submit a final Memorandum of Understanding to the County of Los Angeles Board of Supervisors (which is the LACFCD's governing body) for approval prior to December 28, 2013.



EXHIBIT 1

Mr. Samuel Unger  
June 24, 2013  
Page 2

If you have any questions, please contact Ms. Terri Grant at (626) 458-4309 or  
tgrant@dpw.lacounty.gov.

Very truly yours,



*GF* GAIL FARBER

Chief Engineer of the Los Angeles County Flood Control District

RP:jht

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cc: City of Hermosa Beach  
City of Manhattan Beach  
City of Redondo Beach  
City of Torrance



EXHIBIT 1  
**COUNTY OF LOS ANGELES**

**DEPARTMENT OF PUBLIC WORKS**

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ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
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GAIL FARBER, Director

June 24, 2013

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE  
REFER TO FILE: **WM-7**

Mr. Samuel Unger, P.E., Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – LOS ANGELES COUNTY FLOOD CONTROL DISTRICT  
PALOS VERDES PENINSULA  
ENHANCED WATERSHED MANAGEMENT PROGRAM**

The Los Angeles County Flood Control District (LACFCD) submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) with the Peninsula EWMP Agencies. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175.

The Peninsula EWMP Agencies consist of the following agencies: City of Rancho Palos Verdes as the coordinating agency for EWMP development, County of Los Angeles, LACFCD, and cities of Palos Verdes Estates and Rolling Hills Estates. The Peninsula EWMP Agencies have included a final draft Memorandum of Understanding as Attachment A of the Notice of Intent. The LACFCD intends to submit a final Memorandum of Understanding to County of Los Angeles Board of Supervisors (which is the LACFCD's governing body) for approval prior to December 28, 2013.

If you have any questions, please contact Ms. Terri Grant at (626) 458-4309 or [tgrant@dpw.lacounty.gov](mailto:tgrant@dpw.lacounty.gov).

Very truly yours,

*For* GAIL FARBER  
Chief Engineer of the Los Angeles County Flood Control District

JD:jht

P:\wmpub\Secretarial\2013 Documents\Letter\LOI Peninsula EWMP LACFCD.doc\C13212

cc: City of Palos Verdes Estates  
City of Rancho Palos Verdes  
City of Rolling Hills Estates



GAIL FARBER, Director

**COUNTY OF LOS ANGELES**

**DEPARTMENT OF PUBLIC WORKS**

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ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
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ADDRESS ALL CORRESPONDENCE TO:  
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ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE  
REFER TO FILE: WM-7

June 24, 2013

Mr. Samuel Unger, P.E.  
Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – LOS ANGELES COUNTY FLOOD CONTROL DISTRICT  
BALLONA CREEK WATERSHED  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The Los Angeles County Flood Control District (LACFCD) submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) for the Ballona Creek Watershed. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Ballona Creek EWMP agencies consist of the following: City of Los Angeles as the coordinating agency for EWMP and CIMP development, County of Los Angeles, LACFCD, and cities of Beverly Hills, Culver City, Inglewood, Santa Monica, and West Hollywood. The Ballona Creek EWMP agencies have included a final draft Memorandum of Understanding as Attachment 5 of the Notice of Intent. The LACFCD intends to submit a final Memorandum of Understanding to the County of Los Angeles Board of Supervisors (which is the LACFCD's governing body) for approval prior to December 28, 2013.

Mr. Samuel Unger  
June 24, 2013  
Page 2

If you have any questions, please contact Ms. Terri Grant at (626) 458-4309 or  
tgrant@dpw.lacounty.gov.

Very truly yours,



**GAIL FARBER**  
Chief Engineer of the Los Angeles County Flood Control District

RP:jht

P:\wmpub\Secretarial\2013 Documents\Letter\LOI Ballona Creek LACFCD.doc\13235

cc: City of Beverly Hills  
City of Culver City  
City of Inglewood  
City of Los Angeles  
City of Santa Monica  
City of West Hollywood



GAIL FARBER, Director

EXHIBIT 1  
**COUNTY OF LOS ANGELES**

**DEPARTMENT OF PUBLIC WORKS**

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Telephone: (626) 458-5100  
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ALHAMBRA, CALIFORNIA 91802-1460

June 24, 2013

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Mr. Samuel Unger, P.E.  
Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – LOS ANGELES COUNTY FLOOD CONTROL DISTRICT  
DOMINGUEZ CHANNEL WATERSHED MANAGEMENT GROUP  
ENHANCED WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The Los Angeles County Flood Control District (LACFCD) submits this Letter of Intent to participate in and share the cost of the development of an Enhanced Watershed Management Program (EWMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Dominguez Channel Watershed Management Area Group. This Letter of Intent serves to satisfy the EWMP notification requirements of Section VI.C.4.b.iii(3) of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

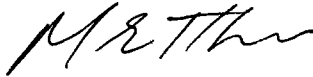
The Dominguez Channel Watershed Management Area Group consists of the following agencies: City of Los Angeles as the coordinating agency for EWMP and CIMP development, County of Los Angeles, LACFCD, and cities of El Segundo, Hawthorne, and Inglewood. The Dominguez Channel Watershed Management Area Group has included a final draft Memorandum of Understanding as Attachment 2 of the Notice of Intent. The LACFCD intends to submit a final Memorandum of Understanding to the County of Los Angeles Board of Supervisors (which is the LACFCD's governing body) for approval prior to December 28, 2013.

EXHIBIT 1

Mr. Samuel Unger  
June 24, 2013  
Page 2

If you have any questions, please contact Ms. Terri Grant at (626) 458-4309 or tgrant@dpw.lacounty.gov.

Very truly yours,



*for* GAIL FARBER  
Chief Engineer of the Los Angeles County Flood Control District

WJ:jht

P:\wmpub\Secretarial\2013 Documents\Letter\LOI - Dominguez Channel LACFCD.doc\C13215

cc: City of El Segundo  
City of Hawthorne  
City of Inglewood  
City of Los Angeles

EXHIBIT 1

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*



GAIL FARBER, Director

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June 24, 2013

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Mr. Samuel Unger, P.E., Executive Officer  
California Regional Water Quality  
Control Board – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Attention Ms. Renee Purdy

Dear Mr. Unger:

**LETTER OF INTENT – LOS ANGELES COUNTY FLOOD CONTROL DISTRICT  
ALAMITOS BAY/LOS CERRITOS CHANNEL WATERSHED MANAGEMENT AREA  
WATERSHED MANAGEMENT PROGRAM  
AND COORDINATED INTEGRATED MONITORING PROGRAM**

The Los Angeles County Flood Control District (LACFCD) submits this Letter of Intent to participate in and share the cost of the development of a Watershed Management Program (WMP) and a Coordinated Integrated Monitoring Program (CIMP) with the Alamitos Bay/Los Cerritos Channel Group. This Letter of Intent serves to satisfy the WMP notification requirements of Section VI.C.4.b of Order No. R4-2012-0175 (Municipal Separate Storm Sewer System Permit) and the CIMP requirements of Section IV.C.1 of Attachment E of the Municipal Separate Storm Sewer System Permit.

The Alamitos Bay/Los Cerritos Channel Group consists of the following agencies: County of Los Angeles as the coordinating agency for WMP and CIMP development and LACFCD.

If you have any questions, please contact Ms. Terri Grant at (626) 458-4309 or [tgrant@dpw.lacounty.gov](mailto:tgrant@dpw.lacounty.gov).

Very truly yours,

GAIL FARBER  
Chief Engineer of the Los Angeles County Flood Control District

JD:jht

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# LOS ANGELES COUNTY FLOOD CONTROL DISTRICT

## EXHIBIT 2

In Support of Joint Test Claim of Los Angeles County and the  
Los Angeles County Flood Control District Concerning  
Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No.  
CAS 004001), Test Claim No. 13-TC-02



**ILLICIT CONNECTION/ILLICIT DISCHARGE ELIMINATION PROGRAM  
PROGRAM MEETING MINUTES  
February 12, 2013, 9 am – 11 am  
Conference Room D**

Present: Bill Bird/Ray Salehpour (RMD-HQ), Shawn Sheldon /Keith Hala / Samia Hourany (RMD-MD1), Joe Young (RMD-MD3), Bill Swindle (RMD-MD4), Jemellee Cruz (FMD-HQ), Amr Ahmed (FMD- Hansen Yard), George Papik /Greg Graham (LDD), Tim Smith/Elvira Delgadillo/Joe Baiocco (EPD), Aracely Lasso/Ruby Wang/Jolanta Sowinska (WMD-Water Quality Section)

Absent: FMD Imperial/Longden Yards, SMD, Dispatch

- A. Ruby Wang – Responsibilities’ Matrix & upcoming deadlines**
- Signage
  - Training-staff & contractors
  - GIS map
  - Spill response plan
  - Hotline
- B. WMD (Jolanta Sowinska) - Summary of Discharge Prohibitions chapter of 2012 NPDES MS4 Permit pages 27-37.**
- C. WMD (Ruby Wang) – Upper Rio Hondo pilot program for planned and unplanned potable water discharges.**
- D. WMD (Ruby Wang) – Non-stormwater Outfall Screening & Monitoring Program**

*Action Items*

- 1. FMD, SMD, RMD to provide WMD with a copy of all manuals and guidelines related to spill response plan for all spills that may enter the MS4 (including SSOs).*
- 2. WMD to update existing Spill Response Plan.*
- 3. WMD to meet with Dispatch to discuss maintenance of the 888-CLEAN-LA hotline.*

4. *WMD to meet with PRG to discuss internet site for public reporting of illicit discharges.*
5. *WMD to provide Divisions with link to existing IC/ID model program file.*

#### *Open Items*

1. *Roles & Responsibilities for Non-stormwater Outfall Screening & Monitoring Program need to be decided.*
2. *Training of contractors – will need to continue discussion on how to do it. Also it requires clarification from RB.*
3. *Signage – FCD ordinance.*
4. *Mapping – requires clarification from RB.*

# LOS ANGELES COUNTY FLOOD CONTROL DISTRICT

## EXHIBIT 3

In Support of Joint Test Claim of Los Angeles County and the  
Los Angeles County Flood Control District Concerning  
Los Angeles RWQCB Order No. R4-2012-0175 (NPDES No.  
CAS 004001), Test Claim No. 13-TC-02

## EXHIBIT 3

### Aracely Lasso

---

**From:** Rodriguez, Janet (Livesey)  
**Sent:** Tuesday, January 08, 2013 7:17 AM  
**To:** Tang, Shawn  
**Subject:** FW: FMD MS4 Permit Meeting  
**Attachments:** ICID MS4 CONDITIONS.PDF; ICID MS4 MATRIX.PDF; 2012 Permit Requirements - ICID.xlsx; PAA 2012 Permit Roles & Responsibilities Matrix.xls

fyi

---

**From:** Lasso, Aracely  
**Sent:** Monday, January 07, 2013 12:08 PM  
**To:** Rodriguez, Janet (Livesey)  
**Subject:** FMD MS4 Permit Meeting

January 15

12:30pm to 2 pm

Hello! Rudy requested that I schedule this meeting with him and all the AEs (and key field staff) to discuss specific details on the new MS4 NPDES Permit that was adopted on Nov. 8, 2012. The permit conditions will not be effective until Dec. 28, 2012, however, not much changes are expected.

Attached is a link to the complete NPDES permit.

[http://www.waterboards.ca.gov/losangeles/water\\_issues/programs/stormwater/municipal/index.shtml](http://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/index.shtml)

Attached are two matrices (for ICID and PAA Programs) that WMD staff prepared showing the MS4 permit conditions that have impact on LACFCD and the County (yes, the LACFCD has its own section). I'm still waiting for the Construction Development matrix...it will be available the next few weeks.

The matrices also show which divisions have direct responsibilities and/or supporting role to comply with each specific condition.

<<PAA 2012 Permit Roles & Responsibilities Matrix.xls>> <<2012 Permit Requirements - ICID.xlsx>> <<ICID MS4 MATRIX.PDF>> <<ICID MS4 CONDITIONS.PDF>>

I requested Ruby (thank you!) to attend this meeting to help explain impacts on the ICID program.

Please review the permit and the attachment and be ready to bring in questions/comments/proposed solution for discussion. You're welcome to invite your key field personnel.

Thank you all and have a wonderful Merry Christmas and Happy Holidays!  
Jemellee

**Aracely C. Lasso**

x7146

**DECLARATION OF SERVICE BY EMAIL**

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On October 31, 2017, I served the:

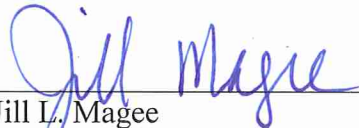
- **Notice of Complete Joint Test Claim, Removal from Inactive Status, Schedule for Comments, Renaming of Matter, Request for Administrative Record, and Notice of Tentative Hearing Date issued October 31, 2017**
- **Claimants' Response to the Second Notice of Incomplete Joint Test Claim filed October 23, 2017**
- **Joint Test Claim filed by County of Los Angeles, et al. on June 30, 2014 revised on September 6, 2017, September 7, 2017, and October 23, 2017**

*California Regional Water Quality Control Board, Los Angeles Region, Order No. R4-2012-0175, 13-TC-02*

County of Los Angeles and Los Angeles County Flood Control District, Claimants

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on October 31, 2017 at Sacramento, California.



Jill L. Magee  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814  
(916) 323-3562

# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 9/21/17

**Claim Number:** 13-TC-02

**Matter:** Los Angeles Region Water Permit - County of Los Angeles

**Claimants:** County of Los Angeles  
Los Angeles County Flood Control District

### TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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